

LOCAL RULE 21

FORECLOSURE, QUIET TITLE AND PARTITION

- 21.1** In actions to quiet title, partition and for the marshaling and foreclosing of liens on real property, the attorney for the plaintiff shall procure and file with the clerk, within thirty (30) days after the filing of the Complaint, evidence of the state of the record title to the premises in question including the names of the owners of the property to be sold and a reference to the volume and page of the recording of the recorded instrument by or through which the owners claim title as the same shall be shown by an attorney's Title Certificate prepared by an attorney licensed to practice in this state, dated not over thirty (30) days prior to the filing of the Complaint. Upon failure of the attorney for the plaintiff to comply with the foregoing requirement within forty-five (45) days after the filing of the Complaint, any cross-complainant or other interested party, upon notice to plaintiff's attorney, may procure leave to furnish and file such evidence of the state of the record of title shall become and remain a part of the files of the case. Where the evidence of title indicates that necessary parties have not been made defendants, the attorney for the party filing same shall proceed without delay to cause such new parties to be added and served.
- 21.2** At the time of Entry of Judgment in any such case a final certificate of extension of the evidence of title shall be prepared and filed in accordance with the foregoing requirements showing the address or location of the property and the record state of title as of a date not more than thirty (30) days prior to the taking of the decree. Such extension shall also become and remain a part of the files in the case.
- 21.3** Failure to comply with this Rule shall be grounds for dismissal of the action.
- 21.4** The expense of the title work required under this Local Rule shall be taxed as part of the costs in the action unless otherwise ordered by the Court. Title fees shall be based on the true value as indicated by the Auditor's last tax appraisal of the property as shown by his duplicates and the fees allowable shall be scaled as follows:

Less than \$20,000.00.....	\$100.00
\$20,000.00 to \$30,000.00.....	1/2 of 1%
Over \$30,000.00.....	\$150.00 plus ¼ of 1%

Any questions as to title fees not covered by the Local Rule shall be handled on a case by case basis by application to the Court.

- 21.5** If mediation is requested it shall proceed in compliance with Local Rule 27.

21.6 Requirements of Converting a Manufactured Home to Real Estate

If the property which is the subject of a foreclosure proceeding has a manufactured home upon it which has not been declared by the Brown County Auditor to be part of the real property, the following actions must be undertaken by plaintiff and their counsel:

- A. Tongue, wheels and axles must be completely removed.
- B. Manufactured home must be installed on a permanent foundation. (Home shall be rendered immovable as in any other traditional permanent improvements to the property.)
- C. If the manufactured home has been previously taxed, all taxes prior and current must be paid.
- D. "Declaration of Manufactured Home to Real Property" is to be completed by owner or agent of owner and must be notarized.
- E. The original title must be surrendered. Any liens attached to the title must be satisfied before this title will be transferred.
- F. Two photos (different views) shall be submitted showing that the manufactured home is on a permanent foundation and has met all specifications.
- G. Once converted to real estate the manufactured home shall not be put back on the manufactured home tax list.
- H. Land must be deeded to the owner listed on the surrendered title.
- I. Completed and notarized applications, the original lien free title, and required photos must be submitted to the Auditor's Office no later than **December 31st** of the year prior to conversion.