

ORDINANCE NO. FCO 2007-XVI

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

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

WHEREAS, I.C. 32-29-7-3(h) authorizes the Sheriff to charge an administrative fee not to exceed the amount estimated on Exhibit A for costs attributable to the administration of the sale; and

WHEREAS, this proposed ordinance has been duly advertised and a public hearing has been held concerning the establishment of this Sheriff's Sale Program.

WHEREAS, the Commissioners have the authority under I.C. 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 Floyd 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 to the Contractor for such services, not to exceed the amount on Exhibit A for each case number scheduled in the Sheriff's Sale Program.

Section 5. The Sheriff is hereby authorized to charge a fee of the amount on **Exhibit A** per case 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 I.E. 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 take effect immediately upon passage and publication as by law provided.

NOW THEREFORE, BE IT FURTHER ORDERED that all Ordinances of Floyd County, Indiana, which are in conflict with this Ordinance are hereby repealed to the extent of such conflict, and any Ordinance not in conflict with this Ordinance shall remain in full force and effect.

Adopted this 2nd day of October, 2007.

FLOYD COUNTY, INDIANA, by and through
the Board of Commissioners

Bob A. Bunt
President

Mike
Commissioner

Charles A. Feiburger
Commissioner

ATTEST:

Teresa A. Plaiss
Floyd County Auditor

EXHIBIT A

**County of Floyd
Estimated Costs for Administering Sheriff Sale**

The estimated costs herein are estimates of the county sheriff for the administration of foreclosure sales as required by I.C. 32-29-7. The fees are authorized by I.C. 32-29-7-3.

1. Contractual Services \$175 per case number
2. Employee time defined
3. Employee cost per, definition in Item 2
4. Other defined costs ie: service of notice, costs of paper, envelopers, phone calls.