

ORDINANCE 2012-3

**AN ORDINANCE OF THE MONTGOMERY COUNTY BOARD OF
COMMISSIONERS ESTABLISHING THE SHERIFF'S SALE PROGRAM AND
SERVICE FEES**

WHEREAS, Indiana Code §32-29-7-3(h) authorizes the Sheriff to charge an administrative fee for costs attributable to the administration of Sheriff's sales;

AND WHEREAS, the Sheriff has recently contracted with SRI, Incorporated (SRI) for support in conducting foreclosure sales;

AND WHEREAS, the Commissioners have the authority under Indiana Code §36-1-3-6, commonly known as the Home Rule Act, to establish a Sheriff Sale Program for the type of assistance to be provided by SRI;

AND WHEREAS, the Commissioners find that it is in the best interests of the citizens of Montgomery County to establish a Sheriff Sale Program and to allow the Sheriff to contract for the support services necessary to properly administer the Program;

NOW, THEREFORE, BE IT ORDAINED, by the Montgomery County Board of Commissioners, that a new Section §36.13 be added to Chapter 36 of the Montgomery County Code, and shall read as follows:

"36.13 SHERIFF SALE PROGRAM

(A) ESTABLISHMENT OF PROGRAM.

The Board of Commissioners hereby establishes the Sheriff Sale Program. The Sheriff may enter into one or more contracts for

administrative, technical, clerical and related services that are reasonable and appropriate for the Sheriff to effectively prepare for, manage, administer and implement a foreclosure sale program. In the alternative, the Sheriff may administer the program using the resources available in his Department.

(B) SERVICES CONTRACTS.

Any and all service contracts shall provide for the delivery of such services by a contractor in compliance with all applicable statutory provisions for the conduct of foreclosure sale proceedings and the Sheriff Sale Program.

(C) FEES.

All service contracts shall provide for the payment of a fee not to exceed statutory limitations for each sale in the Sheriff Sale Program, and the fees shall be paid directly to the service provider if a contractor provides these services. The Sheriff is also authorized to charge a fee (Foreclosure Costs Fee) for each cause number in the Sheriff Sale Program, and all such fees shall be deposited into the Sheriff Sale Fund. The Foreclosure Costs Fee shall be payable at the time of filing of the praecipe under Indiana Code 32-29-7-3(h), and this fee shall be in addition to the other statutory costs and fees of the sale. The fees are:

Administrative Fee: \$13.50 per hour

Civil Process: \$19.00 per hour, plus \$0.55 per mile, \$13.00 statutory fee for first defendant and \$3.00 fee for additional defendants.

Sheriff's Fee: \$75.50 per cause number

Contractual Service Fee: \$100 per parcel

(D) ACCOUNTING.

The Sheriff shall account for all proceeds and fees in compliance with any and all reporting requirements as set forth by the Indiana State

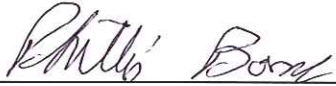
Board of Accounts, and any service contract shall obligate the provider to render such accounting in compliance with the laws applicable to the Sheriff."

IT IS FURTHER ORDAINED that all other provisions of Chapter 36 remain unchanged by this Ordinance.

IT IS ALSO ORDAINED that this Ordinance shall be effective on upon adoption.

Adopted this 30 day of April, 2012.

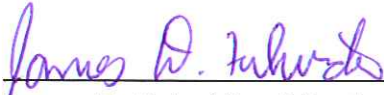
BOARD OF COMMISSIONERS
OF MONTGOMERY COUNTY



Phil Bane, President



Terry Hockersmith, Vice President



James D. Fulwider, Member

Constituting a majority of the Montgomery
County Board of Commissioners

ATTEST:



Michelle Cash, Auditor