

**BROOKINGS COUNTY DEVELOPMENT DEPARTMENT**  
**ZONING PROBLEM AND COMPLAINT**  
**Brookings County, South Dakota**

The Brookings County Development Department responds to complaints received that affect the public health and safety of the community as well as maintaining compatible relationship of land uses, adjacent property values, and aesthetic values. Authority is given under the Brookings County **Ordinance #2001-02 Declaration and Abatement of Public Nuisance**. Some issues may be referred to another local agency or authority, and some issues are a matter of providing a property owner with educational information. A copy of the ordinance is available on the website: <http://www.brookingscountysd.gov/>

*Please provide as much information as possible to ensure a timely investigation. Photographs and other supporting documentation are suggested but not required. A field inspection may be necessary. Contact information for the property owner is very important. Please call if you have any questions. **Note: this department does not perform mold testing.***

Contact information of person making complaint:

**2013nus001**

**Name:** Jim & Nancy Nuese

**Date:** 4/30/2013

**Address:** 20381 471<sup>st</sup> Avenue, Brookings, SD 57006

**Contact number:** 605-693-3100

**Email:** \_\_\_\_\_

Information concerning the site of concern:

**Address:** 20399 Northgrove Loop, Brookings, SD 57006

**Township:** Sterling

**Are the children under the age of 18 in the home?** No

**Property owner name & contact information:** Bank of America, 2505 W. Chandler, AZ 85224

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**Description of the nuisance/complaint:** *(please give as much detailed information as possible)*

“Disgusting property. Large woodpile and noxious weeds give rodents (skunks and coons) hiding place. Trees in back fell over and broke our fence. Needs weekly maintenance in summer. All lawn must be sprayed for weeds and trees trimmed. House should be leveled. Hasn’t been occupied for 4 years. Seen many rodents and neighbors are trapping. Dandelions are everywhere – tree inspector – says trees are rotten and will break with wind next to fence.”

**Complainant’s Signature:** please see original complain form attached.

**Filing Date:** *(for official use only)* 4/30/2013

**Initials of person receiving above complaint:** RH

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**Legal description of property:** L 13 NORTHGROVE ADDN SEC 11-111-50 317.05' X 245.1'

**Ord. #2001-02 pertaining to complaint:**

Section IV: B Breeding place for flies, rodents and/or pests: The unhealthful accumulation or stockpiling of manure, garbage, tires, debris or discarded items which is a potential harboring place and breeding area for flies and/or rodents. (p. 1.00-5)

Section IV: D Combustible materials: Any dangerous, accumulation upon any property of combustible refuse matter such as papers, sweeping, rags, grass, dead trees, tree branches, wood shavings, wood, magazines, cardboard; etc. (p. 1.00-6)

Subsequent contact/action by County Development Department: *(always include date/action)*

**Initial contact date:** 30 April 2013

**Action:** blank

**Date:** 16 May 2013

**Action:** Pulled property data off Beacon. Called Bank of America in Chandler, AZ which told me to call the Mortgage Priority Department at 1-800-669-5841. They connected me to Field Services Dept. 1-866-603-4754 (number doesn't work). Called Property Preservation/Safeguard Customer Service, 800-852-8306, ext. 2158, which manages properties for Bank of America; they have no record of property. Drove to property (20399 Northgrove Loop) and took exterior pictures from the road of the yard, the woodpile, and the fence line. [site investigation #1]

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*Figure 1: Residence from corner of 471st Ave. & Northgrove Loop*



*Figure 2: Residence from 471st Ave.*

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*Figure 3: Resident, front on Northgrove Loop, low hanging tree limbs*



*Figure 4: Neighbor's fence running along S. Property line*

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*Figure 5: Close up of fence line running along S. property*

