



March 19, 2013

**ENGROSSED
HOUSE BILL No. 1568**

DIGEST OF HB 1568 (Updated March 15, 2013 10:59 am - DI 110)

Citations Affected: IC 5-22; IC 6-1.1; IC 36-1; IC 36-7.

Synopsis: Real property subject to tax sale. In the statute concerning the sale of real property for which taxes or special assessments are delinquent, makes the following changes for purposes of the section that allows a county executive that holds a certificate of sale for a vacant parcel to sell the parcel to a contiguous residential property owner: (1) Provides that the certificate of sale will be sold to the successful applicant for \$1, plus the amount of certain costs incurred by the county in the sale. (Under current law, the sale price does include costs incurred by the county.) (2) Provides that for purposes of the section, a "vacant parcel" includes an improved parcel. (Current law provides that a "vacant parcel" includes only an unimproved parcel.) (3) Specifies that the county executive may offer for sale the certificate of sale for a vacant parcel. (Current law refers to the sale of the vacant parcel itself.) (4) Eliminates the property tax exemption for a vacant parcel acquired by an adjoining landowner. Establishes an alternative urban homesteading program that provides for the
(Continued next page)

Effective: July 1, 2013.

Moed, Riecken, Price, Zent

(SENATE SPONSORS — HOLDMAN, TALLIAN)

January 22, 2013, read first time and referred to Committee on Financial Institutions.
February 14, 2013, amended, reported — Do Pass.
February 18, 2013, read second time, ordered engrossed.
February 19, 2013, engrossed. Read third time, passed. Yeas 84, nays 6.

SENATE ACTION

February 25, 2013, read first time and referred to Committee on Financial Institutions.
March 18, 2013, amended, reported favorably — Do Pass.

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following: (1) That an individual is qualified to receive real property offered under the program if the individual applies for and receives, within a period specified by the local agency administering the program, a rehabilitation loan eligible for insurance under section 203(k) of the National Housing Act. (2) That the conveyance of a dwelling to a qualified individual under the program shall be made for a fee of \$1, plus certain costs incurred by the county in obtaining the property. (3) That before the vesting of a fee simple title in a qualified purchaser under the program, any material failure by the purchaser to carry out the agreement required under the program nullifies the agreement and all right, title, and interest in the property reverts to the agency administering the program. Provides that a financial institution that holds land that: (1) has been subdivided into lots; or (2) rezoned for, or put to, a different use; qualifies for a land development exception in which the reclassification of the land is delayed.

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March 19, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1568

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

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

- 1 SECTION 1. IC 5-22-22-1, AS AMENDED BY P.L.188-2007,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 1. (a) This chapter applies only to personal
4 property owned by a governmental body.
5 (b) This chapter does not apply to dispositions of property described
6 in any of the following:
7 (1) IC 5-22-21-1(b).
8 (2) IC 36-1-11-5.5.
9 (3) IC 36-1-11-5.7.
10 (c) This chapter does not apply to any of the following:
11 (1) The disposal of property under an urban homesteading
12 program under IC 36-7-17 **or IC 36-7-17.1**.
13 (2) The lease of school buildings under IC 20-47.
14 (3) The sale of land to a lessor in a lease-purchase contract under
15 IC 36-1-10.
16 (4) The disposal of property by a redevelopment commission
17 established under IC 36-7.

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- 1 (5) The leasing of property by a board of aviation commissioners
 2 established under IC 8-22-2 or an airport authority established
 3 under IC 8-22-3.
- 4 (6) The disposal of a municipally owned utility under IC 8-1.5.
- 5 (7) The sale or lease of property by a unit (as defined in
 6 IC 36-1-2-23) to an Indiana nonprofit corporation organized for
 7 educational, literary, scientific, religious, or charitable purposes
 8 that is exempt from federal income taxation under Section 501 of
 9 the Internal Revenue Code or the sale or reletting of that property
 10 by the nonprofit corporation.
- 11 (8) The disposal of surplus property by a hospital established and
 12 operated under IC 16-22-1 through IC 16-22-5, IC 16-22-8,
 13 IC 16-23-1, or IC 16-24-1.
- 14 (9) The sale or lease of property acquired under IC 36-7-13 for
 15 industrial development.
- 16 (10) The sale, lease, or disposal of property by a local hospital
 17 authority under IC 5-1-4.
- 18 (11) The sale or other disposition of property by a county or
 19 municipality to finance housing under IC 5-20-2.
- 20 (12) The disposition of property by a soil and water conservation
 21 district under IC 14-32.
- 22 (13) The disposal of surplus property by the health and hospital
 23 corporation established and operated under IC 16-22-8.
- 24 (14) The disposal of personal property by a library board under
 25 IC 36-12-3-5(c).
- 26 (15) The sale or disposal of property by the historic preservation
 27 commission under IC 36-7-11.1.
- 28 (16) The disposal of an interest in property by a housing authority
 29 under IC 36-7-18.
- 30 (17) The disposal of property under IC 36-9-37-26.
- 31 (18) The disposal of property used for park purposes under
 32 IC 36-10-7-8.
- 33 (19) The disposal of textbooks that will no longer be used by
 34 school corporations under IC 20-26-12.
- 35 (20) The disposal of residential structures or improvements by a
 36 municipal corporation without consideration to:
- 37 (A) a governmental body; or
- 38 (B) a nonprofit corporation that is organized to expand the
 39 supply or sustain the existing supply of good quality,
 40 affordable housing for residents of Indiana having low or
 41 moderate incomes.
- 42 (21) The disposal of historic property without consideration to a

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1 nonprofit corporation whose charter or articles of incorporation
 2 allows the corporation to take action for the preservation of
 3 historic property. As used in this subdivision, "historic property"
 4 means property that is:

5 (A) listed on the National Register of Historic Places; or
 6 (B) eligible for listing on the National Register of Historic
 7 Places, as determined by the division of historic preservation
 8 and archeology of the department of natural resources.

9 (22) The disposal of real property without consideration to:

10 (A) a governmental body; or
 11 (B) a nonprofit corporation that exists for the primary purpose
 12 of enhancing the environment;

13 when the property is to be used for compliance with a permit or
 14 an order issued by a federal or state regulatory agency to mitigate
 15 an adverse environmental impact.

16 (23) The disposal of property to a person under an agreement
 17 between the person and a governmental body under IC 5-23.

