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# SENATE BILL No. 335

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1; IC 32-29-7-8.5; IC 32-30-10-14; IC 36-7-9-2.

**Synopsis:** Tax sale procedures. States the period during which the tax sale property list may be certified. Limits the time for certification by political subdivisions of special assessments, fees, penalties, or charges for collection under the tax sale. Deletes an extraneous cross reference to the tax sale redemption statute. Allows a county to recover its costs of sale of certain certificates of sale. Requires court approval of certain claims against the tax sale surplus fund. Places restrictions on agreements by property owners for location, delivery, recovery, or assistance in the recovery of money deposited in the tax sale surplus fund. Allows the county executive to assign a certificate of sale with respect to real property to any political subdivision, and provides that the period of redemption of the real property is 120 days after the assignment. Establishes procedures to account for funds if a tax sale is declared invalid. Allows a sheriff's sale to proceed only if the tax sale redemption amount and outstanding property taxes, special assessments, penalties, and interest are paid. Requires notice to a tax sale purchaser of certain actions proposed with respect to the property under the unsafe building statute.

**Effective:** Upon passage; July 1, 2010.

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### Broden

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January 12, 2010, read first time and referred to Committee on Tax and Fiscal Policy.

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Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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## SENATE BILL No. 335



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

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

1 SECTION 1. IC 6-1.1-24-1, AS AMENDED BY P.L.169-2006,  
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 1. (a) On or **after January 1 and** before July  
4 1 of each year ~~or fifty-one (51) days after the tax payment due date in~~  
5 **which a tax sale will be held in a county**, the county treasurer (or  
6 county executive, in the case of property described in subdivision (2))  
7 shall certify to the county auditor a list of real property on which any  
8 of the following exist:

9 (1) In the case of real property other than real property described  
10 in subdivision (2), any property taxes or special assessments  
11 certified to the county auditor for collection by the county  
12 treasurer from the prior year's spring installment or before are  
13 delinquent as determined under IC 6-1.1-37-10.

14 (2) In the case of real property for which a county executive has  
15 certified to the county auditor that the real property is:

- 16 (A) vacant; or
- 17 (B) abandoned;



1 any property taxes or special assessments from the prior year's fall  
2 installment or before that are delinquent as determined under  
3 IC 6-1.1-37-10. The county executive must make a certification  
4 under this subdivision not later than sixty-one (61) days before  
5 the earliest date on which application for judgment and order for  
6 sale may be made.

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

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

13 (1) describe the real property by parcel number and common  
14 address, if any;

15 (2) for a tract or item of real property with a single owner,  
16 indicate the name of the owner; and

17 (3) for a tract or item with multiple owners, indicate the name of  
18 at least one (1) of the owners.

19 (c) Except as otherwise provided in this chapter, the real property  
20 so listed is eligible for sale in the manner prescribed in this chapter.

21 (d) Not later than fifteen (15) days after the date of the county  
22 treasurer's certification under subsection (a), the county auditor shall  
23 mail by certified mail a copy of the list described in subsection (b) to  
24 each mortgagee who requests from the county auditor by certified mail  
25 a copy of the list. Failure of the county auditor to mail the list under  
26 this subsection does not invalidate an otherwise valid sale.

27 **(e) Beginning on the date the county treasurer certifies the list**  
28 **under subsection (a) until the date on which certificates of sale on**  
29 **the listed properties are offered for sale under section 6.1 of this**  
30 **chapter, political subdivisions in the county may not certify to the**  
31 **county treasurer for collection any special assessments, fees,**  
32 **penalties, or charges. The only charges allowable for collection**  
33 **during that period are charges for real property tax payments that**  
34 **are due during that period and any penalties on those payments.**

35 SECTION 2. IC 6-1.1-24-2.2, AS AMENDED BY P.L.169-2006,  
36 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2010]: Sec. 2.2. Whenever a notice required under section 2  
38 of this chapter includes real property on the list prepared under section  
39 1(a)(2) or 1.5(d) of this chapter, the notice must also contain a  
40 statement that:

