

# State of Louisiana

## Parish of Grant In the Name and By the Authority of The Police Jury of Grant Parish

*Motion by Mr. Brandon DuBois seconded by Mr. Cephas Bowie Jr. and carried to adopt the following Ordinance:*

### EXHIBIT I: Sale of Adjudicated Property

#### ORDINANCE 03-2022

#### AUTHORIZING THE GRANT PARISH POLICE JURY TO SELL

A certain tract or parcel of land, with all improvements or buildings thereon, said parcel being 5.02 acres as per Certificate of Survey for Rowdy McClung by Matthew Phillips, dated April 17, 2007, said parcel being contained in the 22.28 acres McClung tract located in the Southeast Quarter of the Southwest Quarter of Section 5, Township 6 North, Range 1 East, Grant Parish, Louisiana, being more particularly described as follows:

Commencing at the Section corner common to Sections 5, 6, 7 & 8, thence proceeding East a distance of 1,621.1 feet; thence North 07 degree 21 minutes 40 seconds East 69.67 feet said point being a 1/2" iron rod; thence North 07 degrees 21 minutes 40 seconds East 330.63 feet to a T-Post set in water, said point being the Point of Beginning; thence North 83 degrees 29 minutes 01 seconds West 107.78 feet to a nail; thence North 03 degrees 20 minutes 10 seconds East 385.89 feet to a 1/2" iron rod; thence North 09 degrees 33 minutes 17 seconds East 101.989 feet to a 1/2" iron rod; thence North 89 degrees 39 minutes 08 seconds East 561.03 feet to a 1/2" iron rod; thence South 12 degrees 55 minutes 09 seconds West 273.93 feet to a 1/2" iron rod; thence South 61 degrees 30 minutes 58 seconds West 491.58 feet back to the Point of Beginning; said described tract containing 5.02 acres, more or less; as described in detail in an Act of Sale Subject to Mortgage dated November 14, 2008; from Rowdy Wyatt McClung and Shannon Carter McClung to Michael Thomas Chesteen and Cindy Logan Lewis (incorporated herein by reference); said Mortgage dated June 12, 2007, filed and recorded June 22, 2007 in Mortgage Book 311, page 659 (#80126), records of Grant Parish, Louisiana.

Municipal address: 3414 Highway 8, Pollock, Louisiana 71467

**TO: ASHLY LEITCH  
FOR THE  
CONSIDERATION OF \$54,329.91 CASH**

**WHEREAS,** The Parish of Grant owns the property described as

A certain tract or parcel of land, with all improvements or buildings thereon, said parcel being 5.02 acres as per Certificate of Survey for Rowdy McClung by Matthew Phillips, dated April 17, 2007, said parcel being contained in the 22.28 acres McClung tract located in the Southeast Quarter of the Southwest Quarter of Section 5, Township 6 North, Range 1 East, Grant Parish, Louisiana, being more particularly described as follows:

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**WHEREAS**, a request has been received from ASHLY LEITCH, to purchase said property for the consideration of \$54,329.91 cash, at the time of sale, said consideration representing the total of the statutory impositions, governmental liens, and costs of sale or (2/3) of the appraised value of the property; and,

**WHEREAS**, this Jury is of the opinion that it would be in the public interest to convey the above-mentioned property to ASHLY LEITCH, for the offered consideration.

**NOW, THEREFORE, BE IT ORDAINED**, by the Grant Parish Police Jury that:

Section 1. A certain tract or parcel of land, with all improvements or buildings thereon, said parcel being 5.02 acres as per Certificate of Survey for Rowdy McClung by Matthew Phillips, dated April 17, 2007, said parcel being contained in the 22.28 acres McClung tract located in the Southeast Quarter of the Southwest Quarter of Section 5, Township 6 North, Range 1 East, Grant Parish, Louisiana, being more particularly described as follows:

