



January 31, 2014

SENATE BILL No. 422

DIGEST OF SB 422 (Updated January 29, 2014 4:07 pm - DI 87)

Citations Affected: IC 4-6; IC 6-1.1; IC 32-29; IC 36-7.

Synopsis: Abandoned housing. Requires the attorney general to establish and maintain a tax sale blight registry of all persons ineligible to participate in the tax sale. Provides that properties certified as vacant or abandoned may be sold outright at the tax sale. Reduces the interest rate for payments in excess of a minimum bid from 10% to 5%. Provides that the notice to a record owner of property must occur six months, instead of nine months, after the date of the tax sale. Requires a county, city, or town to obtain a judgment that a parcel of real property is vacant or abandoned before a certification can be made to the county auditor for tax sales purposes. Provides that the local unit certifying real property as vacant or abandoned is liable for any damages if the property is later determined to not be vacant or abandoned. Provides for a 120 day pretax sale period of redemption for real property certified as vacant or abandoned. Reduces the period from six to three months when a tax sale purchaser may petition the court for a judgment directing the county auditor to issue a tax deed if the real property is not redeemed from the sale. Requires, for tax deeds executed for real property sold at a tax sale, that the county auditor
(Continued next page)

Effective: July 1, 2014.

Merritt, Head, Waltz

January 14, 2014, read first time and referred to Committee on Local Government.
January 30, 2014, amended, reported favorably — Do Pass.

SB 422—LS 6850/DI 106



Digest Continued

submit the tax deed directly to the county recorder for recording and charge the tax sale purchaser the appropriate recording fee. Permits the county auditor to be the only signer of a sales disclosure form when a tax sale purchaser refuses to sign the form. Adds the term "blighted" in determining whether a building is an unsafe building. Prohibits foreign business associations that have not registered with the secretary of state from participating in the tax sale. Requires persons who purchase a property or certificate at a tax sale to reimburse the county for the costs of a title search. Permits a county to establish a paddle fee for persons who attend the tax sale. Requires the sheriff to notify the owner of a foreclosed property being sold at auction if the sale is canceled.

SB 422—LS 6850/DI 106



January 31, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 422

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-6-12-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2014]: Sec. 2. The attorney general shall
3 establish a homeowner protection unit to enforce IC 24-9, **to operate**
4 **the tax sale blight registry**, and to carry out this chapter.
5 SECTION 2. IC 4-6-12-3, AS AMENDED BY P.L.231-2013,
6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2014]: Sec. 3. (a) ~~Beginning July 1, 2005~~, The unit shall do
8 the following:
9 (1) Investigate deceptive acts in connection with mortgage
10 lending.
11 (2) Investigate violations of IC 24-9.
12 (3) Institute appropriate administrative and civil actions to
13 redress:
14 (A) deceptive acts in connection with mortgage lending; and
15 (B) violations of IC 24-5-0.5 and IC 24-9.
16 (4) Cooperate with federal, state, and local law enforcement

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1 agencies in the investigation of the following:

2 (A) Deceptive acts in connection with mortgage lending.

3 (B) Criminal violations involving deceptive acts in connection
4 with mortgage lending.

5 (C) Violations of IC 24-5-0.5 and IC 24-9.

6 (D) Violations of:

7 (i) the federal Truth in Lending Act (15 U.S.C. 1601 et
8 seq.);

9 (ii) the Real Estate Settlement Procedures Act (12 U.S.C.
10 2601 et seq.); and

11 (iii) any other federal laws or regulations concerning
12 mortgage lending.

13 To the extent authorized by federal law, the unit may enforce
14 compliance with the federal statutes or regulations described
15 in this clause or refer suspected violations of the statutes or
16 regulations to the appropriate federal regulatory agencies.

17 (5) Enforce violations of IC 32-25.5-3 by homeowners
18 associations.

19 **(6) Beginning July 1, 2015, operate and maintain the tax sale
20 blight registry established by section 3.6 of this chapter.**

21 (b) The attorney general shall adopt rules under IC 4-22-2 to the
22 extent necessary to organize the unit.

23 SECTION 3. IC 4-6-12-3.6 IS ADDED TO THE INDIANA CODE
24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
25 1, 2014]: **Sec. 3.6. (a) Beginning July 1, 2015, the unit shall establish
26 a registry of persons described in IC 6-1.1-24-5.3 who are
27 prohibited from purchasing certain properties at a tax sale.**

28 **(b) The registry described in subsection (a) is named the tax sale
29 blight registry.**

30 **(c) The tax sale blight registry:**

31 **(1) shall be made available in an electronic format or over the
32 Internet to county officials responsible for conducting tax
33 sales to ensure that persons not permitted to participate in the
34 tax sale are excluded; and**

35 **(2) may be made available to the public in a form to be
36 determined by the attorney general; however, confidential
37 information, if any, must be excluded.**

38 **(d) Notwithstanding subsection (c)(2), information contained in
39 the tax sale blight registry that is not otherwise confidential is a
40 public record for purposes of IC 5-14-3.**

41 SECTION 4. IC 4-6-12-4, AS AMENDED BY P.L.1-2007,
42 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2014]: Sec. 4. (a) The following may cooperate with the unit
2 to implement this chapter:

- 3 (1) The Indiana professional licensing agency and the appropriate
4 licensing boards with respect to persons licensed under IC 25.
5 (2) The department of financial institutions.
6 (3) The department of insurance with respect to the sale of
7 insurance in connection with mortgage lending.
8 (4) The securities division of the office of the secretary of state.
9 (5) The supreme court disciplinary commission with respect to
10 attorney misconduct.
11 (6) The Indiana housing and community development authority.
12 (7) The department of state revenue.
13 (8) The state police department.
14 (9) A prosecuting attorney.
15 (10) Local law enforcement agencies.
16 (11) The lieutenant governor.
17 **(12) The county auditor.**
18 **(13) The county treasurer.**
19 **(14) The county recorder.**

20 (b) Notwithstanding IC 5-14-3, the entities listed in subsection (a)
21 may share information with the unit.

22 SECTION 5. IC 6-1.1-24-1, AS AMENDED BY P.L.203-2013,
23 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2014]: Sec. 1. (a) On or after January 1 of each calendar year
25 in which a tax sale will be held in a county and not later than fifty-one
26 (51) days after the first tax payment due date in that calendar year, the
27 county treasurer (or county executive, in the case of property described
28 in subdivision (2)) shall certify to the county auditor a list of real
29 property on which any of the following exist:

- 30 (1) In the case of real property other than real property described
31 in subdivision (2), any property taxes or special assessments
32 certified to the county auditor for collection by the county
33 treasurer from the prior year's spring installment or before are
34 delinquent as determined under IC 6-1.1-37-10 and the delinquent
35 property tax or special assessments due exceed twenty-five dollars
36 (\$25).
37 (2) In the case of real property for which a county executive has
38 certified to the county auditor that **a judgment has been**
39 **obtained under IC 32-30-10.6 that** the real property is:
40 (A) vacant; or
41 (B) abandoned;
42 any property taxes or special assessments from the prior year's fall



1 installment or before that are delinquent as determined under
 2 IC 6-1.1-37-10. The county executive must make a certification
 3 under this subdivision not later than sixty-one (61) days before
 4 the earliest date on which application for judgment and order for
 5 sale may be made. The executive of a city or town may provide to
 6 the county executive of the county in which the city or town is
 7 located a list of real property ~~that for which~~ the city or town has
 8 **determined to be obtained a judgment under IC 32-30-10.6**
 9 **that the real property is** vacant or abandoned. The county
 10 executive shall include real property included on the list provided
 11 by a city or town executive on the list certified by the county
 12 executive to the county auditor under this subsection. **The**
 13 **county, city, or town that lists a parcel of real property as**
 14 **vacant or abandoned is liable for any damages resulting from**
 15 **the real property being found not to be vacant or abandoned.**

16 (3) Any unpaid costs are due under section 2(b) of this chapter
 17 from a prior tax sale.

18 (b) The county auditor shall maintain a list of all real property
 19 eligible for sale. Except as provided in section 1.2 or another provision
 20 of this chapter, the taxpayer's property shall remain on the list. The list
 21 must:

22 (1) describe the real property by parcel number and common
 23 address, if any;

24 (2) for a tract or item of real property with a single owner,
 25 indicate the name of the owner; and

26 (3) for a tract or item with multiple owners, indicate the name of
 27 at least one (1) of the owners.

28 (c) Except as otherwise provided in this chapter, the real property
 29 so listed is eligible for sale in the manner prescribed in this chapter.

30 (d) Not later than fifteen (15) days after the date of the county
 31 treasurer's certification under subsection (a), the county auditor shall
 32 mail by certified mail a copy of the list described in subsection (b) to
 33 each mortgagee who requests from the county auditor by certified mail
 34 a copy of the list. Failure of the county auditor to mail the list under
 35 this subsection does not invalidate an otherwise valid sale.

36 SECTION 6. IC 6-1.1-24-1.5, AS AMENDED BY P.L.169-2006,
 37 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2014]: Sec. 1.5. (a) As used in this chapter and IC 6-1.1-25,
 39 "county executive" means the following:

40 (1) In a county not containing a consolidated city, the county
 41 executive or the county executive's designee.

