



January 27, 2006

# SENATE BILL No. 341

DIGEST OF SB 341 (Updated January 25, 2006 8:09 pm - DI 106)

**Citations Affected:** IC 6-1.1; IC 36-1; IC 36-7.

**Synopsis:** Tax sales and redevelopment. Deletes the \$25 limit on postage and publication costs that can be included in the minimum bid amount and provides that the price of property sold at a tax sale includes the greater of \$25 or the amount of the postage and publication costs. Requires certain orders under the unsafe building law to also be served on persons having a present possessory interest in the premises. Specifies that a person with a property interest in an unsafe premises who does not: (1) record an instrument reflecting the interest; or (2) provide to the enforcement authority the person's name and address, and the location of the unsafe premises; is deemed to consent to reasonable action taken under the unsafe building law for which notice would be required and relinquishes a claim to notice. Provides that liens for special assessments have the same priority status as liens for property taxes. Increases the interest rate on delinquent tax payments made by mortgagees from 6% to 10% (the same rate applicable to tax sale purchasers). Provides for the certification for tax sale of real property for which any property taxes or special assessments are delinquent from the prior year's fall installment (rather than the spring installment, under current law). Allows all counties to use a provision that currently allows only Marion County to designate certain delinquent properties for acquisition. Prohibits persons who have violated the unsafe building law from bidding at tax sales. Provides that a sale to an ineligible bidder is subject to forfeiture, based on the determination of the county treasurer. Provides that in the event

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**Effective:** July 1, 2006; January 1, 2007.

**Wyss, Broden**

January 10, 2006, read first time and referred to Committee on Judiciary.  
January 26, 2006, amended, reported favorably — Do Pass.

SB 341—LS 6976/DI 73+



of forfeiture, the amount of the bid will be applied to the amounts owed by the ineligible bidder and a certificate for the property shall be issued to the county executive. Repeals a provision authorizing a second tax sale. Provides that property not sold at the single tax sale shall be transferred to the county executive (or the metropolitan development commission, in the case of Marion County). Replaces the term "county commissioners" with "county executive" in the tax sale statutes. Allows the county executive or metropolitan development commission to hold, manage, maintain, use, convey, or dispose for any redevelopment purposes those properties not sold for the minimum bid. Gives redevelopment commissions and the metropolitan redevelopment commission additional powers concerning the disposition of tax sale properties. Allows a hearing authority under the unsafe building law to impose fines and additional civil penalties under certain circumstances. Allows the civil penalties and fines to be collected under the special assessment procedures. Increases the amount of a civil penalty that may be imposed by a court under the unsafe building law from \$1,000 to \$5,000. Provides that a hearing authority under the unsafe building law may impose additional civil penalties if the hearing authority finds that: (1) significant work on the premises to comply with the original order has not been accomplished; and (2) the premises have a negative effect on property values or the quality of life of the surrounding area or the premises require the provision of services by local government in excess of the services required by ordinary properties. Allows a court to require a performance bond from a property owner if the property owner requests additional time to comply with an order under the unsafe building law. Amends the notice requirements for certain actions under the unsafe building law. Provides that in the case of a tax sale purchase that may be forfeited because the purchaser owes delinquent taxes or assessments, the county treasurer must notify the person in writing that the sale is subject to forfeiture if the person does not pay the amounts that the person owes within 30 days of the notice. Provides that if a county executive disposes of real property, the property taxes collected for the real property in the first year the real property is subject to taxation after the year the real property is sold or otherwise conveyed shall be disbursed to the county executive that sold or otherwise conveyed the real property. Provides that the disbursements to the county executive must be deposited in the county general fund, the redevelopment fund, the unsafe building fund, or the housing trust fund. Specifies that this disbursement to the county executive terminates in the second year the item of real property is subject to taxation.

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January 27, 2006

Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

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## SENATE BILL No. 341

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

- 1 SECTION 1. IC 6-1.1-22-8 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) The county
- 3 treasurer shall either:
- 4 (1) mail to the last known address of each person liable for any
- 5 property taxes or special assessment, as shown on the tax
- 6 duplicate or special assessment records, or to the last known
- 7 address of the most recent owner shown in the transfer book a
- 8 statement of current and delinquent taxes and special
- 9 assessments; or
- 10 (2) transmit by written, electronic, or other means to a mortgagee
- 11 maintaining an escrow account for a person who is liable for any
- 12 property taxes or special assessments, as shown on the tax
- 13 duplicate or special assessment records a statement of current and
- 14 delinquent taxes and special assessments.
- 15 (b) The county treasurer may include the following in the statement:

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- 1 (1) An itemized listing for each property tax levy, including:
- 2 (A) the amount of the tax rate;
- 3 (B) the entity levying the tax owed; ~~and~~
- 4 (C) the dollar amount of the tax owed; **and**
- 5 **(D) the dollar amount of each special assessment owed.**
- 6 (2) Information designed to inform the taxpayer or mortgagee
- 7 clearly and accurately of the manner in which the taxes billed in
- 8 the tax statement are to be used.

9 A form used and the method by which the statement and information,  
 10 if any, are transmitted must be approved by the state board of accounts.  
 11 The county treasurer may mail or transmit the statement and  
 12 information, if any, one (1) time each year at least fifteen (15) days  
 13 before the date on which the first or only installment is due. Whenever  
 14 a person's tax liability for a year is due in one (1) installment under  
 15 IC 6-1.1-7-7 or section 9 of this chapter, a statement that is mailed must  
 16 include the date on which the installment is due and denote the amount  
 17 of money to be paid for the installment. Whenever a person's tax  
 18 liability is due in two (2) installments, a statement that is mailed must  
 19 contain the dates on which the first and second installments are due and  
 20 denote the amount of money to be paid for each installment.

21 (c) All payments of property taxes and special assessments shall be  
 22 made to the county treasurer. The county treasurer, when authorized by  
 23 the board of county commissioners, may open temporary offices for the  
 24 collection of taxes in cities and towns in the county other than the  
 25 county seat.

26 (d) Before July 1, 2004, the department of local government finance  
 27 shall designate five (5) counties to participate in a pilot program to  
 28 implement the requirements of subsection (e). The department shall  
 29 immediately notify the county treasurer, county auditor, and county  
 30 assessor in writing of the designation under this subsection. The  
 31 legislative body of a county not designated for participation in the pilot  
 32 program may adopt an ordinance to implement the requirements of  
 33 subsection (e). The legislative body shall submit a copy of the  
 34 ordinance to the department of local government finance, which shall  
 35 monitor the county's implementation of the requirements of subsection  
 36 (e) as if the county were a participant in the pilot program. The  
 37 requirements of subsection (e) apply:

- 38 (1) only in:
- 39 (A) a county designated to participate in a pilot program under
- 40 this subsection, for property taxes first due and payable after
- 41 December 31, 2004, and before January 1, 2008; or
- 42 (B) a county adopting an ordinance under this subsection, for

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1           property taxes first due and payable after December 31, 2003,  
 2           or December 31, 2004 (as determined in the ordinance), and  
 3           before January 1, 2008; and  
 4           (2) in all counties for taxes first due and payable after December  
 5           31, 2007.

6           (e) Subject to subsection (d), regardless of whether a county  
 7           treasurer transmits a statement of current and delinquent taxes and  
 8           special assessments to a person liable for the taxes under subsection  
 9           (a)(1) or to a mortgagee under subsection (a)(2), the county treasurer  
 10          shall mail the following information to the last known address of each  
 11          person liable for the property taxes or special assessments or to the last  
 12          known address of the most recent owner shown in the transfer book.  
 13          The county treasurer shall mail the information not later than the date  
 14          the county treasurer transmits a statement for the property under  
 15          subsection (a)(1) or (a)(2). The county treasurer, county auditor, and  
 16          county assessor shall cooperate to generate the information to be  
 17          included on the form. The information that must be provided is the  
 18          following:

- 19           (1) A breakdown showing the total property tax and special  
 20           assessment liability and the amount of the taxpayer's liability that  
 21           will be distributed to each taxing unit in the county.
- 22           (2) A comparison showing any change in the assessed valuation  
 23           for the property as compared to the previous year.
- 24           (3) A comparison showing any change in the property tax and  
 25           special assessment liability for the property as compared to the  
 26           previous year. The information required under this subdivision  
 27           must identify:
  - 28           (A) the amount of the taxpayer's liability distributable to each  
 29           taxing unit in which the property is located in the current year  
 30           and in the previous year; and
  - 31           (B) the percentage change, if any, in the amount of the  
 32           taxpayer's liability distributable to each taxing unit in which  
 33           the property is located from the previous year to the current  
 34           year.
- 35           (4) An explanation of the following:
  - 36           (A) The homestead credit and all property tax deductions.
  - 37           (B) The procedure and deadline for filing for the homestead  
 38           credit and each deduction.
  - 39           (C) The procedure that a taxpayer must follow to:
    - 40           (i) appeal a current assessment; or
    - 41           (ii) petition for the correction of an error related to the  
 42           taxpayer's property tax and special assessment liability.

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1 (D) The forms that must be filed for an appeal or a petition  
 2 described in clause (C).  
 3 The department of local government finance shall provide the  
 4 explanation required by this subdivision to each county treasurer.  
 5 (5) A checklist that shows:  
 6 (A) the homestead credit and all property tax deductions; and  
 7 (B) whether the homestead credit and each property tax  
 8 deduction applies in the current statement for the property  
 9 transmitted under subsection (a)(1) or (a)(2).  
 10 (f) The information required to be mailed under subsection (e) must  
 11 be simply and clearly presented and understandable to the average  
 12 individual.  
 13 (g) A county that incurs:  
 14 (1) initial computer programming costs directly related to  
 15 implementation of the requirements of subsection (e); or  
 16 (2) printing costs directly related to mailing information under  
 17 subsection (e);  
 18 shall submit an itemized statement of the costs to the department of  
 19 local government finance for reimbursement from the state. The  
 20 treasurer of state shall pay a claim approved by the department of local  
 21 government finance and submitted under this section on a warrant of  
 22 the auditor of state. However, the treasurer of state may not pay any  
 23 additional claims under this subsection after the total amount of claims  
 24 paid reaches fifty thousand dollars (\$50,000).  
 25 SECTION 2. IC 6-1.1-22-11 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. A holder of  
 27 a lien of record on any real property on which taxes are delinquent may  
 28 pay the delinquent taxes, penalties, and cost. The amount so paid is an  
 29 additional lien on the real property in favor of the lienholder and is  
 30 collectible, with interest at ~~six~~ **ten** percent (~~6%~~) (**10%**) per annum from  
 31 the time of payment, in the same manner as the original lien.  
 32 SECTION 3. IC 6-1.1-22-13.5 IS ADDED TO THE INDIANA  
 33 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 34 [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.5. (a) A political**  
 35 **subdivision acquires a lien on each tract of real property for:**  
 36 **(1) all special assessments levied against the tract, including**  
 37 **the land under an improvement or appurtenance described in**  
 38 **IC 6-1.1-2-4(b); and**  
 39 **(2) all subsequent penalties and costs resulting from the**  
 40 **special assessments.**  
 41 **The lien attaches on the installment due date of the year for which**  
 42 **the special assessments are certified for collection. The lien is not**

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1 affected by any sale or transfer of the tract, including the land  
2 under an improvement or appurtenance described in  
3 IC 6-1.1-2-4(b), and including the sale, exchange, or lease of the  
4 tract under IC 36-1-11.

5 (b) The lien of the political subdivision for special assessments,  
6 penalties, and costs continues for ten (10) years from May 10 of the  
7 year in which special assessments first become due. However, if  
8 any proceeding is instituted to enforce the lien within the ten (10)  
9 year period, the limitation is extended, if necessary, to permit the  
10 termination of the proceeding.

11 (c) The lien of the state inures to political subdivisions that  
12 impose the special assessments on which the lien is based, and the  
13 lien is superior to all other liens except the lien of the state for  
14 property taxes.

15 (d) A political subdivision described in subsection (c) may  
16 institute a civil suit against a person or an entity liable for  
17 delinquent special assessments. The political subdivision may, after  
18 obtaining a judgment, collect:

- 19 (1) delinquent special assessments;
- 20 (2) penalties due to the delinquency; and
- 21 (3) costs and expenses incurred in collecting the delinquent  
22 special assessments, including reasonable attorney's fees and  
23 court costs approved by a court with jurisdiction.

24 SECTION 4. IC 6-1.1-24-1 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) On or  
26 before July 1 of each year, the county treasurer shall certify to the  
27 county auditor a list of real property on which any of the following  
28 exist:

29 (1) Any property taxes or special assessments certified to the  
30 county auditor for collection by the county treasurer from the  
31 prior year's ~~spring~~ fall installment or before are delinquent as  
32 determined under IC 6-1.1-37-10.

