

# COMMITTEE REPORT

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**MADAM PRESIDENT:**

**The Senate Committee on Appropriations, to which was referred House Bill No. 1090, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1           Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 2           "SECTION 1. IC 6-1.1-24-1.2, AS AMENDED BY P.L.113-2010,
- 3           SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4           UPON PASSAGE]: Sec. 1.2. (a) Except as provided in subsection (c),
- 5           a tract or an item of real property may not be removed from the list
- 6           certified under section 1 of this chapter before the tax sale unless all:
- 7                 (1) delinquent taxes and special assessments due before the date
- 8                 the list on which the property appears was certified under section
- 9                 1 of this chapter; and
- 10                (2) penalties due on the delinquency, interest, and costs directly
- 11                attributable to the tax sale;
- 12           have been paid in full.
- 13                (b) A county treasurer may accept partial payments of delinquent
- 14                property taxes, assessments, penalties, interest, or costs under
- 15                subsection (a) after the list of real property is certified under section 1
- 16                of this chapter. However, a partial payment does not remove a tract or
- 17                an item from the list certified under section 1 of this chapter unless the
- 18                taxpayer complies with subsection (a) or (c) before the date of the tax
- 19                sale.
- 20                (c) ~~The A county auditor in a county having a population of more~~
- 21                ~~than four hundred thousand (400,000) but less than seven hundred~~

1 ~~thousand (700,000)~~ may remove a tract or an item of real property from  
 2 the list certified under section 1 of this chapter before the tax sale if the  
 3 county treasurer and the taxpayer agree to a mutually satisfactory  
 4 arrangement for the payment of the delinquent taxes.

5 (d) The county ~~treasurer~~ **auditor** may remove the tract or item from  
 6 the list certified under section 1 of this chapter if the arrangement  
 7 described in subsection (c):

8 (1) is in writing;

9 (2) is signed by the taxpayer; and

10 (3) requires the taxpayer to pay the delinquent taxes in full ~~within~~  
 11 ~~one (1)~~ **not later than the last business day before July 1 of the**  
 12 ~~year of~~ **after** the date the agreement is signed.

13 (e) If the taxpayer fails to make a payment under the arrangement  
 14 described in subsection (c):

15 **(1) the arrangement is void; and**

16 **(2) the county auditor shall immediately place the tract or item of**  
 17 **real property on the list of real property eligible for sale at a tax**  
 18 **sale.**

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

21 ~~(1) city having a population of more than ninety thousand~~  
 22 ~~(90,000) but less than one hundred five thousand (105,000);~~

23 ~~(2) city having a population of more than thirty-two thousand~~  
 24 ~~(32,000) but less than thirty-two thousand eight hundred (32,800);~~

25 ~~or~~

26 ~~(3) city having a population of more than seventy-five thousand~~  
 27 ~~(75,000) but less than ninety thousand (90,000);~~

28 ~~the county auditor shall notify the mayor of the city of the arrangement.~~

29 **(f) If the county auditor acts under subsection (e) with respect**  
 30 **to a tract or item subject to an arrangement described in**  
 31 **subsection (c), the taxpayer may not enter into another**  
 32 **arrangement under subsection (c) with respect to that tract or item**  
 33 **after the due date of the payment referred to in subsection (d) and**  
 34 **before the date that succeeds by five (5) years the date on which the**  
 35 **original arrangement would have expired if the arrangement had**  
 36 **not become void under subsection (e).**

37 SECTION 2. IC 6-1.1-24-2, AS AMENDED BY P.L.146-2008,  
 38 SECTION 258, IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) In addition to the  
 40 delinquency list required under section 1 of this chapter, each county  
 41 auditor shall prepare a notice. The notice shall contain the following:

42 (1) A list of tracts or real property eligible for sale under this

- 1 chapter.
- 2 (2) A statement that the tracts or real property included in the list
- 3 will be sold at public auction to the highest bidder, subject to the
- 4 right of redemption.
- 5 (3) A statement that the tracts or real property will not be sold for
- 6 an amount which is less than the sum of:
- 7 (A) the delinquent taxes and special assessments on each tract
- 8 or item of real property;
- 9 (B) the taxes and special assessments on each tract or item of
- 10 real property that are due and payable in the year of the sale,
- 11 whether or not they are delinquent;
- 12 (C) all penalties due on the delinquencies;
- 13 (D) an amount prescribed by the county auditor that equals the
- 14 sum of:
- 15 (i) the greater of twenty-five dollars (\$25) or postage and
- 16 publication costs; and
- 17 (ii) any other actual costs incurred by the county that are
- 18 directly attributable to the tax sale; and
- 19 (E) any unpaid costs due under subsection (b) from a prior tax
- 20 sale.
- 21 (4) A statement that a person redeeming each tract or item of real
- 22 property after the sale must pay:
- 23 (A) one hundred ten percent (110%) of the amount of the
- 24 minimum bid for which the tract or item of real property was
- 25 offered at the time of sale if the tract or item of real property
- 26 is redeemed not more than six (6) months after the date of
- 27 sale;
- 28 (B) one hundred fifteen percent (115%) of the amount of the
- 29 minimum bid for which the tract or item of real property was
- 30 offered at the time of sale if the tract or item of real property
- 31 is redeemed more than six (6) months after the date of sale;
- 32 (C) the amount by which the purchase price exceeds the
- 33 minimum bid on the tract or item of real property plus ten
- 34 percent (10%) per annum on the amount by which the
- 35 purchase price exceeds the minimum bid; and
- 36 (D) all taxes and special assessments on the tract or item of
- 37 real property paid by the purchaser after the tax sale plus
- 38 interest at the rate of ten percent (10%) per annum on the
- 39 amount of taxes and special assessments paid by the purchaser
- 40 on the redeemed property.
- 41 (5) A statement for informational purposes only, of the location
- 42 of each tract or item of real property by key number, if any, and

1 street address, if any, or a common description of the property  
2 other than a legal description. The township assessor, or the  
3 county assessor if there is no township assessor for the township,  
4 upon written request from the county auditor, shall provide the  
5 information to be in the notice required by this subsection. A  
6 misstatement in the key number or street address does not  
7 invalidate an otherwise valid sale.

