
HOUSE BILL No. 1261

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1; IC 24-9-9; IC 32-29; IC 32-30-10-6; IC 36-2.

Synopsis: County recorders. Requires the county auditor to record a copy of a certificate of sale within 30 days after a tax sale. Allows the county auditor to charge a fee of \$25, to be collected from the proceeds of the tax sale, for the cost of recording a certificate of sale. Provides that the notice of a tax sale or sale of a certificate of sale required to obtain a tax deed must include the instrument number of the certificate of sale and the date the certificate was recorded. Increases from \$2 per page to \$5 per page the fee for providing copies of records on paper larger than legal size. Provides the following: (1) Establishes inclusive fees for recording mortgages, deeds, assignments, affidavits, satisfactions, releases, and tax sale certificates. (2) Requires that after certain fees are deducted, the remainder of the fees collected for recording these documents must be deposited in the recorder's records perpetuation fund. Provides that the county identification security protection fee for recording a document is included in the fee charged for recording a mortgage, deed, assignment, affidavit, satisfaction, release, or tax sale certificate. Provides that with regard to recording a nonconforming document: (1) requires (rather than allows) the recorder to attach additional pages as needed; and (2) requires the recorder to collect an additional \$25 fee for the entire document (instead of an additional fee of \$1 for each nonconforming page). Maintains the following requirements: (1) \$5 of each deed recording fee is deposited in the surveyor's corner perpetuation fund. (2) \$2.50 of each mortgage recording fee is deposited in the state general fund and the homeowner protection unit account. Provides that a county ordinance adopted before, on, or after July 1, 2012, that authorizes the collection of a fee
(Continued next page)

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Effective: July 1, 2012.

Heuer, Friend

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



Digest Continued

on each document recorded, a part of which is deposited into the county's affordable housing fund or housing trust fund, authorizes the county recorder to charge the fee as part of the fee collected for each mortgage, deed, assignment, affidavit, satisfaction, release, or tax sale certificate recorded. Provides that for purposes of recording, a document should conform to the standards set forth in statute, but may not be rejected unless the document is considered to be illegible by the county recorder or is incapable of being archived.

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Introduced

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. 1261

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

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

- 1 SECTION 1. IC 6-1.1-24-2, AS AMENDED BY P.L.146-2008,
- 2 SECTION 258, IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) In addition to the delinquency
- 4 list required under section 1 of this chapter, each county auditor shall
- 5 prepare a notice. The notice shall contain the following:
- 6 (1) A list of tracts or real property eligible for sale under this
- 7 chapter.
- 8 (2) A statement that the tracts or real property included in the list
- 9 will be sold at public auction to the highest bidder, subject to the
- 10 right of redemption.
- 11 (3) A statement that the tracts or real property will not be sold for
- 12 an amount which is less than the sum of:
- 13 (A) the delinquent taxes and special assessments on each tract
- 14 or item of real property;
- 15 (B) the taxes and special assessments on each tract or item of



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

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

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1 (11) A statement that a person redeeming each tract or item after
2 the sale must pay the costs described in IC 6-1.1-25-2(e).

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

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

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

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

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

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

35 SECTION 2. IC 6-1.1-24-9, AS AMENDED BY P.L.73-2010,
36 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2012]: Sec. 9. (a) Immediately after a tax sale purchaser pays
38 the bid, as evidenced by the receipt of the county treasurer, or
39 immediately after the county acquires a lien under section 6 of this
40 chapter, the county auditor shall deliver a certificate of sale to the
41 purchaser or to the county or to the city. The certificate shall be signed
42 by the auditor and registered in the auditor's office. **The auditor shall,**

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1 **not later than thirty (30) days after the tax sale, record a true copy**
 2 **of the certificate of sale in the office of the county recorder. The**
 3 **certificate shall be indexed in the recorder's office by the name on**
 4 **the certificate required under subdivision (2).** The certificate shall
 5 contain:

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

8 (2) the name of:

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

11 (B) at least one (1) of the owners of real property with multiple
 12 owners;

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

15 (4) the name of the purchaser;

16 (5) the date of sale;

17 (6) the amount for which the real property was sold;

18 (7) the amount of the minimum bid for which the tract or real
 19 property was offered at the time of sale as required by section 5
 20 of this chapter;

21 (8) the date when the period of redemption specified in
 22 IC 6-1.1-25-4 will expire;

23 (9) the court cause number under which judgment was obtained;
 24 and

25 (10) the street address, if any, or common description of the real
 26 property.

