

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Senate Bill 1478 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 6-1.1-24-9 IS AMENDED TO READ AS
- 4 FOLLOWS: Sec. 9. (a) Immediately after a tax sale purchaser pays
- 5 the bid, as evidenced by the receipt of the county treasurer, or
- 6 immediately after the county acquires a lien under section 6 of this
- 7 chapter, the county auditor shall deliver a certificate of sale to the
- 8 purchaser or to the county or to the city. The certificate shall be
- 9 signed by the auditor and registered in the auditor's office. The
- 10 certificate shall contain:
- 11 (1) a description of real property that corresponds to the
- 12 description used on the notice of sale;
- 13 (2) the name of:
- 14 (A) the owner of record at the time of the sale of real
- 15 property with a single owner; or
- 16 (B) at least one (1) of the owners of real property with
- 17 multiple owners;
- 18 (3) the mailing address of the owner of the real property sold
- 19 as indicated in the records of the county auditor;
- 20 (4) the name of the purchaser;
- 21 (5) the date of sale;
- 22 (6) the amount for which the real property was sold;
- 23 (7) the amount of the minimum bid for which the tract or real
- 24 property was offered at the time of sale as required by section
- 25 5 of this chapter;

- 1 (8) the date when the period of redemption specified in
- 2 IC 6-1.1-25-4 will expire;
- 3 (9) the court cause number under which judgment was
- 4 obtained; and
- 5 (10) the street address, if any, or common description of the
- 6 real property.

7 (b) When a certificate of sale is issued under this section, the
8 purchaser acquires a lien against the real property for the entire
9 amount paid. **The purchaser shall record a copy of the certificate**
10 **of sale in the office of the recorder of the county in which the**
11 **property is located not later than thirty (30) days after the date**
12 **the certificate of sale is issued. The county auditor is not required**
13 **to endorse a certificate of sale recorded under this section.** The
14 lien of the purchaser is superior to all liens against the real property
15 which exist at the time the certificate is issued. **Notwithstanding**
16 **any other law, the county recorder may not charge a fee when the**
17 **county executive records a certificate of sale issued under this**
18 **chapter.**

19 (c) A certificate of sale is assignable. However, an assignment
20 is not valid unless it is endorsed on the certificate of sale,
21 acknowledged before an officer authorized to take acknowledgments
22 of deeds, and registered in the office of the county auditor. When a
23 certificate of sale is assigned, the assignee acquires the same rights
24 and obligations that the original purchaser acquired.

25 SECTION 2. IC 6-1.1-25-2 IS AMENDED TO READ AS
26 FOLLOWS: Sec. 2. (a) The total amount of money required for the
27 redemption of real property equals:

- 28 (1) the sum of the amounts prescribed in subsections (b)
- 29 through (e); or
- 30 (2) the amount prescribed in subsection (f);

31 reduced by any amounts held in the name of the taxpayer or the
32 purchaser in the tax sale surplus fund.

33 (b) Except as provided in subsection (f), the total amount
34 required for redemption includes:

- 35 (1) one hundred ten percent (110%) of the minimum bid for
- 36 which the tract or real property was offered at the time of sale,
- 37 as required by IC 6-1.1-24-5, if the tract or item of real
- 38 property is redeemed not more than six (6) months after the
- 39 date of sale; or
- 40 (2) one hundred fifteen percent (115%) of the minimum bid for
- 41 which the tract or real property was offered at the time of sale,
- 42 as required by IC 6-1.1-24-5, if the tract or item of real
- 43 property is redeemed more than six (6) months but not more
- 44 than one (1) year after the date of sale.

45 (c) Except as provided in subsection (f), in addition to the
46 amount required under subsection (b), the total amount required for
47 redemption includes the amount by which the purchase price exceeds
48 the minimum bid on the real property plus ten percent (10%) per
49 annum on the amount by which the purchase price exceeds the
50 minimum bid on the property.

51 (d) Except as provided in subsection (f), in addition to the

1 amount required under subsections (b) and (c), the total amount
 2 required for redemption includes all taxes and special assessments
 3 upon the property paid by the purchaser after the sale plus ten
 4 percent (10%) interest per annum on those taxes and special
 5 assessments.

6 (e) Except as provided in subsection (f), in addition to the
 7 amounts required under subsections (b), (c), and (d), the total amount
 8 required for redemption includes the following costs, if certified
 9 before redemption by the payor to the county auditor on a form
 10 prescribed by the state board of accounts, that were incurred and paid
 11 by the purchaser, the purchaser's assignee, or the county, before
 12 redemption:

13 (1) The attorney's fees and costs of giving notice under section
 14 4.5 of this chapter.

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

17 **(3) Recording fees paid in the recording of a certificate of**
 18 **sale under IC 6-1.1-24-9.**

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

23 SECTION 3. IC 6-1.1-25-4.5, AS AMENDED BY
 24 P.L.169-2006, SECTION 29, IS AMENDED TO READ AS
 25 FOLLOWS: Sec. 4.5. *Effective 1-1-2007. See OCR attorney for*
 26 *section currently in effect.* (a) Except as provided in subsection (d),
 27 a purchaser or the purchaser's assignee is entitled to a tax deed to the
 28 property that was sold only if:

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

31 (2) the property has not been redeemed within the period of
 32 redemption specified in section 4(a) of this chapter; and

33 (3) not later than nine (9) months after the date of the sale:

34 (A) the purchaser or the purchaser's assignee; or

35 (B) in a county where the county auditor and county
 36 treasurer have an agreement under section 4.7 of this
 37 chapter, the county auditor;

38 gives notice of the sale to the owner of record at the time of
 39 the sale and any person with a substantial property interest of
 40 public record in the tract or real property.

