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# HOUSE BILL No. 1249

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1; IC 34-30-2-154.5; IC 36-7-37.

**Synopsis:** Land banks. Allows a county, city other than a consolidated city, or town unit to operate a land bank. Provides that a unit may adopt an ordinance designating an official, a department, or an instrumentality of the unit as the manager of land bank operations for the unit. Requires a consolidated city to operate a land bank. Provides that the manager of land bank operations for a consolidated city is a nonprofit corporation organized by the county executive. Specifies that the territory of a county land bank is all the territory of the county except for the territories of cities and towns in the county. Specifies that the territory of a consolidated city's land bank is all the territory of the county in which the consolidated city is located except for the territory of the county's excluded cities. Provides that: (1) abandoned or vacant real property on which delinquent real property taxes are owed; and (2) real property on which delinquent real property taxes are owed that has been offered for sale unsuccessfully; are transferred to the land bank in which the real property is located, if any. Requires the fiscal body of a county, city, or town that operates a land bank to appropriate to the land bank revenue from property taxes collected on real property disposed of by the land bank for three years following the year in which the land bank disposes of the real property, in the case of a consolidated city or a county, city, or town if the fiscal body of the county, city, or town has made an election to do so. Requires a consolidated city to appropriate money in the consolidated city's unsafe building fund that is not needed for executing the unsafe building law to the consolidated city's land bank. Repeals the definition of "substantial property interest of public record" to relocate the definition to a new chapter. Makes a technical correction.

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**Effective:** July 1, 2012.

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## Clere, Burton

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January 9, 2012, read first time and referred to Committee on Local Government.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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# HOUSE BILL No. 1249



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 6-1.1-23.8 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2012]:  
4 **Chapter 23.8. Definitions Applicable to IC 6-1.1-24 and**  
5 **IC 6-1.1-25**  
6 **Sec. 1. The definitions in this chapter apply throughout this**  
7 **chapter, IC 6-1.1-24, and IC 6-1.1-25.**  
8 **Sec. 2. "County executive" means the following:**  
9 (1) **In a county not containing a consolidated city, the county**  
10 **executive or the county executive's designee.**  
11 (2) **In a county containing a consolidated city, the executive of**  
12 **the consolidated city.**  
13 **Sec. 3. "Land bank" has the meaning set forth in IC 36-7-37-2.**  
14 **Sec. 4. "Minimum redemption price" means the amount**  
15 **required to redeem a tract or item of real property from a land**  
16 **bank before the period of redemption specified in IC 6-1.1-25-4**  
17 **expires.**



1        **Sec. 5. "Substantial property interest of public record" means**  
 2 **title to or interest in a tract possessed by a person and recorded in**  
 3 **the office of a county recorder or available for public inspection in**  
 4 **the office of a circuit court clerk not later than the hour and date**  
 5 **the sale or transfer is scheduled to begin under this chapter. The**  
 6 **term does not include a lien held by the state or a political**  
 7 **subdivision.**

8        **Sec. 6. "Transfer" means the issuance of a tax sale certificate by**  
 9 **a county auditor or a county executive to a land bank.**

10        SECTION 2. IC 6-1.1-24-1, AS AMENDED BY P.L.113-2010,  
 11 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2012]: Sec. 1. (a) On or after January 1 of each calendar year  
 13 in which a tax sale will be held in a county and not later than fifty-one  
 14 (51) days after the first tax payment due date in that calendar year, the  
 15 county treasurer (or county executive, in the case of property described  
 16 in subdivision (2)) shall certify to the county auditor a list of real  
 17 property on which any of the following exist:

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

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

25                    (A) vacant; or

26                    (B) abandoned;

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

33            (3) Any unpaid costs are due under section 2(b) of this chapter  
 34 from a prior tax sale **or transfer**.

35        (b) The county auditor shall maintain a list of all real property  
 36 eligible for sale **or transfer**. Except as provided in section 1.2 or  
 37 another provision of this chapter, the taxpayer's property shall remain  
 38 on the list. The list must:

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

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

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1 (3) for a tract or item with multiple owners, indicate the name of  
 2 at least one (1) of the owners.  
 3 (c) Except as otherwise provided in this chapter, the real property  
 4 so listed is eligible for sale **or transfer** in the manner prescribed in this  
 5 chapter.  
 6 (d) Not later than fifteen (15) days after the date of the county  
 7 treasurer's certification under subsection (a), the county auditor shall  
 8 mail by certified mail a copy of the list described in subsection (b) to  
 9 each mortgagee who requests from the county auditor by certified mail  
 10 a copy of the list. Failure of the county auditor to mail the list under  
 11 this subsection does not invalidate an otherwise valid sale **or transfer**.  
 12 SECTION 3. IC 6-1.1-24-1.2, AS AMENDED BY P.L.113-2010,  
 13 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2012]: Sec. 1.2. (a) Except as provided in subsection (c), a  
 15 tract or an item of real property may not be removed from the list  
 16 certified under section 1 of this chapter before the tax sale **or transfer**  
 17 unless all:  
 18 (1) delinquent taxes and special assessments due before the date  
 19 the list on which the property appears was certified under section  
 20 1 of this chapter; and  
 21 (2) penalties due on the delinquency, interest, and costs directly  
 22 attributable to the tax sale **or transfer**;  
 23 have been paid in full.  
 24 (b) A county treasurer may accept partial payments of delinquent  
 25 property taxes, assessments, penalties, interest, or costs under  
 26 subsection (a) after the list of real property is certified under section 1  
 27 of this chapter. However a partial payment does not remove a tract or  
 28 an item from the list certified under section 1 of this chapter unless the  
 29 taxpayer complies with subsection (a) or (c) before the date of the tax  
 30 sale.  
 31 (c) The county auditor in a county having a population of more than  
 32 four hundred thousand (400,000) but less than seven hundred thousand  
 33 (700,000) may remove a tract or an item of real property from the list  
 34 certified under section 1 of this chapter before the tax sale if the county  
 35 treasurer and the taxpayer agree to a mutually satisfactory arrangement  
 36 for the payment of the delinquent taxes.  
 37 (d) The county treasurer may remove the tract or item from the list  
 38 certified under section 1 of this chapter if the arrangement described in  
 39 subsection (c):  
 40 (1) is in writing;  
 41 (2) is signed by the taxpayer; and  
 42 (3) requires the taxpayer to pay the delinquent taxes in full within

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1 one (1) year of the date the agreement is signed.

2 (e) If the taxpayer fails to make a payment under the arrangement  
3 described in subsection (c), the county auditor shall immediately place  
4 the tract or item of real property on:

5 (1) the list of real property eligible for sale at a tax sale; **or**

6 (2) **the list for transfer.**

7 (f) If the tract or item of real property subject to a payment  
8 arrangement is within the jurisdiction of a:

9 (1) city having a population of more than ~~ninety eight~~ thousand  
10 (~~90,000~~) **(80,000)** but less than ~~one hundred five eighty~~ thousand  
11 (~~105,000~~); **four hundred (80,400)**;

12 (2) city having a population of more than ~~thirty-two~~ **twenty-nine**  
13 thousand (~~32,000~~) **six hundred (29,600)** but less than ~~thirty-two~~  
14 **twenty-nine** thousand ~~eight nine~~ hundred (~~32,800~~); **(29,900)**; or

15 (3) city having a population of more than ~~seventy-five~~ **eighty**  
16 thousand (~~75,000~~) **five hundred (80,500)** but less than ~~ninety one~~  
17 **hundred** thousand (~~90,000~~); **(100,000)**;

18 the county auditor shall notify the mayor of the city of the arrangement.

19 SECTION 4. IC 6-1.1-24-1.5, AS AMENDED BY P.L.169-2006,  
20 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2012]: Sec. 1.5. ~~(a) As used in this chapter and IC 6-1.1-25,~~  
22 ~~"county executive" means the following:~~

23 ~~(1) In a county not containing a consolidated city, the county~~  
24 ~~executive or the county executive's designee.~~

25 ~~(2) In a county containing a consolidated city, the executive of the~~  
26 ~~consolidated city.~~

27 ~~(b) (a)~~ The county executive may designate the real property on the  
28 list prepared under section 4.5(b) of this chapter that is eligible for  
29 listing on the list prepared under subsection ~~(c)~~: **(b)**.

30 ~~(c) (b)~~ The county executive shall prepare a list of properties  
31 designated under subsection ~~(b) (a)~~ and certify the list to the county  
32 auditor no later than sixty-one (61) days prior to the earliest date on  
33 which application for judgment and order for sale **or transfer** may be  
34 made.

35 ~~(d) (c)~~ Upon receiving the list described in subsection ~~(c)~~: **(b)**, the  
36 county auditor shall:

37 (1) prepare a list of the properties certified by the ~~commission;~~  
38 **county executive**; and

39 (2) delete any property described in that list from the delinquent  
40 tax list prepared under section 1 of this chapter.

41 SECTION 5. IC 6-1.1-24-1.9 IS REPEALED [EFFECTIVE JULY  
42 1, 2012]. Sec. 1.9: ~~As used in this chapter and IC 6-1.1-25, "substantial~~

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1 property interest of public record<sup>11</sup> means title to or interest in a tract  
 2 possessed by a person and recorded in the office of a county recorder  
 3 or available for public inspection in the office of a circuit court clerk  
 4 no later than the hour and date the sale is scheduled to commence  
 5 under this chapter. The term does not include a lien held by the state or  
 6 a political subdivision.

7 SECTION 6. IC 6-1.1-24-2, AS AMENDED BY P.L.146-2008,  
 8 SECTION 258, IS AMENDED TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) In addition to the delinquency  
 10 list required under section 1 of this chapter, each county auditor shall  
 11 prepare a notice. The notice shall contain the following:

12 (1) A list of tracts or real property eligible for sale **or transfer**  
 13 under this chapter.

14 (2) A statement that ~~the tracts or a tract of~~ real property included  
 15 in the list will be sold at public auction to the highest bidder **or**  
 16 **transferred to the land bank in whose territory the tract of**  
 17 **real property is located, if any**, subject to the right of  
 18 redemption.

19 (3) A statement that the tracts or real property will not be sold for  
 20 an amount which is less than the sum of:

21 (A) the delinquent taxes and special assessments on each tract  
 22 or item of real property;

23 (B) the taxes and special assessments on each tract or item of  
 24 real property that are due and payable in the year of the sale,  
 25 whether or not they are delinquent;

26 (C) all penalties due on the delinquencies;

27 (D) an amount prescribed by the county auditor that equals the  
 28 sum of:

29 (i) the greater of twenty-five dollars (\$25) or postage and  
 30 publication costs; and

31 (ii) any other actual costs incurred by the county that are  
 32 directly attributable to the tax sale; and

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

35 (4) A statement that a person redeeming each tract or item of real  
 36 property after the sale **or transfer** must pay:

37 (A) one hundred ten percent (110%) of the amount of the  
 38 minimum bid for which the tract or item of real property was  
 39 offered at the time of sale if the tract or item of real property  
 40 is redeemed not more than six (6) months after the date of  
 41 sale;

42 (B) one hundred fifteen percent (115%) of the amount of the

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1 minimum bid for which the tract or item of real property was  
 2 offered at the time of sale if the tract or item of real property  
 3 is redeemed more than six (6) months after the date of sale;

4 **(C) one hundred ten percent (110%) of the amount of the**  
 5 **minimum redemption price confirmed at the time of**  
 6 **transfer if the tract or item of real property is redeemed**  
 7 **not more than sixty (60) days after the date of transfer;**

8 **(D) one hundred fifteen percent (115%) of the amount of**  
 9 **the minimum redemption price confirmed at the time of**  
 10 **transfer if the tract or item of real property is redeemed**  
 11 **more than sixty (60) days after the date of transfer;**

12 ~~(E)~~ **(E)** the amount by which the purchase price exceeds the  
 13 minimum bid on the tract or item of real property plus ten  
 14 percent (10%) per annum on the amount by which the  
 15 purchase price exceeds the minimum bid; and

16 ~~(F)~~ **(F)** all taxes and special assessments on the tract or item  
 17 of real property paid by the purchaser after the tax sale plus  
 18 interest at the rate of ten percent (10%) per annum on the  
 19 amount of taxes and special assessments paid by the purchaser  
 20 on the redeemed property.

21 (5) A statement for informational purposes only, of the location  
 22 of each tract or item of real property by key number, if any, and  
 23 street address, if any, or a common description of the property  
 24 other than a legal description. The township assessor, or the  
 25 county assessor if there is no township assessor for the township,  
 26 upon written request from the county auditor, shall provide the  
 27 information to be in the notice required by this subsection. A  
 28 misstatement in the key number or street address does not  
 29 invalidate an otherwise valid sale **or transfer**.

30 (6) A statement that the county does not warrant the accuracy of  
 31 the street address or common description of the property.

32 (7) A statement indicating:

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

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

37 (8) A statement of the procedure to be followed for obtaining or  
 38 objecting to a judgment and order of sale **or transfer, that which**  
 39 must include the following:

40 (A) A statement:

41 (i) that the county auditor and county treasurer will apply on  
 42 or after a date designated in the notice for a court judgment

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- 1 against the tracts or real property for an amount that is not  
 2 less than the amount set under subdivision (3), and for an  
 3 order to sell the tracts or real property at public auction to  
 4 the highest bidder **or to transfer the tracts of real**  
 5 **property to the respective land banks in whose**  
 6 **territories the tracts of real property are located, if any,**  
 7 subject to the right of redemption; and  
 8 (ii) indicating the date when the period of redemption  
 9 specified in IC 6-1.1-25-4 will expire.
- 10 (B) A statement that any defense to the application for  
 11 judgment must be:  
 12 (i) filed with the court; and  
 13 (ii) served on the county auditor and the county treasurer;  
 14 before the date designated as the earliest date on which the  
 15 application for judgment may be filed.
- 16 (C) A statement that the county auditor and the county  
 17 treasurer are entitled to receive all pleadings, motions,  
 18 petitions, and other filings related to the defense to the  
 19 application for judgment.
- 20 (D) A statement that the court will set a date for a hearing at  
 21 least seven (7) days before the advertised date and that the  
 22 court will determine any defenses to the application for  
 23 judgment at the hearing.
- 24 (9) A statement that the sale **or transfer** will be conducted at a  
 25 place designated in the notice and that the sale will continue until  
 26 all tracts and real property have been offered for sale **or**  
 27 **transferred.**
- 28 (10) A statement that the sale **or transfer** will take place at the  
 29 times and dates designated in the notice. Whenever the public  
 30 auction is to be conducted as an electronic sale, the notice must  
 31 include a statement indicating that the public auction will be  
 32 conducted as an electronic sale and a description of the  
 33 procedures that must be followed to participate in the electronic  
 34 sale.
- 35 (11) A statement that a person redeeming each tract or item after  
 36 the sale **or transfer** must pay the costs described in  
 37 ~~IC 6-1.1-25-2(e)~~; **IC 6-1.1-25-2(f)**.
- 38 (12) If a county auditor and county treasurer have entered into an  
 39 agreement under IC 6-1.1-25-4.7, a statement that the county  
 40 auditor will perform the duties of the notification ~~and title search~~  
 41 under IC 6-1.1-25-4.5 and the notification and petition to the  
 42 court for the tax deed under IC 6-1.1-25-4.6.

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

6 (14) If a determination has been made under subsection (d), a  
 7 statement that tracts or items will be sold **or transferred** together.

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

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

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

29 SECTION 7. IC 6-1.1-24-2.2, AS AMENDED BY P.L.169-2006,  
 30 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2012]: Sec. 2.2. Whenever a notice required under section 2  
 32 of this chapter includes real property on the list prepared under section  
 33 1(a)(2) or ~~1.5(d)~~ **1.5(c)** of this chapter, the notice must also contain a  
 34 statement that:

35 (1) the property is on the ~~alternate~~ list prepared under section  
 36 1(a)(2) or ~~1.5(d)~~ **1.5(c)** of this chapter;

37 (2) if **the property is purchased and** the property is not  
 38 redeemed within one hundred twenty (120) days after the date of  
 39 sale, the county auditor shall execute and deliver a deed for the  
 40 property to the purchaser or purchaser's assignee; ~~and~~

41 (3) if **the property is transferred to the land bank in whose**  
 42 **territory the property is located and the property is not**

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1           **redeemed within one hundred twenty (120) days after the date**  
2           **of transfer, the county auditor shall execute and deliver a**  
3           **deed for the property to the land bank to which the property**  
4           **was transferred; and**

5           (4) if the property is offered for sale and a bid is not received  
6           for at least the amount required under section 5 of this chapter,  
7           the county auditor may execute and deliver a deed for the property  
8           to:

9           **(A) the land bank in whose territory the property is**  
10           **located, if any; or**

11           **(B) the county executive, if the property is not located in the**  
12           **territory of a land bank;**

13           subject to IC 6-1.1-25.

