
SENATE BILL No. 234

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1.

Synopsis: Tax sale certificates. Provides that a purchaser of a certificate of sale shall record a copy of the certificate of sale in the office of the county recorder not later than 30 days after the date the certificate of sale is issued. Specifies that the county auditor is not required to endorse a certificate of sale that is recorded. Prohibits the county recorder from charging a fee when the county executive records a certificate of sale. Specifies that a person may defeat the title conveyed by a tax deed if the certificate of sale is not recorded within the required time by the purchaser in the office of the recorder of the county in which the property is located. Provides that the amount required for redemption of property sold at a tax sale includes fees paid in the recording of the certificate of sale. Provides that the notice of the tax sale that is provided to the property owner must include the date and instrument number of the recording of the certificate of sale.

Effective: July 1, 2007.

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January 8, 2007, read first time and referred to Committee on Judiciary.

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First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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SENATE BILL No. 234



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 6-1.1-24-9 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) Immediately after
 3 a tax sale purchaser pays the bid, as evidenced by the receipt of the
 4 county treasurer, or immediately after the county acquires a lien under
 5 section 6 of this chapter, the county auditor shall deliver a certificate
 6 of sale to the purchaser or to the county or to the city. The certificate
 7 shall be signed by the auditor and registered in the auditor's office. The
 8 certificate shall contain:

9 (1) a description of real property that corresponds to the
 10 description used on the notice of sale;

11 (2) the name of:

12 (A) the owner of record at the time of the sale of real property
 13 with a single owner; or

14 (B) at least one (1) of the owners of real property with multiple
 15 owners;

16 (3) the mailing address of the owner of the real property sold as
 17 indicated in the records of the county auditor;



- 1 (4) the name of the purchaser;
- 2 (5) the date of sale;
- 3 (6) the amount for which the real property was sold;
- 4 (7) the amount of the minimum bid for which the tract or real
- 5 property was offered at the time of sale as required by section 5
- 6 of this chapter;
- 7 (8) the date when the period of redemption specified in
- 8 IC 6-1.1-25-4 will expire;
- 9 (9) the court cause number under which judgment was obtained;
- 10 and
- 11 (10) the street address, if any, or common description of the real
- 12 property.

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

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

30 SECTION 2. IC 6-1.1-25-2 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The total amount
 32 of money required for the redemption of real property equals:

- 33 (1) the sum of the amounts prescribed in subsections (b) through
 - 34 (e); or
 - 35 (2) the amount prescribed in subsection (f);
- 36 reduced by any amounts held in the name of the taxpayer or the
 37 purchaser in the tax sale surplus fund.

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

- 40 (1) one hundred ten percent (110%) of the minimum bid for
- 41 which the tract or real property was offered at the time of sale, as
- 42 required by IC 6-1.1-24-5, if the tract or item of real property is

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1 redeemed not more than six (6) months after the date of sale; or
 2 (2) one hundred fifteen percent (115%) of the minimum bid for
 3 which the tract or real property was offered at the time of sale, as
 4 required by IC 6-1.1-24-5, if the tract or item of real property is
 5 redeemed more than six (6) months but not more than one (1)
 6 year after the date of sale.

7 (c) Except as provided in subsection (f), in addition to the amount
 8 required under subsection (b), the total amount required for redemption
 9 includes the amount by which the purchase price exceeds the minimum
 10 bid on the real property plus ten percent (10%) per annum on the
 11 amount by which the purchase price exceeds the minimum bid on the
 12 property.

13 (d) Except as provided in subsection (f), in addition to the amount
 14 required under subsections (b) and (c), the total amount required for
 15 redemption includes all taxes and special assessments upon the
 16 property paid by the purchaser after the sale plus ten percent (10%)
 17 interest per annum on those taxes and special assessments.

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

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

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

28 **(3) Recording fees paid in the recording of the certificate of**
 29 **sale under IC 6-1.1-24-9(b).**

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

34 SECTION 3. IC 6-1.1-25-4.5, AS AMENDED BY P.L.169-2006,
 35 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2007]: Sec. 4.5. (a) Except as provided in subsection (d), a
 37 purchaser or the purchaser's assignee is entitled to a tax deed to the
 38 property that was sold only if:

39 (1) the redemption period specified in section 4(a)(1) 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) of this chapter; and

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- 1 (3) not later than nine (9) months after the date of the sale:
- 2 (A) the purchaser or the purchaser's assignee; or
- 3 (B) in a county where the county auditor and county treasurer
- 4 have an agreement under section 4.7 of this chapter, the
- 5 county auditor;
- 6 gives notice of the sale to the owner of record at the time of the
- 7 sale and any person with a substantial property interest of public
- 8 record in the tract or real property.
- 9 (b) A county executive is entitled to a tax deed to property on which
- 10 the county executive acquires a lien under IC 6-1.1-24-6 and for which
- 11 the certificate of sale is not sold under IC 6-1.1-24-6.1 only if:
- 12 (1) the redemption period specified in section 4(b) of this chapter
- 13 has expired;
- 14 (2) the property has not been redeemed within the period of
- 15 redemption specified in section 4(b) of this chapter; and
- 16 (3) not later than ninety (90) days after the date the county
- 17 executive acquires the lien under IC 6-1.1-24-6, the county
- 18 auditor gives notice of the sale to:
- 19 (A) the owner of record at the time the lien was acquired; and
- 20 (B) any person with a substantial property interest of public
- 21 record in the tract or real property.
- 22 (c) A purchaser of a certificate of sale under IC 6-1.1-24-6.1 is
- 23 entitled to a tax deed to the property for which the certificate was sold
- 24 only if:
- 25 (1) the redemption period specified in section 4(c) of this chapter
- 26 has expired;
- 27 (2) the property has not been redeemed within the period of
- 28 redemption specified in section 4(c) of this chapter; and
- 29 (3) not later than ninety (90) days after the date of sale of the
- 30 certificate of sale under IC 6-1.1-24, the purchaser gives notice of
- 31 the sale to:
- 32 (A) the owner of record at the time of the sale; and
- 33 (B) any person with a substantial property interest of public
- 34 record in the tract or real property.
- 35 (d) The person required to give the notice under subsection (a), (b),
- 36 or (c) shall give the notice by sending a copy of the notice by certified
- 37 mail to:
- 38 (1) the owner of record at the time of the:
- 39 (A) sale of the property;
- 40 (B) acquisition of the lien on the property under IC 6-1.1-24-6;
- 41 or
- 42 (C) sale of the certificate of sale on the property under