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

31 (c) A certificate of sale is assignable. However, an assignment is not
 32 valid unless it is endorsed on the certificate of sale, acknowledged
 33 before an officer authorized to take acknowledgments of deeds, and
 34 registered in the office of the county auditor. When a certificate of sale
 35 is assigned, the assignee acquires the same rights and obligations that
 36 the original purchaser acquired.

37 (d) Subject to IC 36-1-11-8, the county executive may assign a
 38 certificate of sale held in the name of the county executive to any
 39 political subdivision during the life of the certificate. If an assignment
 40 is made under this subsection, the period of redemption of the real
 41 property under IC 6-1.1-25 is one hundred twenty (120) days after the
 42 date of the assignment.

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1 SECTION 3. IC 6-1.1-25-4.5, AS AMENDED BY P.L.169-2006,
 2 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2012]: Sec. 4.5. (a) Except as provided in subsection (d), a
 4 purchaser or the purchaser's assignee is entitled to a tax deed to the
 5 property that was sold only if:

6 (1) the redemption period specified in section 4(a)(1) of this
 7 chapter has expired;

8 (2) the property has not been redeemed within the period of
 9 redemption specified in section 4(a) of this chapter; and

10 (3) not later than nine (9) months after the date of the sale:

11 (A) the purchaser or the purchaser's assignee; or

12 (B) in a county where the county auditor and county treasurer
 13 have an agreement under section 4.7 of this chapter, the
 14 county auditor;

15 gives notice of the sale to the owner of record at the time of the
 16 sale and any person with a substantial property interest of public
 17 record in the tract or real property.

18 (b) A county executive is entitled to a tax deed to property on which
 19 the county executive acquires a lien under IC 6-1.1-24-6 and for which
 20 the certificate of sale is not sold under IC 6-1.1-24-6.1 only if:

21 (1) the redemption period specified in section 4(b) of this chapter
 22 has expired;

23 (2) the property has not been redeemed within the period of
 24 redemption specified in section 4(b) of this chapter; and

25 (3) not later than ninety (90) days after the date the county
 26 executive acquires the lien under IC 6-1.1-24-6, the county
 27 auditor gives notice of the sale to:

28 (A) the owner of record at the time the lien was acquired; and

29 (B) any person with a substantial property interest of public
 30 record in the tract or real property.

31 (c) A purchaser of a certificate of sale under IC 6-1.1-24-6.1 is
 32 entitled to a tax deed to the property for which the certificate was sold
 33 only if:

34 (1) the redemption period specified in section 4(c) of this chapter
 35 has expired;

36 (2) the property has not been redeemed within the period of
 37 redemption specified in section 4(c) of this chapter; and

38 (3) not later than ninety (90) days after the date of sale of the
 39 certificate of sale under IC 6-1.1-24, the purchaser gives notice of
 40 the sale to:

41 (A) the owner of record at the time of the sale; and

42 (B) any person with a substantial property interest of public

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

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1 assessments on the tract or real property that were paid by the
2 entity subsequent to the tax sale, lien acquisition, or purchase of
3 the certificate of sale, and before redemption, plus interest.

4 (9) A statement that the tract or real property has not been
5 redeemed.

6 (10) A statement that an entity identified in subdivision (5) is
7 entitled to receive a deed for the tract or real property if it is not
8 redeemed before the expiration of the period of redemption
9 specified in section 4 of this chapter.

10 (11) A statement that an entity identified in subdivision (5) is
11 entitled to reimbursement for costs described in section 2(e) of
12 this chapter.