14           SECTION 8. IC 6-1.1-24-3, AS AMENDED BY P.L.169-2006,  
15           SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16           JULY 1, 2012]: Sec. 3. (a) When real property is eligible for sale **or**  
17           **transfer** under this chapter, the county auditor shall post a copy of the  
18           notice required by sections 2 and 2.2 of this chapter at a public place  
19           of posting in the county courthouse or in another public county  
20           building at least twenty-one (21) days before the earliest date of  
21           application for judgment. In addition, the county auditor shall, in  
22           accordance with IC 5-3-1-4, publish the notice required in sections 2  
23           and 2.2 of this chapter once each week for three (3) consecutive weeks  
24           before the earliest date on which the application for judgment may be  
25           made. The expenses of this publication shall be paid out of the county  
26           general fund without prior appropriation.

27           (b) At least twenty-one (21) days before the application for  
28           judgment is made, the county auditor shall mail a copy of the notice  
29           required by sections 2 and 2.2 of this chapter by certified mail, return  
30           receipt requested, to any mortgagee who annually requests, by certified  
31           mail, a copy of the notice. However, the failure of the county auditor to  
32           mail this notice or its nondelivery does not affect the validity of the  
33           judgment and order.

34           (c) The notices mailed under this section and the advertisement  
35           published under ~~section 4(b) of this chapter subsection (a)~~ are  
36           considered sufficient notice of the intended application for judgment  
37           and of the sale **or transfer** of real property under the order of the court.

38           SECTION 9. IC 6-1.1-24-4, AS AMENDED BY P.L.89-2007,  
39           SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40           JULY 1, 2012]: Sec. 4. (a) Not less than twenty-one (21) days before  
41           the earliest date on which the application for judgment and order for:

42           **(1) sale of real property eligible for sale may be made; or**

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1           **(2) transfer of real property eligible for transfer to a land**  
 2           **bank may be made;**

3           the county auditor shall send a notice of the sale **or transfer** by  
 4           certified mail, return receipt requested, to ~~(1)~~ the owner of record of  
 5           real property with a single owner, or ~~(2)~~ **in the case of real property**  
 6           **with multiple owners**, at least one (1) of the owners **of record**, as of  
 7           the date of certification, ~~of real property with multiple owners~~, at the  
 8           last address of the owner for the property as indicated in the records of  
 9           the county auditor on the date that the tax sale ~~list is~~ **and transfer lists**  
 10          **are** certified. In addition, **in the case of real property with multiple**  
 11          **owners of record**, the county auditor shall mail a duplicate notice by  
 12          **first class mail** to ~~the an~~ owner of record ~~as described in subdivisions~~  
 13          ~~(1) and (2)~~, **by first class mail to the owners from whom the county**  
 14          **auditor receives a signed certified mail return receipt for the**  
 15          **benefit of each owner** from whom the certified mail return receipt was  
 16          not signed and returned. Additionally, the county auditor may  
 17          determine that mailing a first class notice to or serving a notice on the  
 18          property is a reasonable step to notify the owner, if the address of the  
 19          owner is not the same address as the physical location of the property.  
 20          If both notices are returned due to incorrect or insufficient addresses,  
 21          the county auditor shall research the county auditor records to  
 22          determine a more complete or accurate address. If a more complete or  
 23          accurate address is found, the county auditor shall resend the notices  
 24          to the address that is found in accordance with this section. Failure to  
 25          obtain a more complete or accurate address does not invalidate an  
 26          otherwise valid sale **or transfer**. The county auditor shall prepare the  
 27          notice in the form prescribed by the state board of accounts. The notice  
 28          must set forth the key number, if any, of the real property and a street  
 29          address, if any, or other common description of the property other than  
 30          a legal description. The notice must include the statement set forth in  
 31          section 2(a)(4) of this chapter. The county auditor must present proof  
 32          of this mailing to the court along with the application for judgment and  
 33          order for sale **or transfer**. Failure by an owner to receive or accept the  
 34          notice required by this section does not affect the validity of the  
 35          judgment and order. The owner of real property shall notify the county  
 36          auditor of the owner's correct address. The notice required under this  
 37          section is considered sufficient if the notice is mailed to the address or  
 38          addresses required by this section.

39          (b) In addition to the notice required under subsection (a) for real  
 40          property on the list prepared under section 1(a)(2) or ~~1.5(d)~~ **1.5(c)** of  
 41          this chapter, the county auditor shall prepare and mail the notice  
 42          required under section 2.2 of this chapter no later than forty-five (45)

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1 days after the county auditor receives the certified list from the county  
2 treasurer under section 1(a) of this chapter.

3 (c) On or before the day of sale **or transfer**, the county auditor shall  
4 list, on the tax sale record required by IC 6-1.1-25-8, all properties that  
5 will be offered for sale **or transferred**.

6 SECTION 10. IC 6-1.1-24-4.5 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.5. (a) The county  
8 auditor shall also provide those agencies under IC 36-7-17, in that  
9 county, with a list of tracts or items of real property on which one (1)  
10 or more installments of taxes is delinquent by June 15 of the year  
11 following the date the delinquency occurred.

12 (b) This subsection applies to a county having a consolidated city.  
13 The county auditor shall prepare a list of tracts or items of real  
14 properties for which at least one (1) installment of taxes is delinquent  
15 at least ten (10) months. The auditor shall submit a copy of this list to  
16 the ~~metropolitan development commission land bank of the~~  
17 **consolidated city** no later than one hundred six (106) days prior to the  
18 date on which application for judgment and order for sale **or transfer**  
19 is made.

20 SECTION 11. IC 6-1.1-24-4.6, AS AMENDED BY P.L.89-2007,  
21 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2012]: Sec. 4.6. (a) On the day on which the application for  
23 judgment and order for sale **or transfer** is made, the county treasurer  
24 shall report to the county auditor all of the tracts and real property  
25 listed in the notice required by section 2 of this chapter upon which all  
26 delinquent taxes and special assessments, all penalties due on the  
27 delinquencies, any unpaid costs due from a prior tax sale, and the  
28 amount due under section 2(a)(3)(D) of this chapter have been paid up  
29 to that time. The county auditor, assisted by the county treasurer, shall  
30 compare and correct the list, removing tracts and real property for  
31 which all delinquencies have been paid, and shall make and subscribe  
32 an affidavit in substantially the following form:

33 State of Indiana )  
34 ) ss  
35 County of \_\_\_\_\_ )  
36 I, \_\_\_\_\_, treasurer of the county of \_\_\_\_\_, and  
37 I, \_\_\_\_\_, auditor of the county of \_\_\_\_\_, do  
38 solemnly affirm that the foregoing is a true and correct list of the real  
39 property within the county of \_\_\_\_\_ upon which have remained  
40 delinquent uncollected taxes, special assessments, penalties, and costs,  
41 as required by law for the time periods set forth, to the best of my  
42 knowledge and belief.

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\_\_\_\_\_  
County Treasurer

\_\_\_\_\_  
County Auditor

Dated \_\_\_\_\_

I, \_\_\_\_\_, auditor of the county of \_\_\_\_\_, do solemnly affirm that notice of the application for judgment and order for sale **or transfer** was mailed via certified mail to the owners on the foregoing list, and publication made, as required by law.

\_\_\_\_\_  
County Auditor

Dated \_\_\_\_\_

(b) Application for judgment and order for sale **or transfer** shall be made as one (1) cause of action to any court of competent jurisdiction jointly by the county treasurer and county auditor. The application shall include the names of at least one (1) of the owners of each tract or item of real property, the dates of mailing of the notice required by sections 2 and 2.2 of this chapter, the dates of publication required by section 3 of this chapter, and the affidavit and corrected list as provided in subsection (a).

(c) Any defense to the application for judgment and order of sale **or transfer** shall be filed with the court on or before the earliest date on which the application may be made as set forth in the notice required under section 2 of this chapter. The county auditor and the county treasurer for the county where the real property is located are entitled to receive all pleadings, motions, petitions, and other filings related to a defense to the application for judgment and order of sale **or transfer**.

SECTION 12. IC 6-1.1-24-4.7, AS AMENDED BY P.L.169-2006, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.7. (a) No later than fifteen (15) days before the advertised date of the tax sale **or transfer**, the court shall examine the list of tracts and real property as provided under section 4.6 of this chapter. No later than three (3) days before the advertised date of the tax sale **or transfer**, the court shall enter judgment for those taxes, special assessments, penalties, and costs that appear to be due. This judgment is considered as a judgment against each tract or item of real property for each kind of tax, special assessment, penalty, or cost included in it. The affidavit provided under section 4.6 of this chapter is prima facie evidence of delinquency for purposes of proceedings under this section. The court shall also direct the clerk to prepare and enter an order for the sale **or transfer** of those tracts and real property against which judgment is entered.

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1 (b) Not later than seven (7) days before the advertised date of the  
 2 tax sale **or transfer**, the court shall conduct a hearing. At the hearing,  
 3 the court shall hear any defense offered by any person interested in any  
 4 of the tracts or items of real property to the entry of judgment against  
 5 them, hear and determine the matter in a summary manner, without  
 6 pleadings, and enter its judgment. The court shall enter a judgment  
 7 under this subsection not later than three (3) days before the advertised  
 8 date of the tax sale **or transfer**. The objection must be in writing, and  
 9 no person may offer any defense unless the writing specifying the  
 10 objection is accompanied by an original or a duplicate tax receipt or  
 11 other supporting documentation. At least seven (7) days before the date  
 12 set for the hearing, notice of the date, time, and place of the hearing  
 13 shall be provided by the court to any person filing a defense to the  
 14 application for judgment and order of sale **or transfer**.

15 (c) If judgment is entered in favor of the respondent under these  
 16 proceedings or if judgment is not entered for any particular tract, part  
 17 of a tract, or items of real property because of an unresolved objection  
 18 made under subsection (b), the court shall remove those tracts, parts of  
 19 tracts, or items of real property from the list of tracts and real property  
 20 provided under section 4.6 of this chapter.

21 (d) A judgment and order for sale **or transfer** shall contain the final  
 22 listing of affected properties and the name of at least one (1) of the  
 23 owners of each tract or item of real property, and shall substantially  
 24 follow this form:

25 "Whereas, notice has been given of the intended application for  
 26 a judgment against these tracts and real property, and no  
 27 sufficient defense has been made or cause has been shown why  
 28 judgment should not be entered against these tracts for taxes, and  
 29 real property special assessments, penalties, and costs due and  
 30 unpaid on them, therefore it is considered by the court that  
 31 judgment is hereby entered against the below listed tracts and real  
 32 property in favor of the state of Indiana for the amount of taxes,  
 33 special assessments, penalties, and costs due severally on them;  
 34 and it is ordered by the court that the several tracts or items of real  
 35 property be sold **or transferred** as the law directs. Payments for  
 36 taxes, special assessments, penalties, and costs made after this  
 37 judgment but before the sale **or transfer** shall reduce the  
 38 judgment accordingly."

39 (e) The order of the court constitutes the list of tracts and real  
 40 property that shall be offered for sale **or transfer** under section 5 of  
 41 this chapter.

42 (f) The court that enters judgment under this section shall retain

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1 exclusive continuing supervisory jurisdiction over all matters and  
2 claims relating to the tax sale **or transfer**.

3 (g) No error or informality in the proceedings of any of the officers  
4 connected with the assessment, levying, or collection of the taxes that  
5 does not affect the substantial justice of the tax itself shall invalidate or  
6 in any manner affect the tax or the assessment, levying, or collection of  
7 the tax.

8 (h) Any irregularity, informality, omission, or defective act of one  
9 (1) or more officers connected with the assessment or levying of the  
10 taxes may be, in the discretion of the court, corrected, supplied, and  
11 made to conform to law by the court, or by the officer (in the presence  
12 of the court).

13 SECTION 13. IC 6-1.1-24-5, AS AMENDED BY P.L.89-2007,  
14 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2012]: Sec. 5. (a) When a tract or an item of real property is  
16 subject to sale **or transfer** under this chapter, it must be sold **or**  
17 **transferred** in compliance with this section.

18 (b) The sale **or transfer** must:  
19 (1) be held at the times and place stated in the notice of sale **or**  
20 **transfer**; and  
21 (2) not extend beyond one hundred seventy-one (171) days after  
22 the list containing the tract or item of real property is certified to  
23 the county auditor.

24 (c) A tract or an item of real property may not be sold under this  
25 chapter to collect:  
26 (1) delinquent personal property taxes; or  
27 (2) taxes or special assessments which are chargeable to other real  
28 property.

29 (d) A tract or an item of real property may not be sold **or**  
30 **transferred** under this chapter if all the delinquent taxes, penalties,  
31 and special assessments on the tract or an item of real property and the  
32 amount prescribed by section 2(a)(3)(D) of this chapter, reflecting the  
33 costs incurred by the county due to the sale **or transfer**, are paid before  
34 the time of sale **or transfer**.

35 (e) **This subsection applies only to real property to be offered for**  
36 **sale under this chapter.** The county treasurer shall sell the tract or real  
37 property, subject to the right of redemption, to the highest bidder at  
38 public auction. However, a tract or an item of real property may not be  
39 sold for an amount which is less than the sum of:

40 (1) the delinquent taxes and special assessments on each tract or  
41 item of real property;  
42 (2) the taxes and special assessments on each tract or item of real

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- 1 property that are due and payable in the year of the sale,
- 2 regardless of whether the taxes and special assessments are
- 3 delinquent;
- 4 (3) all penalties which are due on the delinquencies;
- 5 (4) the amount prescribed by section 2(a)(3)(D) of this chapter
- 6 reflecting the costs incurred by the county due to the sale;
- 7 (5) any unpaid costs which are due under section 2(b) of this
- 8 chapter from a prior tax sale; and
- 9 (6) other reasonable expenses of collection, including title search
- 10 expenses, uniform commercial code expenses, and reasonable
- 11 attorney's fees incurred by the date of the sale.

12 (f) For purposes of ~~the~~ **a sale or transfer**, it is not necessary for the

13 county treasurer to first attempt to collect the real property taxes or

14 special assessments out of the personal property of the owner of the

15 tract or real property.

16 (g) The county auditor shall serve as the clerk of the sale **or**

17 **transfer**.

18 (h) **This subsection applies only to real property that is not**

19 **located in the territory of a land bank.** Real property certified to the

20 county auditor under section 1(a)(2) of this chapter must be offered for

21 sale in a different phase of the tax sale or on a different day of the tax

22 sale than the phase or day during which other real property is offered

23 for sale.

24 (i) **This subsection applies only to real property that is located**

25 **in the territory of a land bank. Real property certified to the**

26 **county auditor under section 1(a)(2) of this chapter may not be**

27 **offered for sale. In a different phase of the tax sale or on a different**

28 **day of the tax sale than the phase or day during which other real**

29 **property is offered for sale, the county auditor shall issue a tax sale**

30 **certificate for the real property certified under section 1(a)(2) of**

31 **this chapter to the land bank in whose territory the real property**

32 **is located in the manner provided by section 9 of this chapter.**

33 (†) (j) The public auction required under subsection (e) may be

34 conducted by electronic means, at the option of the county treasurer.

35 The electronic sale must comply with the other statutory requirements

36 of this section. If an electronic sale is conducted under this subsection,

37 the county treasurer shall provide access to the electronic sale by

38 providing computer terminals open to the public at a designated

39 location. A county treasurer who elects to conduct an electronic sale

40 may receive electronic payments and establish rules necessary to

41 secure the payments in a timely fashion. The county treasurer may not

42 add an additional cost of sale charge to a parcel for the purpose of

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conducting the electronic sale.

**(k) This subsection applies only to real property located in the territory of a land bank. If real property is certified to the county auditor under section 1(a)(2) or 1.5(b) of this chapter, the county auditor shall transfer the tract or item of real property, subject to the right of redemption, to the land bank in whose territory the tract or item of real property is located. The minimum redemption price of a tract or an item of real property certified to the county auditor under section 1(a)(2) or 1.5(b) of this chapter is the sum of the following amounts:**

- (1) The delinquent taxes and special assessments on the tract or item of real property.**
- (2) The taxes and special assessments on the tract or item or real property that are due and payable in the year of transfer, regardless of whether the taxes or special assessments are delinquent.**
- (3) Penalties that are due on the delinquencies.**
- (4) The amounts specified in section 2(a)(3)(D) of this chapter reflecting the costs incurred by the county due to the transfer.**
- (5) Unpaid costs that are due under section 2(b) of this chapter from a previous tax sale or transfer.**
- (6) Other reasonable expenses of collection, including title search expenses, uniform commercial code expenses, and attorney's fees incurred as of the date of transfer.**

**(l) A person redeeming a tract or item of real property from a land bank after a transfer under this chapter must pay:**

- (1) either:**
  - (A) one hundred ten percent (110%) of the minimum redemption price of the property, if the person redeems the property not later than sixty (60) days after the date of transfer; or**
  - (B) one hundred fifteen percent (115%) of the minimum redemption price of the property, if the person redeems the property:**
    - (i) more than sixty (60) days after the date of transfer; and**
    - (ii) not later than one hundred twenty (120) days after the date of transfer; and**
- (2) interest at the rate of ten percent (10%) per annum on the amount of unpaid taxes and special assessments due on the property.**

SECTION 14. IC 6-1.1-24-5.3, AS AMENDED BY P.L.88-2009,

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1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2012]: Sec. 5.3. (a) This section applies to the following:

3 (1) A person who:

4 (A) owns a fee interest, a life estate interest, or the equitable  
5 interest of a contract purchaser in an unsafe building or unsafe  
6 premises in the county in which a sale is held under this  
7 chapter; and

8 (B) is subject to an order issued under IC 36-7-9-5(a)(2),  
9 IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5)  
10 regarding which the conditions set forth in IC 36-7-9-10(a)(1)  
11 through IC 36-7-9-10(a)(4) exist.