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

10 (7) A statement indicating:

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

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

15 (8) A statement of the procedure to be followed for obtaining or  
16 objecting to a judgment and order of sale, that must include the  
17 following:

18 (A) A statement:

19 (i) that the county auditor and county treasurer will apply on  
20 or after a date designated in the notice for a court judgment  
21 against the tracts or real property for an amount that is not  
22 less than the amount set under subdivision (3), and for an  
23 order to sell the tracts or real property at public auction to  
24 the highest bidder, subject to the right of redemption; and  
25 (ii) indicating the date when the period of redemption  
26 specified in IC 6-1.1-25-4 will expire.

27 (B) A statement that any defense to the application for  
28 judgment must be:

29 (i) filed with the court; and

30 (ii) served on the county auditor and the county treasurer;  
31 before the date designated as the earliest date on which the  
32 application for judgment may be filed.

33 (C) A statement that the county auditor and the county  
34 treasurer are entitled to receive all pleadings, motions,  
35 petitions, and other filings related to the defense to the  
36 application for judgment.

37 (D) A statement that the court will set a date for a hearing at  
38 least seven (7) days before the advertised date and that the  
39 court will determine any defenses to the application for  
40 judgment at the hearing.

41 (9) A statement that the sale will be conducted at a place  
42 designated in the notice and that the sale will continue until all

- 1 tracts and real property have been offered for sale.
- 2 (10) A statement that the sale will take place at the times and  
3 dates designated in the notice. Whenever the public auction is to  
4 be conducted as an electronic sale, the notice must include a  
5 statement indicating that the public auction will be conducted as  
6 an electronic sale and a description of the procedures that must be  
7 followed to participate in the electronic sale.
- 8 (11) A statement that a person redeeming each tract or item after  
9 the sale must pay the costs described in IC 6-1.1-25-2(e).
- 10 (12) If a county auditor and county treasurer have entered into an  
11 agreement under IC 6-1.1-25-4.7, a statement that the county  
12 auditor will perform the duties of the notification and title search  
13 under IC 6-1.1-25-4.5 and the notification and petition to the  
14 court for the tax deed under IC 6-1.1-25-4.6.
- 15 (13) A statement that, if the tract or item of real property is sold  
16 for an amount more than the minimum bid and the property is not  
17 redeemed, the owner of record of the tract or item of real property  
18 who is divested of ownership at the time the tax deed is issued  
19 may have a right to the tax sale surplus.
- 20 (14) If a determination has been made under subsection (d), a  
21 statement that tracts or items will be sold together.
- 22 **(15) With respect to a tract or an item of real property that is**  
23 **subject to sale under this chapter after June 30, 2012, and**  
24 **before July 1, 2013, a statement declaring whether an**  
25 **ordinance adopted under IC 6-1.1-37-10.1 is in effect in the**  
26 **county and, if applicable, an explanation of the circumstances**  
27 **in which penalties on the delinquent taxes and special**  
28 **assessments will be waived.**
- 29 (b) If within sixty (60) days before the date of the tax sale the county  
30 incurs costs set under subsection (a)(3)(D) and those costs are not paid,  
31 the county auditor shall enter the amount of costs that remain unpaid  
32 upon the tax duplicate of the property for which the costs were set. The  
33 county treasurer shall mail notice of unpaid costs entered upon a tax  
34 duplicate under this subsection to the owner of the property identified  
35 in the tax duplicate.
- 36 (c) The amount of unpaid costs entered upon a tax duplicate under  
37 subsection (b) must be paid no later than the date upon which the next  
38 installment of real estate taxes for the property is due. Unpaid costs  
39 entered upon a tax duplicate under subsection (b) are a lien against the  
40 property described in the tax duplicate, and amounts remaining unpaid  
41 on the date the next installment of real estate taxes is due may be  
42 collected in the same manner that delinquent property taxes are

1 collected.

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

7 SECTION 3. IC 6-1.1-24-4, AS AMENDED BY P.L.89-2007,  
8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 UPON PASSAGE]: Sec. 4. (a) Not less than twenty-one (21) days  
10 before the earliest date on which the application for judgment and order  
11 for sale of real property eligible for sale may be made, the county  
12 auditor shall send a notice of the sale by certified mail, return receipt  
13 requested, to:

- 14 (1) the owner of record of real property with a single owner; or  
15 (2) at least one (1) of the owners, as of the date of certification, of  
16 real property with multiple owners;

17 at the last address of the owner for the property as indicated in the  
18 records of the county auditor on the date that the tax sale list is  
19 certified. In addition, the county auditor shall mail a duplicate notice  
20 to the owner of record, as described in subdivisions (1) and (2), by first  
21 class mail to the owners from whom the certified mail return receipt  
22 was not signed and returned. Additionally, the county auditor may  
23 determine that mailing a first class notice to or serving a notice on the  
24 property is a reasonable step to notify the owner, if the address of the  
25 owner is not the same address as the physical location of the property.  
26 If both notices are returned due to incorrect or insufficient addresses,  
27 the county auditor shall research the county auditor records to  
28 determine a more complete or accurate address. If a more complete or  
29 accurate address is found, the county auditor shall resend the notices  
30 to the address that is found in accordance with this section. Failure to  
31 obtain a more complete or accurate address does not invalidate an  
32 otherwise valid sale. The county auditor shall prepare the notice in the  
33 form prescribed by the state board of accounts. The notice must set  
34 forth the key number, if any, of the real property and a street address,  
35 if any, or other common description of the property other than a legal  
36 description. The notice must include the statement set forth in section  
37 2(a)(4) of this chapter. **With respect to a tract or an item of real**  
38 **property that is subject to sale under this chapter after June 30,**  
39 **2012, and before July 1, 2013, the notice must include a statement**  
40 **declaring whether an ordinance adopted under IC 6-1.1-37-10.1 is**  
41 **in effect in the county and, if applicable, an explanation of the**  
42 **circumstances in which penalties on the delinquent taxes and**

1 **special assessments will be waived.** The county auditor must present  
 2 proof of this mailing to the court along with the application for  
 3 judgment and order for sale. Failure by an owner to receive or accept  
 4 the notice required by this section does not affect the validity of the  
 5 judgment and order. The owner of real property shall notify the county  
 6 auditor of the owner's correct address. The notice required under this  
 7 section is considered sufficient if the notice is mailed to the address or  
 8 addresses required by this section.