41 (1) the property is on the alternate list prepared under section  
42 1(a)(2) or 1.5(d) of this chapter;

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- 1 (2) if the property is not redeemed within one hundred twenty
- 2 (120) days after the date of sale, the county auditor shall execute
- 3 and deliver a deed for the property to the purchaser or purchaser's
- 4 assignee; and
- 5 (3) if the property is offered for sale and a bid is not received for
- 6 at least the amount required under section 5 of this chapter, the
- 7 county auditor may execute and deliver a deed for the property to
- 8 the county executive. ~~subject to IC 6-1.1-25.~~

9 SECTION 3. IC 6-1.1-24-6.1, AS AMENDED BY P.L.89-2007,  
 10 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2010]: Sec. 6.1. (a) The county executive may do the  
 12 following:

- 13 (1) By resolution, identify properties:
  - 14 (A) that are described in section 6.7(a) of this chapter; and
  - 15 (B) concerning which the county executive desires to offer to
  - 16 the public the certificates of sale acquired by the county
  - 17 executive under section 6 of this chapter.
- 18 (2) In conformity with IC 5-3-1-4, publish:
  - 19 (A) notice of the date, time, and place for a public sale; and
  - 20 (B) a listing of parcels on which certificates will be offered by
  - 21 parcel number and minimum bid amount;
  - 22 once each week for three (3) consecutive weeks, with the final
  - 23 advertisement being not less than thirty (30) days before the sale
  - 24 date. The expenses of the publication shall be paid out of the
  - 25 county general fund.
- 26 (3) Sell each certificate of sale covered by the resolution for a
- 27 price that:
  - 28 (A) is less than the minimum sale price prescribed by section
  - 29 5(e) of this chapter; and
  - 30 (B) includes any costs to the county executive directly
  - 31 attributable to the sale of the certificate of sale.
- 32 (b) Notice of the list of properties prepared under subsection (a) and
- 33 the date, time, and place for the public sale of the certificates of sale
- 34 shall be published in accordance with IC 5-3-1. The notice must:
  - 35 (1) include a description of the property by parcel number and
  - 36 common address;
  - 37 (2) specify that the county executive will accept bids for the
  - 38 certificates of sale for the price referred to in subsection (a)(3);
  - 39 (3) specify the minimum bid for each parcel;
  - 40 (4) include a statement that a person redeeming each tract or item
  - 41 of real property after the sale of the certificate must pay:
    - 42 (A) the amount of the minimum bid under section 5(e) of this

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1 chapter for which the tract or item of real property was last  
 2 offered for sale;  
 3 (B) ten percent (10%) of the amount for which the certificate  
 4 is sold;  
 5 (C) the attorney's fees and costs of giving notice under  
 6 IC 6-1.1-25-4.5;  
 7 (D) the costs of a title search or of examining and updating the  
 8 abstract of title for the tract or item of real property; ~~and~~  
 9 (E) all taxes and special assessments on the tract or item of  
 10 real property paid by the purchaser after the sale of the  
 11 certificate plus interest at the rate of ten percent (10%) per  
 12 annum on the amount of taxes and special assessments paid by  
 13 the purchaser on the redeemed property; and  
 14 **(F) all costs of sale, advertising costs, and other expenses of**  
 15 **the county directly attributable to the sale of certificates of**  
 16 **sale; and**  
 17 (5) include a statement that, if the certificate is sold for an amount  
 18 more than the minimum bid under section 5(e) of this chapter for  
 19 which the tract or item of real property was last offered for sale  
 20 and the property is not redeemed, the owner of record of the tract  
 21 or item of real property who is divested of ownership at the time  
 22 the tax deed is issued may have a right to the tax sale surplus.  
 23 SECTION 4. IC 6-1.1-24-7 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) When real  
 25 property is sold under this chapter, the purchaser at the sale shall  
 26 immediately pay the amount of the bid to the county treasurer. The  
 27 county treasurer shall apply the payment in the following manner:  
 28 (1) first, to the taxes, special assessments, penalties, and costs  
 29 described in section 5(e) of this chapter;  
 30 (2) second, to other delinquent property taxes in the manner  
 31 provided in IC 6-1.1-23-5(b); and  
 32 (3) third, to a separate "tax sale surplus fund".  
 33 (b) The:  
 34 (1) owner of record of the real property at the time the tax deed is  
 35 issued who is divested of ownership by the issuance of a tax deed;  
 36 or  
 37 (2) tax sale purchaser or purchaser's assignee, upon redemption  
 38 of the tract or item of real property;  
 39 may file a verified claim for money which is deposited in the tax sale  
 40 surplus fund. If the claim is approved by the county auditor and the  
 41 county treasurer, the county auditor shall issue a warrant to the  
 42 claimant for the amount due.

