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# HOUSE BILL No. 1535

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1; IC 36-1-11.

**Synopsis:** Delinquent property tax sales. Provides that a county auditor's notice of a tax sale is not to state that the person redeeming real property after the sale is required to pay the amount by which the sales price exceeded the minimum bid. Revises the language of the written statement that a bidder on property at a tax sale must sign (which concerns the bidder's bid being applied to delinquent taxes owed by the bidder) so as to make that statement consistent with the redemption requirements of the law. Eliminates a provision that applied only to tax sale property that was offered in 2006 and found to be brownfield property. Provides that a person redeeming tax sale property where a certificate of sale has been sold must pay the same amount as a person redeeming property where no certificate of sale is involved. Provides that a person redeeming tax sale property where a certificate of sale has been sold must pay the same amount as a person redeeming property when no certificate of sale is involved. Provides that when a person who purchases real property at a tax sale fails to pay the bid: (1) the county treasurer, instead of the county prosecuting attorney, must initiate an action to recover the civil penalty; (2) the suit must be initiated in the name of the county and not the treasurer of state; and (3) the person may be found liable for treble damages, costs, and reasonable attorney's fees. Provides that an owner, to redeem tax sale property, must pay 10% per annum on the amount by which the purchase price of the property exceeded the minimum bid but is not required to pay the amount by which the purchase price of the property exceeded the minimum bid. Provides that in the case of a property owned by the county after a tax sale, the disposing agent may determine a minimum bid based on two appraisals and the disposing agent's knowledge of the property.

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**Effective:** July 1, 2011.

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### Mahan, Crouch

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January 20, 2011, read first time and referred to Committee on Ways and Means.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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## HOUSE BILL No. 1535



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 6-1.1-24-2, AS AMENDED BY P.L.146-2008,
- 2 SECTION 258, IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) In addition to the delinquency
- 4 list required under section 1 of this chapter, each county auditor shall
- 5 prepare a notice. The notice shall contain the following:
- 6 (1) A list of tracts or real property eligible for sale under this
- 7 chapter.
- 8 (2) A statement that the tracts or real property included in the list
- 9 will be sold at public auction to the highest bidder, subject to the
- 10 right of redemption.
- 11 (3) A statement that the tracts or real property will not be sold for
- 12 an amount which is less than the sum of:
- 13 (A) the delinquent taxes and special assessments on each tract
- 14 or item of real property;
- 15 (B) the taxes and special assessments on each tract or item of
- 16 real property that are due and payable in the year of the sale,
- 17 whether or not they are delinquent;



- 1 (C) all penalties due on the delinquencies;
- 2 (D) an amount prescribed by the county auditor that equals the
- 3 sum of:
- 4 (i) the greater of twenty-five dollars (\$25) or postage and
- 5 publication costs; and
- 6 (ii) any other actual costs incurred by the county that are
- 7 directly attributable to the tax sale; and
- 8 (E) any unpaid costs due under subsection (b) from a prior tax
- 9 sale.
- 10 (4) A statement that a person redeeming each tract or item of real
- 11 property after the sale must pay:
- 12 (A) one hundred ten percent (110%) of the amount of the
- 13 minimum bid for which the tract or item of real property was
- 14 offered at the time of sale if the tract or item of real property
- 15 is redeemed not more than six (6) months after the date of
- 16 sale;
- 17 (B) one hundred fifteen percent (115%) of the amount of the
- 18 minimum bid for which the tract or item of real property was
- 19 offered at the time of sale if the tract or item of real property
- 20 is redeemed more than six (6) months after the date of sale;
- 21 (C) the amount by which the purchase price exceeds the
- 22 minimum bid on the tract or item of real property plus ten
- 23 percent (10%) per annum on the amount by which the
- 24 purchase price exceeds the minimum bid; and
- 25 (D) all taxes and special assessments on the tract or item of
- 26 real property paid by the purchaser after the tax sale plus
- 27 interest at the rate of ten percent (10%) per annum on the
- 28 amount of taxes and special assessments paid by the purchaser
- 29 on the redeemed property.
- 30 (5) A statement for informational purposes only, of the location
- 31 of each tract or item of real property by key number, if any, and
- 32 street address, if any, or a common description of the property
- 33 other than a legal description. The township assessor, or the
- 34 county assessor if there is no township assessor for the township,
- 35 upon written request from the county auditor, shall provide the
- 36 information to be in the notice required by this subsection. A
- 37 misstatement in the key number or street address does not
- 38 invalidate an otherwise valid sale.
- 39 (6) A statement that the county does not warrant the accuracy of
- 40 the street address or common description of the property.
- 41 (7) A statement indicating:
- 42 (A) the name of the owner of each tract or item of real

