

JUL 24 2014

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NOTICE OF INTERVENTION

HSBC BANK USA NA
VS
JOHN CLARK, ET AL
DOCKET NUMBER: C-122455

SEVENTEENTH JUDICIAL DISTRICT
PARISH OF LAFOURCHE
STATE OF LOUISIANA

EXEMPT

TO: JOHN CLARK
368 BROCATO LANE
RACELAND, LA 70394

PLEASE BE NOTIFIED THAT on the JULY 14, 2014, a **Petition of Intervention** was filed with this office, in accordance with Louisiana Law, Article No. 1093, you are required to file you answer within fifteen (15) days of service.

IN TESTIMONY WHEREOF, witness my hand and official seal of office, this July 14, 2014, at Thibodaux, Louisiana.

VERNON H. RODRIGUE
CLERK OF COURT

Vernon H. Rodrigue
Deputy Clerk of Court
Lafourche Parish

ATTORNEY:

STATE OF LOUISIANA OFFICE OF GENERAL COUNSEL
THROUGH ITS DIVISION OF ADMINISTRATION
1201 N. THIRD STREET, SUITE 7-270
BATON ROUGE, LA 70802

FILED

Pete Bernard
JUL 21 2014
CLERK OF COURT

PERSONAL SERVICE

On _____ on the _____
Day of _____, 20____
Service: _____

DOMICILIARY SERVICE

On _____ by _____
Leaving the same with _____

On the ___ day of _____, 20____

Service: _____
Mileage: _____

Dty. Sheriff LAFOURCHE Parish

SHERIFF'S RETURN
122455 Date: 07/17/14 Time: 09:40
Status: NS - No Service
Served On: JOHN CLARK
Address:
Served By: CIAMBERLIN, KIMBERLY
Duc: \$36.80 Invoice #: 14001595
Comments: EMPTY LOT
INT: *[Signature]*

NOTICE OF SERVICE

I hereby certify that this Notice of Service was mailed by me to the requesting party.
Date: *July 21, 2014*

Pete Bernard
Deputy Clerk of Court

HSBC BANK USA, N.A, AS TRUSTEE
FOR THE REGISTERED HOLDERS OF
FIRST NLC TRUST 2007-1 MORTGAGE-
BACKED CERTIFICATES, SERIES 2007-1

CASE NO: C-122455 DIVISION: A

17TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF LAFOURCHE

JOHN CLARK, a/k/a JOHN ANTHONY CLARK,
JOHN A. CLARK AND TRACY BROCK, a/k/a
TRACY ELIZABETH BROCK, TRACY E. BROCK

STATE OF LOUISIANA

PETITION FOR INTERVENTION AND
NOTICE OF PROOF OF CLAIM

NOW INTO COURT, through undersigned counsel, comes Intervenor, the State of Louisiana, Office of Community Development, Disaster Recovery Unit, Hazard Mitigation Grant Program (hereinafter, "HMGP"), through this Petition for Intervention and Notice of Proof of Claim, which respectfully represents:

1.

The Defendants in this case, JOHN CLARK and TRACY BROCK (Defendants), are major domiciliaries of Lafourche Parish, who voluntarily participated in HMGP to mitigate their home after Hurricane Katrina.

2.

HMGP is a mitigation program funded by FEMA and is administered by the State of Louisiana, the grantee. HMGP assists homeowners whose homes were damaged as a result of Hurricanes Katrina and Rita. It also helps homeowners in coastal Louisiana protect their homes from damage which may occur in future natural disasters by elevating their homes, reconstructing safer structures, or installing individual mitigation measures. The State of Louisiana serves as the funding vehicle by which FEMA funds are awarded to eligible homeowners.

3.

Defendants voluntarily agreed to participate in the HMGP. *See Exhibit A.* Federal grant funds in the amount of \$23,400.00 were paid to Defendants on or about March 29, 2010 for the elevation of their home. *Exhibit B.*

4.

Upon subsequent review, it was determined that Defendants were ineligible to participate in the Hazard Mitigation Grant Program. Certified letters were mailed to Defendant John Clark, informing him that the grant funds in the amount of \$23,400.00 had to be returned to the State of Louisiana. *Exhibits C and D.* Neither Defendant has responded to the letter nor returned the funds to the State.

5.

Defendants' failure to return the funds has resulted in them owing HMGP \$23,400.00 in unearned federal funds, which must be recovered by HMGP, the state program charged with distributing FEMA funds for mitigation projects.