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1 (c) If the person **who claims money deposited in the tax sale**  
2 **surplus fund under subsection (b) is:**

3 (1) **a person** described in subsection (b)(1) **who** acquired the  
4 property from a delinquent taxpayer after the property was sold at  
5 a tax sale under this chapter; **or**

6 (2) **a person not described in subsection (b)(1), including a**  
7 **person who acts under a power of attorney executed by the**  
8 **person described in subsection (b)(1);**

9 the county auditor may ~~not~~ issue a warrant to the person ~~unless the~~  
10 ~~person is named on a tax sale surplus fund disclosure form filed with~~  
11 ~~the county auditor under IC 32-21-8; only as directed by the court~~  
12 ~~having jurisdiction over the tax sale of the parcel for which the~~  
13 ~~surplus claim is made.~~

14 (d) **A court may direct the issuance of a warrant only:**

15 (1) **on petition by the claimant; and**

16 (2) **within three (3) years after the date of sale of the parcel in**  
17 **the tax sale.**

18 (e) An amount deposited in the tax sale surplus fund shall be  
19 transferred by the county auditor to the county general fund and may  
20 not be disbursed under subsection (b) if it is not claimed within the  
21 three (3) year period after the date of its receipt.

22 (f) If an amount applied to taxes under this section is later paid  
23 out of the county general fund to the purchaser or the purchaser's  
24 successor due to the invalidity of the sale, all the taxes shall be  
25 reinstated and recharged to the tax duplicate and collected in the same  
26 manner as if the property had not been offered for sale.

27 (g) When a refund is made to any purchaser or purchaser's  
28 successor by reason of the invalidity of a sale, the county auditor shall,  
29 at the December settlement immediately following the refund, deduct  
30 the amount of the refund from the gross collections in the taxing  
31 district in which the land lies and shall pay that amount into the county  
32 general fund.

33 SECTION 5. IC 6-1.1-24-7.5 IS ADDED TO THE INDIANA  
34 CODE AS A NEW SECTION TO READ AS FOLLOWS  
35 [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. (a) For purposes of this**  
36 **section, "property owner" refers to the owner of record of real**  
37 **property at the time the tax deed is issued who is divested of**  
38 **ownership by the issuance of the tax deed.**

39 (b) **An agreement entered into after April 30, 2010, by a**  
40 **property owner that has the primary purpose of paying**  
41 **compensation to locate, deliver, recover, or assist in the recovery**  
42 **of money deposited in the tax sale surplus fund under section**

