

# COMMITTEE REPORT

## MADAM PRESIDENT:

**The Senate Committee on Judiciary, to which was referred House Bill No. 1122, 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:**

- 1           Page 2, line 17, delete "or an enforcement authority (as defined in".  
2           Page 2, line 18, delete "IC 36-7-9-2)".  
3           Page 2, line 30, after "court." insert "**However, if:**  
4                 **(1) a praecipe is not filed with the clerk within one hundred**  
5                 **eighty (180) days after the later of the dates on which:**  
6                         **(A) the period specified in subsection (a) expires; or**  
7                         **(B) the judgment and decree is filed; and**  
8                 **(2) the sale is not:**  
9                         **(A) otherwise prohibited by law;**  
10                        **(B) subject to a voluntary statewide foreclosure**  
11                        **moratorium; or**  
12                        **(C) subject to a written agreement that:**  
13                            **(i) provides for a delay in the sale of the mortgaged real**  
14                            **estate; and**  
15                            **(ii) is executed by and between the owner of the**  
16                            **mortgaged real estate and a party entitled to enforce the**  
17                            **judgment and decree;**  
18           **an enforcement authority that has issued an abatement order**  
19           **under IC 36-7-36-9 with respect to the mortgaged real estate may**  
20           **file a praecipe with the clerk in any county where the judgment**  
21           **and decree is filed. If an enforcement authority files a praecipe**

1        **under this subsection, the clerk of the county in which the praecipe**  
 2        **is filed shall promptly issue and certify to the sheriff of that county**  
 3        **a copy of the judgment and decree under the seal of the court."**

4        Page 2, line 37, delete "for" and insert "for:

5                **(1) a date not later than one hundred twenty (120) days after**  
 6                **the date on which the judgment and decree under seal of the**  
 7                **court are certified to the sheriff by the clerk; and**  
 8                **(2)".**

9        Page 3, delete lines 35 through 42.

10       Page 4, delete lines 1 through 23.

11       Page 5, line 1, delete "or an".

12       Page 5, line 2, delete "enforcement authority".

13       Page 5, line 19, delete "housing and community" and insert  
 14       **"Foreclosure Prevention Network."**

15       Page 5, delete line 20.

16       Page 6, delete lines 13 through 42, begin a new paragraph and  
 17       insert:

18       "SECTION 4. IC 36-7-9-12 IS AMENDED TO READ AS  
 19       FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. (a) When action  
 20       required by an order is performed by the enforcement authority or by  
 21       a contractor acting under section 11 of this chapter, each person who  
 22       held a fee interest, life estate interest, or equitable interest of a contract  
 23       purchaser in the unsafe premises from the time when the order  
 24       requiring the work performed was ~~recorded~~ **issued** to the time that the  
 25       work was completed is jointly and severally responsible for the  
 26       following costs:

27                (1) The actual cost of the work performed by the enforcement  
 28                authority or the bid price of work accomplished by the contractor  
 29                under section 11 of this chapter.

30                (2) An amount that represents a reasonable forecast of the average  
 31                processing expense that will be incurred by the enforcement  
 32                authority in taking the technical, administrative, and legal actions  
 33                concerning typical unsafe premises that are necessary under this  
 34                chapter so that the action required by an order may be performed  
 35                by a contractor under section 11 of this chapter. In calculating the  
 36                amount of the average processing expense, the following costs  
 37                may be considered:

38                        (A) The cost of obtaining reliable information about the

- 1 identity and location of persons who own a substantial
- 2 property interest in the unsafe premises.
- 3 (B) The cost of notice of orders, notice of statements of
- 4 rescission, notice of continued hearing, notice of statements
- 5 that public bids are to be let or that the enforcement authority
- 6 intends to accomplish the work, and notice that a hearing may
- 7 be held on the amounts indicated in the record, in accordance
- 8 with section 25 of this chapter.
- 9 (C) Salaries for employees.
- 10 (D) The cost of supplies, equipment, and office space.
- 11 (b) The board or commission having control over the department
- 12 shall determine the amount of the average processing expense at the
- 13 public hearing, after notice has been given in the same manner as is
- 14 required for other official action of the board or commission. In
- 15 determining the average processing expense, the board or commission
- 16 may fix the amount at a full dollar amount that is an even multiple of
- 17 ten (10)."
- 18 Delete pages 7 through 12.
- 19 Page 13, delete lines 1 through 2.
- 20 Page 13, delete line 5.
- 21 Renumber all SECTIONS consecutively.
- (Reference is to HB 1122 as printed January 25, 2010.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 9, Nays 1.

---

**Bray** **Chairperson**