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

35 (b) The county auditor shall maintain a list of all real property  
36 eligible for sale. Unless the taxpayer pays to the county treasurer the  
37 amounts in subsection (a), the taxpayer's property shall remain on the  
38 list. The list must:

- 39 (1) describe the real property by parcel number and common  
40 address, if any;
- 41 (2) for a tract or item of real property with a single owner,  
42 indicate the name of the owner; and

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1 (3) for a tract or item with multiple owners, indicate the name of  
 2 at least one (1) of the owners.  
 3 (c) Except as otherwise provided in this chapter, the real property  
 4 so listed is eligible for sale in the manner prescribed in this chapter.  
 5 (d) Not later than fifteen (15) days after the date of the county  
 6 treasurer's certification under subsection (a), the county auditor shall  
 7 mail by certified mail a copy of the list described in subsection (b) to  
 8 each mortgagee who requests from the county auditor by certified mail  
 9 a copy of the list. Failure of the county auditor to mail the list under  
 10 this subsection does not invalidate an otherwise valid sale.  
 11 SECTION 5. IC 6-1.1-24-1.5 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1.5. ~~(a)~~ This  
 13 section applies to a county having a consolidated city.  
 14 **(a) As used in this chapter and IC 6-1.1-25, "county executive"**  
 15 **means the following:**  
 16 **(1) In a county not containing a consolidated city, the county**  
 17 **executive or the county executive's designee.**  
 18 **(2) In a county containing a consolidated city, the**  
 19 **metropolitan development commission.**  
 20 (b) ~~The metropolitan development commission shall~~ **county**  
 21 **executive may** designate the real property on the list prepared under  
 22 section 4.5(b) of this chapter that is eligible for listing on the list  
 23 prepared under subsection ~~(d)~~: **(c)**.  
 24 ~~(c) The commission may designate real property for inclusion on the~~  
 25 ~~list if the commission finds that the real property:~~  
 26 ~~(1) is an unsafe premises as determined under (IC 36-7-9) and is~~  
 27 ~~subject to:~~  
 28 ~~(A) an order issued under IC 36-7-9; or~~  
 29 ~~(B) a notice of violation issued by the county's health and~~  
 30 ~~hospital corporation under IC 16-22-8;~~  
 31 ~~(2) is not being used as a residence or for a business enterprise;~~  
 32 ~~and~~  
 33 ~~(3) is suitable for rehabilitation or development that will benefit~~  
 34 ~~or serve low or moderate income families.~~  
 35 ~~(d)~~ **(c)** The ~~commission~~ **county executive** shall prepare a list of  
 36 properties designated under subsection (b) and certify the list to the  
 37 county auditor no later than sixty-one (61) days prior to the earliest date  
 38 on which application for judgment and order for sale may be made.  
 39 ~~(e)~~ **(d)** Upon receiving the list described in subsection ~~(d)~~: **(c)**, the  
 40 county auditor shall:  
 41 (1) prepare a list of the properties certified by the commission;  
 42 and

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- 1 (2) delete any property described in that list from the delinquent  
 2 tax list prepared under section 1 of this chapter.
- 3 (f) ~~If the county auditor receives an owner's affidavit under section~~  
 4 ~~4.1 of this chapter, the auditor shall, upon determining that the~~  
 5 ~~information contained in the affidavit is correct, remove the property~~  
 6 ~~from the list prepared under subsection (e) and restore the property to~~  
 7 ~~the list prepared under section 1 of this chapter.~~
- 8 SECTION 6. IC 6-1.1-24-2 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) In addition  
 10 to the delinquency list required under section 1 of this chapter, each  
 11 county auditor shall prepare a notice. The notice shall contain the  
 12 following:
- 13 (1) A list of tracts or real property eligible for sale under this  
 14 chapter.
- 15 (2) A statement that the tracts or real property included in the list  
 16 will be sold at public auction to the highest bidder, subject to the  
 17 right of redemption.
- 18 (3) A statement that the tracts or real property will not be sold for  
 19 an amount which is less than the sum of:
- 20 (A) the delinquent taxes and special assessments on each tract  
 21 or item of real property;
- 22 (B) the taxes and special assessments on each tract or item of  
 23 real property that are due and payable in the year of the sale,  
 24 whether or not they are delinquent;
- 25 (C) all penalties due on the delinquencies;
- 26 (D) an amount prescribed by the county auditor that equals the  
 27 sum of:
- 28 (i) ~~the greater of~~ twenty-five dollars (\$25) ~~for or~~ postage  
 29 and publication costs; and
- 30 (ii) any other actual costs incurred by the county that are  
 31 directly attributable to the tax sale; and
- 32 (E) any unpaid costs due under subsection (b) from a prior tax  
 33 sale.
- 34 (4) A statement that a person redeeming each tract or item of real  
 35 property after the sale must pay:
- 36 (A) one hundred ten percent (110%) of the amount of the  
 37 minimum bid for which the tract or item of real property was  
 38 offered at the time of sale if the tract or item of real property  
 39 is redeemed not more than six (6) months after the date of  
 40 sale;
- 41 (B) one hundred fifteen percent (115%) of the amount of the  
 42 minimum bid for which the tract or item of real property was

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1 offered at the time of sale if the tract or item of real property  
 2 is redeemed more than six (6) months after the date of sale;  
 3 (C) the amount by which the purchase price exceeds the  
 4 minimum bid on the tract or item of real property plus ten  
 5 percent (10%) per annum on the amount by which the  
 6 purchase price exceeds the minimum bid; and  
 7 (D) all taxes and special assessments on the tract or item of  
 8 real property paid by the purchaser after the tax sale plus  
 9 interest at the rate of ten percent (10%) per annum on the  
 10 amount of taxes and special assessments paid by the purchaser  
 11 on the redeemed property.  
 12 (5) A statement for informational purposes only, of the location  
 13 of each tract or item of real property by key number, if any, and  
 14 street address, if any, or a common description of the property  
 15 other than a legal description. The township assessor, upon  
 16 written request from the county auditor, shall provide the  
 17 information to be in the notice required by this subsection. A  
 18 misstatement in the key number or street address does not  
 19 invalidate an otherwise valid sale.  
 20 (6) A statement that the county does not warrant the accuracy of  
 21 the street address or common description of the property.  
 22 (7) A statement indicating:  
 23 (A) the name of the owner of each tract or item of real  
 24 property with a single owner; or  
 25 (B) the name of at least one (1) of the owners of each tract or  
 26 item of real property with multiple owners.  
 27 (8) A statement of the procedure to be followed for obtaining or  
 28 objecting to a judgment and order of sale, that must include the  
 29 following:  
 30 (A) A statement:  
 31 (i) that the county auditor and county treasurer will apply on  
 32 or after a date designated in the notice for a court judgment  
 33 against the tracts or real property for an amount that is not  
 34 less than the amount set under subdivision (3), and for an  
 35 order to sell the tracts or real property at public auction to  
 36 the highest bidder, subject to the right of redemption; and  
 37 (ii) indicating the date when the period of redemption  
 38 specified in IC 6-1.1-25-4 will expire.  
 39 (B) A statement that any defense to the application for  
 40 judgment must be filed with the court before the date  
 41 designated as the earliest date on which the application for  
 42 judgment may be filed.

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1 (C) A statement that the court will set a date for a hearing at  
 2 least seven (7) days before the advertised date and that the  
 3 court will determine any defenses to the application for  
 4 judgment at the hearing.  
 5 (9) A statement that the sale will be conducted at a place  
 6 designated in the notice and that the sale will continue until all  
 7 tracts and real property have been offered for sale.  
 8 (10) A statement that the sale will take place at the times and  
 9 dates designated in the notice. ~~Except as provided in section 5.5~~  
 10 ~~of this chapter,~~ The sale must take place on or after August 1 and  
 11 before November 1 of each year.  
 12 (11) A statement that a person redeeming each tract or item after  
 13 the sale must pay the costs described in IC 6-1.1-25-2(e).  
 14 (12) If a county auditor and county treasurer have entered into an  
 15 agreement under IC 6-1.1-25-4.7, a statement that the county  
 16 auditor will perform the duties of the notification and title search  
 17 under IC 6-1.1-25-4.5 and the notification and petition to the  
 18 court for the tax deed under IC 6-1.1-25-4.6.  
 19 (13) A statement that, if the tract or item of real property is sold  
 20 for an amount more than the minimum bid and the property is not  
 21 redeemed, the owner of record of the tract or item of real property  
 22 who is divested of ownership at the time the tax deed is issued  
 23 may have a right to the tax sale surplus.  
 24 (14) If a determination has been made under subsection (d), a  
 25 statement that tracts or items will be sold together.  
 26 (b) If within sixty (60) days before the date of the tax sale the county  
 27 incurs costs set under subsection (a)(3)(D) and those costs are not paid,  
 28 the county auditor shall enter the amount of costs that remain unpaid  
 29 upon the tax duplicate of the property for which the costs were set. The  
 30 county treasurer shall mail notice of unpaid costs entered upon a tax  
 31 duplicate under this subsection to the owner of the property identified  
 32 in the tax duplicate.  
 33 (c) The amount of unpaid costs entered upon a tax duplicate under  
 34 subsection (b) must be paid no later than the date upon which the next  
 35 installment of real estate taxes for the property is due. Unpaid costs  
 36 entered upon a tax duplicate under subsection (b) are a lien against the  
 37 property described in the tax duplicate, and amounts remaining unpaid  
 38 on the date the next installment of real estate taxes is due may be  
 39 collected in the same manner that delinquent property taxes are  
 40 collected.  
 41 (d) The county auditor and county treasurer may establish the  
 42 condition that a tract or item will be sold and may be redeemed under

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1 this chapter only if the tract or item is sold or redeemed together with  
2 one (1) or more other tracts or items. Property may be sold together  
3 only if the tract or item is owned by the same person.

4 SECTION 7. IC 6-1.1-24-2.2 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2.2. (a) This  
6 section applies to a county having a consolidated city.

7 (b) Whenever a notice required under section 2 of this chapter  
8 includes real property on the list prepared under ~~section 1.5(e)~~ **section**  
9 **1.5(d)** of this chapter, the notice must also contain a statement that:

10 (1) the property is on the alternate list prepared under ~~section~~  
11 ~~1.5(e)~~ **section 1.5(d)** of this chapter;

12 (2) ~~the owner of the property may file an affidavit with the county~~  
13 ~~auditor no later than twenty (20) days following the date of the~~  
14 ~~notice indicating that the residential structure located on the~~  
15 ~~property is:~~

16 (A) ~~habitable under state law and any ordinance of the~~  
17 ~~political subdivision where the property is located; and~~

18 (B) ~~has been occupied as a permanent residence for the six (6)~~  
19 ~~month period preceding the date of the notice;~~

20 (3) ~~if the auditor determines that the statements made in the~~  
21 ~~affidavit are correct, the auditor will remove the property from the~~  
22 ~~list prepared under section 1.5(e) of this chapter and restore the~~  
23 ~~parcel to the delinquent tax list prepared under section 1 of this~~  
24 ~~chapter;~~

25 (4) ~~(2) if the property is not redeemed within one hundred twenty~~  
26 ~~(120) days after the date of sale the county auditor shall execute~~  
27 ~~and deliver a deed for the property to the purchaser or purchaser's~~  
28 ~~assignee; and~~

29 (5) ~~(3) if the property is offered for sale and a bid is not received~~  
30 ~~for at least the amount required under section 5 of this chapter,~~  
31 ~~the county auditor may execute and deliver a deed for the property~~  
32 ~~to the purchasing agency under IC 36-7-17, county executive,~~  
33 ~~subject to IC 6-1.1-25.~~

34 SECTION 8. IC 6-1.1-24-3 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) When real  
36 property is eligible for sale under this chapter, the county auditor shall  
37 post a copy of the notice required by sections 2 and 2.2 of this chapter  
38 at a public place of posting in the county courthouse or in another  
39 public county building at least twenty-one (21) days before the earliest  
40 date of application for judgment. In addition, the county auditor shall,  
41 in accordance with IC 5-3-1-4, publish the notice required in sections  
42 2 and 2.2 of this chapter once each week for three (3) consecutive

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1 weeks before the earliest date on which the application for judgment  
2 may be made. The expenses of this publication shall be paid out of the  
3 county general fund without prior appropriation.

4 (b) At least twenty-one (21) days before the application for  
5 judgment is made, the county auditor shall mail a copy of the notice  
6 required by sections 2 and 2.2 of this chapter by certified mail, return  
7 receipt requested, to any mortgagee who annually requests, by certified  
8 mail, a copy of the notice. However, the failure of the county auditor to  
9 mail this notice or its nondelivery does not affect the validity of the  
10 judgment and order.

11 (c) **The notices mailed under this section and** the advertisement  
12 published under section 4(b) of this chapter ~~is are~~ considered sufficient  
13 notice of the intended application for judgment and of the sale of real  
14 property under the order of the court.

15 SECTION 9. IC 6-1.1-24-4 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) Not less  
17 than twenty-one (21) days before the earliest date on which the  
18 application for judgment and order for sale of real property eligible for  
19 sale may be made, the county auditor shall send a notice of the sale by  
20 certified mail to:

- 21 (1) the owner of record of real property with a single owner; or
- 22 (2) to at least one (1) of the owners of real property with multiple  
23 owners;

24 at the last address of the owner for the property as indicated in the  
25 records of the county auditor. The county auditor shall prepare the  
26 notice in the form prescribed by the state board of accounts. The notice  
27 must set forth the key number, if any, of the real property and a street  
28 address, if any, or other common description of the property other than  
29 a legal description. The notice must include the statement set forth in  
30 section 2(a)(4) of this chapter. The county auditor must present proof  
31 of this mailing to the court along with the application for judgment and  
32 order for sale. Failure by an owner to receive or accept the notice  
33 required by this section does not affect the validity of the judgment and  
34 order. The owner of real property shall notify the county auditor of the  
35 owner's correct address. The notice required under this section is  
36 considered sufficient if the notice is mailed to the address required by  
37 this section.

38 (b) This subsection applies to a county having a consolidated city.  
39 In addition to the notice required under subsection (a) for real property  
40 on the list prepared under ~~section 1.5(e)~~ **section 1.5(d)** of this chapter,  
41 the county auditor shall prepare and mail the notice required under  
42 section 2.2 of this chapter no later than August 15 in the year in which

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the property is to be sold under this chapter.

(c) On or before the day of sale, the county auditor shall list, on the tax sale record required by IC 6-1.1-25-8, all properties that will be offered for sale.

SECTION 10. IC 6-1.1-24-4.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4.6. (a) On the day on which the application for judgment and order for sale is made, the county treasurer shall report to the county auditor all of the tracts and real property listed in the notice required by section 2 of this chapter upon which all delinquent taxes and special assessments, all penalties due on the delinquencies, any unpaid costs due from a prior tax sale, and the amount due under section 2(a)(3)(D) of this chapter have been paid up to that time. The county auditor, assisted by the county treasurer, shall compare and correct the list, removing tracts and real property for which all delinquencies have been paid, and shall make and subscribe an affidavit in substantially the following form:

State of Indiana )  
 ) ss  
County of \_\_\_\_\_ )

I, \_\_\_\_\_, treasurer of the county of \_\_\_\_\_, and I, \_\_\_\_\_, auditor of the county of \_\_\_\_\_, do solemnly affirm that the foregoing is a true and correct list of the real property within the county of \_\_\_\_\_ upon which have remained delinquent uncollected taxes, special assessments, penalties and costs, as required by law for the time periods set forth, to the best of my knowledge and belief.

\_\_\_\_\_  
County Treasurer  
\_\_\_\_\_  
County Auditor

Dated \_\_\_\_\_  
I, \_\_\_\_\_, auditor of the county of \_\_\_\_\_, do solemnly affirm that notice of the application for judgment and order for sale was mailed via certified mail to the owners on the foregoing list, and publication made, as required by law.

\_\_\_\_\_  
County Auditor

Dated \_\_\_\_\_  
(b) Application for judgment and order for sale shall be made as one (1) cause of action to any court of competent jurisdiction jointly by the county treasurer and county auditor. The application shall include the names of at least one (1) of the owners of each tract or item of real

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1 **property, the dates of mailing of the notice required by sections 2**  
2 **and 2.2 of this chapter, the dates of publication required by section**  
3 **3 of this chapter, and the affidavit and corrected list as provided in**  
4 subsection (a).

