

RESOLUTION NO. _____

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 212 EAST 18TH STREET (A/K/A 1723 MAGNOLIA STREET) IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS, certain property located at 212 East 18th Street (a/k/a 1723 Magnolia Street) in the City of North Little Rock, Arkansas was declared to be a public nuisance, and the property was condemned on February 27, 2017 (see *Resolution No. 9153* attached hereto as Exhibit "A"); and

WHEREAS, Ark. Code Ann. § 14-54-903 provides that if the owner(s) or lien holder(s) of any lot or structure, after having been given seven (7) days' notice in writing to do so, refuses to remove, abate or eliminate any nuisance property, the City of North Little Rock is authorized to do whatever is necessary to correct the conditions and charge the cost thereof to the owner(s) of the real property; and

WHEREAS, according to the Pulaski County Assessor's Office, Parcel No. 33N2110020800 described as 212 East 18th Street (a/k/a 1723 Magnolia St.), North Little Rock, Arkansas, is owned by Harvest Interdenominational Ministries, which, after receiving notice from the City regarding the conditions of the property, has failed to abate the conditions; and

WHEREAS, pursuant to Ark. Code Ann. §§ 14-54-901, *et seq.* and Act 854 of 2007, the City of North Little Rock is authorized to abate the nuisance conditions, establish a lien for the costs associated therewith, and collect the same in order to protect the health, safety and welfare of the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That upon a hearing of the facts, the City Council hereby declares that proper notice was given to the owner and lien holder(s) of the subject property to remove, abate or eliminate the public nuisance conditions on the subject property located at 212 East 18th Street (a/k/a 1723 Magnolia St.), North Little Rock, Arkansas; more specifically described as:

Lot 12, Block 25, North Argenta Addition to the City of North Little Rock, Pulaski County, Arkansas. (Parcel No. 33N2110020800 owned by Harvest Interdenominational Ministries.)

SECTION 2: That the City Council further declares that the owner and lien holder(s) of the subject property failed to remove, abate or eliminate the public nuisance conditions at the property after it was condemned pursuant to Resolution No. 9153 in the time allowed by law, and that the City then abated the public nuisance conditions at a cost of no less than \$2,473.32. (See *Affidavit* attached hereto as Exhibit "B".)

SECTION 3: That the City Council further declares that proper notice was given to the owner and lien holder(s) of the subject property that a public hearing would be held on September 25, 2017 (see *Proof of Publication* attached hereto as Exhibit "C") to determine the proper amount, if any, that should be filed as a cleanup lien pursuant to Act 854 of 2007.

SECTION 4: That the City Council further declares that upon presentation of facts at a public hearing, the City is entitled to a priority clean up lien in the amount of **\$2,518.32** (costs of abatement plus an additional \$45.00 filing fee for the subject lien certification) against the subject property. This lien, as provided for in Arkansas Code Ann. § 14-54-903, may be enforced and collected at any time within ten (10) years after the lien has been filed in either one of the following manners as provided for in Ark. Code Ann. § 14-54-904:

- (1) By an action for foreclosure in the circuit court; or
- (2) The amount so determined at this public hearing, plus ten percent (10%) penalty for collection, to be certified to the Pulaski County Tax Collector to be placed on the tax books as delinquent taxes and collected accordingly.

SECTION 5: That if the owner or lien holder(s) fail to pay the amount of the herein certified clean-up lien in the time allowed by law, the City Attorney is hereby directed to pursue any and all proper legal actions for collection of the amount of said lien plus all applicable costs.

SECTION 6: That the provisions of this Resolution are hereby declared to be severable, and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 7: That this Resolution shall be in full force and effect from and after its passage and approval.