18 SECTION 2. IC 6-1.1-4-12, AS AMENDED BY P.L.154-2006,
 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2013]: Sec. 12. (a) As used in this section, "land developer"
 21 means a person that holds land for sale in the ordinary course of the
 22 person's trade or business. **The term includes a financial institution**
 23 **(as defined in IC 28-1-1-3(1)) if the financial institution's land in**
 24 **inventory is purchased, acquired, or held for one (1) or more of the**
 25 **purposes established under IC 28-1-11-5(a)(2), IC 28-1-11-5(a)(3),**
 26 **and IC 28-1-11-5(a)(4).**

27 (b) As used in this section, "land in inventory" means:

28 (1) a lot; or
 29 (2) a tract that has not been subdivided into lots;

30 to which a land developer holds title in the ordinary course of the land
 31 developer's trade or business.

32 (c) As used in this section, "title" refers to legal or equitable title,
 33 including the interest of a contract purchaser.

34 **(d) For purposes of this section, land purchased, acquired, or**
 35 **held by a financial institution for one (1) or more of the purposes**
 36 **established under IC 28-1-11-5(a)(2), IC 28-1-11-5(a)(3), and**
 37 **IC 28-1-11-5(a)(4) is considered held for sale in the ordinary course**
 38 **of the financial institution's trade or business.**

39 ~~(e)~~ (e) Except as provided in subsections ~~(h)~~ and (i) and (j), if:

40 (1) land assessed on an acreage basis is subdivided into lots; or
 41 (2) land is rezoned for, or put to, a different use;

42 the land shall be reassessed on the basis of its new classification.

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- 1 ~~(e)~~ (f) If improvements are added to real property, the improvements
- 2 shall be assessed.
- 3 ~~(f)~~ (g) An assessment or reassessment made under this section is
- 4 effective on the next assessment date.
- 5 ~~(g)~~ (h) No petition to the department of local government finance is
- 6 necessary with respect to an assessment or reassessment made under
- 7 this section.
- 8 ~~(h)~~ (i) Subject to subsection ~~(i)~~; (j), land in inventory may not be
- 9 reassessed until the next assessment date following the earliest of:
- 10 (1) the date on which title to the land is transferred by:
- 11 (A) the land developer; or
- 12 (B) a successor land developer that acquires title to the land;
- 13 to a person that is not a land developer;
- 14 (2) the date on which construction of a structure begins on the
- 15 land; or
- 16 (3) the date on which a building permit is issued for construction
- 17 of a building or structure on the land.
- 18 ~~(i)~~ (j) Subsection ~~(i)~~ applies regardless of whether the land in
- 19 inventory is rezoned while a land developer holds title to the land.
- 20 SECTION 3. IC 6-1.1-10-5.5 IS AMENDED TO READ AS
- 21 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5.5. Real property **that**
- 22 **is** held under IC 36-7-17 ~~which~~ **or IC 36-7-17.1 and that** is conveyed
- 23 by contract with retention of the deed by the city is deemed to be the
- 24 property of the city held for municipal purposes and is exempt from
- 25 property taxation.
- 26 SECTION 4. IC 6-1.1-10-38, AS AMENDED BY P.L.98-2010,
- 27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 JULY 1, 2013]: Sec. 38. This chapter does not contain all of the
- 29 property tax exemption provisions. The property taxation exemption
- 30 provisions include, but are not limited to, the following sections:
- 31 IC 4-20.5-14-3 IC 21-35-2-19
- 32 IC 4-20.5-19 IC 21-35-3-20
- 33 IC 5-1-4-26 IC 20-47-2-21
- 34 IC 6-1.1-10-5 IC 20-47-3-15
- 35 ~~IC 6-1.1-24-6.8(k)~~ IC 23-7-7-3
- 36 IC 8-10-1-27 IC 36-1-10-18
- 37 IC 8-23-7-31 IC 36-7-14-37
- 38 IC 8-15-2-12 IC 36-7-15.1-25
- 39 IC 8-21-9-31 IC 36-7-18-25
- 40 IC 10-18-2-22 IC 36-9-4-52
- 41 IC 10-18-1-36 IC 36-9-11-10
- 42 IC 10-18-3-12 IC 36-9-11.1-11

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1	IC 10-18-4-21	IC 36-9-13-36
2	IC 10-18-7-9	IC 36-9-13-37
3	IC 14-33-20-27	IC 36-9-30-31
4	IC 15-13-4-4	IC 36-10-8-18
5	IC 16-22-6-34	IC 36-10-9-18
6	IC 21-34-8-3	

7 SECTION 5. IC 6-1.1-24-4.5 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4.5. (a) The county
 9 auditor shall also provide those agencies under IC 36-7-17 **or**
 10 **IC 36-7-17.1**, in that county, with a list of tracts or items of real
 11 property on which one (1) or more installments of taxes is delinquent
 12 by June 15 of the year following the date the delinquency occurred.

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

20 SECTION 6. IC 6-1.1-24-6.8, AS ADDED BY P.L.98-2010,
 21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2013]: Sec. 6.8. (a) For purposes of this section, in a county
 23 containing a consolidated city "county executive" refers to the board of
 24 commissioners of the county as provided in IC 36-3-3-10.

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

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

29 ~~(2) The parcel is unimproved on the date the parcel is offered for~~
 30 ~~sale under this chapter.~~

31 **(2) If the parcel is unimproved on the date the certificate**
 32 **of sale for the parcel is offered for sale under this chapter,** the
 33 construction of a structure intended for residential use on the
 34 parcel is permitted by law.

35 **(3) If the parcel is improved on the date the certificate of sale**
 36 **for the parcel is offered for sale under this chapter, the**
 37 **following apply:**

38 **(A) One (1) or more of the following are located on the**
 39 **parcel:**

40 **(i) A structure that may be lawfully occupied for**
 41 **residential use.**

42 **(ii) A structure used in conjunction with a structure that**

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may be lawfully occupied for residential use.

(B) The parcel is:

- (i) on the list of vacant or abandoned properties designated under section 1(a)(2) of this chapter; or**
- (ii) not occupied by a tenant or a person having a substantial property interest of public record in the parcel.**

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

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

- (i) A structure occupied for residential use.
- (ii) A structure used in conjunction with a structure occupied for residential use.

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

(c) ~~The A~~ county legislative body may **by adopt an ordinance establish authorizing the sale of certificates of sale in the county under this section and establishing** criteria for the identification of vacant parcels **for which the certificates of sale are** to be offered for sale under this section. The criteria may include the following:

- (1) Limitations on the use of the parcel under local zoning and land use requirements.
- (2) **If the parcel is unimproved, the** minimum parcel area sufficient for construction of improvements.
- (3) Any other factor considered appropriate by the county legislative body.