5 (c) Any defense to the application for judgment and order of sale  
6 shall be filed with the court on or before the earliest date on which the  
7 application may be made as set forth in the notice required under  
8 section 2 of this chapter.

9 SECTION 11. IC 6-1.1-24-4.7 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4.7. (a) No later  
11 than fifteen (15) days before the advertised date of the tax sale, the  
12 court shall examine the list of tracts and real property as provided  
13 under section 4.6 of this chapter. No later than three (3) days before the  
14 advertised date of the tax sale, the court shall enter judgment for those  
15 taxes, special assessments, penalties, and costs that appear to be due.  
16 This judgment is considered as a judgment against each tract or item  
17 of real property for each kind of tax, special assessment, penalty, or  
18 cost included in it. The affidavit provided under section 4.6 of this  
19 chapter is prima facie evidence of delinquency for purposes of  
20 proceedings under this section. The court shall also direct the clerk to  
21 prepare and enter an order for the sale of those tracts and real property  
22 against which judgment is entered.

23 (b) Not later than seven (7) days before the advertised date of the  
24 tax sale, the court shall conduct a hearing. At the hearing, the court  
25 shall hear any defense offered by any person interested in any of the  
26 tracts or items of real property to the entry of judgment against them,  
27 hear and determine the matter in a summary manner, without  
28 pleadings, and enter its judgment. The court shall enter a judgment  
29 under this subsection not later than three (3) days before the advertised  
30 date of the tax sale. The objection must be in writing, and no person  
31 may offer any defense unless the writing specifying the objection is  
32 accompanied by an original or a duplicate tax receipt or other  
33 supporting documentation. At least seven (7) days before the date set  
34 for the hearing, notice of the date, time, and place of the hearing shall  
35 be provided by the court to any person filing a defense to the  
36 application for judgment and order of sale.

37 (c) If judgment is entered in favor of the respondent under these  
38 proceedings or if judgment is not entered for any particular tract, part  
39 of a tract, or items of real property because of an unresolved objection  
40 made under subsection (b), the court shall remove those tracts, parts of  
41 tracts, or items of real property from the list of tracts and real property  
42 provided under section 4.6 of this chapter.

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1 (d) A judgment and order for sale shall contain the final listing of  
2 affected properties **and the name of at least one (1) of the owners of**  
3 **each tract or item of real property**, and shall substantially follow this  
4 form:

5 "Whereas, notice has been given of the intended application for  
6 a judgment against these tracts and real property, and no  
7 sufficient defense has been made or cause has been shown why  
8 judgment should not be entered against these tracts for taxes, and  
9 real property special assessments, penalties, and costs due and  
10 unpaid on them, therefore it is considered by the court that  
11 judgment is hereby entered against the below listed tracts and real  
12 property in favor of the state of Indiana for the amount of taxes,  
13 special assessments, penalties, and costs due severally on them;  
14 and it is ordered by the court that the several tracts or items of real  
15 property be sold as the law directs. Payments for taxes, special  
16 assessments, penalties, and costs made after this judgment but  
17 before the sale shall reduce the judgment accordingly."

18 (e) The order of the court constitutes the list of tracts and real  
19 property that shall be offered for sale under section 5 of this chapter.

20 (f) The court that enters judgment under this section shall retain  
21 exclusive continuing supervisory jurisdiction over all matters and  
22 claims relating to the tax sale.

23 (g) No error or informality in the proceedings of any of the officers  
24 connected with the assessment, levying, or collection of the taxes that  
25 does not affect the substantial justice of the tax itself shall invalidate or  
26 in any manner affect the tax or the assessment, levying, or collection of  
27 the tax.

28 (h) Any irregularity, informality, omission, or defective act of one  
29 (1) or more officers connected with the assessment or levying of the  
30 taxes may be, in the discretion of the court, corrected, supplied, and  
31 made to conform to law by the court, or by the officer (in the presence  
32 of the court).

33 SECTION 12. IC 6-1.1-24-5 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) When a  
35 tract or an item of real property is subject to sale under this chapter, it  
36 must be sold in compliance with this section.

37 (b) The sale must:  
38 (1) be held at the times and place stated in the notice of sale; and  
39 (2) ~~except as provided in section 5.5 of this chapter~~; not extend  
40 beyond October 31 of the year of sale.

41 (c) A tract or an item of real property may not be sold under this  
42 chapter to collect:

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- 1 (1) delinquent personal property taxes; or
- 2 (2) taxes or special assessments which are chargeable to other real
- 3 property.
- 4 (d) A tract or an item of real property may not be sold under this
- 5 chapter if all the delinquent taxes, penalties, and special assessments
- 6 on the tract or an item of real property and the amount prescribed by
- 7 section 2(a)(3)(D) of this chapter, reflecting the costs incurred by the
- 8 county due to the sale, are paid before the time of sale.
- 9 (e) The county treasurer shall sell the tract or real property, subject
- 10 to the right of redemption, to the highest bidder at public auction.
- 11 However, a tract or an item of real property may not be sold for an
- 12 amount which is less than the sum of:
- 13 (1) the delinquent taxes and special assessments on each tract or
- 14 item of real property;
- 15 (2) the taxes and special assessments on each tract or item of real
- 16 property that are due and payable in the year of the sale,
- 17 regardless of whether the taxes and special assessments are
- 18 delinquent;
- 19 (3) all penalties which are due on the delinquencies;
- 20 (4) the amount prescribed by section 2(a)(3)(D) of this chapter
- 21 reflecting the costs incurred by the county due to the sale;
- 22 (5) any unpaid costs which are due under section 2(b) of this
- 23 chapter from a prior tax sale; and
- 24 (6) other reasonable expenses of collection, including title search
- 25 expenses, uniform commercial code expenses, and reasonable
- 26 attorney's fees incurred by the date of the sale.
- 27 (f) For purposes of the sale, it is not necessary for the county
- 28 treasurer to first attempt to collect the real property taxes or special
- 29 assessments out of the personal property of the owner of the tract or
- 30 real property.
- 31 (g) The county auditor shall serve as the clerk of the sale.
- 32 SECTION 13. IC 6-1.1-24-5.3 IS AMENDED TO READ AS
- 33 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5.3. (a) This
- 34 section applies to the following:
- 35 (1) **A person who:**
- 36 (A) **owns a fee interest, a life estate interest, or the**
- 37 **equitable interest of a contract purchaser in an unsafe**
- 38 **building or unsafe premises in the county in which a sale is**
- 39 **held under this chapter; and**
- 40 (B) **is subject to an order issued under IC 36-7-9-5(a)(2),**
- 41 **IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5)**
- 42 **regarding which the conditions set forth in**

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IC 36-7-9-10(a)(1) through IC 36-7-9-10(a)(4) exist.

(2) A person who:

(A) owns a fee interest, a life estate interest, or the equitable interest of a contract purchaser in an unsafe building or unsafe premises in the county in which a sale is held under this chapter; and

(B) is subject to an order issued under IC 36-7-9-5(a), other than an order issued under IC 36-7-9-5(a)(2), IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5), regarding which the conditions set forth in IC 36-7-9-10(b)(1) through IC 36-7-9-10(b)(4) exist.

(3) A person who is the defendant in a court action brought under IC 36-7-9-18, IC 36-7-9-19, IC 36-7-9-20, IC 36-7-9-21, or IC 36-7-9-22 in the county in which a sale is held under this chapter that has resulted in a judgment in favor of the plaintiff and the unsafe condition that caused the action to be brought has not been corrected.

(4) A person who has any of the following relationships to a person, partnership, corporation, or legal entity described in subdivisions (1), (2), or (3):

- (A) A partner of a partnership.
- (B) An officer or majority stockholder of a corporation.
- (C) The person who directs the activities or has a majority ownership in a legal entity other than a partnership or corporation.

(†) (5) A person who, in the county in which a sale is held under this chapter, owes:

- (A) delinquent taxes;
- (B) special assessments;
- (C) penalties;
- (D) interest; or
- (E) costs directly attributable to a prior tax sale;

on a tract or an item of real property listed under section 1 of this chapter.

(‡) (6) A person who is an agent of the person described in subdivision (†): **this subsection.**

(b) A person subject to this section may not purchase a tract offered for sale under section 5 or 5.5 of this chapter.

(c) **The county treasurer shall require each person who will be bidding at the tax sale to sign a statement in a form substantially similar to the following:**

**"Indiana law prohibits a person who owes delinquent taxes,**

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1 special assessments, penalties, interest, or costs directly  
 2 attributable to a prior tax sale from purchasing tracts or  
 3 items of real property at a tax sale. I hereby affirm under the  
 4 penalties for perjury that I do not owe delinquent taxes,  
 5 special assessments, penalties, interest, costs directly  
 6 attributable to a prior tax sale, amounts from a final  
 7 adjudication in favor of a political subdivision in this county,  
 8 any civil penalties imposed for the violation of a building code  
 9 or ordinance of this county, or any civil penalties imposed by  
 10 a health department in this county. Further, I hereby  
 11 acknowledge that any successful bid I make in violation of this  
 12 statement is subject to forfeiture. In the event of forfeiture,  
 13 the amount of my bid shall be applied to the delinquent taxes,  
 14 special assessments, penalties, interest, costs, judgments, or  
 15 civil penalties I owe, and a certificate will be issued to the  
 16 county executive."

17 ~~(c)~~ (d) If a person purchases a tract that the person was not eligible  
 18 to purchase under this section, the sale of the property is ~~void~~: **subject**  
 19 **to forfeiture. If the county treasurer determines or is notified not**  
 20 **more than six (6) months after the date of the sale that the sale of**  
 21 **the property should be forfeited, the county treasurer shall:**

- 22 (1) notify the person in writing that the sale is subject to
- 23 forfeiture if the person does not pay the amounts that the
- 24 person owes within thirty (30) days of the notice;
- 25 (2) if the person does not pay the amounts that the person
- 26 owes within thirty (30) days after the notice, apply the surplus
- 27 amount of the person's bid to the person's delinquent taxes,
- 28 special assessments, penalties, and interest;
- 29 (3) remit the amounts owed from a final adjudication or civil
- 30 penalties in favor of a political subdivision to the appropriate
- 31 political subdivision; and offer the real property for sale again
- 32 (4) notify the county auditor that the sale has been forfeited.

33 Upon being notified that a sale has been forfeited, the county  
 34 auditor shall issue a certificate to the county executive under  
 35 section 6 of this chapter.

36 (e) A county treasurer may decline to forfeit a sale under this  
 37 section because of inadvertence or mistake, lack of actual  
 38 knowledge by the bidder, substantial harm to other parties with  
 39 interests in the tract or item of real property, or other substantial  
 40 reasons. If the treasurer declines to forfeit a sale, the treasurer  
 41 shall:

- 42 (1) prepare a written statement explaining the reasons for

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**declining to forfeit the sale; and**  
**(2) retain the written statement as an official record.**  
**(f) If a sale is forfeited under this section and the tract or item of real property is redeemed from the sale, the county auditor shall deposit the amount of the redemption into the county general fund and notify the county executive of the redemption. Upon being notified of the redemption, the county executive shall surrender the certificate to the county auditor.**

SECTION 14. IC 6-1.1-24-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) When a tract or an item of real property is offered for sale under this chapter for two ~~(2)~~ consecutive tax sales and an amount is not received equal to or in excess of the minimum sale price prescribed in section 5(e) of this chapter, the county **executive** acquires a lien in the amount of the minimum sale price. This lien attaches on the day after the last date on which the tract or item was offered for sale. ~~the second time.~~

(b) When a county **executive** acquires a lien under this section, the county auditor shall issue a tax sale certificate to the county **executive** in the manner provided in section 9 of this chapter. The county auditor shall date the certificate the day that the county **executive** acquires the lien. When a county **executive** acquires a certificate under this section, the county **executive** has the same rights as a purchaser. ~~However, the county shall hold the certificate for the taxing units described in subsection (c).~~

(c) When a lien is acquired by a county **executive** under this section, no money shall be paid by the county **executive**. However, each of the taxing units having an interest in the taxes on the tract shall be charged with the full amount of all delinquent taxes due them.

SECTION 15. IC 6-1.1-24-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6.1. (a) The county ~~commissioners~~ **executive** may:

- (1) by resolution, identify properties:
  - (A) that are described in section 6.7(a) of this chapter; and
  - (B) concerning which the county ~~commissioners~~ **executive** desire to offer to the public the certificates of sale acquired by the county **executive** under section 6 of this chapter;
- (2) publish notice in accordance with IC 5-3-1 of the date, time, and place for a public sale of the certificates of sale that is not earlier than ninety (90) days after the last date the notice is published; and
- (3) sell each certificate of sale covered by the resolution for a price that:

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1 (A) is less than the minimum sale price prescribed by section  
 2 5(e) of this chapter; and  
 3 (B) includes any costs to the county **executive** directly  
 4 attributable to the sale of the certificate of sale.  
 5 (b) Notice of the list of properties prepared under subsection (a) and  
 6 the date, time, and place for the public sale of the certificates of sale  
 7 shall be published in accordance with IC 5-3-1. The notice must:  
 8 (1) include a description of the property by parcel number and  
 9 common address;  
 10 (2) specify that the county ~~commissioners~~ **executive** will accept  
 11 bids for the certificates of sale for the price referred to in  
 12 subsection (a)(3);  
 13 (3) specify the minimum bid for each parcel;  
 14 (4) include a statement that a person redeeming each tract or item  
 15 of real property after the sale of the certificate must pay:  
 16 (A) the amount of the minimum bid under section 5(e) of this  
 17 chapter for which the tract or item of real property was last  
 18 offered for sale;  
 19 (B) ten percent (10%) of the amount for which the certificate  
 20 is sold;  
 21 (C) the attorney's fees and costs of giving notice under  
 22 IC 6-1.1-25-4.5;  
 23 (D) the costs of a title search or of examining and updating the  
 24 abstract of title for the tract or item of real property; and  
 25 (E) all taxes and special assessments on the tract or item of  
 26 real property paid by the purchaser after the sale of the  
 27 certificate plus interest at the rate of ten percent (10%) per  
 28 annum on the amount of taxes and special assessments paid by  
 29 the purchaser on the redeemed property; and  
 30 (5) include a statement that, if the certificate is sold for an amount  
 31 more than the minimum bid under section 5(e) of this chapter for  
 32 which the tract or item of real property was last offered for sale  
 33 and the property is not redeemed, the owner of record of the tract  
 34 or item of real property who is divested of ownership at the time  
 35 the tax deed is issued may have a right to the tax sale surplus.  
 36 SECTION 16. IC 6-1.1-24-6.3 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6.3. (a) The sale  
 38 of certificates of sale under this chapter must be held at the time and  
 39 place stated in the notice of sale.  
 40 (b) A certificate of sale may not be sold under this chapter if the  
 41 following are paid before the time of sale:  
 42 (1) All the delinquent taxes, penalties, and special assessments on

