

**AN ORDINANCE TO AMEND ORDINANCE 2007-006**

**SALE OF ADJUDICATED PROPERTY  
AN ORDINANCE OF THE ST. LANDRY PARISH  
CODE OF ORDINANCES TO ESTABLISH RULES AND REGULATIONS FOR  
THE SALE OF ABANDONED/ADJUDICATED PROPERTY**

**Amend Section 1(b)(7) to read as follows:**

- (7) A non-refundable administrative fee of Four hundred fifty dollars (\$ 450.00) to be received by the St. Landry Parish Government upon application to purchase property;**

**Amend Section 2(b)(7): to delete all of the language of said section and replace same with the following language, to wit:**

- (7) A non-refundable administrative fee of Four hundred fifty dollars (\$ 450.00) to be received by the St. Landry Parish Government upon application to purchase property;**
- a) The non-refundable administrative fee shall be received by the St. Landry Parish Government from the original applicant upon notification from the Property Attorney that the prior tax debtors have not redeemed property;**
- b) Additionally, all bidders must submit a money order or cashier's check to the St. Landry Parish Government with sealed bids;**
- c) The Four hundred fifty dollar (\$ 450.00) fee will be to cover costs of appraisal, advertising and any and all other administrative costs and shall be refunded to all but the highest bidder;**

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**Sec. 1. Sale of an abandoned (adjudicated) property by private sale.**

- (a) Sale of abandoned (adjudicated) properties may be made by private sale, and in order to establish a fair and equitable policy, which shall have uniform application, for determining the sale price, all properties sold pursuant to this section shall be sold to the highest bidder, free and clear of all liens and privileges for taxes, interest, penalties, paving, and other assessments due the state, parish or municipality thereof;**
- (b) In addition to the aforementioned statutes, the initial application by a prospective purchaser shall include the following:**
- (1) Legal description of property (lot, square and subdivision name);**
- (2) Municipal address of property;**
- (3) Name of the owner(s) of record of the property at time of adjudication and the year of the tax sale;**
- (4) Affidavit certifying the prospective purchaser is not a member of immediate family of property owner or entity in which owner has a substantial economic interest;**

- (5) A copy of tax sale deed evidencing the recordation in excess of three (3) years;
- (6) A copy of current tax bill;
- (7) A non-refundable administrative fee of Four hundred fifty dollars (\$ 450.00) to be received by the St. Landry Parish Government upon application to purchase property; and,
- (8) An executed offer letter to purchase the property.

(c) *Bid phase.*

- (1) The purchasing department shall send a memo attaching the above documents in subsections (b)(1--7) to the parish government, which will review the documents and shall request an advertisement for bidding;
- (2) If no opposition is received in response to the advertisement, the Adjudicated Property Committee shall recommend that the offer be accepted or rejected by adoption of an ordinance.
- (3) If there is opposition received, then the following shall occur:
  - a. Party must file the written opposition with the parish council prior to hearing of ordinance;
  - b. If a higher bid is received, the said new bidder shall deposit a cashier's check amounting to the total of all costs including the application fee, advertising cost, recording cost, and appraisal fee, and the parish property attorney's fee.
  - c. The results of the bidding process and the recommendation of the parish council to sell the property to the highest bidder will then be submitted to the full parish council for adoption at the following meeting.
- (d) The parish council will adopt an ordinance to sell the property to the highest bidder (hereinafter referred to as "purchaser"). Said ordinance shall include the following requirements:
  - (1) A requirement that the purchaser certify in writing to the purchasing department of the parish government that he/she, or agent, has examined the mortgage and conveyance records of St. Landry Parish and that attached to this certification is a written list of names and last known addresses of all owners, mortgages, and any other person(s) or entities who may have a vested or contingent interest in the property, or anyone who has filed a request for notice as provided in LSA-R.S. 47:2261 as indicated in those records;
  - (2) A requirement that the purchaser submit the required notifications to the purchasing department for their signature, and then notify those persons identified in accordance with LSA-R.S. 47:2261, i.e. certified mail, publication, and/or service of process.
  - (3) A requirement that, once notice is given, the purchaser record proof of notice in the conveyance records of St. Landry Parish and provide the purchasing department with stamped copies of the recorded proof of notice;

- (4) A requirement that purchaser certify in writing at the time of the closing, to the purchasing department that at least sixty (60) days has elapsed since the above required notice was made or attempted and that the owner has not redeemed the property by paying the taxes;
- (5) A requirement that the sale shall be without warranty or title of fitness, even as to the return of the purchase price;
- (6) A provision that if the purchaser fails to complete the requirements of the adopted ordinance to sell the abandoned (adjudicated) property within one hundred and twenty (120) days of its adoption, the president of the parish government is authorized to execute an act of cash sale in which the parish conveys the above described property to anyone who shall complete the requirements of the adopted ordinance; and that if all of the requirements of that section are not completed within six (6) months from the date of the adoption, the president of the parish government's authority to execute an act of cash sale for this property shall cease and any and all rights of the prospective purchaser to this property shall terminate;
- (e) The initial application fee of One hundred fifty dollars (\$150.00) shall not be refundable if the purchaser elects not to complete the process.
- (f) Any redemption by persons mentioned in the aforementioned statutes shall be cast with all taxes, interest, penalties, liens, an all costs and fees.

