
ENGROSSED SENATE BILL No. 327

DIGEST OF SB 327 (Updated February 20, 1998 7:00 pm - DI 58)

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

Synopsis: Tax sales and infrastructure authority. Requires a county auditor to include the name of the owner of a tract of real property eligible for a tax sale in the notice of the tax sale. Requires the county auditor to mail a copy of the notice by certified mail, return receipt requested, to a mortgagee who requests by certified mail a copy of the notice. Allows a county auditor to remove a tract or an item of real property from the tax sale list before the tax sale if the county auditor, the county treasurer and the taxpayer agree to a mutually satisfactory arrangement for the payment of the delinquent taxes. Provides that the City of Gary, the City of Hammond, and the City of East Chicago are entitled to notice if such an arrangement is made. Requires the county auditor to reinstate the real property to the list of property eligible for tax sale if the taxpayer misses a payment under the arrangement. Provides that if Lake County fails to offer for sale at a tax sale a
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Effective: July 1, 1998.

Skillman

(HOUSE SPONSORS — DOBIS, BOTTORFF, RUPPEL)

January 8, 1998, read first time and referred to Committee on Governmental and Regulatory Affairs.

January 29, 1998, amended, reported favorably — Do Pass.
February 2, 1998, read second time, ordered engrossed. Engrossed.
February 3, 1998, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 10, 1998, read first time and referred to Committee on Local Government.
February 17, 1998, amended, reported — Do Pass.
February 20, 1998, read second time, amended, ordered engrossed.

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property that: (1) is on the delinquency list prepared by the county; and (2) located within the jurisdiction of the City of Gary or the City of East Chicago; the city may offer the property for sale at a tax sale. Provides that the City of Gary and the City of East Chicago may not offer a property for sale for the first time after March 31, 2001. Allows the City of Gary to offer real property within its jurisdiction for sale at an expedited second tax sale if the property fails to receive the minimum amount in a county tax sale. Provides for the execution of a tax deed to the City of Gary if the property does sell at the expedited tax sale. Provides for the disposal of real property acquired by the City of Gary. Provides that the City of Gary may not hold a tax sale after March 31, 2001. Allows the City of East Chicago to offer real property within its jurisdiction for sale at an expedited second tax sale if the property fails to receive the minimum amount in a county tax sale. Provides for the execution of a tax deed to the City of East Chicago if the property does not sell at the expedited tax sale. Provides for the disposal of real property acquired by the City of East Chicago. Provides that the City of East Chicago may not hold a tax sale after March 31, 2001. Allows the City of Gary and the City of East Chicago to conduct an additional tax sale in 1998 for the sale of properties on which at least six property tax installments are delinquent. Allows counties and the City of Gary and the City of East Chicago to conduct environmental inspections of properties on a tax sale list. Allows the Lake County auditor to not execute a deed if the City of Gary or the City of East Chicago determines that the costs of environmental alleviation exceed a property's fair market value. Allows any combination of cities, towns, and counties to form a multiple jurisdiction infrastructure authority to promote cooperation to assist in developing the units participating in the authority. Eliminates the law authorizing two (2) or more counties to establish a multiple county authority to perform responsibilities similar to a multiple jurisdiction infrastructure authority. Requires that members of the authority must be elected officials.

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Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

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SENATE ENROLLED ACT No. 327

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 6-1.1-24-2, AS AMENDED BY P.L.56-1996, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) In addition to the delinquency list required under section 1 of this chapter, each county auditor shall prepare a notice. The notice shall contain the following:

- (1) A list of tracts or real property eligible for sale under this chapter.
- (2) A statement that the tracts or real property included in the list will be sold at public auction to the highest bidder.
- (3) A statement that the tracts or real property will not be sold for an amount which is less than the sum of:
 - (A) the delinquent taxes and special assessments on each tract or item of real property;
 - (B) the taxes and special assessments on each tract or item of real property that are due and payable in the year of the sale, whether or not they are delinquent;
 - (C) all penalties due on the delinquencies;
 - (D) an amount prescribed by the county auditor that equals the

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sum of:

- (i) twenty-five dollars (\$25) for postage and publication costs; and
- (ii) any other actual costs incurred by the county that are directly attributable to the tax sale; and

(E) any unpaid costs due under subsection (b) from a prior tax sale.

(4) A statement that a person redeeming each tract or item of real property after the sale must pay an interest charge of ten percent (10%) per annum on the amount of taxes and special assessments paid by the purchaser on the redeemed property after the tax sale.

(5) A statement for informational purposes only, of the location of each tract or item of real property by key number, if any, and street address, if any, or a common description of the property other than a legal description. The township assessor, upon written request from the county auditor, shall provide the information to be in the notice required by this subsection. A misstatement in the key number or street address does not invalidate an otherwise valid sale.

(6) A statement indicating:

(A) the name of the owner of each tract or item of real property with a single owner; or

(B) the name of at least one (1) of the owners of each tract or item of real property with multiple owners.

~~(6)~~ (7) A statement of the procedure to be followed for obtaining or objecting to a judgment and order of sale, that must include the following:

(A) A statement that the county auditor and county treasurer will apply on or after a date designated in the notice for a court judgment against the tracts or real property for an amount that is not less than the amount set under subdivision (3), and for an order to sell the tracts or real property at public auction to the highest bidder.

(B) A statement that any defense to the application for judgment must be filed with the court before the date designated as the earliest date on which the application for judgment may be filed.

(C) A statement that the court will set a date for a hearing at least seven (7) days before the advertised date and that the court will determine any defenses to the application for judgment at the hearing.

~~(7)~~ (8) A statement that the sale will be conducted at a place

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designated in the notice and that the sale will continue until all tracts and real property have been offered for sale.

~~(8)~~ (9) A statement that the sale will take place at the times and dates designated in the notice. Except as provided in section 5.5 of this chapter, the sale must take place on or after August 1 and before November 1 of each year.

~~(9)~~ (10) A statement that a person redeeming each tract or item after the sale must pay the costs described in IC 6-1.1-25-2(d).

~~(10)~~ (11) If a county auditor and county treasurer have entered into an agreement under IC 6-1.1-25-4.7, a statement that the county auditor will perform the duties of the notification and title search under IC 6-1.1-25-4.5 and the notification and petition to the court for the tax deed under IC 6-1.1-25-4.6.

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

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

SECTION 2. IC 6-1.1-24-3, AS AMENDED BY P.L.39-1994, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) When real property is eligible for sale under this chapter, the county auditor shall post a copy of the notice required by sections 2 and 2.2 of this chapter at a public place of posting in the county courthouse at least twenty-one (21) days before the earliest date of application for judgment. In addition, the county auditor shall publish the notice required in sections 2 and 2.2 of this chapter in the manner prescribed in IC 6-1.1-22-4(b) once each week for three (3) consecutive weeks before the earliest date on which the application for judgment may be made. The expenses of this publication shall be paid out of the county general fund without prior appropriation.

(b) At least twenty-one (21) days before the application for judgment is made, the county auditor shall mail a copy of the notice



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required by sections 2 and 2.2 of this chapter by certified mail, **return receipt requested**, to any mortgagee who annually requests, **by certified mail**, a copy of the notice. However, the failure of the county auditor to mail this notice or its nondelivery does not affect the validity of the judgment and order.

(c) The advertisement published under section 4(b) of this chapter is considered sufficient notice of the intended application for judgment and of the sale of real property under the order of the court.

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