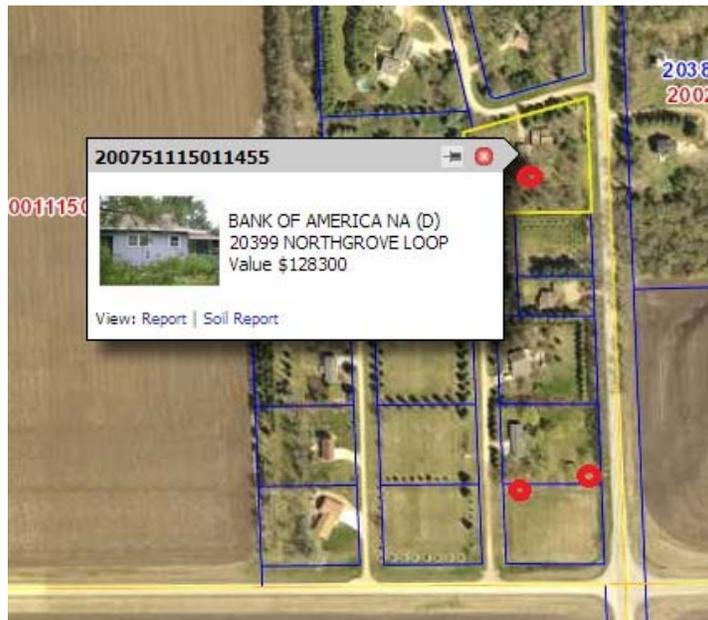


*Figure 6: green circle around woodpile located in backyard, red circle around fallen tree limb.*

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*Figure 7: green circle around woodpile located in rear yard, red circle around fallen fence gate on property*



*Figure 8: Aerial of woodpiles noted during site investigation (20399 Northgrove Loop property highlighted in yellow.) Three woodpiles were noted. One woodpile on the property of concern and two others, similar in size, south of the property near the intersection of 471st Ave. & 204th Street.*

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*Figure 9: Woodpile in upper right of picture is located on 47096 Oakbrook Loop (Storhaug). The wood/dirt pile located on the left of the picture is located on vacant lot 9 (Nuese.)*



*Figure 10: Surround woodpile located in same subdivision, 47096 Oakbrook loop along 471st Ave., right circle in figure 9.*

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*Figure 11: surrounding wood/dirt pile located in vacate lot 9 (Nuese), left circle in figure 9.*

**Site investigation:** The property appears vacant. The yard is free of major debris or disorder. There are a couple fallen tree limbs in rear yard; figure 6. The grass on property is long, but no anxious weeds are visible during site investigation. The evergreen trees running along the front of residence, Northgrove Loop, are low to the ground with several dead limbs; figure 3. There are some dandelions in the front yard, but not invasive at this point. The fence gate between the garage and the house is detached and fallen; figure 7. The woodpile in the rear yard is noted; figures 6 and 7. There is current no major trees down near fence line, but there are section of the tree line that runs along fence that may need attention; figures 4 & 5. There are also two addition woodpiles observed during site investigation; figures 8-11. One woodpile is on a residence running along 471<sup>st</sup> Ave and the second appears to be located on the vacant lot on the corner of the intersection 471<sup>st</sup> Ave and 204<sup>th</sup> Street. The vacant, figure 11, is in the complaint's name.

**Date:** 20 May 2013

**Action:** Second site investigation; took more pictures. Grass appeared longer with increased weed growth. [Site investigation #2]

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*Figure 12: close up of the woodpile that is attracted rodents behind the vacant residence.*



*Figure 13: Accessory use building's roofing material is scattered around the yard, some of the roofing material is hanging in near by tree limbs.*

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*Figure 14: Roofing materials hanging in tree limbs.*



*Figure 15: close up of fallen gate and debris in front of garage.*

**Date:** 21 May 2013

**Action:** Called Bank of America 800-669-5841, redirected to REO/real estate owned office 866-781-0029, #3. The REO dept. said the property mortgage was bought by Ocwen Loan Service, 800-746-2936. The number they provided was a call center in India. It took several attempts to locate property in their system. The property is managed in the Houston, TX office. The only way to get this dept. is calling the call center in India and asking to be transferred to the Houston Office; talked to Mike. The Houston office's prop. preservation dept., 866-952-6514 opt. 3

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found the prop. in their records. The person who managed the prop. specifically was unavailable and I was told would call back in 5 mins. No one has called – waited over an hour. Will try again later this week.