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- 1 property with a single owner; or
- 2 (B) the name of at least one (1) of the owners of each tract or
- 3 item of real property with multiple owners.
- 4 (8) A statement of the procedure to be followed for obtaining or
- 5 objecting to a judgment and order of sale, that must include the
- 6 following:
- 7 (A) A statement:
- 8 (i) that the county auditor and county treasurer will apply on
- 9 or after a date designated in the notice for a court judgment
- 10 against the tracts or real property for an amount that is not
- 11 less than the amount set under subdivision (3), and for an
- 12 order to sell the tracts or real property at public auction to
- 13 the highest bidder, subject to the right of redemption; and
- 14 (ii) indicating the date when the period of redemption
- 15 specified in IC 6-1.1-25-4 will expire.
- 16 (B) A statement that any defense to the application for
- 17 judgment must be:
- 18 (i) filed with the court; and
- 19 (ii) served on the county auditor and the county treasurer;
- 20 before the date designated as the earliest date on which the
- 21 application for judgment may be filed.
- 22 (C) A statement that the county auditor and the county
- 23 treasurer are entitled to receive all pleadings, motions,
- 24 petitions, and other filings related to the defense to the
- 25 application for judgment.
- 26 (D) A statement that the court will set a date for a hearing at
- 27 least seven (7) days before the advertised date and that the
- 28 court will determine any defenses to the application for
- 29 judgment at the hearing.
- 30 (9) A statement that the sale will be conducted at a place
- 31 designated in the notice and that the sale will continue until all
- 32 tracts and real property have been offered for sale.
- 33 (10) A statement that the sale will take place at the times and
- 34 dates designated in the notice. Whenever the public auction is to
- 35 be conducted as an electronic sale, the notice must include a
- 36 statement indicating that the public auction will be conducted as
- 37 an electronic sale and a description of the procedures that must be
- 38 followed to participate in the electronic sale.
- 39 (11) A statement that a person redeeming each tract or item after
- 40 the sale must pay the costs described in IC 6-1.1-25-2(e).
- 41 (12) If a county auditor and county treasurer have entered into an
- 42 agreement under IC 6-1.1-25-4.7, a statement that the county

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1 auditor will perform the duties of the notification and title search  
2 under IC 6-1.1-25-4.5 and the notification and petition to the  
3 court for the tax deed under IC 6-1.1-25-4.6.

4 (13) A statement that, if the tract or item of real property is sold  
5 for an amount more than the minimum bid and the property is not  
6 redeemed, the owner of record of the tract or item of real property  
7 who is divested of ownership at the time the tax deed is issued  
8 may have a right to the tax sale surplus.

9 (14) If a determination has been made under subsection (d), a  
10 statement that tracts or items will be sold together.

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

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

26 (d) The county auditor and county treasurer may establish the  
27 condition that a tract or item will be sold and may be redeemed under  
28 this chapter only if the tract or item is sold or redeemed together with  
29 one (1) or more other tracts or items. Property may be sold together  
30 only if the tract or item is owned by the same person.

31 SECTION 2. IC 6-1.1-24-5.3, AS AMENDED BY P.L.88-2009,  
32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2011]: Sec. 5.3. (a) This section applies to the following:

- 34 (1) A person who:
  - 35 (A) owns a fee interest, a life estate interest, or the equitable
  - 36 interest of a contract purchaser in an unsafe building or unsafe
  - 37 premises in the county in which a sale is held under this
  - 38 chapter; and
  - 39 (B) is subject to an order issued under IC 36-7-9-5(a)(2),
  - 40 IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5)
  - 41 regarding which the conditions set forth in IC 36-7-9-10(a)(1)
  - 42 through IC 36-7-9-10(a)(4) exist.

