

U.S. BANK NATIONAL ASSOCIATION

CASE NO: 2010-3845 DIVISION: J

VERSUS

CIVIL DISTRICT COURT

PARISH OF ORLEANS

SEANDER WRIGHT JOHNSON

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, SEANDER WRIGHT JOHNSON. ("Defendant"), is a major domiciliary of Orleans Parish, who voluntarily participated in HMGP to mitigate her 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.

Defendant voluntarily agreed to participate in the HMGP. *Exhibit A.* Federal grant funds in the amount of \$7,500.00 were paid to Defendant on or about March 22, 2011 to install individual mitigation measures at her home. *Exhibit B.*

4.

Although Defendant received the payment of \$7,500.00, she failed to comply with HMGP guidelines by not completing the contracted mitigation project. *See Exhibit C.* She has also failed to return the \$7,500.00 payment to HMGP.

5.

Defendant's failure to comply has resulted in her owing HMGP \$7,500.00 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 \$7,500.00 award to Defendant will result in reimbursement to FEMA being made directly by the State of Louisiana.

7.

HMGP intervenes in the seizure and judicial sale of SEANDER WRIGHT JOHNSON's property at 1844 General Collins in New Orleans, Louisiana 70114 and notices all interested parties that the covenant running with the land recorded in Orleans Parish, Notarial Archives No. 2012-45138, at Instrument No. 523334, evidences the obligation of SEANDER WRIGHT JOHNSON and all future owners of the property to comply with the terms and provisions of the covenant. *See Exhibit D.* Said judicial sale was scheduled for April 17, 2014, but was stopped. No new date has been scheduled by the Orleans Parish sheriff.

8.

HMGP requests the debt of \$7,500.00 owed by SEANDER WRIGHT JOHNSON 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 SEANDER WRIGHT JOHNSON.

9.

HMGP further requests that it be notified of any and all claims made against 1844 General Collins in New Orleans, Louisiana 70114.

10.

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

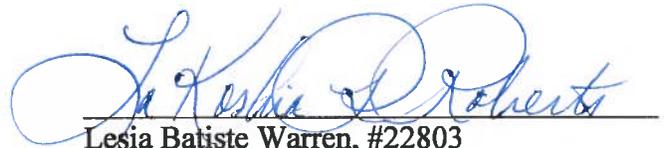
ALL PREMISES CONSIDERED, WHEREFORE, INTERVENOR PRAYS:

a. For leave of court to file this petition of intervention;

b. It is permitted to intervene in the seizure and judicial sale of 1844 General Collins in New Orleans, Louisiana 70114;

- c. That the debt of \$7,500.00 owed by SEANDER WRIGHT JOHNSON. 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 Orleans Parish Sheriff's Office to HMGP;
- e. It be notified of any and all claims made against 1844 General Collins in New Orleans, Louisiana 70114; 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 2 DAY OF APRIL 2014 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.