**Date:** 22 May 2013

**Action:** Called Ocwen's property preservation department at 1-866-952-6514, opt. 3. Talked to Cha (very helpful). She verified the transfer of the property's mortgage 31 Oct. 2012 from Bank of America to Ocwen. She also stated that one of two departments will be handling this property, either: (1) Onshore or (2) Altisource. She provided additional information for reference: (1) account ID # for the property: 7131127149 and (2) case #: EC456652. I was instructed to email, [PPIqueries@altisource.com](mailto:PPIqueries@altisource.com) with the nuisance concerns so they can inform their team to rectify the situation. (Email was sent today.) 'Corey,' from Ocwen, has been assigned to the case and has been instructed to contact me regarding its status.

**Date:** 28 May 2013

**Action:** Mr. Corey Fitzgerald, from Mortgage Consultant, Vestal Mortgage called to provide an update and a resolution to the nuisance complaint. He contacted the preservation team who is responsible for the upkeep of the property. It appeared that the address of the home was not entered into their database and therefore was not being maintained. This error has been correct and the property will now be part of a regular maintenance and inspection preservation team.

If future issues persist with this property, Mr. Fitzgerald is to be contact by the following: email: [CFitzgerald@ncirm.com](mailto:CFitzgerald@ncirm.com), National Credit ([www.NCIRM.com](http://www.NCIRM.com)) for PPI-VMS queries, with a phone number of (866) 952-6514.

**Date:** 25 June 2013

**Action:** Received a phone call from Nancy Nuese this afternoon. It was reported that no improvements/maintenance was done to property this season. Another tree has fallen since this office's last site investigation visit. Ms. Nuese requires contact information of the financial institution responsible for said property to send bill/receipts for remove that was done last summer as well as tree removal maintenance fallen tree and bug invested/dead trees that are believe to be a standing threat to her property if high winds/storm should occur. Nuese's property to the south had property damage to a fence line last year from fallen trees and had to pay a company to remove several trees on 20399 Northgrove Loop, Brookings, SD 57006 to repair fence line. I will attempt to verify if Mr. Fitzgerald's contact information is available to give out to Ms. Nuese for recoup property damage costs and address current tree removal concerns. If it is not free to give out, Ms. Nuese would like to be contacted directly by Mr. Fitzgerald.

**Date:** 25 June 2013

**Action:** Received an email from Corey Fitzgerald informing me that Caleb Roselle [[croselle@ncirm.com](mailto:croselle@ncirm.com)] will not be the mortgage consultant on this case. Mr. Fitzgerald reported

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that, "It would appear that a grass cut was last done 5-31-13. Another work order was issued 6-20-13 with a one week completion window for our contractor. I see a photo of a vendor and a trailer full of dead tree branches dated yesterday. A bid to repair some roof damage was submitted by our contractor, but not yet approved, however a manager here put a rush on the approval. I will CC Caleb on this email so he is up to date. The violation notice you sent today was sent to the highest authority we have in that area. Let me know if you need anything else."

**Date:** 27 June 2013

**Action:** Took another site visit to property to photo document property condition after receiving report from Corey Fitzgerald. Fence gate is still down between house and garage. There were tire tracks from the drive way to the wood pile. A majority of the pile was removed, but a significant amount remains along with several tires and plastic bottles. Roofing shingles are still hanging from tree as well as ground. It appeared that grass was cut over a month ago, but only 10 to 20-feet behind home, while 90 percent of the yard was untouched with grass two feet in length. The fallen tree limb is still there, but now a large tree limb broke off and is hanging from tree, and a another tree as fallen. Over all property, property has significantly declined since the initial site visits; refer to the following photos. [Site investigation #3]



**Figure 16: fence gate**

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**Figure 17: tire tracks from drive way to wood pile**



**Figure 18: wood pile**

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**Figure 19: tires and plastic bottle**



**Figure 20: tires in long grass**



**Figure 21: two foot high long grass**

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**Figure 22: broken, hanging tree limb**