12 (2) A person who:

13 (A) owns a fee interest, a life estate interest, or the equitable  
14 interest of a contract purchaser in an unsafe building or unsafe  
15 premises in the county in which a sale is held under this  
16 chapter; and

17 (B) is subject to an order issued under IC 36-7-9-5(a), other  
18 than an order issued under IC 36-7-9-5(a)(2),  
19 IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5),  
20 regarding which the conditions set forth in IC 36-7-9-10(b)(1)  
21 through IC 36-7-9-10(b)(4) exist.

22 (3) A person who is the defendant in a court action brought under  
23 IC 36-7-9-18, IC 36-7-9-19, IC 36-7-9-20, IC 36-7-9-21, or  
24 IC 36-7-9-22 in the county in which a sale is held under this  
25 chapter that has resulted in a judgment in favor of the plaintiff and  
26 the unsafe condition that caused the action to be brought has not  
27 been corrected.

28 (4) A person who has any of the following relationships to a  
29 person, partnership, corporation, or legal entity described in  
30 ~~subdivisions~~ **subdivision** (1), (2), or (3):

31 (A) A partner of a partnership.

32 (B) An officer or majority stockholder of a corporation.

33 (C) The person who directs the activities or has a majority  
34 ownership in a legal entity other than a partnership or  
35 corporation.

36 (5) A person who, in the county in which a sale is held under this  
37 chapter, owes:

38 (A) delinquent taxes;

39 (B) special assessments;

40 (C) penalties;

41 (D) interest; or

42 (E) costs directly attributable to a prior tax sale;

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1 on a tract or an item of real property listed under section 1 of this  
2 chapter.

3 (6) A person who owns a fee interest, a life estate interest, or the  
4 equitable interest of a contract purchaser in a vacant or abandoned  
5 structure subject to an enforcement order under IC 32-30-6,  
6 IC 32-30-7, IC 32-30-8, or IC 36-7-9.

7 (7) A person who is an agent of the person described in this  
8 subsection.

9 (b) A person subject to this section may not purchase a tract offered  
10 for sale under section 5 or 6.1 of this chapter. However, this section  
11 does not prohibit a person from bidding on a tract that is owned by the  
12 person and offered for sale under section 5 of this chapter.

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

16 "Indiana law prohibits a person who owes delinquent taxes,  
17 special assessments, penalties, interest, or costs directly  
18 attributable to a prior tax sale, from purchasing tracts or items of  
19 real property at a tax sale. I hereby affirm under the penalties for  
20 perjury that I do not owe delinquent taxes, special assessments,  
21 penalties, interest, costs directly attributable to a prior tax sale,  
22 amounts from a final adjudication in favor of a political  
23 subdivision in this county, any civil penalties imposed for the  
24 violation of a building code or ordinance of this county, or any  
25 civil penalties imposed by a health department in this county.  
26 Further, I hereby acknowledge that any successful bid I make in  
27 violation of this statement is subject to forfeiture. In the event of  
28 forfeiture, the amount of my bid shall be applied to the delinquent  
29 taxes, special assessments, penalties, interest, costs, judgments,  
30 or civil penalties I owe, and a certificate will be issued to the  
31 county executive."

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

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

40 (2) if the person does not pay the amounts that the person owes  
41 within thirty (30) days after the notice, apply the surplus amount  
42 of the person's bid to the person's delinquent taxes, special

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- 1 assessments, penalties, and interest;
- 2 (3) remit the amounts owed from a final adjudication or civil
- 3 penalties in favor of a political subdivision to the appropriate
- 4 political subdivision; and
- 5 (4) notify the county auditor that the sale has been forfeited.

6 Upon being notified that a sale has been forfeited, the county auditor  
 7 shall issue a certificate **under section 6 of this chapter** to the county  
 8 executive, ~~under section 6 of this chapter.~~ **if the tract or item of real**  
 9 **property is not located in the territory of a land bank, or the land**  
 10 **bank in whose territory the tract or item of real property is**  
 11 **located, if any.**

12 (e) A county treasurer may decline to forfeit a sale under this section  
 13 because of inadvertence or mistake, lack of actual knowledge by the  
 14 bidder, substantial harm to other parties with interests in the tract or  
 15 item of real property, or other substantial reasons. If the treasurer  
 16 declines to forfeit a sale, the treasurer shall:

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

20 (f) If a sale is forfeited under this section and the tract or item of real  
 21 property is redeemed from the sale, the county auditor shall deposit the  
 22 amount of the redemption into the county general fund and notify the  
 23 county executive, **if the tract or item of real property is not located**  
 24 **in the territory of a land bank, or the land bank in whose territory**  
 25 **the tract or item of real property is located, if any,** of the  
 26 redemption. Upon being notified of the redemption, the county  
 27 executive **or the relevant land bank, as applicable,** shall surrender  
 28 the certificate to the county auditor.

29 SECTION 15. IC 6-1.1-24-6, AS AMENDED BY P.L.89-2007,  
 30 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2012]: Sec. 6. (a) When a tract or an item of real property is  
 32 offered for sale under this chapter and an amount is not received equal  
 33 to or in excess of the minimum sale price prescribed in section 5(e) of  
 34 this chapter:

- 35 (1) the county executive, **if the tract or item is not located in the**
- 36 **territory of a land bank; or**
- 37 (2) **the land bank in whose territory the tract or item of real**
- 38 **property is located, if any;**

39 acquires a lien in the amount of the minimum sale price. This lien  
 40 attaches on the day after the last date on which the tract or item was  
 41 offered for sale.

42 (b) When a county executive **or a land bank** acquires a lien under

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1 ~~this section~~; **subsection (a)**, the county auditor shall issue a tax sale  
 2 certificate to the county executive **or the land bank, as applicable**, in  
 3 the manner provided in section 9 of this chapter. The county auditor  
 4 shall date the certificate the day that the county executive **or the land**  
 5 **bank** acquires the lien. When a county executive **or a land bank**  
 6 acquires a certificate under this ~~section~~; **subsection**, the county  
 7 executive **or the land bank, as applicable**, has the same rights as a  
 8 purchaser.

9 (c) When a lien is acquired by a county executive under ~~this section~~;  
 10 **subsection (a)**, no money shall be paid by the county executive.  
 11 However, each of the taxing units having an interest in the taxes on the  
 12 tract shall be charged with the full amount of all delinquent taxes due  
 13 them.

14 (d) This section shall apply to any tract or an item of real property  
 15 offered for sale under this chapter in 2006, and an amount was not  
 16 received equal to or in excess of the minimum sale price prescribed in  
 17 section 5(e) of this chapter, if the county executive finds that the tract  
 18 or item of real property meets the definition of a brownfield as set forth  
 19 in IC 13-11-2-19.3.

20 (e) **When a tract or item of real property certified to a county**  
 21 **auditor under section 1(a)(2) of this chapter is transferred to a land**  
 22 **bank, the land bank acquires a lien in the amount of the minimum**  
 23 **redemption price. This lien attaches on the day on which the tract**  
 24 **or item was transferred to the land bank.**

25 (f) **When a land bank acquires a lien under subsection (e), the**  
 26 **county auditor shall issue a tax sale certificate to the land bank in**  
 27 **the manner provided in section 9 of this chapter. The county**  
 28 **auditor shall date the certificate the day that the land bank**  
 29 **acquires the lien. When a land bank acquires a certificate under**  
 30 **this subsection, the land bank has the same rights as a purchaser,**  
 31 **and no money shall be paid by the land bank. However, each of the**  
 32 **taxing units having an interest in the taxes on the tract shall be**  
 33 **charged with the full amount of all delinquent taxes due them.**

34 SECTION 16. IC 6-1.1-24-6.1, AS AMENDED BY P.L.73-2010,  
 35 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2012]: Sec. 6.1. (a) The county executive may do the  
 37 following:

- 38 (1) By resolution, identify properties:  
 39 (A) that are described in section ~~6.7(a)~~ **6.7(b)** of this chapter;  
 40 and  
 41 (B) concerning which the county executive desires to offer to  
 42 the public the certificates of sale acquired by the county

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

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

SECTION 17. IC 6-1.1-24-6.3, AS AMENDED BY P.L.89-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6.3. (a) The sale of certificates of sale under this chapter must be held at the time and place stated in the notice of sale.

(b) A certificate of sale may not be sold **or transferred** under this chapter if the following are paid before the time of sale **or transfer**:

(1) All the delinquent taxes, penalties, and special assessments on the tract or an item of real property.

(2) The amount prescribed by section 2(a)(3)(D) of this chapter, reflecting the costs incurred by the county due to the sale **or transfer**.

(c) **Except as provided in subsection (e)**, the county executive shall sell the certificate of sale, subject to the right of redemption, to the highest bidder at public auction. The public auction may be conducted as an electronic sale in conformity with section 5(i) of this chapter.

(d) The county auditor shall serve as the clerk of the sale.

**(e) This subsection applies only to real property located in the territory of a land bank. The county executive may transfer a certificate of sale for real property certified to the county auditor under section 1(a)(2) or 1.5(b) of this chapter to the land bank in whose territory the real property is located.**

SECTION 18. IC 6-1.1-24-6.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6.4. (a) When a certificate of sale is sold under this chapter, the purchaser at the sale shall immediately pay the amount of the bid to the county treasurer. The county treasurer shall apply the payment in the following manner:

(1) First, to the taxes, special assessments, penalties, and costs described in section 5(e) of this chapter.

(2) Second, to other delinquent property taxes in the manner provided in IC 6-1.1-23-5(b).

(3) Third, to a separate "tax sale surplus fund".

(b) The:

(1) owner of record of the real property at the time the tax deed is issued who is divested of ownership by the issuance of a tax deed;

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1 (2) purchaser of the certificate or the purchaser's assignee, upon  
 2 redemption of the tract or item of real property;  
 3 may file a verified claim for money that is deposited in the tax sale  
 4 surplus fund. If the claim is approved by the county auditor and the  
 5 county treasurer, the county auditor shall issue a warrant to the  
 6 claimant for the amount due.

7 (c) An amount deposited in the tax sale surplus fund shall be  
 8 transferred by the county auditor to the county general fund and may  
 9 not be disbursed under subsection (b) if it is claimed more than three  
 10 (3) years after the date of its receipt.

11 **(d) This subsection applies only to real property located in the**  
 12 **territory of a land bank. If the period specified in subsection (c)**  
 13 **during which a person described in subsection (b)(1) or (b)(2) may**  
 14 **make a claim for an amount deposited in the tax sale surplus fund**  
 15 **has expired, the county auditor shall promptly make a transfer, or**  
 16 **issue a warrant, as appropriate, to the land bank in whose territory**  
 17 **the real property is located for the unclaimed amount deposited in**  
 18 **the tax sale surplus fund and subsequently transferred to the**  
 19 **county general fund under subsection (c).**

20 ~~(d)~~ (e) Upon the assignment of the certificate of sale to the  
 21 purchaser, the county auditor shall indicate on the certificate the  
 22 amount for which the certificate of sale was sold.

23 SECTION 19. IC 6-1.1-24-6.7, AS AMENDED BY P.L.1-2007,  
 24 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2012]: Sec. 6.7. **(a) This section applies only to real**  
 26 **property that is not located in the territory of a land bank.**

27 ~~(a)~~ **(b)** The county executive may:

- 28 (1) by resolution, identify the property described under section 6  
 29 of this chapter that the county executive desires to transfer to a  
 30 nonprofit corporation for use for the public good; and  
 31 (2) set a date, time, and place for a public hearing to consider the  
 32 transfer of the property to a nonprofit corporation.

33 ~~(b)~~ **(c)** Notice of the property identified under subsection ~~(a)~~ **(b)** and  
 34 the date, time, and place for the hearing on the proposed transfer of the  
 35 property on the list shall be published in accordance with IC 5-3-1. The  
 36 notice must include a description of the property by:

- 37 (1) legal description; and  
 38 (2) parcel number or street address, or both.

39 The notice must specify that the county executive will accept  
 40 applications submitted by nonprofit corporations as provided in  
 41 subsection ~~(d)~~ (e) and hear any opposition to a proposed transfer.

42 ~~(c)~~ **(d)** After the hearing set under subsection ~~(a)~~ **(b)**, the county

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1 executive shall by resolution make a final determination concerning:

- 2 (1) the properties that are to be transferred to a nonprofit  
3 corporation;  
4 (2) the nonprofit corporation to which each property is to be  
5 transferred; and  
6 (3) the terms and conditions of the transfer.

7 ~~(d)~~ (e) To be eligible to receive property under this section, a  
8 nonprofit corporation must file an application with the county  
9 executive. The application must state the property that the corporation  
10 desires to acquire, the use to be made of the property, and the time  
11 period anticipated for implementation of the use. The application must  
12 be accompanied by documentation verifying the nonprofit status of the  
13 corporation and be signed by an officer of the corporation. If more than  
14 one (1) application for a single property is filed, the county executive  
15 shall determine which application is to be accepted based on the  
16 benefit to be provided to the public and the neighborhood and the  
17 suitability of the stated use for the property and the surrounding area.

18 ~~(e)~~ (f) After the hearing set under subsection ~~(a)~~ (b) and the final  
19 determination of properties to be transferred under subsection ~~(e)~~; (d),  
20 the county executive, on behalf of the county, shall cause all delinquent  
21 taxes, special assessments, penalties, interest, and costs of sale to be  
22 removed from the tax duplicate and the county auditor to prepare a  
23 deed transferring the property to the nonprofit corporation. The deed  
24 shall provide for:

- 25 (1) the use to be made of the property;  
26 (2) the time within which the use must be implemented and  
27 maintained;  
28 (3) any other terms and conditions that are established by the  
29 county executive; and  
30 (4) the reversion of the property to the county executive if the  
31 grantee nonprofit corporation fails to comply with the terms and  
32 conditions.

33 If the grantee nonprofit corporation fails to comply with the terms and  
34 conditions of the transfer and title to the property reverts to the county  
35 executive, the property may be retained by the county executive or  
36 disposed of under any of the provisions of this chapter or ~~IC 6-1.1-24~~,  
37 **IC 6-1.1-25**, or both.

38 SECTION 20. IC 6-1.1-24-6.8, AS ADDED BY P.L.98-2010,  
39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2012]: Sec. 6.8. (a) For purposes of this section, in a county  
41 containing a consolidated city "county executive" refers to the board of  
42 commissioners of the county as provided in IC 36-3-3-10. This section

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1 **applies only to real property that is not located in the territory of**  
 2 **a land bank.**

3 (b) As used in this section, "vacant parcel" refers to a parcel that  
 4 satisfies all the following:

5 (1) A lien has been acquired on the parcel under section 6(a) of  
 6 this chapter.

7 (2) The parcel is unimproved on the date the parcel is offered for  
 8 sale under this chapter.

9 (3) The construction of a structure intended for residential use on  
 10 the parcel is permitted by law.

11 (4) On the date the parcel is offered for sale under this chapter,  
 12 the parcel is contiguous to one (1) or more parcels that satisfy the  
 13 following:

14 (A) One (1) or more of the following are located on the  
 15 contiguous parcel:

16 (i) A structure occupied for residential use.

17 (ii) A structure used in conjunction with a structure  
 18 occupied for residential use.

19 (B) The contiguous parcel is eligible for the standard  
 20 deduction under IC 6-1.1-12-37.

21 (c) The county legislative body may, by ordinance, establish criteria  
 22 for the identification of vacant parcels to be offered for sale under this  
 23 section. The criteria may include the following:

24 (1) Limitations on the use of the parcel under local zoning and  
 25 land use requirements.

26 (2) Minimum parcel area sufficient for construction of  
 27 improvements.

28 (3) Any other factor considered appropriate by the county  
 29 legislative body.

30 ~~In a county containing a consolidated city, the county legislative body~~  
 31 ~~may adopt an ordinance under this subsection only upon~~  
 32 ~~recommendation by the board of commissioners provided in~~  
 33 ~~IC 36-3-3-10.~~

34 (d) If the county legislative body adopts an ordinance under  
 35 subsection (c), the county executive shall for each tax sale:

36 (1) by resolution, identify each vacant parcel that the county  
 37 executive desires to sell under this section; and

38 (2) subject to subsection (e), give written notice to the owner of  
 39 record of each parcel referred to in subsection (b)(4) that is  
 40 contiguous to the vacant parcel.