13 (12) The date of expiration of the period of redemption specified
14 in section 4 of this chapter.

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

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

20 (15) The key number or parcel number of the tract or real
21 property.

22 **(16) The instrument number of the certificate of sale and the**
23 **date the certificate of sale was recorded under IC 6-1.1-24-9.**

24 (f) The notice under this section must include not more than one (1)
25 tract or item of real property listed and sold in one (1) description.
26 However, when more than one (1) tract or item of real property is
27 owned by one (1) person, all of the tracts or real property that are
28 owned by that person may be included in one (1) notice.

29 (g) A single notice under this section may be used to notify joint
30 owners of record at the last address of the joint owners for the property
31 sold, as indicated in the records of the county auditor.

32 (h) The notice required by this section is considered sufficient if the
33 notice is mailed to the address required under subsection (d).

34 (i) The notice under this section and the notice under section 4.6 of
35 this chapter are not required for persons in possession not shown in the
36 public records.

37 (j) If the purchaser fails to:

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

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

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

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1 SECTION 4. IC 24-9-9-1 IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2012]: Sec. 1. The county recorder shall assess
 3 a fee of ~~three one hundred~~ dollars (~~\$3~~) (**\$100**) under
 4 ~~IC 36-2-7-10(b)(11)~~ **IC 36-2-7-10(k)** for each mortgage recorded. The
 5 fee shall be paid to the county treasurer at the end of each calendar
 6 month as provided in IC 36-2-7-10(a).

7 SECTION 5. IC 24-9-9-2, AS AMENDED BY P.L.1-2010,
 8 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2012]: Sec. 2. **Except as provided in section 3 of this**
 10 **chapter and IC 36-2-7-10(o) and IC 36-2-7-10(p)**, the county auditor
 11 shall credit ~~fifty cents (\$0.50)~~ of the fee collected under
 12 ~~IC 36-2-7-10(b)(11)~~ **IC 36-2-7-10(k)(1)** for each mortgage recorded to
 13 the county recorder's records perpetuation fund established under
 14 IC 36-2-7-10(d).

15 SECTION 6. IC 24-9-9-3 IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2012]: Sec. 3. On or before June 20 and
 17 December 20 of each year, after completing an audit of the county
 18 treasurer's monthly reports required by IC 36-2-10-16, the county
 19 auditor shall distribute to the auditor of state two dollars and fifty cents
 20 (\$2.50) of the mortgage recording fee collected under
 21 ~~IC 36-2-7-10(b)(11)~~ **IC 36-2-7-10(m)** for each mortgage recorded by
 22 the county recorder. The auditor of state shall deposit the money in the
 23 state general fund to be distributed as described in section 4 of this
 24 chapter.

25 SECTION 7. IC 32-29-1-8 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) Any mortgage of
 27 record or any part of the mortgage may be assigned by the mortgagee
 28 or any assignee of the mortgage, either by an assignment entered on the
 29 margin of the record, signed by the person making the assignment and
 30 attested by the recorder, or by a separate instrument executed and
 31 acknowledged before any person authorized to take acknowledgments,
 32 and recorded in the mortgage records of the county. The county
 33 recorder shall note the assignment in the margin by reference to the
 34 location where the assignment is recorded.

35 (b) The signature of a person on an assignment under subsection (a)
 36 may be a facsimile. The facsimile on the assignment is equivalent to
 37 and constitutes the written signature of the person for all requirements
 38 regarding mortgage assignments.

