

ORDINANCE NO. 05-06-14
AN ORDINANCE TO ESTABLISH THE
SHERIFF'S SALE PROGRAM AND SERVICE FEE

200500011960
Filed for Record in
KOSCIUSKO COUNTY INDIANA
LASHAWN BRUMFIELD
08-16-2005 At 08:26 am.
ORDINANCE
13.00

WHEREAS, the Sheriff of Kosciusko County, Indiana (the "Sheriff") desires to enter into a contract for services to support the Sheriff in conducting foreclosure sales (the "Sheriff's Sale Program"); and

WHEREAS, the Board of Commissioners of Kosciusko County, Indiana (the "Commissioners") desire to establish a program to facilitate and enhance the conduct of the Sheriff's Sale Program; and

WHEREAS, IC 32-29-7-3(h) authorizes the Sheriff to charge an administrative fee of not to exceed Two Hundred Dollars (\$200) for costs attributable to the administration of the sale; and

WHEREAS, the Commissioners have the authority under IC 36-1-3-6 (the "Home Rule") to adopt an ordinance under Home Rule to establish and authorize the Sheriff's Sale Program.

NOW, THEREFORE, be it ordained by the Commissioners of Kosciusko County, Indiana that:

Section 1. The Sheriff's Sale Program is approved and established to provide the procedure for the Sheriff to contract for those administrative, technical, clerical and related services that are reasonable and appropriate for the Sheriff to effectively prepare for, manage and implement foreclosure sales.

Section 2. The Commissioners hereby establish a fund to be titled the Sheriff Sale Fund into which all collections of Foreclosure Costs Fees, as hereafter defined, shall be deposited and from which the appropriate expenses of the Sheriff Sale Program shall be appropriated and paid. The Sheriff Sale Fund shall be a non-reverting fund to be used only for the purposes set forth herein and shall not revert to the County General Fund at year end.

Section 3. The Sheriff is authorized to negotiate and execute a contract with a provider to obtain such administrative, technical, clerical and related services (the "Sheriff Sale Services") in order for the Sheriff to conduct the Sheriff's Sale Program.

Section 4. The Sheriff Sale Services contract shall provide for the delivery of such services by a contractor (the "Contractor") in compliance with all applicable statutory provisions for the conduct of foreclosure sale proceedings and the Sheriff's Sale Program. The Sheriff Sale Services contract shall also provide for the payment of a fee, not to exceed Two Hundred Dollars (\$200.00) per parcel for each parcel scheduled in the Sheriff's Sale Program, to the Contractor for such services.

Section 5. The Sheriff is hereby authorized to charge a fee of Two Hundred Dollars (\$200.00) per parcel of property in the Sheriff's Sale Program (the "Foreclosure Costs Fees") and to deposit such Foreclosure Costs Fees collected by or on behalf of the Sheriff in the Sheriff Sale Fund.

Section 6. The Foreclosure Costs Fee shall be payable at the time of filing the praecipe under IC 32-29-7-3(h), which shall be a charge for the Sheriff's Sale in addition to other statutory costs and fees.

Section 7. The Sheriff's Sale Program contract shall provide for a complete and accurate accounting of all Sheriff Sale Program proceeds and compliance with any reporting or record requirements as set forth by the Indiana State Board of Accounts.

Section 8. This ordinance shall be effective July 1, 2005 in accordance with IC 32-29-7-3 as adopted by the Indiana General Assembly in 2005.

Adopted this 14th day of June, 2005.

KOSCIUSKO COUNTY, INDIANA, by and
through its Board of Commissioners

David B. Gunter
Avis B. Gunter, President

Brad Jackson
Brad Jackson, Commissioner

Ronald Truex
Ron Truex, Commissioner

Attest:

Sue Ann Mitchell
Sue Ann Mitchell, Auditor
Kosciusko County