

RESOLUTION 2015 – 138

**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 17th day of September, 2015.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Andy Hunthausen, Chair

ATTEST:



Paulette J. DeHart, Clerk of Board 



ORDER

- A. NAME & ADDRESS OF DELINQUENT TAXPAYER: Carol Smith
- B. PHYSICAL ADDRESS OF MOBILE HOME OR HOUSETRAILER: 2848 Melody Rd Helena, MT
- C. DELINQUENT TAXES: 677.78
INTEREST: 194.09
PENALTIES: 13.40
- D. DATE THE TAXES BECAME DELINQUENT: December 1, 2010
- E. TAXPAYER IDENTIFICATION NUMBER: 90155

Date: 08/05/2015
Time: 08:08:42

PRINT PAYMENT GRID DETAILS
LEWIS AND CLARK COUNTY

Oper: cgreen

2901 Helen Rd

Tax Code : 90155 Transaction Date: 08/05/2015 Interest Date: 08/05/2015

Owner Name

Legal Description

SMITH CAROL M
2848 MELODY RD
HELENA MT 59602-9518

LEISURE VILLAGE - MOBILE HOME PARK, S11,
T10 N, R03 W, SERIAL # DM4636, TITLE #
662624636, MAKE DMH, MODEL DETROITER,
YEAR 1966, SIZE 12X46

Pay? Incl?	Tax Year	Tax Code	Stmt#	Bill Half	Status	Total Amount
Yes	2014	90155	88	1st	Delinquent	79.90
Yes	2014	90155	88	2nd	Delinquent	76.36
Yes	2013	90155	90	1st	Delinquent	87.63
Yes	2013	90155	90	2nd	Delinquent	84.20
Yes	2012	90155	122	1st	Delinquent	92.35
Yes	2012	90155	122	2nd	Delinquent	88.85
Yes	2011	90155	87	1st	Delinquent	94.96
Yes	2011	90155	87	2nd	Delinquent	91.65
Yes	2010	90155	3334	1st	Delinquent	96.00
Yes	2010	90155	3334	2nd	Delinquent	93.37

Date: 08/05/2015
Time: 08:08:42

PRINT PAYMENT GRID DETAILS
LEWIS AND CLARK COUNTY

Oper: cgreen

	<u>Tax</u>	<u>Penalty</u>	<u>Interest</u>	<u>Total</u>
Total Due:	677.78	13.40	194.09	885.27
Total Selected for Payment:	677.78	13.40	194.09	885.27

Gallik Law Office, PLLC
Attorneys at Law

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

Clint Pullman
Lewis and Clark County Sheriff's Department
221 Breckenridge
Helena, MT 59601

RE: Leisure Village vs. Hunt: Abandon mobile home located at 2848 Melody Drive,
Helena, Montana

Dear Clint:

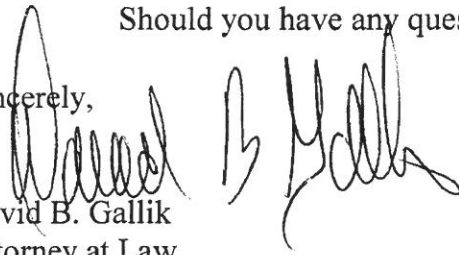
Please be advised that the mobile home located at 2848 Melody Drive, Helena, Montana is unoccupied and is considered abandoned by the owner. The mobile home is being stored on site at the Leisure Village Mobile Home Park.

The owner of the mobile home, Carol M. Smith, is deceased. Enclosed you will find a copy of the Order Granting Permission to Serve Notice Required Under MCA 70-33-432. I have also enclosed a copy of the certified letter that was mailed to Ms. Smith's daughter, Sandy Brown.

As you can see, Ms. Brown has been served notice that she is to contact my office within 15 days of the date of the certified letter. If Ms. Brown does not contact my office, I will consider the above referenced mobile home to be abandoned and will proceed with destroying or selling the mobile home and personal property contained within the mobile home.

Should you have any questions or concerns, please let me know.