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1 **7(a)(3) of this chapter with respect to real property as a result of**  
 2 **a tax sale:**  
 3 **(1) is void and unenforceable if the agreement is entered into**  
 4 **before the date the tax sale of the real property is held; and**  
 5 **(2) is valid only if the agreement:**  
 6 **(A) requires payment of compensation of not more than**  
 7 **ten percent (10%) of the amount collected from the tax**  
 8 **sale surplus fund with respect to the real property, unless**  
 9 **the amount collected is fifty dollars (\$50) or less;**  
 10 **(B) is in writing;**  
 11 **(C) is signed by the property owner; and**  
 12 **(D) clearly sets forth:**  
 13 **(i) the amount deposited in the tax sale surplus fund**  
 14 **under section 7(a)(3) of this chapter with respect to the**  
 15 **real property; and**  
 16 **(ii) the value of the property owner's share of the amount**  
 17 **collected from the tax sale surplus fund with respect to**  
 18 **the real property after the compensation is deducted.**  
 19 **(c) This section does not prevent an owner from asserting at any**  
 20 **time that an agreement described in subsection (b) is otherwise**  
 21 **invalid.**  
 22 **(d) A person who engages in services under an agreement**  
 23 **described in subsection (a) must include in an advertisement or a**  
 24 **written communication offering those services a statement that, by**  
 25 **law, fees for those services are limited to not more than ten percent**  
 26 **(10%) of the amount collected, unless the amount collected is fifty**  
 27 **dollars (\$50) or less.**  
 28 **(e) Subsections (b)(2)(D) and (d) do not apply to attorney's fees.**  
 29 SECTION 6. IC 6-1.1-24-9 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. (a) Immediately after  
 31 a tax sale purchaser pays the bid, as evidenced by the receipt of the  
 32 county treasurer, or immediately after the county acquires a lien under  
 33 section 6 of this chapter, the county auditor shall deliver a certificate  
 34 of sale to the purchaser or to the county or to the city. The certificate  
 35 shall be signed by the auditor and registered in the auditor's office. The  
 36 certificate shall contain:  
 37 (1) a description of real property that corresponds to the  
 38 description used on the notice of sale;  
 39 (2) the name of:  
 40 (A) the owner of record at the time of the sale of real property  
 41 with a single owner; or  
 42 (B) at least one (1) of the owners of real property with multiple

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- 1 owners;
- 2 (3) the mailing address of the owner of the real property sold as
- 3 indicated in the records of the county auditor;
- 4 (4) the name of the purchaser;
- 5 (5) the date of sale;
- 6 (6) the amount for which the real property was sold;
- 7 (7) the amount of the minimum bid for which the tract or real
- 8 property was offered at the time of sale as required by section 5
- 9 of this chapter;
- 10 (8) the date when the period of redemption specified in
- 11 IC 6-1.1-25-4 will expire;
- 12 (9) the court cause number under which judgment was obtained;
- 13 and
- 14 (10) the street address, if any, or common description of the real
- 15 property.
- 16 (b) When a certificate of sale is issued under this section, the
- 17 purchaser acquires a lien against the real property for the entire amount
- 18 paid. The lien of the purchaser is superior to all liens against the real
- 19 property which exist at the time the certificate is issued.
- 20 (c) A certificate of sale is assignable. However, an assignment is not
- 21 valid unless it is endorsed on the certificate of sale, acknowledged
- 22 before an officer authorized to take acknowledgments of deeds, and
- 23 registered in the office of the county auditor. When a certificate of sale
- 24 is assigned, the assignee acquires the same rights and obligations that
- 25 the original purchaser acquired.
- 26 **(d) Subject to IC 36-1-11-8, the county executive may assign a**
- 27 **certificate of sale held in the name of the county executive to any**
- 28 **political subdivision during the life of the certificate. If an**
- 29 **assignment is made under this subsection, the period of redemption**
- 30 **of the real property under IC 6-1.1-25 is one hundred twenty (120)**
- 31 **days after the date of the assignment.**
- 32 SECTION 7. IC 6-1.1-25-4, AS AMENDED BY P.L.169-2006,
- 33 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 JULY 1, 2010]: Sec. 4. (a) The period for redemption of real property
- 35 sold under IC 6-1.1-24 is:
- 36 (1) one (1) year after the date of sale;
- 37 (2) one hundred twenty (120) days after the date of sale to a
- 38 purchasing agency qualified under IC 36-7-17; or
- 39 (3) one hundred twenty (120) days after the date of sale of real
- 40 property on the list prepared under IC 6-1.1-24-1(a)(2) or
- 41 IC 6-1.1-24-1.5.
- 42 (b) **Subject to IC 6-1.1-24-9(d)**, the period for redemption of real

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1 property:

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

3 IC 6-1.1-24-6; and

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

5 IC 6-1.1-24-6.1;

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

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

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

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

10 IC 6-1.1-24-6; and

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

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

13 of sale under IC 6-1.1-24.