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1 the tract or an item of real property.  
 2 (2) The amount prescribed by section 2(a)(3)(D) of this chapter,  
 3 reflecting the costs incurred by the county due to the sale.  
 4 (c) The county ~~commissioners~~ **executive** shall sell the certificate of  
 5 sale, subject to the right of redemption, to the highest bidder at public  
 6 auction.  
 7 (d) The county auditor shall serve as the clerk of the sale.  
 8 SECTION 17. IC 6-1.1-24-6.7 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6.7. ~~(a) After each~~  
 10 ~~tax sale conducted under this chapter, the county auditor shall prepare~~  
 11 ~~and deliver to the county commissioners a list of all properties:~~  
 12 ~~(1) that have been offered for sale in two (2) consecutive tax~~  
 13 ~~sales;~~  
 14 ~~(2) that have not received a bid for at least the amount required~~  
 15 ~~under section 5 of this chapter;~~  
 16 ~~(3) that are not subject to the provisions of section 6.5 of this~~  
 17 ~~chapter;~~  
 18 ~~(4) on which the county has acquired a lien under section 6 of this~~  
 19 ~~chapter; and~~  
 20 ~~(5) for which the county is eligible to take title.~~  
 21 ~~(b) (a) The county commissioners shall executive may:~~  
 22 ~~(1) by resolution, identify the property described under subsection~~  
 23 ~~(a) section 6 of this chapter that the county commissioners desire~~  
 24 ~~executive desires to transfer to a nonprofit corporation for use for~~  
 25 ~~the public good; and~~  
 26 ~~(2) set a date, time, and place for a public hearing to consider the~~  
 27 ~~transfer of the property to a nonprofit corporation.~~  
 28 ~~(c) (b) Notice of the list prepared property identified under~~  
 29 ~~subsection (b) (a) and the date, time, and place for the hearing on the~~  
 30 ~~proposed transfer of the property on the list shall be published in~~  
 31 ~~accordance with IC 5-3-1. The notice must include a description of the~~  
 32 ~~property by:~~  
 33 ~~(1) legal description; and~~  
 34 ~~(2) parcel number or street address, or both.~~  
 35 The notice must specify that the county ~~commissioners~~ **executive** will  
 36 accept applications submitted by nonprofit corporations as provided in  
 37 subsection ~~(f) (d)~~ and hear any opposition to a proposed transfer.  
 38 ~~(d) (c) After the hearing set under subsection (b); (a), the county~~  
 39 ~~commissioners executive shall by resolution make a final~~  
 40 ~~determination concerning:~~  
 41 ~~(1) the properties that are to be transferred to a nonprofit~~  
 42 ~~corporation;~~

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1           (2) the nonprofit corporation to which each property is to be  
2           transferred; and  
3           (3) the terms and conditions of the transfer.  
4           ~~(e)~~ This subsection applies only to a county having a consolidated  
5           city. The resolution of the county commissioners prepared under  
6           subsection (d) shall be forwarded to the county executive for approval.  
7           The county executive may remove any properties from the list of  
8           properties to be transferred that is prepared under subsection (d). The  
9           final list of properties to be transferred to nonprofit corporations shall  
10          be approved by the county executive and returned to the county  
11          commissioners.  
12          ~~(f)~~ **(d)** To be eligible to receive property under this section, a  
13          nonprofit corporation must file an application with the county  
14          ~~commissioners~~ **executive**. The application must state the property that  
15          the corporation desires to acquire, the use to be made of the property,  
16          and the time period anticipated for implementation of the use. The  
17          application must be accompanied by documentation verifying the  
18          nonprofit status of the corporation and be signed by an officer of the  
19          corporation. If more than one (1) application for a single property is  
20          filed, the county ~~commissioners~~ **executive** shall determine which  
21          application is to be accepted based on the benefit to be provided to the  
22          public and the neighborhood and the suitability of the stated use for the  
23          property and the surrounding area.  
24          ~~(g)~~ **(e)** After the hearing set under subsection ~~(b)~~ **(a)** and the final  
25          determination of properties to be transferred under subsection ~~(d)~~ **or**  
26          ~~(e)~~ **(c)**, whichever is applicable, the county ~~commissioners~~ **executive**,  
27          on behalf of the county, shall cause all delinquent taxes, special  
28          assessments, penalties, interest, and costs of sale to be removed from  
29          the tax duplicate and the county auditor to prepare a deed transferring  
30          the property to the nonprofit corporation. The deed shall provide for:  
31                  (1) the use to be made of the property;  
32                  (2) the time within which the use must be implemented and  
33                  maintained;  
34                  (3) any other term and conditions that are established by the  
35                  county ~~commissioners~~ **executive**; and  
36                  (4) the reversion of the property to the county **executive** if the  
37                  grantee nonprofit corporation fails to comply with the terms and  
38                  conditions.  
39          If the grantee nonprofit corporation fails to comply with the terms and  
40          conditions of the transfer and title to the property reverts to the county  
41          **executive**, the property may be retained by the county **executive** or  
42          disposed of under any of the provisions of this chapter or IC 6-1.1-24,

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1 or both.

2 SECTION 18. IC 6-1.1-25-4 IS AMENDED TO READ AS

3 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) The period

4 for redemption of real property 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**

8 (3) one hundred twenty (120) days after the date of sale of real

9 property on the list prepared under IC 6-1.1-24-1.5. ~~or~~

10 ~~(4) one hundred twenty (120) days after the date of sale under~~

11 ~~IC 6-1.1-24-5.5(b).~~

12 (b) The period for redemption of real property:

13 (1) on which the county **executive** acquires a lien under

14 IC 6-1.1-24-6; and

15 (2) for which the certificate of sale is not sold under

16 IC 6-1.1-24-6.1;

17 is one hundred twenty (120) days after the date the county **executive**

18 acquires the lien under IC 6-1.1-24-6.

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

20 (1) on which the county **executive** acquires a lien under

21 IC 6-1.1-24-6; and

22 (2) for which the certificate of sale is sold under IC 6-1.1-24;

23 is one hundred twenty (120) days after the date of sale of the certificate

24 of sale under IC 6-1.1-24.

25 (d) When a deed for real property is executed under this chapter, the

26 county auditor shall cancel the certificate of sale and file the canceled

27 certificate in the office of the county auditor. If real property that

28 appears on the list prepared under IC 6-1.1-24-1.5 is offered for sale

29 and an amount that is at least equal to the minimum sale price required

30 under IC 6-1.1-24-5(e) is not received, the county auditor shall issue a

31 deed to the real property, ~~in the manner provided in IC 6-1.1-24-6.5.~~

32 **subject to this chapter.**

33 (e) When a deed is issued to a county **executive** under this chapter,

34 the taxes and special assessments for which the real property was

35 offered for sale, and all subsequent taxes, special assessments, interest,

36 penalties, and cost of sale shall be removed from the tax duplicate in

37 the same manner that taxes are removed by certificate of error.

38 (f) A tax deed executed under this chapter vests in the grantee an

39 estate in fee simple absolute, free and clear of all liens and

40 encumbrances created or suffered before or after the tax sale except

41 those liens granted priority under federal law and the lien of the state

42 or a political subdivision for taxes and special assessments which

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1 accrue subsequent to the sale and which are not removed under  
2 subsection (e). However, the estate is subject to:

- 3 (1) all easements, covenants, declarations, and other deed
- 4 restrictions shown by public records;
- 5 (2) laws, ordinances, and regulations concerning governmental
- 6 police powers, including zoning, building, land use,
- 7 improvements on the land, land division, and environmental
- 8 protection; and
- 9 (3) liens and encumbrances created or suffered by the grantee.

10 (g) A tax deed executed under this chapter is prima facie evidence  
11 of:

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

16 (h) A county auditor is not required to execute a deed to the county  
17 **executive** under this chapter if the county executive determines that the  
18 property involved contains hazardous waste or another environmental  
19 hazard for which the cost of abatement or alleviation will exceed the  
20 fair market value of the property. The county **executive** may enter the  
21 property to conduct environmental investigations.

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

31 (j) When a deed is issued to a purchaser of a certificate of sale sold  
32 under IC 6-1.1-24-6.1, the county auditor shall, in the same manner that  
33 taxes are removed by certificate of error, remove from the tax duplicate  
34 the taxes, special assessments, interest, penalties, and costs remaining  
35 due as the difference between the amount of the last minimum bid  
36 under IC 6-1.1-24-5(e) and the amount paid for the certificate of sale.

37 SECTION 19. IC 6-1.1-25-4.5 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4.5. (a) Except as  
39 provided in subsection (d), 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;

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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) 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) A purchaser or the purchaser's assignee is entitled to a tax deed  
 38 to the property that was sold under IC 6-1.1-24-5.5(b) only if:  
 39 (1) the redemption period specified in section 4(a)(4) of this  
 40 chapter has expired;  
 41 (2) the property has not been redeemed within the period of  
 42 redemption specified in section 4(a)(4) of this chapter; and

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1           (3) not later than ninety (90) days after the date of the sale, the  
2           purchaser or the purchaser's assignee gives notice of the sale to:

3           (A) the owner of record at the time of the sale; and

4           (B) any person with a substantial property interest of public  
5           record in the tract or real property.

6           (4) (d) The person required to give the notice under subsection (a),  
7           (b), or (c) shall give the notice by sending a copy of the notice by  
8           certified mail to:

9           (1) the owner of record at the time of the:

10           (A) sale of the property;

11           (B) acquisition of the lien on the property under IC 6-1.1-24-6;  
12           or

13           (C) sale of the certificate of sale on the property under  
14           IC 6-1.1-24;

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

17           (2) any person with a substantial property interest of public record  
18           at the address for the person included in the public record that  
19           indicates the interest.

20           However, if the address of the person with a substantial property  
21           interest of public record is not indicated in the public record that  
22           created the interest and cannot be located by ordinary means by the  
23           person required to give the notice under subsection (a), (b), or (c), the  
24           person may give notice by publication in accordance with **Indiana**  
25           **Trial Rule 4.13** and IC 5-3-1-4 once each week for three (3)  
26           consecutive weeks.

27           (5) (e) The notice that this section requires shall contain at least the  
28           following:

29           (1) A statement that a petition for a tax deed will be filed on or  
30           after a specified date.

31           (2) The date on or after which the petitioner intends to petition for  
32           a tax deed to be issued.

33           (3) A description of the tract or real property shown on the  
34           certificate of sale.

35           (4) The date the tract or real property was sold at a tax sale.

36           (5) The name of the:

37           (A) purchaser or purchaser's assignee;

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

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

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

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- 1 property.
- 2 (7) The components of the amount required to redeem the tract or
- 3 real property.
- 4 (8) A statement that an entity identified in subdivision (5) is
- 5 entitled to reimbursement for additional taxes or special
- 6 assessments on the tract or real property that were paid by the
- 7 entity subsequent to the tax sale, lien acquisition, or purchase of
- 8 the certificate of sale, and before redemption, plus interest.
- 9 (9) A statement that the tract or real property has not been
- 10 redeemed.
- 11 (10) A statement that an entity identified in subdivision (5) is
- 12 entitled to receive a deed for the tract or real property if it is not
- 13 redeemed before the expiration of the period of redemption
- 14 specified in section 4 of this chapter.
- 15 (11) A statement that an entity identified in subdivision (5) is
- 16 entitled to reimbursement for costs described in section 2(e) of
- 17 this chapter.
- 18 (12) The date of expiration of the period of redemption specified
- 19 in section 4 of this chapter.
- 20 (13) A statement that if the property is not redeemed, the owner
- 21 of record at the time the tax deed is issued may have a right to the
- 22 tax sale surplus, if any.
- 23 (14) The street address, if any, or a common description of the
- 24 tract or real property.
- 25 (15) The key number or parcel number of the tract or real
- 26 property.
- 27 ~~(g)~~ **(f)** The notice under this section must include not more than one
- 28 (1) tract or item of real property listed and sold in one (1) description.
- 29 However, when more than one (1) tract or item of real property is
- 30 owned by one (1) person, all of the tracts or real property that are
- 31 owned by that person may be included in one (1) notice.
- 32 ~~(h)~~ **(g)** A single notice under this section may be used to notify joint
- 33 owners of record at the last address of the joint owners for the property
- 34 sold, as indicated in the records of the county auditor.
- 35 ~~(i)~~ **(h)** The notice required by this section is considered sufficient if
- 36 the notice is mailed to the address required under subsection ~~(e)~~ **(d)**.
- 37 ~~(j)~~ **(i)** The notice under this section and the notice under section 4.6
- 38 of this chapter are not required for persons in possession not shown in
- 39 the public records.
- 40 ~~(k)~~ **(j)** If the purchaser fails to:
- 41 (1) comply with subsection (c)(3); or
- 42 (2) petition for the issuance of a tax deed within the time

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1 permitted under section 4.6(a) of this chapter;  
 2 the certificate of sale reverts to the county **executive** and may be  
 3 retained by the county **executive** or sold under IC 6-1.1-24-6.1.

4 SECTION 20. IC 6-1.1-25-4.6 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4.6. (a) After the  
 6 expiration of the redemption period specified in section 4 of this  
 7 chapter but not later than six (6) months after the expiration of the  
 8 period of redemption:

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

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

16 file a verified petition in the same court and under the same cause  
 17 number in which the judgment of sale was entered asking the court to  
 18 direct the county auditor to issue a tax deed if the real property is not  
 19 redeemed from the sale. Notice of the filing of this petition shall be  
 20 given to the same parties and in the same manner as provided in section  
 21 4.5 of this chapter, except that, if notice is given by publication, only  
 22 one (1) publication is required. The notice required by this section is  
 23 considered sufficient if the notice is sent to the address required by  
 24 ~~section 4.5(c)~~ **section 4.5(d)** of this chapter. Any person owning or  
 25 having an interest in the tract or real property may file a written  
 26 objection to the petition with the court not later than thirty (30) days  
 27 after the date the petition was filed. If a written objection is timely  
 28 filed, the court shall conduct a hearing on the objection.

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

34 (1) The time of redemption has expired.

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

38 (3) Except with respect to a petition for the issuance of a tax deed  
 39 under a sale of the certificate of sale on the property under  
 40 IC 6-1.1-24-6.1, all taxes and special assessments, penalties, and  
 41 costs have been paid.

42 (4) The notices required by this section and section 4.5 of this

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1 chapter have been given.