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

(d) If the county legislative body adopts an ordinance under subsection (c), the county executive shall for each ~~tax~~ sale **under this section:**

- (1) by resolution, **and subject to the criteria adopted by the county legislative body under subsection (c),** identify each vacant parcel ~~that for which~~ the county executive desires to sell **the certificate of sale** under this section; and
- (2) subject to subsection (e), give written notice to the owner of record of each parcel referred to in subsection (b)(4) that is contiguous to the vacant parcel.

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

3 (1) A description of the vacant parcel by:

4 (A) legal description; and

5 (B) parcel number or street address, or both.

6 (2) Notice that the county executive will accept written
7 applications from owners of parcels described in subsection (b)(4)
8 as provided in subsection (f).

9 (3) Notice of the deadline for applications referred to in
10 subdivision (2) and of the information to be included in the
11 applications.

12 (4) Notice that the **certificate of sale for the** vacant parcel will be
13 sold to the successful applicant for:

14 (A) one dollar (\$1); **plus**

15 (B) **the amounts described in section 5(f)(4) through 5(f)(6)**
16 **of this chapter.**

17 (5) ~~Notice of the exemption provisions of subsection (f).~~

18 (f) To be eligible to purchase **the certificate of sale for** a vacant
19 parcel under this section, the owner of a contiguous parcel referred to
20 in subsection (b)(4) must file a written application with the county
21 executive. The application must:

22 (1) identify the ~~vacant parcel~~ **certificate of sale** that the applicant
23 desires to purchase; and

24 (2) include any other information required by the county
25 executive.

26 (g) If more than one (1) application to purchase **the certificate of**
27 **sale for** a single vacant parcel is filed with the county executive, the
28 county executive shall conduct a drawing between or among the
29 applicants in which each applicant has an equal chance to be selected
30 as the transferee of the **certificate of sale for the** vacant parcel.

31 (h) The county executive shall by resolution make a final
32 determination concerning the ~~vacant parcels~~ **certificates of sale** that
33 are to be sold under this section.

34 (i) After the final determination of **the certificates of sale for**
35 vacant parcels to be sold under subsection (h), the county executive
36 shall:

37 (1) on behalf of the county, cause all delinquent taxes, special
38 assessments, penalties, **and** interest ~~and costs of sale~~ with respect
39 to the vacant parcels to be removed from the tax duplicate; **and**

40 (2) give notice of the final determination to:

41 (A) the successful applicant;

42 (B) the county auditor; and

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1 (C) the township assessor, or the county assessor if there is no
2 township assessor for the township.

3 (j) Upon receipt of notice under subsection (i)(2), ~~(†)~~ the county
4 auditor shall ~~(A)~~ collect the purchase price from each successful
5 applicant. and ~~(B)~~ subject to subsection (k); prepare a deed transferring
6 each vacant parcel to the successful applicant; and ~~(2)~~ the township
7 assessor or county assessor shall consolidate each vacant parcel sold
8 and the contiguous parcel owned by the successful applicant into a
9 single parcel.

10 ~~(k)~~ The county auditor shall include in the deed prepared under
11 subsection ~~(j)(1)(B)~~ reference to the exemption under subsection ~~(†)~~.

12 ~~(†)~~ **(k) This subsection applies only to a vacant parcel**
13 **consolidated with a successful applicant's contiguous parcel under**
14 **this section before July 1, 2013.** Except as provided in Subject to
15 subsection ~~(m)~~; **(l)**, each consolidated parcel referred to in subsection
16 ~~(j)(2)~~ is entitled to an exemption exempt from property taxation for the
17 period beginning on the assessment date that next succeeds the
18 consolidation in the amount of the assessed value at the time of
19 consolidation of the vacant parcel that was subject to the consolidation.

20 ~~(m)~~ **(l) This subsection applies only to a vacant parcel**
21 **consolidated with a successful applicant's contiguous parcel under**
22 **this section before July 1, 2013.** The exemption under subsection ~~(†)~~
23 **(k)** is terminated as of the assessment date that next succeeds the
24 earlier of the following:

25 (1) Five (5) years after the transfer of title to the successful
26 applicant.

27 (2) The first transfer of title to the consolidated parcel that occurs
28 after the consolidation.

29 SECTION 7. IC 6-1.1-25-4, AS AMENDED BY P.L.56-2012,
30 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2013]: Sec. 4. (a) The period for redemption of real property
32 sold under IC 6-1.1-24 is:

33 (1) one (1) year after the date of sale;

34 (2) one hundred twenty (120) days after the date of sale to a
35 purchasing agency qualified under IC 36-7-17 or IC 36-7-17.1;
36 or

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

40 (b) Subject to subsection (l) and IC 6-1.1-24-9(d), the period for
41 redemption of real property:

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

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- 1 IC 6-1.1-24-6; and
 2 (2) for which the certificate of sale is not sold under
 3 IC 6-1.1-24-6.1;
 4 is one hundred twenty (120) days after the date the county executive
 5 acquires the lien under IC 6-1.1-24-6.
- 6 (c) The period for redemption of real property:
 7 (1) on which the county executive acquires a lien under
 8 IC 6-1.1-24-6; and
 9 (2) for which the certificate of sale is sold under IC 6-1.1-24;
 10 is one hundred twenty (120) days after the date of sale of the certificate
 11 of sale under IC 6-1.1-24.
- 12 (d) When a deed for real property is executed under this chapter, the
 13 county auditor shall cancel the certificate of sale and file the canceled
 14 certificate in the office of the county auditor. If real property that
 15 appears on the list prepared under IC 6-1.1-24-1.5 is offered for sale
 16 and an amount that is at least equal to the minimum sale price required
 17 under IC 6-1.1-24-5 is not received, the county auditor shall issue a
 18 deed to the real property, subject to this chapter.
- 19 (e) When a deed is issued to a county executive under this chapter,
 20 the taxes and special assessments for which the real property was
 21 offered for sale, and all subsequent taxes, special assessments, interest,
 22 penalties, and cost of sale shall be removed from the tax duplicate in
 23 the same manner that taxes are removed by certificate of error.
- 24 (f) A tax deed executed under this chapter vests in the grantee an
 25 estate in fee simple absolute, free and clear of all liens and
 26 encumbrances created or suffered before or after the tax sale except
 27 those liens granted priority under federal law and the lien of the state
 28 or a political subdivision for taxes and special assessments which
 29 accrue subsequent to the sale and which are not removed under
 30 subsection (e). However, subject to subsection (g), the estate is subject
 31 to:
 32 (1) all easements, covenants, declarations, and other deed
 33 restrictions shown by public records;
 34 (2) laws, ordinances, and regulations concerning governmental
 35 police powers, including zoning, building, land use,
 36 improvements on the land, land division, and environmental
 37 protection; and
 38 (3) liens and encumbrances created or suffered by the grantee.
- 39 (g) A tax deed executed under this chapter for real property sold in
 40 a tax sale:
 41 (1) does not operate to extinguish an easement recorded before
 42 the date of the tax sale in the office of the recorder of the county