9 (b) In addition to the notice required under subsection (a) for real  
 10 property on the list prepared under section 1(a)(2) or 1.5(d) of this  
 11 chapter, the county auditor shall prepare and mail the notice required  
 12 under section 2.2 of this chapter no later than forty-five (45) days after  
 13 the county auditor receives the certified list from the county treasurer  
 14 under section 1(a) of this chapter.

15 (c) On or before the day of sale, the county auditor shall list, on the  
 16 tax sale record required by IC 6-1.1-25-8, all properties that will be  
 17 offered for sale.

18 SECTION 4. IC 6-1.1-24-5, AS AMENDED BY P.L.89-2007,  
 19 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 UPON PASSAGE]: Sec. 5. (a) When a tract or an item of real property  
 21 is subject to sale under this chapter, it must be sold in compliance with  
 22 this section.

23 (b) The sale must:

- 24 (1) be held at the times and place stated in the notice of sale; and  
 25 (2) not extend beyond one hundred seventy-one (171) days after  
 26 the list containing the tract or item of real property is certified to  
 27 the county auditor.

28 (c) A tract or an item of real property may not be sold under this  
 29 chapter to collect:

- 30 (1) delinquent personal property taxes; or  
 31 (2) taxes or special assessments which are chargeable to other real  
 32 property.

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

38 (e) The county treasurer shall sell the tract or **item of** real property,  
 39 subject to the right of redemption, to the highest bidder at public  
 40 auction **whose bid exceeds the minimum bid specified in subsection**  
 41 **(f) or (g), as applicable.**

42 (f) ~~However,~~ **Except as provided in subsection (g),** a tract or an

1 item of real property may not be sold for an amount which is less than  
2 the sum of:

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

17 **The amount of penalties due on the delinquencies under**  
18 **subdivision (3) must be adjusted in accordance with**  
19 **IC 6-1.1-37-10.1, if applicable.**

20 **(g) If an ordinance adopted under section 15(a) of this chapter**  
21 **is in effect in the county in which a tract or an item of real property**  
22 **is located, the tract or item of real property may not be sold for an**  
23 **amount that is less than the lesser of:**

- 24 **(1) the amount determined under subsection (f); or**
- 25 **(2) seventy-five percent (75%) of the gross assessed value of**  
26 **the tract or item of real property, as determined on the most**  
27 **recent assessment date.**

28 ~~(f)~~ **(h)** For purposes of the sale, it is not necessary for the county  
29 treasurer to first attempt to collect the real property taxes or special  
30 assessments out of the personal property of the owner of the tract or  
31 real property.

32 ~~(g)~~ **(i)** The county auditor shall serve as the clerk of the sale.

33 ~~(h)~~ **(j)** Real property certified to the county auditor under section  
34 1(a)(2) of this chapter must be offered for sale in a different phase of  
35 the tax sale or on a different day of the tax sale than the phase or day  
36 during which other real property is offered for sale.

37 ~~(i)~~ **(k)** The public auction required under subsection (e) may be  
38 conducted by electronic means, at the option of the county treasurer.  
39 The electronic sale must comply with the other statutory requirements  
40 of this section. If an electronic sale is conducted under this subsection,  
41 the county treasurer shall provide access to the electronic sale by  
42 providing computer terminals open to the public at a designated

1 location. A county treasurer who elects to conduct an electronic sale  
 2 may receive electronic payments and establish rules necessary to  
 3 secure the payments in a timely fashion. The county treasurer may not  
 4 add an additional cost of sale charge to a parcel for the purpose of  
 5 conducting the electronic sale.

6 SECTION 5. IC 6-1.1-24-6, AS AMENDED BY P.L.89-2007,  
 7 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 UPON PASSAGE]: Sec. 6. (a) When a tract or an item of real property  
 9 is offered for sale under this chapter and an amount is not received  
 10 equal to or in excess of the minimum sale price prescribed in section  
 11 ~~5(e)~~ 5 of this chapter, the county executive acquires a lien in the  
 12 amount of the minimum sale price. This lien attaches on the day after  
 13 the last date on which the tract or item was offered for sale.

14 (b) When a county executive acquires a lien under this section, the  
 15 county auditor shall issue a tax sale certificate to the county executive  
 16 in the manner provided in section 9 of this chapter. The county auditor  
 17 shall date the certificate the day that the county executive acquires the  
 18 lien. When a county executive acquires a certificate under this section,  
 19 the county executive has the same rights as a purchaser.

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

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

30 SECTION 6. IC 6-1.1-24-6.1, AS AMENDED BY P.L.73-2010,  
 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 UPON PASSAGE]: Sec. 6.1. (a) The county executive may do the  
 33 following:

34 (1) By resolution, identify properties:

35 (A) that are described in section 6.7(a) of this chapter; and

36 (B) concerning which the county executive desires to offer to  
 37 the public the certificates of sale acquired by the county  
 38 executive under section 6 of this chapter.

39 (2) In conformity with IC 5-3-1-4, publish:

40 (A) notice of the date, time, and place for a public sale; and

41 (B) a listing of parcels on which certificates will be offered by  
 42 parcel number and minimum bid amount;

1 once each week for three (3) consecutive weeks, with the final  
 2 advertisement being not less than thirty (30) days before the sale  
 3 date. The expenses of the publication shall be paid out of the  
 4 county general fund.