42 (2) In a county containing a consolidated city, the executive of the



- 1 consolidated city.
- 2 (b) The county executive may, **after obtaining a judgment under**
- 3 **IC 32-30-10.6 that real property is vacant or abandoned**, designate
- 4 the real property on the list prepared under section 4.5(b) of this
- 5 chapter that is eligible for listing on the list prepared under subsection
- 6 (c).
- 7 (c) The county executive shall prepare a list of properties designated
- 8 under subsection (b) and certify the list to the county auditor no later
- 9 than sixty-one (61) days prior to the earliest date on which application
- 10 for judgment and order for sale may be made.
- 11 (d) Upon receiving the list described in subsection (c), the county
- 12 auditor shall:
- 13 (1) prepare a list of the properties certified by the commission;
- 14 and
- 15 (2) delete any property described in that list from the delinquent
- 16 tax list prepared under section 1 of this chapter.
- 17 SECTION 7. IC 6-1.1-24-2, AS AMENDED BY P.L.56-2012,
- 18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2014]: Sec. 2. (a) In addition to the delinquency list required
- 20 under section 1 of this chapter, each county auditor shall prepare a
- 21 notice. The notice shall contain the following:
- 22 (1) A list of tracts or real property eligible for sale under this
- 23 chapter, **with those tracts or real property that have been**
- 24 **certified as vacant or abandoned under section 1 of this**
- 25 **chapter clearly indicated.**
- 26 (2) A statement that the tracts or real property included in the list
- 27 will be sold at public auction to the highest bidder, subject to the
- 28 right of redemption, **and a statement that there is a one**
- 29 **hundred twenty (120) day pretax sale right of redemption and**
- 30 **there is no post-tax sale right of redemption for those tracts**
- 31 **or real property that have been certified as vacant or**
- 32 **abandoned under section 1 of this chapter.**
- 33 (3) A statement that the tracts or real property will not be sold for
- 34 an amount which is less than the sum of:
- 35 (A) the delinquent taxes and special assessments on each tract
- 36 or item of real property;
- 37 (B) the taxes and special assessments on each tract or item of
- 38 real property that are due and payable in the year of the sale,
- 39 whether or not they are delinquent;
- 40 (C) all penalties due on the delinquencies;
- 41 (D) an amount prescribed by the county auditor that equals the
- 42 sum of:



- 1 (i) the greater of twenty-five dollars (\$25) or postage and
 2 publication costs; and
 3 (ii) any other actual costs, **including the cost of conducting**
 4 **a title search**, incurred by the county that are directly
 5 attributable to the tax sale; and
 6 (E) any unpaid costs due under subsection (b) from a prior tax
 7 sale.
- 8 (4) A statement that a person redeeming each tract or item of real
 9 property after the sale must pay:
- 10 (A) one hundred ten percent (110%) of the amount of the
 11 minimum bid for which the tract or item of real property was
 12 offered at the time of sale if the tract or item of real property
 13 is redeemed not more than six (6) months after the date of
 14 sale;
- 15 (B) one hundred fifteen percent (115%) of the amount of the
 16 minimum bid for which the tract or item of real property was
 17 offered at the time of sale if the tract or item of real property
 18 is redeemed more than six (6) months after the date of sale;
- 19 (C) the amount by which the purchase price exceeds the
 20 minimum bid on the tract or item of real property plus ~~ten~~ **five**
 21 **percent** (~~10%~~) (**5%**) per annum on the amount by which the
 22 purchase price exceeds the minimum bid; and
- 23 (D) all taxes and special assessments on the tract or item of
 24 real property paid by the purchaser after the tax sale plus
 25 interest at the rate of ten percent (10%) per annum on the
 26 amount of taxes and special assessments paid by the purchaser
 27 on the redeemed property.
- 28 (5) A statement for informational purposes only, of the location
 29 of each tract or item of real property by key number, if any, and
 30 street address, if any, or a common description of the property
 31 other than a legal description. The township assessor, or the
 32 county assessor if there is no township assessor for the township,
 33 upon written request from the county auditor, shall provide the
 34 information to be in the notice required by this subsection. A
 35 misstatement in the key number or street address does not
 36 invalidate an otherwise valid sale.
- 37 (6) A statement that the county does not warrant the accuracy of
 38 the street address or common description of the property.
- 39 (7) A statement indicating:
- 40 (A) the name of the owner of each tract or item of real
 41 property with a single owner; or
 42 (B) the name of at least one (1) of the owners of each tract or



- 1 item of real property with multiple owners.
2 (8) A statement of the procedure to be followed for obtaining or
3 objecting to a judgment and order of sale, that must include the
4 following:
5 (A) A statement:
6 (i) that the county auditor and county treasurer will apply on
7 or after a date designated in the notice for a court judgment
8 against the tracts or real property for an amount that is not
9 less than the amount set under subdivision (3), and for an
10 order to sell the tracts or real property at public auction to
11 the highest bidder, subject to the right of redemption; and
12 (ii) indicating the date when the period of redemption
13 specified in IC 6-1.1-25-4 will expire, **if applicable**.
14 (B) A statement that any defense to the application for
15 judgment must be:
16 (i) filed with the court; and
17 (ii) served on the county auditor and the county treasurer;
18 before the date designated as the earliest date on which the
19 application for judgment may be filed.
20 (C) A statement that the county auditor and the county
21 treasurer are entitled to receive all pleadings, motions,
22 petitions, and other filings related to the defense to the
23 application for judgment.
24 (D) A statement that the court will set a date for a hearing at
25 least seven (7) days before the advertised date and that the
26 court will determine any defenses to the application for
27 judgment at the hearing.
28 (9) A statement that the sale will be conducted at a place
29 designated in the notice and that the sale will continue until all
30 tracts and real property have been offered for sale.
31 (10) A statement that the sale will take place at the times and
32 dates designated in the notice. Whenever the public auction is to
33 be conducted as an electronic sale, the notice must include a
34 statement indicating that the public auction will be conducted as
35 an electronic sale and a description of the procedures that must be
36 followed to participate in the electronic sale.
37 (11) A statement that a person redeeming each tract or item after
38 the sale must pay the costs described in IC 6-1.1-25-2(e).
39 (12) If a county auditor and county treasurer have entered into an
40 agreement under IC 6-1.1-25-4.7, a statement that the county
41 auditor will perform the duties of the notification and title search
42 under IC 6-1.1-25-4.5 and the notification and petition to the



1 court for the tax deed under IC 6-1.1-25-4.6.

2 (13) A statement that, if the tract or item of real property is sold
3 for an amount more than the minimum bid and the property is not
4 redeemed, the owner of record of the tract or item of real property
5 who is divested of ownership at the time the tax deed is issued
6 may have a right to the tax sale surplus.

7 (14) If a determination has been made under subsection (d), a
8 statement that tracts or items will be sold together.

9 (15) With respect to a tract or an item of real property that is
10 subject to sale under this chapter after June 30, 2012, and before
11 July 1, 2013, a statement declaring whether an ordinance adopted
12 under IC 6-1.1-37-10.1 is in effect in the county and, if
13 applicable, an explanation of the circumstances in which penalties
14 on the delinquent taxes and special assessments will be waived.

15 (b) If within sixty (60) days before the date of the tax sale the county
16 incurs costs set under subsection (a)(3)(D) and those costs are not paid,
17 the county auditor shall enter the amount of costs that remain unpaid
18 upon the tax duplicate of the property for which the costs were set. The
19 county treasurer shall mail notice of unpaid costs entered upon a tax
20 duplicate under this subsection to the owner of the property identified
21 in the tax duplicate.

22 (c) The amount of unpaid costs entered upon a tax duplicate under
23 subsection (b) must be paid no later than the date upon which the next
24 installment of real estate taxes for the property is due. Unpaid costs
25 entered upon a tax duplicate under subsection (b) are a lien against the
26 property described in the tax duplicate, and amounts remaining unpaid
27 on the date the next installment of real estate taxes is due may be
28 collected in the same manner that delinquent property taxes are
29 collected.

30 (d) The county auditor and county treasurer may establish the
31 condition that a tract or item will be sold and may be redeemed under
32 this chapter only if the tract or item is sold or redeemed together with
33 one (1) or more other tracts or items. Property may be sold together
34 only if the tract or item is owned by the same person.

35 SECTION 8. IC 6-1.1-24-2.2, AS AMENDED BY P.L.169-2006,
36 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2014]: Sec. 2.2. Whenever a notice required under section 2
38 of this chapter includes real property on the list prepared under section
39 1(a)(2) or 1.5(d) of this chapter, the notice must also contain a
40 statement that:

41 (1) the property is on the alternate list prepared under section
42 1(a)(2) or 1.5(d) of this chapter;



- 1 (2) if the property is on the list prepared under section 1(a)(2)
 2 of this chapter, there is a one hundred twenty (120) day pretax
 3 sale redemption period and there is no post-tax sale
 4 redemption period and the county auditor shall execute and
 5 deliver a deed for the property to a person who places a bid
 6 for at least the amount required under section 5 of this
 7 chapter;
 8 (3) if the property is on the list prepared under section 1.5(d) of
 9 this chapter and is not redeemed within one hundred twenty
 10 (120) days after the date of sale, the county auditor shall execute
 11 and deliver a deed for the property to the purchaser or purchaser's
 12 assignee; and
 13 (4) if the property is offered for sale and a bid is not received
 14 for at least the amount required under section 5 of this chapter,
 15 the county auditor may execute and deliver a deed for the property
 16 to the county executive, subject to IC 6-1.1-25.

17 SECTION 9. IC 6-1.1-24-2.3 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2014]: **Sec. 2.3. (a) This section applies to a**
 20 **property that has been certified as vacant or abandoned under**
 21 **section 1(a)(2) of this chapter.**

22 (b) A notice shall be sent to the owner of record at the time of
 23 the sale and to any person with a substantial property interest at
 24 least one hundred twenty (120) days before the date of the sale
 25 under this chapter. The notice shall contain at least the following:

- 26 (1) A statement that a tax sale will be held on or after a
 27 specified date.
 28 (2) A description of the tract or real property to be sold.
 29 (3) A statement that any person may redeem the tract or real
 30 property at or before the tax sale.
 31 (4) The components of the amount required to redeem the
 32 tract or real property.
 33 (5) A statement that if the property is not redeemed, a tax
 34 deed may be issued to the purchaser.
 35 (6) The street address, if any, or a common description of the
 36 tract or real property.
 37 (7) The key number or parcel number of the tract or real
 38 property.

