

**THE BOARD OF COMMISSIONERS OF WABASH COUNTY, INDIANA**

**GENERAL ORDINANCE NO. 85-6, 2009**

**AN ORDINANCE ESTABLISHING THE SHERIFF'S MORTGAGE FORECLOSURE SALES PROJECT AND ADMINISTRATIVE FEE**

WHEREAS, I.C. 32-29-7-3 and I.C. 32-29-7-4 provide for mortgage foreclosure sales by the Sheriff and the charging of certain fees in connection therewith; and

WHEREAS, the Sheriff of Wabash County, Indiana ("Sheriff") desires to contract with a third party ("Contractor") for the provision of the mortgage foreclosure sales duties of the Sheriff under the above-mentioned sections of the Indiana Code with the services of such Contractor to be paid out of the administrative fee provided for in I.C. 32-29-7-3(h) ("Sheriff's Mortgage Foreclosure Sales Project"); and

WHEREAS, the Board of Commissioners of Wabash County, Indiana (the "Commissioners") has 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 Mortgage Foreclosure Sales Project.

NOW, THEREFORE, IT IS ORDAINED AS FOLLOWS:

1. The Sheriff of Wabash County is hereby authorized to establish a Sheriff's Mortgage Foreclosure Sales Project under which the Sheriff of Wabash County shall be authorized to contract with a contractor ("Contractor") to fulfill the duties of the Sheriff of Wabash County under I.C. 32-29-7-3 and I.C. 32-29-7-4, subject to a proviso in such contract that the Sheriff of Wabash County remains fully liable for the performance of all statutory duties of the Sheriff of Wabash County in connection with the conduct of mortgage foreclosure sales.

2. The contract negotiated by the Sheriff of Wabash County with the Contractor shall be subject to approval and execution by the Commissioners.

3. The contract shall provide for payment to the contractor of a fee up to an amount of One Hundred Dollars (\$100.00) for each sale of mortgaged property under a certified judgment and decree as provided for in Subsection (b) of I.C. 32-29-7-3, which shall constitute a portion of the administrative fee of the Sheriff as provided for under Subsection (h) of I.C. 32-29-7-3 ("Sheriff's Mortgage Foreclosure Sales Project Fee").

4. The Sheriff of Wabash County is authorized to charge an additional fee up to an amount of One Hundred Dollars (\$100.00) per certified judgment and decree for sale of mortgaged property, also constituting a portion of the administrative fee of the Sheriff as provided for under Section (h) of I.C. 32-29-7-3 ("Foreclosure Costs Fee") and to deposit such Foreclosure Costs Fee collected by the Sheriff or Contractor as costs in

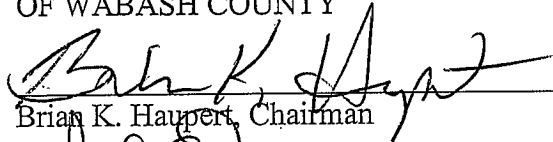
the County General Fund for appropriation for the operating expenses of the Sheriff's Office.

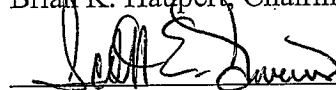
5. The Sheriff's Mortgage Foreclosure Sales Project Fee and the Sheriff's Foreclosure Costs Fee shall be payable to the Sheriff and must be paid before the order of sale will be processed and scheduled for sale. These fees are payable by the person or entity seeking to enforce the certified judgment and decree.

6. The Sheriff's Mortgage Foreclosure Sales Project contract shall provide for a complete and accurate accounting of all sale proceeds and be compliant with any reporting or record keeping requirements set forth by the Indiana State Board of Accounts.

Adopted this 15<sup>th</sup> day of JUNE, 2009.

BOARD OF COMMISSIONERS  
OF WABASH COUNTY

  
\_\_\_\_\_  
Brian K. Haupt, Chairman

  
\_\_\_\_\_  
Scott E. Givens

  
\_\_\_\_\_  
Barry J. Eppley

ATTEST:

  
\_\_\_\_\_  
Jane Ridgeway, Wabash County Auditor

M:\jldolby\OFFICE\County\ordinance sheriff's sales.doc