**Figure 23: same fallen tree limb from last site visit**

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**Figure 24: fallen tree**



**Figure 25: southern neighboring fence line, highlights contrast in grass length**

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**Figure 26: fence line from road**



**Figure 27: house from road**

**Date:** 27 June 2013

**Action:** updated new mortgage consultant/property preservation specialist from Vestal Mortgage, Caleb Roselle, on open zoning nuisance complaint. Email the investigation report three times to [CRoselle@ncirm.com]. Together we discussed over the phone the timeline of what has occurred and the site documentation of what has happened and what has not happened to the property. All photo documentation was referred to during our conversation. It was decided that I would be cc: on all work orders that would be issued from now on to track activity planned and done to site. I received a confirmation email from Mr. Roselle on 2 July 2013. Mr. Roselle's number is (866) 952-6514 ext. 232283

**Date:** 8 July 2013

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**Action:** Email update:  
**From:** Ashok, Siddharth  
**Sent:** Sunday, July 07, 2013 11:31 PM  
**To:** Roselle, Caleb J  
**Cc:** Sriram, Deepak  
**Subject:** RE: Case: EC493947 Loan: 7131127149

Hi,

As per the below email grass cut order Issued Date 07/06/2013 ,Work Item # WI4905362 has been Accepted by the vendor the dead standing trees near the back fence line Under the Work Item # WI4909189, remove the large branches ,remove the tires, plastic bottles, Work Item # WI4909160

Thanks & Regards,  
Siddharth.Ashok | Preservation coordinator

**Altisource**<sup>®</sup>  
P.O. Box 105460 | Atlanta, Georgia 30348-5460  
P: (561) 682-8000 | F: (877) 381-6977  
[Siddharth.Ashok@altisource.com](mailto:Siddharth.Ashok@altisource.com) | [www.Altisource.com](http://www.Altisource.com)

**Date:** 9 July 2013

**Action:** This office received a phone call from Christian Glye of NAPA (in Tampa, FL) regarding property maintenance/management responsibility for said property. His phone number is 813-699-4250, ext. 110. He is unaware of Altisource's role in the property management. He informed this office that NAPA is a property preservation team under Ocwen who is currently responsible for property. Altisource is also a property preservation team working with Ocwen. Mr. Glye said he would inform me of any work orders issued to property through his office.

This office called the complainant, Ms. Nuese, as a courtesy call to provide a status update for her filed complaint. Ms. Nuese reported her discontent with the lack of corrective action being taking by the county and shared her belief that the county is not managing/maintaining said property's adequately in regards to the weed and lawn neglect. This office reiterated our efforts in working with the responsible parties to rectify the zoning nuisances occur on said property. Complaint requested more action by the county's weed and pest department as they have done weed control measure last season. This office contacted the county weed and pest office and is expected to have a formal response this week regarding their responsibility with said property.

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**Date:** 11 July 2013

**Action:** Email update:

**From:** Ashok, Siddharth

**Sent:** Sunday, July 07, 2013 11:31 PM

**To:** Roselle, Caleb J

**Cc:** Sriram, Deepak

**Subject:** RE: Case: EC493947 Loan: 7131127149

Hi,

As per the below email grass cut order Issued Date 07/06/2013 ,Work Item # WI4905362 has been Accepted by the vendor the dead standing trees near the back fence line Under the Work Item # WI4909189, remove the large branches ,remove the tires, plastic bottles, Work Item # WI4909160

Thanks & Regards,  
Siddharth.Ashok | Preservation coordinator

**Altisource®**

P.O. Box 105460 | Atlanta, Georgia 30348-5460

P: (561) 682-8000 | F:(877) 381-6977

[Siddharth.Ashok@altisource.com](mailto:Siddharth.Ashok@altisource.com) | [www.Altisource.com](http://www.Altisource.com)

**Date:** 12 July 2013

**Action:** This office received a letter from Brookings County Weed & Pest Control to notifying the landowner declaring the property to be infested with Bull-musk and Canada Thistles and the treatment required is to be cut and sprayed immediately. A copy of the letter has been scanned and filed. This office also emailed a scanned copy of the letter to Caleb Roselle. [MT]