39 (c) A notice under this section must include not more than one
 40 (1) tract or item of real property listed to be sold in one (1)
 41 description. However, when more than one (1) tract or item of real
 42 property is owned by one (1) person, all of the tracts of real



1 property that are owned by that person may be included in one (1)
2 notice.

3 (d) A single notice under this section may be used to notify joint
4 owners of record at the last address of the joint owners for the
5 property sold, as indicated in the records of the county auditor.

6 (e) The notice required by this section is considered sufficient if
7 the notice is mailed to the last address of the owner for the
8 property, as indicated in the records of the county auditor, and any
9 person with a substantial property interest of public record at the
10 address for the person included in the public record that indicates
11 the interest.

12 (f) The notice under this section is not required for persons in
13 possession not shown in the public records.

14 SECTION 10. IC 6-1.1-24-5.4 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2014]: **Sec. 5.4. (a) This section applies to the**
17 **following:**

18 (1) A foreign business association that:

19 (A) has not obtained a certificate of authority from, or
20 registered with, the secretary of state in accordance with
21 the procedures described in IC 23, as applicable; or

22 (B) has obtained a certificate of authority from, or
23 registered with, the secretary of state in accordance with
24 the procedures described in IC 23, as applicable, but is not
25 in good standing in Indiana as determined by the secretary
26 of state.

27 (2) A person who is an agent of a person described in this
28 subsection.

29 (b) As used in this section, "foreign business association" means
30 a corporation, professional corporation, nonprofit corporation,
31 limited liability company, partnership, or limited partnership that
32 is organized under the laws of another state or another country.

33 (c) A person subject to this section may not purchase a tract
34 offered for sale under section 5 or 6.1 of this chapter. However, this
35 section does not prohibit a person from bidding on a tract that is
36 owned by the person and offered for sale under section 5 of this
37 chapter.

38 (d) If a person purchases a tract that the person was not eligible
39 to purchase under this section, the sale of the property is subject to
40 forfeiture. If the county treasurer determines or is notified not
41 more than six (6) months after the date of the sale that the sale of
42 the property should be forfeited under this section, the county



- 1 **treasurer shall:**
- 2 **(1) notify the person in writing that the sale is subject to**
- 3 **forfeiture within thirty (30) days of the notice if:**
- 4 **(A) the person does not obtain a certificate of authority, or**
- 5 **register with, the secretary of state in accordance with the**
- 6 **procedures described in IC 23, as applicable; or**
- 7 **(B) the person does not otherwise cure the noncompliance**
- 8 **that is the basis of the person's failure to be in good**
- 9 **standing in Indiana as determined by the secretary of**
- 10 **state;**
- 11 **(2) if the person does not meet the conditions described in**
- 12 **subdivision (1) within thirty (30) days after the notice, refund**
- 13 **the surplus amount of the person's bid to the person; and**
- 14 **(3) notify the county auditor that the sale has been forfeited.**
- 15 **Upon being notified that a sale has been forfeited, the county**
- 16 **auditor shall issue a certificate to the county executive under**
- 17 **section 6 of this chapter.**
- 18 **(e) A county treasurer may decline to forfeit a sale under this**
- 19 **section because of inadvertence or mistake, lack of actual**
- 20 **knowledge by the bidder, substantial harm to other parties with**
- 21 **interests in the tract or item of real property, or other substantial**
- 22 **reasons. If the treasurer declines to forfeit a sale, the treasurer**
- 23 **shall:**
- 24 **(1) prepare a written statement explaining the reasons for**
- 25 **declining to forfeit the sale; and**
- 26 **(2) retain the written statement as an official record.**
- 27 **(f) If a sale is forfeited under this section and the tract or item**
- 28 **of real property is redeemed from the sale, the county auditor shall**
- 29 **deposit the amount of the redemption into the county general fund**
- 30 **and notify the county executive of the redemption. Upon being**
- 31 **notified of the redemption, the county executive shall surrender the**
- 32 **certificate to the county auditor.**
- 33 **SECTION 11. IC 6-1.1-24-6.3, AS AMENDED BY P.L.56-2012,**
- 34 **SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
- 35 **JULY 1, 2014]: Sec. 6.3. (a) The sale of certificates of sale **or****
- 36 ****property** under this chapter must be held at the time and place stated**
- 37 **in the notice of sale.**
- 38 **(b) A certificate of sale **or parcel of real property** may not be sold**
- 39 **under this chapter if the following are paid before the time of sale:**
- 40 **(1) All the delinquent taxes, penalties, and special assessments on**
- 41 **the tract or an item of real property.**
- 42 **(2) The amount prescribed by section 2(a)(3)(D) of this chapter,**



1 reflecting the costs incurred by the county due to the sale.

2 (c) The county executive shall sell the certificate of sale **or parcel**
 3 **of property**, subject to the right of redemption, **if applicable**, to the
 4 highest bidder at public auction. The public auction may be conducted
 5 as an electronic sale in conformity with section 5(k) of this chapter.

6 (d) The county auditor shall serve as the clerk of the sale.

7 SECTION 12. IC 6-1.1-24-6.4, AS AMENDED BY P.L.56-2012,
 8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2014]: Sec. 6.4. (a) When a certificate of sale **or parcel of**
 10 **property** is sold under this chapter, the purchaser at the sale shall
 11 immediately pay the amount of the bid to the county treasurer. The
 12 county treasurer shall apply the payment in the following manner:

13 (1) First, to the taxes, special assessments, penalties, and costs
 14 described in section 5(f) of this chapter.

15 (2) Second, to other delinquent property taxes in the manner
 16 provided in IC 6-1.1-23-5(b).

17 (3) Third, to a separate "tax sale surplus fund".

18 (b) The:

19 (1) owner of record of the real property at the time the tax deed is
 20 issued who is divested of ownership by the issuance of a tax deed;
 21 or

22 (2) purchaser of the certificate or the purchaser's assignee, upon
 23 redemption of the tract or item of real property;

24 may file a verified claim for money that is deposited in the tax sale
 25 surplus fund. If the claim is approved by the county auditor and the
 26 county treasurer, the county auditor shall issue a warrant to the
 27 claimant for the amount due.

28 (c) An amount deposited in the tax sale surplus fund shall be
 29 transferred by the county auditor to the county general fund and may
 30 not be disbursed under subsection (b) if it is claimed more than three
 31 (3) years after the date of its receipt.

32 (d) Upon the assignment of the certificate of sale **or deed** to the
 33 purchaser, the county auditor shall indicate on the certificate **or deed**
 34 the amount for which the certificate of sale **or parcel of property** was
 35 sold.

36 SECTION 13. IC 6-1.1-24-9, AS AMENDED BY P.L.73-2010,
 37 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2014]: Sec. 9. (a) **This section does not apply to a person**
 39 **who purchases real property certified as vacant or abandoned**
 40 **under section 1(a)(2) of this chapter.**

41 (b) Immediately after a tax sale purchaser pays the bid, as evidenced
 42 by the receipt of the county treasurer, or immediately after the county



1 acquires a lien under section 6 of this chapter, the county auditor shall
 2 deliver a certificate of sale to the purchaser or to the county or to the
 3 city. The certificate shall be signed by the auditor and registered in the
 4 auditor's office. The certificate shall contain:

5 (1) a description of real property that corresponds to the
 6 description used on the notice of sale;

7 (2) the name of:

8 (A) the owner of record at the time of the sale of real property
 9 with a single owner; or

10 (B) at least one (1) of the owners of real property with multiple
 11 owners;

12 (3) the mailing address of the owner of the real property sold as
 13 indicated in the records of the county auditor;

14 (4) the name of the purchaser;

15 (5) the date of sale;

16 (6) the amount for which the real property was sold;

17 (7) the amount of the minimum bid for which the tract or real
 18 property was offered at the time of sale as required by section 5
 19 of this chapter;

20 (8) the date when the period of redemption specified in
 21 IC 6-1.1-25-4 will expire;

22 (9) the court cause number under which judgment was obtained;
 23 and

24 (10) the street address, if any, or common description of the real
 25 property.

26 ~~(b)~~ (c) When a certificate of sale is issued under this section, the
 27 purchaser acquires a lien against the real property for the entire amount
 28 paid. The lien of the purchaser is superior to all liens against the real
 29 property which exist at the time the certificate is issued.

30 ~~(c)~~ (d) A certificate of sale is assignable. However, an assignment
 31 is not valid unless it is endorsed on the certificate of sale,
 32 acknowledged before an officer authorized to take acknowledgments
 33 of deeds, and registered in the office of the county auditor. When a
 34 certificate of sale is assigned, the assignee acquires the same rights and
 35 obligations that the original purchaser acquired.

36 ~~(d)~~ (e) Subject to IC 36-1-11-8, the county executive may assign a
 37 certificate of sale held in the name of the county executive to any
 38 political subdivision during the life of the certificate. If an assignment
 39 is made under this subsection, the period of redemption of the real
 40 property under IC 6-1.1-25 is one hundred twenty (120) days after the
 41 date of the assignment.