6.

HMGP must account to FEMA for all funds issued through HMGP. Failure of HMGP to recover the \$23,400.00 from Defendants will result in reimbursement to FEMA being made directly by the State of Louisiana.

7.

HMGP now petitions to intervene in the seizure and judicial sale of JOHN CLARK's and TRACY BROCK's property at 368 Brocato Lane in Raceland, Louisiana 70394 and notices all interested parties that the covenant running with the land recorded in Jefferson Parish at Instrument No. 1099248, Book 1830, Page 511 evidences the obligation of JOHN CLARK and TRACY BROCK and all future owners of the property to comply with the terms and provisions of the covenant, specifically the requirement to maintain flood insurance in perpetuity. *See Exhibit E.* Said judicial sale is scheduled for July 16, 2014 or on any day thereafter by the Lafourche Parish sheriff.

8.

HMGP requests the debt of \$23,400.00 owed by JOHN CLARK and TRACY BROCK be recognized in the seizure and judicial sale of the subject property; and that, out of the proceeds of the judicial sale of the subject property, HMGP be paid the amount necessary to satisfy the indebtedness owed to HMGP by JOHN CLARK and TRACY BROCK.

9.

HMGP further requests that it be notified of any and all claims made against 368 Brocato Lane in Raceland, Louisiana 70394.

10.

HMGP additionally requests that the Order issued in this matter is recorded

ALL PREMISES CONSIDERED, WHEREFORE, INTERVENOR PRAYS:

- a. For leave of court to file this petition of intervention;
- b. It is permitted to intervene in the seizure and judicial sale of 368 Brocato Lane in Raceland, Louisiana 70394;

c. That the debt of \$23,400.00 owed by JOHN CLARK and TRACY BROCK be recognized in the seizure and judicial sale of the subject property and that proceeds of the sale be distributed to HMGP in satisfaction of the debt owed;

d. It be notified of any and all claims made against 368 Brocato Lane in Raceland, Louisiana 70394;

e. That the Court grant such other relief as is just and proper.

Respectfully submitted:



Lesia Batiste Warren, #22803

La Koshia R. Roberts, #26715

Office of General Counsel

State of Louisiana, through

its Division of Administration

P.O. Box 94095 (70804-9095)

1201 N. Third Street, Suite 7-270

Baton Rouge, LA 70802

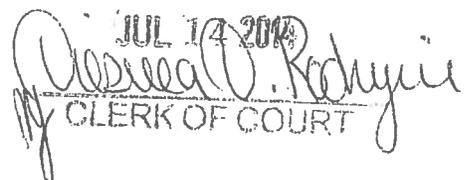
Telephone: (225) 342-7154

Facsimile: (225) 219-7572

LaKoshia.Roberts@la.gov

FILED

JUL 14 2014



CLERK OF COURT

HSBC BANK USA, N.A, AS TRUSTEE
FOR THE REGISTERED HOLDERS OF
FIRST NLC TRUST 2007-1 MORTGAGE-
BACKED CERTIFICATES, SERIES 2007-1

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PARISH OF LAFOURCHE

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TRACY ELIZABETH BROCK, TRACY E. BROCK

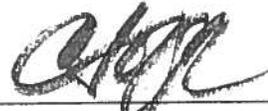
STATE OF LOUISIANA

VERIFICATION

CONSIDERING THE FOREGOING PETITION FOR INTERVENTION AND
NOTICE OF PROOF OF CLAIM:

I, CRAIG P. TAFFARO, JR., Director of the State of Louisiana's Hazard Mitigation Grant Program, declare under penalty of perjury that the representations made in the foregoing Petition are true and correct to the best of my knowledge, belief and understanding.

THUS DONE ON THIS 10th DAY OF JULY 2014 IN NEW ORLEANS,
ORLEANS PARISH, LOUISIANA.

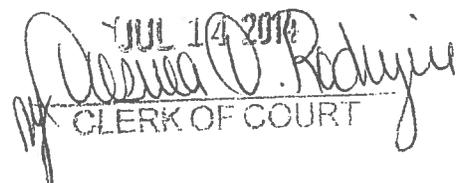


Craig P. Taffaro, Jr.



La Koshia Recondá Roberts
Notary Public
Bar Roll No. 26715
My Commission expires at death.

FILED

JUL 14 2014

CLERK OF COURT