PASSED:

APPROVED:

Mayor Joe A. Smith

SPONSOR:

ATTEST:



Mayor Joe A. Smith *by AF*

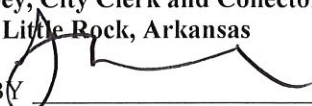
Diane Whitbey, City Clerk

APPROVED AS TO FORM:



C. Jason Carter, City Attorney *by AF*

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED <u>11:30</u> A.M. _____ P.M.
By <u>Diane Fields</u>
DATE <u>9/19-17</u>
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas
RECEIVED BY 



2017016389

PRESENTED: 03-15-2017 11:11:50 AM

RECORDED: 03-15-2017 11:31:21 AM

In Official Records of Larry Crane Circuit/County Clerk

PULASKI CO, AR FEE \$20.00

R-17- 30

RESOLUTION NO. 9153



A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 212 EAST 18TH STREET (A/K/A 1723 MAGNOLIA STREET) IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES.

WHEREAS, the buildings and structures whose location is set forth herein are vacant and have become run down, dilapidated, unsightly, dangerous, obnoxious, unsafe, not fit for human habitation and detrimental to the public welfare of North Little Rock citizens and residents; and

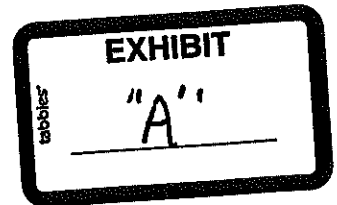
WHEREAS, the condition of such property constitutes a serious fire and health hazard to the City of North Little Rock, and unless immediate actions are taken to remedy this situation by removing, razing and abating said nuisance, there is a great likelihood that the surrounding property may be destroyed by fire originating from such unsafe and hazardous structures, and also that since structures are without proper sanitary facilities and as such are unsafe and hazardous and a breeding place for rats, rodents and other dangerous germ carriers of diseases, such buildings constitute a serious hazard to the health and safety of the citizens of North Little Rock, and they should be moved or razed for the purpose of eliminating such hazards.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That the City Council hereby declares the buildings, houses and other structures located at the property identified in Section 2 below to be vacant and run down, dilapidated, unsafe, unsightly, dangerous, obnoxious, unsanitary, a fire hazard, a menace to abutting properties, with the current condition of said structures not being fit for human habitation; and because of such conditions, the City Council declares the same to be condemned as a public nuisance and is ordered abated, removed or razed by the owner thereof.

SECTION 2: That the owner of record of the following described property is hereby directed to raze the same or otherwise abate the said nuisance within thirty (30) days after the posting of a true copy of this Resolution at a conspicuous place upon the structure constituting the nuisance described herein, to-wit:

Lot 12, Block 25, North Argenta Addition to the City of North Little Rock, Pulaski County, Arkansas. (Parcel No. 33N2110020800 located at 212 E. 18th Street [a/k/a 1723 Magnolia] and owned by Harvest Interdenominational Ministries.)



SECTION 3: If the aforementioned structures have not been razed and/or removed within thirty (30) days after posting a true copy of this Resolution at a conspicuous place upon the structures constituting the nuisance, or the nuisance otherwise abated, the structures shall be torn down and/or removed by the Director of Code Enforcement or his duly designated representative. Each day after the aforesaid thirty (30) days in which said nuisance is not abated shall constitute a separate and distinct offense punishable by a fine of \$250.00 for each such separate and distinct offense.

SECTION 4: That the provisions of this Resolution are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 5: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED:

2-27-17

APPROVED:

Joe A. Smith
Mayor Joe A. Smith

SPONSOR:

Joe A. Smith
Mayor Joe A. Smith

ATTEST:

Diane Whitbey
Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter
C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

STATE OF ARKANSAS }
COUNTY OF PULASKI } SS

I, Diane Whitbey, City Clerk and Collector for the City of North Little Rock, Arkansas, do hereby certify that the foregoing instrument is a true and correct copy of the original Res. 9153 Book No. 53 filed in this office on the 27th day of Feb 2017.

IN TESTIMONY WHEREOF, I have hereunto set hand and affixed the seal of this office this 27th day of March, 2017.