42 SECTION 14. IC 6-1.1-24-16 IS ADDED TO THE INDIANA

SB 422—LS 6850/DI 106



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2014]: **Sec. 16. (a) The county fiscal body**
 3 **may adopt an ordinance requiring every person who wishes to**
 4 **participate in a tax sale as a bidder to pay a paddle fee.**

5 **(b) A paddle fee adopted under subsection (a) may not exceed:**

6 **(1) twenty-five dollars (\$25) for a person who:**

7 **(A) attends no more than one (1) tax sale in the county in**
 8 **any calendar year; and**

9 **(B) purchases no more than one (1) property or tax sale**
 10 **certificate; or**

11 **(2) one hundred dollars (\$100).**

12 **(c) A person may be required to pay the twenty-five dollar (\$25)**
 13 **paddle fee even if the person does not purchase a property or tax**
 14 **sale certificate.**

15 **(d) A person who purchases a one hundred dollar (\$100) paddle**
 16 **fee is permitted to participate as a bidder in as many tax sales as**
 17 **are offered in the county in the calendar year, and may purchase**
 18 **more than one (1) property or tax sale certificate.**

19 **(e) The treasurer shall deposit the paddle fee in the county**
 20 **general fund not later than thirty (30) days after the conclusion of**
 21 **the tax sale. The proceeds of the paddle fee may be used only to:**

22 **(1) defray the expenses of the tax sale; or**

23 **(2) reduce the number of vacant and abandoned houses,**
 24 **including rehabilitation, demolition, and foreclosure**
 25 **prevention and counseling.**

26 SECTION 15. IC 6-1.1-25-2, AS AMENDED BY P.L.56-2012,
 27 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2014]: **Sec. 2. (a) The total amount of money required for the**
 29 **redemption of real property equals:**

30 **(1) the sum of the amounts prescribed in subsections (b) through**
 31 **(f); or**

32 **(2) the amount prescribed in subsection (g);**

33 **reduced by any amounts held in the name of the taxpayer or the**
 34 **purchaser in the tax sale surplus fund.**

35 **(b) Except as provided in subsection (g), the total amount required**
 36 **for redemption includes:**

37 **(1) one hundred ten percent (110%) of the minimum bid for**
 38 **which the tract or item of real property was offered at the time of**
 39 **sale, as required by IC 6-1.1-24-5, if:**

40 **(A) the sale was conducted before July 1, 2014; and**

41 **(B) the tract or item of real property is redeemed not more than**
 42 **six (6) months after the date of sale; or**



1 (2) one hundred fifteen percent (115%) of the minimum bid for
 2 which the tract or **item of** real property was offered at the time of
 3 sale, as required by IC 6-1.1-24-5, if:

4 **(A) the sale was conducted before July 1, 2014; and**

5 **(B) the tract or item of real property is redeemed more than six**
 6 **(6) months but not more than one (1) year after the date of**
 7 **sale.**

8 **(3) one hundred ten percent (110%) of the minimum bid for**
 9 **which the tract or item of real property was offered at the**
 10 **time of sale, as required by IC 6-1.1-24-5, if the sale was**
 11 **conducted after June 30, 2014.**

12 (c) Except as provided in subsection (g), in addition to the amount
 13 required under subsection (b), the total amount required for redemption
 14 includes the amount by which the purchase price exceeds the minimum
 15 bid on the real property plus ~~ten~~ **five percent (10%) (5%)** per annum
 16 on the amount by which the purchase price exceeds the minimum bid
 17 on the property.

18 (d) Except as provided in subsection (g), in addition to the amount
 19 required under subsections (b) and (c), the total amount required for
 20 redemption includes all taxes and special assessments upon the
 21 property paid by the purchaser after the sale plus ten percent (10%)
 22 interest per annum on those taxes and special assessments.

23 (e) Except as provided in subsection (g), in addition to the amounts
 24 required under subsections (b), (c), and (d), the total amount required
 25 for redemption includes the following costs, if certified before
 26 redemption and not earlier than thirty (30) days after the date of sale of
 27 the property being redeemed by the payor to the county auditor on a
 28 form prescribed by the state board of accounts, that were incurred and
 29 paid by the purchaser, the purchaser's assignee, or the county, before
 30 redemption:

31 (1) The attorney's fees and costs of giving notice under section 4.5
 32 of this chapter.

33 (2) The costs of a title search or of examining and updating the
 34 abstract of title for the tract or item of real property.

35 (f) The total amount required for redemption includes, in addition
 36 to the amounts required under subsections (b) and (e), all taxes, special
 37 assessments, interest, penalties, and fees on the property that accrued
 38 after the sale.

39 (g) With respect to a tract or item of real property redeemed under
 40 section 4(c) of this chapter, instead of the amounts stated in subsections
 41 (b) through (f), the total amount required for redemption is the amount
 42 determined under IC 6-1.1-24-6.1(b)(4).



1 SECTION 16. IC 6-1.1-25-4, AS AMENDED BY P.L.118-2013,
 2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2014]: Sec. 4. (a) The period for redemption of real property
 4 sold under IC 6-1.1-24 is:

- 5 (1) one (1) year after the date of sale;
 6 (2) one hundred twenty (120) days after the date of sale to a
 7 purchasing agency qualified under IC 36-7-17 or IC 36-7-17.1; ~~or~~
 8 (3) one hundred twenty (120) days after the date of sale of real
 9 property on the list prepared under IC 6-1.1-24-1(a)(2) or
 10 IC 6-1.1-24-1.5, **if the sale occurs before July 1, 2014; or**
 11 **(4) one hundred twenty (120) days after the date of sale of real**
 12 **property on the list prepared under IC 6-1.1-24-1.5 and not on**
 13 **the list prepared under IC 6-1.1-24-1(a)(2), if the sale occurs**
 14 **after June 30, 2014.**
 15 **(5) After June 30, 2014, there is a one hundred twenty (120)**
 16 **day pretax sale redemption period and the notice required by**
 17 **section 2.3 of this chapter and there is no post-tax sale**
 18 **redemption period for real property certified as vacant or**
 19 **abandoned under IC 6-1.1-24-1(a)(2).**

20 (b) Subject to subsection (l) and IC 6-1.1-24-9(d), the period for
 21 redemption of real property:

- 22 (1) on which the county executive acquires a lien under
 23 IC 6-1.1-24-6; and
 24 (2) for which the certificate of sale is not sold under
 25 IC 6-1.1-24-6.1;

26 is one hundred twenty (120) days after the date the county executive
 27 acquires the lien under IC 6-1.1-24-6.

28 (c) The period for redemption of real property:

- 29 (1) on which the county executive acquires a lien under
 30 IC 6-1.1-24-6; and
 31 (2) for which the certificate of sale is sold under IC 6-1.1-24;

32 is one hundred twenty (120) days after the date of sale of the certificate
 33 of sale under IC 6-1.1-24.

34 (d) When a deed for real property is executed under this chapter, the
 35 county auditor shall cancel the certificate of sale, **if applicable**, and file
 36 the canceled certificate in the office of the county auditor. If real
 37 property that appears on the list prepared under IC 6-1.1-24-1.5 is
 38 offered for sale and an amount that is at least equal to the minimum
 39 sale price required under IC 6-1.1-24-5 is not received, the county
 40 auditor shall issue a deed to the real property, subject to this chapter.
 41 **If real property that is certified as vacant or abandoned under**
 42 **IC 6-1.1-24-1(a)(2) is offered for sale and an amount that is at least**



1 **equal to the minimum sale price required under IC 6-1.1-24-5 is**
 2 **received, the county auditor shall issue a deed to the real property,**
 3 **subject to this chapter.**

4 (e) When a deed is issued to a county executive under this chapter,
 5 the taxes and special assessments for which the real property was
 6 offered for sale, and all subsequent taxes, special assessments, interest,
 7 penalties, and cost of sale shall be removed from the tax duplicate in
 8 the same manner that taxes are removed by certificate of error.

9 (f) A tax deed executed under this chapter vests in the grantee an
 10 estate in fee simple absolute, free and clear of all liens and
 11 encumbrances created or suffered before or after the tax sale except
 12 those liens granted priority under federal law and the lien of the state
 13 or a political subdivision for taxes and special assessments which
 14 accrue subsequent to the sale and which are not removed under
 15 subsection (e). However, subject to subsection (g), the estate is subject
 16 to:

17 (1) all easements, covenants, declarations, and other deed
 18 restrictions shown by public records;

19 (2) laws, ordinances, and regulations concerning governmental
 20 police powers, including zoning, building, land use,
 21 improvements on the land, land division, and environmental
 22 protection; and

23 (3) liens and encumbrances created or suffered by the grantee.

24 (g) A tax deed executed under this chapter for real property sold in
 25 a tax sale:

26 (1) does not operate to extinguish an easement recorded before
 27 the date of the tax sale in the office of the recorder of the county
 28 in which the real property is located, regardless of whether the
 29 easement was taxed under this article separately from the real
 30 property; and

31 (2) conveys title subject to all easements recorded before the date
 32 of the tax sale in the office of the recorder of the county in which
 33 the real property is located.

34 (h) A tax deed executed under this chapter is prima facie evidence
 35 of:

36 (1) the regularity of the sale of the real property described in the
 37 deed;

38 (2) the regularity of all proper proceedings; and

39 (3) valid title in fee simple in the grantee of the deed.

40 (i) A county auditor is not required to execute a deed to the county
 41 executive under this chapter if the county executive determines that the
 42 property involved contains hazardous waste or another environmental



1 hazard for which the cost of abatement or alleviation will exceed the
 2 fair market value of the property. The county executive may enter the
 3 property to conduct environmental investigations.

4 (j) If the county executive makes the determination under subsection
 5 (i) as to any interest in an oil or gas lease or separate mineral rights, the
 6 county treasurer shall certify all delinquent taxes, interest, penalties,
 7 and costs assessed under IC 6-1.1-24 to the clerk, following the
 8 procedures in IC 6-1.1-23-9. After the date of the county treasurer's
 9 certification, the certified amount is subject to collection as delinquent
 10 personal property taxes under IC 6-1.1-23. Notwithstanding
 11 IC 6-1.1-4-12.4 and IC 6-1.1-4-12.6, the assessed value of such an
 12 interest shall be zero (0) until production commences.

