

**COMMON COUNCIL OF THE CITY OF HOBART, INDIANA
Resolution Number 2013-18**

**A Resolution Waiving Non-Compliance with the Filing Deadline for
Compliance with Statements of Benefits and Waiving Future CF-1 Filings
by Mark and Emily Smith**

WHEREAS, the Common Council (“Council”) of the City of Hobart, Indiana (“City”), previously granted to Cooke Construction and Remodeling, LLC (and to successors in interest) (the “original developer”) real property tax abatement pursuant to I.C. §6-1.1-12.1-1, *et seq.* for a subdivided parcel of real property located in the city of Hobart known as “Liberty Heights,” including one of the lots which is owned and identified as follows:

Owner: Mark and Emily Smith, husband and wife

Address: 1631 Cooke Street, Hobart, Indiana 46342

Description: Liberty Heights, Lot No. 15.

and

WHEREAS, the deductions from property taxes on this lot, now improved with a single-family dwelling, due to the abatements previously allowed result in deductions in the amounts provided by law from real estate taxes attributable to the structures on the lot for tax years 2012 pay 2013 and for the five (5) years thereafter; and

WHEREAS, Mark and Emily Smith, husband and wife (“property owners”) are under a statutory duty to file a Compliance with Statement of Benefits form (Department of Local Government Finance Form CF-1) with the Common Council of the City pursuant to I.C. §6-1.1-12.1-5.1(b) at the same time that the property owners are required to file a personal property tax return in the taxing district in which the property for which the deduction was granted is located, or, if the property owner is not required to file a personal property tax return, on or before May 15 of each year in which said deduction from property taxes is allowed, and

WHEREAS, the property owners purchased the subject property, improved by a single family dwelling, in June of 2012 from Will Matzen, the builder who acquired the lot from the original developer; and

WHEREAS, neither Matzen nor the original developer filed Compliance with Statement of Benefits forms since 2009, and the property owners as a result cannot qualify for or obtain the deduction from real property taxes they are entitled to until such form, which was due in May of 2013 (the home was completed in August of 2011 and assessed for the first time as of March, 2012) is either filed or waived; and

WHEREAS, both the original developer and Matzen have gone out of business, Matzen has moved away, and the property owners have been left to file the Compliance with Benefits (Form CF-1) from information previously available; and

WHEREAS, the property owners have filed a CF-1 with the City of Hobart on September 18, 2013 based on the best information available which is attached hereto and made a part hereof; and

WHEREAS, the Common Council desires to waive the late filing of the CF-1, approve same in all respects, find that the property owners are in substantial compliance with the last filed Statement of Benefits, and waive the need for the property owners to file further CF-1 forms in the future in order to secure the tax deduction for said property since the property owners do not now and will not have future access to the information necessary to file such forms, and that there is no just cause why the property owner should be denied the deduction; and

WHEREAS, the Council, as said designating body, pursuant to the provisions of I.C. §6-1.1.-12.1-9.5 (b), may by resolution waive noncompliance with a filing deadline applicable to a Statement of benefits, or another document that is required to be filed under I.C. §6-1.1-12.1; and

WHEREAS, the property owners have filed the required form with the Council, and the Council desires to authorize the waiver of the filing deadline for said Statements of Compliance and to spread same upon the public record.

THEREFORE, BE IT RESOLVED by the Common Council of the City of Hobart as follows:

1. The Council finds that the form for Compliance with Statement of Benefits for the parcel of real estate identified above have been filed by the property owner with the Council as of September 18, 2013.

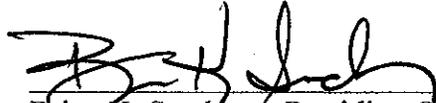
2. The Council now waives the filing deadline for said form showing compliance with Statement of Benefits. By this action, the Council intends that the property owner shall be treated as if the property owner had timely complied with the procedural requirements of I.C. §6-1.1-12.1-1, *et seq.*

4. The Council specifically finds that the property owners are in substantial compliance with the Statement of Benefits previously filed, and further finds that any and all failures to otherwise comply with the Statement of Benefits were caused by factors beyond the control of the property owners.

5. The Council further waives all future CF-1 filings from the property owners or their successors, and determines that there is no just cause why the property owners should be denied the real estate property tax deduction for said property previously authorized.

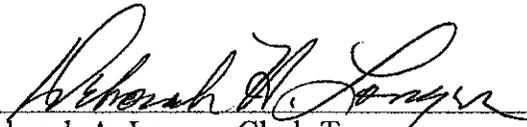
6. The Clerk-Treasurer is directed to provide a certified copy of this Resolution each to the property owner and the Department of Local Government Finance of the State of Indiana, as required by I.C. §6-1.1-12.1-9.5 (c).

ALL OF WHICH is adopted as the Resolution of the Common Council of the City of Hobart on this 18th day of September, 2013.



Brian K. Snedecor, Presiding Officer

ATTEST:



Deborah A. Longer, Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Hobart, Indiana this 18th day of September, 2013, at 6:46 pm o'clock.



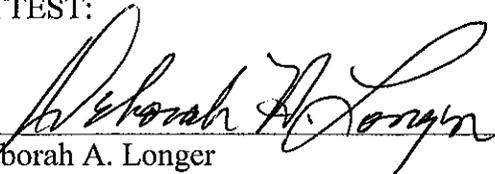
Deborah A. Longer, Clerk-Treasurer

APPROVED, SIGNED, and RETURNED by me as Mayor of the City of Hobart, Lake County, Indiana, to the Common Council of the City of Hobart, Lake County, Indiana, this 18th day of September, 2013.



Brian K. Snedecor
Mayor

ATTEST:



Deborah A. Longer
Clerk-Treasurer