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- 1 in which the real property is located, regardless of whether the
- 2 easement was taxed under this article separately from the real
- 3 property; and
- 4 (2) conveys title subject to all easements recorded before the date
- 5 of the tax sale in the office of the recorder of the county in which
- 6 the real property is located.
- 7 (h) A tax deed executed under this chapter is prima facie evidence
- 8 of:
 - 9 (1) the regularity of the sale of the real property described in the
 - 10 deed;
 - 11 (2) the regularity of all proper proceedings; and
 - 12 (3) valid title in fee simple in the grantee of the deed.
- 13 (i) A county auditor is not required to execute a deed to the county
- 14 executive under this chapter if the county executive determines that the
- 15 property involved contains hazardous waste or another environmental
- 16 hazard for which the cost of abatement or alleviation will exceed the
- 17 fair market value of the property. The county executive may enter the
- 18 property to conduct environmental investigations.
- 19 (j) If the county executive makes the determination under subsection
- 20 (i) as to any interest in an oil or gas lease or separate mineral rights, the
- 21 county treasurer shall certify all delinquent taxes, interest, penalties,
- 22 and costs assessed under IC 6-1.1-24 to the clerk, following the
- 23 procedures in IC 6-1.1-23-9. After the date of the county treasurer's
- 24 certification, the certified amount is subject to collection as delinquent
- 25 personal property taxes under IC 6-1.1-23. Notwithstanding
- 26 IC 6-1.1-4-12.4 and IC 6-1.1-4-12.6, the assessed value of such an
- 27 interest shall be zero (0) until production commences.
- 28 (k) When a deed is issued to a purchaser of a certificate of sale sold
- 29 under IC 6-1.1-24-6.1, the county auditor shall, in the same manner that
- 30 taxes are removed by certificate of error, remove from the tax duplicate
- 31 the taxes, special assessments, interest, penalties, and costs remaining
- 32 due as the difference between the amount of the last minimum bid
- 33 under IC 6-1.1-24-5 and the amount paid for the certificate of sale.
- 34 (l) If a tract or item of real property did not sell at a tax sale and the
- 35 county treasurer and the owner of real property agree before the
- 36 expiration of the period for redemption under subsection (b) to a
- 37 mutually satisfactory arrangement for the payment of the entire amount
- 38 required for redemption under section 2 of this chapter before the
- 39 expiration of a period for redemption extended under this subsection:
 - 40 (1) the county treasurer may extend the period for redemption;
 - 41 and
 - 42 (2) except as provided in subsection (m), the extended period for

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1 redemption expires one (1) year after the date of the agreement.
 2 (m) If the owner of real property fails to meet the terms of an
 3 agreement entered into with the county treasurer under subsection (l),
 4 the county treasurer may terminate the agreement after providing thirty
 5 (30) days written notice to the owner. If the county treasurer gives
 6 notice under this subsection, the extended period for redemption
 7 established under subsection (l) expires thirty (30) days after the date
 8 of the notice.

9 SECTION 8. IC 6-1.1-25-4.6, AS AMENDED BY P.L.56-2012,
 10 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2013]: Sec. 4.6. (a) After the expiration of the redemption
 12 period specified in section 4 of this chapter but not later than six (6)
 13 months after the expiration of the period of redemption:

- 14 (1) the purchaser, the purchaser's assignee, the county executive,
 15 or the purchaser of the certificate of sale under IC 6-1.1-24 may;
 16 or
- 17 (2) in a county where the county auditor and county treasurer
 18 have an agreement under section 4.7 of this chapter, the county
 19 auditor shall, upon the request of the purchaser or the purchaser's
 20 assignee;

21 file a verified petition in the same court and under the same cause
 22 number in which the judgment of sale was entered asking the court to
 23 direct the county auditor to issue a tax deed if the real property is not
 24 redeemed from the sale. Notice of the filing of this petition shall be
 25 given to the same parties and in the same manner as provided in section
 26 4.5 of this chapter, except that, if notice is given by publication, only
 27 one (1) publication is required. The notice required by this section is
 28 considered sufficient if the notice is sent to the address required by
 29 section 4.5(d) of this chapter. Any person owning or having an interest
 30 in the tract or real property may file a written objection to the petition
 31 with the court not later than thirty (30) days after the date the petition
 32 was filed. If a written objection is timely filed, the court shall conduct
 33 a hearing on the objection.

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

- 39 (1) The time of redemption has expired.
- 40 (2) The tract or real property has not been redeemed from the sale
 41 before the expiration of the period of redemption specified in
 42 section 4 of this chapter.

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1 (3) Except with respect to a petition for the issuance of a tax deed
2 under a sale of the certificate of sale on the property under
3 IC 6-1.1-24-6.1 or IC 6-1.1-24-6.8, all taxes and special
4 assessments, penalties, and costs have been paid.

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

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

9 The county auditor shall execute deeds issued under this subsection in
10 the name of the state under the county auditor's name. If a certificate of
11 sale is lost before the execution of a deed, the county auditor shall issue
12 a replacement certificate if the county auditor is satisfied that the
13 original certificate existed.

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

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

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

23 (2) the court refuses to enter an order directing the county auditor
24 to execute and deliver the tax deed because of the failure of the
25 petitioner under subsection (a) to fulfill the notice requirement of
26 subsection (a);

27 the court shall order the return of the amount, if any, by which the
28 purchase price exceeds the minimum bid on the property under
29 IC 6-1.1-24-5 minus a penalty of twenty-five percent (25%) of that
30 excess. The petitioner is prohibited from participating in any manner
31 in the next succeeding tax sale in the county under IC 6-1.1-24. The
32 county auditor shall deposit penalties paid under this subsection in the
33 county general fund.