13 (k) When a deed is issued to a purchaser of a certificate of sale sold
 14 under IC 6-1.1-24-6.1, the county auditor shall, in the same manner that
 15 taxes are removed by certificate of error, remove from the tax duplicate
 16 the taxes, special assessments, interest, penalties, and costs remaining
 17 due as the difference between the amount of the last minimum bid
 18 under IC 6-1.1-24-5 and the amount paid for the certificate of sale.

19 (l) If a tract or item of real property did not sell at a tax sale and the
 20 county treasurer and the owner of real property agree before the
 21 expiration of the period for redemption under subsection (b) to a
 22 mutually satisfactory arrangement for the payment of the entire amount
 23 required for redemption under section 2 of this chapter before the
 24 expiration of a period for redemption extended under this subsection:

25 (1) the county treasurer may extend the period for redemption;
 26 and

27 (2) except as provided in subsection (m), the extended period for
 28 redemption expires one (1) year after the date of the agreement.

29 (m) If the owner of real property fails to meet the terms of an
 30 agreement entered into with the county treasurer under subsection (l),
 31 the county treasurer may terminate the agreement after providing thirty
 32 (30) days written notice to the owner. If the county treasurer gives
 33 notice under this subsection, the extended period for redemption
 34 established under subsection (l) expires thirty (30) days after the date
 35 of the notice.

36 SECTION 17. IC 6-1.1-25-4.5, AS AMENDED BY P.L.169-2006,
 37 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2014]: Sec. 4.5. (a) Except as provided in ~~subsection~~
 39 **subsections (d) and (k)**, a purchaser or the purchaser's assignee is
 40 entitled to a tax deed to the property that was sold only if:

41 (1) the redemption period specified in section 4(a)(1) of this
 42 chapter has expired;



- 1 (2) the property has not been redeemed within the period of
 2 redemption specified in section 4(a) of this chapter; and
 3 (3) not later than ~~nine (9)~~ **six (6)** months after the date of the sale:
 4 (A) the purchaser or the purchaser's assignee; or
 5 (B) in a county where the county auditor and county treasurer
 6 have an agreement under section 4.7 of this chapter, the
 7 county auditor;
 8 gives notice of the sale to the owner of record at the time of the
 9 sale and any person with a substantial property interest of public
 10 record in the tract or real property.
- 11 (b) A county executive is entitled to a tax deed to property on which
 12 the county executive acquires a lien under IC 6-1.1-24-6 and for which
 13 the certificate of sale is not sold under IC 6-1.1-24-6.1 only if:
 14 (1) the redemption period specified in section 4(b) of this chapter
 15 has expired;
 16 (2) the property has not been redeemed within the period of
 17 redemption specified in section 4(b) of this chapter; and
 18 (3) not later than ninety (90) days after the date the county
 19 executive acquires the lien under IC 6-1.1-24-6, the county
 20 auditor gives notice of the sale to:
 21 (A) the owner of record at the time the lien was acquired; and
 22 (B) any person with a substantial property interest of public
 23 record in the tract or real property.
- 24 (c) A purchaser of a certificate of sale under IC 6-1.1-24-6.1 is
 25 entitled to a tax deed to the property for which the certificate was sold
 26 only if:
 27 (1) the redemption period specified in section 4(c) of this chapter
 28 has expired;
 29 (2) the property has not been redeemed within the period of
 30 redemption specified in section 4(c) of this chapter; and
 31 (3) not later than ninety (90) days after the date of sale of the
 32 certificate of sale under IC 6-1.1-24, the purchaser gives notice of
 33 the sale to:
 34 (A) the owner of record at the time of the sale; and
 35 (B) any person with a substantial property interest of public
 36 record in the tract or real property.
- 37 (d) The person required to give the notice under subsection (a), (b),
 38 or (c) shall give the notice by sending a copy of the notice by certified
 39 mail to:
 40 (1) the owner of record at the time of the:
 41 (A) sale of the property;
 42 (B) acquisition of the lien on the property under IC 6-1.1-24-6;



- 1 or
 2 (C) sale of the certificate of sale on the property under
 3 IC 6-1.1-24;
 4 at the last address of the owner for the property, as indicated in
 5 the records of the county auditor; and
 6 (2) any person with a substantial property interest of public record
 7 at the address for the person included in the public record that
 8 indicates the interest.
- 9 However, if the address of the person with a substantial property
 10 interest of public record is not indicated in the public record that
 11 created the interest and cannot be located by ordinary means by the
 12 person required to give the notice under subsection (a), (b), or (c), the
 13 person may give notice by publication in accordance with IC 5-3-1-4
 14 once each week for three (3) consecutive weeks.
- 15 (e) The notice that this section requires shall contain at least the
 16 following:
- 17 (1) A statement that a petition for a tax deed will be filed on or
 18 after a specified date.
 - 19 (2) The date on or after which the petitioner intends to petition for
 20 a tax deed to be issued.
 - 21 (3) A description of the tract or real property shown on the
 22 certificate of sale.
 - 23 (4) The date the tract or real property was sold at a tax sale.
 - 24 (5) The name of the:
 - 25 (A) purchaser or purchaser's assignee;
 - 26 (B) county executive that acquired the lien on the property
 27 under IC 6-1.1-24-6; or
 - 28 (C) person that purchased the certificate of sale on the
 29 property under IC 6-1.1-24.
 - 30 (6) A statement that any person may redeem the tract or real
 31 property.
 - 32 (7) The components of the amount required to redeem the tract or
 33 real property.
 - 34 (8) A statement that an entity identified in subdivision (5) is
 35 entitled to reimbursement for additional taxes or special
 36 assessments on the tract or real property that were paid by the
 37 entity subsequent to the tax sale, lien acquisition, or purchase of
 38 the certificate of sale, and before redemption, plus interest.
 - 39 (9) A statement that the tract or real property has not been
 40 redeemed.
 - 41 (10) A statement that an entity identified in subdivision (5) is
 42 entitled to receive a deed for the tract or real property if it is not



- 1 redeemed before the expiration of the period of redemption
 2 specified in section 4 of this chapter.
- 3 (11) A statement that an entity identified in subdivision (5) is
 4 entitled to reimbursement for costs described in section 2(e) of
 5 this chapter.
- 6 (12) The date of expiration of the period of redemption specified
 7 in section 4 of this chapter.
- 8 (13) A statement that if the property is not redeemed, the owner
 9 of record at the time the tax deed is issued may have a right to the
 10 tax sale surplus, if any.
- 11 (14) The street address, if any, or a common description of the
 12 tract or real property.
- 13 (15) The key number or parcel number of the tract or real
 14 property.
- 15 (f) The notice under this section must include not more than one (1)
 16 tract or item of real property listed and sold in one (1) description.
 17 However, when more than one (1) tract or item of real property is
 18 owned by one (1) person, all of the tracts or real property that are
 19 owned by that person may be included in one (1) notice.
- 20 (g) A single notice under this section may be used to notify joint
 21 owners of record at the last address of the joint owners for the property
 22 sold, as indicated in the records of the county auditor.
- 23 (h) The notice required by this section is considered sufficient if the
 24 notice is mailed to the address required under subsection (d).
- 25 (i) The notice under this section and the notice under section 4.6 of
 26 this chapter are not required for persons in possession not shown in the
 27 public records.
- 28 (j) If the purchaser fails to:
 29 (1) comply with subsection (c)(3); or
 30 (2) petition for the issuance of a tax deed within the time
 31 permitted under section 4.6(a) of this chapter;
 32 the certificate of sale reverts to the county executive and may be
 33 retained by the county executive or sold under IC 6-1.1-24-6.1.
- 34 **(k) A person is entitled to a tax deed to a property certified as**
 35 **vacant or abandoned under IC 6-1.1-24-1(a)(2) if the person is the**
 36 **highest bidder whose bid is at least the minimum bid specified in**
 37 **IC 6-1.1-24-5.**
- 38 SECTION 18. IC 6-1.1-25-4.6, AS AMENDED BY P.L.118-2013,
 39 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2014]: Sec. 4.6. (a) After the expiration of the redemption
 41 period specified in section 4 of this chapter but not later than ~~six (6)~~
 42 **three (3)** months after the expiration of the period of redemption:



1 (1) the purchaser, the purchaser's assignee, the county executive,
 2 or the purchaser of the certificate of sale under IC 6-1.1-24 may;
 3 or

4 (2) in a county where the county auditor and county treasurer
 5 have an agreement under section 4.7 of this chapter, the county
 6 auditor shall, upon the request of the purchaser or the purchaser's
 7 assignee;

8 file a verified petition in the same court and under the same cause
 9 number in which the judgment of sale was entered asking the court to
 10 direct the county auditor to issue a tax deed if the real property is not
 11 redeemed from the sale. Notice of the filing of this petition shall be
 12 given to the same parties and in the same manner as provided in section
 13 4.5 of this chapter, except that, if notice is given by publication, only
 14 one (1) publication is required. The notice required by this section is
 15 considered sufficient if the notice is sent to the address required by
 16 section 4.5(d) of this chapter. Any person owning or having an interest
 17 in the tract or real property may file a written objection to the petition
 18 with the court not later than thirty (30) days after the date the petition
 19 was filed. If a written objection is timely filed, the court shall conduct
 20 a hearing on the objection.

21 (b) Not later than sixty-one (61) days after the petition is filed under
 22 subsection (a), the court shall enter an order directing the county
 23 auditor (on the production of the certificate of sale and a copy of the
 24 order) to issue to the petitioner a tax deed if the court finds that the
 25 following conditions exist:

26 (1) The time of redemption has expired.

27 (2) The tract or real property has not been redeemed from the sale
 28 before the expiration of the period of redemption specified in
 29 section 4 of this chapter.