Commencing at the Section corner common to Sections 5, 6, 7 & 8, thence proceeding East a distance of 1,621.1 feet; thence North 07 degree 21 minutes 40 seconds East 69.67 feet said point being a 1/2" iron rod; thence North 07 degrees 21 minutes 40 seconds East 330.63 feet to a T-Post set in water, said point being the Point of Beginning; thence North 83 degrees 29 minutes 01 seconds West 107.78 feet to a nail; thence North 03 degrees 20 minutes 10 seconds East 385.89 feet to a 1/2" iron rod; thence North 09 degrees 33 minutes 17 seconds East 101.989 feet to a 1/2" iron rod; thence North 89 degrees 39 minutes 08 seconds East 561.03 feet to a 1/2" iron rod; thence South 12 degrees 55 minutes 09 seconds West 273.93 feet to a 1/2" iron rod; thence South 61 degrees 30 minutes 58 seconds West 491.58 feet back to the Point of Beginning; said described tract containing 5.02 acres, more or less; as described in detail in an Act of Sale Subject to Mortgage dated November 14, 2008; from Rowdy Wyatt McClung and Shannon Carter McClung to Michael Thomas Chesteen and Cindy Logan Lewis (incorporated herein by reference); said Mortgage dated June 12, 2007, filed and recorded June 22, 2007 in Mortgage Book 311, page 659 (#80126), records of Grant Parish, Louisiana.

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Grant Parish, Louisiana, should be re-entered into the stream of commerce thereby serving the public interest.

Section 2. The acquiring person shall certify, in writing, to the Purchasing Department that he/she or his/her agent has searched for all names and last known addresses of all owners, mortgages, and any other person(s) who may have a vested or contingent interest in the property, or who filed a request for notice as indicated in those records and has so examined:

- The mortgages and conveyance records of Grant Parish
- The current telephone book,
- Any other examination resources, including Internet search engines, if any, the records of Louisiana Secretary of State and the Secretary of States set forth by the names of identified entities

Section 3. The acquiring person shall submit the required notifications (R.S. 47:2206 A and B) to the Civil Sheriff for his/her signature, and then notify those persons identified via regular mail, certified mail\*, publication and/or service of process. \*Copies of the green and white receipts should be maintained by the purchaser as indica of compliance with the notice requirements;

Section 4. The acquiring person shall send written notice notifying any tax sale party whose interest the successful bidder or done intends to be terminated that the party has until the later of the

following to redeem the property or otherwise challenge in a court of competent jurisdiction the potential sale or donation:

(a) Sixty days from the date of the notice provided in the Subsection, if five years have elapsed from the filing of the tax sale certificate (formerly "process verbal"), or six months after the date of the notice provided for in the Subsection, if five years have not elapsed since the filing of the tax sale certificate (formerly "process verbal")

(b) The filing of the sale or donation transferring the property.

(c) The written notice required by this Section shall be that which is included in R.S. 47:2206 A (2).

Section 5. The acquiring person shall cause to be published in the official journal of this parish (currently the Colfax Chronicle) a notice that any tax sale party whose interest the successful bidder or donee intends to be terminated has, to redeem the property, until the later of:

(a) Sixty days, for property on which a tax sale certificate (formerly "proces verbal") was filed over five years previous of the first publication, or six month if the tax sale certificate (formerly "proces verbal") was filed less than five years before the first publication of the notice provided for in this Subsection.

(b) The filing of the sale or donation transferring the property.

(c) The publication required by this Section shall be that which is included in

R.S. 47:2206 B. (2).

Section 6. The acquiring person may file with the recorder of mortgages a copy of one of the notices that was sent to the tax debtor or the current owner. A transfer, mortgage, lien, privilege, or other encumbrance filed after the filing of the notice shall not affect the property. The recorder of mortgages or recorder of conveyances shall cancel, erase, terminate, or release the acts upon the request of the acquiring person.]

Section 7. At any time after the expiration of the sixty-day or six-month periods, as applicable, set forth in R.S. 47:2206 (A) and (B), the acquiring person, or his/her successors and assigns, may send to this body a written notice requesting that the sale/donation to him/her be authenticated. The President of the Jury shall authenticate the sale or donation within ten days from the date of the request or as soon thereafter as practical. However, the President shall not execute the act of cash sale or act of donation until the District Attorney's office has certified in writing to the President, that purchaser or donee has complied with the mandates of this Ordinance. The sale price shall be paid by cashier's check or money order at the time of the sale.