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**Noxious Weeds**

*A cooperative state, county & industry effort*  
South Dakota Weed/Pest Control Program

**BROOKINGS COUNTY  
WEED & PEST CONTROL**

In the Matter of: zoning complaint 2013 nus 001 )  
 Address: 20399 Northgrove Loop ) DECLARATION OF  
Brookings, SD 57006 ) INFESTATION

Owner(s) of the following described property: (Legal Description)

E 1/4 SE 1/4 Sec 11 Sterling Twp T-111N R-50-W  
possibly 1 Acre in middle of east side facing Ridge<sup>CO</sup> Hwy 77  
The House belonged to Henry Swanning in the 1950's

Pursuant to SDCL 38-22-23.13 and upon consideration of an inspection conducted under SDCL 38-22-20 and/or SDCL 38-22-23.12, on the 12 day of July, 2013 by Lawrence Barnett acting as an agent for the Brookings County Weed & Pest Board, the above described property is HEREBY DECLARED TO BE INFESTED with the following noxious weeds or declared pests:

Bull-musk + Canada Thistles

Treatment Needed: cut now and spray later

The above-described property is declared infested until which time Brookings County Weed and Pest Board formally abates this declaration. You, the landowner, have 5 DAYS from receipt of this letter to comply with this law and return this form to the Brookings County Weed & Pest Board.

When you have completed the action required, report back on the form provided. If you do not comply, Brookings County Weed & Pest Board will perform remedial action pursuant to SDCL 38-22-23.14. The County Weed Department will charge the owner and if not paid, will add the charge to their property taxes.

Dated and signed this 17 day of July, 2013.

Yim P. Bauer                      Steven Olson  
Stephen Miller                      Ray L. Leland

**- Good Neighbors Control Noxious Weeds -**

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**Date:** 24 July 2013

**Action:** This office received an email from Mr. Roselle from Altisource that the property has been foreclosed upon and sold to a third party. No more details could be provided. [MT]

**Date:** 28 July 2013

**Action:** Gathered all deed related documentation on the property, no recent sales have been filed with the county register of deeds office. Last deed holder is Bank of America. Copies of deeds are in the file. [MT]

**Date:** 31 July 2013

**Action:** This office talked to Caleb Roselle. The ownership and servicing company is still in question, but Altisource apparently has active work orders they are processing and this office will continue to receive updates regarding those orders. Mr. Roselle, was contacted by Ms. Nuese last week regarding the work they paid for after trees from site of concern fell onto their property, damaging their private fence. The Nuese's are trying to be refunded.

This office contact Bank of America, REO/real estate owned office, (866) 781-0029, #3. [MT]

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**Date:** 18 September 2013

**Action:** This office took a site visit and took the following photo documentation, nothing of:



**Figure 28: woodpile still remains untouched from the last site visit, more vegetation growth has occurred.**



**Figure 29: downed tree limb still on property that was observed during previous site visit.**



**Figure 30: fallen tree limbs observed from previous visit**

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**Figure 31: fallen tree observed from previous visit**



**Figure 32: long grass from previous visit has not been cut, but has fallen over due to weight and the elements.**



**Figure 33: fallen fence debris are still observed.**

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**Figure 34:** Noxious thistle is observed everywhere, no spraying has been done as required by state law.

**Date:** 30 September 2013

**Action:** This office received an email 19 September 2013 from him stating, “The vendor has submitted a proposal to get the work done, and now we are waiting on one of the higher-ups to approve it. Once that is complete, a work item will be issued and the work on the property will commence.” This was the same status report provided over a month ago. So this office called Property Preservation Specialist – Vestal Mortgage, Caleb Roselle.