2 (5) The petitioner has complied with all the provisions of law

3 entitling the petitioner to a deed.

4 The county auditor shall execute deeds issued under this subsection in

5 the name of the state under the county auditor's name. If a certificate of

6 sale is lost before the execution of a deed, the county auditor shall issue

7 a replacement certificate if the county auditor is satisfied that the

8 original certificate existed.

9 (c) Upon application by the grantee of a valid tax deed in the same

10 court and under the same cause number in which the judgment of sale

11 was entered, the court shall enter an order to place the grantee of a

12 valid tax deed in possession of the real estate. The court may enter any

13 orders and grant any relief that is necessary or desirable to place or

14 maintain the grantee of a valid tax deed in possession of the real estate.

15 (d) Except as provided in subsections (e) and (f), if the court refuses

16 to enter an order directing the county auditor to execute and deliver the

17 tax deed because of the failure of the petitioner under subsection (a) to

18 fulfill the requirements of this section, the court shall order the return

19 of the purchase price minus a penalty of twenty-five percent (25%) of

20 the amount of the purchase price. Penalties paid under this subsection

21 shall be deposited in the county general fund.

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

23 (1) the petitioner under subsection (a) has made a bona fide

24 attempt to comply with the statutory requirements under

25 subsection (b) for the issuance of the tax deed but has failed to

26 comply with these requirements; and

27 (2) the court refuses to enter an order directing the county auditor

28 to execute and deliver the tax deed because of the failure to

29 comply with these requirements;

30 the county auditor shall not execute the deed but shall refund the

31 purchase money plus six percent (6%) interest per annum from the

32 county treasury to the purchaser, the purchaser's successors or

33 assignees, or the purchaser of the certificate of sale under IC 6-1.1-24.

34 The tract or item of real property, if it is then eligible for sale under

35 IC 6-1.1-24, shall be placed on the delinquent list as an initial offering

36 under IC 6-1.1-24-6.

37 (f) Notwithstanding subsections (d) and (e), the court shall not order

38 the return of the purchase price if:

39 (1) the purchaser or the purchaser of the certificate of sale under

40 IC 6-1.1-24 has failed to provide notice or has provided

41 insufficient notice as required by section 4.5 of this chapter; and

42 (2) the sale is otherwise valid.

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

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

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

19 SECTION 21. IC 6-1.1-25-9 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9. (a) When a  
21 county acquires title to real property under IC 6-1.1-24 and this  
22 chapter, the county **executive** may dispose of the real property under  
23 IC 36-1-11 or subsection (e). The proceeds of any sale under  
24 IC 36-1-11 shall be applied as follows:

- 25 (1) First, to the cost of the sale or offering for sale of the real
- 26 property, including the cost of:
- 27 (A) maintenance;
- 28 (B) preservation;
- 29 (C) administration of the property before the sale or offering
- 30 for sale of the property;
- 31 (D) unpaid costs of the sale or offering for sale of the property;
- 32 (E) preparation of the property for sale;
- 33 (F) advertising; and
- 34 (G) appraisal.

- 35 (2) Second, to any unrecovered cost of the sale or offering for sale
- 36 of other real property in the same taxing district acquired by the
- 37 county under IC 6-1.1-24 and this chapter, including the cost of:
- 38 (A) maintenance;
- 39 (B) preservation;
- 40 (C) administration of the property before the sale or offering
- 41 for sale of the property;
- 42 (D) unpaid costs of the sale or offering for sale of the property;

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1 (E) preparation of the property for sale;  
 2 (F) advertising; and  
 3 (G) appraisal.

4 (3) Third, to the payment of the taxes on the real property that  
 5 were removed from the tax duplicate under section 4(c) of this  
 6 chapter.

7 (4) Fourth, any surplus remaining into the county general fund.

8 (b) The county auditor shall file a report with the board of  
 9 commissioners before January 31 of each year. The report must:

10 (1) list the real property acquired under IC 6-1.1-24 and this  
 11 chapter; and  
 12 (2) indicate if any person resides or conducts a business on the  
 13 property.

14 (c) The county auditor shall mail a notice by certified mail before  
 15 March 31 of each year to each person listed in subsection (b)(2). The  
 16 notice must state that the county has acquired title to the tract the  
 17 person occupies.

18 (d) If the county **executive** determines ~~under IC 36-1-11~~ that any  
 19 real property ~~is~~ **acquired under this section** should be retained by the  
 20 county, then the county **executive** shall not dispose of the real property.  
 21 The county executive may repair, maintain, equip, alter, and construct  
 22 buildings upon the real property so retained in the same manner  
 23 prescribed for other county buildings.

24 (e) The county **executive** may transfer title to real property  
 25 described in subsection (a) to the redevelopment commission at no cost  
 26 to the commission for sale, ~~or~~ grant, **or other disposition** under  
 27 IC 36-7-14-22.2, **IC 36-7-14-22.5**, IC 36-7-15.1-15.1, ~~or~~  
 28 IC 36-7-15.1-15.2, **or IC 36-7-15.1-15.5**.

29 **(f) If the real property is located in a geographic area that is not**  
 30 **served by a redevelopment commission and the county executive**  
 31 **determines that any real property acquired under this section**  
 32 **should be held for later sale or transfer by the county executive, the**  
 33 **county executive shall wait until an appropriate time to dispose of**  
 34 **the real property. The county executive may do the following:**  
 35 **(1) Examine, classify, manage, protect, insure, and maintain**  
 36 **the property being held.**  
 37 **(2) Eliminate deficiencies (including environmental**  
 38 **deficiencies), carry out repairs, remove structures, make**  
 39 **improvements, and control the use of the property.**  
 40 **(3) Lease the property while it is being held.**  
 41 **The county executive may enter into contracts to carry out part or**  
 42 **all of the functions described in subdivisions (1) through (3).**

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1 SECTION 22. IC 36-1-8-16 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2006]: **Sec. 16. (a) If a county executive disposes of real property,  
4 the property taxes collected for each item of the real property in  
5 the first year the item of real property is subject to taxation after  
6 the year the real property is sold or otherwise conveyed shall be  
7 disbursed to the county executive that sold or otherwise conveyed  
8 the item of real property.**

9 **(b) Disbursements to the county executive under subsection (a)  
10 shall be deposited into the county general fund, the redevelopment  
11 fund, the unsafe building fund, or the housing trust fund and shall  
12 be used only for one (1) or more of the purposes authorized under  
13 IC 36-7-14-22.5 or IC 36-7-15.1-15.5.**

14 **(c) The county executive shall forward a copy of each resolution  
15 that disposes or otherwise conveys real property to the county  
16 auditor.**

17 **(d) The disbursement of property taxes under subsection (a)  
18 shall terminate in the second year the item of real property is  
19 subject to taxation after the property is sold or otherwise conveyed.**

20 SECTION 23. IC 36-7-9-2 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this  
22 chapter:

23 "Community organization" means a citizen's group, neighborhood  
24 association, neighborhood development corporation, or similar  
25 organization that:

- 26 (1) has specific geographic boundaries defined in its bylaws or
- 27 articles of incorporation and contains at least forty (40)
- 28 households within those boundaries;
- 29 (2) is a nonprofit corporation that is representative of at least
- 30 twenty-five (25) households or twenty percent (20%) of the
- 31 households in the community, whichever is less;
- 32 (3) is operated primarily for the promotion of social welfare and
- 33 general neighborhood improvement and enhancement;
- 34 (4) has been incorporated for at least two (2) years; and
- 35 (5) is exempt from taxation under Section 501(c)(3) or 501(c)(4)
- 36 of the Internal Revenue Code.

37 "Department" refers to the executive department authorized by  
38 ordinance to administer this chapter. In a consolidated city, this  
39 department is the department of metropolitan development, subject to  
40 IC 36-3-4-23.

41 "Enforcement authority" refers to the chief administrative officer of  
42 the department, except in a consolidated city. In a consolidated city, the

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1 division of development services is the enforcement authority, subject  
2 to IC 36-3-4-23.

3 "Hearing authority" refers to a person or persons designated as such  
4 by the executive of a city or county, or by the legislative body of a  
5 town. However, in a consolidated city, the director of the department  
6 or a person designated by ~~him~~ **the director** is the hearing authority. An  
7 employee of the enforcement authority may not be designated as the  
8 hearing authority.

9 **"Known or recorded fee interest, life estate interest, or**  
10 **equitable interest of a contract purchaser"** means any fee interest,  
11 **life estate interest, or equitable interest of a contract purchaser**  
12 **held by a person whose identity and address may be determined**  
13 **from:**

- 14 (1) **an instrument recorded in the recorder's office of the**  
15 **county where the unsafe premises is located;**
- 16 (2) **written information or actual knowledge received by the**  
17 **department (or, in the case of a consolidated city, the**  
18 **enforcement authority); or**
- 19 (3) **a review of department (or, in the case of a consolidated**  
20 **city, the enforcement authority) records that is sufficient to**  
21 **identify information that is reasonably ascertainable.**

22 **"Known or recorded substantial property interest"** means any  
23 **right in real property, including a fee interest, a life estate interest,**  
24 **a future interest, a mortgage interest, or an equitable interest of a**  
25 **contract purchaser, that:**

- 26 (1) **may be affected in a substantial way by actions authorized**  
27 **by this chapter; and**
- 28 (2) **is held by a person whose identity and address may be**  
29 **determined from:**
  - 30 (A) **an instrument recorded in the recorder's office of the**  
31 **county where the unsafe premises is located;**
  - 32 (B) **written information or actual knowledge received by**  
33 **the department (or, in the case of a consolidated city, the**  
34 **enforcement authority); or**
  - 35 (C) **a review of department (or, in the case of a**  
36 **consolidated city, the enforcement authority) records that**  
37 **is sufficient to identify information that is reasonably**  
38 **ascertainable.**

39 "Substantial property interest" means any right in real property that  
40 may be affected in a substantial way by actions authorized by this  
41 chapter, including a fee interest, a life estate interest, a future interest,  
42 a present possessory interest, a mortgage interest, or an equitable

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1 interest of a contract purchaser. In a consolidated city, the interest  
2 reflected by a deed, lease, license, mortgage, land sale contract, or lien  
3 is not a substantial property interest unless the deed, lease, license,  
4 mortgage, land sale contract, lien, or evidence of it is:

- 5 (1) recorded in the office of the county recorder; or
- 6 (2) the subject of a written information that is received by the
- 7 division of development services and includes the name and
- 8 address of the holder of the interest described.

9 SECTION 24. IC 36-7-9-7 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) A hearing must  
11 be held relative to each order of the enforcement authority, except for  
12 an order issued under section 5(a)(2), 5(a)(3), 5(a)(4), or 5(a)(5) of this  
13 chapter. An order issued under section 5(a)(2), 5(a)(3), 5(a)(4), or  
14 5(a)(5) of this chapter becomes final ten (10) days after notice is given,  
15 unless a hearing is requested before the ten (10) day period ends by a  
16 person holding a fee interest, life estate interest, **mortgage interest**, or  
17 equitable interest of a contract purchaser in the unsafe premises. The  
18 hearing shall be conducted by the hearing authority.

19 (b) The hearing shall be held on a business day no earlier than ten  
20 (10) days after notice of the order is given. The hearing authority may,  
21 however, take action at the hearing, or before the hearing if a written  
22 request is received by the enforcement authority not later than five (5)  
23 days after notice is given, to continue the hearing to a business day not  
24 later than fourteen (14) days after the hearing date shown on the order.  
25 Unless the hearing authority takes action to have the continued hearing  
26 held on a definite, specified date, notice of the continued hearing must  
27 be given to the person to whom the order was issued at least five (5)  
28 days before the continued hearing date, in the manner prescribed by  
29 section 25 of this chapter. If the order being considered at the  
30 continued hearing was served by publication, it is sufficient to give  
31 notice of the continued hearing by publication unless the enforcement  
32 authority has received information in writing that enables it to make  
33 service under section 25 of this chapter by a method other than  
34 publication.

35 (c) The person to whom the order was issued, any person having a  
36 substantial property interest in the unsafe premises that are the subject  
37 of the order, or any other person with an interest in the proceedings  
38 may appear in person or by counsel at the hearing. Each person  
39 appearing at the hearing is entitled to present evidence, cross-examine  
40 opposing witnesses, and present arguments.

41 (d) At the conclusion of any hearing at which a continuance is not  
42 granted, the hearing authority may make findings and take action to:

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- 1 (1) affirm the order;
- 2 (2) rescind the order; or
- 3 (3) modify the order, but unless the person to whom the order was
- 4 issued, or counsel for that person, is present at the hearing, the
- 5 hearing authority may modify the order in only a manner that
- 6 makes its terms less stringent.

7 (e) In addition to affirming the order, in those cases in which the  
 8 hearing authority finds that there has been a willful failure to comply  
 9 with the order, the hearing authority may impose a civil penalty in an  
 10 amount not to exceed five thousand dollars (\$5,000). The effective date  
 11 of the civil penalty may be postponed for a reasonable period, after  
 12 which the hearing authority may order the civil penalty reduced or  
 13 stricken if the hearing authority is satisfied that all work necessary to  
 14 fully comply with the order has been done. For purposes of an appeal  
 15 under section 8 of this chapter or enforcement of an order under section  
 16 17 of this chapter, action of the hearing authority is considered final  
 17 upon the affirmation of the order, even though the hearing authority  
 18 may retain jurisdiction for the ultimate determination of a fine **related**  
 19 **to the civil penalty. In the hearing authority's exercise of**  
 20 **continuing jurisdiction, the hearing authority may, in addition to**  
 21 **reducing or striking the civil penalty, impose one (1) or more**  
 22 **additional civil penalties in an amount not to exceed five thousand**  
 23 **dollars (\$5,000) per civil penalty. An additional civil penalty may**  
 24 **be imposed if the hearing authority finds that:**

- 25 (1) significant work on the premises to comply with the
- 26 affirmed order has not been accomplished; and
- 27 (2) the premises have a negative effect on property values or
- 28 the quality of life of the surrounding area or the premises
- 29 require the provision of services by local government in excess
- 30 of the services required by ordinary properties.

31 ~~(e)~~ (f) If, at a hearing, a person to whom an order has been issued  
 32 requests an additional period to accomplish action required by the  
 33 order, and shows good cause for this request to be granted, the hearing  
 34 authority may grant the request. However, as a condition for allowing  
 35 the additional period, the hearing authority may require that the person  
 36 post a performance bond to be forfeited if the action required by the  
 37 order is not completed within the additional period.