41 (e) The notice under subsection (d)(2) with respect to each vacant  
 42 parcel must include at least the following:

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- 1 (1) A description of the vacant parcel by:  
 2 (A) legal description; and  
 3 (B) parcel number or street address, or both.  
 4 (2) Notice that the county executive will accept written  
 5 applications from owners of parcels described in subsection (b)(4)  
 6 as provided in subsection (f).  
 7 (3) Notice of the deadline for applications referred to in  
 8 subdivision (2) and of the information to be included in the  
 9 applications.  
 10 (4) Notice that the vacant parcel will be sold to the successful  
 11 applicant for one dollar (\$1).  
 12 (5) Notice of the exemption provisions of subsection (l).  
 13 (f) To be eligible to purchase a vacant parcel under this section, the  
 14 owner of a contiguous parcel referred to in subsection (b)(4) must file  
 15 a written application with the county executive. The application must:  
 16 (1) identify the vacant parcel that the applicant desires to  
 17 purchase; and  
 18 (2) include any other information required by the county  
 19 executive.  
 20 (g) If more than one (1) application to purchase a single vacant  
 21 parcel is filed with the county executive, the county executive shall  
 22 conduct a drawing between or among the applicants in which each  
 23 applicant has an equal chance to be selected as the transferee of the  
 24 vacant parcel.  
 25 (h) The county executive shall by resolution make a final  
 26 determination concerning the vacant parcels that are to be sold under  
 27 this section.  
 28 (i) After the final determination of vacant parcels to be sold under  
 29 subsection (h), the county executive shall:  
 30 (1) on behalf of the county, cause all delinquent taxes, special  
 31 assessments, penalties, interest, and costs of sale with respect to  
 32 the vacant parcels to be removed from the tax duplicate;  
 33 (2) give notice of the final determination to:  
 34 (A) the successful applicant;  
 35 (B) the county auditor; and  
 36 (C) the township assessor, or the county assessor if there is no  
 37 township assessor for the township.  
 38 (j) Upon receipt of notice under subsection (i)(2):  
 39 (1) the county auditor shall:  
 40 (A) collect the purchase price from each successful applicant;  
 41 and  
 42 (B) subject to subsection (k), prepare a deed transferring each

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1           vacant parcel to the successful applicant; and  
2           (2) the township assessor or county assessor shall consolidate  
3           each vacant parcel sold and the contiguous parcel owned by the  
4           successful applicant into a single parcel.  
5           (k) The county auditor shall include in the deed prepared under  
6           subsection (j)(1)(B) reference to the exemption under subsection (l).  
7           (l) Except as provided in subsection (m), each consolidated parcel  
8           referred to in subsection (j)(2) is entitled to an exemption from property  
9           taxation beginning on the assessment date that next succeeds the  
10          consolidation in the amount of the assessed value at the time of  
11          consolidation of the vacant parcel that was subject to the consolidation.  
12          (m) The exemption under subsection (l) is terminated as of the  
13          assessment date that next succeeds the earlier of the following:  
14               (1) Five (5) years after the transfer of title to the successful  
15               applicant.  
16               (2) The first transfer of title to the consolidated parcel that occurs  
17               after the consolidation.  
18          SECTION 21. IC 6-1.1-24-7, AS AMENDED BY P.L.73-2010,  
19          SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20          JULY 1, 2012]: Sec. 7. (a) When real property is sold under this  
21          chapter, the purchaser at the sale shall immediately pay the amount of  
22          the bid to the county treasurer. The county treasurer shall apply the  
23          payment in the following manner:  
24               (1) first, to the taxes, special assessments, penalties, and costs  
25               described in section 5(e) of this chapter;  
26               (2) second, to other delinquent property taxes in the manner  
27               provided in IC 6-1.1-23-5(b); and  
28               (3) third, to a separate "tax sale surplus fund".  
29          (b) The:  
30               (1) owner of record of the real property at the time the tax deed is  
31               issued who is divested of ownership by the issuance of a tax deed;  
32               or  
33               (2) tax sale purchaser or purchaser's assignee, upon redemption  
34               of the tract or item of real property;  
35          may file a verified claim for money which is deposited in the tax sale  
36          surplus fund. If the claim is approved by the county auditor and the  
37          county treasurer, the county auditor shall issue a warrant to the  
38          claimant for the amount due.  
39          (c) If the person who claims money deposited in the tax sale surplus  
40          fund under subsection (b) is:  
41               (1) a person described in subsection (b)(1) who acquired the  
42               property from a delinquent taxpayer after the property was sold at

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1 a tax sale under this chapter; or  
 2 (2) a person not described in subsection (b)(1), including a person  
 3 who acts under a power of attorney executed by the person  
 4 described in subsection (b)(1);  
 5 the county auditor may issue a warrant to the person only as directed  
 6 by the court having jurisdiction over the tax sale of the parcel for which  
 7 the surplus claim is made.

8 (d) A court may direct the issuance of a warrant only:  
 9 (1) on petition by the claimant; and  
 10 (2) within three (3) years after the date of sale of the parcel in the  
 11 tax sale.

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

16 **(f) This subsection applies only to real property that is located**  
 17 **in the territory of a land bank. If the period specified in subsection**  
 18 **(e) during which a person described in subsection (b)(1) or (b)(2)**  
 19 **may make a claim for an amount deposited in the tax sale surplus**  
 20 **fund has expired, the county auditor shall promptly make a**  
 21 **transfer or issue a warrant, as appropriate, to the land bank in**  
 22 **whose territory the real property is located for the unclaimed**  
 23 **amount deposited in the tax sale surplus fund and subsequently**  
 24 **transferred to the county general fund under subsection (e).**

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

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

36 SECTION 22. IC 6-1.1-24-8, AS AMENDED BY P.L.89-2007,  
 37 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2012]: Sec. 8. (a) When one who purchases real property at  
 39 a tax sale fails to pay the bid:

- 40 (1) the real property shall again be offered for sale, **if the real**  
 41 **property is not located in the territory of a land bank; or**  
 42 (2) the real property shall be transferred to the land bank in

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1           **whose territory the real property is located, if the real**  
 2           **property is located in the territory of a land bank.**  
 3           **(b)** A purchaser who fails to pay the bid shall pay a civil penalty of  
 4           twenty-five percent (25%) of the amount of the bid. The county  
 5           prosecuting attorney shall initiate an action in the name of the state  
 6           treasurer to recover the civil penalty.  
 7           **(c)** **If the real property for which a purchaser fails to pay a bid**  
 8           **is not located in the territory of a land bank,** amounts collected  
 9           under this section shall be deposited in the county general fund. **If the**  
 10          **real property for which a purchaser fails to pay a bid is located in**  
 11          **the territory of a land bank, amounts collected under this section**  
 12          **shall be distributed as follows:**  
 13               **(1) Fifty percent (50%) shall be deposited in the county**  
 14               **general fund.**  
 15               **(2) Fifty percent (50%) shall be distributed to the land bank**  
 16               **in whose territory the real property is located.**  
 17          SECTION 23. IC 6-1.1-24-9, AS AMENDED BY P.L.73-2010,  
 18          SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19          JULY 1, 2012]: Sec. 9. (a) Immediately after a tax sale purchaser pays  
 20          the bid, as evidenced by the receipt of the county treasurer, or  
 21          immediately after the county **or a land bank** acquires a lien under  
 22          section 6 of this chapter, the county auditor shall deliver a certificate  
 23          of sale to the purchaser or to the county, ~~or to the city,~~ **or the land**  
 24          **bank, as applicable.** The certificate shall be signed by the auditor and  
 25          registered in the auditor's office. The certificate shall contain:  
 26               (1) a description of real property that corresponds to the  
 27               description used on the notice of sale **or transfer;**  
 28               (2) the name of:  
 29                     (A) the owner of record at the time of the sale **or transfer** of  
 30                     real property with a single owner; or  
 31                     (B) at least one (1) of the owners of real property with multiple  
 32                     owners;  
 33               (3) the mailing address of the owner of the real property sold **or**  
 34               **transferred** as indicated in the records of the county auditor;  
 35               (4) the name of the purchaser **or, in the case of transfer, the**  
 36               **land bank;**  
 37               (5) the date of sale **or transfer;**  
 38               (6) the amount for which the real property was sold, **if any;**  
 39               (7) the amount of:  
 40                     (A) the minimum bid for which the tract or real property was  
 41                     offered at the time of sale; **or**  
 42                     (B) **the minimum redemption price of the tract or real**

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- 1                   **property at the time of transfer;**
- 2                   as required by section 5 of this chapter;
- 3                   (8) the date when the period of redemption specified in
- 4                   IC 6-1.1-25-4 will expire;
- 5                   (9) the court cause number under which judgment was obtained;
- 6                   and
- 7                   (10) the street address, if any, or common description of the real
- 8                   property.

9                   (b) When a certificate of sale is issued under this section, the  
 10 purchaser acquires a lien against the real property for the entire amount  
 11 paid. The lien of the purchaser is superior to all liens against the real  
 12 property which exist at the time the certificate is issued.

13                   (c) A certificate of sale is assignable. However, an assignment is not  
 14 valid unless it is endorsed on the certificate of sale, acknowledged  
 15 before an officer authorized to take acknowledgments of deeds, and  
 16 registered in the office of the county auditor. When a certificate of sale  
 17 is assigned, the assignee acquires the same rights and obligations that  
 18 the original purchaser acquired.

19                   (d) **Except as otherwise provided in subsection (e) and** subject to  
 20 IC 36-1-11-8, the county executive may assign a certificate of sale held  
 21 in the name of the county executive to any political subdivision during  
 22 the life of the certificate. If an assignment is made under this  
 23 subsection, the period of redemption of the real property under  
 24 IC 6-1.1-25 is one hundred twenty (120) days after the date of the  
 25 assignment.

26                   **(e) This subsection applies only to real property located in the**  
 27 **territory of a land bank. The county executive shall assign all**  
 28 **certificates of sale held in the name of the county executive for:**

- 29                   **(1) any real property certified to the county auditor under**
- 30                   **section 1(a)(2) of this chapter; and**
- 31                   **(2) any real property not described in subdivision (1) that was**
- 32                   **offered for sale but remained unsold at the conclusion of the**
- 33                   **sale;**
- 34                   **to the land bank in whose territory the real property is located.**
- 35                   **When an assignment is made under this subsection, the period of**
- 36                   **redemption of the real property under IC 6-1.1-25 is one hundred**
- 37                   **twenty (120) days after the date of the assignment.**

38                   SECTION 24. IC 6-1.1-24-10 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) When a  
 40 certificate of sale is issued under section 9 of this chapter, the county  
 41 treasurer shall indorse upon, or attach to, the certificate of sale a  
 42 written guarantee which is signed by the treasurer and which warrants:

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- 1 (1) that the taxes and special assessments upon the real property
- 2 described in the certificate of sale are delinquent and were unpaid
- 3 at the time of sale **or transfer**; and
- 4 (2) that the real property is eligible for sale **or transfer** under this
- 5 chapter.

6 (b) If the county treasurer, before the time of making the guarantee  
 7 required by this section, received payment of the delinquent taxes or  
 8 special assessments for which the real property was sold **or**  
 9 **transferred**, the holder of the certificate is entitled to the amount due  
 10 for an invalid sale **or transfer** under IC 6-1.1-25-10.

11 SECTION 25. IC 6-1.1-24-11 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) A certificate of  
 13 sale issued under section 9 of this chapter is presumptive evidence of:

- 14 (1) the truth of the statements contained in the certificate;
- 15 (2) the interest of the purchaser **or the land bank** in the real
- 16 property described in the certificate;
- 17 (3) the regularity and validity of all proceedings related to the
- 18 taxes or special assessments for which the real property was sold
- 19 **or transferred**; and
- 20 (4) the regularity and validity of all proceedings related to the sale
- 21 **or transfer** of the real property.

22 (b) After two (2) years from the issuance of a certificate of sale,  
 23 evidence may not be admitted in any court to rebut a presumption  
 24 prescribed in subsection (a) ~~of this section~~ unless the certificate of sale  
 25 was fraudulently procured. After four (4) years from the issuance of the  
 26 certificate of sale, evidence may not under any circumstances be  
 27 admitted in any court to rebut such a presumption.

28 SECTION 26. IC 6-1.1-24-13 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. **(a) This section**  
 30 **applies only to a tract or item of real property that is not**  
 31 **transferred to a land bank.**

- 32 ~~(a)~~ **(b)** Whenever:
- 33 (1) a tract is offered for sale under this chapter; and
- 34 (2) no bid is received for the minimum sale price set under
- 35 section 5(e) of this chapter;

36 the county auditor shall prepare a certified statement of the actual costs  
 37 incurred by the county described in section 2(a)(3)(D) of this chapter.

38 ~~(b)~~ **(c)** The county auditor shall place the amount specified in the  
 39 certified statement prepared under subsection ~~(a)~~ **(b)** on the tax  
 40 duplicate of the tract offered but not sold at the sale. The amount shall  
 41 be collected as real property taxes are collected and paid into the  
 42 county general fund.

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1 SECTION 27. IC 6-1.1-25-1 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. Any person may  
 3 redeem the tract or real property:

- 4 (1) sold **under IC 6-1.1-24; or**  
 5 (2) for which the certificate of sale is sold under IC 6-1.1-24; **or**  
 6 (3) **for which the certificate of sale is transferred to a land**  
 7 **bank under IC 6-1.1-24;**

8 ~~under IC 6-1.1-24~~ at any time before the expiration of the period of  
 9 redemption specified in section 4 of this chapter by paying to the  
 10 county treasurer the amount required for redemption under section 2 of  
 11 this chapter.

12 SECTION 28. IC 6-1.1-25-2, AS AMENDED BY P.L.89-2007,  
 13 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2012]: Sec. 2. (a) The total amount of money required for the  
 15 redemption of real property equals:

- 16 (1) the sum of the amounts prescribed in subsections (b) through  
 17 ~~(e); (f); or~~  
 18 (2) the amount prescribed in subsection ~~(f); (g); or~~  
 19 (3) **the amount prescribed in subsection (h);**

20 reduced by any amounts held in the name of the taxpayer or the  
 21 purchaser in the tax sale surplus fund.

22 (b) **This subsection applies only to a tract or item of real**  
 23 **property that is not held by a land bank.** Except as provided in  
 24 subsection ~~(f); (g)~~, the total amount required for redemption includes:

- 25 (1) one hundred ten percent (110%) of the minimum bid for  
 26 which the tract or real property was offered at the time of sale, as  
 27 required by IC 6-1.1-24-5, if the tract or item of real property is  
 28 redeemed not more than six (6) months after the date of sale; or  
 29 (2) one hundred fifteen percent (115%) of the minimum bid for  
 30 which the tract or real property was offered at the time of sale, as  
 31 required by IC 6-1.1-24-5, if the tract or item of real property is  
 32 redeemed more than six (6) months but not more than one (1)  
 33 year after the date of sale.

