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**IN THE
COURT OF APPEALS OF INDIANA**

ROBERT P. SPRUIT, RAYMOND TON, JR.,)
JIM VAN LAERE, GERALD PETRON, LARRY)
PEREZ, PHILLIP W. and BETTY AHLENIUS,)
NORBERT and HELEN DURAY, MICHAEL C.)
HARRIS, and CHESTER and JUDITH A.)
WALTHER,)

Appellants-Petitioners,)

vs.)

No. 50A04-0610-CV-594)

)
)
)

MARSHALL COUNTY, INDIANA PLAN)
COMMISSION, ADAMS PLACE, LLP, d/b/a)
ADAMS PLACE, LLC, DR. CHRISTIE)
PETERSON and DENNIS ELLIOTT, MARSHALL)
COUNTY, INDIANA BUILDING INSPECTOR,)
Appellees-Respondents.)

APPEAL FROM THE MARSHALL SUPERIOR COURT
The Honorable Robert O. Bowen, Judge
Cause No. 50D01-0508-MI-6

August 6, 2007

MEMORANDUM DECISION ON REHEARING - NOT FOR PUBLICATION

BARNES, Judge

We grant the Neighbors’ petition for rehearing; however, we affirm our opinion in all regards. In their petition for rehearing, the Neighbors contend, “the Marshall County Plan Commission is not an ‘agency,’ and the procedural provisions of the AOPA therefore do not apply. This Court erred in applying the procedural requirements of AOPA, in particular, I.C. 4-21.5-5-10, to this case.” Pet. for Rehearing p. 4.

Even if we were to assume that the Neighbors’ argument is correct, any error was invited. See In re Guardianship of Knepper, 856 N.E.2d 150, 156 (Ind. Ct. App. 2006) (“This court has determined that a party may not take advantage of an error that he commits, invites, or which is the natural consequence of his own neglect or misconduct.”). In their reply brief, the Neighbors asserted, “There is no dispute that this Court should review the issue employing the standards set forth in the Administrative Orders and Procedures Act, specifically Ind. Code 4-21.5-5-14.” Appellants’ Reply Br.

pp. 2-3. Based on this assertion, the Neighbors may not now claim we erred in applying AOPA in our review of their claims.

We affirm our original opinion in all regards.

NAJAM, J., and RILEY, J., concur.