Diane Whitbey, City Clerk & Collector

By: J. McGraw

FILED	<u>11:05</u>	(A.M.)	_____	P.M.
By	<u>Carter - City Attorney</u>			
DATE	<u>2/27/17</u>			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	<u>[Signature]</u>			

STATE OF ARKANSAS)
COUNTY OF PULASKI)

Parcel 33N2110020800



AFFIDAVIT OF STATUTORY LIEN

Comes the City of North Little Rock, Arkansas by and through Tom Wadley, who states on oath that:

My name is Tom Wadley, I am the Director of Code Enforcement for the City of North Little Rock, Arkansas ("the City"), and as such I am authorized to make this affidavit.

Acting pursuant to Ark. Code Ann. § 14-56-203, the North Little Rock City Council, on February 27th, 2017, Resolution # 9153 condemning a structure or structures located on the following described real property located in the City of North Little Rock, Pulaski County, Arkansas:

LEGAL DESCRIPTION AND ADDRESS OF PROPERTY

**212 E 18th St.
also known as 1723 Magnolia
Lot 12 Box 25 North Argenta Addition
North Little Rock, AR**

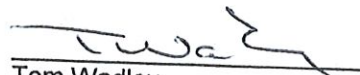
After notice of the above mentioned condemnation was given to the owner's and /or heirs Paul Wirges and due to the Owner's and/or heirs failure to raze or remove the structure(s), the City removed said structure(s) incurring a cost of \$2,473.32. An itemized account of this indebtedness is as follows:

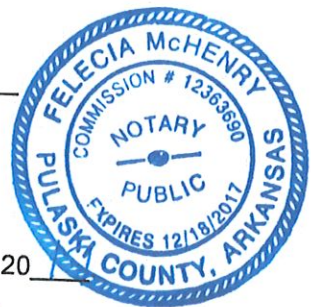
Date Issued	Fee	Amount	Amount Paid	Due Date
8/30/2017	Property Cleanup	\$2,350.00	\$0.00	09/30/2017
8/30/2017	Administration/Collection Fees	\$60.00	\$0.00	09/30/2017
8/30/2017	Postage Fee	\$43.32	\$0.00	09/30/2017
8/30/2017	Filing Fee	\$20.00	\$0.00	09/30/2017
Total Due: \$2,473.32				

The City has made demand for payment and gave the debtor notice of the City's intent to file this lien and the debtor has failed to make payment. No part of the debt has been paid and the City of North Little Rock claims a lien on this real property, pursuant to Ark. Code Ann. § 14-54-903(b), in the amount of \$2,473.32 to secure this indebtedness.

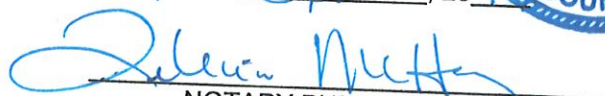
WITNESS my hand this 11th day of September, 2017.