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

35 (1) the verified petition referred to in subsection (a) is timely
36 filed;

37 (2) the petitioner under subsection (a) has made a bona fide
38 attempt to comply with the statutory requirements under
39 subsection (b) for the issuance of the tax deed but has failed to
40 comply with these requirements;

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

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1 comply with these requirements; and
2 (4) the purchaser, the purchaser's successors or assignees, or the
3 purchaser of the certificate of sale under IC 6-1.1-24 files a claim
4 with the county auditor for refund not later than thirty (30) days
5 after the entry of the order of the court refusing to direct the
6 county auditor to execute and deliver the tax deed;
7 the county auditor shall not execute the deed but shall refund the
8 purchase money minus a penalty of twenty-five percent (25%) of the
9 purchase money from the county treasury to the purchaser, the
10 purchaser's successors or assignees, or the purchaser of the certificate
11 of sale under IC 6-1.1-24. The county auditor shall deposit penalties
12 paid under this subsection in the county general fund. All the
13 delinquent taxes and special assessments shall then be reinstated and
14 recharged to the tax duplicate and collected in the same manner as if
15 the property had not been offered for sale. The tract or item of real
16 property, if it is then eligible for sale under IC 6-1.1-24, shall be placed
17 on the delinquent list as an initial offering under IC 6-1.1-24.
18 (f) Notwithstanding subsections (d) and (e), the court shall not order
19 the return of the purchase price or any part of the purchase price if:
20 (1) the purchaser or the purchaser of the certificate of sale under
21 IC 6-1.1-24 has failed to provide notice or has provided
22 insufficient notice as required by section 4.5 of this chapter; and
23 (2) the sale is otherwise valid.
24 (g) A tax deed executed under this section vests in the grantee an
25 estate in fee simple absolute, free and clear of all liens and
26 encumbrances created or suffered before or after the tax sale except
27 those liens granted priority under federal law, and the lien of the state
28 or a political subdivision for taxes and special assessments that accrue
29 subsequent to the sale. However, the estate is subject to all easements,
30 covenants, declarations, and other deed restrictions and laws governing
31 land use, including all zoning restrictions and liens and encumbrances
32 created or suffered by the purchaser at the tax sale. The deed is prima
33 facie evidence of:
34 (1) the regularity of the sale of the real property described in the
35 deed;
36 (2) the regularity of all proper proceedings; and
37 (3) valid title in fee simple in the grantee of the deed.
38 (h) A tax deed issued under this section is incontestable except by
39 appeal from the order of the court directing the county auditor to issue
40 the tax deed filed not later than sixty (60) days after the date of the
41 court's order.
42 SECTION 9. IC 6-1.1-25-5.5 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5.5. (a) The deed given
2 by the county auditor to a county that acquired property under
3 IC 6-1.1-24-6, or to a city agency that acquired property under
4 IC 36-7-17 **or IC 36-7-17.1**, shall be in a form prescribed by the state
5 board of accounts and approved by the attorney general.

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

10 SECTION 10. IC 6-1.1-25-7.5 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7.5. (a) This section
12 applies to a county having a consolidated city.

13 (b) The county auditor shall provide the metropolitan development
14 commission with a list of real property:

- 15 (1) included on the list prepared under IC 6-1.1-24-1.5;
- 16 (2) for which a certificate of sale has been issued; and
- 17 (3) for which the holder of the certificate has not requested the
18 county auditor to execute and deliver a deed.

19 (c) The metropolitan development commission shall, within a
20 reasonable time after receiving a list under subsection (b), identify any
21 property described under subsection (b) that the metropolitan
22 development commission desires to acquire for urban homesteading
23 under IC 36-7-17 **or IC 36-7-17.1** or **for** redevelopment purposes
24 under IC 36-7-15.1. The metropolitan development commission shall
25 then provide the county auditor with a list of the properties identified
26 under this subsection.

27 (d) The county auditor shall execute and deliver a deed for any
28 property identified under subsection (c) to the metropolitan
29 development commission.

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

- 32 (1) included in the notice prepared under subsection (b); and
- 33 (2) not identified under subsection (c).

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

38 SECTION 11. IC 36-1-11-1, AS AMENDED BY P.L.154-2012,
39 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2013]: Sec. 1. (a) Except as provided in subsection (b), this
41 chapter applies to the disposal of property by:

- 42 (1) political subdivisions; and

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- 1 (2) their agencies.
- 2 (b) This chapter does not apply to the following:
- 3 (1) The disposal of property under an urban homesteading
- 4 program under IC 36-7-17 **or IC 36-7-17.1.**
- 5 (2) The lease of school buildings under IC 20-47.
- 6 (3) The sale of land to a lessor in a lease-purchase contract under
- 7 IC 36-1-10.
- 8 (4) The disposal of property by a redevelopment commission
- 9 established under IC 36-7.
- 10 (5) The leasing of property by a board of aviation commissioners
- 11 established under IC 8-22-2 or an airport authority established
- 12 under IC 8-22-3.
- 13 (6) The disposal of a municipally owned utility under IC 8-1.5.
- 14 (7) The sale or lease of property by a unit to an Indiana nonprofit
- 15 corporation organized for educational, literary, scientific,
- 16 religious, or charitable purposes that is exempt from federal
- 17 income taxation under Section 501 of the Internal Revenue Code
- 18 or the sale or reletting of that property by the nonprofit
- 19 corporation.
- 20 (8) The disposal of surplus property by a hospital established and
- 21 operated under IC 16-22-1 through IC 16-22-5, IC 16-22-8,
- 22 IC 16-23-1, or IC 16-24-1.
- 23 (9) The sale or lease of property acquired under IC 36-7-13 for
- 24 industrial development.
- 25 (10) The sale, lease, or disposal of property by a local hospital
- 26 authority under IC 5-1-4.
- 27 (11) The sale or other disposition of property by a county or
- 28 municipality to finance housing under IC 5-20-2.
- 29 (12) The disposition of property by a soil and water conservation
- 30 district under IC 14-32.
- 31 (13) The sale, lease, or disposal of property by the health and
- 32 hospital corporation established and operated under IC 16-22-8.
- 33 (14) The disposal of personal property by a library board under
- 34 IC 36-12-3-5(c).
- 35 (15) The sale or disposal of property by the historic preservation
- 36 commission under IC 36-7-11.1.
- 37 (16) The disposal of an interest in property by a housing authority
- 38 under IC 36-7-18.
- 39 (17) The disposal of property under IC 36-9-37-26.
- 40 (18) The disposal of property used for park purposes under
- 41 IC 36-10-7-8.
- 42 (19) The disposal of textbooks that will no longer be used by