38 ~~(f)~~ (g) The board or commission having control over the department  
 39 shall, at a public hearing, after having given notice of the time and  
 40 place of the hearing by publication in accordance with IC 5-3-1, adopt  
 41 a schedule setting forth the maximum amount of performance bonds  
 42 applicable to various types of ordered action. The hearing authority

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1 shall use this schedule to fix the amount of the performance bond  
2 required under subsection ~~(e)~~: **(f)**.

3 ~~(g)~~ **(h)** The record of the findings made and action taken by the  
4 hearing authority at the hearing shall be available to the public upon  
5 request. However, neither the enforcement authority nor the hearing  
6 authority is required to give any person notice of the findings and  
7 action.

8 ~~(h)~~ **(i)** If a civil penalty under subsection ~~(d)~~ **(e) is unpaid for more**  
9 **than fifteen (15) days after payment of the civil penalty is due, the**  
10 **civil penalty may be collected from any person against whom the**  
11 **hearing officer assessed the civil penalty or fine. A civil penalty or**  
12 **fine may be collected under this subsection** in the same manner as  
13 costs under section 13 **or 13.5** of this chapter. The amount of the civil  
14 penalty **or fine** that is collected shall be deposited in the unsafe  
15 building fund.

16 SECTION 25. IC 36-7-9-8 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) An action taken  
18 under section 7(d) **or 7(e)** of this chapter is subject to review by the  
19 circuit or superior court of the county in which the unsafe premises are  
20 located, on request of:

- 21 (1) any person who has a substantial property interest in the  
22 unsafe premises; or
- 23 (2) any person to whom that order was issued.

24 (b) A person requesting judicial review under this section must file  
25 a verified complaint including the findings of fact and the action taken  
26 by the hearing authority. The complaint must be filed within ten (10)  
27 days after the date when the action was taken.

28 (c) An appeal under this section is an action de novo. The court may  
29 affirm, modify, or reverse the action taken by the hearing authority.

30 SECTION 26. IC 36-7-9-10 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The  
32 enforcement authority may cause the action required by an order issued  
33 under section 5(a)(2), 5(a)(3), 5(a)(4), or 5(a)(5) of this chapter to be  
34 performed by a contractor if:

- 35 (1) the order has been served, in the manner prescribed by section  
36 25 of this chapter, on each person having a **known or recorded**  
37 fee interest, life estate interest, or equitable interest of a contract  
38 purchaser in the unsafe premises that are the subject of the order;
- 39 (2) the order has not been complied with;
- 40 (3) a hearing was not requested under section 5(b)(6) of this  
41 chapter, or, if a hearing was requested, the order was affirmed at  
42 the hearing; and

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1 (4) the order is not being reviewed under section 8 of this chapter.  
2 (b) The enforcement authority may cause the action required by an  
3 order, other than an order under section 5(a)(2), 5(a)(3), 5(a)(4), or  
4 5(a)(5) of this chapter, to be performed if:

5 (1) service of an order **under section 5(a)(1) of this chapter**, in  
6 the manner prescribed by section 25 of this chapter, has been  
7 made on each person having a **known or recorded** substantial  
8 property interest **or present possessory interest** in the unsafe  
9 premises that are the subject of the order;

10 **(2) service of an order under section 5(a)(6), 5(a)(7), or 5(a)(8)**  
11 **of this chapter, in the manner prescribed by section 25 of this**  
12 **chapter, has been made on each person having a known or**  
13 **recorded substantial property interest in the unsafe premises**  
14 **that are the subject of the order;**

15 ~~(2)~~ **(3) the order has been affirmed or modified at the hearing in**  
16 **such a manner that all persons having a known or recorded**  
17 **substantial property interest, and persons holding a present**  
18 **possessory interest, as required, in the unsafe premises that are**  
19 **the subject of the order are currently subject to an order requiring**  
20 **the accomplishment of substantially identical action;**

21 ~~(3)~~ **(4) the order, as affirmed or modified at the hearing, has not**  
22 **been complied with; and**

23 ~~(4)~~ **(5) the order is not being reviewed under section 8 of this**  
24 **chapter.**

25 (c) If action is being taken under this section on the basis of an order  
26 that was served by publication, it is sufficient to serve the statement by  
27 publication and indicate that the enforcement authority intends to  
28 perform the work, unless the authority has received information in  
29 writing that enables it to make service under section 25 of this chapter  
30 by a method other than publication.

31 SECTION 27. IC 36-7-9-11 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The work  
33 required by an order of the enforcement authority may be performed in  
34 the following manner:

35 (1) If the work is being performed under an order other than an  
36 order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, and  
37 if the cost of this work is estimated to be less than ten thousand  
38 dollars (\$10,000), the department, acting through the unit's  
39 enforcement authority or other agent, may perform the work by  
40 means of the unit's own workers and equipment owned or leased  
41 by the unit. Notice that this work is to be performed must be given  
42 to all persons with a **known or recorded** substantial property

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1 interest, in the manner prescribed in subsection (c), at least ten  
2 (10) days before the date of performance of the work by the  
3 enforcement authority. This notice must include a statement that  
4 an amount representing a reasonable estimate of the cost incurred  
5 by the enforcement authority in processing the matter and  
6 performing the work may, if not paid, be recorded after a hearing  
7 as a lien against all persons having a fee interest, life estate  
8 interest, or equitable interest of a contract purchaser in the unsafe  
9 premises.

10 (2) If the work is being performed under an order other than an  
11 order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, and  
12 if the estimated cost of this work is ten thousand dollars (\$10,000)  
13 or more, this work must be let at public bid to a contractor  
14 licensed and qualified under law. The obligation to pay costs  
15 imposed by section 12 of this chapter is based on the condition of  
16 the unsafe premises at the time the public bid was accepted.  
17 Changes occurring in the condition of the unsafe premises after  
18 the public bid was accepted do not eliminate or diminish this  
19 obligation.

20 (3) If the work is being performed under an order issued under  
21 section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, the work may  
22 be performed by a contractor who has been awarded a base bid  
23 contract to perform the work for the enforcement authority, or by  
24 the department, acting through the unit's enforcement authority or  
25 other governmental agency and using the unit's own workers and  
26 equipment owned or leased by the unit. Work performed under an  
27 order issued under section 5(a)(2), 5(a)(3), or 5(a)(4) of this  
28 chapter may be performed without further notice to the persons  
29 holding a fee interest, life estate interest, or equitable interest of  
30 a contract purchaser, and these persons are liable for the costs  
31 incurred by the enforcement authority in processing the matter  
32 and performing the work, as provided by section 12 of this  
33 chapter.

34 (b) Bids may be solicited and accepted for work on more than one  
35 (1) property if the bid reflects an allocation of the bid amount among  
36 the various unsafe premises in proportion to the work to be  
37 accomplished. The part of the bid amount attributable to each of the  
38 unsafe premises constitutes the basis for calculating the part of the  
39 costs described by section 12(a)(1) of this chapter.

40 (c) All persons who have a **known or recorded** substantial property  
41 interest in the unsafe premises and are subject to an order other than an  
42 order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter must be

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1 notified about the public bid in the manner prescribed by section 25 of  
 2 this chapter, by means of a written statement including:  
 3 (1) the name of the person to whom the order was issued;  
 4 (2) a legal description or address of the unsafe premises that are  
 5 the subject of the order;  
 6 (3) a statement that a contract is to be let at public bid to a  
 7 licensed contractor to accomplish work to comply with the order;  
 8 (4) a description of work to be accomplished;  
 9 (5) a statement that both the bid price of the licensed contractor  
 10 who accomplishes the work and an amount representing a  
 11 reasonable estimate of the cost incurred by the enforcement  
 12 authority in processing the matter of the unsafe premises may, if  
 13 not paid, be recorded after a hearing as a lien against all persons  
 14 having a fee interest, life estate interest, or equitable interest of a  
 15 contract purchaser in the unsafe premises;  
 16 (6) the time of the bid opening;  
 17 (7) the place of the bid opening; and  
 18 (8) the name, address, and telephone number of the enforcement  
 19 authority.  
 20 (d) If the notice of the statement that public bids are to be let is  
 21 served by publication, the publication must include the information  
 22 required by subsection (c), except that it need only include a general  
 23 description of the work to be accomplished. The publication must also  
 24 state that a copy of the statement of public bid may be obtained from  
 25 the enforcement authority.  
 26 (e) Notice of the statement that public bids are to be let must be  
 27 given, at least ten (10) days before the date of the public bid, to all  
 28 persons who have a **known or recorded** substantial property interest  
 29 in the property and are subject to an order other than an order under  
 30 section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter.  
 31 (f) If action is being taken under this section on the basis of an order  
 32 that was served by publication, it is sufficient to serve the statement  
 33 that public bids are to be let by publication, unless the enforcement  
 34 authority has received information in writing that enables the unit to  
 35 make service under section 25 of this chapter by a method other than  
 36 publication.  
 37 SECTION 28. IC 36-7-9-13 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) If all or any part  
 39 of the costs listed in section 12 of this chapter remain unpaid for any  
 40 unsafe premises (other than unsafe premises owned by a governmental  
 41 entity) for more than fifteen (15) days after the completion of the work,  
 42 the enforcement authority does not act under section 13.5 of this

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1 chapter, and the enforcement authority determines that there is a  
2 reasonable probability of obtaining recovery, the enforcement authority  
3 shall prepare a record stating:

- 4 (1) the name and last known address of each person who held a
- 5 **known or recorded** fee interest, life estate interest, or equitable
- 6 interest of a contract purchaser in the unsafe premises from the
- 7 time the order requiring the work to be performed was recorded
- 8 to the time that the work was completed;
- 9 (2) the legal description or address of the unsafe premises that
- 10 were the subject of work;
- 11 (3) the nature of the work that was accomplished;
- 12 (4) the amount of the unpaid bid price of the work that was
- 13 accomplished; and
- 14 (5) the amount of the unpaid average processing expense.

15 The record must be in a form approved by the state board of accounts.

16 (b) The enforcement authority, or its head, shall swear to the  
17 accuracy of the record before the clerk of the circuit court and deposit  
18 the record in the clerk's office. Notice that the record has been filed and  
19 that a hearing on the amounts indicated in the record may be held must  
20 be sent **in the manner prescribed by section 25 of this chapter to all**  
21 **of the following:**

- 22 (1) The persons named in the record. ~~in the manner prescribed by~~
- 23 ~~section 25 of this chapter.~~
- 24 (2) **Any mortgagee that has a known or recorded substantial**
- 25 **property interest.**

26 (c) If, within thirty (30) days after the notice required by subsection  
27 (b), a person named in the record **or a mortgagee** files with the clerk  
28 of the circuit court a written petition objecting to the claim for payment  
29 and requesting a hearing, the clerk shall enter the cause on the docket  
30 of the circuit or superior court as a civil action, and a hearing shall be  
31 held on the question in the manner prescribed by IC 4-21.5. However,  
32 issues that could have been determined under section 8 of this chapter  
33 may not be entertained at the hearing. At the conclusion of the hearing,  
34 the court shall either sustain the petition or enter a judgment against the  
35 persons named in the record for the amounts recorded or for modified  
36 amounts.

37 (d) If no petition is filed under subsection (c), the clerk of the circuit  
38 court shall enter the cause on the docket of the court and the court shall  
39 enter a judgment for the amounts stated in the record.

40 (e) A judgment under subsection (c) or (d), to the extent that it is not  
41 satisfied under IC 27-2-15, is a debt and a lien on all the real and  
42 personal property of the person named, or a joint and several debt and

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1 lien on the real and personal property of the persons named **in the**  
2 **record prepared under subsection (a)**. The lien on real property is  
3 perfected against all creditors and purchasers when the judgment is  
4 entered on the judgment docket of the court. The lien on personal  
5 property is perfected by filing a lis pendens notice in the appropriate  
6 filing office, as prescribed by the Indiana Rules of Trial Procedure.

7 (f) Judgments rendered under this section may be enforced in the  
8 same manner as all other judgments are enforced.

9 SECTION 29. IC 36-7-9-13.5 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13.5. (a) This section  
11 does not apply to the collection of an amount if a court determines  
12 under section 13 of this chapter that the enforcement authority is not  
13 entitled to the amount.

14 (b) If all or any part of the costs listed in section 12 of this chapter  
15 remain unpaid for any unsafe premises (other than unsafe premises  
16 owned by a governmental entity) for more than fifteen (15) days after  
17 completion of the work, the enforcement authority may send notice  
18 under section 25 of this chapter to each person who held a **known or**  
19 **recorded** fee interest, life estate interest, or equitable interest of a  
20 contract purchaser in the unsafe premises. **If the notice is sent, the**  
21 **enforcement authority shall also send notice to any mortgagee with**  
22 **a known or recorded substantial property interest**. The notice must  
23 require full payment of the amount owed within thirty (30) days.

24 (c) If full payment of the amount owed is not made less than thirty  
25 (30) days after the notice is delivered, the enforcement officer may  
26 certify the following information to the county auditor:

27 (1) The name of each person who held a **known or recorded** fee  
28 interest, life estate interest, or equitable interest of a contract  
29 purchaser in the unsafe premises.

30 (2) The description of the unsafe premises, as shown by the  
31 records of the county auditor.

32 (3) The amount of the delinquent payment, including all costs  
33 described in section 12 of this chapter.

34 (d) The county auditor shall place the total amount certified under  
35 subsection (c) on the tax duplicate for the affected property as a special  
36 assessment. The total amount, including accrued interest, shall be  
37 collected as delinquent taxes are collected.

38 (e) An amount collected under subsection (d), after all other taxes  
39 have been collected and disbursed, shall be disbursed to the unsafe  
40 building fund.

41 (f) A judgment entered under section 13, **19, 21, or 22** of this  
42 chapter may be **certified to the auditor and** collected under this

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1 section. However, a judgment lien need not be obtained under section  
2 13 of this chapter before a debt is certified under this section.

3 SECTION 30. IC 36-7-9-14 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The  
5 enforcement authority shall establish in its operating budget a fund  
6 designated as the unsafe building fund. Any balance remaining at the  
7 end of a fiscal year shall be carried over in the fund for the following  
8 year and does not revert to the general fund.

9 (b) Money for the unsafe building fund may be received from any  
10 source, including appropriations by local, state, or federal governments,  
11 and donations. The following money shall be deposited in the fund:

12 (1) Money received as payment for or settlement of obligations or  
13 judgments established under sections 9 through 13 and 17  
14 through 22 of this chapter.

15 (2) Money received from bonds posted under section 7 of this  
16 chapter.

17 (3) Money received in satisfaction of receivers' notes or  
18 certificates that were issued under section 20 of this chapter and  
19 were purchased with money from the unsafe building fund.

20 (4) Money received for payment or settlement of civil penalties or  
21 **fin**es imposed under section 7 of this chapter.