Received the following emails:

*From: Balueta, Jericho <Jericho.Balueta@altisource.com>*

*Sent: Monday, September 30, 2013 3:10 PM*

*To: Roselle, Caleb J*

*Cc: Meghan Thoreau*

*Subject: RE: EC493947/ 20399, Northgrove Loop, BROOKINGS, SD, 57006*

*Hi Roselle,*

*The work order is still on hold because we need to obtain the result of NPV analysis first before we can queue it to senior manager for approval. NPV means net present value, this is an assessment conducted by Loan Resolution Team from Ocwen to identify if the cost to complete the work to cure the violation is cost efficient or not, basically they are getting the current market value of the property and asses over the total expenses to address the issue.*

*Thank you,*

*Jericho Balueta | Code Compliance Specialist, Property Preservation & Inspection Altisource®*

*P.O. Box 105460 | Atlanta, Georgia 30348-5460 P: (770) 612-7007 | ext: 293093 |*

*F: (770) 989-7133 Jericho.Balueta@Altisource.com | www.Altisource.com*

*From: Roselle, Caleb J*

*Sent: Tuesday, October 01, 2013 12:44 AM*

*To: Balueta, Jericho*

*Cc: Meghan Thoreau*

*Subject: EC493947/ 20399, Northgrove Loop, BROOKINGS, SD, 57006*

*Hi Jericho,*

*Can you please give us a status update regarding this work order?*

*Also, what is NPV analysis?*

*Thanks,*

*Caleb Roselle | Property Preservation Specialist – Vestal Team Altisource®*

*P.O. Box 105460 | Atlanta, Georgia 30348-5460 P: (866) 952-6514 | F: (607) 770-0086*

*Caleb.Roselle@Altisource.com www.Altisource.com*

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**Date:** 5 December 2013

**Action:** The following letter was sent to Bank of America:

**OFFICE OF STATES ATTORNEY**  
**BROOKINGS COUNTY**



520 THIRD STREET, SUITE 330 • BROOKINGS, SOUTH DAKOTA 57006  
PHONE: (605) 692-8606 • FAX: (605) 692-6960

CLYDE R. CALHOON, *States Attorney*  
statesattorney@brookingscountysd.gov

ABIGAIL A. HOWARD, *Deputy*  
ahoward@brookingscountysd.gov

December 5, 2013

Bank of America, N.A.  
General Questions & Inquiries  
PO Box 5170  
Simi Valley, CA 93062-5170

Bank of America Corporate Center  
100 North Tryon Street  
Charlotte, NC 28255

RE: Brookings County, South Dakota – Nuisance Violations  
Property of Concern:  
20399 Northgrove Loop  
Brookings, SD 57006  
L 13 Northgrove Addn Sec 11-111-50 317.05' x 245.1'

To Whom it May Concern:

I am writing to advise that it has been brought to the attention of my office that the property referenced above has received several nuisance violation complaints. As Bank of America is the most recent deed holder to this property, I am writing to you in hopes that the matter can be remedied before criminal charges need to be filed.

Neighboring property owners have reported that this property has a large woodpile that has not been dealt with, trash that has been accumulating throughout the property, noxious weeds that continue to grow and provide a home for rodents, trees that are breaking to such an extent as to cause property damage to the adjacent property owners, and a general lack of maintenance and upkeep for a considerable period of time.

These concerns constitute violations of the following Brookings County Nuisance Ordinances:

#2009-02 – Section 4B – Breeding place for flies, rodents and/or pests. The unhealthful accumulation or stockpiling of manure, garbage, tires, debris or discarded items which is a potential harboring place and breeding area for flies and/or rodents.

#2009-02 – Section 4D. Combustible materials. Any dangerous, accumulation upon any property of combustible refuse matter such as papers, sweepings, rags, grass, dead trees, tree branches, wood shavings, wood, magazines, cardboard, etc.

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Bank of America  
December 5, 2013

Any person that maintains, commits, or fails to abate a public nuisance as required shall be subject to a maximum penalty of thirty (30) days in jail, a \$200 fine or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. As the first complaint was received by the County Development Department back in April of 2013, we would have approximately 7 months of charges to bring.

In addition, the County may also use the remedies of a civil action and abatement as set forth in SDCL 21-10-5 through 21-10-9.

Further, it appears the property has been declared to be infested by the Brookings County Weed and Pest Board and remedial action can be taken to remedy such infestation pursuant to SDCL 38-22-23.14 should the property owner fail to comply. Please see the enclosed document for further information.