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

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

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

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

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

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

20 deed to the real property, subject to this chapter.

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

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

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

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

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

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

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

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

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

30 or a political subdivision for taxes and special assessments which

31 accrue subsequent to the sale and which are not removed under

32 subsection (e). However, the estate is subject to:

33 (1) all easements, covenants, declarations, and other deed

34 restrictions shown by public records;

35 (2) laws, ordinances, and regulations concerning governmental

36 police powers, including zoning, building, land use,

37 improvements on the land, land division, and environmental

38 protection; and

39 (3) liens and encumbrances created or suffered by the grantee.

40 (g) A tax deed executed under this chapter is prima facie evidence

41 of:

42 (1) the regularity of the sale of the real property described in the

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1 deed;

2 (2) the regularity of all proper proceedings; and

3 (3) valid title in fee simple in the grantee of the deed.

4 (h) A county auditor is not required to execute a deed to the county

5 executive under this chapter if the county executive determines that the

6 property involved contains hazardous waste or another environmental

7 hazard for which the cost of abatement or alleviation will exceed the

8 fair market value of the property. The county executive may enter the

9 property to conduct environmental investigations.

10 (i) If the county executive makes the determination under subsection

11 (h) as to any interest in an oil or gas lease or separate mineral rights,

12 the county treasurer shall certify all delinquent taxes, interest,

13 penalties, and costs assessed under IC 6-1.1-24 to the clerk, following

14 the procedures in IC 6-1.1-23-9. After the date of the county treasurer's

15 certification, the certified amount is subject to collection as delinquent

16 personal property taxes under IC 6-1.1-23. Notwithstanding

17 IC 6-1.1-4-12.4 and IC 6-1.1-4-12.6, the assessed value of such an

18 interest shall be zero (0) until production commences.

19 (j) When a deed is issued to a purchaser of a certificate of sale sold

20 under IC 6-1.1-24-6.1, the county auditor shall, in the same manner that

21 taxes are removed by certificate of error, remove from the tax duplicate

22 the taxes, special assessments, interest, penalties, and costs remaining

23 due as the difference between the amount of the last minimum bid

24 under IC 6-1.1-24-5(e) and the amount paid for the certificate of sale.

25 SECTION 8. IC 6-1.1-25-11 IS AMENDED TO READ AS

26 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. (a) Subsequent to

27 the issuance of the order directing the county auditor to issue a tax deed

28 to real property sold under IC 6-1.1-24, a county auditor shall refund

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

30 county treasury to the purchaser, the purchaser's successors or assigns,

31 or the purchaser of the certificate of sale under IC 6-1.1-24 if it is found

32 by the court that entered the order for the tax deed that:

33 (1) the real property described in the deed was not subject to the

34 taxes for which it was sold;

35 (2) the delinquent taxes or special assessments for which the real

36 property was sold were properly paid before the sale; or

37 (3) the legal description of the real property in the tax deed is void

38 for uncertainty.

39 (b) The grantee of an invalid tax deed, including the county, to

40 whom a refund is made under this section shall execute, acknowledge,

41 and deliver to the owner a deed conveying whatever interest the

42 purchaser may have acquired by the tax sale deed. If a county is

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1 required to execute a deed under this section, the deed shall be signed  
2 by the county board of commissioners and acknowledged by the clerk  
3 of the circuit court.

4 (c) A refund may not be made under this section while an action  
5 initiated under either section 14 or 16 of this chapter is pending.

