

HOUSE BILL NO. HB0290

Property redemption.

Sponsored by: Representative(s) Zwonitzer

A BILL

for

1 AN ACT relating to the code of civil procedure; modifying
2 provisions relating to the sale and redemption of realty sold
3 under mortgage foreclosure or execution; creating a
4 definition; authorizing a certificate of sale as specified;
5 creating a purchaser's right of entry as specified; and
6 providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 1-18-103(a), (c) and by creating a new
11 subsection (d) and 1-18-111 is amended to read:

12

13 **1-18-103. Right of redemption; redemption of**
14 **agricultural real estate; "agricultural real estate" defined.**

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1 (a) Except as provided with respect to agricultural
2 real estate, it is lawful for any person, his heirs,
3 executors, administrators, assigns or guarantors whose real
4 property has been sold by virtue of an execution, decree of
5 foreclosure, or foreclosure by advertisement and sale within
6 three (3) months from the date of sale, to redeem the real
7 estate by paying to the purchaser, his heirs, executors,
8 administrators or assigns, or to the sheriff or other officer
9 who sold the property, for the benefit of the purchaser, the
10 amount of the purchase price or the amount given or bid if
11 purchased by the execution creditor or by the mortgagee under
12 a mortgage, together with interest at the rate of ten percent
13 (10%) per annum from the date of sale plus the amount of any
14 assessments or taxes and the amount due on any prior lien
15 which the purchaser paid after the purchase, with interest.
16 On payment of this amount the sale and certificate granted
17 are void and the sheriff or other officer shall issue a
18 certificate of redemption.

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20 (c) The term "agricultural real estate" means any
21 single parcel of land in excess of eighty (80) acres lying
22 outside the exterior boundaries of any incorporated city,
23 town or recorded subdivision or any property that is used

1 substantially for agricultural purposes, which, if combined
2 with other property in the mortgage that is used substantially
3 for agricultural purposes, equals eighty (80) acres or more
4 in aggregate. If the mortgage recites that the real estate
5 involved is agricultural real estate, it is presumed the
6 parties to the mortgage, their heirs, executors,
7 administrators, assigns, guarantors or successors in interest
8 have agreed to and are bound by all the provisions of law
9 relative to the twelve (12) month right of redemption provided
10 in subsection (b) of this section.

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12 (d) "Parcel" means a contiguous piece of property
13 lawfully created or conveyed of record as a single piece of
14 property.

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16 **1-18-111. Sale on foreclosure of mortgage; generally.**

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18 (a) When a mortgage is foreclosed a sale of the premises
19 shall be ordered. The decree directing the sale is sufficient
20 warrant for the sheriff or other officer to proceed to
21 advertise and conduct the sale. An order of sale issued by
22 the clerk of court or an appraisement of the real property to
23 be sold is not necessary. When the premises to be sold are in

1 one (1) or more tracts, the court may direct the officer who
2 makes the sale to subdivide and sell the same in parcels, or
3 to sell any one (1) of the tracts as a whole.

4

5 (b) Upon the sale of the premises, a purchaser shall
6 have a limited right of entry to ensure the property does not
7 significantly deteriorate during the full redemption period.
8 As used in this subsection, "limited right of entry" means
9 entrance into the premises which is not occupied by a legal
10 inhabitant.

11

12 **Section 2.** This act is effective July 1, 2019.

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14

(END)