**Sec. 2. Donation of an abandoned (adjudicated) property to a non-profit entity.**

- (a) Donation of abandoned (adjudicated) properties may be by private act, and all properties donated pursuant to this section shall be donated subject to all liens and privileges for taxes, interest, penalties, paving, and other assessments due the state, parish or municipality thereof;
- (b) In addition to the aforementioned statutes, the application for donation of property by a non-profit entity shall include the following:
  - (1) Legal description of property (lot, square and subdivision name);
  - (2) Municipal address of property;
  - (3) Name of the owner(s) of record of the property at time of adjudication and the year of the tax sale;
  - (4) Affidavit certifying no member of the non-profit entity is a member of immediate family of property owner or non-profit entity in which owner has a substantial economic interest;
  - (5) A copy of tax sale deed evidencing the recordation in excess of three (3) years;
  - (6) A copy of current tax sale bill;
  - (7) A non-refundable administrative fee of Four hundred fifty dollars (\$ 450.00) to be received by the St. Landry Parish Government upon application to purchase property;
    - a) The non-refundable administrative fee shall be received by the St. Landry Parish Government from the original applicant upon notification from the Property Attorney that the prior tax debtors have not redeemed property;

- b) Additionally, all bidders must submit a money order or cashier's check to the St. Landry Parish Government with sealed bids;
  - c) The Four hundred fifty dollar (\$ 450.00) fee will be to cover costs of appraisal, advertising and any and all other administrative costs and shall be refunded to all but the highest bidder;
- (8) Proof of the non-profit status including the Articles of Organization and the IRS 501(c)(3) or IRS 501(c)(4) letter.
- (c) Upon receipt of the written request and items in subsections (b)(1--8) listed above, a request for determination shall be sent from the purchasing department to the director of public works;
  - (d) Director of public works shall forward a property determination to the purchasing department, which shall indicate whether a current appraisal is necessary;
  - (e) Purchasing department shall send time limit letter to the non-profit entity regarding status of property, i.e. whether or not it is needed for a public purpose and that if not so needed, a current appraisal is required under this section, procured and paid for by the non-profit entity, performed by a state certified appraiser;
  - (f) If the property is available for donation, the non-profit entity shall complete and execute an offer letter (hereinafter, known as a request for donation of property), attaching the current appraisal, which shall be submitted to the purchasing department.
  - (g) When the request for donation of property is received by purchasing department, a memo shall be sent to parish government regarding the proposed donation of property with a copy of the request for donation of property, the required attachments listed in subsection (b) above, and the attached current appraisal.
  - (h) Upon recommendation by the parish council, an ordinance will be adopted declaring the property as surplus, not needed for a public purpose, and approving the donation of the property to the non-profit entity.

Said ordinance shall include the following:

- (1) A requirement that the non-profit entity certify in writing to the purchasing department that it or its agent has examined the mortgage and conveyance records of St. Landry Parish and that attached to this certification is a written list of names and last known addresses of all owners, mortgages, and any other person(s) or entities who may have a vested or contingent interest in the property, or anyone who has filed a request for notice as provided in LSA-R.S. 47:2261, as indicated in those records;
- (2) A requirement that the non-profit entity submit the required notifications to the purchasing department for their signature, and then notify those persons identified therein in accordance with LSA-R.S. 47:2261, i.e. certified mail, publication and/or service of process;
- (3) A requirement that, once notice is given, the non-profit entity, at its expense, record proof of notice in the conveyance records of St. Landry Parish and provide the purchasing department with stamped

copies of the recorded proof of notice. (The clerk of court will charge to record proof of notice.);

- (4) A requirement that the non-profit entity, at the time of the closing, certify in writing to the purchasing department that at least sixty (60) days has elapsed since the above required notice was made or attempted and that the owner has not redeemed the property by paying the taxes;
  - (5) A requirement that the donation shall be without warranty of title and fitness; and,
  - (6) A provision that if the non-profit entity fails to complete the requirements of subsections (2)(a) and (b) of the adopted ordinance to donate the property within one hundred twenty (120) days of its adoption, the president of the parish government is authorized to execute an act of donation in which the parish donates the above described property to anyone who shall complete the requirements of subsection (2) of the adopted ordinance; and that if all of the requirements of that section are not completed within six (6) months from the date of the adoption, the president of the parish government's authority to execute an act of donation for this property shall cease and any and all rights of the donee to this property shall terminate.
- (i) The initial application fee of seventy-five dollars (\$75.00) and the cost of the appraisal shall not be refundable if the non-profit entity elects not to complete the process.
  - (j) Any redemption by persons mentioned in the aforementioned statutes shall be cast will all taxes, interest, penalties, liens, and all costs and fees advanced by the donee, plus the donee's attorney fees (if any, up to one thousand five hundred dollars (\$1,500.00)), all to be collected by the sheriff prior to the issuance of the redemption certificate.