22 (5) Money received from the collection of special assessments  
23 under section 13.5 of this chapter.

24 (c) Money in the unsafe building fund may be used for the expenses  
25 incurred in carrying out the purposes of this chapter, including:

26 (1) the cost of obtaining reliable information about the identity  
27 and location of each person who owns a substantial property  
28 interest in unsafe premises;

29 (2) the cost of an examination of an unsafe building by a  
30 registered architect or registered engineer not employed by the  
31 department;

32 (3) the cost of surveys necessary to determine the location and  
33 dimensions of real property on which an unsafe building is  
34 located;

35 (4) the cost of giving notice of orders, notice of statements of  
36 rescission, notice of continued hearing, and notice of statements  
37 that public bids are to be let in the manner prescribed by section  
38 25 of this chapter;

39 (5) the bid price of work by a contractor under section 10 or  
40 sections 17 through 22 of this chapter;

41 (6) the cost of emergency action under section 9 of this chapter;  
42 and

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1 (7) the cost of notes or receivers' certificates issued under section  
2 20 of this chapter.

3 (d) Payment of money from the unsafe building fund must be made  
4 in accordance with applicable law.

5 SECTION 31. IC 36-7-9-18.1 IS ADDED TO THE INDIANA  
6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2006]: **Sec. 18.1. (a) A court acting under  
8 section 17 of this chapter may condition the granting of a period of  
9 time to accomplish the action required by an order on the posting  
10 of a performance bond that will be forfeited if the action required  
11 by the order is not completed within the period the court allows.  
12 Before granting a period of time that is conditioned on the posting  
13 of a bond, the court may require that the requesting person justify  
14 the request with a workable and financially supported plan. If the  
15 court determines that a significant amount of work must be  
16 accomplished to comply with the order, the court may require that  
17 the bond specify interim completion standards and provide that the  
18 bond is forfeited if any of these interim completion standards are  
19 not substantially met.**

20 **(b) An amount collected under subsection (a) on a forfeited bond  
21 shall be deposited in the unsafe building fund.**

22 SECTION 32. IC 36-7-9-19 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. (a) A court acting  
24 under section 17 of this chapter may impose a civil ~~forfeiture~~ **penalty**  
25 not to exceed ~~one~~ **five** thousand dollars (~~\$1,000~~) (**\$5,000**) against any  
26 person if the conditions of section 18 of this chapter are met. The  
27 ~~forfeiture~~ **penalty** imposed may not be substantially less than the cost  
28 of complying with the order, unless that cost exceeds ~~one~~ **two** thousand  
29 **five hundred** dollars (~~\$1,000~~) (**\$2,500**). The effective date of the  
30 ~~forfeiture~~ **penalty** may be postponed for a period not to exceed thirty  
31 (30) days, after which the court may order the ~~forfeiture~~ **penalty**  
32 reduced or stricken if it is satisfied that all work necessary to fully  
33 comply with the order has been done.

34 (b) On request of the enforcement authority the court shall enter a  
35 judgment in the amount of the ~~forfeiture~~ **penalty**. If there is more than  
36 one (1) party defendant, the ~~forfeiture~~ **penalty** is separately applicable  
37 to each defendant. The amount of a ~~forfeiture~~ **penalty** that is collected  
38 shall be deposited in the unsafe building fund.

39 SECTION 33. IC 36-7-9-25 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. (a) Notice of orders,  
41 notice of continued hearings without a specified date, notice of a  
42 statement that public bids are to be let, and notice of claims for

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payment must be given by:

- (1) sending a copy of the order or statement by registered or certified mail to the residence or place of business or employment of the person to be notified, with return receipt requested;
- (2) delivering a copy of the order or statement personally to the person to be notified; or
- (3) leaving a copy of the order or statement at the dwelling or usual place of abode of the person to be notified **and sending by first class mail a copy of the order or statement to the last known address of the person to be notified.**

(b) If ~~after a reasonable effort~~, service is not obtained by a means described in subsection (a) **and the hearing authority concludes that a reasonable effort has been made to obtain service**, service may be made by publishing a notice of the order or statement in accordance with IC 5-3-1 in the county where the unsafe premises are located. However, publication may be made on consecutive days. If service of an order is made by publication, the publication must include the information required by subdivisions (1), (2), (4), (5), (6), (7), and (9) of section 5(b) of this chapter, and must also include a statement indicating generally what action is required by the order and that the exact terms of the order may be obtained from the enforcement authority. **The hearing authority may make a determination about whether a reasonable effort has been made to obtain service by the means described in subsection (a) on the basis of information provided by the department (or, in the case of a consolidated city, the enforcement authority). The hearing authority is not required to make the determination at a hearing. The hearing authority must make the determination in writing.**

(c) When service is made by any of the means described in this section, except by mailing or by publication, the person making service must make an affidavit stating that he has made the service, the manner in which service was made, to whom the order or statement was issued, the nature of the order or statement, and the date of service. The affidavit must be placed on file with the enforcement authority.

(d) The date when notice of the order or statement is considered given is as follows:

- (1) If the order or statement is delivered personally or left at the dwelling or usual place of abode, notice is considered given on the day when the order or statement is delivered to the person or left at ~~his~~ **the person's** dwelling or usual place of abode.
- (2) If the order or statement is mailed, notice is considered given on the date shown on the return receipt, or, if no date is shown, on

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1 the date when the return receipt is received by the enforcement  
2 authority.

3 (3) Notice by publication is considered given on the date of the  
4 second day that publication was made.

5 (e) Notice of orders; notice of continued hearings without a  
6 specified date; and notice of a statement that public bids are to be let  
7 need not be given to a person holding a property interest in an unsafe  
8 premises if:

9 (1) no instrument reflecting the property interest held by the  
10 person is recorded in the recorder's office of the county where the  
11 unsafe premises is located;

12 (2) the order or statement was recorded in accordance with  
13 section 26 of this chapter; and

14 (3) the enforcement authority has received neither written  
15 information nor actual notice of the identity of the person who  
16 holds a property interest in the unsafe premises.

17 (e) A person with a property interest in an unsafe premises who  
18 fails to does not:

19 (1) record an instrument reflecting an the interest in the  
20 recorder's office of the county where the unsafe premises is  
21 located; in his unsafe premises or

22 (2) if an instrument reflecting the interest is not recorded,  
23 provide to the department (or, in the case of a consolidated  
24 city, the enforcement authority) in writing the person's name  
25 and address, and the location of the unsafe premises;

26 is considered deemed to consent to reasonable action taken under this  
27 chapter relative to which for which notice would be required and  
28 relinquish a claim to notice would otherwise be given: under this  
29 chapter.

30 (f) The department (or, in the case of a consolidated city, the  
31 enforcement authority), may, for the sake of administrative  
32 convenience, publish notice under subsection (b) at the same time  
33 notice is attempted under subsection (a). If published notice is  
34 given as described in subsection (b), the hearing authority shall  
35 subsequently make a determination about whether a reasonable  
36 effort has been made to obtain service by the means described in  
37 subsection (a).

38 SECTION 34. IC 36-7-14-22.5 IS ADDED TO THE INDIANA  
39 CODE AS A NEW SECTION TO READ AS FOLLOWS  
40 [EFFECTIVE JULY 1, 2006]: **Sec. 22.5. (a) This section applies to**  
41 **the following:**

42 (1) Real property:

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(A) that was acquired by the commission to carry out a redevelopment project, an economic development area project, or an urban renewal project; and

(B) relative to which the commission has, at a public hearing, decided that the real property is not needed to complete the redevelopment activity, an economic development activity, or urban renewal activity in the project area.

(2) Real property acquired under this chapter that is not in a redevelopment project area, economic development area, or an urban renewal project area.

(3) Parcels of property secured from the county under IC 6-1.1-25-9(e) that were acquired by the county under IC 6-1.1-24 and IC 6-1.1-25.

(4) Real property donated or transferred to the commission to be held and disposed of under this section.

However, this section does not apply to property acquired under section 32.5 of this chapter.

(b) The commission may do the following to or for real property described in subsection (a):

(1) Examine, classify, manage, protect, insure, and maintain the property.

(2) Eliminate deficiencies (including environmental deficiencies), carry out repairs, remove structures, and make improvements.

(3) Control the use of the property.

(4) Lease the property.

(5) Use any powers under section 12.2 of this chapter in relation to the property.

(c) The commission may enter into contracts to carry out part or all of the functions described in subsection (b).

(d) The commission may extinguish all delinquent taxes, special assessments, and penalties relative to real property donated to the commission to be held and disposed of under this section. The commission shall provide the county auditor with a list of the real property on which delinquent taxes, special assessments, and penalties are extinguished under this subsection.

(e) Real property described in subsection (a) may be sold, exchanged, transferred, granted, donated, or otherwise disposed of in any of the following ways:

(1) In accordance with section 22, 22.2, 22.6, or 22.7 of this chapter.

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1           (2) In accordance with the provisions authorizing an urban  
2           homesteading program under IC 36-7-17.

3           (f) In disposing of real property under subsection (e), the  
4           commission may:

5           (1) group together properties for disposition in a manner that  
6           will best serve the interest of the community, from the  
7           standpoint of both human and economic welfare; and

8           (2) group together nearby or similar properties to facilitate  
9           convenient disposition.

10          SECTION 35. IC 36-7-14-22.6 IS ADDED TO THE INDIANA  
11          CODE AS A NEW SECTION TO READ AS FOLLOWS  
12          [EFFECTIVE JULY 1, 2006]: Sec. 22.6. (a) As used in this section,  
13          "abutting landowner" means an owner of property that:

14          (1) touches, borders on, or is contiguous to the property that  
15          is the subject of sale; and

16          (2) does not constitute a:

17                  (A) public easement; or

18                  (B) public right-of-way.

19          (b) As used in this section, "offering price" means the appraised  
20          value of real property plus all costs associated with the sale,  
21          including:

22                  (1) appraisal fees;

23                  (2) title insurance;

24                  (3) recording fees; and

25                  (4) advertising costs.

26          (c) If the assessed value of a tract of real property to be sold is  
27          less than fifteen thousand dollars (\$15,000), based on the most  
28          recent assessment of the tract or of the tract of which it was a part  
29          before it was acquired, the commission may proceed under this  
30          section.

31          (d) The commission may determine that:

32                  (1) the highest and best use of the tract is sale to an abutting  
33                  landowner;

34                  (2) the cost to the public of maintaining the tract equals or  
35                  exceeds the estimated fair market value of the tract; or

36                  (3) it is economically unjustifiable to sell the tract under  
37                  section 22 of this chapter.

38          (e) Not more than ten (10) days after the commission makes a  
39          determination under subsection (d), the commission shall publish  
40          a notice in accordance with IC 5-3-1 identifying the tracts intended  
41          for sale by legal description and, if possible, by key number and  
42          street address. The notice must also include the offering price and

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**a statement that:**

- (1) the property may not be sold to a person who is ineligible under IC 36-1-11-16; and**
- (2) an offer to purchase the property submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:**
  - (A) beneficiary of the trust; and**
  - (B) settlor empowered to revoke or modify the trust.**

**At the time of publication of notice under this subsection, the commission shall send notice by certified mail to all abutting landowners. This notice shall contain the same information as the published notice.**

**(f) The commission shall also have each tract appraised. The appraiser must be a person who is professionally engaged in making appraisals, a person licensed under IC 25-34.1, or an employee of the political subdivision who is familiar with the value of the tract. However, if the assessed value of a tract is less than six thousand dollars (\$6,000), based on the most recent assessment of the tract or of the tract of which it was a part before it was acquired, the commission is not required to have the tract appraised.**

**(g) If, not more than ten (10) days after the date of publication of the notice under subsection (e), the commission receives one (1) or more eligible offers to purchase a tract listed in the notice at or in excess of the offering price, the commission shall conduct the negotiation and sale of the tract under section 22(f), 22(g), and 22(i) of this chapter.**

**(h) Notwithstanding subsection (g), if not more than ten (10) days after the date of publication of the notice under subsection (e) the commission does not receive from any person other than an abutting landowner an eligible offer to purchase the tract at or in excess of the offering price, the commission shall conduct the negotiation and sale of the tract as follows:**

- (1) If only one (1) eligible abutting landowner makes an eligible offer to purchase the tract, then subject to IC 36-1-11-16 and without further appraisal or notice, the commission shall offer to negotiate for the sale of the tract with that abutting landowner.**
- (2) If more than one (1) eligible abutting landowner submits an eligible offer to purchase the tract, the tract shall be sold to the eligible abutting landowner who submits the highest eligible offer for the tract and who complies with any requirement under subsection (e)(2).**

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1 (3) If no eligible abutting landowner submits an eligible offer  
2 to purchase the tract, the commission may sell the tract to any  
3 person who submits the highest eligible offer for the tract,  
4 except a person who is ineligible to purchase the tract under  
5 IC 36-1-11-16.

6 SECTION 36. IC 36-7-14-22.7 IS ADDED TO THE INDIANA  
7 CODE AS A NEW SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2006]: Sec. 22.7. (a) The commission may  
9 dispose of real property to which section 22.5 of this chapter  
10 applies by following the procedure set forth in this section.

11 (b) The commission shall first have the property appraised by  
12 two (2) appraisers. The appraisers must be:

- 13 (1) persons who are professionally engaged in making  
14 appraisals;
- 15 (2) persons who are licensed under IC 25-34.1; or
- 16 (3) employees of the political subdivision familiar with the  
17 value of the property.

18 The appraisers shall make a joint appraisal of the property.

19 (c) The commission may:

- 20 (1) negotiate a sale or transfer; and
- 21 (2) dispose of the property;

22 at a value that is not less than the appraised value determined  
23 under subsection (b).

24 (d) Disposal of real property under this chapter is subject to the  
25 approval of the commission. The commission may not approve a  
26 disposal of property without conducting a public hearing after  
27 giving notice under IC 5-3-1.

28 (e) In addition to any other reason for disapproving a disposal  
29 of property under this section, the commission may disapprove a  
30 sale of a tract of residential property to any bidder who does not by  
31 affidavit declare that the bidder will reside on that property for at  
32 least one (1) year after the bidder obtains possession of the  
33 property.