39 (c) Notwithstanding subsection (a), marginal assignments may be
 40 accepted at the discretion of the recorder. ~~Except in a county that~~
 41 ~~accepts marginal assignments of mortgage, an assignment of mortgage~~
 42 ~~must be recorded on a separate written instrument from the mortgage.~~



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1 If a recorder accepts marginal assignments of mortgage, an instrument
2 presented for recording in that county may not contain more than one
3 (1) assignment. ~~If a recorder allows an instrument to contain more than~~
4 ~~one (1) assignment, the fee for recording that instrument is provided in~~
5 ~~IC 36-2-7-10(b)(3).~~ **The fee for recording an assignment is provided**
6 **in IC 36-2-7-10(k).**

7 **(d) In a county that does not accept marginal assignments of**
8 **mortgage, an assignment of mortgage must be recorded on a**
9 **separate written instrument from the mortgage. A recorder may**
10 **allow an instrument to contain more than one (1) assignment. The**
11 **fee for recording an assignment is provided in IC 36-2-7-10(k).**

12 ~~(d)~~ (e) After entry is made of record, the mortgagor and all other
13 persons are bound by the record, and the entry is a public record. Any
14 assignee may enter satisfaction or release of the mortgage, or the part
15 of the mortgage held by the assignee of record.

16 SECTION 8. IC 32-29-5-1 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) It is lawful for:

18 (1) the president, vice president, cashier, secretary, treasurer,
19 attorney in fact, or other authorized representative of a national
20 bank, state bank, trust company, or savings bank; or

21 (2) the president, vice president, general manager, secretary,
22 treasurer, attorney in fact, or other authorized representative of
23 any other corporation doing business in Indiana;

24 to release upon the record mortgages, judgments, and other record liens
25 upon the payment of the debts secured by the liens.

26 (b) A release, when made upon the margin or face of the record of
27 the mortgage, judgment, or other lien and attested by the recorder,
28 clerk, or other officer having custody of the record of the lien, is a full
29 discharge and satisfaction of the lien.

30 (c) The recorder of each county may require that each release,
31 discharge, or satisfaction of a mortgage, judgment, or lien, or any
32 partial release of any of these, be recorded on a separate written
33 instrument. If a recorder requires the recording of each release,
34 discharge, or satisfaction on a separate written instrument, an
35 instrument presented for recordation in that county may not contain
36 more than one (1) release, discharge, or satisfaction. ~~If A recorder~~
37 ~~allows may allow~~ an instrument to contain more than one (1) release,
38 discharge, or satisfaction. ~~the fee for recording that instrument is~~
39 ~~provided in IC 36-2-7-10(b)(3).~~ **The fee for recording a release or**
40 **satisfaction is provided in IC 36-2-7-10(k).**

41 (d) Except as provided in subsection (e), a national bank, state bank,
42 trust company, savings bank, or other corporation may release and

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- 1 discharge mortgages, judgments, or other record liens by a separate
- 2 written instrument signed by its:
- 3 (1) corporate name;
- 4 (2) president;
- 5 (3) vice president;
- 6 (4) cashier;
- 7 (5) secretary;
- 8 (6) treasurer;
- 9 (7) attorney-in-fact; or
- 10 (8) authorized representative.

11 A release under this subsection shall be recorded by the recorder, clerk,
 12 or other officer having custody of the record of the lien, with a
 13 reference on the margin of the record of the lien to the location where
 14 the release is recorded. Upon recordation, the release is a full discharge
 15 and satisfaction of the lien, or portion of the lien, as indicated in a
 16 partial release.

17 (e) A release by the attorney-in-fact may not be recorded until a
 18 written instrument specifically granting the attorney in fact the
 19 authority to release and discharge mortgages, judgments, or other
 20 record liens has been filed and recorded in the recorder's office of the
 21 county where the release is to be recorded. The written instrument must
 22 be in writing and signed and acknowledged by two (2) officers of the
 23 national bank, state bank, trust company, savings bank, or other
 24 corporation.

25 (f) A party may revoke the written instrument filed under subsection
 26 (e) by:

- 27 (1) noting on the written instrument granting the attorney in fact
- 28 the authority to release mortgages and liens that this power has
- 29 been revoked; or
- 30 (2) filing and recording in the recorder's office of the county
- 31 where the written instrument described in subsection (e) of this
- 32 section was filed, a separate written instrument signed and
- 33 acknowledged by two (2) officers of the entity revoking the
- 34 attorney-in-fact's authority.