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- 1 school corporations under IC 20-26-12.
- 2 (20) The disposal of residential structures or improvements by a
- 3 municipal corporation without consideration to:
- 4 (A) a governmental entity; or
- 5 (B) a nonprofit corporation that is organized to expand the
- 6 supply or sustain the existing supply of good quality,
- 7 affordable housing for residents of Indiana having low or
- 8 moderate incomes.
- 9 (21) The disposal of historic property without consideration to a
- 10 nonprofit corporation whose charter or articles of incorporation
- 11 allows the corporation to take action for the preservation of
- 12 historic property. As used in this subdivision, "historic property"
- 13 means property that is:
- 14 (A) listed on the National Register of Historic Places; or
- 15 (B) eligible for listing on the National Register of Historic
- 16 Places, as determined by the division of historic preservation
- 17 and archeology of the department of natural resources.
- 18 (22) The disposal of real property without consideration to:
- 19 (A) a governmental agency; or
- 20 (B) a nonprofit corporation that exists for the primary purpose
- 21 of enhancing the environment;
- 22 when the property is to be used for compliance with a permit or
- 23 an order issued by a federal or state regulatory agency to mitigate
- 24 an adverse environmental impact.
- 25 (23) The disposal of property to a person under an agreement
- 26 between the person and a political subdivision or an agency of a
- 27 political subdivision under IC 5-23.
- 28 (24) The disposal of residential real property pursuant to a federal
- 29 aviation regulation (14 CFR 150) Airport Noise Compatibility
- 30 Planning Program as approved by the Federal Aviation
- 31 Administration.
- 32 SECTION 12. IC 36-7-14-22.5, AS ADDED BY P.L.169-2006,
- 33 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 JULY 1, 2013]: Sec. 22.5. (a) This section applies to the following:
- 35 (1) Real property:
- 36 (A) that was acquired by the commission to carry out a
- 37 redevelopment project, an economic development area project,
- 38 or an urban renewal project; and
- 39 (B) relative to which the commission has, at a public hearing,
- 40 decided that the real property is not needed to complete the
- 41 redevelopment activity, an economic development activity, or
- 42 urban renewal activity in the project area.

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- 1 (2) Real property acquired under this chapter that is not in a
- 2 redevelopment project area, economic development area, or an
- 3 urban renewal project area.
- 4 (3) Parcels of property secured from the county under
- 5 IC 6-1.1-25-9(e) that were acquired by the county under
- 6 IC 6-1.1-24 and IC 6-1.1-25.
- 7 (4) Real property donated or transferred to the commission to be
- 8 held and disposed of under this section.
- 9 However, this section does not apply to property acquired under section
- 10 32.5 of this chapter.
- 11 (b) The commission may do the following to or for real property
- 12 described in subsection (a):
- 13 (1) Examine, classify, manage, protect, insure, and maintain the
- 14 property.
- 15 (2) Eliminate deficiencies (including environmental deficiencies),
- 16 carry out repairs, remove structures, and make improvements.
- 17 (3) Control the use of the property.
- 18 (4) Lease the property.
- 19 (5) Use any powers under section 12.2 of this chapter in relation
- 20 to the property.
- 21 (c) The commission may enter into contracts to carry out part or all
- 22 of the functions described in subsection (b).
- 23 (d) The commission may extinguish all delinquent taxes, special
- 24 assessments, and penalties relative to real property donated to the
- 25 commission to be held and disposed of under this section. The
- 26 commission shall provide the county auditor with a list of the real
- 27 property on which delinquent taxes, special assessments, and penalties
- 28 are extinguished under this subsection.
- 29 (e) Real property described in subsection (a) may be sold,
- 30 exchanged, transferred, granted, donated, or otherwise disposed of in
- 31 any of the following ways:
- 32 (1) In accordance with section 22, 22.2, 22.6, or 22.7 of this
- 33 chapter.
- 34 (2) In accordance with the provisions authorizing an urban
- 35 homesteading program under IC 36-7-17 **or IC 36-7-17.1.**
- 36 (f) In disposing of real property under subsection (e), the
- 37 commission may:
- 38 (1) group together properties for disposition in a manner that will
- 39 best serve the interest of the community, from the standpoint of
- 40 both human and economic welfare; and
- 41 (2) group together nearby or similar properties to facilitate
- 42 convenient disposition.

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1 SECTION 13. IC 36-7-14-32.5, AS AMENDED BY P.L.146-2008,
2 SECTION 736, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2013]: Sec. 32.5. (a) Subject to the approval of
4 the fiscal body of the unit that established the department of
5 redevelopment, the commission may acquire a parcel of real property
6 by the exercise of eminent domain when the real property has all of the
7 following characteristics:

8 (1) The real property meets at least one (1) of the conditions
9 described in IC 32-24-4.5-7(1).

10 (2) The real property is capable of being developed or
11 rehabilitated to provide affordable housing for low or moderate
12 income families or to provide other development that will benefit
13 or serve low or moderate income families.

14 (3) The condition of the real property has a negative impact on the
15 use or value of the neighboring properties or other properties in
16 the community.

17 (b) The commission or the commission's designated hearing
18 examiner shall conduct a public meeting to determine whether a parcel
19 of real property has the characteristics set forth in subsection (a). Each
20 person holding a fee or life estate interest of record in the property must
21 be given notice by first class mail of the time and date of the hearing at
22 least ten (10) days before the hearing and is entitled to present evidence
23 and make arguments at the hearing.

24 (c) If the commission considers it necessary to acquire real property
25 under this section, the commission shall adopt a resolution setting out
26 the commission's determination to exercise that power and directing the
27 commission's attorney to file a petition in the name of the city on behalf
28 of the department in the circuit or superior court with jurisdiction in the
29 county.

30 (d) Eminent domain proceedings under this section are governed by
31 IC 32-24.

32 (e) The commission shall use real property acquired under this
33 section for one (1) of the following purposes:

34 (1) Sale in an urban homestead program under IC 36-7-17 **or**
35 **IC 36-7-17.1.**

36 (2) Sale to a family whose income is at or below the county's
37 median income for families.

