

IN THE IOWA DISTRICT COURT IN AND FOR WARREN COUNTY

THE CITY OF INDIANOLA, IOWA,	Case No. INCICV038208
Plaintiff,	
vs.	
JON W. BACKSTROM 911 N. C Street P.O. Box 375 Indianola, IA 50125,	ORDER FOR DEFAULT JUDGMENT
Defendant.	

On this date, this matter comes before the Court pursuant to Plaintiff, the City of Indianola, Iowa's, Written Application for Default Judgment pursuant to Iowa Rule of Civil Procedure 1.972 and Iowa Code section 364.22(7). Having reviewed the pleadings and affidavits of service on file in the above-captioned matter, the Court finds as follows:

1. The Court has jurisdiction over the parties and the subject matter of this above-captioned action.
2. Plaintiff filed a Civil Citation for Municipal Infraction in the above-captioned matter on October 18, 2019.
3. Defendant, Jon W. Backstrom, was personally served with the Civil Citation for Municipal Infraction on October 21, 2019.
4. An Affidavit of Service for Defendant was filed on October 22, 2019.
5. Pursuant to Iowa Rule of Civil Procedure 1.303(1), Defendant had twenty (20) days from the date of service in which to appear, move or answer.
6. Defendant has not appeared, moved, answered, or filed or served any other responsive pleading in this matter.

7. Defendant's failure to do so constitutes a default. See Iowa R. Civ. P. 1.971(1).

8. Plaintiff is entitled to the relief requested in the Civil Citation for Municipal Infraction, and judgment should be entered. See Iowa Code § 364.22(7) ("If the person named in the citation is served as provided in this section [364.22] and fails without good cause to appear in response to the civil citation, judgment shall be entered against the person cited.").

9. The Defendant owns property locally known as 911 N. C Street, Indianola, Iowa, and legally described as:

Lot One (1), Block Sixteen (16), College Addition to the City of Indianola, Warren County, Iowa.

10. From April 17, 2018 and continuing to the present, Defendant violated Indianola Code of Ordinances Chapter 51 by storing, accumulating, or allowing to remain on his property junk, debris, and yard waste, and violated Indianola Code of Ordinances Chapter 163 by maintaining or allowing to permit dangerous and unsafe buildings.

11. The aforementioned constitutes violations of the Indianola Code of Ordinances Chapters 50, 51, and 163, which are municipal infractions. See Indianola Code § 4.01.

12. On June 29, 2018, Defendant was provided a Notice of Nuisance and Demand for Abatement, by certified mail. See Petition Exhibit 1.

13. On January 7, 2019, Defendant was provided an updated property inspection report setting forth the continued deficiencies with the property. See Petition Exhibit 2.

14. On April 5, 2019, Defendant was provided a Notice of Dangerous or Unsafe Building. See Petition Exhibit 3.

15. Subsequent to the Notice of Dangerous or Unsafe Building, Plaintiff tried to work with Defendant to abate the issues with the property through phases.

16. On August 21, 2019, Defendant was provided a Revised Notice of Dangerous or Unsafe Building setting forth the initial abatement phase. See Petition Exhibit 4.

17. Defendant failed to perform this initial abatement phase.

18. To date, Defendant has failed to abate the violations as required by law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's Written Application for Default Judgment against Defendant, Jon W. Backstrom, is GRANTED.

IT IS FURTHER ORDERED that Defendant shall abate the nuisance, to wit: remove the junk and make the repairs to the siding, trim, fascia, windows, roofing and front porch as described in prior notices and pleadings filed herein.

IT IS FURTHER ORDERED that Defendant shall abate the nuisances within thirty (30) days of the date of this Order. If Defendant fails to abate his violations of the Ordinances within thirty (30) days, the City of Indianola, Iowa, is authorized to abate and correct the violations, and the City's costs for abatement or correction of the violations shall be entered as a personal judgment against the Defendant, and assessed against the Defendant's property where the violations occurred.

IT IS FURTHER ORDERED that Defendant is enjoined from further violating the Indianola City Code of Ordinances.

IT IS FURTHER ORDERED that Defendant pay a civil penalty in the amount of Five Hundred Dollars (\$500.00), as provided in Section 4.03(1)(A) of the Indianola City Code of Ordinances, and judgment is hereby entered for the civil penalty against the Defendant.

IT IS FURTHER ORDERED that Defendant shall pay the court costs herein.

Defendant is notified that pursuant to Iowa Code section 364.22(10)(b) if Defendant willfully violates the terms of this Order, Defendants may be found in contempt of court.

SO ORDERED.



State of Iowa Courts

Type: ORDER FOR JUDGMENT

Case Number **Case Title**
INCICV038208 THE CITY INDIANOLA V. JON W. BACKSTROM

So Ordered

A handwritten signature in black ink, appearing to read "B Greiner". The signature is written in a cursive style.

Brendan Greiner, District Associate Judge
Fifth Judicial District of Iowa