5 (3) Sell each certificate of sale covered by the resolution for a  
 6 price that:

7 (A) is less than the minimum sale price prescribed by section  
 8 ~~5(e)~~ 5 of this chapter; and

9 (B) includes any costs to the county executive directly  
 10 attributable to the sale of the certificate of sale.

11 (b) Notice of the list of properties prepared under subsection (a) and  
 12 the date, time, and place for the public sale of the certificates of sale  
 13 shall be published in accordance with IC 5-3-1. The notice must:

14 (1) include a description of the property by parcel number and  
 15 common address;

16 (2) specify that the county executive will accept bids for the  
 17 certificates of sale for the price referred to in subsection (a)(3);

18 (3) specify the minimum bid for each parcel;

19 (4) include a statement that a person redeeming each tract or item  
 20 of real property after the sale of the certificate must pay:

21 (A) the amount of the minimum bid under section ~~5(e)~~ 5 of  
 22 this chapter for which the tract or item of real property was last  
 23 offered for sale;

24 (B) ten percent (10%) of the amount for which the certificate  
 25 is sold;

26 (C) the attorney's fees and costs of giving notice under  
 27 IC 6-1.1-25-4.5;

28 (D) the costs of a title search or of examining and updating the  
 29 abstract of title for the tract or item of real property;

30 (E) all taxes and special assessments on the tract or item of  
 31 real property paid by the purchaser after the sale of the  
 32 certificate plus interest at the rate of ten percent (10%) per  
 33 annum on the amount of taxes and special assessments paid by  
 34 the purchaser on the redeemed property; and

35 (F) all costs of sale, advertising costs, and other expenses of  
 36 the county directly attributable to the sale of certificates of  
 37 sale; and

38 (5) include a statement that, if the certificate is sold for an amount  
 39 more than the minimum bid under section ~~5(e)~~ 5 of this chapter  
 40 for which the tract or item of real property was last offered for  
 41 sale and the property is not redeemed, the owner of record of the  
 42 tract or item of real property who is divested of ownership at the

1 time the tax deed is issued may have a right to the tax sale  
2 surplus.

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

8 (b) A certificate of sale may not be sold under this chapter if the  
9 following are paid before the time of sale:

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

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

14 (c) The county executive shall sell the certificate of sale, subject to  
15 the right of redemption, to the highest bidder at public auction. The  
16 public auction may be conducted as an electronic sale in conformity  
17 with section ~~5(i)~~ **5(k)** of this chapter.

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

19 SECTION 8. IC 6-1.1-24-6.4 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.4. (a) When a  
21 certificate of sale is sold under this chapter, the purchaser at the sale  
22 shall immediately pay the amount of the bid to the county treasurer.  
23 The county treasurer shall apply the payment in the following manner:

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

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

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) purchaser of the certificate or the purchaser's assignee, upon  
34 redemption of the tract or item of real property;

35 may file a verified claim for money that 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) An amount deposited in the tax sale surplus fund shall be  
40 transferred by the county auditor to the county general fund and may  
41 not be disbursed under subsection (b) if it is claimed more than three  
42 (3) years after the date of its receipt.

1 (d) Upon the assignment of the certificate of sale to the purchaser,  
2 the county auditor shall indicate on the certificate the amount for which  
3 the certificate of sale was sold.

4 SECTION 9. IC 6-1.1-24-7, AS AMENDED BY P.L.73-2010,  
5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 UPON PASSAGE]: Sec. 7. (a) When real property is sold under this  
7 chapter, the purchaser at the sale shall immediately pay the amount of  
8 the bid to the county treasurer. The county treasurer shall apply the  
9 payment in the following manner:

10 (1) first, to the taxes, special assessments, penalties, and costs  
11 described in section ~~5(e)~~ **5(f)** of this chapter;

12 (2) second, to other delinquent property taxes in the manner  
13 provided in IC 6-1.1-23-5(b); and

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

15 **(b) If:**

16 **(1) a tract or an item of real property sold under section 5 of**  
17 **this chapter is located in a county in which an ordinance**  
18 **adopted under section 15 of this chapter is in effect in the**  
19 **county; and**

20 **(2) the sales price of the tract or item of real property is less**  
21 **than the amount specified in section 5(f) of this chapter;**

22 **in addition to the application of any payment received under**  
23 **subsection (a)(1), each taxing unit having an interest in the taxes on**  
24 **the tract shall be charged with the part of the tax due to the taxing**  
25 **unit equal to an amount that bears the same relationship to the tax**  
26 **due to the taxing unit as the amount determined under section 5(f)**  
27 **of this chapter minus the selling price bears to the amount**  
28 **determined under section 5(f) of this chapter.**

29 ~~(b)~~ **(c)** 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)~~ **(d)** If the person who claims money deposited in the tax sale  
40 surplus fund under subsection ~~(b)~~ **(c)** is:

41 (1) a person described in subsection ~~(b)(1)~~ **(c)(1)** who acquired  
42 the property from a delinquent taxpayer after the property was

1 sold at a tax sale under this chapter; or  
 2 (2) a person not described in subsection ~~(b)(1)~~; **(c)(1)**, including  
 3 a person who acts under a power of attorney executed by the  
 4 person described in subsection ~~(b)(1)~~; **(c)(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)~~ **(e)** 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)~~ **(f)** 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)~~ **(c)** if it is not claimed within the  
 15 three (3) year period after the date of its receipt.

16 ~~(f)~~ **(g)** If an amount applied to taxes under this section is later paid  
 17 out of the county general fund to the purchaser or the purchaser's  
 18 successor due to the invalidity of the sale, all the taxes shall be  
 19 reinstated and recharged to the tax duplicate and collected in the same  
 20 manner as if the property had not been offered for sale.