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1 IC 6-1.1-24;
 2 at the last address of the owner for the property, as indicated in
 3 the records of the county auditor; and
 4 (2) any person with a substantial property interest of public record
 5 at the address for the person included in the public record that
 6 indicates the interest.

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

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

15 (1) A statement that a petition for a tax deed will be filed on or
 16 after a specified date.
 17 (2) The date on or after which the petitioner intends to petition for
 18 a tax deed to be issued.
 19 (3) A description of the tract or real property shown on the
 20 certificate of sale.
 21 (4) The date the tract or real property was sold at a tax sale **and**
 22 **the date and instrument number of the recording of the**
 23 **certificate of sale delivered under IC 6-1.1-24-9.**
 24 (5) The name of the:
 25 (A) purchaser or purchaser's assignee;
 26 (B) county executive that acquired the lien on the property
 27 under IC 6-1.1-24-6; or
 28 (C) person that purchased the certificate of sale on the
 29 property under IC 6-1.1-24.
 30 (6) A statement that any person may redeem the tract or real
 31 property.
 32 (7) The components of the amount required to redeem the tract or
 33 real property.
 34 (8) A statement that an entity identified in subdivision (5) is
 35 entitled to reimbursement for additional taxes or special
 36 assessments on the tract or real property that were paid by the
 37 entity subsequent to the tax sale, lien acquisition, or purchase of
 38 the certificate of sale, and before redemption, plus interest.
 39 (9) A statement that the tract or real property has not been
 40 redeemed.
 41 (10) A statement that an entity identified in subdivision (5) is
 42 entitled to receive a deed for the tract or real property if it is not

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1 redeemed before the expiration of the period of redemption
 2 specified in section 4 of this chapter.
 3 (11) A statement that an entity identified in subdivision (5) is
 4 entitled to reimbursement for costs described in section 2(e) of
 5 this chapter.
 6 (12) The date of expiration of the period of redemption specified
 7 in section 4 of this chapter.
 8 (13) A statement that if the property is not redeemed, the owner
 9 of record at the time the tax deed is issued may have a right to the
 10 tax sale surplus, if any.
 11 (14) The street address, if any, or a common description of the
 12 tract or real property.
 13 (15) The key number or parcel number of the tract or real
 14 property.
 15 (f) The notice under this section must include not more than one (1)
 16 tract or item of real property listed and sold in one (1) description.
 17 However, when more than one (1) tract or item of real property is
 18 owned by one (1) person, all of the tracts or real property that are
 19 owned by that person may be included in one (1) notice.
 20 (g) A single notice under this section may be used to notify joint
 21 owners of record at the last address of the joint owners for the property
 22 sold, as indicated in the records of the county auditor.
 23 (h) The notice required by this section is considered sufficient if the
 24 notice is mailed to the address required under subsection (d).
 25 (i) The notice under this section and the notice under section 4.6 of
 26 this chapter are not required for persons in possession not shown in the
 27 public records.
 28 (j) If the purchaser fails to:
 29 (1) comply with subsection (c)(3); or
 30 (2) petition for the issuance of a tax deed within the time
 31 permitted under section 4.6(a) of this chapter;
 32 the certificate of sale reverts to the county executive and may be
 33 retained by the county executive or sold under IC 6-1.1-24-6.1.
 34 SECTION 4. IC 6-1.1-25-16 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. A person may, upon
 36 appeal, defeat the title conveyed by a tax deed executed under this
 37 chapter only if:
 38 (1) the tract or real property described in the deed was not subject
 39 to the taxes for which it was sold;
 40 (2) the delinquent taxes or special assessments for which the tract
 41 or real property was sold were paid before the sale;
 42 (3) the tract or real property was not assessed for the taxes and

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- 1 special assessments for which it was sold;
- 2 (4) the tract or real property was redeemed before the expiration
- 3 of the period of redemption (as specified in section 4 of this
- 4 chapter);
- 5 (5) the proper county officers issued a certificate, within the time
- 6 limited by law for paying taxes or for redeeming the tract or real
- 7 property, which states either that no taxes were due at the time the
- 8 sale was made or that the tract or real property was not subject to
- 9 taxation;
- 10 (6) the description of the tract or real property was so imperfect
- 11 as to fail to describe it with reasonable certainty; ~~or~~
- 12 (7) the notices required by IC 6-1.1-24-2, IC 6-1.1-24-4, and
- 13 sections 4.5 and 4.6 of this chapter were not in substantial
- 14 compliance with the manner prescribed in those sections; **or**
- 15 **(8) the certificate of sale was not recorded by the purchaser as**
- 16 **specified in IC 6-1.1-24-9(b).**

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