38 (3) Sale or grant to a neighborhood development corporation with
39 a condition in the granting clause of the deed requiring the
40 nonprofit development corporation to lease or sell the property to
41 a family whose income is at or below the county's median income
42 for families or to cause development that will serve or benefit

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1 families whose income is at or below the unit's median income for
 2 families.
 3 (4) Any other purpose appropriate under this chapter so long as
 4 it will serve or benefit families whose income is at or below the
 5 unit's median income for families.
 6 (f) A neighborhood development corporation or nonprofit
 7 corporation that receives property under this section must agree to
 8 rehabilitate or otherwise develop the property in a manner that is
 9 similar to and consistent with the use of the other properties in the area
 10 served by the corporation.
 11 SECTION 14. IC 36-7-15.1-15.5, AS ADDED BY P.L.169-2006,
 12 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2013]: Sec. 15.5. (a) This section applies to the following:
 14 (1) Real property:
 15 (A) that was acquired by the commission to carry out a
 16 redevelopment project, an economic development area project,
 17 or an urban renewal project; and
 18 (B) relative to which the commission has, at a public hearing,
 19 decided that the real property is not needed to complete the
 20 redevelopment activity, an economic development area
 21 activity, or urban renewal activity in the project area.
 22 (2) Real property acquired under this chapter that is not in a
 23 redevelopment project area, an economic development area, or an
 24 urban renewal project area.
 25 (3) Parcels of property secured from the county under
 26 IC 6-1.1-25-9(e) that were acquired by the county under
 27 IC 6-1.1-24 and IC 6-1.1-25.
 28 (4) Real property donated or transferred to the commission to be
 29 held and disposed of under this section.
 30 However, this section does not apply to property acquired under section
 31 22.5 of this chapter.
 32 (b) The commission may do the following to or for real property
 33 described in subsection (a):
 34 (1) Examine, classify, manage, protect, insure, and maintain the
 35 property.
 36 (2) Eliminate deficiencies (including environmental deficiencies),
 37 carry out repairs, remove structures, and make improvements.
 38 (3) Control the use of the property.
 39 (4) Lease the property.
 40 (5) Use any powers under section 7(a) or 7(b) of this chapter in
 41 relation to the property.
 42 (c) The commission may enter into contracts to carry out part or all

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1 of the functions described in subsection (b).
 2 (d) The commission may extinguish all delinquent taxes, special
 3 assessments, and penalties relative to real property donated to the
 4 commission to be held and disposed of under this section. The
 5 commission shall provide the county auditor with a list of the real
 6 property on which delinquent taxes, special assessments, and penalties
 7 are extinguished under this subsection.
 8 (e) Real property described in subsection (a) may be sold,
 9 exchanged, transferred, granted, donated, or otherwise disposed of in
 10 any of the following ways:
 11 (1) In accordance with section 15, 15.1, 15.2, 15.6, or 15.7 of this
 12 chapter.
 13 (2) In accordance with the provisions authorizing an urban
 14 homesteading program under IC 36-7-17 or **IC 36-7-17.1**.
 15 (f) In disposing of real property under subsection (e), the
 16 commission may:
 17 (1) group together properties for disposition in a manner that will
 18 best serve the interest of the community, from the standpoint of
 19 both human and economic welfare; and
 20 (2) group together nearby or similar properties to facilitate
 21 convenient disposition.
 22 SECTION 15. IC 36-7-15.1-22.5, AS AMENDED BY
 23 P.L.146-2008, SECTION 753, IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 22.5. (a) Subject to the
 25 approval of the county fiscal body, the commission may acquire a
 26 parcel of real property by the exercise of eminent domain when the
 27 following conditions exist:
 28 (1) The real property meets at least one (1) of the conditions
 29 described in IC 32-24-4.5-7(1).
 30 (2) The real property is capable of being developed or
 31 rehabilitated to provide affordable housing for low or moderate
 32 income families or to provide other development that will benefit
 33 or serve low or moderate income families.
 34 (3) The real property suffers from one (1) or more of the
 35 conditions listed in IC 36-7-1-3, resulting in a negative impact on
 36 the use or value of the neighboring properties or other properties
 37 in the community.
 38 (b) The commission or its designated hearing examiner shall
 39 conduct a public meeting to determine whether the conditions set forth
 40 in subsection (a) exist relative to a parcel of real property. Each person
 41 holding a fee or life estate interest of record in the property must be
 42 given notice by first class mail of the time and date of the hearing at

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1 least ten (10) days before the hearing, and is entitled to present
2 evidence and make arguments at the hearing.

3 (c) If the commission considers it necessary to acquire real property
4 under this section, it shall adopt a resolution setting out its
5 determination to exercise that power and directing its attorney to file
6 a petition in the name of the city on behalf of the department in the
7 circuit or superior court in the county.

8 (d) Eminent domain proceedings under this section are governed by
9 IC 32-24.

10 (e) The commission shall use real property acquired under this
11 section for one (1) of the following purposes:

12 (1) Sale in an urban homestead program under IC 36-7-17 or
13 **IC 36-7-17.1.**

14 (2) Sale to a family whose income is at or below the county's
15 median income for families.

16 (3) Sale or grant to a neighborhood development corporation or
17 other nonprofit corporation, with a condition in the granting
18 clause of the deed requiring the nonprofit organization to lease or
19 sell the property to a family whose income is at or below the
20 county's median income for families or to cause development that
21 will serve or benefit families whose income is at or below the
22 county's median income for families. However, a nonprofit
23 organization is eligible for a sale or grant under this subdivision
24 only if the county fiscal body has determined that the nonprofit
25 organization meets the criteria established under subsection (f).

26 (4) Any other purpose appropriate under this chapter so long as
27 it will serve or benefit families whose income is at or below the
28 county's median income for families.

29 (f) The county fiscal body shall establish criteria for determining the
30 eligibility of neighborhood development corporations and other
31 nonprofit corporations for sales and grants of real property under
32 subsection (e)(3). A neighborhood development corporation or other
33 nonprofit corporation may apply to the county fiscal body for a
34 determination concerning the corporation's compliance with the criteria
35 established under this subsection.

36 (g) A neighborhood development corporation or nonprofit
37 corporation that receives property under this section must agree to
38 rehabilitate or otherwise develop the property in a manner that is
39 similar to and consistent with the use of the other properties in the area
40 served by the corporation.

41 SECTION 16. IC 36-7-17.1 IS ADDED TO THE INDIANA CODE
42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2013]:

2 **Chapter 17.1. Alternative Urban Homesteading Program for**
 3 **Qualified Individuals**

4 **Sec. 1. This chapter applies to all units except townships.**

5 **Sec. 2. As used in this chapter, "rehabilitation loan" refers to a**
 6 **rehabilitation loan (as defined in 24 CFR 203.50(a)(1)) that is**
 7 **eligible for insurance under Section 203(k) of the National Housing**
 8 **Act (12 U.S.C. 1709(4k)).**

9 **Sec. 3. (a) The fiscal body of a unit may by ordinance designate**
 10 **an agency or quasi-public corporation, or establish a new agency,**
 11 **to administer an urban homesteading program under which a**
 12 **dwelling for one (1) to four (4) families may be conveyed to**
 13 **individuals who must:**

- 14 (1) occupy and rehabilitate the dwelling;
 15 (2) use a rehabilitation loan to finance both:
 16 (A) the purchase of the dwelling and the real property on
 17 which it is located in a sale under this chapter; and
 18 (B) the rehabilitation of the dwelling; and
 19 (3) comply with the program regulations set forth in 24 CFR
 20 203.50 and 24 CFR 203.440 et seq., with respect to the
 21 rehabilitation loan described in subdivision (2).

