

**U.S. BANK TRUST, N.A., AS TRUSTEE FOR
LSF8 MASTER PARTICIPATION TRUST**

**CASE NO: 747,090 DIVISION: L
24TH JUDICIAL DISTRICT COURT**

VERSUS

PARISH OF JEFFERSON

**CHARLES WELLS, ALSO KNOWN AS,
CHARLES E. WELLS and TERRI HOLMES
WELLS, ALSO KNOWN AS, TERRI L. WELLS**

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 Defendant in this case, CHARLES WELLS, also known as, CHARLES E. WELLS and TERRI HOLMES WELLS, also known as, TERRI L. WELLS ("Defendants"), are major domiciliaries of Jefferson Parish, who voluntarily participated in HMGP to mitigate their home after Hurricane Katrina.

2.

HMGP's New Orleans office did not receive notice of the June 17, 2015 sheriff's sale until June 15, 2015.

3.

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.

4.

Defendants voluntarily agreed to participate in the HMGP. *See Exhibit A*. Federal grant funds in the amount of \$60,011.34. Checks in the amounts of \$51,579.20 and \$8,432.14 were paid to Defendant Charles Wells on or about May 3, 2012 and November 22, 2012, respectively, to elevate his home. *See Exhibit B (in globo)*.

5.

Defendants' failure to provide proof of current flood insurance has resulted in them owing HMGP \$60,011.34 in unearned federal funds, which must be recovered by HMGP, the state program charged with distributing FEMA funds for mitigation projects. *Exhibit C.*

6.

HMGP must account to FEMA for all funds issued through HMGP. Failure of HMGP to recover the \$60,011.34 award to Defendants will result in reimbursement to FEMA being made directly by the State of Louisiana.

7.

HMGP intervenes in the seizure and judicial sale of the property of CHARLES WELLS, also known as, CHARLES E. WELLS and TERRI HOLMES WELLS, also known as, TERRI L. WELLS property at 1412 31st Street in Kenner, Louisiana 70065 and notices all interested parties that the covenant running with the land recorded in Jefferson Parish at Instrument No. 11308618, Book 3309, Page 912 evidences the obligation of CHARLES WELLS, also known as, CHARLES E. WELLS and TERRI HOLMES WELLS, also known as, TERRI L. WELLS, and all future owners of the property to comply with the terms and provision of the Covenant. *Exhibit D.*

8.

Said judicial sale is scheduled for June 17, 2015 or on any day thereafter by the Jefferson Parish sheriff.

9.

HMGP requests the debt of \$60,011.34 owed by CHARLES WELLS, also known as, CHARLES E. WELLS and TERRI HOLMES WELLS, also known as, TERRI L. WELLS, 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 CHARLES WELLS, also known as, CHARLES E. WELLS and TERRI HOLMES WELLS, also known as, TERRI L. WELLS.

10.

HMGP further requests that it be notified of any and all claims made against 1412 31st Street in Kenner, Louisiana 70065.

11.

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 1412 31st Street in Kenner, Louisiana 70065;
- c. That the debt of \$60,011.34 owed by CHARLES WELLS, also known as, CHARLES E. WELLS and TERRI HOLMES WELLS, also known as, TERRI L. WELLS, 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. That funds recovered from the judicial sale that satisfy the debt owed to the State of Louisiana's HMGP be transmitted by the Jefferson Parish Sheriff's Office to HMGP;
- e. It be notified of any and all claims made against 1412 31st Street in Kenner, Louisiana 70065; and
- f. That the Court grant such other relief as is just and proper.

Respectfully submitted:

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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 _____ DAY OF JUNE 2015 IN NEW ORLEANS,
ORLEANS PARISH, LOUISIANA.**

Craig P. Taffaro, Jr.

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