30 (3) Except with respect to a petition for the issuance of a tax deed
 31 under a sale of the certificate of sale on the property under
 32 IC 6-1.1-24-6.1 or IC 6-1.1-24-6.8, all taxes and special
 33 assessments, penalties, and costs have been paid.

34 (4) The notices required by this section and section 4.5 of this
 35 chapter have been given.

36 (5) The petitioner has complied with all the provisions of law
 37 entitling the petitioner to a deed.

38 The county auditor shall execute deeds issued under this subsection in
 39 the name of the state under the county auditor's name. If a certificate of
 40 sale is lost before the execution of a deed, the county auditor shall issue
 41 a replacement certificate if the county auditor is satisfied that the
 42 original certificate existed.



1 (c) Upon application by the grantee of a valid tax deed in the same
 2 court and under the same cause number in which the judgment of sale
 3 was entered, the court shall enter an order to place the grantee of a
 4 valid tax deed in possession of the real estate. The court may enter any
 5 orders and grant any relief that is necessary or desirable to place or
 6 maintain the grantee of a valid tax deed in possession of the real estate.

7 (d) Except as provided in subsections (e) and (f), if:

8 (1) the verified petition referred to in subsection (a) is timely
 9 filed; and

10 (2) the court refuses to enter an order directing the county auditor
 11 to execute and deliver the tax deed because of the failure of the
 12 petitioner under subsection (a) to fulfill the notice requirement of
 13 subsection (a);

14 the court shall order the return of the amount, if any, by which the
 15 purchase price exceeds the minimum bid on the property under
 16 IC 6-1.1-24-5 minus a penalty of twenty-five percent (25%) of that
 17 excess. The petitioner is prohibited from participating in any manner
 18 in the next succeeding tax sale in the county under IC 6-1.1-24. The
 19 county auditor shall deposit penalties paid under this subsection in the
 20 county general fund.

21 (e) Notwithstanding subsection (d), in all cases in which:

22 (1) the verified petition referred to in subsection (a) is timely
 23 filed;

24 (2) the petitioner under subsection (a) has made a bona fide
 25 attempt to comply with the statutory requirements under
 26 subsection (b) for the issuance of the tax deed but has failed to
 27 comply with these requirements;

28 (3) the court refuses to enter an order directing the county auditor
 29 to execute and deliver the tax deed because of the failure to
 30 comply with these requirements; and

31 (4) the purchaser, the purchaser's successors or assignees, or the
 32 purchaser of the certificate of sale under IC 6-1.1-24 files a claim
 33 with the county auditor for refund not later than thirty (30) days
 34 after the entry of the order of the court refusing to direct the
 35 county auditor to execute and deliver the tax deed;

36 the county auditor shall not execute the deed but shall refund the
 37 purchase money minus a penalty of twenty-five percent (25%) of the
 38 purchase money from the county treasury to the purchaser, the
 39 purchaser's successors or assignees, or the purchaser of the certificate
 40 of sale under IC 6-1.1-24. The county auditor shall deposit penalties
 41 paid under this subsection in the county general fund. All the
 42 delinquent taxes and special assessments shall then be reinstated and



1 recharged to the tax duplicate and collected in the same manner as if
 2 the property had not been offered for sale. The tract or item of real
 3 property, if it is then eligible for sale under IC 6-1.1-24, shall be placed
 4 on the delinquent list as an initial offering under IC 6-1.1-24.

5 (f) Notwithstanding subsections (d) and (e), the court shall not order
 6 the return of the purchase price or any part of the purchase price if:

- 7 (1) the purchaser or the purchaser of the certificate of sale under
 8 IC 6-1.1-24 has failed to provide notice or has provided
 9 insufficient notice as required by section 4.5 of this chapter; and
 10 (2) the sale is otherwise valid.

11 (g) A tax deed executed under this section vests in the grantee an
 12 estate in fee simple absolute, free and clear of all liens and
 13 encumbrances created or suffered before or after the tax sale except
 14 those liens granted priority under federal law, and the lien of the state
 15 or a political subdivision for taxes and special assessments that accrue
 16 subsequent to the sale. However, the estate is subject to all easements,
 17 covenants, declarations, and other deed restrictions and laws governing
 18 land use, including all zoning restrictions and liens and encumbrances
 19 created or suffered by the purchaser at the tax sale. The deed is prima
 20 facie evidence of:

- 21 (1) the regularity of the sale of the real property described in the
 22 deed;
 23 (2) the regularity of all proper proceedings; and
 24 (3) valid title in fee simple in the grantee of the deed.

25 (h) A tax deed issued under this section is incontestable except by
 26 appeal from the order of the court directing the county auditor to issue
 27 the tax deed filed not later than sixty (60) days after the date of the
 28 court's order.

29 SECTION 19. IC 6-1.1-25-5 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A tax deed issued
 31 under this chapter shall be issued substantially in the following form:

32 Whereas AB did, on the ____ day of _____, 20 __, produce
 33 to the undersigned, CD, auditor of the county of _____, in the
 34 state of Indiana, a certificate of sale **or evidence of purchase at a tax**
 35 **sale**, dated the ____ day of _____, 20 __, signed by EF who, at
 36 the date of the sale, was auditor of the county, from which it appears
 37 that AB on the ____ day of _____, 20 __, purchased at public
 38 auction, held pursuant to law, the real property described in this
 39 indenture for the sum of _____ dollars and _____ cents, being the
 40 amount due on the real property for taxes, special assessments,
 41 penalties and costs for the years _____, namely: (here set out the real
 42 property offered for sale). Such real property has been recorded in the



1 office of the _____ county auditor as delinquent for the
 2 nonpayment of taxes, and proper notice of the sale has been given. It
 3 appearing that AB is the owner of the certificate of sale, **or the**
 4 **purchaser**, that the time for redeeming such real property has expired,
 5 that the property has not been redeemed, that the undersigned has
 6 received a court order for the issuance of a deed for the real property
 7 described in the certificate of sale, that the records of the _____
 8 county auditor's office state that the real property was legally liable for
 9 taxation, and that the real property has been duly assessed and properly
 10 charged on the duplicate with the taxes and special assessments for the
 11 years _____;

12 Therefore, this indenture, made this ____ day of _____,
 13 20__, between the State of Indiana, by CD, auditor of _____
 14 county, of the first part, and AB, of the second part, witnesseth: That
 15 the party of the first part, for and in consideration of the premises, has
 16 granted and bargained and sold to the party of the second part, the real
 17 property described in the certificate of sale, situated in the county of
 18 _____, and State of Indiana, namely and more particularly
 19 described as follows: (here set out the real property sold), to have and
 20 to hold such real property, with the appurtenances belonging thereto,
 21 in as full and ample a manner as the auditor of said county is
 22 empowered by law to convey the same.

23 In testimony whereof, CD, auditor of _____ county, has
 24 hereunto set his or her hand, and affixed the seal of the board of county
 25 commissioners, the day and year last above mentioned.

26 WITNESS: _____ (L.S.)
 27 Auditor of _____ County
 28 STATE OF
 29 INDIANA)
 30) S.S.
 31 COUNTY OF _____)

32 Before me, the undersigned, _____, in and for
 33 said county, this day, personally came the above named CD, auditor of
 34 said county, and acknowledged the execution of the foregoing deed for
 35 the uses and purposes therein mentioned.

36 In witness whereof, I have hereunto set my hand and seal this ____
 37 day of _____, 20__.
 38 _____ (L.S.)

39 (b) The clerk of the circuit court shall acknowledge the execution of
 40 tax title deeds issued under this chapter.

41 SECTION 20. IC 6-1.1-25-20 IS ADDED TO THE INDIANA
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2014]: **Sec. 20. A county auditor who**
 2 **executes a tax deed under this chapter shall provide a copy of the**
 3 **tax deed to the grantee. The county auditor shall collect from the**
 4 **grantee the appropriate recording fee set forth in IC 36-2-7-10 on**
 5 **behalf of the county recorder and submit the tax deed directly to**
 6 **the county recorder for recording. The county recorder shall**
 7 **record the tax deed in the deed records and provide the recorded**
 8 **tax deed to the grantee in the normal course of business.**
 9 **Notwithstanding IC 6-1.1-5.5-3, a sales disclosure form for such a**
 10 **property satisfies the requirements of IC 6-1.1-5.5 if only the**
 11 **county auditor signs the form.**

12 SECTION 21. IC 32-29-7-3, AS AMENDED BY P.L.102-2012,
 13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2014]: Sec. 3. (a) In a proceeding for the foreclosure of a
 15 mortgage executed on real estate, process may not issue for the
 16 execution of a judgment or decree of sale for a period of three (3)
 17 months after the filing of a complaint in the proceeding. However:

18 (1) the period is:

19 (A) twelve (12) months in a proceeding for the foreclosure of
 20 a mortgage executed before January 1, 1958; and

21 (B) six (6) months in a proceeding for the foreclosure of a
 22 mortgage executed after December 31, 1957, but before July
 23 1, 1975; and

24 (2) if the court finds under IC 32-30-10.6 that the mortgaged real
 25 estate has been abandoned, a judgment or decree of sale may be
 26 executed on the date the judgment of foreclosure or decree of sale
 27 is entered, regardless of the date the mortgage is executed.

