

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

WHEREAS, the Indiana Constitution and the Indiana code grant the Sheriff of Gibson County, Indiana (hereinafter "the Sheriff"), and other county sheriffs certain powers and authority, and

WHEREAS, §32-29-7, et seq., grants to the Sheriff the powers associated with facilitating and administering the sale of parcels of real property that have been foreclosed upon; and

WHEREAS, §32-29-7-3-(h) authorizes the Sheriff to charge an administrative fee not to exceed Two Hundred and no/100 (\$200.00) Dollars for costs attributable to the administration of the sheriff's sale; and

WHEREAS, the citizens of Gibson County, Indiana, will benefit by the establishment and conduct of a program that provides for the payment of the statutory fee by lien holders foreclosing liens on real property, (hereinafter "Sheriff's Sale Program"); and

WHEREAS, the Sheriff's Sale Program will help defray the costs of administering and conducting sheriff's sales in Gibson County, Indiana by requiring that lien holders pay an administrative fee herein; and

WHEREAS, the Council has the authority under the Indiana Code, including, but not limited to, the Indiana Home Rule Act. I.C. §36-1-3-1, et.seq., to establish and authorize the Sheriff's Sale Program.

NOW, THEREFORE, it is ordained by the Gibson County Council of Gibson County, Indiana, that:

SECTION 1: The Sheriff is hereby authorized to charge a fee not to exceed Two Hundred and no/100 (\$200.00) Dollars per parcel of property in the Sheriff's Sale Program, (hereinafter "the Foreclosure Costs Fees"), and to deposit such Foreclosure Costs Fees collected by or on behalf of the Sheriff in the County General Fund.

SECTION 2: The Foreclosure Costs Fees shall be payable at the time of filing the praecipe under I.C. §32-29-7-3(h), which shall be a charge for the Sheriff's Sale in addition to other statutory costs and fees.

SECTION 3: The Sheriff's Sale Program contracts shall provide for a complete and accurate accounting of all Sheriff's Sale Program proceeds and in compliance with any reporting or recording requirements as set forth by the Indiana State Board of Accounts.

SO ORDAINED THIS 12 DAY OF May, 2009.

Tommy Swoff
COUNTY COUNCIL PRESIDENT

Bob Townsend
COUNTY COMMISSIONERS PRESIDENT

Jimmy Duvette
COUNTY COUNCIL MEMBER

Gerald L. Pledson
COUNTY COMMISSIONER - MEMBER

[Signature]
COUNTY COUNCIL MEMBER

[Signature]
COUNTY COMMISSIONER - MEMBER

D. Craig Pflieger
COUNTY COUNCIL MEMBER

[Signature]
COUNTY COUNCIL MEMBER

[Signature]
COUNTY COUNCIL MEMBER

COUNTY COUNCIL MEMBER