

RESOLUTION #2009-09

Resolution authorizing the cancellation of Tax Sale Certificate #2001-91376

District #490

Parcel #963803311007

Location: 211 N Main St., Everly, IA

Legal: S1' OF E 106' OF LOT 1 (ONE) AND THE E 106' OF LOT 2 (TWO) AND ALL OF LOT THREE (3), ALL IN BLOCK FOUR (4) ORIGINAL PLAT IN THE CITY OF EVERLY, CLAY COUNTY, IOWA

WHEREAS, in June of 1999, the AAM/US Bank purchased the Tax Sale Certificate for this property, the former grocery store building which had been abandoned. On June 6, 2002, the Clay County Treasurer issued a Tax Deed to AAM/US Bank; also known as Adair Holdings, LLC. In March of 2005, the City of Everly brought suit against the tax title holder alleging that the building on the property constituted a nuisance which must be abated. In December of 2005, the City of Everly obtained a favorable ruling on a Motion for Summary Judgment and obtained judgment against the property owner in the amount of \$18,698.63, which covered the cost incurred by the City of Everly in abating the nuisance by removing the building.

WHEREAS, the City of Everly has been attempting to collect this judgment but was unable to identify any assets held by the judgment debtor, and

WHEREAS, the City of Everly did accept a settlement agreement which provided that the property would be deeded to the City of Everly and a payment of \$4,000.00 would be made to the City in satisfaction of the Judgment by AAM/US Bank aka Adair Assets Management/US Bank, and

WHEREAS, the City of Everly is willing to accept and record the Deed and assume ownership and responsibility for the property if the County Board of Supervisors will abate the outstanding real estate taxes which are a lien on the property.

WHEREAS, subsequent taxes and penalties on said property for 1999-2009, fiscal years now aggregate \$9,563.00.

NOW, THEREFORE, BE IT RESOLVED; that Tax Sale Certificates # 2001-91376 hereby cancelled; and all property taxes with respect to the above described location for fiscal years 1999 through 2009 inclusive, and interest and penalties due thereon through the date of the Resolution in the amount of \$9,563.00 are hereby cancelled; and the Clay County Treasurer is hereby authorized and directed to strike the above described real property from the tax rolls.

The above and foregoing resolution was adopted by the Board of Supervisors of Clay County, Iowa, this 24 day of March, 2009 and the vote thereon being as follows:

AYES: Brockshus, Chalstrom, Skow, Swanson, Matthews.

NAYES: None.

/s/ Burlin H. Matthews, Chairperson

ATTEST: /s/ Marjorie A. Pitts, County Auditor