**Sec. 3. Sale of an adjudicated vacant lot to an adjoining landowner who has maintained the lot for one year, and other conditions, mandated by the prevailing statutes.**

- (a) In order to establish a fair and equitable policy, which shall have uniform application for determining the sale price, all properties sold pursuant to this section shall be sold for one-half (1/2) of the appraised value of said property, free and clear of all liens and privileges for taxes, interest, penalties, paving, and other assessments due the state, parish or municipality thereof;
- (b) In addition to the aforementioned statutes, the initial application submitted to the purchasing department for said private sale shall be as follows:
  - (1) Legal description of property (lot, square and subdivision name);
  - (2) Municipal address of property;
  - (3) Name of the owner(s) of record of the property at time of adjudication and the year of the tax sale;
  - (4) An affidavit that prospective purchaser is not a member of the immediate family of the tax debtor or entity owning a substantial interest in the property;
  - (5) A copy of the tax sale deed evidencing the recordation in excess of three (3) years;

- (6) A copy of the current tax bill;
  - (7) A non-refundable administrative fee of seventy-five dollars (\$75.00);
  - (8) Affidavits as required by the statute concerning the maintenance of the property;
  - (9) A current appraisal, procured and paid for by the prospective purchaser, performed by a state certified appraiser;
  - (10) Prospective purchaser shall submit a written offer letter to purchase the property;
- (c) The purchasing department shall send a memo attaching the above documents in subsections (b)(1--7) to the parish council, which will review the documents and make a recommendation to adopt an ordinance to sell the property to the prospective purchaser for one-half (1/2) of the appraised value. Said ordinance shall include the following requirements:
- (1) A requirement that the prospective purchaser certify in writing to the purchasing department of the parish council that he/she, or agent, has examined the mortgage and conveyance records of St. Landry Parish and that attached to this certification is a written list of names and last known addresses of all owners, mortgages, and any other person(s) or entities who may have a vested or contingent interest in the property, or anyone who has filed a request for notice as provided in LSA-R.S. 47:2261, as indicated in those records;
  - (2) A requirement that the prospective purchaser submit the required notifications to the purchasing department for their signature, and then notify those persons identified in accordance with LSA-R.S. 47:2261, i.e. certified mail, publication and/or service of process;
  - (3) A requirement that, once notice is given, the prospective purchaser record proof of notice in the conveyance records of St. Landry Parish and provide the purchasing department with stamped copies of the recorded proof of notice;
  - (4) A requirement that the prospective purchaser certify in writing at the time of the closing, to the purchasing department that at least sixty (60) days has elapsed since the above required notice was made or attempted and that the owner has not redeemed the property by paying the taxes;
  - (5) A requirement that the sale will be without warranty, even as to the return of the purchase price; and,
  - (6) A provision that if the prospective purchaser fails to complete the requirements of subsection (c)(2) above to sell the adjacent lot within six (6) months from the date of the adoption, the president of the parish government's authority to execute an act of cash sale for this property shall cease and any and all rights of the prospective purchaser to this property shall terminate.
- (d) The initial application fee of seventy-five dollars (\$75.00) and the cost of the appraisal shall not be applied to the purchase price and shall not be refundable if the prospective purchaser elects not to complete the process.
- (e) Any redemption by persons mentioned in the aforementioned statutes shall be cast with all taxes, interest, penalties, liens, and all costs and fees advanced by the prospective purchaser, plus the prospective purchaser's attorney fees

(if any, up to one thousand five hundred (\$1,500.00)), all to be collected by the sheriff prior to issuance of the redemption certificate.

**Sec. 4. Disbursement of proceeds of sale of adjudicated property.**

- (a) Any and all proceeds collected as a result of the sale of adjudicated property in the Parish of St. Landry shall be disbursed on a pro rata basis of taxes owed among any and all public agencies holding claim to said funds as set forth by the St. Landry Parish Government; and,
- (b) Once any and all obligations to afore mentioned public agencies have been fulfilled, all remaining proceeds from the sale of adjudicated property shall be disbursed to the Road District in which the adjudicated property is located.

**Sec. 5. Committee.**

The St. Landry Parish Government shall appoint a committee consisting of the President of the Parish, President of the Council, Chairman of the Finance Committee, the Chairman of the Public Works Committee, and the St. Landry Parish Government Legal Advisor to resolve any issues that may arise regarding adjudicated properties and report back to the full council.