34 (c) **This subsection applies only to a tract or item of real**  
 35 **property that is held by a land bank.** Except as provided in  
 36 subsection (g), the total amount required for redemption includes:

- 37 (1) **one hundred ten percent (110%) of the minimum bid for**  
 38 **which the tract or item of real property was offered for sale**  
 39 **under IC 6-1.1-24 if:**  
 40 (A) **an amount equal to or more than the minimum bid was**  
 41 **not received;**  
 42 (B) **the tract or item of real property was transferred to**

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- 1           the land bank under IC 6-1.1-24-6(e); and  
 2           (C) the tract or item of real property is redeemed not more  
 3           than sixty (60) days after the date of transfer;  
 4           (2) one hundred fifteen percent (115%) of the minimum bid  
 5           for which the tract or item of real property was offered for  
 6           sale under IC 6-1.1-24 if:  
 7           (A) an amount equal to or more than the minimum bid was  
 8           not received;  
 9           (B) the tract or item of real property was transferred to  
 10          the land bank under IC 6-1.1-24-6(e); and  
 11          (C) the tract or item of real property is redeemed more  
 12          than sixty (60) days and not more than one hundred twenty  
 13          (120) days after the date of transfer;  
 14          (3) one hundred ten percent (110%) of the minimum  
 15          redemption price of the tract or item of real property at the  
 16          time of transfer if the tract or item of real property:  
 17          (A) was certified to the county auditor under  
 18          IC 6-1.1-24-1(a)(2) or IC 6-1.1-24-1.5(b); and  
 19          (B) is redeemed not more than sixty (60) days after the  
 20          date of transfer; or  
 21          (4) one hundred fifteen percent (115%) of the minimum  
 22          redemption price of the tract or item of real property at the  
 23          time of transfer if the tract or item of real property:  
 24          (A) was certified to the county auditor under  
 25          IC 6-1.1-24-1(a)(2) or IC 6-1.1-24-1.5(b); and  
 26          (B) is redeemed more than sixty (60) days and not more  
 27          than one hundred twenty (120) days after the date of  
 28          transfer.  
 29          ~~(c)~~ (d) Except as provided in subsection ~~(f)~~; (g), in addition to the  
 30          amount required under subsection (b) or (c), the total amount required  
 31          for redemption includes the amount by which the purchase price  
 32          exceeds the minimum bid on the real property plus ten percent (10%)  
 33          per annum on the amount by which the purchase price exceeds the  
 34          minimum bid on the property.  
 35          ~~(d)~~ (e) Except as provided in subsection ~~(f)~~; (g), in addition to the  
 36          amount required under subsections (b) and ~~(c)~~; **through (d)**, the total  
 37          amount required for redemption includes all taxes and special  
 38          assessments upon the property paid by the purchaser after the sale plus  
 39          ten percent (10%) interest per annum on those taxes and special  
 40          assessments.  
 41          ~~(e)~~ (f) Except as provided in subsection ~~(f)~~; (g), in addition to the  
 42          amounts required under subsections (b) ~~(c)~~; and ~~(d)~~; **through (e)**, the

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1 total amount required for redemption includes the following costs, if  
 2 certified before redemption and not earlier than thirty (30) days after  
 3 the date of sale of the property being redeemed by the payor to the  
 4 county auditor on a form prescribed by the state board of accounts, that  
 5 were incurred and paid by the purchaser, the purchaser's assignee, or  
 6 the county, before redemption:

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

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

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

15 **(h) Notwithstanding subsections (b) through (f), the total**  
 16 **amount of money required for redemption of a tract or item of real**  
 17 **property held by a land bank and redeemed under section 4(a)(4)**  
 18 **of this chapter is the amount determined under IC 6-1.1-24-5(k).**  
 19 **Promptly after the land bank receives an amount sufficient to**  
 20 **redeem a tract of real property under section 4(a)(4) of this**  
 21 **chapter, the land bank shall retain one (1) of the following**  
 22 **amounts, as applicable, and transfer the remainder of the money**  
 23 **received to the county treasurer:**

24 **(1) Five percent (5%) of the minimum redemption price, if the**  
 25 **tract or item of real property:**

26 **(A) was on the list prepared under IC 6-1.1-24-1(a)(2) or**  
 27 **IC 6-1.1-24-1.5(c); and**

28 **(B) is redeemed within sixty (60) days after the date of**  
 29 **transfer.**

30 **(2) Seven and five-tenths percent (7.5%) of the minimum**  
 31 **redemption price, if the tract or item of real property:**

32 **(A) was on the list prepared under IC 6-1.1-24-1(a)(2) or**  
 33 **IC 6-1.1-24-1.5(c); and**

34 **(B) is redeemed after sixty (60) days but not more than one**  
 35 **hundred twenty (120) days after the date of transfer.**

36 **(3) Five percent (5%) of the minimum bid for which the tract**  
 37 **or item of real property was offered for sale under**  
 38 **IC 6-1.1-24, if:**

39 **(A) the amount received did not equal or exceed the**  
 40 **minimum bid;**

41 **(B) the tract or item of real property was transferred to**  
 42 **the land bank under IC 6-1.1-24-6(e); and**

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- 1 (C) the tract or item of real property is redeemed not more
- 2 than sixty (60) days after the date of transfer.
- 3 (4) Seven and five-tenths percent (7.5%) of the minimum bid
- 4 for which the tract or item of real property was offered for
- 5 sale under IC 6-1.1-24, if:
- 6 (A) the amount received did not equal or exceed the
- 7 minimum bid;
- 8 (B) the tract or item of real property was transferred to
- 9 the land bank under IC 6-1.1-24-6(e); and
- 10 (C) the tract or item of real property is redeemed more
- 11 than sixty (60) days and not more than one hundred twenty
- 12 (120) days after the date of transfer.

13 SECTION 29. IC 6-1.1-25-2.5 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) A county  
 15 auditor may petition a court issuing judgments and orders for sale **or**  
 16 **transfer** in the county under IC 6-1.1-24 to establish a schedule of  
 17 reasonable and customary attorney's fees and costs that apply to a:

- 18 (1) purchaser;
- 19 (2) purchaser's assignee; **or**
- 20 (3) purchaser of the certificate of sale under IC 6-1.1-24; **or**
- 21 (4) **land bank;**

22 ~~who~~ **that** submits a claim for reimbursement upon redemption.

23 (b) When a court provides a schedule as described in subsection (a),  
 24 the county auditor may not reimburse attorney's fees and costs in an  
 25 amount higher than the attorney's fees and costs provided in the  
 26 schedule, except as provided in subsection (c).

- 27 (c) A:
- 28 (1) purchaser;
- 29 (2) purchaser's assignee; **or**
- 30 (3) purchaser of the certificate of sale under IC 6-1.1-24; **or**
- 31 (4) **land bank;**

32 may petition the court for a higher rate of reimbursement than the rate  
 33 found on a schedule provided under subsection (a). The court shall  
 34 grant the petition if the court finds that the claim is based on reasonable  
 35 and customary attorney's fees and costs.

36 SECTION 30. IC 6-1.1-25-4, AS AMENDED BY P.L.42-2011,  
 37 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2012]: Sec. 4. (a) The period for redemption of real property  
 39 sold **or transferred** under IC 6-1.1-24 is:

- 40 (1) one (1) year after the date of sale;
- 41 (2) one hundred twenty (120) days after the date of sale to a
- 42 purchasing agency qualified under IC 36-7-17; **or**

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1 (3) one hundred twenty (120) days after the date of sale of real  
 2 property on the list prepared under IC 6-1.1-24-1(a)(2) or  
 3 IC 6-1.1-24-1.5;

4 **(4) one hundred twenty (120) days after the date of transfer to**  
 5 **a land bank of real property on the list prepared under**  
 6 **IC 6-1.1-24-1(a)(2) or IC 6-1.1-24-1.5; or**

7 **(5) one hundred twenty (120) days after the date of transfer to**  
 8 **a land bank of real property under IC 6-1.1-24-6(e).**

9 (b) Subject to IC 6-1.1-24-9(d), the period for redemption of real  
 10 property:

11 (1) on which the county executive **or a land bank** acquires a lien  
 12 under IC 6-1.1-24-6; and

13 (2) for which the certificate of sale is not sold under  
 14 IC 6-1.1-24-6.1;

15 is one hundred twenty (120) days after the date the county executive **or**  
 16 **a land bank** acquires the lien under IC 6-1.1-24-6.

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

18 (1) on which the county executive **or a land bank** acquires a lien  
 19 under IC 6-1.1-24-6; and

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

21 is one hundred twenty (120) days after the date of sale of the certificate  
 22 of sale under IC 6-1.1-24.

23 (d) When a deed for real property is executed under this chapter, the  
 24 county auditor shall cancel the certificate of sale and file the canceled  
 25 certificate in the office of the county auditor. If real property that  
 26 appears on the list prepared under IC 6-1.1-24-1.5 is offered for sale  
 27 and an amount that is at least equal to the minimum sale price required  
 28 under IC 6-1.1-24-5(e) is not received, the county auditor shall issue a  
 29 deed to the real property, subject to this chapter.

30 (e) When a deed is issued to a county executive **or a land bank**  
 31 under this chapter, the taxes and special assessments ~~for which that~~  
 32 **caused** the real property ~~was to be~~ offered for sale **or transferred to**  
 33 **the land bank**, and all subsequent taxes, special assessments, interest,  
 34 penalties, and cost of sale shall be removed from the tax duplicate in  
 35 the same manner that taxes are removed by certificate of error.

36 (f) A tax deed executed under this chapter vests in the grantee an  
 37 estate in fee simple absolute, free and clear of all liens and  
 38 encumbrances created or suffered before or after the tax sale **or**  
 39 **transfer** except those liens granted priority under federal law and the  
 40 lien of the state or a political subdivision for taxes and special  
 41 assessments which accrue subsequent to the sale **or transfer** and which  
 42 are not removed under subsection (e). However, subject to subsection

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- 1 (g), the estate is subject to:
- 2 (1) all easements, covenants, declarations, and other deed
- 3 restrictions shown by public records;
- 4 (2) laws, ordinances, and regulations concerning governmental
- 5 police powers, including zoning, building, land use,
- 6 improvements on the land, land division, and environmental
- 7 protection; and
- 8 (3) liens and encumbrances created or suffered by the grantee.
- 9 (g) A tax deed executed under this chapter for real property sold in
- 10 a tax sale **or transferred to a land bank:**
- 11 (1) does not operate to extinguish an easement recorded before
- 12 the date of the tax sale **or the date of the transfer** in the office of
- 13 the recorder of the county in which the real property is located,
- 14 regardless of whether the easement was taxed under this article
- 15 separately from the real property; and
- 16 (2) conveys title subject to all easements recorded before the date
- 17 of the tax sale **or the date of transfer** in the office of the recorder
- 18 of the county in which the real property is located.
- 19 (h) A tax deed executed under this chapter is prima facie evidence
- 20 of:
- 21 (1) the regularity of the sale **or transfer** of the real property
- 22 described in the deed;
- 23 (2) the regularity of all proper proceedings; and
- 24 (3) valid title in fee simple in the grantee of the deed.
- 25 (i) A county auditor is not required to execute a deed to the county
- 26 executive **or a land bank** under this chapter if the county executive **or**
- 27 **the land bank** determines that the property involved contains
- 28 hazardous waste or another environmental hazard for which the cost of
- 29 abatement or alleviation will exceed the fair market value of the
- 30 property. The county executive **or the land bank** may enter the
- 31 property to conduct environmental investigations.
- 32 (j) If the county executive **or a land bank** makes the determination
- 33 under subsection (i) as to any interest in an oil or gas lease or separate
- 34 mineral rights, the county treasurer shall certify all delinquent taxes,
- 35 interest, penalties, and costs assessed under IC 6-1.1-24 to the clerk,
- 36 following the procedures in IC 6-1.1-23-9. After the date of the county
- 37 treasurer's certification, the certified amount is subject to collection as
- 38 delinquent personal property taxes under IC 6-1.1-23. Notwithstanding
- 39 IC 6-1.1-4-12.4 and IC 6-1.1-4-12.6, the assessed value of such an
- 40 interest shall be zero (0) until production commences.
- 41 (k) When a deed is issued to a purchaser of a certificate of sale sold
- 42 under IC 6-1.1-24-6.1, the county auditor shall, in the same manner that

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1 taxes are removed by certificate of error, remove from the tax duplicate  
 2 the taxes, special assessments, interest, penalties, and costs remaining  
 3 due as the difference between the amount of the last minimum bid  
 4 under IC 6-1.1-24-5(e) and the amount paid for the certificate of sale.

5 SECTION 31. IC 6-1.1-25-4.1, AS AMENDED BY P.L.146-2008,  
 6 SECTION 259, IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2012]: Sec. 4.1. (a) If, as provided in section  
 8 ~~4(h)~~ **4(i)** of this chapter, the county auditor does not issue a deed to the  
 9 county **or a land bank** for property for which a certificate of sale has  
 10 been issued to the county under IC 6-1.1-24-9 because the county  
 11 executive **or the land bank** determines that the property contains  
 12 hazardous waste or another environmental hazard for which the cost of  
 13 abatement or alleviation will exceed the fair market value of the  
 14 property, the property may be transferred consistent with this section.

15 (b) A person who desires to obtain title to and eliminate the  
 16 hazardous conditions of property containing hazardous waste or  
 17 another environmental hazard for which a county **or a land bank** holds  
 18 a certificate of sale but to which a deed may not be issued to the county  
 19 **or the land bank** under section ~~4(h)~~ **4(i)** of this chapter may file a  
 20 petition with the county auditor seeking a waiver of the delinquent  
 21 taxes, special assessments, interest, penalties, and costs assessed  
 22 against the property and transfer of the title to the property to the  
 23 petitioner. The petition must:

- 24 (1) be on a form prescribed by the state board of accounts and
- 25 approved by the department of local government finance;
- 26 (2) state the amount of taxes, special assessments, penalties, and
- 27 costs assessed against the property for which a waiver is sought;
- 28 (3) describe the conditions existing on the property that have
- 29 prevented the sale or the transfer of title to the county **or the land**
- 30 **bank;**
- 31 (4) describe the plan of the petitioner for elimination of the
- 32 hazardous condition on the property under IC 13-25-5 and the
- 33 intended use of the property; and
- 34 (5) be accompanied by a fee established by the county auditor for
- 35 completion of a title search and processing.

36 (c) Upon receipt of a petition described in subsection (b), the county  
 37 auditor shall review the petition to determine whether the petition is  
 38 complete. If the petition is not complete, the county auditor shall return  
 39 the petition to the petitioner and describe the defects in the petition.  
 40 The petitioner may correct the defects and file the completed petition  
 41 with the county auditor. Upon receipt of a completed petition, the  
 42 county auditor shall forward a copy of the petition to:

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- 1 (1) the assessor of the township in which the property is located,
- 2 or the county assessor if there is no township assessor for the
- 3 township;
- 4 (2) the owner;
- 5 (3) all persons who have, as of the date of the filing of the
- 6 petition, a substantial **property** interest of public record in the
- 7 property;
- 8 (4) the county property tax assessment board of appeals; ~~and~~
- 9 **(5) the land bank in whose territory the property is located, if**
- 10 **any; and**
- 11 ~~(5)~~ **(6)** the department of local government finance.

12 (d) Upon receipt of a petition described in subsection (b), the county  
 13 property tax assessment board of appeals shall, at the county property  
 14 tax assessment board of appeals' earliest opportunity, conduct a public  
 15 hearing on the petition. The county property tax assessment board of  
 16 appeals shall, by mail, give notice of the date, time, and place fixed for  
 17 the hearing to:

- 18 (1) the petitioner;
- 19 (2) the owner;
- 20 (3) all persons who have, as of the date the petition was filed, a
- 21 substantial **property** interest of public record in the property; and
- 22 (4) the assessor of the township in which the property is located,
- 23 or the county assessor if there is no township assessor for the
- 24 township.

25 In addition, notice of the public hearing on the petition shall be  
 26 published one (1) time at least ten (10) days before the hearing in a  
 27 newspaper of countywide circulation and posted at the principal office  
 28 of the county property tax assessment board of appeals, or at the  
 29 building where the meeting is to be held.

30 (e) After the hearing and completion of any additional investigation  
 31 of the property or of the petitioner that is considered necessary by the  
 32 county property tax assessment board of appeals, the county board shall  
 33 give notice, by mail, to the parties listed in subsection (d) of the county  
 34 property tax assessment board of appeals' recommendation as to  
 35 whether the petition should be granted. The county property tax  
 36 assessment board of appeals shall forward to the department of local  
 37 government finance a copy of the county property tax assessment board  
 38 of appeals' recommendation and a copy of the documents submitted to  
 39 or collected by the county property tax assessment board of appeals at  
 40 the public hearing or during the course of the county board of appeals'  
 41 investigation of the petition.

42 (f) Upon receipt by the department of local government finance of

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1 a recommendation by the county property tax assessment board of  
 2 appeals, the department of local government finance shall review the  
 3 petition and all other materials submitted by the county property tax  
 4 assessment board of appeals and determine whether to grant the  
 5 petition. Notice of the determination by the department of local  
 6 government finance and the right to seek an appeal of the  
 7 determination shall be given by mail to:

- 8 (1) the petitioner;  
 9 (2) the owner;  
 10 (3) all persons who have, as of the date the petition was filed, a  
 11 substantial **property** interest of public record in the property;  
 12 (4) the assessor of the township in which the property is located,  
 13 or the county assessor if there is no township assessor for the  
 14 township; ~~and~~  
 15 (5) the county property tax assessment board of appeals; **and**  
 16 **(6) the land bank in whose territory the property is located, if**  
 17 **any.**

18 (g) Any person aggrieved by a determination of the department of  
 19 local government finance under subsection (f) may file an appeal  
 20 seeking additional review by the department of local government  
 21 finance and a public hearing. In order to obtain a review under this  
 22 subsection, the aggrieved person must file a petition for appeal with the  
 23 county auditor in the county where the tract or item of real property is  
 24 located not more than thirty (30) days after issuance of notice of the  
 25 determination of the department of local government finance. The  
 26 county auditor shall transmit the petition for appeal to the department  
 27 of local government finance not more than ten (10) days after the  
 28 petition is filed.