35 The written notice of revocation described in this subsection must be
 36 attested by the recorder of the county in which the revocation is filed.
 37 The party conferring the power described in subsection (e) is bound by
 38 an act performed before written notice revoking the authority is
 39 properly attested to and filed in the county recorder's office.

40 SECTION 9. IC 32-30-10-6 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. Upon:

- 42 (1) the foreclosure of a recorded mortgage in a court of any

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1 county having jurisdiction in Indiana; and
 2 (2) the payment and satisfaction of the judgment as may be
 3 rendered in the foreclosure proceeding;
 4 the prevailing party shall immediately after satisfaction of the judgment
 5 record the satisfaction of the mortgage on the records of the recorder's
 6 office of the county where the property is located. The record in
 7 foreclosure and satisfaction must show that the whole debt, secured by
 8 the mortgage, has been paid. The recorder must be paid a fee of not
 9 more than the amount specified in ~~IC 36-2-7-10(b)(1) and~~
 10 ~~IC 36-2-7-10(b)(2)~~ **IC 36-2-7-10(k)** in each case of foreclosure
 11 requiring satisfaction.

12 SECTION 10. IC 36-2-7-10, AS AMENDED BY P.L.45-2010,
 13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2012]: Sec. 10. (a) The county recorder shall tax and collect
 15 the fees prescribed by this section for recording, filing, copying, and
 16 other services the recorder renders, and shall pay them into the county
 17 treasury at the end of each calendar month. The fees prescribed and
 18 collected under this section supersede all other recording fees required
 19 by law to be charged for services rendered by the county recorder.

20 (b) **Except as provided in subdivisions (9) and (10), this**
 21 **subsection does not apply to the recording of a mortgage, a deed,**
 22 **an assignment, an affidavit, a satisfaction, a release, or a tax sale**
 23 **certificate.** The county recorder shall charge the following:

- 24 (1) Six dollars (\$6) for the first page and two dollars (\$2) for each
 25 additional page of any document the recorder records if the pages
 26 are not larger than eight and one-half (8 1/2) inches by fourteen
 27 (14) inches.
- 28 (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for
 29 each additional page of any document the recorder records, if the
 30 pages are larger than eight and one-half (8 1/2) inches by fourteen
 31 (14) inches.
- 32 ~~(3) For attesting to the release, partial release, or assignment of~~
 33 ~~any mortgage, judgment, lien, or oil and gas lease contained on a~~
 34 ~~multiple transaction document, the fee for each transaction after~~
 35 ~~the first is the amount provided in subdivision (1) plus the amount~~
 36 ~~provided in subdivision (4) and one dollar (\$1) for marginal~~
 37 ~~mortgage assignments or marginal mortgage releases.~~
- 38 ~~(4)~~ **(3)** One dollar (\$1) for each cross-reference of a recorded
 39 document.
- 40 ~~(5)~~ **(4)** One dollar (\$1) per page not larger than eight and one-half
 41 (8 1/2) inches by fourteen (14) inches for furnishing copies of
 42 records and ~~two five dollars (\$2)~~ **(\$5)** per page that is larger than

