

**ORDINANCE NO. 2011-05-CM**

**AMENDING TIPPECANOE COUNTY CODE  
ADDING NEW SECTION 34.691**

**ESTABLISHING SHERIFF'S SALE PROGRAM  
and FUND**

**WHEREAS**, the Sheriff of Tippecanoe 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 Tippecanoe 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(h) authorizes the Sheriff to charge an administrative fee 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 Board of Commissioners of Tippecanoe County, Indiana, that the Tippecanoe County Code be amended to add a new Chapter 34, Section 691 reading as follows:

**Section 34.691 SHERIFF'S SALE PROGRAM and FUND**

- A. The Commissioners hereby establish and approve the Sheriff's Sale Program 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.
- B. 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.
- C. 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.
- D. 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 set forth in the Tippecanoe County Code Section 34.27 Sheriff's Department Fee Schedule for each cause number scheduled in the Sheriff's Sale Program, to the Contractor for such services.

- E. The Sheriff is hereby authorized to charge a fee of the amount set forth in the Tippecanoe County Code Section 34.27 Sheriff's Department Fee Schedule per cause 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.
- F. The Foreclosure Costs Fee shall be payable at the time of filing the praecipe under IC 32-29-7-3(h), which shall be a charge for the Sheriff's Sale in addition to other statutory costs and fees.
- G. 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.

This Ordinance shall be in full force and effect immediately upon its passage and signing

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this 7<sup>th</sup> day of February, 2011, by the following vote:

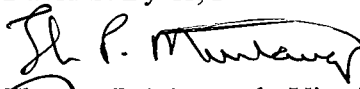
BOARD OF COMMISSIONERS OF  
TIPPECANOE COUNTY

VOTE

yes

  
David S. Byers, President

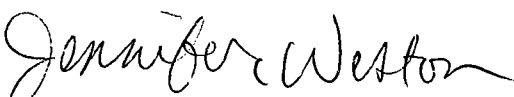
yes

  
Thomas P. Murtaugh, Vice President

yes

  
John Knochel, Member

ATTEST:

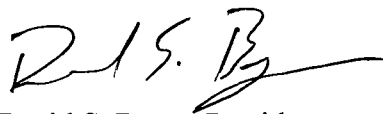
  
Jennifer Weston, Auditor of Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on second reading this 7<sup>th</sup> day of February, 2011, by the following vote:

BOARD OF COMMISSIONERS OF  
TIPPECANOE COUNTY

VOTE

yes



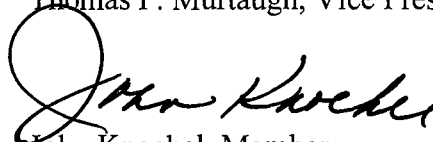
David S. Byers, President

yes



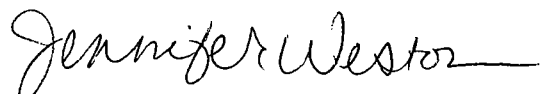
Thomas P. Murtaugh, Vice President

yes



John Knochel, Member

ATTEST:



Jennifer Weston, Auditor of  
Tippecanoe County