29 (h) Upon receipt by the department of local government finance of  
 30 an appeal, the department of local government finance shall set a date,  
 31 time, and place for a hearing. The department of local government  
 32 finance shall give notice, by mail, of the date, time, and place fixed for  
 33 the hearing to:

- 34 (1) the person filing the appeal;  
 35 (2) the petitioner;  
 36 (3) the owner;  
 37 (4) all persons who have, as of the date the petition was filed, a  
 38 substantial **property** interest of public record in the property;  
 39 (5) the assessor of the township in which the property is located,  
 40 or the county assessor if there is no township assessor for the  
 41 township; ~~and~~  
 42 (6) the county property tax assessment board of appeals; **and**

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1           **(7) the land bank in whose territory the property is located, if**  
 2           **any.**  
 3           The department of local government finance shall give the notices at  
 4           least ten (10) days before the day fixed for the hearing.  
 5           (i) After the hearing, the department of local government finance  
 6           shall give the parties listed in subsection (h) notice by mail of the final  
 7           determination of the department of local government finance.  
 8           (j) If the department of local government finance decides to:  
 9           (1) grant the petition submitted under subsection (b) after initial  
 10           review of the petition under subsection (f) or after an appeal  
 11           under subsection ~~(h)~~; **(g)**; and  
 12           (2) waive the taxes, special assessments, interest, penalties, and  
 13           costs assessed against the property;  
 14           the department of local government finance shall issue to the county  
 15           auditor an order directing the removal from the tax duplicate of the  
 16           taxes, special assessments, interest, penalties, and costs for which the  
 17           waiver is granted.  
 18           (k) After:  
 19           (1) at least thirty (30) days have passed since the issuance of a  
 20           notice by the department of local government finance to the  
 21           county property tax assessment board of appeals granting a  
 22           petition filed under subsection (b), if no appeal has been filed; or  
 23           (2) not more than thirty (30) days after receipt by the county  
 24           property tax assessment board of appeals of a notice of a final  
 25           determination of the department of local government finance  
 26           granting a petition filed under subsection (b) after an appeal has  
 27           been filed and heard under ~~subsection~~ **subsections (g) and (h)**;  
 28           the county auditor shall file a verified petition and an application for an  
 29           order on the petition in the court in which the judgment of sale was  
 30           entered asking the court to direct the county auditor to issue a tax deed  
 31           to the real property. The petition shall contain the certificate of sale  
 32           issued to the county, a copy of the petition filed under subsection (b),  
 33           and a copy of the notice of the final determination of the department of  
 34           local government finance directing the county auditor to remove the  
 35           taxes, interest, penalties, and costs from the tax duplicate. Notice of the  
 36           filing of the petition and application for an order on the petition shall  
 37           be given, by mail, to the owner and any person with a substantial  
 38           **property** interest of public record in the property. A person owning or  
 39           having an interest in the property may appear to object to the petition.  
 40           (l) The court shall enter an order directing the county auditor to  
 41           issue a tax deed to the petitioner under subsection (b) if the court finds  
 42           that the following conditions exist:

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- 1 (1) The time for redemption has expired.
- 2 (2) The property has not been redeemed before the expiration of
- 3 the period of redemption specified in section 4 of this chapter.
- 4 (3) All taxes, special assessments, interest, penalties, and costs
- 5 have been waived by the department of local government finance
- 6 or, to the extent not waived, paid by the petitioner under
- 7 subsection (b).
- 8 (4) All notices required by this section and sections 4.5 and 4.6 of
- 9 this chapter have been given.
- 10 (5) The petitioner under subsection (b) has complied with all the
- 11 provisions of law entitling the petitioner to a tax deed.
- 12 (m) A tax deed issued under this section is uncontestable except by
- 13 appeal from the order of the court directing the county auditor to issue
- 14 the tax deed. The appeal must be filed not later than sixty (60) days
- 15 after the date of the court's order.
- 16 SECTION 32. IC 6-1.1-25-4.5, AS AMENDED BY P.L.169-2006,
- 17 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2012]: Sec. 4.5. (a) Except as provided in subsection ~~(d)~~, (e),
- 19 a purchaser or the purchaser's assignee is entitled to a tax deed to the
- 20 property that was sold only if:
- 21 (1) the redemption period specified in section 4(a)(1) of this
- 22 chapter has expired;
- 23 (2) the property has not been redeemed within the period of
- 24 redemption specified in section 4(a) of this chapter; and
- 25 (3) not later than nine (9) months after the date of the sale:
- 26 (A) the purchaser or the purchaser's assignee; or
- 27 (B) in a county where the county auditor and county treasurer
- 28 have an agreement under section 4.7 of this chapter, the
- 29 county auditor;
- 30 gives notice of the sale to the owner of record at the time of the
- 31 sale and any person with a substantial property interest of public
- 32 record in the tract or real property.
- 33 (b) A county executive is entitled to a tax deed to property on which
- 34 the county executive acquires a lien under IC 6-1.1-24-6 and for which
- 35 the certificate of sale is not sold under IC 6-1.1-24-6.1 only if:
- 36 (1) the redemption period specified in section 4(b) of this chapter
- 37 has expired;
- 38 (2) the property has not been redeemed within the period of
- 39 redemption specified in section 4(b) of this chapter; and
- 40 (3) not later than ninety (90) days after the date the county
- 41 executive acquires the lien under IC 6-1.1-24-6, the county
- 42 auditor gives notice of the sale to:

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

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- 1 indicates the interest.
- 2 However, if the address of the person with a substantial property
- 3 interest of public record is not indicated in the public record that
- 4 created the interest and cannot be located by ordinary means by the
- 5 person required to give the notice under subsection (a), (b), ~~or~~ (c), **or**
- 6 **(d)**, the person may give notice by publication in accordance with
- 7 IC 5-3-1-4 once each week for three (3) consecutive weeks.
- 8 ~~(e)~~ **(f)** The notice that this section requires shall contain at least the
- 9 following:
- 10 (1) A statement that a petition for a tax deed will be filed on or
- 11 after a specified date.
- 12 (2) The date on or after which the petitioner intends to petition for
- 13 a tax deed to be issued.
- 14 (3) A description of the tract or real property shown on the
- 15 certificate of sale.
- 16 (4) The date the tract or real property was sold at a tax sale.
- 17 (5) The name of the:
- 18 (A) purchaser or purchaser's assignee;
- 19 (B) county executive that acquired the lien on the property
- 20 under IC 6-1.1-24-6; or
- 21 (C) person that purchased the certificate of sale on the
- 22 property under IC 6-1.1-24.
- 23 (6) A statement that any person may redeem the tract or real
- 24 property.
- 25 (7) The components of the amount required to redeem the tract or
- 26 real property.
- 27 (8) A statement that an entity identified in subdivision (5) is
- 28 entitled to reimbursement for additional taxes or special
- 29 assessments on the tract or real property that were paid by the
- 30 entity subsequent to the tax sale, lien acquisition, or purchase of
- 31 the certificate of sale, and before redemption, plus interest.
- 32 (9) A statement that the tract or real property has not been
- 33 redeemed.
- 34 (10) A statement that an entity identified in subdivision (5) is
- 35 entitled to receive a deed for the tract or real property if it is not
- 36 redeemed before the expiration of the period of redemption
- 37 specified in section 4 of this chapter.
- 38 (11) A statement that an entity identified in subdivision (5) is
- 39 entitled to reimbursement for costs described in section 2(e) of
- 40 this chapter.
- 41 (12) The date of expiration of the period of redemption specified
- 42 in section 4 of this chapter.

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1 (13) A statement that if the property is not redeemed, the owner  
 2 of record at the time the tax deed is issued may have a right to the  
 3 tax sale surplus, if any.

4 (14) The street address, if any, or a common description of the  
 5 tract or real property.

6 (15) The key number or parcel number of the tract or real  
 7 property.

8 ~~(f)~~ **(g)** The notice under this section must include not more than one  
 9 (1) tract or item of real property listed and sold in one (1) description.  
 10 However, when more than one (1) tract or item of real property is  
 11 owned by one (1) person, all of the tracts or real property that are  
 12 owned by that person may be included in one (1) notice.

13 ~~(g)~~ **(h)** A single notice under this section may be used to notify joint  
 14 owners of record at the last address of the joint owners for the property  
 15 sold, as indicated in the records of the county auditor.

16 ~~(h)~~ **(i)** The notice required by this section is considered sufficient if  
 17 the notice is mailed to the address required under subsection ~~(f)~~ **(e)**.

18 ~~(i)~~ **(j)** The notice under this section and the notice under section 4.6  
 19 of this chapter are not required for persons in possession not shown in  
 20 the public records.

21 ~~(j)~~ **(k)** If the purchaser fails to:

22 (1) comply with subsection (c)(3); or

23 (2) petition for the issuance of a tax deed within the time  
 24 permitted under section 4.6(a) of this chapter;

25 the certificate of sale reverts to the county executive and may be  
 26 retained by the county executive or sold under IC 6-1.1-24-6.1.

27 SECTION 33. IC 6-1.1-25-4.6, AS AMENDED BY P.L.89-2007,  
 28 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2012]: Sec. 4.6. (a) After the expiration of the redemption  
 30 period specified in section 4 of this chapter but not later than six (6)  
 31 months after the expiration of the period of redemption:

32 (1) the purchaser, the purchaser's assignee, the county executive,  
 33 **or** the purchaser of the certificate of sale under IC 6-1.1-24, **or**  
 34 **the land bank** may; or

35 (2) in a county where the county auditor and county treasurer  
 36 have an agreement under section 4.7 of this chapter, the county  
 37 auditor shall, upon the request of the purchaser, or the purchaser's  
 38 assignee;

39 file a verified petition in the same court and under the same cause  
 40 number in which the judgment of sale was entered asking the court to  
 41 direct the county auditor to issue a tax deed if the real property is not  
 42 redeemed from the sale. Notice of the filing of this petition shall be

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1 given to the same parties and in the same manner as provided in section  
 2 4.5 of this chapter, except that, if notice is given by publication, only  
 3 one (1) publication is required. The notice required by this section is  
 4 considered sufficient if the notice is sent to the address required by  
 5 section ~~4.5(d)~~ 4.5(e) of this chapter. Any person owning or having an  
 6 interest in the tract or real property may file a written objection to the  
 7 petition with the court not later than thirty (30) days after the date the  
 8 petition was filed. If a written objection is timely filed, the court shall  
 9 conduct a hearing on the objection.

10 (b) Not later than sixty-one (61) days after the petition is filed under  
 11 subsection (a), the court shall enter an order directing the county  
 12 auditor (on the production of the certificate of sale and a copy of the  
 13 order) to issue to the petitioner a tax deed if the court finds that the  
 14 following conditions exist:

15 (1) The time of redemption has expired.

16 (2) The tract or real property has not been redeemed from the sale  
 17 **or transfer** before the expiration of the period of redemption  
 18 specified in section 4 of this chapter.

19 (3) Except with respect to a petition for the issuance of a tax deed  
 20 under a sale **or transfer** of the certificate of sale on the property  
 21 under IC 6-1.1-24-6.1, all taxes and special assessments,  
 22 penalties, and costs have been paid.

23 (4) The notices required by this section and section 4.5 of this  
 24 chapter have been given.

25 (5) The petitioner has complied with all the provisions of law  
 26 entitling the petitioner to a deed.

27 The county auditor shall execute deeds issued under this subsection in  
 28 the name of the state under the county auditor's name. If a certificate of  
 29 sale is lost before the execution of a deed, the county auditor shall issue  
 30 a replacement certificate if the county auditor is satisfied that the  
 31 original certificate existed.

32 (c) Upon application by the grantee of a valid tax deed in the same  
 33 court and under the same cause number in which the judgment of sale  
 34 was entered, the court shall enter an order to place the grantee of a  
 35 valid tax deed in possession of the real estate. The court may enter any  
 36 orders and grant any relief that is necessary or desirable to place or  
 37 maintain the grantee of a valid tax deed in possession of the real estate.

38 (d) Except as provided in subsections (e) and (f), if:

39 (1) the verified petition referred to in subsection (a) is timely  
 40 filed; and

41 (2) the court refuses to enter an order directing the county auditor  
 42 to execute and deliver the tax deed because of the failure of the

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1 petitioner under subsection (a) to fulfill the notice requirement of  
 2 subsection (a);  
 3 the court shall order the return of the amount, if any, by which the  
 4 purchase price exceeds the minimum bid on the property under  
 5 IC 6-1.1-24-5(e) minus a penalty of twenty-five percent (25%) of that  
 6 excess. The petitioner is prohibited from participating in any manner  
 7 in the next succeeding tax sale in the county under IC 6-1.1-24. The  
 8 county auditor shall deposit penalties paid under this subsection in the  
 9 county general fund.

10 (e) Notwithstanding subsection (d), in all cases in which:

11 (1) the verified petition referred to in subsection (a) is timely  
 12 filed;

13 (2) the petitioner under subsection (a) has made a bona fide  
 14 attempt to comply with the statutory requirements under  
 15 subsection (b) for the issuance of the tax deed but has failed to  
 16 comply with these requirements;

17 (3) the court refuses to enter an order directing the county auditor  
 18 to execute and deliver the tax deed because of the failure to  
 19 comply with these requirements; and

20 (4) the purchaser, the purchaser's successors or assignees, or the  
 21 purchaser of the certificate of sale under IC 6-1.1-24 files a claim  
 22 with the county auditor for refund not later than thirty (30) days  
 23 after the entry of the order of the court refusing to direct the  
 24 county auditor to execute and deliver the tax deed;

25 the county auditor shall not execute the deed but shall refund the  
 26 purchase money minus a penalty of twenty-five percent (25%) of the  
 27 purchase money from the county treasury to the purchaser, the  
 28 purchaser's successors or assignees, or the purchaser of the certificate  
 29 of sale under IC 6-1.1-24. The county auditor shall deposit penalties  
 30 paid under this subsection in the county general fund. All the  
 31 delinquent taxes and special assessments shall then be reinstated and  
 32 recharged to the tax duplicate and collected in the same manner as if  
 33 the property had not been offered for sale **or transfer**. The tract or item  
 34 of real property, if it is then eligible for sale **or transfer** under  
 35 IC 6-1.1-24, shall be placed on the delinquent list as an initial offering  
 36 under IC 6-1.1-24.

37 (f) Notwithstanding subsections (d) and (e), the court shall not order  
 38 the return of the purchase price or any part of the purchase price if:

39 (1) the purchaser or the purchaser of the certificate of sale under  
 40 IC 6-1.1-24 has failed to provide notice or has provided  
 41 insufficient notice as required by section 4.5 of this chapter; and

42 (2) the sale is otherwise valid.

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1 (g) A tax deed executed under this section vests in the grantee an  
 2 estate in fee simple absolute, free and clear of all liens and  
 3 encumbrances created or suffered before or after the tax sale except  
 4 those liens granted priority under federal law, and the lien of the state  
 5 or a political subdivision for taxes and special assessments that accrue  
 6 subsequent to the sale. However, the estate is subject to all easements,  
 7 covenants, declarations, and other deed restrictions and laws governing  
 8 land use, including all zoning restrictions and liens and encumbrances  
 9 created or suffered by the purchaser at the tax sale. The deed is prima  
 10 facie evidence of:

11 (1) the regularity of the sale of the real property described in the  
 12 deed;

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

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

15 (h) A tax deed issued under this section is incontestable except by  
 16 appeal from the order of the court directing the county auditor to issue  
 17 the tax deed filed not later than sixty (60) days after the date of the  
 18 court's order.

19 SECTION 34. IC 6-1.1-25-5.5 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.5. ~~(a)~~ The deed given  
 21 by the county auditor to a county **or a land bank** that acquired property  
 22 under IC 6-1.1-24-6, or to a city agency that acquired property under  
 23 IC 36-7-17, shall be in a form prescribed by the state board of accounts  
 24 and approved by the attorney general.

25 ~~(b) The deed given by the county auditor to a city that acquired~~  
 26 ~~property under IC 6-1.1-24-6.6 before its expiration and repeal must be~~  
 27 ~~in a form prescribed by the state board of accounts and approved by the~~  
 28 ~~attorney general.~~

29 SECTION 35. IC 6-1.1-25-7 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) If ~~the~~ **a**:

31 (1) purchaser;

32 (2) purchaser's successors or assigns; or

33 (3) purchaser of ~~the~~ **a** certificate of sale under IC 6-1.1-24;

34 fails to file the petition within the period provided in section 4.6 of this  
 35 chapter, that person's lien against the real property terminates at the end  
 36 of that period. However, this section does not apply if ~~the~~ **a** county, **or**  
 37 city, **or land bank** is the holder of ~~the~~ **a** certificate of sale.

38 **(b) This subsection applies only to real property located in the**  
 39 **territory of a land bank. If a person's lien is terminated by**  
 40 **subsection (a), the person's certificate of sale is assigned to the land**  
 41 **bank immediately following the end of the period provided in**  
 42 **section 4.6 of this chapter.**

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1            ~~(b)~~ (c) If the notice under section 4.5 of this chapter is not given  
 2 within the period specified in section 4.5(a)(3) or 4.5(c)(3) of this  
 3 chapter, the lien of the:

4            (1) purchaser of the property; or

5            (2) purchaser of the certificate of sale under IC 6-1.1-24;  
 6 against the real property terminates at the end of that period.

7            SECTION 36. IC 6-1.1-25-7.5 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7.5. (a) This section  
 9 applies to a county having a consolidated city.

10           (b) The county auditor shall provide ~~the metropolitan development~~  
 11 ~~commission~~ **each land bank in the county, including a land bank of**  
 12 **an excluded city**, with a list of real property:

13            (1) **located in the territory of the land bank;**

14            ~~(+)~~ (2) included on the list prepared under IC 6-1.1-24-1.5;

15            ~~(2)~~ (3) for which a certificate of sale has been issued; and

16            ~~(3)~~ (4) for which the holder of the certificate has not requested the  
 17 county auditor to execute and deliver a deed.