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- 1 (2) A person who:  
 2 (A) owns a fee interest, a life estate interest, or the equitable  
 3 interest of a contract purchaser in an unsafe building or unsafe  
 4 premises in the county in which a sale is held under this  
 5 chapter; and  
 6 (B) is subject to an order issued under IC 36-7-9-5(a), other  
 7 than an order issued under IC 36-7-9-5(a)(2),  
 8 IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5),  
 9 regarding which the conditions set forth in IC 36-7-9-10(b)(1)  
 10 through IC 36-7-9-10(b)(4) exist.
- 11 (3) A person who is the defendant in a court action brought under  
 12 IC 36-7-9-18, IC 36-7-9-19, IC 36-7-9-20, IC 36-7-9-21, or  
 13 IC 36-7-9-22 in the county in which a sale is held under this  
 14 chapter that has resulted in a judgment in favor of the plaintiff and  
 15 the unsafe condition that caused the action to be brought has not  
 16 been corrected.
- 17 (4) A person who has any of the following relationships to a  
 18 person, partnership, corporation, or legal entity described in  
 19 ~~subdivisions~~ **subdivision** (1), (2), or (3);  
 20 (A) A partner of a partnership.  
 21 (B) An officer or majority stockholder of a corporation.  
 22 (C) The person who directs the activities or has a majority  
 23 ownership in a legal entity other than a partnership or  
 24 corporation.
- 25 (5) A person who, in the county in which a sale is held under this  
 26 chapter, owes:  
 27 (A) delinquent taxes;  
 28 (B) special assessments;  
 29 (C) penalties;  
 30 (D) interest; or  
 31 (E) costs directly attributable to a prior tax sale;  
 32 on a tract or an item of real property listed under section 1 of this  
 33 chapter.
- 34 (6) A person who owns a fee interest, a life estate interest, or the  
 35 equitable interest of a contract purchaser in a vacant or abandoned  
 36 structure subject to an enforcement order under IC 32-30-6,  
 37 IC 32-30-7, IC 32-30-8, or IC 36-7-9.
- 38 (7) A person who is an agent of the person described in this  
 39 subsection.
- 40 (b) A person subject to this section may not purchase a tract offered  
 41 for sale under section 5 or 6.1 of this chapter. However, this section  
 42 does not prohibit a person from bidding on a tract that is owned by the

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1 person and offered for sale under section 5 of this chapter.

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

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

22 (d) If a person purchases a tract that the person was not eligible to  
23 purchase under this section, the sale of the property is subject to  
24 forfeiture. If the county treasurer determines or is notified not more  
25 than six (6) months after the date of the sale that the sale of the  
26 property should be forfeited, the county treasurer shall:

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

30 (2) if the person does not pay the amounts that the person owes  
31 within thirty (30) days after the notice, apply the ~~surplus~~ amount  
32 of the person's bid **that exceeds the minimum bid** to the person's  
33 delinquent taxes, special assessments, penalties, and interest;

34 (3) remit the amounts owed from a final adjudication or civil  
35 penalties in favor of a political subdivision to the appropriate  
36 political subdivision; and

37 (4) notify the county auditor that the sale has been forfeited.

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

41 (e) A county treasurer may decline to forfeit a sale under this section  
42 because of inadvertence or mistake, lack of actual knowledge by the

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1 bidder, substantial harm to other parties with interests in the tract or  
 2 item of real property, or other substantial reasons. If the treasurer  
 3 declines to forfeit a sale, the treasurer shall:

- 4 (1) prepare a written statement explaining the reasons for  
 5 declining to forfeit the sale; and  
 6 (2) retain the written statement as an official record.

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

13 SECTION 3. IC 6-1.1-24-6, AS AMENDED BY P.L.89-2007,  
 14 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2011]: Sec. 6. (a) When a tract or an item of real property is  
 16 offered for sale under this chapter and an amount is not received equal  
 17 to or in excess of the minimum sale price prescribed in section 5(e) of  
 18 this chapter, the county executive acquires a lien in the amount of the  
 19 minimum sale price. This lien attaches on the day after the last date on  
 20 which the tract or item was offered for sale.

21 (b) When a county executive acquires a lien under this section, the  
 22 county auditor shall issue a tax sale certificate to the county executive  
 23 in the manner provided in section 9 of this chapter. The county auditor  
 24 shall date the certificate the day that the county executive acquires the  
 25 lien. When a county executive acquires a certificate under this section,  
 26 the county executive has the same rights as a purchaser.

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

31 ~~(d) This section shall apply to any tract or an item of real property~~  
 32 ~~offered for sale under this chapter in 2006; and an amount was not~~  
 33 ~~received equal to or in excess of the minimum sale price prescribed in~~  
 34 ~~section 5(e) of this chapter; if the county executive finds that the tract~~  
 35 ~~or item of real property meets the definition of a brownfield as set forth~~  
 36 ~~in IC 13-11-2-19.3.~~

37 SECTION 4. IC 6-1.1-24-6.1, AS AMENDED BY P.L.73-2010,  
 38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2011]: Sec. 6.1. (a) The county executive may do the  
 40 following:

- 41 (1) By resolution, identify properties:  
 42 (A) that are described in section 6.7(a) of this chapter; and

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1 (B) concerning which the county executive desires to offer to  
 2 the public the certificates of sale acquired by the county  
 3 executive under section 6 of this chapter.  
 4 (2) In conformity with IC 5-3-1-4, publish:  
 5 (A) notice of the date, time, and place for a public sale; and  
 6 (B) a listing of parcels on which certificates will be offered by  
 7 parcel number and minimum bid amount;  
 8 once each week for three (3) consecutive weeks, with the final  
 9 advertisement being not less than thirty (30) days before the sale  
 10 date. The expenses of the publication shall be paid out of the  
 11 county general fund.  
 12 (3) Sell each certificate of sale covered by the resolution for a  
 13 price that:  
 14 (A) is less than the minimum sale price prescribed by section  
 15 5(e) of this chapter; and  
 16 (B) includes any costs to the county executive directly  
 17 attributable to the sale of the certificate of sale.  
 18 (b) Notice of the list of properties prepared under subsection (a) and  
 19 the date, time, and place for the public sale of the certificates of sale  
 20 shall be published in accordance with IC 5-3-1. The notice must:  
 21 (1) include a description of the property by parcel number and  
 22 common address;  
 23 (2) specify that the county executive will accept bids for the  
 24 certificates of sale for the price referred to in subsection (a)(3);  
 25 (3) specify the minimum bid for each parcel;  
 26 (4) include a statement that a person redeeming each tract or item  
 27 of real property after the sale of the certificate must pay:  
 28 (A) **one hundred ten percent (110%) of the amount of the**  
 29 **minimum bid under section 5(e) of this chapter for which the**  
 30 **tract or item of real property was last offered for sale if the**  
 31 **tract or item of real property is redeemed not more than**  
 32 **six (6) months after the date of sale;**  
 33 (B) ~~ten percent (10%) of the amount for which the certificate~~  
 34 **is sold one hundred fifteen percent (115%) of the amount**  
 35 **of the minimum bid for which the tract or item of real**  
 36 **property was offered at the time of sale if the tract or item**  
 37 **of real property is redeemed more than six (6) months**  
 38 **after the date of sale;**  
 39 (C) **ten percent (10%) per annum on the amount by which**  
 40 **the purchase price exceeds the minimum bid;**  
 41 ~~(D)~~ (D) **the attorney's fees and costs of giving notice under**  
 42 **IC 6-1.1-25-4.5;**

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- 1           ~~(D)~~ (E) the costs of a title search or of examining and updating
- 2           the abstract of title for the tract or item of real property;
- 3           ~~(E)~~ (F) all taxes and special assessments on the tract or item of
- 4           real property paid by the purchaser after the sale of the
- 5           certificate plus interest at the rate of ten percent (10%) per
- 6           annum on the amount of taxes and special assessments paid by
- 7           the purchaser on the redeemed property; and
- 8           ~~(F)~~ (G) all costs of sale, advertising costs, and other expenses
- 9           of the county directly attributable to the sale of certificates of
- 10          sale; and

11           (5) include a statement that, if the certificate is sold for an amount  
 12           more than the minimum bid under section 5(e) of this chapter for  
 13           which the tract or item of real property was last offered for sale  
 14           and the property is not redeemed, the owner of record of the tract  
 15           or item of real property who is divested of ownership at the time  
 16           the tax deed is issued may have a right to the tax sale surplus.

17           SECTION 5. IC 6-1.1-24-8, AS AMENDED BY P.L.89-2007,  
 18           SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19           JULY 1, 2011]: Sec. 8. When one who purchases real property at a tax  
 20           sale fails to pay the bid, the real property shall again be offered for sale.  
 21           A purchaser who fails to pay the bid shall pay a civil penalty of  
 22           twenty-five percent (25%) of the amount of the bid. The county  
 23           prosecuting attorney treasurer shall initiate an action in the name of  
 24           the state treasurer county to recover the civil penalty, **treble damages,**  
 25           **costs, and reasonable attorney's fees.** Amounts collected under this  
 26           section shall be deposited in the county general fund.