34 SECTION 37. IC 36-7-15.1-15.5 IS ADDED TO THE INDIANA  
35 CODE AS A NEW SECTION TO READ AS FOLLOWS  
36 [EFFECTIVE JULY 1, 2006]: Sec. 15.5. (a) This section applies to  
37 the following:

38 (1) Real property:

- 39 (A) that was acquired by the commission to carry out a  
40 redevelopment project, an economic development area  
41 project, or an urban renewal project; and
- 42 (B) relative to which the commission has, at a public

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1           hearing, decided that the real property is not needed to  
 2           complete the redevelopment activity, an economic  
 3           development area activity, or urban renewal activity in the  
 4           project area.  
 5           (2) Real property acquired under this chapter that is not in a  
 6           redevelopment project area, an economic development area,  
 7           or an urban renewal project area.  
 8           (3) Parcels of property secured from the county under  
 9           IC 6-1.1-25-9(e) that were acquired by the county under  
 10          IC 6-1.1-24 and IC 6-1.1-25.  
 11          (4) Real property donated or transferred to the commission to  
 12          be held and disposed of under this section.  
 13          However, this section does not apply to property acquired under  
 14          section 22.5 of this chapter.  
 15          (b) The commission may do the following to or for real property  
 16          described in subsection (a):  
 17               (1) Examine, classify, manage, protect, insure, and maintain  
 18               the property.  
 19               (2) Eliminate deficiencies (including environmental  
 20               deficiencies), carry out repairs, remove structures, and make  
 21               improvements.  
 22               (3) Control the use of the property.  
 23               (4) Lease the property.  
 24               (5) Use any powers under section 7(a) or 7(b) of this chapter  
 25               in relation to the property.  
 26          (c) The commission may enter into contracts to carry out part  
 27          or all of the functions described in subsection (b).  
 28          (d) The commission may extinguish all delinquent taxes, special  
 29          assessments, and penalties relative to real property donated to the  
 30          commission to be held and disposed of under this section. The  
 31          commission shall provide the county auditor with a list of the real  
 32          property on which delinquent taxes, special assessments, and  
 33          penalties are extinguished under this subsection.  
 34          (e) Real property described in subsection (a) may be sold,  
 35          exchanged, transferred, granted, donated, or otherwise disposed of  
 36          in any of the following ways:  
 37               (1) In accordance with section 15, 15.1, 15.2, 15.6, or 15.7 of  
 38               this chapter.  
 39               (2) In accordance with the provisions authorizing an urban  
 40               homesteading program under IC 36-7-17.  
 41          (f) In disposing of real property under subsection (e), the  
 42          commission may:

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- 1           **(1) group together properties for disposition in a manner that**
- 2           **will best serve the interest of the community, from the**
- 3           **standpoint of both human and economic welfare; and**
- 4           **(2) group together nearby or similar properties to facilitate**
- 5           **convenient disposition.**

6           SECTION 38. IC 36-7-15.1-15.6 IS ADDED TO THE INDIANA  
 7           CODE AS A NEW SECTION TO READ AS FOLLOWS  
 8           [EFFECTIVE JULY 1, 2006]: **Sec. 15.6. (a) As used in this section,**  
 9           **"abutting landowner" means an owner of property that:**

- 10           **(1) touches, borders on, or is contiguous to the property that**
- 11           **is the subject of sale; and**
- 12           **(2) does not constitute a:**
  - 13           **(A) public easement; or**
  - 14           **(B) public right-of-way.**

15           **(b) As used in this section, "offering price" means the appraised**  
 16           **value of real property plus all costs associated with the sale,**  
 17           **including:**

- 18           **(1) appraisal fees;**
- 19           **(2) title insurance;**
- 20           **(3) recording fees; and**
- 21           **(4) advertising costs.**

22           **(c) If the assessed value of a tract of real property to be sold is**  
 23           **less than fifteen thousand dollars (\$15,000), based on the most**  
 24           **recent assessment of the tract or of the tract of which it was a part**  
 25           **before it was acquired, the commission may proceed under this**  
 26           **section.**

- 27           **(d) The commission may determine that:**
  - 28           **(1) the highest and best use of the tract is sale to an abutting**
  - 29           **landowner;**
  - 30           **(2) the cost to the public of maintaining the tract equals or**
  - 31           **exceeds the estimated fair market value of the tract; or**
  - 32           **(3) it is economically unjustifiable to sell the tract under**
  - 33           **section 15 of this chapter.**

34           **(e) Not more than ten (10) days after the commission makes a**  
 35           **determination under subsection (d), the commission shall publish**  
 36           **a notice in accordance with IC 5-3-1 identifying the tracts intended**  
 37           **for sale by legal description and, if possible, by key number and**  
 38           **street address. The notice must also include the offering price and**  
 39           **a statement that:**

- 40           **(1) the property may not be sold to a person who is ineligible**
- 41           **under IC 36-1-11-16; and**
- 42           **(2) an offer to purchase the property submitted by a trust (as**

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defined in IC 30-4-1-1(a)) must identify each:

- (A) beneficiary of the trust; and
- (B) settlor empowered to revoke or modify the trust.

At the time of publication of notice under this subsection, the commission shall send notice by certified mail to all abutting landowners. This notice shall contain the same information as the published notice.

(f) The commission shall also have each tract appraised. The appraiser must be a person who is professionally engaged in making appraisals, a person licensed under IC 25-34.1, or an employee of the political subdivision who is familiar with the value of the tract. However, if the assessed value of a tract is less than six thousand dollars (\$6,000), based on the most recent assessment of the tract or of the tract of which it was a part before it was acquired, the commission is not required to have the tract appraised.

(g) If, not more than ten (10) days after the date of publication of the notice under subsection (e), the commission receives one (1) or more eligible offers to purchase a tract listed in the notice at or in excess of the offering price, the commission shall conduct the negotiation and sale of the tract under section 15(f), 15(g), and 15(i) of this chapter.

(h) Notwithstanding subsection (g), if not more than ten (10) days after the date of publication of the notice under subsection (e) the commission does not receive from any person other than an abutting landowner an eligible offer to purchase the tract at or in excess of the offering price, the commission shall conduct the negotiation and sale of the tract as follows:

- (1) If only one (1) eligible abutting landowner makes an eligible offer to purchase the tract, then subject to IC 36-1-11-16 and without further appraisal or notice, the commission shall offer to negotiate for the sale of the tract with that abutting landowner.
- (2) If more than one (1) eligible abutting landowner submits an eligible offer to purchase the tract, the tract shall be sold to the eligible abutting landowner who submits the highest eligible offer for the tract and who complies with any requirement under subsection (e)(2).
- (3) If no eligible abutting landowner submits an eligible offer to purchase the tract, the commission may sell the tract to any person who submits the highest eligible offer for the tract, except a person who is ineligible to purchase the tract under

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**IC 36-1-11-16.**

SECTION 39. IC 36-7-15.1-15.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 15.7. (a) The commission may dispose of real property to which section 15.5 of this chapter applies by following the procedure set forth in this section.**

**(b) The commission shall first have the property appraised by two (2) appraisers. The appraisers must be:**

- (1) persons professionally engaged in making appraisals;**
- (2) persons licensed under IC 25-34.1; or**
- (3) employees of the political subdivision familiar with the value of the property.**

**The appraisers shall make a joint appraisal of the property.**

**(c) The commission may:**

- (1) negotiate a sale or transfer; and**
- (2) dispose of the property;**

**at a value that is not less than the appraised value determined under subsection (b).**

**(d) Disposal of real property under this chapter is subject to the approval of the commission. The commission may not approve a disposal of property without conducting a public hearing after giving notice under IC 5-3-1.**

**(e) In addition to any other reason for disapproving a disposal of property under this section, the commission may disapprove a sale of a tract of residential property to any bidder who does not by affidavit declare that the bidder will reside on that property for at least one (1) year after the bidder obtains possession of the property.**

SECTION 40. IC 36-7-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3. (a) The agency designated or established in section 2 of this chapter may acquire real property in the name of the unit, for use as provided in this chapter.**

**(b) Under IC 6-1.1-24-4.5, the county auditor shall provide a list of real property on which one (1) or more installments of taxes are delinquent.**

**(c) Under IC 6-1.1-25-1 and IC 6-1.1-25-4, the agency may acquire the deed for real property purchased at tax sale for the purposes of this chapter one hundred twenty (120) days after the date of sale, after compliance with the notice provisions of IC 6-1.1-25-4.5.**

**(d) Under ~~IC 6-1.1-24-6.5~~, the agency may acquire the deed for real property that was offered for sale but for which an adequate bid under ~~IC 6-1.1-24-5(c)~~ was not received by identifying the properties that the**

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1 agency desires to acquire for urban homesteading or redevelopment  
 2 purposes.  
 3 ~~(e)~~ (d) Under IC 6-1.1-25-7.5, the agency may acquire the deed for  
 4 real property for which the holder of the certificate of sale has failed to  
 5 request that the county auditor execute and deliver a deed within one  
 6 hundred twenty (120) days after issuance of the certificate.  
 7 ~~(f)~~ (e) In addition to real property acquired through tax sale for the  
 8 purposes of this chapter, the agency may acquire real property by  
 9 purchase or gift.  
 10 SECTION 41. IC 36-7-17-12 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) A property for  
 12 which no one applies in two (2) successive drawings held under this  
 13 chapter may be sold at public auction to the highest bidder.  
 14 (b) The proceeds of the sale of real property acquired under  
 15 ~~IC 6-1.1-24-6.5~~ or IC 6-1.1-25-7.5 shall be applied to the cost of the  
 16 sale, including advertising and appraisal.  
 17 (c) If any proceeds remain after payment of the costs under  
 18 subsection (b), the proceeds shall be applied to the payment of taxes  
 19 removed from the tax duplicate under ~~IC 6-1.1-24-6.5(e)~~ or  
 20 IC 6-1.1-25-7.5(e).  
 21 (d) If any proceeds remain after payment of the taxes under  
 22 subsection (c), the proceeds shall be deposited in the county general  
 23 fund.  
 24 SECTION 42. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 25 JANUARY 1, 2007]: IC 6-1.1-24-4.1; IC 6-1.1-24-5.5; IC 6-1.1-24-6.5.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 341, 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:

Replace the effective dates in SECTIONS 1 through 22 with "[EFFECTIVE JANUARY 1, 2007]".

Replace the effective date in SECTION 43 with "[EFFECTIVE JANUARY 1, 2007]".

Page 7, line 26, after "(i)" insert "**the greater of**".

Page 7, line 26, reset in roman "twenty-five dollars (\$25)".

Page 7, line 26, after "for" insert "**or**".

Page 11, line 18, delete ", return receipt requested,".

Page 12, line 32, delete ", return receipt".

Page 12, line 33, delete "requested,".

Page 16, line 32, after "tract" insert "**or an item**".

Page 17, line 18, after "more" insert "**than**".

Page 17, between lines 19 and 20, begin a new line block indented and insert:

**"(1) notify the person in writing that the sale is subject to forfeiture if the person does not pay the amounts that the person owes within thirty (30) days of the notice;"**.

Page 17, line 20, delete "(1)" and insert "**(2) if the person does not pay the amounts that the person owes within thirty (30) days after the notice,**".

Page 17, line 20, after "apply the" insert "**surplus**".

Page 17, line 22, delete "(2)" and insert "**(3)**".

Page 17, line 25, delete "(3)" and insert "**(4)**".

Page 17, between lines 37 and 38, begin a new paragraph and insert:

**"(f) If a sale is forfeited under this section and the tract or item of real property is redeemed from the sale, the county auditor shall deposit the amount of the redemption into the county general fund and notify the county executive of the redemption. Upon being notified of the redemption, the county executive shall surrender the certificate to the county auditor."**

Page 19, delete lines 37 through 42.

Page 20, delete lines 1 through 23.

Page 25, line 24, delete ", return receipt requested,".

Page 27, line 33, delete "verifying that the".

Page 27, delete lines 34 through 35.

Page 27, line 42, delete "The".

Page 28, delete line 1.

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Page 28, line 2, delete "Trial Rule 5."

Page 31, line 24, delete "," and insert "**in the first year the item of real property is subject to taxation after the year the real property is sold or otherwise conveyed shall be disbursed to the county executive that sold or otherwise conveyed the item of real property.**".

Page 31, delete lines 25 through 30.

Page 31, line 32, delete "(a)(2)" and insert "(a)".

Page 31, line 32, after "into" insert "**the county general fund, the redevelopment fund,**".

Page 31, line 32, after "building fund" insert ", **or the housing trust fund**".

Page 31, line 34, after "IC 36-7-15.1-15.5" insert ".".

Page 31, line 39, delete "continue for five (5) years" and insert "**terminate in the second year the item of real property is subject to taxation**".

Page 34, line 30, delete "do any of the following:".

Page 34, line 31, delete "(1) Impose" and insert "impose".

Page 34, run in lines 30 through 31.

Page 35, line 2, delete "an additional civil penalty" and insert "**one (1) or more additional civil penalties**".

Page 35, line 3, delete ". The" and insert "**per civil penalty. An**".

Page 35, line 4, delete ":".

Page 35, delete lines 5 through 8.

Page 35, line 9, delete "(C)".

Page 35, run in lines 4 through 9.

Page 35, line 10, delete "(i)", begin a new line block indented and insert:

"(1)".

Page 35, line 12, delete "(ii)", begin a new line block indented and insert:

"(2)".

Page 35, delete lines 17 through 20.

Page 35, line 40, delete "or fine".

Page 35, line 42, delete "or fine is" and insert "**is**".

Page 35, line 42, delete "penalty or fine" and insert "**penalty**".

Page 36, line 37, after "order" delete "," and insert "**under section 5(a)(1) of this chapter,**".

Page 36, line 39, after "interest" insert "**or present possessory interest**".

Page 36, between lines 40 and 41, begin a new line block indented and insert:

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**"(2) service of an order under section 5(a)(6), 5(a)(7), or 5(a)(8) of this chapter, in the manner prescribed by section 25 of this chapter, has been made on each person having a known or recorded substantial property interest in the unsafe premises that are the subject of the order;"**.

Page 36, line 41, strike "(2)" and insert "(3)".

Page 36, line 42, after "having a" insert "**known or recorded**".

Page 36, line 42, after "interest" insert ", **and persons holding a present possessory interest, as required,**".

Page 37, line 4, strike "(3)" and insert "(4)".

Page 37, line 6, strike "(4)" and insert "(5)".

Page 37, line 24, after "a" insert "**known or recorded**".

Page 39, line 27, after "a" insert "**known or recorded**".

Page 44, line 42, after "interest" delete ";" and insert "**in the recorder's office of the county where the unsafe premises is located;**".

Page 45, line 6, reset in roman "consent to".

Page 45, line 6, after "consent to" insert "**reasonable**".

Page 45, line 6, reset in roman "action taken under this chapter".

Page 45, line 7, delete "waive" and insert "**for which notice would be required and relinquish a claim to**".

Page 45, line 8, delete "section." and insert "**chapter.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 341 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

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