18           ~~(c)~~ The metropolitan development ~~commission~~ shall, within a  
 19 reasonable time after receiving a list under subsection (b); identify any  
 20 property described under subsection (b) that the metropolitan  
 21 development commission desires to acquire for urban homesteading  
 22 under IC 36-7-17 or redevelopment purposes under IC 36-7-15.1. The  
 23 metropolitan development ~~commission~~ shall then provide the county  
 24 auditor with a list of the properties identified under this subsection:

25           ~~(d)~~ (c) The county auditor shall execute and deliver a deed for any  
 26 property identified **on the list** under subsection ~~(c)~~ (b) to the  
 27 metropolitan development ~~commission~~: **land bank in whose territory**  
 28 **the property is located.**

29           ~~(e)~~ The county auditor shall execute and deliver a deed to the county  
 30 for any property:

31            (1) included in the notice prepared under subsection (b); and

32            (2) not identified under subsection (c):

33           ~~(f)~~ (d) The metropolitan development ~~commission~~ and the county  
 34 **A land bank** may not pay for any property acquired under subsection  
 35 ~~(d)~~ or ~~(e)~~: (c). However, a taxing unit having an interest in the taxes on  
 36 the real property shall be credited with the full amount of the  
 37 delinquent tax due to that unit.

38           SECTION 37. IC 6-1.1-25-9, AS AMENDED BY P.L.169-2006,  
 39 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2012]: Sec. 9. (a) When a county acquires title to real property  
 41 under IC 6-1.1-24 and this chapter, the county executive may dispose  
 42 of the real property under IC 36-1-11 or subsection (e). The proceeds

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- 1 of any sale under IC 36-1-11 shall be applied as follows:
- 2 (1) First, to the cost of the sale or offering for sale of the real
- 3 property, including the cost of:
- 4 (A) maintenance;
- 5 (B) preservation;
- 6 (C) administration of the property before the sale or offering
- 7 for sale of the property;
- 8 (D) unpaid costs of the sale or offering for sale of the property;
- 9 (E) preparation of the property for sale;
- 10 (F) advertising; and
- 11 (G) appraisal.
- 12 (2) Second, to any unrecovered cost of the sale or offering for sale
- 13 of other real property in the same taxing district acquired by the
- 14 county under IC 6-1.1-24 and this chapter, including the cost of:
- 15 (A) maintenance;
- 16 (B) preservation;
- 17 (C) administration of the property before the sale or offering
- 18 for sale of the property;
- 19 (D) unpaid costs of the sale or offering for sale of the property;
- 20 (E) preparation of the property for sale;
- 21 (F) advertising; and
- 22 (G) appraisal.
- 23 (3) Third, to the payment of the taxes on the real property that
- 24 were removed from the tax duplicate under section 4(c) of this
- 25 chapter.
- 26 (4) Fourth, any surplus remaining into the county general fund.
- 27 (b) The county auditor shall file a report with the board of
- 28 commissioners before January 31 of each year. The report must:
- 29 (1) list the real property acquired under IC 6-1.1-24 and this
- 30 chapter; and
- 31 (2) indicate if any person resides or conducts a business on the
- 32 property.
- 33 (c) The county auditor shall mail a notice by certified mail before
- 34 March 31 of each year to each person listed in subsection (b)(2). The
- 35 notice must state that the county has acquired title to the tract the
- 36 person occupies.
- 37 (d) If the county executive determines that any real property
- 38 acquired under this section should be retained by the county, then the
- 39 county executive shall not dispose of the real property. The county
- 40 executive may repair, maintain, equip, alter, and construct buildings
- 41 upon the real property so retained in the same manner prescribed for
- 42 other county buildings.

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1 (e) The county executive may transfer title to real property  
2 described in subsection (a) to:

3 (1) the redevelopment commission at no cost to the commission  
4 for sale, grant, or other disposition under IC 36-7-14-22.2,  
5 IC 36-7-14-22.5, IC 36-7-15.1-15.1, IC 36-7-15.1-15.2, or  
6 IC 36-7-15.1-15.5; or

7 (2) **the land bank in whose territory the real property is**  
8 **located, if any, at no cost to the land bank for sale, grant, or**  
9 **other disposition as provided under IC 36-7-37.**

10 (f) If the real property is located in a geographic area that is not  
11 served by a redevelopment commission **or a land bank** and the county  
12 executive determines that any real property acquired under this section  
13 should be held for later sale or transfer by the county executive, the  
14 county executive shall wait until an appropriate time to dispose of the  
15 real property. The county executive may do the following:

16 (1) Examine, classify, manage, protect, insure, and maintain the  
17 property being held.

18 (2) Eliminate deficiencies (including environmental deficiencies),  
19 carry out repairs, remove structures, make improvements, and  
20 control the use of the property.

21 (3) Lease the property while it is being held.

22 The county executive may enter into contracts to carry out part or all of  
23 the functions described in subdivisions (1) through (3).

24 SECTION 38. IC 6-1.1-25-10 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) If, before the  
26 court issues an order directing the county auditor to issue a tax deed to  
27 a tract or item of real property sold **or transferred** under IC 6-1.1-24,  
28 it is found by the county auditor and the county treasurer that the sale  
29 **or transfer** was invalid, the county auditor shall refund:

30 (1) the purchase money and all taxes and special assessments on  
31 the property paid by the purchaser, the purchaser's assigns, or the  
32 purchaser of the certificate of sale under IC 6-1.1-24 after the tax  
33 sale **or transfer** plus six percent (6%) interest per annum; and

34 (2) subject to any limitation under section 2.5 of this chapter, any  
35 costs paid by the purchaser, the purchaser's assigns, or the  
36 purchaser of the certificate of sale under IC 6-1.1-24 under  
37 section 2 of this chapter;

38 from the county treasury to the purchaser, the purchaser's successors or  
39 assigns, or the purchaser of the certificate of sale under IC 6-1.1-24.  
40 The tract or item of real property, if it is then eligible for sale **or**  
41 **transfer** under IC 6-1.1-24, shall be placed on the delinquent list as an  
42 initial offering under IC 6-1.1-24-6.

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1 (b) A political subdivision shall reimburse the county for interest  
2 paid by the county under subsection (a) if:

3 (1) the invalidity of the sale **or transfer** under IC 6-1.1-24  
4 resulted from the failure of the political subdivision to give  
5 adequate notice of a lien to property owners; and

6 (2) the existence of the lien resulted in the sale **or transfer** of the  
7 property under IC 6-1.1-24.

8 SECTION 39. IC 6-1.1-25-16 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. A person may, upon  
10 appeal, defeat the title conveyed by a tax deed executed under this  
11 chapter only if:

12 (1) the tract or real property described in the deed was not subject  
13 to the taxes for which it was sold **or transferred**;

14 (2) the delinquent taxes or special assessments for which the tract  
15 or real property was sold **or transferred** were paid before the  
16 sale;

17 (3) the tract or real property was not assessed for the taxes and  
18 special assessments for which it was sold **or transferred**;

19 (4) the tract or real property was redeemed before the expiration  
20 of the period of redemption (as specified in section 4 of this  
21 chapter);

22 (5) the proper county officers issued a certificate, within the time  
23 limited by law for paying taxes or for redeeming the tract or real  
24 property, which states either that no taxes were due at the time the  
25 sale **or transfer** was made or that the tract or real property was  
26 not subject to taxation;

27 (6) the description of the tract or real property was so imperfect  
28 as to fail to describe it with reasonable certainty; or

29 (7) the notices required by IC 6-1.1-24-2, IC 6-1.1-24-4, and  
30 sections 4.5 and 4.6 of this chapter were not in substantial  
31 compliance with the manner prescribed in those sections.

32 SECTION 40. IC 34-30-2-154.5 IS ADDED TO THE INDIANA  
33 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2012]: **Sec. 154.5. IC 36-7-37-29 (Concerning**  
35 **a land bank for the condition of real property held by the land**  
36 **bank).**

37 SECTION 41. IC 36-7-37 IS ADDED TO THE INDIANA CODE  
38 AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2012]:

40 **Chapter 37. Land Banks**

41 **Sec. 1. As used in this chapter, "excluded city" has the meaning**  
42 **set forth in IC 36-3-1-7.**

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1           **Sec. 2. As used in this chapter, "land bank" means any of the**  
 2 **following:**

3           **(1) A nonprofit corporation organized under section 6 of this**  
 4 **chapter to manage the land bank operations of a consolidated**  
 5 **city.**

6           **(2) An official, a department, or an instrumentality of a unit,**  
 7 **if:**

8           **(A) an ordinance adopted under section 7 of this chapter**  
 9 **establishing a land bank is in effect in the unit; and**

10           **(B) the official, department, or instrumentality of the unit**  
 11 **designated as the manager of the unit's land bank**  
 12 **operations is authorized to hold title to real property.**

13           **(3) A unit, if:**

14           **(A) an ordinance adopted under section 7 of this chapter**  
 15 **establishing a land bank is in effect in the unit; and**

16           **(B) the official, department, or instrumentality designated**  
 17 **as the manager of the unit's land bank operations is not**  
 18 **authorized to hold title to real property.**

19           **Sec. 3. As used in this chapter, "land bank operations" means**  
 20 **acquiring, maintaining, rehabilitating, managing, and disposing of**  
 21 **real property in accordance with this chapter.**

22           **Sec. 4. As used in this chapter, "land bank fund" means any of**  
 23 **the following:**

24           **(1) The fund required to be established under section 15(b) of**  
 25 **this chapter, if a land bank is managed by an official,**  
 26 **department, or instrumentality of a unit.**

27           **(2) The accounting records of the nonprofit corporation**  
 28 **organized under section 6 of this chapter.**

29           **Sec. 5. As used in this chapter, "manager" means any of the**  
 30 **following, as applicable:**

31           **(1) A nonprofit corporation established under section 6 of this**  
 32 **chapter to conduct the land bank operations of a consolidated**  
 33 **city.**

34           **(2) The official, department, or instrumentality of a unit**  
 35 **designated in an ordinance adopted under section 7 of this**  
 36 **chapter to conduct the unit's land bank operations.**

37           **Sec. 6. (a) This section applies only to a county that has a**  
 38 **consolidated city.**

39           **(b) The county executive shall organize a nonprofit corporation**  
 40 **under IC 23-17 to conduct land bank operations in the territory of**  
 41 **the consolidated city, as specified in IC 36-3-1-4(a). After the**  
 42 **county executive has organized the nonprofit corporation, the**

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1 county executive shall notify the county auditor in writing that the  
2 nonprofit corporation is established.

3 (c) The nonprofit corporation organized under subsection (b) is  
4 the manager of the consolidated city's land bank operations.

5 (d) A land bank established under this section is an  
6 instrumentality of the unit that created the land bank.

7 Sec. 7. (a) This section applies only to:

8 (1) units other than townships in counties that do not have a  
9 consolidated city; and

10 (2) excluded cities.

11 (b) The fiscal body of a unit to which this section applies may  
12 adopt an ordinance designating an official, department, or  
13 instrumentality of the unit to act as the unit's manager of land  
14 bank operations.

15 (c) If the fiscal body of a unit to which this section applies:

16 (1) initially adopts an ordinance under subsection (b);

17 (2) amends an ordinance adopted under subsection (b); or

18 (3) repeals an ordinance adopted under subsection (b);

19 the fiscal body shall send a certified copy of the corresponding  
20 ordinance to the county auditor of the county in which the unit is  
21 located or, if the unit is located in more than one (1) county, to each  
22 county auditor in which the unit is located.

23 (d) The territory of a land bank established by a city or town to  
24 which this section applies is the territory of the city or town that  
25 established the land bank. The territory of a land bank established  
26 by a county to which this section applies is all the territory of the  
27 county except for the territory of the cities and towns in the county.

28 Sec. 8. A land bank performs essential government functions  
29 within the land bank's territory, including the following:

30 (1) Reducing the number of abandoned properties.

31 (2) Promoting economic development, housing development,  
32 and redevelopment.

33 (3) Increasing collection of delinquent property taxes.

34 (4) Facilitating the reclamation, rehabilitation, and  
35 reutilization of real property that needs to be reclaimed,  
36 rehabilitated, or reutilized, including real property that is  
37 vacant, abandoned, or sold or transferred for delinquent  
38 taxes.

39 (5) Efficiently holding and managing real property that is  
40 vacant, abandoned, or sold or transferred for delinquent taxes  
41 pending reclamation, rehabilitation, and reutilization of the  
42 real property.

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1           **(6) Assisting governmental entities and nonprofit or for-profit**  
 2           **nongovernmental entities to assemble, clear, and clear the title**  
 3           **to real property that is vacant, abandoned, or sold or**  
 4           **transferred for delinquent taxes in a coordinated manner.**

5           **Sec. 9. (a) This section applies only to the land bank of a**  
 6           **consolidated city.**

7           **(b) The board of directors of a land bank to which this section**  
 8           **applies consists of the following:**

9           **(1) Three (3) individuals appointed by the mayor of the**  
 10           **consolidated city, not more than two (2) of whom are**  
 11           **members of the same political party.**

12           **(2) One (1) individual appointed by the county treasurer of**  
 13           **the county in which the consolidated city is located.**

14           **(3) One (1) individual appointed by majority vote of the**  
 15           **city-county council.**

16           **(c) Except as provided in subsection (d), the term of a director**  
 17           **is three (3) years. However, a director who is appointed may be**  
 18           **removed at any time with or without cause by the person who**  
 19           **appointed the director.**

20           **(d) The terms of the directors of a land bank who are initially**  
 21           **appointed following the organization of the land bank are the**  
 22           **following:**

23           **(1) In the case of the directors described in subsection (b)(1):**

24           **(A) one (1) director has a term of one (1) year;**

25           **(B) one (1) director has a term of two (2) years; and**

26           **(C) one (1) director has a term of three (3) years.**

27           **At the time the mayor of the consolidated city makes the**  
 28           **mayor's initial appointments under subsection (b)(1), the**  
 29           **mayor shall specify the terms of each initial appointee.**

30           **(2) The director initially appointed under subsection (b)(2)**  
 31           **has a term of two (2) years.**

32           **(3) The director initially appointed under subsection (b)(3)**  
 33           **has a term of three (3) years.**

34           **(e) The board of directors of a land bank shall meet at least**  
 35           **three (3) times each calendar year and as otherwise provided in its**  
 36           **bylaws.**

37           **Sec. 10. (a) This section applies only to the land bank of a**  
 38           **consolidated city.**

39           **(b) The board of directors of a land bank may adopt a resolution**  
 40           **to establish an advisory board of the land bank.**

41           **(c) An advisory board may be comprised of not more than**  
 42           **twenty (20) advisors. At least fifty-one percent (51%) of the**

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1 advisory board members must be individuals with expertise in  
 2 community development. The remaining members, but not more  
 3 than forty-nine percent (49%) of the advisory board, may be  
 4 individuals with expertise in real estate development or real estate  
 5 finance.

6 (d) The initial members of an advisory board are nominated and  
 7 appointed by the board of directors. If the number of initial  
 8 members on the advisory board is even, one-half (1/2) of the initial  
 9 members serve for a one (1) year term and one-half (1/2) of the  
 10 initial members serve for a two (2) year term. If the number of  
 11 initial members on the advisory board is odd, the number of initial  
 12 members to serve for a two (2) year term must exceed the number  
 13 of initial members to serve for a one (1) year term by one (1). The  
 14 board of directors shall specify those initial members of the  
 15 advisory board to serve one (1) year terms and those initial  
 16 members to serve for two (2) year terms.

17 (e) Except as provided in subsection (d), an advisory board  
 18 member serves for a two (2) year term.

19 (f) Three (3) months before the expiration of an advisory board  
 20 member's term, the advisory board shall receive nominations from  
 21 the advisory board members to fill the anticipated vacancy. The  
 22 advisory board shall vote on the nominations to fill the vacancy  
 23 and present the name of the advisory board's choice to the board  
 24 of directors of the land bank for approval of the board of directors  
 25 by a majority vote. If the board of directors does not approve a  
 26 nominee, the advisory board shall repeat the process described in  
 27 this subsection until the board of directors approves the individual  
 28 chosen by the advisory board to fill the vacancy.

29 (g) If there is a vacancy on the advisory board for a reason other  
 30 than the expiration of a member's term, the advisory board shall  
 31 immediately receive nominations from the advisory board  
 32 members to choose a new member to serve the remainder of the  
 33 term of the member who vacated the seat on the advisory board.

34 (h) A board of directors may consider, but is not required to  
 35 follow, the advice of the land bank's advisory board regarding the  
 36 disposition of properties acquired by the land bank. A board of  
 37 directors of a land bank shall provide the land bank's advisory  
 38 board notice of and information regarding a disposition decision  
 39 at least twenty-one (21) days before final action on the disposition  
 40 decision.