28 (b) A judgment and decree in a proceeding to foreclose a mortgage
 29 that is entered by a court having jurisdiction may be filed with the clerk
 30 in any county as provided in IC 33-32-3-2. After the period set forth in
 31 subsection (a) expires, a person who may enforce the judgment and
 32 decree may file a praecipe with the clerk in any county where the
 33 judgment and decree is filed, and the clerk shall promptly issue and
 34 certify to the sheriff of that county a copy of the judgment and decree
 35 under the seal of the court. However, if:

36 (1) a praecipe is not filed with the clerk within one hundred eighty
 37 (180) days after the later of the dates on which:

38 (A) the period specified in subsection (a) expires; or

39 (B) the judgment and decree is filed; and

40 (2) the sale is not:

41 (A) otherwise prohibited by law;

42 (B) subject to a voluntary statewide foreclosure moratorium;



- 1 or
 2 (C) subject to a written agreement that:
 3 (i) provides for a delay in the sale of the mortgaged real
 4 estate; and
 5 (ii) is executed by and between the owner of the mortgaged
 6 real estate and a party entitled to enforce the judgment and
 7 decree;
- 8 an enforcement authority that has issued an abatement order under
 9 IC 36-7-36-9 with respect to the mortgaged real estate may file a
 10 praecipe with the clerk in any county where the judgment and decree
 11 is filed. If an enforcement authority files a praecipe under this
 12 subsection, the clerk of the county in which the praecipe is filed shall
 13 promptly issue and certify to the sheriff of that county a copy of the
 14 judgment and decree under the seal of the court.
- 15 (c) Upon receiving a certified judgment under subsection (b), the
 16 sheriff shall, subject to section 4 of this chapter, sell the mortgaged
 17 premises or as much of the mortgaged premises as necessary to satisfy
 18 the judgment, interest, and costs at public auction at the office of the
 19 sheriff or at another location that is reasonably likely to attract higher
 20 competitive bids. The sheriff shall schedule the date and time of the
 21 sheriff's sale for:
- 22 (1) a date not later than one hundred twenty (120) days after the
 23 date on which the judgment and decree under seal of the court are
 24 certified to the sheriff by the clerk; and
 25 (2) a time certain between the hours of 10 a.m. and 4 p.m. on any
 26 day of the week except Sunday.
- 27 (d) Before selling mortgaged property, the sheriff must advertise the
 28 sale by publication once each week for three (3) successive weeks in
 29 a daily or weekly newspaper of general circulation. The sheriff shall
 30 publish the advertisement in at least one (1) newspaper published and
 31 circulated in each county where the real estate is situated. The first
 32 publication shall be made at least thirty (30) days before the date of
 33 sale. At the time of placing the first advertisement by publication, the
 34 sheriff shall also serve a copy of the written or printed notice of sale
 35 upon each owner of the real estate. Service of the written notice shall
 36 be made as provided in the Indiana Rules of Trial Procedure governing
 37 service of process upon a person. The sheriff shall charge a fee of ten
 38 dollars (\$10) to one (1) owner and three dollars (\$3) to each additional
 39 owner for service of written notice under this subsection. The fee is:
- 40 (1) a cost of the proceeding;
 41 (2) to be collected as other costs of the proceeding are collected;
 42 and



1 (3) to be deposited in the county general fund for appropriation
2 for operating expenses of the sheriff's department.

3 (e) The sheriff also shall post written or printed notices of the sale
4 at the door of the courthouse of each county in which the real estate is
5 located.

6 (f) If the sheriff is unable to procure the publication of a notice
7 within the county, the sheriff may dispense with publication. The
8 sheriff shall state that the sheriff was not able to procure the
9 publication and explain the reason why publication was not possible.

10 (g) Notices under subsections (d), ~~and~~ (e), ~~and~~ (i) must contain a
11 statement, for informational purposes only, of the location of each
12 property by street address, if any, or other common description of the
13 property other than legal description. A misstatement in the
14 informational statement under this subsection does not invalidate an
15 otherwise valid sale.

16 (h) The sheriff may charge an administrative fee of not more than
17 two hundred dollars (\$200) with respect to a proceeding referred to in
18 subsection (b) for actual costs directly attributable to the administration
19 of the sale under subsection (c). The fee is:

- 20 (1) payable by the person seeking to enforce the judgment and
21 decree; and
22 (2) due at the time of filing of the praecipe;
23 under subsection (b).

24 **(i) If a sale of mortgaged property scheduled under this section**
25 **is canceled, the sheriff shall provide written notice of the**
26 **cancellation to each owner of the real estate. Service of the written**
27 **notice shall be made as provided in the Indiana Rules of Trial**
28 **Procedure governing service of process upon a person. The sheriff**
29 **shall charge a fee of ten dollars (\$10) for notice to one (1) owner**
30 **and three dollars (\$3) for notice to each additional owner for**
31 **service of written notice under this subsection. The fee:**

- 32 **(1) is a cost of the proceeding;**
33 **(2) shall be collected as other costs of the proceeding are**
34 **collected; and**
35 **(3) shall be deposited in the county general fund for**
36 **appropriation for operating expenses of the sheriff's**
37 **department.**

38 **The fee for service under this subsection shall be paid by the**
39 **person who caused the sale to be canceled.**

40 SECTION 22. IC 36-7-9-4, AS AMENDED BY P.L.66-2005,
41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2014]: Sec. 4. (a) For purposes of this chapter, a building or



- 1 structure, or any part of a building or structure, that is:
- 2 (1) in an impaired structural condition that makes it unsafe to a
- 3 person or property;
- 4 (2) a fire hazard;
- 5 (3) a hazard to the public health;
- 6 (4) a public nuisance;
- 7 (5) dangerous to a person or property because of a violation of a
- 8 statute or ordinance concerning building condition or
- 9 maintenance; or
- 10 (6) vacant **or blighted** and not maintained in a manner that would
- 11 allow human habitation, occupancy, or use under the
- 12 requirements of a statute or an ordinance;
- 13 is considered an unsafe building.
- 14 (b) For purposes of this chapter:
- 15 (1) an unsafe building; and
- 16 (2) the tract of real property on which the unsafe building is
- 17 located;
- 18 are considered unsafe premises.
- 19 (c) For purposes of this chapter, a tract of real property that does not
- 20 contain a building or structure, not including land used for production
- 21 agriculture, is considered an unsafe premises if the tract of real
- 22 property is:
- 23 (1) a fire hazard;
- 24 (2) a hazard to public health;
- 25 (3) a public nuisance; or
- 26 (4) dangerous to a person or property because of a violation of a
- 27 statute or an ordinance.



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 422, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 5. IC 6-1.1-24-1, AS AMENDED BY P.L.203-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) On or after January 1 of each calendar year in which a tax sale will be held in a county and not later than fifty-one (51) days after the first tax payment due date in that calendar year, the county treasurer (or county executive, in the case of property described in subdivision (2)) shall certify to the county auditor a list of real property on which any of the following exist:

(1) In the case of real property other than real property described in subdivision (2), any property taxes or special assessments certified to the county auditor for collection by the county treasurer from the prior year's spring installment or before are delinquent as determined under IC 6-1.1-37-10 and the delinquent property tax or special assessments due exceed twenty-five dollars (\$25).

(2) In the case of real property for which a county executive has certified to the county auditor that **a judgment has been obtained under IC 32-30-10.6** that the real property is:

(A) vacant; or

(B) abandoned;

any property taxes or special assessments from the prior year's fall installment or before that are delinquent as determined under IC 6-1.1-37-10. The county executive must make a certification under this subdivision not later than sixty-one (61) days before the earliest date on which application for judgment and order for sale may be made. The executive of a city or town may provide to the county executive of the county in which the city or town is located a list of real property ~~that for which~~ the city or town has ~~determined to be obtained a judgment under IC 32-30-10.6 that the real property is~~ vacant or abandoned. The county executive shall include real property included on the list provided by a city or town executive on the list certified by the county executive to the county auditor under this subsection. **The county, city, or town that lists a parcel of real property as vacant or abandoned is liable for any damages resulting from**



the real property being found not to be vacant or abandoned.

(3) Any unpaid costs are due under section 2(b) of this chapter from a prior tax sale.

(b) The county auditor shall maintain a list of all real property eligible for sale. Except as provided in section 1.2 or another provision of this chapter, the taxpayer's property shall remain on the list. The list must:

- (1) describe the real property by parcel number and common address, if any;
- (2) for a tract or item of real property with a single owner, indicate the name of the owner; and
- (3) for a tract or item with multiple owners, indicate the name of at least one (1) of the owners.

(c) Except as otherwise provided in this chapter, the real property so listed is eligible for sale in the manner prescribed in this chapter.

(d) Not later than fifteen (15) days after the date of the county treasurer's certification under subsection (a), the county auditor shall mail by certified mail a copy of the list described in subsection (b) to each mortgagee who requests from the county auditor by certified mail a copy of the list. Failure of the county auditor to mail the list under this subsection does not invalidate an otherwise valid sale.

SECTION 6. IC 6-1.1-24-1.5, AS AMENDED BY P.L.169-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) As used in this chapter and IC 6-1.1-25, "county executive" means the following:

- (1) In a county not containing a consolidated city, the county executive or the county executive's designee.
- (2) In a county containing a consolidated city, the executive of the consolidated city.

(b) The county executive may, **after obtaining a judgment under IC 32-30-10.6 that real property is vacant or abandoned**, designate the real property on the list prepared under section 4.5(b) of this chapter that is eligible for listing on the list prepared under subsection (c).

(c) The county executive shall prepare a list of properties designated under subsection (b) and certify the list to the county auditor no later than sixty-one (61) days prior to the earliest date on which application for judgment and order for sale may be made.

(d) Upon receiving the list described in subsection (c), the county auditor shall:

- (1) prepare a list of the properties certified by the commission; and



(2) delete any property described in that list from the delinquent tax list prepared under section 1 of this chapter."

Page 3, line 33, delete "no" and insert "**a one hundred twenty (120) day pretax sale right of redemption and there is no post-tax sale**".

Page 4, line 16, delete ";".

Page 4, line 16, reset in roman "if the tract or item of real property".

Page 4, reset in roman lines 17 through 22.

Page 4, line 23, reset in roman "(C)".

Page 4, line 23, delete "(B)".

Page 4, line 24, strike "ten" and insert "**five**".

Page 4, line 25, strike "(10%)" and insert "**(5%)**".