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- 1 eight and one-half (8 1/2) inches by fourteen (14) inches.
- 2 ~~(6)~~ (5) Five dollars (\$5) for acknowledging or certifying to a
- 3 document.
- 4 ~~(7)~~ (5) Five dollars (\$5) for each deed the recorder records, in
- 5 addition to other fees for deeds; for the county surveyor's corner
- 6 perpetuation fund for use as provided in IC 21-47-3-3 or
- 7 IC 36-2-12-11(e).
- 8 ~~(8)~~ (6) A fee in an amount authorized under IC 5-14-3-8 for
- 9 transmitting a copy of a document by facsimile machine.
- 10 ~~(9)~~ (7) A fee in an amount authorized by an ordinance adopted by
- 11 the county legislative body for duplicating a computer tape, a
- 12 computer disk, an optical disk, microfilm, or similar media. This
- 13 fee may not cover making a handwritten copy or a photocopy or
- 14 using xerography or a duplicating machine.
- 15 ~~(10)~~ (8) A supplemental fee of three dollars (\$3) for recording a
- 16 document that is paid at the time of recording. The fee under this
- 17 subdivision is in addition to other fees provided by law for
- 18 recording a document.
- 19 ~~(11)~~ (8) Three dollars (\$3) for each mortgage on real estate recorded;
- 20 in addition to other fees required by this section; distributed as
- 21 follows:
- 22 (A) Fifty cents (\$0.50) is to be deposited in the recorder's
- 23 record perpetuation fund.
- 24 (B) Two dollars and fifty cents (\$2.50) is to be distributed to
- 25 the auditor of state on or before June 20 and December 20 of
- 26 each year as provided in IC 24-9-9-3.
- 27 ~~(12)~~ (9) This subdivision applies in a county only if at least one
- 28 (1) unit in the county has established an affordable housing fund
- 29 under IC 5-20-5-15.5 and the county fiscal body adopts an
- 30 ordinance authorizing the fee described in this subdivision. An
- 31 ordinance adopted under this subdivision may authorize the
- 32 county recorder to charge a fee of:
- 33 (A) two dollars and fifty cents (\$2.50) for the first page; and
- 34 (B) one dollar (\$1) for each additional page;
- 35 of each document the recorder records. **An ordinance adopted**
- 36 **before, on, or after July 1, 2012, that authorizes the recorder**
- 37 **to charge the fee described in this subdivision authorizes the**
- 38 **county recorder to charge the fee described in this subdivision**
- 39 **for each document that the recorder records under this**
- 40 **subsection or subsection (k).**
- 41 ~~(13)~~ (10) This subdivision applies in a county containing a
- 42 consolidated city that has established a housing trust fund under

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1 IC 36-7-15.1-35.5(e). The county fiscal body may adopt an
2 ordinance authorizing the fee described in this subdivision. An
3 ordinance adopted under this subdivision may authorize the
4 county recorder to charge a fee of:

- 5 (A) two dollars and fifty cents (\$2.50) for the first page; and
 - 6 (B) one dollar (\$1) for each additional page;
- 7 of each document the recorder records. **An ordinance adopted**
8 **before, on, or after July 1, 2012, that authorizes the recorder**
9 **to charge the fee described in this subdivision authorizes the**
10 **county recorder to charge the fee described in this subdivision**
11 **for each document that the recorder records under this**
12 **subsection or subsection (k).**

13 (c) The county recorder shall charge a two dollar (\$2) county
14 identification security protection fee for recording or filing a document
15 **under subsection (b). The fee is in addition to the fees charged**
16 **under subsection (b).** This fee shall be deposited under IC 36-2-7.5-6.

17 (d) The county treasurer shall establish a recorder's records
18 perpetuation fund. All revenue received under section 10.1 of this
19 chapter, subsection ~~(b)(5); (b)(8); (b)(9); and (b)(10);~~ **(b)(4), (b)(6),**
20 **(b)(7), and (b)(8),** and IC 36-2-7.5-6(c)(1) (after June 30, 2011), ~~and~~
21 ~~fifty cents (\$0.50) from revenue received under subsection (b)(11);~~
22 shall be deposited in this fund. The county recorder may use any money
23 in this fund without appropriation for the preservation of records and
24 the improvement of record keeping systems and equipment. Money
25 from the fund may not be deposited or transferred into the county
26 general fund and does not revert to the county general fund at the end
27 of a fiscal year.

28 (e) As used in this section, "record" or "recording" includes the
29 functions of recording, filing, and filing for record.

30 (f) The county recorder shall post the fees set forth in ~~subsection~~
31 **subsections (b) and (k)** in a prominent place within the county
32 recorder's office where the fee schedule will be readily accessible to the
33 public.