21 ~~(g)~~ **(h)** When a refund is made to any purchaser or purchaser's  
 22 successor by reason of the invalidity of a sale, the county auditor shall,  
 23 at the December settlement immediately following the refund, deduct  
 24 the amount of the refund from the gross collections in the taxing  
 25 district in which the land lies and shall pay that amount into the county  
 26 general fund.

27 SECTION 10. IC 6-1.1-24-13 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) Whenever:

- 29 (1) a tract is offered for sale under this chapter; and  
 30 (2) no bid is received for the minimum sale price set under  
 31 section ~~5(e)~~ **5** of this chapter;

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

34 (b) The county auditor shall place the amount specified in the  
 35 certified statement prepared under subsection (a) on the tax duplicate  
 36 of the tract offered but not sold at the sale. The amount shall be  
 37 collected as real property taxes are collected and paid into the county  
 38 general fund.

39 SECTION 11. IC 6-1.1-24-15 IS ADDED TO THE INDIANA  
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 41 [EFFECTIVE UPON PASSAGE]: **Sec. 15. (a) The fiscal body of a**  
 42 **county may adopt an ordinance authorizing the county treasurer**

1 **to accept a bid on a tract or an item of real property offered for**  
 2 **sale under this chapter that is greater than or equal to the lesser of:**

- 3 (1) **the amount determined under section 5(f) of this chapter**  
 4 **for the tract or item of real property; or**  
 5 (2) **seventy-five percent (75%) of the gross assessed value of**  
 6 **the tract or item of real property, as determined on the most**  
 7 **recent assessment date.**

8 (b) **If the fiscal body of a county adopts an ordinance under**  
 9 **subsection (a) or repeals an ordinance adopted under subsection**  
 10 **(a), the fiscal body shall promptly deliver a copy of the ordinance**  
 11 **to the county treasurer and the county auditor.**

12 SECTION 12. IC 6-1.1-25-3, AS AMENDED BY P.L.169-2006,  
 13 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b),  
 15 when real property is redeemed and the certificate of sale is  
 16 surrendered to the county auditor, the auditor shall issue a warrant to  
 17 the purchaser or purchaser's assignee in an amount equal to the amount  
 18 received by the county treasurer for redemption.

19 (b) When real property sold under IC 6-1.1-24-6.1 is redeemed and  
 20 the certificate of sale is surrendered to the county auditor, the auditor  
 21 shall issue a warrant to the purchaser of the certificate of sale or the  
 22 purchaser's assignee in an amount equal to:

- 23 (1) the amount received by the county treasurer for redemption;  
 24 minus  
 25 (2) if the certificate of sale was sold for less than the minimum  
 26 bid under ~~IC 6-1.1-24-5(e)~~, **IC 6-1.1-24-5**, an amount equal to the  
 27 difference between the minimum bid under ~~IC 6-1.1-24-5(e)~~  
 28 **IC 6-1.1-24-5** and the amount for which the certificate was sold.

29 (c) The county auditor shall indorse the certificate and preserve it  
 30 as a public record. If a certificate of sale is lost and the auditor is  
 31 satisfied that the certificate did exist, the county auditor may make  
 32 payment in the manner provided in this section.

33 SECTION 13. IC 6-1.1-25-4, AS AMENDED BY P.L.42-2011,  
 34 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 UPON PASSAGE]: Sec. 4. (a) The period for redemption of real  
 36 property sold under IC 6-1.1-24 is:

- 37 (1) one (1) year after the date of sale;  
 38 (2) one hundred twenty (120) days after the date of sale to a  
 39 purchasing agency qualified under IC 36-7-17; or  
 40 (3) one hundred twenty (120) days after the date of sale of real  
 41 property on the list prepared under IC 6-1.1-24-1(a)(2) or  
 42 IC 6-1.1-24-1.5.

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

3 (1) on which the county executive acquires a lien under  
4 IC 6-1.1-24-6; and

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

7 is one hundred twenty (120) days after the date the county executive  
8 acquires the lien under IC 6-1.1-24-6.

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

10 (1) on which the county executive acquires a lien under  
11 IC 6-1.1-24-6; and

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

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

15 (d) When a deed for real property is executed under this chapter, the  
16 county auditor shall cancel the certificate of sale and file the canceled  
17 certificate in the office of the county auditor. If real property that  
18 appears on the list prepared under IC 6-1.1-24-1.5 is offered for sale  
19 and an amount that is at least equal to the minimum sale price required  
20 under ~~IC 6-1.1-24-5(e)~~ **IC 6-1.1-24-5** is not received, the county  
21 auditor shall issue a deed to the real property, subject to this chapter.

22 (e) When a deed is issued to a county executive under this chapter,  
23 the taxes and special assessments for which the real property was  
24 offered for sale, and all subsequent taxes, special assessments, interest,  
25 penalties, and cost of sale shall be removed from the tax duplicate in  
26 the same manner that taxes are removed by certificate of error.

27 (f) A tax deed executed under this chapter vests in the grantee an  
28 estate in fee simple absolute, free and clear of all liens and  
29 encumbrances created or suffered before or after the tax sale except  
30 those liens granted priority under federal law and the lien of the state  
31 or a political subdivision for taxes and special assessments which  
32 accrue subsequent to the sale and which are not removed under  
33 subsection (e). However, subject to subsection (g), the estate is subject  
34 to:

35 (1) all easements, covenants, declarations, and other deed  
36 restrictions shown by public records;

37 (2) laws, ordinances, and regulations concerning governmental  
38 police powers, including zoning, building, land use,  
39 improvements on the land, land division, and environmental  
40 protection; and

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

42 (g) A tax deed executed under this chapter for real property sold in

1 a tax sale:

2 (1) does not operate to extinguish an easement recorded before  
3 the date of the tax sale in the office of the recorder of the county  
4 in which the real property is located, regardless of whether the  
5 easement was taxed under this article separately from the real  
6 property; and

7 (2) conveys title subject to all easements recorded before the date  
8 of the tax sale in the office of the recorder of the county in which  
9 the real property is located.

