

ORDINANCE NO. 2022-3

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

WHEREAS, the Sheriff of Jefferson 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 Jefferson 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 Jefferson 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.

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.

1. Contractual Services \$180.00 per cause number
2. Employee time defined
3. Employee cost per, definition in item 2
4. Other defined costs ie: service of notice, cost of paper, envelopes, phone calls.

AMENDMENT TO SRI SHERIFF'S SALE PROGRAM FEE

This Amendment to the Sheriff's Sale Program Agreement (hereinafter the "Amendment") is executed by and between SRI, Incorporated and the Jefferson County Sheriff. Pursuant to the power of amendment reserved to the parties hereto in the Sheriff's Sale Program Agreement (hereinafter the "Agreement") and pursuant to recent legislative changes regarding the Sheriff's Administrative Fee, SRI and the Sheriff hereby amend the Agreement as provided below. Except as provided for to the contrary herein, all of the terms and provisions of the Agreement, as amended by this Amendment, are hereby ratified and confirmed as of the date of the execution of this Amendment.

SRI and the Sheriff hereby amend the Agreement by changing the SRI Fees and Expenses as Follows:

- a. In consideration for the services provided by SRI pursuant to this Agreement and subject to the terms and conditions of the Agreement, the County agrees to pay SRI one hundred eighty dollars (\$180.00) per praecipe and decree filed with the Clerk and placed with the Sheriff for Sheriff's Sale (hereinafter the "Service Fee"). The Service Fee shall be payable at the time the praecipe is filed with the clerk and provided to SRI. The Sheriff may choose to assess the administrative fee under IC 32-29-7-3(j) as part of the foreclosure action. The County shall be responsible for the payment of the Service Fee to SRI within thirty (30) days of the month when the invoice for the service fee is presented.

IN WITNESS WHEREOF, SRI and the Sheriff have executed this Amendment on the date(s) listed below.

SRI, Incorporated

Jefferson County Sheriff

Printed: James B. Hughes

Title: President

Date: _____

Printed: _____

Title: SHERIFF

Date: _____

Ron Lee
10-6-22

Heather Huff
Auditor