

EVERBANK

CASE NO: 722,896 DIVISION A

VERSUS

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

SHAMARIE BARNETT

STATE OF LOUISIANA

**PETITION FOR INTERVENTION AND
NOTICE OF PROOF OF CLAIM**

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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:

03/07/2014 12:26:25 PM JEFF PAR 3934145 hrb \$413.00
11409070 CONVEYANCE BOOK 3328 PAGE 637
11409070 MORTGAGE BOOK 4608 PAGE 267

1. The Defendant in this case, Shamarie Barnett, is a major domiciliary of Jefferson Parish, who voluntarily participated in HMGP to mitigate (elevate) 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.

Shamarie Barnett voluntarily agreed to participate in the HMGP. See Exhibit A. Federal grant funds in the amount of \$50,000.00 were advanced to Shamarie Barnett on or about November 9, 2010 to mitigate her home.

4.

Although Shamarie Barnett received the advanced payment of \$50,000.00, she failed to comply with HMGP guidelines by not completing the contracted mitigation project. See Exhibit B. She has also failed to return the \$50,000.00 payment to HMGP.

5.

Shamarie Barnett's failure to comply has resulted in her owing HMGP \$50,000.00 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 all funds issued through HMGP. Failure of HMGP to recover the \$50,000.00 award to Shamarie Barnett will result in reimbursement to FEMA being made directly by the State of Louisiana.

7.

HMGP intervenes in the seizure and judicial sale of Shamarie Barnett's property at 329 Pat Drive in Avondale, Louisiana 70094 and notices all interested parties that the covenant running with the land recorded in Jefferson Parish at Instrument No. 11253744, Book 3305, Page 562 evidences the obligation of Shamarie Barnett's and all future owners' of the property to comply with the terms and provisions of the covenant. *See Exhibit C.* Said judicial sale is scheduled for March 19, 2014 or on any day thereafter by the Jefferson Parish sheriff.

8.

HMGP requests the debt of \$50,000.00 owed by Shamarie Barnett 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 Shamarie Barnett.

9.

HMGP further requests that it be notified of any and all claims made against 329 Pat Drive in Avondale, Louisiana 70094.

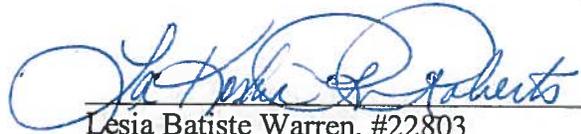
10.

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 329 Pat Drive in Avondale, Louisiana 70094;
- c. That the debt of \$50,000.00 owed by Shamarie Barnett 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 329 Pat Drive in Avondale, Louisiana 70094;
- 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



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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 28th DAY OF FEBRUARY 2014 IN NEW ORLEANS, ORLEANS PARISH, LOUISIANA.

Craig P. Taffaro, Jr.

La Koshia Reonda Roberts

Notary Public

Bar Roll No. 26715

My Commission expires at death.