6 **(d) If a sale is declared invalid after a claim is submitted under  
7 IC 6-1.1-24-7 for money deposited in the tax sale surplus fund and  
8 the claim is paid, the county auditor shall:**

9 **(1) refund the purchase money plus six percent (6%) interest  
10 per annum from the county treasury to the purchaser, the  
11 purchaser's successors or assigns, or the purchaser of the  
12 certificate of sale under IC 6-1.1-24; and**

13 **(2) certify the amount paid to the property owner from the tax  
14 sale surplus fund as a lien against the property and as a civil  
15 judgment against the property owner.**

16 SECTION 9. IC 32-29-7-8.5 IS ADDED TO THE INDIANA CODE  
17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
18 1, 2010]: **Sec. 8.5. (a) Before the date of a sheriff's sale of property  
19 under section 3(c) of this chapter, the party that filed the praecipe  
20 for the sheriff's sale shall pay the following:**

21 **(1) If a certificate of sale issued under IC 6-1.1-24 is  
22 outstanding:**

23 **(A) the amount necessary for redemption of the property  
24 under IC 6-1.1-25; and**

25 **(B) all delinquent property taxes, special assessments,  
26 penalties, and interest that:**

27 **(i) are not covered by the redemption referred to in  
28 clause (A); and**

29 **(ii) are due and owing on the property on the date of the  
30 sheriff's sale.**

31 **(2) If subdivision (1) does not apply, all delinquent property  
32 taxes, special assessments, penalties, and interest that are due  
33 and owing on the property on the date of the sheriff's sale.**

34 **(b) If the payments required under subsection (a) are not made  
35 in full by the date of the sale, the sheriff:**

36 **(1) shall cancel the sheriff's sale; and**

37 **(2) may conduct the sheriff's sale only:**

38 **(A) upon evidence that the payments required under  
39 subsection (a) have been made in full; and**

40 **(B) after a subsequent praecipe is filed, costs are paid, and  
41 the sheriff's sale is advertised under this chapter.**

42 SECTION 10. IC 32-30-10-14, AS AMENDED BY

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1 P.L.182-2009(ss), SECTION 390, IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 14. The proceeds of a  
3 sale described in IC 32-29-7 or section 8 or 12(b) of this chapter must  
4 be applied in the following order:

5 (1) Expenses of the offer and sale, including expenses incurred  
6 under IC 32-29-7-4 or section 9 of this chapter (or IC 34-1-53-6.5  
7 or IC 32-15-6-6.5 before their repeal).

8 ~~(2) The amount of any property taxes on the property sold:~~

9 ~~(A) that are due and owing; and~~

10 ~~(B) for which the due date has passed as of the date of the~~  
11 ~~sheriff's sale.~~

12 The sheriff shall transfer the amounts collected under this  
13 subdivision to the county treasurer not more than ten (10) days  
14 after the date of the sheriff's sale.

15 ~~(3) Any amount of redemption where a certificate of sale is~~  
16 ~~outstanding.~~

17 ~~(4) (2) The payment of the principal due, interest, and costs not~~  
18 ~~described in subdivision (1).~~

19 ~~(5) (3) The residue secured by the mortgage and not due.~~

20 ~~(6) (4) If the residue referred to in subdivision (5) (3) does not~~  
21 ~~bear interest, a deduction must be made by discounting the legal~~  
22 ~~interest.~~

23 In all cases in which the proceeds of sale exceed the amounts described  
24 in subdivisions (1) through ~~(6)~~; (4), the surplus must be paid to the  
25 clerk of the court to be transferred, as the court directs, to the mortgage  
26 debtor, mortgage debtor's heirs, or other persons assigned by the  
27 mortgage debtor.