CITY OF NORTH LITTLE ROCK


Tom Wadley
Director of Code Enforcement



SUBSCRIBED AND SWORN to before me this 11th day of Sept, 2017


NOTARY PUBLIC

My Commission Expires: 12/18/2017



CENTRAL AR RECORDS Continued from page 19

TION MAY BE BROUGHT AGAINST YOU. THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR SUCH PURPOSE. This Instrument Prepared by: WILSON & ASSOCIATES, P.L.L.C. 1521 Merrill Drive, Suite D-220 Little Rock, Arkansas 72211 (501) 219-9388 WHEREAS, on August 21, 2004, James G. Curtis executed a security instrument conveying certain property therein described to Mortgage Electronic Registration Systems, Inc., as nominee for Mortgage Investors Corporation, its successors and assigns; and WHEREAS, said instrument was duly recorded September 1, 2004, Document No. 2004073552, and modified on August 3, 2015, Document No. 2015046530, February 9, 2017, Document No. 2017009062 in the real estate records of Pulaski County, Arkansas; and WHEREAS, default has been made with respect to a provision in the mortgage that authorizes sale in the event of the default of said provision and the same is now, therefore, wholly due. WHEREAS, mortgagee or beneficiary has complied with the conditions to exercise the power of sale as set for in ACA §18-50-103. The party initiating this action is PNC Bank, National Association, 3232 Newmark Drive, Miamisburg, OH 45342, (888) 224-4702 NOW, THEREFORE, Wilson & Associates, P.L.L.C., as Attorney-in-Fact or as Trustee, by virtue of the power, duty, and authority vested in and imposed upon it, will, on **October 10, 2017, at or about 3:30 PM** at the Pulaski County Courthouse, Little Rock, Arkansas, offer for sale certain property hereinafter described to the highest bidder for cash, free from the statutory right of redemption, homestead, dower, and all other exemptions which are expressly waived in the mortgage, said property being real estate situated in Pulaski County, Arkansas, and being more particularly described as follows: Lot 4, Block 5, Phase II, Jaxon Terrace Subdivision to the City of Jacksonville, Pulaski County, Arkansas. More commonly known as: **1012 Silrrup Place, Jacksonville, AR 72076** This sale is subject to all matters shown on any applicable recorded plat; any unpaid taxes; any restrictive covenants, easements, or setback lines that may be applicable; any statutory rights of redemption of any governmental agency, state or federal; any prior liens or encumbrances as well as any priority created by a fixture filing; and to any matter that an accurate survey of the premises might disclose. The sale held pursuant to this Notice may be rescinded at any time. The right is reserved to adjourn the day of the sale to another day, time and place certain without further publication, upon announcement at the time and place for the sale set forth above. **THE SALE OF THIS PROPERTY WILL BE AUCTIONED WITH RESERVE. THE TERMS OF SALE ARE CERTIFIED FUNDS PAID AT THE CONCLUSION OF THE SALE, OR CREDIT BID FROM A BANK OR OTHER LENDING ENTITY PRE-APPROVED BY THE SUCCESSOR TRUSTEE. W&A No. 164529 WILSON & ASSOCIATES, P.L.L.C. 400 West Capitol Avenue Suite 1400 Little Rock, AR 72201 DR4T-9/12,9/19,9/26,10/3/17**

LEGAL NOTICE OF CLEAN-UP LIEN Date: August 31, 2017 To: The hereinafter named owners and mortgage holders of record and all others who claim an interest in the hereinafter described properties: 212 E 18th otherwise known as 1723 Magnolia Paul Wirges Lot 12 Box 25 North Argenta Addition Parcel 33N2110020800 North Little Rock, AR Notice is hereby given that a Public Hearing will be held to certify the amount of a Clean Up Lien pursuant to Ark. Code Ann 14-54-903 against the owners of / and the above described land due to the owners failure to abate a Public Nuisance at said land. The Public Hearing will be heard before the North Little Rock City Council at the September 25th, 2017 Meeting at 6:00 p.m. held at (City Hall 300 Main Street North Little Rock.) The owners have the right the contest at the amount of the Clean-up Lien. William M. Brown Asst. City Attorney DR1T-9/12/17

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS PROBATE DIVISION IN THE MATTER OF THE ESTATE OF John D. McCracken, DECEASED CASE NO. 60PR-17-817 NOTICE Last known address of decedent: 22 River Ridge Circle, Little Rock, Arkansas 72227. Date of death: December 15, 2016. The under-

the Complaint &/or Amended Complaint filed herein will be deemed to be admitted. WITNESS my hand and seal as Clerk of the Circuit Court of Pulaski County, Arkansas, this 1st day of September, 2017. Circuit Clerk Stephen E. Whitwell HURLEY & WHITWELL, PLLC 2900 Percy Machin Drive North Little Rock, AR 72114 (501) 801-1111 - Office (501) 801-8888 - Facsimile AR Bar No. 78-166 DR2T-9/12,9/19/17