41 Sec. 11. (a) This section applies only to the land bank of a  
 42 consolidated city.

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1 (b) Except as otherwise provided in this chapter, a land bank to  
2 which this section applies and the land bank's board of directors:

- 3 (1) are subject to the duties set forth in IC 23-17;  
4 (2) have the powers specified in IC 23-17; and  
5 (3) are authorized to engage in all lawful activities necessary  
6 or convenient to further the purposes, activities, and affairs of  
7 the land bank.

8 Sec. 12. (a) This subsection applies to a unit and the unit's land  
9 bank if the unit's land bank is authorized to hold title to real  
10 property.

11 (b) If circumstances disclose that a unit and the unit's land bank  
12 both seek to acquire the same tract or item of real property, the  
13 unit has the superior right to acquire the tract or item of real  
14 property. The land bank may acquire the tract or item of real  
15 property only after the unit notifies the land bank in writing that  
16 the unit has abandoned the unit's efforts to acquire the tract or  
17 item of real property.

18 (c) A unit may acquire property from the unit's land bank, as  
19 mutually agreed by the unit and the land bank.

20 Sec. 13. The manager of a unit's land bank shall do the  
21 following:

- 22 (1) Adopt policies governing the administration of the unit's  
23 land bank operations, including a conflicts of interest policy.  
24 (2) Establish procedures and guidelines for the acquisition,  
25 redevelopment, and disposition of properties.

26 Sec. 14. A land bank shall comply with the requirements under  
27 IC 5-14-1.5 (open door law) and IC 5-14-3 (public records law).

28 Sec. 15. (a) This section applies to a land bank established as  
29 authorized under section 7 of this chapter.

30 (b) The fiscal officer of the unit that established the land bank  
31 shall create a land bank fund in the unit's treasury for the purpose  
32 of facilitating transparency of the unit's land bank operations. The  
33 fiscal officer of the unit that established the land bank may create  
34 those accounts in the land bank fund that in the discretion of the  
35 fiscal officer are necessary or advisable to describe the land bank's  
36 operations properly.

37 (c) The manager of the land bank is the administrator of the  
38 fund.

39 (d) A unit's land bank fund includes the following:

- 40 (1) Appropriations from the unit's fiscal body.  
41 (2) Tracts or items of real property acquired by the land  
42 bank.

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- 1           **(3) Revenue generated from land bank operations, including**
- 2           **the following:**
- 3           **(A) Gains on the sale of real property.**
- 4           **(B) Income from lease rental agreements for property held**
- 5           **and managed by the land bank.**
- 6           **(C) Fees received from contractual agreements to manage**
- 7           **property.**
- 8           **(4) Amounts retained under IC 6-1.1-25-2(h) from**
- 9           **redemptions of real property held by the land bank.**
- 10          **(5) Civil penalties distributed to the land bank under**
- 11          **IC 6-1.1-24-8(c)(2).**
- 12          **(6) Grants.**
- 13          **(7) Donations.**
- 14          **(8) Interest or other gains from investment.**
- 15          **(9) Money borrowed for land bank operations.**
- 16          **(e) Money and other property in a unit's land bank fund does**
- 17          **not revert to the unit's general fund at the end of the unit's fiscal**
- 18          **year.**
- 19          **(f) Money in a unit's land bank fund that is not needed for land**
- 20          **bank operations shall be invested in the same manner other money**
- 21          **of the unit is invested. Interest or other gains earned from**
- 22          **investment of money in the unit's land bank fund shall be credited**
- 23          **to the land bank fund.**
- 24          **(g) The expenses of administering a unit's land bank fund must**
- 25          **be charged to the unit's land bank fund.**
- 26          **Sec. 16. The state board of accounts shall audit the land bank of**
- 27          **a consolidated city annually.**
- 28          **Sec. 17. A land bank shall report annually to the executive and**
- 29          **the fiscal body of the unit that established the land bank**
- 30          **concerning:**
- 31               **(1) the activities of the land bank;**
- 32               **(2) the number of properties acquired;**
- 33               **(3) the use, improvement, and disposition of the land bank's**
- 34               **properties; and**
- 35               **(4) the financial statements concerning the unit's land bank**
- 36               **operations.**
- 37          **Sec. 18. (a) If a land bank is managed by an official or a**
- 38          **department of a unit, the unit shall append financial statements for**
- 39          **the unit's land bank operations to the financial reports required to**
- 40          **be submitted for each fiscal year by the unit under IC 5-11-1-4(a).**
- 41               **(b) If:**
- 42                   **(1) a land bank is managed by an instrumentality of a unit;**

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1           and  
2           (2) the instrumentality is not required to file financial reports  
3           under IC 5-11-1-4(a) for each fiscal year;  
4       the unit shall append financial reports for the unit's land bank  
5       operations to the financial reports required to be submitted for  
6       each fiscal year by the unit under IC 5-11-1-4(a).  
7       (c) If:  
8           (1) a land bank is managed by an instrumentality of a unit;  
9           (2) the instrumentality is itself required to file financial  
10          reports under IC 5-11-1-4(a) for each fiscal year; and  
11          (3) the instrumentality conducts operations other than land  
12          bank operations;  
13       the instrumentality shall append a financial report for the  
14       instrumentality's land bank operations to the instrumentality's  
15       primary financial report, unless the primary financial report for  
16       the instrumentality already separates the accounting for the  
17       instrumentality's land bank operations from the accounting for the  
18       instrumentality's other operations.  
19       Sec. 19. The manager of a land bank may do the following:  
20           (1) Engage in activities consistent with the purposes of the  
21           land bank and the exercise of essential governmental  
22           functions.  
23           (2) Employ legal counsel, technical experts, and any other  
24           officers, agents, and employees that the manager considers  
25           necessary to conduct efficient land bank operations.  
26       Sec. 20. (a) If:  
27           (1) an ordinance adopted by a unit under section 7 of this  
28           chapter is in effect in the unit; and  
29           (2) the unit accepts a certificate of sale or a tax deed for a  
30           tract or item or real property under IC 6-1.1-24 or  
31           IC 6-1.1-25;  
32       the unit shall deposit the certificate of sale or tax deed with the  
33       manager of the unit's land bank operations.  
34       (b) A land bank may refuse acquisition or acceptance of a tract  
35       or item of real property.  
36       Sec. 21. A land bank may do the following:  
37           (1) Create a revolving acquisition and remediation fund to  
38           facilitate efficient purchase and redevelopment efforts.  
39           (2) Maintain real estate owned by others for a fee.  
40           (3) Contract with government organizations and boards for  
41           a fee.  
42           (4) Contract with private entities for a fee.

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- 1 (5) Engage in development and redevelopment of property.
- 2 (6) Participate as a bidder in a tax sale.
- 3 (7) Acquire tracts and items of real property through
- 4 donation, sale, or other means of transfer.
- 5 (8) Acquire unsold properties from tax sales conducted prior
- 6 to July 1, 2012, at no cost to the land bank.
- 7 (9) Negotiate directly for the acquisition of real estate owned
- 8 tracts and items of real properties, including individual tracts
- 9 and items or real property as well as multiple properties that
- 10 are bundled.

11 **Sec. 22. A land bank may exercise disposition strategies for**  
 12 **tracts and items of real property acquired by the land bank that**  
 13 **include the following:**

- 14 (1) Donation of properties to a governmental entity, nonprofit
- 15 entities, or any other entity.
- 16 (2) Sale of properties to a governmental entity, nonprofit
- 17 entities, or other entities.
- 18 (3) Sale of properties in the private market.
- 19 (4) Conversion of properties to rental units.
- 20 (5) Conversion of properties to shared-equity home ownership
- 21 units.
- 22 (6) Use of lease to purchase arrangements for properties.

23 **Sec. 23. (a) On or before March 1 of each year, the manager of**  
 24 **a land bank shall deliver a report to the county auditor of the**  
 25 **county in which the land bank is located that shows for each parcel**  
 26 **of real property sold or otherwise conveyed by the land bank**  
 27 **during the immediately preceding calendar year:**

- 28 (1) the parcel number and street address of the real property;
- 29 and
- 30 (2) the grantee of the conveyance.

31 **If the land bank is located in more than one (1) county, the**  
 32 **information for each parcel of real property must be segregated by**  
 33 **county in the report and the manager of the land bank shall deliver**  
 34 **the report to the county auditor of each county in which the land**  
 35 **bank is located.**

36 **(b) This subsection applies only to a unit for which an ordinance**  
 37 **adopted under section 7 of this chapter establishing a land bank is**  
 38 **in effect in the unit. The fiscal body of a unit to which this**  
 39 **subsection applies may make an election that, for the three (3)**  
 40 **consecutive years immediately following the year in which real**  
 41 **property sold or otherwise conveyed by the unit's land bank is first**  
 42 **assessed after the date on which the real property is sold or**

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1 otherwise conveyed by the land bank, property taxes levied by or  
 2 for the benefit of any public body on real property sold or  
 3 otherwise conveyed by the land bank be allocated and, when  
 4 collected, distributed to the unit for appropriation to the unit's  
 5 land bank manager for use in the unit's land bank operations. The  
 6 fiscal body of the unit may make the election in an ordinance  
 7 adopted under section 7 of this chapter establishing the land bank  
 8 or in another ordinance. If the election is made in an ordinance  
 9 other than the ordinance establishing the land bank, the fiscal body  
 10 shall deliver a certified copy of the ordinance to the county auditor.

11 (c) This subsection applies only to a consolidated city. For the  
 12 three (3) consecutive years immediately following the year in which  
 13 real property sold or otherwise conveyed by the consolidated city's  
 14 land bank is first assessed after the date on which the real property  
 15 is sold or otherwise conveyed by the consolidated city's land bank,  
 16 property taxes that are levied by or for the benefit of any public  
 17 body on the real property sold or otherwise conveyed by the  
 18 consolidated city's land bank shall be allocated and, when  
 19 collected, distributed to the consolidated city for appropriation to  
 20 the consolidated city's land bank manager for use in the  
 21 consolidated city's land bank operations.

22 (d) Each year, the sum of the following amounts must be  
 23 distributed in accordance with subsection (b) or (c) to a  
 24 consolidated city, or county, city, or town with a land bank that has  
 25 made the election under subsection (b), as applicable, for use by the  
 26 county, city, or town land bank:

27 (1) Property taxes levied on real property in the first year  
 28 following the year in which the real property was first  
 29 assessed after the date on which the real property was sold or  
 30 otherwise conveyed by the land bank.

31 (2) Property taxes levied on real property in the second year  
 32 following the year in which the real property was first  
 33 assessed after the date on which the real property was sold or  
 34 otherwise conveyed by the land bank.

35 (3) Property taxes levied on real property in the third year  
 36 following the year in which the real property was first  
 37 assessed after the date on which the real property was sold or  
 38 otherwise conveyed by the land bank.

39 **Sec. 24.** The fiscal body of a consolidated city shall annually  
 40 appropriate the following amounts to the consolidated city's land  
 41 bank for use in its land bank operations:

42 (1) Property taxes distributed to the consolidated city under

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section 23(d) of this chapter.

(2) Money in the consolidated city's unsafe building fund established under IC 36-7-9-14 that is not needed to carry out the purposes of IC 36-7-9.

Sec. 25. The fiscal body of a unit that establishes a land bank as authorized under section 7 of this chapter shall annually appropriate property taxes distributed to the unit in accordance with section 23(d) of this chapter, if the fiscal body made the election described in section 23(b) of this chapter, to the unit's land bank manager for use in its land bank operations.

Sec. 26. A land bank may obtain additional funding from the following sources:

(1) Proceeds of tax anticipation notes that may be issued by qualified entities or the land bank in the manner prescribed in IC 36-2-6 in anticipation of delinquent tax revenues to be collected by the land bank upon redemption of properties acquired by the land bank under IC 6-1.1-24 and IC 6-1.1-25.

(2) The manager of a land bank, as applicable, may establish a line of credit with the county treasurer for current unpaid and delinquent taxes on tracts or items of real property held by the land bank if all the following requirements are satisfied:

(A) The county treasurer requests in writing that the land bank enter into a line of credit for current unpaid or delinquent taxes with the county treasurer.

(B) In the case of the land bank of a consolidated city, the board of directors of the land bank approves, by affirmative vote of a simple majority of directors of the land bank:

(i) the form of the line of credit for current unpaid or delinquent taxes; and

(ii) the execution of the line of credit for current unpaid or delinquent taxes.

(C) The maximum aggregate available amount under the line of credit for current unpaid or delinquent taxes may not exceed fifteen percent (15%) of the total average portfolio of inactive money of the unit that created the land bank on the date of execution and delivery of the line of credit.

(D) The maximum term during which draws on a line of credit established under this subdivision may be made is five (5) years after the date the line of credit is established.

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1           **However, this section does not prohibit the execution and**  
 2           **delivery of another line of credit for current unpaid or**  
 3           **delinquent taxes at the end of the term of a previously**  
 4           **established line of credit, if at the end of the term of the**  
 5           **previously established line of credit the payoff balance of**  
 6           **the previously established line of credit does not include an**  
 7           **amount attributable to:**

- 8           **(i) an unreimbursed draw that has remained unpaid**  
 9           **beyond the last day of the second year immediately**  
 10           **following the year in which the draw was made; or**  
 11           **(ii) accrued but unpaid interest on an unreimbursed**  
 12           **draw described in item (i).**

13           **(E) Repayment in full of each draw on the line of credit,**  
 14           **plus any accrued and unpaid interest on the outstanding**  
 15           **balance, is made not later than the last day of the second**  
 16           **calendar year after the year in which the draw is made.**

17           **(3) The manager of a land bank may contract with a political**  
 18           **subdivision for any purpose related to the land bank's**  
 19           **mission, including the management of property held by the**  
 20           **political subdivision.**

21           **(4) The manager of a unit's land bank operations may request**  
 22           **that:**

23           **(A) the unit;**

24           **(B) the county unit of the county in which the land bank is**  
 25           **located; or**

26           **(C) both units described in clauses (A) and (B);**

27           **pledge a source of revenue to secure borrowing and issuing**  
 28           **notes.**

29           **Sec. 27. Except for delinquent taxes required to be paid by a**  
 30           **land bank under IC 6-1.1-24 and IC 6-1.1-25, as of the date of**  
 31           **acquisition of property by the land bank, and except as provided**  
 32           **otherwise by law, including IC 6-1.1-10-37, tangible property**  
 33           **owned by the land bank is exempt from ad valorem property taxes**  
 34           **and special assessments levied against the tangible property by the**  
 35           **state or a political subdivision.**

36           **Sec. 28. (a) Notwithstanding any other law, two (2) or more land**  
 37           **banks may enter into a cooperative agreement that conforms with**  
 38           **the requirements of this section.**

39           **(b) A cooperative agreement under this chapter must provide at**  
 40           **least for the following:**

41           **(1) The purpose of the agreement.**

42           **(2) The duration of the agreement.**

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- 1           **(3) The manner of financing, staffing, and supplying any joint**
- 2           **undertaking and of establishing and maintaining a budget for**
- 3           **any joint undertaking that is the subject of the cooperative**
- 4           **agreement.**
- 5           **(4) The methods that may be employed in accomplishing the**
- 6           **partial or complete termination of the cooperative agreement**
- 7           **and for disposing of property upon partial or complete**
- 8           **termination of the cooperative agreement.**
- 9           **(5) The manner in which the cooperative agreement is to be**
- 10          **administered.**
- 11          **(6) The manner of acquiring, holding, and disposing of real**
- 12          **and personal property that is the subject of the cooperative**
- 13          **agreement.**
- 14          **(c) Subject to subsection (d), a cooperative agreement may**
- 15          **include any lawful provision that is necessary or appropriate.**
- 16          **(d) An entity empowered by a cooperative agreement with the**
- 17          **authority to administer the cooperative agreement may take only**
- 18          **those actions that at least one (1) of the parties to the cooperative**
- 19          **agreement may carry out on its own. If a provision of a cooperative**
- 20          **agreement purports to devolve a right, power, privilege, or**
- 21          **immunity on the administrator of the cooperative agreement that**
- 22          **a party to the cooperative agreement does not possess in the**
- 23          **absence of the cooperative agreement, the provision of the**
- 24          **cooperative agreement is void.**
- 25          **(e) A land bank may enter into a cooperative agreement with an**
- 26          **entity to share the services of an employee employed by a party to**
- 27          **the cooperative agreement.**
- 28          **(f) A cooperative agreement may allow the transfer of money**
- 29          **from a land bank to another entity for a use authorized by the**
- 30          **cooperative agreement.**
- 31          **Sec. 29. A land bank or a unit that operates a land bank is not**
- 32          **liable for damages, or subject to equitable remedies:**
- 33               **(1) for breach of a common law duty;**
- 34               **(2) for a violation of law related to environmental protection**
- 35               **law and regulations;**
- 36               **(3) for a violation of any rule; or**
- 37               **(4) for a violation of any order, permit, license, variance, or**
- 38               **plan approval issued under Indiana law;**
- 39          **that is attributable to the condition of a tract or item of real**
- 40          **property at the time the land bank acquires the real property.**

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