

ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS

<u>CATEGORY:</u> Utilities/Refuse	<u>CODENUMBER:</u> AC-10-1
TITLE: PROCEDURES FOR FORECLOSURE ACTIONS AGAINST PROPERTIES WITH DELINQUENT, LEE COUNTY NON-AD VALOREM SPECIAL ASSESSMENTS	<u>ADOPTED:</u> 4/2/97
	<u>AMENDED:</u> <u>ORIGINATING DEPARTMENT:</u> Solid, Waste

PURPOSE/PROCEDURE:

This administrative code is established to provide guidelines and actions recommended, to implement a foreclosure action against properties with delinquent Lee County non-ad valorem special assessments.

POLICY/PROCEDURE:

1. In accordance with various and several Lee County Ordinances, as approved, by the Board of Commissioners, the County may initiate legal foreclosure action(s) on property(ies) that have delinquent non-ad valorem special assessments. For the purpose of initiating such action, the County will consider such action only after a minimum of thirty (30) days have passed after the County has filed with the Clerk of The Circuit Court, a lien against said delinquent property(ies). Before filing such lien, the county generally, must provide the property(ies) owner specific notification of intent to file the lien.
2. The County will proceed with foreclosure action upon such delinquent property(ies) in an efficient and lawful manner.
3. Since the foreclosure procedures require a significant amount of time and effort by County staff, the County may elect to utilize methodologies that are intended to provide a positive financial return with respect to the effort and time expended, and with respect to the amount of the delinquent assessments compared to the market value, of the, subject property.
4. County staff will perform the following actions prior to submitting a property(ies) to the County Attorney for foreclosure action (not necessarily listed in order).
 - a. Perform a search for and if applicable, contact the first mortgage holder of the property(ies).
 - b. Perform a market analysis of the property which, in general, compares the assessed value of the property to the amount of taxes and special assessments due. The resulting difference (if positive) if then compared to the anticipated cost to perform a preliminary environmental audit and the County's cost to proceed with foreclosure actions.

POLICY/PROCEDURE (CONTINUED)

- c. Analyze the preliminary environmental audit for any possible liabilities.
 - d. Evaluate the market value and the marketability of the subject property(ies) to estimate the net value (if any) to the County after foreclosure, assessment payments, internal and external costs.
 - e. If the market analysis is substantially positive and there is no first mortgage holder, the County may Conduct a full title search for subsequent foreclosure purposes.
5. If the information and results from paragraph 4 above indicate that the County should recover the assessment(s); costs and outstanding property taxes (if applicable) by the foreclosure and subsequent sale of the subject property(ies) then the Department responsible for the assessment may request the County Attorney in writing to initiate foreclosure procedures.