**NOTE:** The initial application fee of \$75.00 and any other costs incurred by the purchaser shall not be applied to the purchase price and shall not be refundable if the purchaser elects not to complete the process.

**NOTE:** The City of Pollock and/or the Parish of Grant shall reserve all oil, gas and other mineral rights in and to the property to be conveyed, but shall convey the surface rights of the said property.

Section 8. The acquiring person shall be responsible for filing the sale or donation and payment of all filing fees.

Section 9. The only warranty owed by the political subdivision or the municipalities shall be a warranty against eviction resulting from a prior alienation by the political subdivision or the municipality.

(a) All sales and donations shall be without warranty, either expressed or implied, even as to return or reduction of the purchase price, including without limitation the warranty against redhibitory defects or vices and the warranty that the thing sold is reasonable fit for its ordinary purpose or the acquiring person's intended or particular purpose.

(b) These waivers or exclusions of warranties shall be self-operative regardless of whether the waivers or exclusions are contained in the act of sale or donation, and regardless of whether they are clear and unambiguous, and regardless of whether they are brought to the attention of the acquiring person. This provision supersedes the requirements of any other law.

(c) The writing constituting the sale shall be in the form as provided in R.S. 47: 2207 B. and the writing constituting the donation shall be that which is included in R.S. 47: 2207 C.

Section 10. The provisions of R.S. 41:1338 shall not apply to the property being sold or donated in accordance with this Ordinance.

Section 11. A certified copy of the sale or donation shall be prima facie evidence of the regularity of all matters dealing with the sale or donation and the validity of the sale or donation.

Section 12. Contemporaneously with or subsequent to the filing of the sale or donation of adjudicated property, the acquiring person, his/her successors, or assigns, may file with the recorder of mortgages an affidavit indicating how the tax sale parties whose interest the acquiring person, his/her successors, or assigns, intends to be terminated were identified, how the address of each tax sale party was obtained, how the written notice was sent, the results of sending the written notice, and the dates of publication.

(a) The affidavit may also contain a statement of the interest to which the purchaser or donee takes subject. The recorder of mortgages shall index the affidavit only under the names of the owner filing the affidavit and the tax debtor, as mortgagors.

(b) The affidavit described herein shall be sufficient if it follows the form articulated in R.S. 47: 2208.


(c) With respect to a sale, the filing of the affidavit provided herein shall operate as a cancellation, termination, release, or erasure of record of all statutory impositions of all political subdivisions then due and owing, of all governmental liens, and of all interests, liens, mortgages, privileges, and other encumbrances recorded against the property sold and listed in the affidavit.

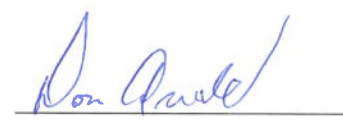
(d) With respect to a donation, the filing of the affidavit provided herein shall operate as a cancellation, termination, release, or erasure of record of all statutory impositions of all political subdivisions then due and owing, of all governmental liens, and of all interests, liens, mortgages, privileges, and other encumbrances recorded against the property sold and listed in the affidavit.

(e) Upon filing of the affidavit, the recorder of mortgages or the recorder of conveyances shall treat as canceled, terminated, released, or erased, all those liens, privileges, mortgages or other encumbrances canceled, terminated, released or erased under subsections (c) or (d) of this Section, only insofar as they affect the property.

(f) The owner filing the affidavit shall be liable to and indemnify the recorder of mortgages, the recorder of conveyances, and any other person relying on the cancellation, termination, release, or erasure by affidavit for any damages that they may suffer as a consequence of such reliance if the recorded affidavit contains materially false or incorrect statements that cause the recorder to incorrectly cancel, terminate, release, or erase any interest listed in the affidavit. The recorder of mortgages and the recorder of conveyances shall not be liable for any damages resulting to any person or entity as a consequence of the cancellation, termination, release or erasure of any interest in compliance with this Section.

THUS PASSED, APPROVED AND ADOPTED on this 3<sup>rd</sup> day March, 2022

  
Jessie Pace  
Secretary – Treasurer  
Grant Parish Police Jury

  
Don Arnold  
President  
Grant Parish Police Jury