28 SECTION 11. IC 36-7-9-2, AS AMENDED BY P.L.88-2009,  
29 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2010]: Sec. 2. As used in this chapter:

31 "Community organization" means a citizen's group, neighborhood  
32 association, neighborhood development corporation, or similar  
33 organization that:

34 (1) has specific geographic boundaries defined in its bylaws or  
35 articles of incorporation and contains at least forty (40)  
36 households within those boundaries;

37 (2) is a nonprofit corporation that is representative of at least  
38 twenty-five (25) households or twenty percent (20%) of the  
39 households in the community, whichever is less;

40 (3) is operated primarily for the promotion of social welfare and  
41 general neighborhood improvement and enhancement;

42 (4) has been incorporated for at least two (2) years; and

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1 (5) is exempt from taxation under Section 501(c)(3) or 501(c)(4)  
 2 of the Internal Revenue Code.  
 3 "Continuous enforcement order" means an order that:  
 4 (1) is issued for compliance or abatement and that remains in full  
 5 force and effect on a property without further requirements to  
 6 seek additional:  
 7 (i) (A) compliance and abatement authority; or  
 8 (ii) (B) orders for the same or similar violations;  
 9 (2) authorizes specific ongoing compliance and enforcement  
 10 activities if a property requires reinspection or additional periodic  
 11 abatement;  
 12 (3) can be enforced, including assessment of fees and costs,  
 13 without the need for additional notice or hearing; and  
 14 (4) authorizes the enforcement authority to assess and collect  
 15 ongoing costs for continuous enforcement order activities from  
 16 any party that is subject to the enforcement authority's order.  
 17 "Department" refers to the executive department authorized by  
 18 ordinance to administer this chapter. In a consolidated city, this  
 19 department is the department of metropolitan development, subject to  
 20 IC 36-3-4-23.  
 21 "Enforcement authority" refers to the chief administrative officer of  
 22 the department, except in a consolidated city. In a consolidated city, the  
 23 division of development services is the enforcement authority, subject  
 24 to IC 36-3-4-23.  
 25 "Hearing authority" refers to a person or persons designated as such  
 26 by the executive of a city or county, or by the legislative body of a  
 27 town. However, in a consolidated city, the director of the department  
 28 or a person designated by the director is the hearing authority. An  
 29 employee of the enforcement authority may not be designated as the  
 30 hearing authority.  
 31 "Known or recorded fee interest, life estate interest, or equitable  
 32 interest of a contract purchaser" means any fee interest, life estate  
 33 interest, or equitable interest of a contract purchaser held by a person  
 34 whose identity and address may be determined from:  
 35 (1) an instrument recorded in the recorder's office of the county  
 36 where the unsafe premises is located;  
 37 (2) written information or actual knowledge received by the  
 38 department (or, in the case of a consolidated city, the enforcement  
 39 authority); or  
 40 (3) a review of department (or, in the case of a consolidated city,  
 41 the enforcement authority) records that is sufficient to identify  
 42 information that is reasonably ascertainable.

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1 "Known or recorded substantial property interest" means any right  
2 in real property, including a fee interest, a life estate interest, a future  
3 interest, a mortgage interest, **a lien as evidenced by a certificate of**  
4 **sale issued under IC 6-1.1-24**, or an equitable interest of a contract  
5 purchaser, that:

6 (1) may be affected in a substantial way by actions authorized by  
7 this chapter; and

8 (2) is held by a person whose identity and address may be  
9 determined from:

10 (A) an instrument recorded in:

11 (i) the recorder's office of the county where the unsafe  
12 premises is located; **or**

13 (ii) **the office of the county auditor of the county where**  
14 **the unsafe premises are located in the case of a lien**  
15 **evidenced by a certificate of sale issued under**  
16 **IC 6-1.1-24;**

17 (B) written information or actual knowledge received by the  
18 department (or, in the case of a consolidated city, the  
19 enforcement authority); or

20 (C) a review of department (or, in the case of a consolidated  
21 city, the enforcement authority) records that is sufficient to  
22 identify information that is reasonably ascertainable.

23 "Substantial property interest" means any right in real property that  
24 may be affected in a substantial way by actions authorized by this  
25 chapter, including a fee interest, a life estate interest, a future interest,  
26 a mortgage interest, or an equitable interest of a contract purchaser.

27 SECTION 12. **An emergency is declared for this act.**

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