

RESOLUTION 2015 – 139

A RESOLUTION ORDERING THE CANCELLATION OF
DELINQUENT PROPERTY TAXES ON MOBILE HOME OR HOUSETRAILER

WHEREAS, Section 15-24-212 MCA, states that “the Board of County Commissioners may order the cancellation of delinquent property taxes on a mobile home...if the mobile home...is to be moved for the purposes of destruction or recycling.”; and

WHEREAS, Section 15-24-212 (2) requires an order to be included in the board’s minutes. The order must include the name and address of the delinquent taxpayer; the physical address or location of the mobile home; the amount of delinquent taxes, plus interest, penalties, and costs, if any; the date the taxes became delinquent; and the taxpayer identification number; and

WHEREAS, Section 70-33-432, MCA states if the landlord reasonably believes that the tenant has abandoned a mobile home, and if at least 5 days have elapsed since the occurrence of events upon which the landlord has formed the belief that the mobile home has been abandoned; and

WHEREAS, the landlord must send a notice by certified mail to the last known address of the mobile home owner or interested party stating that at a specified time, not less than 15 days after mailing the notice, the mobile home will be disposed of. If the mobile home owner has contacted the landlord in writing that the owner intends to remove the mobile home within 20 days and does not do so, the mobile home is presume to be abandoned; and

WHEREAS, Section 15-24-212 (3) MCA also directs that one copy of this order be recorded with the county clerk and recorder as a public record, and one copy of the order must be filed with the county treasurer as a permanent record of the treasurer’s office.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the delinquent personal taxes, penalty and interest accrued against the mobile home which will be destroyed or recycled be cancelled; and

BE IT FURTHER RESOLVED by the Board of County Commissioners that upon notification of this resolution, the Lewis and Clark County Treasurer/Clerk and Recorder will adjust her taxes receivable accounts to conform to this order of cancellation.

DATED this 29th day of September, 2015.

3279880 B: M50 P: 4887 COUNTY
09/29/2015 11:21 AM Pages: 1 of 5 Fees: 0.00
Paulette DeHart Clerk & Recorder, Lewis & Clark MT



LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

Andy Hunthausen, Chair

ATTEST:

Paulette J. DeHart, Clerk of Board



STATE OF MONTANA)
 :SS
County of Lewis and Clark)

I, Jessie Lindsey, being first duly sworn upon oath depose and state that I am the owner and landlord of the Leisure Village Mobile Home Park and as such state the following:

1. The mobile home, located at 2928 Village Rd, is located within Leisure Village.
2. I reasonably believe the owner, of the mobile home located at 2928 Village Rd, abandoned the mobile home.
3. I sent a notice of disposal, to the last-known address of the owner, giving at least 15 days for the owner to respond (attached), and that time has elapsed.
4. The owner has not responded to my notice.
5. I made reasonable efforts to determine if the mobile home was subject to any liens; and I could not find any liens on the property.
6. I intend to destroy or recycle the mobile home, because the cost to sell the mobile home exceeds the value of the mobile home.

I swear under oath that the foregoing is true, to the best of my knowledge.

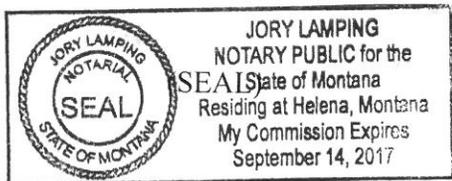
Dated this 13 day of Aug., 2015.

Jessie Lindsey
Land Owner

State of Montana

County of Lewis & Clark

This instrument was SUBSCRIBED AND SWORN TO before me this 13 day of August, 2015.



Jory Lamping
(Signature of the notarial officer)

ORDER

- A. NAME & ADDRESS OF DELINQUENT TAXPAYER: Lenna Faglie 2928 Village Rd Helena, MT
- B. PHYSICAL ADDRESS OF MOBILE HOME OR HOUSETRAILER: 2928 Village Rd
- C. DELINQUENT TAXES: 375.11
INTEREST: 46.64
PENALTIES: 6.51
- D. DATE THE TAXES BECAME DELINQUENT: December 1, 2013
- E. TAXPAYER IDENTIFICATION NUMBER: 90009

Date: 08/05/2015
 Time: 07:51:04

PRINT PAYMENT GRID DETAILS
 LEWIS AND CLARK COUNTY

Oper: cgreen

Tax Code : 90009 Transaction Date: 08/05/2015 Interest Date: 08/05/2015

Owner Name

Legal Description

FAGLIE LENNA
 2928 VILLAGE RD
 HELENA MT 59602-9595

LEISURE VILLAGE - MOBILE HOME PARK, S11,
 T10 N, R03 W, SERIAL # 3608, TITLE #
 M714334, MAKE BENDIX, MODEL GENERAL,
 YEAR 1974, SIZE 14X66

Pay?/ Incl?	Tax Year	Tax Code	Stmt#	Bill Half	Status	Total Amount
Yes	2015	90009	4250	1st	Current	24.27
Yes	2015	90009	4250	2nd	Current	24.25
Yes	2014	90009	5	1st	Delinquent	92.57
Yes	2014	90009	5	2nd	Delinquent	88.47
Yes	2013	90009	7	1st	Delinquent	101.34
Yes	2013	90009	7	2nd	Delinquent	97.36

	Tax	Penalty	Interest	Total
Total Due:	375.11	6.51	46.64	428.26
Total Selected for Payment:	375.11	6.51	46.64	428.26

Gallik Law Office, PLLC
Attorneys at Law

1124 Billings Avenue
Helena, MT 59601
Phone: (406) 443-0009
Fax: (406) 443-0609
E-mail: dave@galliklaw.com

David B. Gallik
State Bar of Montana Number 2825
Washington State Bar Number 12449
State Bar of California Number 98583

August 27, 2014

Kurt and Gloria Wilson
2928 Village Road
Helena, MT 59602
VIA CERTIFIED MAIL

COPY

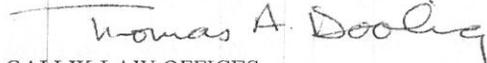
Dear Mr. & Mrs. Wilson:

This office represents Leisure Village Mobile Home Community. Our client advises us that you have not occupied the premises since November, 2013, nor paid the lot rent. We are further informed that the personal property taxes on the mobile home for 2013 and 2014 are delinquent and constitute a lien on its title.

Consequently, your mobile home at 2928 Village Road is now considered to be abandoned property. Montana law provides you with the opportunity to remove it within 15 days of the date of this letter. You are advised if you do not do so, Leisure Village has the option of removing the property from its lot, or demolishing it.

Please feel free to contact me by telephone if you have any questions.

Sincerely,



GALLIK LAW OFFICES
Thomas A. Dooling, Attorney