10 (h) A tax deed executed under this chapter is prima facie evidence  
11 of:

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

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

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

16 (i) A county auditor is not required to execute a deed to the county  
17 executive under this chapter if the county executive determines that the  
18 property involved contains hazardous waste or another environmental  
19 hazard for which the cost of abatement or alleviation will exceed the  
20 fair market value of the property. The county executive may enter the  
21 property to conduct environmental investigations.

22 (j) If the county executive makes the determination under subsection  
23 (i) as to any interest in an oil or gas lease or separate mineral rights, the  
24 county treasurer shall certify all delinquent taxes, interest, penalties,  
25 and costs assessed under IC 6-1.1-24 to the clerk, following the  
26 procedures in IC 6-1.1-23-9. After the date of the county treasurer's  
27 certification, the certified amount is subject to collection as delinquent  
28 personal property taxes under IC 6-1.1-23. Notwithstanding  
29 IC 6-1.1-4-12.4 and IC 6-1.1-4-12.6, the assessed value of such an  
30 interest shall be zero (0) until production commences.

31 (k) When a deed is issued to a purchaser of a certificate of sale sold  
32 under IC 6-1.1-24-6.1, the county auditor shall, in the same manner that  
33 taxes are removed by certificate of error, remove from the tax duplicate  
34 the taxes, special assessments, interest, penalties, and costs remaining  
35 due as the difference between the amount of the last minimum bid  
36 under ~~IC 6-1.1-24-5(e)~~ **IC 6-1.1-24-5** and the amount paid for the  
37 certificate of sale.

38 SECTION 14. IC 6-1.1-25-4.6, AS AMENDED BY P.L.89-2007,  
39 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 UPON PASSAGE]: Sec. 4.6. (a) After the expiration of the redemption  
41 period specified in section 4 of this chapter but not later than six (6)  
42 months after the expiration of the period of redemption:

1 (1) the purchaser, the purchaser's assignee, the county executive,  
2 or the purchaser of the certificate of sale under IC 6-1.1-24 may;  
3 or

4 (2) in a county where the county auditor and county treasurer  
5 have an agreement under section 4.7 of this chapter, the county  
6 auditor shall, upon the request of the purchaser or the purchaser's  
7 assignee;

8 file a verified petition in the same court and under the same cause  
9 number in which the judgment of sale was entered asking the court to  
10 direct the county auditor to issue a tax deed if the real property is not  
11 redeemed from the sale. Notice of the filing of this petition shall be  
12 given to the same parties and in the same manner as provided in section  
13 4.5 of this chapter, except that, if notice is given by publication, only  
14 one (1) publication is required. The notice required by this section is  
15 considered sufficient if the notice is sent to the address required by  
16 section 4.5(d) of this chapter. Any person owning or having an interest  
17 in the tract or real property may file a written objection to the petition  
18 with the court not later than thirty (30) days after the date the petition  
19 was filed. If a written objection is timely filed, the court shall conduct  
20 a hearing on the objection.

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

26 (1) The time of redemption has expired.

27 (2) The tract or real property has not been redeemed from the sale  
28 before the expiration of the period of redemption specified in  
29 section 4 of this chapter.

30 (3) Except with respect to a petition for the issuance of a tax deed  
31 under a sale of the certificate of sale on the property under  
32 IC 6-1.1-24-6.1, all taxes and special assessments, penalties, and  
33 costs have been paid.

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

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

38 The county auditor shall execute deeds issued under this subsection in  
39 the name of the state under the county auditor's name. If a certificate of  
40 sale is lost before the execution of a deed, the county auditor shall issue  
41 a replacement certificate if the county auditor is satisfied that the  
42 original certificate existed.

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

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

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

10 (2) the court refuses to enter an order directing the county auditor  
 11 to execute and deliver the tax deed because of the failure of the  
 12 petitioner under subsection (a) to fulfill the notice requirement of  
 13 subsection (a);

14 the court shall order the return of the amount, if any, by which the  
 15 purchase price exceeds the minimum bid on the property under  
 16 ~~IC 6-1.1-24-5(e)~~ **IC 6-1.1-24-5** minus a penalty of twenty-five percent  
 17 (25%) of that excess. The petitioner is prohibited from participating in  
 18 any manner in the next succeeding tax sale in the county under  
 19 IC 6-1.1-24. The county auditor shall deposit penalties paid under this  
 20 subsection in the county general fund.

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

22 (1) the verified petition referred to in subsection (a) is timely  
 23 filed;

24 (2) the petitioner under subsection (a) has made a bona fide  
 25 attempt to comply with the statutory requirements under  
 26 subsection (b) for the issuance of the tax deed but has failed to  
 27 comply with these requirements;

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

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

36 the county auditor shall not execute the deed but shall refund the  
 37 purchase money minus a penalty of twenty-five percent (25%) of the  
 38 purchase money from the county treasury to the purchaser, the  
 39 purchaser's successors or assignees, or the purchaser of the certificate  
 40 of sale under IC 6-1.1-24. The county auditor shall deposit penalties  
 41 paid under this subsection in the county general fund. All the  
 42 delinquent taxes and special assessments shall then be reinstated and

1 recharged to the tax duplicate and collected in the same manner as if  
 2 the property had not been offered for sale. The tract or item of real  
 3 property, if it is then eligible for sale under IC 6-1.1-24, shall be placed  
 4 on the delinquent list as an initial offering under IC 6-1.1-24.

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

- 7 (1) the purchaser or the purchaser of the certificate of sale under
- 8 IC 6-1.1-24 has failed to provide notice or has provided
- 9 insufficient notice as required by section 4.5 of this chapter; and
- 10 (2) the sale is otherwise valid.