I understand the Brookings County Development Department has made several efforts to resolve this issue with your office. I am also cc'ing the businesses and contacts the County Development Deputy Director was referred to in her efforts to get these issues resolved.

If my office is not contacted by December 30, 2013, and advised of the methods in which these issues will be resolved, my office will proceed to file criminal charges.

Thanking you for your prompt attention to this matter, I remain.

Sincerely,

  
Abigail A. Howard  
Brookings County Deputy States Attorney

Enclosure

CC: Brookings County Development Department

Ocwen Loan Service  
1661 Worthington Road, Ste 100  
West Palm Beach, FL 33409  
Case # EC456652

Caleb Roselle  
Property Preservation Specialist  
Vestal Team Altisource  
PO Box 105460  
Atlanta, GA 30348-5460

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**Date:** 3 March 2014

**Action:** Received a call from Altisource trying to verify if the property has code violations outstanding. I verified that it does and emailed the investigation report to [allancarlo.alano@altisource.com](mailto:allancarlo.alano@altisource.com); phone number on id was 866-952-6514.

**Date:** 18 June 2014

**Action:** Received a phone message from Chraina with AltiSource on 16 June 2014, 770-612-7007, etc. 293825. After returning from a conference I called Chraina to determine the company is completely incompetent in managing this property or the zoning nuisance complaint filed on the property. I have been actively trying to bring the property into compliance since 30 April 2013, 14-months later, and a 24-page investigation documenting all correspondence still Bank of America and AltiSource continue to drag their feet and explain their lack of action to bureaucratic red tape, passing the bucket to one our source company to another instead of doing their job. Apparently the new reason they can't manage the property is the property is currently in the process of foreclosure. However, they bank/servicing companies do not believe they can complete a foreclosure with outstanding nuisance violations. The property has been vacant for years. The last know person who held the deed according to records filed at the Brookings County Register of Deeds was Marek Malecki, ET UX, I believe it's odd to wait this long to foreclose on a property especially when half a dozen sales followed!

Sales										
Date	Sequence	Seller	Buyer	Book	Page	Type	Building Value	Land Value	Transfer Fee	Sale Amount
08/03/2010	20100698	FEDERAL HOME LOAN MORTGAGE	BANK OF AMERICA NA	D144	665	O	\$106,900.00	\$29,200.00	\$0.00	\$0.00
05/17/2010	20100365	BROOKINGS COUNTY SHERIFF	OCWEN LOAN SERVICING	D144	346	O	\$106,900.00	\$29,200.00	\$0.00	\$0.00
11/18/2009	20100366	OCWEN LOAN SERVICING	FEDERAL HOME LOAN MORTGAGE COR	D144	347	O	\$106,900.00	\$29,200.00	\$0.00	\$0.00
01/25/2007	20070092	HUETHER, DAVID E ETUX	MALECKI, MAREK ETUX	00141	00089	W	\$92,200.00	\$29,200.00	\$0.00	\$175,200.00
03/25/2004	20040252	PRICE, LARRY L ETUX	HUETHER, DAVID E ETUX	00138	00056	W	\$87,300.00	\$29,200.00	\$0.00	\$117,000.00

Bank of America obviously owns the property and the suggested reason for not managing the property due to foreclosure is yet another tactic to continue to ignore the requirement to bring this property into compliance.

