ORDINANCE NO. 23-01-31-001

AN ORDINANCE TO ESTABLISH THE SHERIFF'S SALE PROGRAM AND SERVICE FEE

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(j) authorizes the Sheriff to charge an administrative fee of not to exceed the amount estimated on Exhibit A 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 the amount on Exhibit A for each cause number scheduled in the Sheriff's Sale Program, to the Contractor for such services.

2023010884 ORDN $0.00
01/31/2023 01:34:12P 3 PGS
Deborah A Wright
Kosciusko County Recorder IN
Recorded as Presented

Section 5. The Sheriff is hereby authorized to charge a fee of the amount on Exhibit A per cause number 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(j), 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.

Adopted this 31st day of January, 2023.

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

President Brad Jackson

Commissioner Cary Groninger

Attest:

Rhonda Helser
County Auditor
Rhonda Helser

Commissioner Robert Conley

I affirm, under the penalties for perjury that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Ashley R. Miller

Exhibit A

County of Kosciusko

Estimated Costs for Administering Sheriff Sales

The estimated costs herein are estimates of the county sheriff for the administration of foreclosure sales as required by IC 32-29-7. The fees are authorized by IC 32-29-7-3 and are not to exceed Three Hundred Dollars ($300).

1. Contractual Services — $180.00 per cause number
2. Employee time defined — 2-2.5 hours per cause number
3. Employee cost per, definition in item 2 — $60.00
4. Other defined costs ie: service of notice, cost of paper, envelopes, phone calls and mailings of sheriff sale documents.

Total approximate cost per cause number to the county is $300.00.

FILED

JAN 23 2023

Rhonda J. Helsen

Auditor of Kosciusko County