41 (b) A county executive is entitled to a tax deed to property on
 42 which the county executive acquires a lien under IC 6-1.1-24-6 and
 43 for which the certificate of sale is not sold under IC 6-1.1-24-6.1
 44 only if:

45 (1) the redemption period specified in section 4(b) of this
 46 chapter has expired;

47 (2) the property has not been redeemed within the period of
 48 redemption specified in section 4(b) of this chapter; and

49 (3) not later than ninety (90) days after the date the county

1 executive acquires the lien under IC 6-1.1-24-6, the county
2 auditor gives notice of the sale to:

- 3 (A) the owner of record at the time the lien was acquired;
4 and
5 (B) any person with a substantial property interest of
6 public record in the tract or real property.

7 (c) A purchaser of a certificate of sale under IC 6-1.1-24-6.1 is
8 entitled to a tax deed to the property for which the certificate was
9 sold only if:

- 10 (1) the redemption period specified in section 4(c) of this
11 chapter has expired;
12 (2) the property has not been redeemed within the period of
13 redemption specified in section 4(c) of this chapter; and
14 (3) not later than ninety (90) days after the date of sale of the
15 certificate of sale under IC 6-1.1-24, the purchaser gives notice
16 of the sale to:

- 17 (A) the owner of record at the time of the sale; and
18 (B) any person with a substantial property interest of
19 public record in the tract or real property.

20 (d) The person required to give the notice under subsection (a),
21 (b), or (c) shall give the notice by sending a copy of the notice by
22 certified mail to:

- 23 (1) the owner of record at the time of the:
24 (A) sale of the property;
25 (B) acquisition of the lien on the property under
26 IC 6-1.1-24-6; or
27 (C) sale of the certificate of sale on the property under
28 IC 6-1.1-24;

29 at the last address of the owner for the property, as indicated
30 in the records of the county auditor; and

- 31 (2) any person with a substantial property interest of public
32 record at the address for the person included in the public
33 record that indicates the interest.

34 However, if the address of the person with a substantial property
35 interest of public record is not indicated in the public record that
36 created the interest and cannot be located by ordinary means by the
37 person required to give the notice under subsection (a), (b), or (c),
38 the person may give notice by publication in accordance with
39 IC 5-3-1-4 once each week for three (3) consecutive weeks.

40 (e) The notice that this section requires shall contain at least the
41 following:

- 42 (1) A statement that a petition for a tax deed will be filed on or
43 after a specified date.
44 (2) The date on or after which the petitioner intends to petition
45 for a tax deed to be issued.
46 (3) A description of the tract or real property shown on the
47 certificate of sale.
48 (4) The date the tract or real property was sold at a tax sale
49 **and the date and instrument number of the recording of the**

certificate of sale under IC 6-1.1-24-9.

(5) The name of the:

(A) purchaser or purchaser's assignee;

(B) county executive that acquired the lien on the property under IC 6-1.1-24-6; or

(C) person that purchased the certificate of sale on the property under IC 6-1.1-24.

(6) A statement that any person may redeem the tract or real property.

(7) The components of the amount required to redeem the tract or real property.

(8) A statement that an entity identified in subdivision (5) is entitled to reimbursement for additional taxes or special assessments on the tract or real property that were paid by the entity subsequent to the tax sale, lien acquisition, or purchase of the certificate of sale, and before redemption, plus interest.

(9) A statement that the tract or real property has not been redeemed.

(10) A statement that an entity identified in subdivision (5) is entitled to receive a deed for the tract or real property if it is not redeemed before the expiration of the period of redemption specified in section 4 of this chapter.

(11) A statement that an entity identified in subdivision (5) is entitled to reimbursement for costs described in section 2(e) of this chapter.

(12) The date of expiration of the period of redemption specified in section 4 of this chapter.

(13) A statement that if the property is not redeemed, the owner of record at the time the tax deed is issued may have a right to the tax sale surplus, if any.

(14) The street address, if any, or a common description of the tract or real property.

(15) The key number or parcel number of the tract or real property.

(f) The notice under this section must include not more than one (1) tract or item of real property listed and 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 or real property that are owned by that person may be included in one (1) notice.

(g) 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.

(h) The notice required by this section is considered sufficient if the notice is mailed to the address required under subsection (d).

(i) The notice under this section and the notice under section 4.6 of this chapter are not required for persons in possession not shown in the public records.

(j) If the purchaser fails to:

(1) comply with subsection (c)(3); or

1 (2) petition for the issuance of a tax deed within the time
2 permitted under section 4.6(a) of this chapter;
3 the certificate of sale reverts to the county executive and may be
4 retained by the county executive or sold under IC 6-1.1-24-6.1."
5 Renumber all SECTIONS consecutively.
 (Reference is to HB1478 as printed February 16, 2007.)

Representative RICHARDSON