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS 5th DIVISION RYLWELL, LLC, PLAINTIFF VS. CASE NUMBER 60CV-17-3541 KRYSTAL SINGLETON AS EXECUTRIX OF THE ESTATE OF KARLOTTA TUTTLE GARDNER AKA KARLOTTA TUTTLE, SURVIVING SPOUSE, HEIRS AND ASSIGNS; KRYSTAL SINGLETON, SPOUSE, HEIRS AND ASSIGNS; GLEN RHEA, SPOUSE, HEIRS AND ASSIGNS; CITY OF LITTLE ROCK, ARKANSAS; AND, ANY PERSON, ENTITY OR ORGANIZATION, CLAIMING ANY RIGHT, TITLE INTEREST OR OWNERSHIP OR CLAIM IN AND TO LOT 209, REPLAT OF TRACT "A" OF WAKEFIELD VIL LAGE, A SUBDIVISION NOW IN THE CITY OF LITTLE ROCK, PULASKI COUNTY, ARKANSAS, PARCEL 34L3980017500, DEFENDANTS WARNING ORDE The Defendant(s), GLEN RHEA, SPOUSE, HEIRS AN ASSIGNS; and, any person, individual, entity, organizations, claiming any right, title or interest in the following real property located in Pulaski County, Arkansas to v LOT 209, REPLAT OF TRACT "A" OF WAKEFIELD V LAGE, A SUBDIVISION NOW IN THE CITY OF LITTLE ROCK, PULASKI COUNTY, ARKANSAS, PARCEL 34L3980017500 are hereby warned to appear in this Court within thirty (30) days and answer the Complaint & Amended Complaint of the Plaintiff, RYLWELL, LLC; a upon failure of Defendants to do so, the Complaint & Amended Complaint filed herein will be deemed to be mitted. WITNESS my hand and seal as Clerk of the Circuit Court of Pulaski County, Arkansas, this 1st day of September, 2017. Circuit Clerk Stephen E. Whitwell HURLE WHITWELL, PLLC 2900 Percy Machin Drive North Little Rock, AR 72114 (501) 801-1111 - Office (501) 801-8888 Facsimile AR Bar No. 78-166 DR2T-9/12,9/19/17

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS NINTH DIVISION TALESHA DOKES, TITIONER VS. NO: 60CV-17-3769 FELTON STE HARRIS; EDNA MAE DOWNS HARRIS, aka EDNA DOWNS (GILMORE); the unknown spouses and he MARTIN JONES, deceased; M. RANDY RICE, in his official capacity as trustee for US Bankruptcy Court for Eastern District of Arkansas; RANDOLPH JONES; unknown spouses and heirs of RANDOLPH JO BERE LITTLE; the unknown spouses and hei BERE LITTLE; JENNA K. HARRIS; And any person or organization claiming any right, title, interest or ownership or claim in and to the following real property located in Pulaski County, Arkansas, to-wit: LOT 8, B' 10, GREEN'S SECOND ADDITION TO THE CITY NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS PARCEL NO. 33N3050003000, A.K.A. 707 CEDAR NORTH LITTLE ROCK, AR, RESPONDENTS WAF ORDER The Respondents, Randolph Jones, the unknown spouses and heirs of Randolph Jones, and Felton S Harris, unserved, are warned to appear and answer Petition in this Court within 30 days from the date publication of this warning order or face entry of judgment by default or be otherwise barred from asserting his interest. Failure of the Respondents to answer within days from the date of first publication this warning could result in judgment against the Respondents. September 1, 2017 Circuit Clerk Carla L. Miller (20' Attorney for Plaintiff The Miller Firm 701 W. 7th St. 101 Little Rock, AR 72201 501-454-2972 Carla@mlerfirm.net DR2T-9/12,9/19/17

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS 2nd DIVISION ROTH INVESTMENTS, LLC, PLAINTIFF VS. CASE NUMBER 60CV-17-3550 BRE LAUER, SPOUSE, HEIRS AND ASSIGNS; ANN C LAUER, SPOUSE, HEIRS AND ASSIGNS; USA REAL SAVINGS BANK, SUCCESSORS AND ASS ESTATE OF SHELBY PERRETTE, SR., SPI HEIRS AND ASSIGNS; ESTATE OF BILLIE PERR