Sincerely,


David B. Gallik
Attorney at Law

Enclosures
pc: Kristi Rambo

2014 MAY 13 PM 11 19

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Attorneys at Law

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

Sandy Brown
32963 Trerise
Helena, MT 59602

RE: Leisure Village vs. Hunt: Mobile home located at 2848 Melody Drive, Helena, Montana

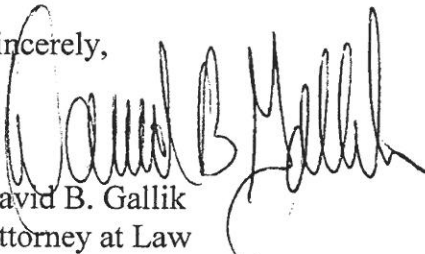
Dear Ms. Brown:

Please accept this certified letter as your notification that the mobile home located at 2848 Melody Drive, Helena, Montana in the Leisure Village Mobile Home Park is considered abandoned and is accumulating storage fees.

Pursuant to the Montana Residential Mobile Home Lot Rental Act 70-33-432, you have 15 days after the mailing of this notice to respond with regard to your intentions for the mobile home. If you respond, in writing, within 15 days of the date of this certified letter, that you intend to move the mobile home, you must do so within 20 days of the date of your written response. If you do not respond within 15 days of the date of this notice, the mobile home located at 2848 Melody Drive, Helena, Montana and any personal items inside the mobile home, will be sold or destroyed.

Please contact me at your very earliest convenience so that we may discuss how you wish to proceed with this matter.

Sincerely,


David B. Gallik
Attorney at Law

pc: Kristi Rambo

COPY

FILED

APR 15 2014

PAUL WILLIAMS
CLERK
JUSTICE OF THE PEACE
LEWIS & CLARK COUNTY, MT

IN THE JUSTICE COURT OF RECORD
CITY OF HELENA, LEWIS AND CLARK COUNTY, MONTANA
BEFORE MIKE SWINGLEY, JUSTICE OF THE PEACE

LEISURE VILLAGE and
PAUL DREYER,

Plaintiff,

vs.

JOEL HUNT,

Defendant.

Cause No. CV-13-625

ORDER GRANTING PERMISSION
TO SERVE NOTICE REQUIRED
UNDER MCA70-33-432

Plaintiffs have requested that the above-entitled Court enter an Order granting them permission to serve Sandy Brown, the daughter of the legal owner of the 1966 DMH Detroit mobile home located at 2848 Melody Drive, Helena, Montana, 59602, satisfying the notice requirement under MCA 70-33-432, and good cause appearing therefor,

IT IS HEREBY ORDERED that the Plaintiffs are granted permission to serve Sandy Brown at her last known address, 32963 Trerise, Helena, Montana, 59602, via certified mail. Once that has been done, the notice requirement under MCA 70-33-432, shall be deemed satisfied.

Dated this 11 day of April, 2014.

Michael G. Swingley
Justice of the Peace

COPY

IN THE JUSTICE COURT OF RECORD,
CITY OF HELENA, LEWIS AND CLARK COUNTY, MONTANA
BEFORE WALLACE A JEWELL, JUSTICE OF THE PEACE

FILED

JAN 04 2007

TAMMIE ZARSKI, CLERK
JUSTICE OF THE PEACE
LEWIS & CLARK COUNTY, MT

Leisure Village

Dennis Lindberg
Plaintiff(s),

vs.

Carol Smith

COMPLAINT

Case No. CV-07-0017

Defendant(s)

COMES NOW the Plaintiff(s) above-named and for cause of action against the Defendant(s), complain(s) and allege(s):

That Defendant(s) is/are indebted to Plaintiff(s) in the sum of \$ 855.00,
Eight Hundred Fifty-Five DOLLARS which said sum is now due, owing, and unpaid despite demands for the payment thereof.

That Defendant(s) is/are indebted to Plaintiff(s) as follows:

Unpaid rent and late fees
plus accruing rent + late fees

(Complete the following 2 lines only if you wish to have the Defendant (s) evicted from the premises)
Also, Defendant must return possession of the premises at

2848 Melody Rd. to me, the Plaintiff.

Wherefore, Plaintiff (s) pray (s) Judgment against Defendant for the Sum of \$ 855.00, together with Plaintiff(s) costs and fees herein expended.

2848 Melody Rd.

Helena, MT. 59602
Defendant (s) address

Dennis Lindberg
Plaintiff (s) signature

2901 Herrin Rd.
Plaintiff (s) address

Helena, MT. 59602

227-5700
Phone number

ORIGINAL FOR COURT, 1 COPY FOR EACH DEFENDANT,
COPY FOR YOURSELF
\$35.00 filing fee (must be paid when filing complaint)