11 (g) A tax deed executed under this section vests in the grantee an  
 12 estate in fee simple absolute, free and clear of all liens and  
 13 encumbrances created or suffered before or after the tax sale except  
 14 those liens granted priority under federal law, and the lien of the state  
 15 or a political subdivision for taxes and special assessments that accrue  
 16 subsequent to the sale. However, the estate is subject to all easements,  
 17 covenants, declarations, and other deed restrictions and laws governing  
 18 land use, including all zoning restrictions and liens and encumbrances  
 19 created or suffered by the purchaser at the tax sale. The deed is prima  
 20 facie evidence of:

- 21 (1) the regularity of the sale of the real property described in the
- 22 deed;
- 23 (2) the regularity of all proper proceedings; and
- 24 (3) valid title in fee simple in the grantee of the deed.

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

29 SECTION 15. IC 6-1.1-37-9, AS AMENDED BY P.L.1-2010,  
 30 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 9. (a) This section  
 32 applies when:

- 33 (1) an assessment is made or increased after the date or dates on
- 34 which the taxes for the year for which the assessment is made
- 35 were originally due;
- 36 (2) the assessment upon which a taxpayer has been paying taxes
- 37 under IC 6-1.1-15-10(a)(1) or IC 6-1.1-15-10(a)(2) while a
- 38 petition for review or a judicial proceeding has been pending is
- 39 less than the assessment that results from the final determination
- 40 of the petition for review or judicial proceeding; or
- 41 (3) the collection of certain ad valorem property taxes has been
- 42 enjoined under IC 33-26-6-2, and under the final determination of

1           the petition for judicial review the taxpayer is liable for at least  
2           part of those taxes.

3           (b) Except as provided in subsections (c) and (g), a taxpayer shall  
4           pay interest on the taxes the taxpayer is required to pay as a result of an  
5           action or a determination described in subsection (a) at the rate of ten  
6           percent (10%) per year from the original due date or dates for those  
7           taxes to:

- 8           (1) the date of payment; or
- 9           (2) the date on which penalties for the late payment of a tax
- 10          installment may be charged under subsection (e) or (f);
- 11          whichever occurs first.

12          (c) Except as provided in subsection (g), a taxpayer shall pay  
13          interest on the taxes the taxpayer is ultimately required to pay in excess  
14          of the amount that the taxpayer is required to pay under  
15          IC 6-1.1-15-10(a)(1) while a petition for review or a judicial  
16          proceeding has been pending at the overpayment rate established under  
17          Section 6621(c)(1) of the Internal Revenue Code in effect on the  
18          original due date or dates for those taxes from the original due date or  
19          dates for those taxes to:

- 20          (1) the date of payment; or
- 21          (2) the date on which penalties for the late payment of a tax
- 22          installment may be charged under subsection (e) or (f);
- 23          whichever occurs first.

24          (d) With respect to an action or determination described in  
25          subsection (a), the taxpayer shall pay the taxes resulting from that  
26          action or determination and the interest prescribed under subsection (b)  
27          or (c) on or before:

- 28          (1) the next May 10; or
- 29          (2) the next November 10;

30          whichever occurs first.

31          (e) A taxpayer shall, to the extent that the penalty is not waived  
32          under section **10.1** or 10.7 of this chapter, begin paying the penalty  
33          prescribed in section 10 of this chapter on the day after the date for  
34          payment prescribed in subsection (d) if:

- 35          (1) the taxpayer has not paid the amount of taxes resulting from
- 36          the action or determination; and
- 37          (2) the taxpayer either:
  - 38               (A) received notice of the taxes the taxpayer is required to pay
  - 39               as a result of the action or determination at least thirty (30)
  - 40               days before the date for payment; or
  - 41               (B) voluntarily signed and filed an assessment return for the
  - 42               taxes.

1 (f) If subsection (e) does not apply, a taxpayer who has not paid the  
 2 amount of taxes resulting from the action or determination shall, to the  
 3 extent that the penalty is not waived under section **10.1 or** 10.7 of this  
 4 chapter, begin paying the penalty prescribed in section 10 of this  
 5 chapter on:

6 (1) the next May 10 which follows the date for payment  
 7 prescribed in subsection (d); or

8 (2) the next November 10 which follows the date for payment  
 9 prescribed in subsection (d);

10 whichever occurs first.

11 (g) A taxpayer is not subject to the payment of interest on real  
 12 property assessments under subsection (b) or (c) if:

13 (1) an assessment is made or increased after the date or dates on  
 14 which the taxes for the year for which the assessment is made  
 15 were due;

16 (2) the assessment or the assessment increase is made as the result  
 17 of error or neglect by the assessor or by any other official  
 18 involved with the assessment of property or the collection of  
 19 property taxes; and

20 (3) the assessment:

21 (A) would have been made on the normal assessment date if  
 22 the error or neglect had not occurred; or

23 (B) increase would have been included in the assessment on  
 24 the normal annual assessment date if the error or neglect had  
 25 not occurred.

26 SECTION 16. IC 6-1.1-37-10, AS AMENDED BY P.L.3-2008,  
 27 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 10. (a) Except as  
 29 provided in sections ~~10.5~~ **10.1** and 10.7 of this chapter, if an  
 30 installment of property taxes is not completely paid on or before the  
 31 due date, a penalty shall be added to the unpaid portion in the year of  
 32 the initial delinquency. The penalty is equal to an amount determined  
 33 as follows:

34 (1) If:

35 (A) an installment of real property taxes is completely paid on  
 36 or before the date thirty (30) days after the due date; and

37 (B) the taxpayer is not liable for delinquent property taxes first  
 38 due and payable in a previous installment for the same parcel;  
 39 the amount of the penalty is equal to five percent (5%) of the  
 40 amount of delinquent taxes.