27           SECTION 6. IC 6-1.1-25-2, AS AMENDED BY P.L.89-2007,  
 28           SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29           JULY 1, 2011]: Sec. 2. (a) The total amount of money required for the  
 30           redemption of real property equals:

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

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

- 38           (1) one hundred ten percent (110%) of the minimum bid for
- 39           which the tract or real property was offered at the time of sale, as
- 40           required by IC 6-1.1-24-5, if the tract or item of real property is
- 41           redeemed not more than six (6) months after the date of sale; or
- 42           (2) one hundred fifteen percent (115%) of the minimum bid for

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

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

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

16 (e) Except as provided in subsection (f), in addition to the amounts  
17 required under subsections (b), (c), and (d), the total amount required  
18 for redemption includes the following costs, if certified before  
19 redemption and not earlier than thirty (30) days after the date of sale of  
20 the property being redeemed by the payor to the county auditor on a  
21 form prescribed by the state board of accounts, that were incurred and  
22 paid by the purchaser, the purchaser's assignee, or the county, before  
23 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 (f) With respect to a tract or item of real property redeemed under  
29 section 4(c) of this chapter, instead of the amounts stated in subsections  
30 (b) through (e), the total amount required for redemption is the amount  
31 determined under IC 6-1.1-24-6.1(b)(4).

32 SECTION 7. IC 36-1-11-4, AS AMENDED BY P.L.27-2008,  
33 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2011]: Sec. 4. (a) A disposing agent who wants to sell or  
35 transfer real property must comply with this section, except as  
36 permitted by section 4.1, 4.2, **4.3**, 5, 5.5, 5.7, 5.9, 8, 14, or 15 of this  
37 chapter.

38 (b) The disposing agent shall first have the property appraised by  
39 two (2) appraisers. The appraisers must be:

40 (1) professionally engaged in making appraisals;

41 (2) licensed under IC 25-34.1; or

42 (3) employees of the political subdivision familiar with the value

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of the property.

The appraisers shall make a joint appraisal of the property.

(c) After the property is appraised, the disposing agent shall publish a notice in accordance with IC 5-3-1 setting forth the terms and conditions of the sale, and, when subsection (e) is employed, may engage an auctioneer licensed under IC 25-6.1 to advertise the sale and to conduct a public auction. The advertising conducted by the auctioneer is in addition to any other notice required by law and shall include a detailed description of the property to be sold stating the key numbers, if any, of the tracts within that property. If the disposing agent determines that the best sale of the property can be made by letting the bidders determine certain conditions of the sale (such as required zoning or soil or drainage conditions) as a prerequisite to purchasing the property, the disposing agent may permit the bidders to specify those conditions. The notice must state the following:

- (1) Bids will be received beginning on a specific date.
- (2) The sale will continue from day to day for a period determined by the disposing agent of not more than sixty (60) days.
- (3) The property may not be sold to a person who is ineligible under section 16 of this chapter.
- (4) A bid 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.

(d) A bid must be open to public inspection. A bidder may raise the bidder's bid, and subject to subsection (e), that raise takes effect after the board has given written notice of that raise to the other bidders.

(e) The disposing agent may also engage an auctioneer licensed under IC 25-6.1 to conduct a sale by public auction. The auction may be conducted either at the time for beginning the sale in accordance with the public notice or after the beginning of the sale. The disposing agent shall give each bidder who has submitted a bid written notice of the time and place of the auction.

(f) The disposing agent may, before expiration of the time set out in the notice, sell the property to the highest and best bidder. The highest and best bidder must have complied with any requirement under subsection (c)(4). However, the disposing agent may sell the property for less than ninety percent (90%) of the appraised value of the tracts only after having an additional notice of the sale published in accordance with subsection (c). The disposing agent may reject all bids.

(g) If the disposing agent determines that, in the exercise of good

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1 business judgment, the disposing agent should hire a broker or  
2 auctioneer to sell the property, the disposing agent may do so and pay  
3 the broker or auctioneer a reasonable compensation out of the gross  
4 proceeds of the sale. However, the disposing agent must still comply  
5 with the procedural requirements of this section. The disposing agent  
6 may hire one (1) of the appraisers as the broker or auctioneer.

7 SECTION 8. IC 36-1-11-4.3 IS ADDED TO THE INDIANA CODE  
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
9 1, 2011]: **Sec. 4.3. (a) This section applies to a disposing agent who  
10 wants to offer to the public certificates of sale acquired by the  
11 county executive under section 6-1.1-24-6.**

12 **(b) The disposing agent shall first have the property appraised  
13 by two (2) appraisers. The appraisers must be:**

- 14 **(1) professionally engaged in making appraisals;**
- 15 **(2) 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. After  
19 the property is appraised, the disposing agent shall determine a  
20 minimum bid for the property based on the appraisals and the  
21 disposing agent's knowledge of the property.**

22 **(c) Except for determining a minimum bid under this section,  
23 the disposing agent must comply with section 4 of this chapter.**

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