- 34 (g) The county recorder may not tax or collect any fee for:
 - 35 (1) recording an official bond of a public officer, a deputy, an
 - 36 appointee, or an employee; or
 - 37 (2) performing any service under any of the following:
 - 38 (A) IC 6-1.1-22-2(c).
 - 39 (B) IC 8-23-7.
 - 40 (C) IC 8-23-23.
 - 41 (D) IC 10-17-2-3.
 - 42 (E) IC 10-17-3-2.

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(F) IC 12-14-13.

(G) IC 12-14-16.

(h) The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes.

(i) This subsection applies to a county other than a county containing a consolidated city. The county treasurer shall distribute money collected by the county recorder under ~~subsection (b)(12)~~ **subsections (b)(9) and (o)** as follows:

(1) Sixty percent (60%) of the money collected by the county recorder under ~~subsection (b)(12)~~ **subsections (b)(9) and (o)** shall be distributed to the units in the county that have established an affordable housing fund under IC 5-20-5-15.5 for deposit in the fund. The amount to be distributed to a unit is the amount available for distribution multiplied by a fraction. The numerator of the fraction is the population of the unit. The denominator of the fraction is the population of all units in the county that have established an affordable housing fund. The population to be used for a county that establishes an affordable housing fund is the population of the county outside any city or town that has established an affordable housing fund.

(2) Forty percent (40%) of the money collected by the county recorder under ~~subsection (b)(12)~~ **subsections (b)(9) and (o)** shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund established under IC 5-20-4-7 for the purposes of the fund.

Money shall be distributed under this subsection before the sixteenth day of the month following the month in which the money is collected from the county recorder.

(j) This subsection applies to a county described in ~~subsection (b)(13)~~ **subsections (b)(10) and (o)**. The county treasurer shall distribute money collected by the county recorder under ~~subsection (b)(13)~~ **subsections (b)(10) and (o)** as follows:

(1) Sixty percent (60%) of the money collected by the county recorder under ~~subsection (b)(13)~~ **subsections (b)(10) and (o)** shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5(e) for the purposes of the fund.

(2) Forty percent (40%) of the money collected by the county recorder under ~~subsection (b)(13)~~ **subsections (b)(10) and (o)** shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund established under IC 5-20-4-7 for the purposes of the fund.

Money shall be distributed under this subsection before the sixteenth

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1 day of the month following the month in which the money is collected
2 from the county recorder.

3 **(k) This subsection applies only to the recording of a mortgage,**
4 **a deed, an assignment, an affidavit, a satisfaction, a release, and a**
5 **tax sale certificate. The county recorder shall charge the following**
6 **fees:**

7 **(1) One hundred dollars (\$100) for a mortgage.**

8 **(2) Twenty-five dollars (\$25) for a deed.**

9 **(3) Twenty-five dollars (\$25) for an assignment.**

10 **(4) Twenty-five dollars (\$25) for an affidavit with only one (1)**
11 **cross-reference.**

12 **(5) Twenty-five dollars (\$25) for a satisfaction.**

13 **(6) Twenty-five dollars (\$25) for a release.**

14 **(7) Twenty-five dollars (\$25) for a tax sale certificate.**

15 **(8) For attesting to the release, partial release, or assignment**
16 **of any mortgage, judgment, lien, or oil and gas lease contained**
17 **on a multiple transaction document, the fee for each**
18 **transaction after the first transaction is as follows:**

19 **(A) Six dollars (\$6) for the first page and two dollars (\$2)**
20 **for each additional page of any document the recorder**
21 **records if the pages are not larger than eight and one-half**
22 **(8 1/2) inches by fourteen (14) inches.**

23 **(B) One dollar (\$1) for each cross-reference of a recorded**
24 **document.**

25 **(C) One dollar (\$1) for marginal mortgage assignments or**
26 **marginal mortgage releases.**

27 **(9) One dollar (\$1) for each cross-reference of a recorded**
28 **document.**

29 **(l) Except as provided in subsections (m), (n), (o), and (p), the**
30 **fees collected under subsection (k) shall be deposited in the**
31 **recorder's records perpetuation fund under subsection (d).**