Page 4, line 27, reset in roman "(D)".

Page 4, line 27, delete "(C)".

Page 7, line 6, delete "no" and insert "**a one hundred twenty (120) day pretax sale redemption period and there is no post-tax sale**".

Page 7, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 7. IC 6-1.1-24-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.3. (a) This section applies to a property that has been certified as vacant or abandoned under section 1(a)(2) of this chapter.**

(b) A notice shall be sent to the owner of record at the time of the sale and to any person with a substantial property interest at least one hundred twenty (120) days before the date of the sale under this chapter. The notice shall contain at least the following:

- (1) A statement that a tax sale will be held on or after a specified date.**
- (2) A description of the tract or real property to be sold.**
- (3) A statement that any person may redeem the tract or real property at or before the tax sale.**
- (4) The components of the amount required to redeem the tract or real property.**
- (5) A statement that if the property is not redeemed, a tax deed may be issued to the purchaser.**
- (6) The street address, if any, or a common description of the tract or real property.**
- (7) The key number or parcel number of the tract or real property.**

(c) A notice under this section must include not more than one (1) tract or item of real property listed to be sold in one (1) description. However, when more than one (1) tract or item of real property is owned by one (1) person, all of the tracts of real



property that are owned by that person may be included in one (1) notice.

(d) A single notice under this section may be used to notify joint owners of record at the last address of the joint owners for the property sold, as indicated in the records of the county auditor.

(e) The notice required by this section is considered sufficient if the notice is mailed to the last address of the owner for the property, as indicated in the records of the county auditor, and any person with a substantial property interest of public record at the address for the person included in the public record that indicates the interest.

(f) The notice under this section is not required for persons in possession not shown in the public records."

Page 10, line 3, delete "1" and insert "**1(a)(2)**".

Page 12, line 20, strike "ten" and insert "**five**".

Page 12, line 20, strike "(10%)" and insert "**(5%)**".

Page 13, line 10, delete ", if the sale occurs before" and insert ";".

Page 13, delete lines 11 through 13.

Page 13, line 14, reset in roman "(2)".

Page 13, line 14, delete "(3)".

Page 13, line 16, reset in roman "(3)".

Page 13, line 16, delete "(4)".

Page 13, line 19, delete "(5)" and insert "**(4)**".

Page 13, line 23, before "After" begin a new line block indented and insert:

"(5)".

Page 13, line 23, delete "no" and insert "**a one hundred twenty (120) day pretax sale redemption period and the notice required by section 2.3 of this chapter and there is no post-tax sale**".

Page 14, line 6, delete "IC 6-1.1-24-1" and insert "**IC 6-1.1-24-1(a)(2)**".

Page 16, line 9, strike "nine (9)" and insert "**six (6)**".

Page 18, line 41, delete "IC 6-1.1-24-1" and insert "**IC 6-1.1-24-1(a)(2)**".

Page 19, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 19. IC 6-1.1-25-4.6, AS AMENDED BY P.L. 118-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.6. (a) After the expiration of the redemption period specified in section 4 of this chapter but not later than ~~six (6)~~ **three (3)** months after the expiration of the period of redemption:

(1) the purchaser, the purchaser's assignee, the county executive, or the purchaser of the certificate of sale under IC 6-1.1-24 may;



or

(2) in a county where the county auditor and county treasurer have an agreement under section 4.7 of this chapter, the county auditor shall, upon the request of the purchaser or the purchaser's assignee;

file a verified petition in the same court and under the same cause number in which the judgment of sale was entered asking the court to direct the county auditor to issue a tax deed if the real property is not redeemed from the sale. Notice of the filing of this petition shall be given to the same parties and in the same manner as provided in section 4.5 of this chapter, except that, if notice is given by publication, only one (1) publication is required. The notice required by this section is considered sufficient if the notice is sent to the address required by section 4.5(d) of this chapter. Any person owning or having an interest in the tract or real property may file a written objection to the petition with the court not later than thirty (30) days after the date the petition was filed. If a written objection is timely filed, the court shall conduct a hearing on the objection.

(b) Not later than sixty-one (61) days after the petition is filed under subsection (a), the court shall enter an order directing the county auditor (on the production of the certificate of sale and a copy of the order) to issue to the petitioner a tax deed if the court finds that the following conditions exist:

- (1) The time of redemption has expired.
- (2) The tract or real property has not been redeemed from the sale before the expiration of the period of redemption specified in section 4 of this chapter.
- (3) Except with respect to a petition for the issuance of a tax deed under a sale of the certificate of sale on the property under IC 6-1.1-24-6.1 or IC 6-1.1-24-6.8, all taxes and special assessments, penalties, and costs have been paid.
- (4) The notices required by this section and section 4.5 of this chapter have been given.
- (5) The petitioner has complied with all the provisions of law entitling the petitioner to a deed.

The county auditor shall execute deeds issued under this subsection in the name of the state under the county auditor's name. If a certificate of sale is lost before the execution of a deed, the county auditor shall issue a replacement certificate if the county auditor is satisfied that the original certificate existed.

(c) Upon application by the grantee of a valid tax deed in the same court and under the same cause number in which the judgment of sale



was entered, the court shall enter an order to place the grantee of a valid tax deed in possession of the real estate. The court may enter any orders and grant any relief that is necessary or desirable to place or maintain the grantee of a valid tax deed in possession of the real estate.

(d) Except as provided in subsections (e) and (f), if:

- (1) the verified petition referred to in subsection (a) is timely filed; and
- (2) the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure of the petitioner under subsection (a) to fulfill the notice requirement of subsection (a);

the court shall order the return of the amount, if any, by which the purchase price exceeds the minimum bid on the property under IC 6-1.1-24-5 minus a penalty of twenty-five percent (25%) of that excess. The petitioner is prohibited from participating in any manner in the next succeeding tax sale in the county under IC 6-1.1-24. The county auditor shall deposit penalties paid under this subsection in the county general fund.

(e) Notwithstanding subsection (d), in all cases in which:

- (1) the verified petition referred to in subsection (a) is timely filed;
- (2) the petitioner under subsection (a) has made a bona fide attempt to comply with the statutory requirements under subsection (b) for the issuance of the tax deed but has failed to comply with these requirements;
- (3) the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure to comply with these requirements; and
- (4) the purchaser, the purchaser's successors or assignees, or the purchaser of the certificate of sale under IC 6-1.1-24 files a claim with the county auditor for refund not later than thirty (30) days after the entry of the order of the court refusing to direct the county auditor to execute and deliver the tax deed;

the county auditor shall not execute the deed but shall refund the purchase money minus a penalty of twenty-five percent (25%) of the purchase money from the county treasury to the purchaser, the purchaser's successors or assignees, or the purchaser of the certificate of sale under IC 6-1.1-24. The county auditor shall deposit penalties paid under this subsection in the county general fund. All the delinquent taxes and special assessments shall then be reinstated and recharged to the tax duplicate and collected in the same manner as if the property had not been offered for sale. The tract or item of real



property, if it is then eligible for sale under IC 6-1.1-24, shall be placed on the delinquent list as an initial offering under IC 6-1.1-24.

(f) Notwithstanding subsections (d) and (e), the court shall not order the return of the purchase price or any part of the purchase price if:

- (1) the purchaser or the purchaser of the certificate of sale under IC 6-1.1-24 has failed to provide notice or has provided insufficient notice as required by section 4.5 of this chapter; and
- (2) the sale is otherwise valid.

(g) A tax deed executed under this section vests in the grantee an estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale except those liens granted priority under federal law, and the lien of the state or a political subdivision for taxes and special assessments that accrue subsequent to the sale. However, the estate is subject to all easements, covenants, declarations, and other deed restrictions and laws governing land use, including all zoning restrictions and liens and encumbrances created or suffered by the purchaser at the tax sale. The deed is prima facie evidence of:

- (1) the regularity of the sale of the real property described in the deed;
- (2) the regularity of all proper proceedings; and
- (3) valid title in fee simple in the grantee of the deed.

(h) A tax deed issued under this section is incontestable except by appeal from the order of the court directing the county auditor to issue the tax deed filed not later than sixty (60) days after the date of the court's order."

Page 19, line 20, delete "or that there is no redemption period,".

Page 20, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 16. IC 6-1.1-25-20 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 20. A county auditor who executes a tax deed under this chapter shall provide a copy of the tax deed to the grantee. The county auditor shall collect from the grantee the appropriate recording fee set forth in IC 36-2-7-10 on behalf of the county recorder and submit the tax deed directly to the county recorder for recording. The county recorder shall record the tax deed in the deed records and provide the recorded tax deed to the grantee in the normal course of business. Notwithstanding IC 6-1.1-5.5-3, a sales disclosure form for such a property satisfies the requirements of IC 6-1.1-5.5 if only the county auditor signs the form.**"

Page 22, after line 41, begin a new paragraph and insert:



"SECTION 17. IC 36-7-9-4, AS AMENDED BY P.L.66-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) For purposes of this chapter, a building or structure, or any part of a building or structure, that is:

- (1) in an impaired structural condition that makes it unsafe to a person or property;
- (2) a fire hazard;
- (3) a hazard to the public health;
- (4) a public nuisance;
- (5) dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or
- (6) vacant **or blighted** and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance;

is considered an unsafe building.

(b) For purposes of this chapter:

- (1) an unsafe building; and
- (2) the tract of real property on which the unsafe building is located;

are considered unsafe premises.

(c) For purposes of this chapter, a tract of real property that does not contain a building or structure, not including land used for production agriculture, is considered an unsafe premises if the tract of real property is:

- (1) a fire hazard;
- (2) a hazard to public health;
- (3) a public nuisance; or
- (4) dangerous to a person or property because of a violation of a statute or an ordinance."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 422 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 7, Nays 1.