41 (2) If:

42 (A) an installment of personal property taxes is completely

- 1           paid on or before the date thirty (30) days after the due date;  
2           and
- 3           (B) the taxpayer is not liable for delinquent property taxes first  
4           due and payable in a previous installment for a personal  
5           property tax return for property in the same taxing district;  
6           the amount of the penalty is equal to five percent (5%) of the  
7           amount of delinquent taxes.
- 8           (3) If subdivision (1) or (2) does not apply, the amount of the  
9           penalty is equal to ten percent (10%) of the amount of delinquent  
10          taxes.
- 11          (b) With respect to property taxes due in two (2) equal installments  
12          under IC 6-1.1-22-9(a), on the day immediately following the due dates  
13          of the first and second installments in each year following the year of  
14          the initial delinquency, an additional penalty equal to ten percent (10%)  
15          of any taxes remaining unpaid shall be added. With respect to property  
16          taxes due in installments under IC 6-1.1-22-9.5, an additional penalty  
17          equal to ten percent (10%) of any taxes remaining unpaid shall be  
18          added on the day immediately following each date that succeeds the  
19          last installment due date by:
- 20               (1) six (6) months; or  
21               (2) a multiple of six (6) months.
- 22          (c) The penalties under subsection (b) are imposed only on the  
23          principal amount of the delinquent taxes.
- 24          (d) If the department of local government finance determines that  
25          an emergency has occurred which precludes the mailing of the tax  
26          statement in any county at the time set forth in IC 6-1.1-22-8.1, the  
27          department shall establish by order a new date on which the installment  
28          of taxes in that county is due and no installment is delinquent if paid by  
29          the date so established.
- 30          (e) If any due date falls on a Saturday, a Sunday, a national legal  
31          holiday recognized by the federal government, or a statewide holiday,  
32          the act that must be performed by that date is timely if performed by  
33          the next succeeding day that is not a Saturday, a Sunday, or one (1) of  
34          those holidays.
- 35          (f) Subject to subsections (g) and (h), a payment to the county  
36          treasurer is considered to have been paid by the due date if the payment  
37          is:
- 38               (1) received on or before the due date by the county treasurer or  
39               a collecting agent appointed by the county treasurer;  
40               (2) deposited in United States first class mail:  
41                    (A) properly addressed to the principal office of the county  
42                    treasurer;

- 1 (B) with sufficient postage; and  
 2 (C) postmarked by the United States Postal Service as mailed  
 3 on or before the due date;  
 4 (3) deposited with a nationally recognized express parcel carrier  
 5 and is:  
 6 (A) properly addressed to the principal office of the county  
 7 treasurer; and  
 8 (B) verified by the express parcel carrier as:  
 9 (i) paid in full for final delivery; and  
 10 (ii) received by the express parcel carrier on or before the  
 11 due date;  
 12 (4) deposited to be mailed through United States registered mail,  
 13 United States certified mail, or United States certificate of  
 14 mailing:  
 15 (A) properly addressed to the principal office of the county  
 16 treasurer;  
 17 (B) with sufficient postage; and  
 18 (C) with a date of registration, certification, or certificate, as  
 19 evidenced by any record authenticated by the United States  
 20 Postal Service, on or before the due date; or  
 21 (5) made by an electronic funds transfer and the taxpayer's bank  
 22 account is charged on or before the due date.

23 For purposes of this subsection, "postmarked" does not mean the date  
 24 printed by a postage meter that affixes postage to the envelope or  
 25 package containing a payment.

26 (g) If a payment is mailed through the United States mail and is  
 27 physically received after the due date without a legible correct  
 28 postmark, the person who mailed the payment is considered to have  
 29 made the payment on or before the due date if the person can show by  
 30 reasonable evidence that the payment was deposited in the United  
 31 States mail on or before the due date.

32 (h) If a payment is sent via the United States mail or a nationally  
 33 recognized express parcel carrier but is not received by the designated  
 34 recipient, the person who sent the payment is considered to have made  
 35 the payment on or before the due date if the person:

- 36 (1) can show by reasonable evidence that the payment was  
 37 deposited in the United States mail, or with the express parcel  
 38 carrier, on or before the due date; and  
 39 (2) makes a duplicate payment within thirty (30) days after the  
 40 date the person is notified that the payment was not received.

41 SECTION 17. IC 6-1.1-37-10.1 IS ADDED TO THE INDIANA  
 42 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

1 [EFFECTIVE UPON PASSAGE]: **Sec. 10.1. (a) The fiscal body of a**  
 2 **county may, before July 1, 2012, adopt an ordinance to have this**  
 3 **section apply throughout the county. If the fiscal body of a county**  
 4 **adopts an ordinance under this subsection, the ordinance applies**  
 5 **after June 30, 2012, and until July 1, 2013, and the fiscal body shall**  
 6 **deliver a copy of the ordinance to the county treasurer and the**  
 7 **county auditor.**

8 **(b) The county treasurer of a county to which this section**  
 9 **applies shall waive all interest and penalties added before January**  
 10 **1, 2012, to a delinquent property tax installment or special**  
 11 **assessment on a tract or an item of real property if:**

12 **(1) all of the delinquent taxes and special assessments on the**  
 13 **tract or item of real property were first due and payable**  
 14 **before January 1, 2012; and**

15 **(2) before July 1, 2013, the taxpayer has paid:**

16 **(A) all of the delinquent taxes and special assessments**  
 17 **described in subdivision (1); and**

18 **(B) all of the taxes and special assessments that are first**  
 19 **due and payable on the tract or item of real property after**  
 20 **December 31, 2011, and before July 1, 2013 (and any**  
 21 **interest and penalties on these taxes and special**  
 22 **assessments).**

23 **(c) The county treasurer of a county to which this section**  
 24 **applies shall waive interest and penalties as provided in subsection**  
 25 **(b) if the conditions of subsection (b) are satisfied, notwithstanding**  
 26 **any payment arrangement entered into by the county treasurer**  
 27 **and the taxpayer under IC 6-1.1-24-1.2 or under any other law."**

28 Delete pages 2 through 24.

29 Page 25, delete lines 1 through 41.

30 Renumber all SECTIONS consecutively.

(Reference is to HB 1090 as printed January 23, 2012.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 12, Nays 0.

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**Senator Kenley, Chairperson**