32 **(m) Two dollars and fifty cents (\$2.50) of the fee the recorder**
33 **collects under subsection (k)(1) shall be distributed to the auditor**
34 **of the state on or before June 20 and December 20 of each year as**
35 **provided in IC 24-9-9-3.**

36 **(n) Five dollars (\$5) of the fee the recorder collects under**
37 **subsection (k)(2) shall be deposited in the county surveyor's corner**
38 **perpetuation fund for use as provided in IC 21-47-3-3 or**
39 **IC 36-2-12-11(e).**

40 **(o) An ordinance adopted before, on, or after July 1, 2012, that**
41 **authorizes a fee described in subsection (b)(9) or (b)(10) authorizes**
42 **the county recorder to charge the fee described in subsection (b)(9)**

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1 or (b)(10) for each document the recorder records under
 2 subsection (b) or (k). The fee charged under subsection (b)(9) or
 3 (b)(10) shall be deducted from the fee charged under subsection (k)
 4 and deposited as set forth in subsection (i) or (j).

5 (p) Two dollars (\$2) of each fee the recorder collects under
 6 subsection (k) shall be deposited under IC 36-2-7.5-6.

7 (q) A document for recording should conform to the standards
 8 set forth in IC 36-2-11-16.5(b) but may not be rejected unless the
 9 document is considered to be illegible by the county recorder or is
 10 incapable of being archived.

11 SECTION 11. IC 36-2-7.5-6, AS AMENDED BY P.L.45-2010,
 12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2012]: Sec. 6. (a) The county recorder shall charge a two
 14 dollar (\$2) county identification security protection fee for recording
 15 or filing a document in addition to the fees required by
 16 ~~IC 36-2-7-10(b)(1) through IC 36-2-7-10(b)(11)~~. **under**
 17 **IC 36-2-7-10(c) and IC 36-2-7-10(p)**.

18 (b) The county recorder shall deposit two dollars (\$2) of the fee
 19 charged under subsection (a) in the county identification security
 20 protection fund established by section ~~11~~ of this chapter. This
 21 subsection expires July 1, 2011.

22 (c) ~~Beginning July 1, 2011;~~ (b) The county recorder shall deposit the
 23 fee charged under subsection (a) in the following manner:

24 (1) One dollar (\$1) shall be deposited in the county recorder's
 25 records perpetuation fund established under IC 36-2-7-10(d).

26 (2) Fifty cents (\$0.50) shall be deposited in the county
 27 identification security protection fund established under section
 28 11 of this chapter.

29 (3) Fifty cents (\$0.50) shall be deposited in the county elected
 30 officials training fund established under IC 36-2-7-19.

31 SECTION 12. IC 36-2-11-16.5 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16.5. (a) This section
 33 does not apply to the following:

34 (1) A judgment, an order, or a writ of a court.

35 (2) A will or death certificate.

36 (3) A plat.

37 (4) A survey.

38 (b) The county recorder may receive for record an instrument or a
 39 document without collecting the additional fee described in subsection
 40 (c) if:

41 (1) the instrument or document consists of at least one (1)
 42 individual page measuring not more than eight and one-half (8

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1 1/2) inches by fourteen (14) inches that is not permanently bound
 2 and is not a continuous form;
 3 (2) the instrument or document is on white paper of at least
 4 twenty (20) pound weight and has clean margins:
 5 (A) on the first and last pages of at least two (2) inches on the
 6 top and bottom and one-half (1/2) inch on each side; and
 7 (B) on each additional page of at least one-half (1/2) inch on
 8 the top, bottom, and each side; and
 9 (3) the instrument or document is typewritten or computer
 10 generated in black ink in at least 10 point type.
 11 (c) For each instrument or document presented for recording that
 12 does not conform to the requirements of subsection (b), the recorder
 13 ~~may attach additional pages, as needed, and collect one dollar (\$1) for~~
 14 ~~each nonconforming page. shall:~~
 15 **(1) attach additional pages as needed; and**
 16 **(2) collect an additional fee of twenty-five dollars (\$25) for the**
 17 **nonconforming document.**

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