**Date:** 19 June 2014

**Action:** Site visit documentation

**BROOKINGS COUNTY DEVELOPMENT DEPARTMENT**  
**ZONING PROBLEM AND COMPLAINT**  
Brookings County, South Dakota



**Figure 35: fallen fence**



**Figure 36: massive noxious tree growth**



**Figure 37: fallen trees from last year still on ground**

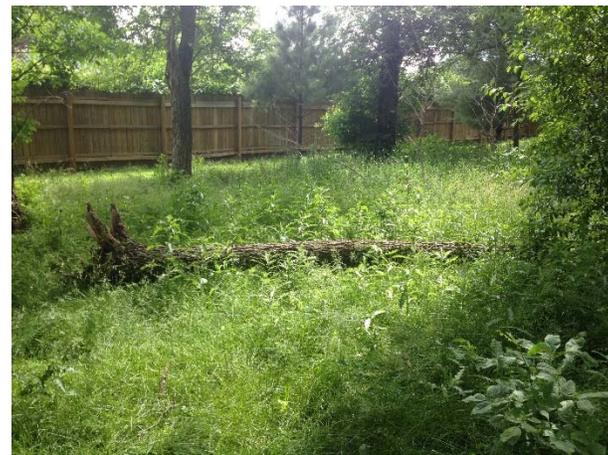
**BROOKINGS COUNTY DEVELOPMENT DEPARTMENT**  
**ZONING PROBLEM AND COMPLAINT**  
Brookings County, South Dakota



**Figure 38: fallen trees from last year still on ground**



**Figure 39: fallen trees from last year still on ground**



**Figure 40: fallen trees from last year still on ground**

**BROOKINGS COUNTY DEVELOPMENT DEPARTMENT**  
**ZONING PROBLEM AND COMPLAINT**  
Brookings County, South Dakota



**Figure 41: property line to the south, excessive grass growth and noxious weeds**



**Figure 42: excessive grass growth, noxious weeds, and unkempt yard**

**Date:** 23 June 2014

**Action:** Nancy Nuese called concerned about the property and the noxious weeds/long grass. She requests the county to mow the property and address the weed problem.

**Date:** 24 June 2014

**Action:** Talked to Lawrence Barnett from County Weed and Pest Control (605) 695-1460, and talked to Nancy Nuese earlier and told her Weed and Pest cannot trespass on private property unless they are told to from the state office. Their purview is along the highway ditches, county and where they have state contracts in place.

**BROOKINGS COUNTY DEVELOPMENT DEPARTMENT  
ZONING PROBLEM AND COMPLAINT  
Brookings County, South Dakota**

**Date:** 1 July 2014

**Action:** South Dakota Weed/Pest Control Program, Brookings County, SD dropped off a second Noxious Weed Compliant against the property.



**Noxious Weeds**

A cooperative state, county & industry effort  
South Dakota Weed/Pest Control Program

**BROOKINGS COUNTY  
WEED & PEST CONTROL**

In the Matter of: Bank of America )  
 Address: 20399 North Grove Loop )  
Brookings SD 57006 ) **DECLARATION OF  
INFESTATION**

Owner(s) of the following described property: (Legal Description)

E 40 acre SE 1/4 Sec 11 T 111 N R 50 W Sterling Twp

Pursuant to SDCL 38-22-23.13 and upon consideration of an inspection conducted under SDCL 38-22-20 and/or SDCL 38-22-23.12, on the 27<sup>th</sup> day of June, 2014 by Lawrence Barnett acting as an agent for the Brookings County Weed & Pest Board, the above described property is HEREBY DECLARED TO BE INFESTED with the following noxious weeds or declared pests:

Canada Thistle

Treatment Needed: Mowing + Spraying

The above-described property is declared infested until which time Brookings County Weed and Pest Board formally abates this declaration. You, the landowner, have 5 DAYS from receipt of this letter to comply with this law and return this form to the Brookings County Weed & Pest Board.

When you have completed the action required, report back on the form provided. If you do not comply, Brookings County Weed & Pest Board will perform remedial action pursuant to SDCL 38-22-23.14. The County Weed Department will charge the owner and if not paid, will add the charge to their property taxes.

Dated and signed this 1st day of July, 2014.

Stephen Miller Alexa Nuepfer  
Steven Wolsey Tim P. Bauer  
Ray Head

- Good Neighbors Control Noxious Weeds -

**BROOKINGS COUNTY DEVELOPMENT DEPARTMENT**  
**ZONING PROBLEM AND COMPLAINT**  
Brookings County, South Dakota

**Date:** 15 July 2014

**Action:** Received a phone complaint against property by Dan Chapin, 605-651-3335. Expressed concern with noxious weeds and abandoned property. Our office explained the actions taken thus far.

**Complaint Resolution Description:** open