CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

FILED

2015 AUG 31 P

NO:_____ DIVISION: _____

STATE OF LOUISIANA-DIVISION OF ADMINISTRATION,
OFFICE OF COMMUNITY DEVELOPMENT,
DISASTER RECOVERY UNIT –
HAZARD MITIGATION GRANT PROGRAM

VS.

CLAUDIA ALICE SIGNAL-LEON AND OTIS SIGNAL, SR.

PETITION FOR DECLARATORY JUDGMENT AND FOR JUDGMENT TO RECOVER HAZARD MITIGATION GRANT PROGRAM FUNDS

NOW INTO COURT, through undersigned counsel, comes Petitioner, the State of Louisiana, Office of Community Development, Disaster Recovery Unit - Hazard Mitigation Grant Program (hereinafter "HMGP"), which respectfully files this Petition for Declaratory Judgment and for Judgment to Recover Hazard Mitigation Grant Program Funds. In support, HMGP respectfully represents:

1.

The Defendants in this case are Claudia Alice Signal-Leon and Otis Signal, Sr., majors domiciled in Atlanta, Georgia, 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, Claudia Alice Signal-Leon and Otis Signal, Sr., executed a Voluntary Participation Agreement (hereinafter "VPA") on December 7, 2009 to participate in HMGP and to receive an HMGP grant. Defendants also agreed to comply with all HMGP guidelines, which include using HMGP funds for their intended purpose.

4.

FEMA grant funds in the amount of $44,378.00 (hereinafter "FEMA grant funds") were paid to Defendants by HMGP on or about February 15, 2011 for the specific purpose of Elevation Measures (hereinafter "Elevation") to their home located at 2309 Industrial Street, New Orleans, Louisiana 70122.

5.

Photographs dated March 17, 2015 show that although the FEMA grant funds were received, Defendants' home was not elevated.

6.

Collection letters were mailed to Defendants.

7.

Defendants have failed to respond to the letters and have failed to return the funds to the State.

8.

Defendants' failure to return the FEMA grant funds has resulted in Defendants owing to HMGP the unearned federal funds, which must be recovered by HMGP, the State program charged with distributing FEMA funds for mitigation projects.

9.

HMGP must account to FEMA for all funds issued to homeowners. Failure of HMGP to recover the FEMA grant funds from Defendants will result in reimbursement to FEMA by the State of Louisiana.

10.

HMGP requests that the debt of $44,378.00 owed by Claudia Alice Signal-Leon and Otis Signal, Sr. to HMGP be recognized and that judgment in favor of HMGP be granted, directing Defendants to return and pay the FEMA grant funds to the State, in full.

ALL PREMISES CONSIDERED, WHEREFORE, HMGP PRAYS:

a. That this Honorable Court declare that Defendants, Claudia Alice Signal-Leon and Otis Signal, Sr., are non-compliant with the Voluntary Participation Agreement signed by them;

b. That this Honorable Court declare that Defendants, Claudia Alice Signal-Leon and Otis Signal, Sr. are indebted to HMGP in the amount of $44,378.00 because of their failure to elevate their home according to their agreement to abide by HMGP guidelines, including using HMGP funds for their intended purpose;

c. That Defendants, Claudia Alice Signal-Leon and Otis Signal, Sr. be ordered to return the $44,378.00 HMGP grant to HMGP, in full;

d. That there be judgment rendered herein in favor of HMGP and against Defendants, Claudia Alice Signal-Leon and Otis Signal, Sr., in the full sum $44,378.00;

e. That Defendants, Claudia Alice Signal-Leon and Otis Signal, Sr., be assessed all costs and fees associated with this matter; and

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

Respectfully submitted:

FOR HMGP

La Koshia R. Roberts
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its Division of Administration
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PUBLIC ENTITY/FEE EXEMPT
(La.R.S. 13:4521 and 13:5112)

PLEASE SERVE VIA LONG-ARM SERVICE

CLAUDIA ALICE SIGNAL-LEON
265 TROWBRIDGE ROAD
ATLANTA, GEORGIA 30350

OTIS SIGNAL, SR.
265 TROWBRIDGE ROAD
ATLANTA, GEORGIA 30350

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

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2015 AUG 31 P 4:34
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STATE OF LOUISIANA-DIVISION OF ADMINISTRATION,
OFFICE OF COMMUNITY DEVELOPMENT,
DISASTER RECOVERY UNIT –
HAZARD MITIGATION GRANT PROGRAM

VS.

CLAUDIA ALICE SIGNAL-LEON AND OTIS SIGNAL, SR.

VERIFICATION

CONSIDERING THE FOREGOING PETITION FOR RECOVERY OF HAZARD MITIGATION GRANT PROGRAM FUNDS:

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** August **2015 IN NEW ORLEANS, LOUISIANA.**

_____
Craig P. Taffaro, Jr.

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