22 (b) If the fiscal body of a unit has adopted an ordinance under
 23 IC 36-7-17-2 to:

- 24 (1) designate an agency or quasi-public corporation; or
 25 (2) establish an agency;

26 to administer an urban homesteading program under IC 36-7-17,
 27 the fiscal body of the unit may designate the same agency or
 28 quasi-public corporation designated or established under the
 29 ordinance adopted under IC 36-7-17-2 to administer an urban
 30 homesteading program under this chapter.

31 **Sec. 4. (a) The agency designated or established under section 3**
 32 **of this chapter may acquire real property in the name of the unit,**
 33 **for use as provided in this chapter.**

34 (b) Under IC 6-1.1-24-4.5, the county auditor shall provide a list
 35 of real property on which one (1) or more installments of taxes are
 36 delinquent.

37 (c) Under IC 6-1.1-25-1 and IC 6-1.1-25-4, the agency may
 38 acquire the deed for real property purchased at tax sale for the
 39 purposes of this chapter one hundred twenty (120) days after the
 40 date of sale, after compliance with the notice provisions of
 41 IC 6-1.1-25-4.5.

42 (d) Under IC 6-1.1-25-7.5, the agency may acquire the deed for

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1 real property for which the holder of the certificate of sale has
2 failed to request that the county auditor execute and deliver a deed
3 within one hundred twenty (120) days after issuance of the
4 certificate.

5 (e) In addition to real property acquired through tax sale for the
6 purposes of this chapter, the agency may acquire real property by
7 purchase or gift.

8 Sec. 5. The agency shall, after the acquisition of real property
9 for use as provided in this chapter, take the steps necessary to fully
10 inform the residents of each unit in which the dwellings are located
11 of:

- 12 (1) the existence, nature, and location of the dwellings;
- 13 (2) the qualifications required for participation in the
14 program under this chapter; and
- 15 (3) the terms and conditions on which the dwellings may be
16 conveyed to qualified individuals.

17 Sec. 6. (a) An individual may apply for the program by
18 completing an application.

19 (b) An individual is qualified and shall be approved to receive
20 real property offered under this chapter if:

- 21 (1) the individual is at least eighteen (18) years of age;
- 22 (2) the individual applies for and receives a rehabilitation loan
23 with respect to the real property not later than the period
24 prescribed by the director of the agency in the rules and
25 regulations described in section 11 of this chapter; and
- 26 (3) the individual, and the individual's immediate family, has
27 not previously participated in the program under this
28 chapter.

29 (c) Individuals who apply for the program and meet the
30 requirements of subsection (b)(1) and (b)(3) are entitled to receive
31 a list of all properties owned by the unit that are available under
32 this chapter.

33 (d) Individuals described in subsection (c) may apply for each
34 dwelling in which they are interested. A drawing shall be held to
35 determine those applicants receiving the dwellings. Each approved
36 individual and the individual's immediate family may receive only
37 one (1) dwelling in the drawing.

38 Sec. 7. (a) The conveyance of a dwelling to an applicant under
39 this chapter shall be made in return for a fee of:

- 40 (1) one dollar (\$1); plus
- 41 (2) the amounts described in IC 6-1.1-24-5(f)(4) through
42 IC 6-1.1-24-5(f)(6);

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1 if the applicant executes an agreement that meets the minimum
2 conditions specified in subsection (b).

3 (b) The agreement described in subsection (a) must include the
4 following minimum conditions:

5 (1) The applicant must apply for and receive a rehabilitation
6 loan with respect to the dwelling and the real property on
7 which it is located not later than the period prescribed by the
8 director of the agency in the rules and regulations described
9 in section 11 of this chapter.

10 (2) Upon receiving the rehabilitation loan described in
11 subdivision (1), the applicant must comply with the program
12 regulations set forth in 24 CFR 203.50 and 24 CFR 203.440 et
13 seq., with respect to the rehabilitation loan described in
14 subdivision (1).

15 (3) The applicant must comply with any additional terms,
16 conditions, and requirements that the agency may impose to
17 ensure that the purposes of this chapter are carried out. This
18 may include the requirement that the dwelling be
19 rehabilitated to minimum building code standards before
20 possession.

21 Sec. 8. (a) The agency shall convey real property acquired for
22 the purposes of this chapter to an individual qualified under
23 section 7 of this chapter by using a method prescribed by
24 subsection (b) or (c).

25 (b) The real property may be conveyed by a conditional sales
26 contract, with title to remain in the agency until the individual
27 receives the rehabilitation loan described in section 7(b)(1) of this
28 chapter, subject to section 9 of this chapter.

29 (c) The title to real property may be conveyed as a determinable
30 fee, with the language of the granting clause in the deed of
31 conveyance providing that the real property is conveyed on the
32 conditions that the purchaser:

33 (1) will apply for and receive a rehabilitation loan with
34 respect to the real property not later than the period
35 prescribed by the director of the agency in the rules and
36 regulations described in section 11 of this chapter; and

37 (2) will comply with such additional terms, conditions, and
38 requirements as the agency requires under this chapter.

39 Sec. 9. Before the vesting of a fee simple title in the purchaser
40 under section 10 of this chapter, any material failure by the
41 purchaser to carry out the agreement entered into under section 7
42 of this chapter nullifies the agreement and all right, title, and

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1 interest in the property immediately reverts to the agency, except
2 that the agency may grant the purchaser a specified period, not to
3 exceed two (2) years, to come into compliance with the terms of the
4 agreement.

5 **Sec. 10.** If, after purchasing real property under this chapter, an
6 individual has complied with the terms of the individual's
7 agreement under section 7(b)(1) and 7(b)(3) of this chapter, the
8 agency shall convey to the individual a fee simple title to the real
9 property.

10 **Sec. 11.** The director of the agency shall prescribe the rules and
11 regulations necessary to carry out this chapter, including rules and
12 regulations establishing the period by which an individual must
13 apply for and receive a rehabilitation loan with respect to the
14 dwelling and the real property on which it is located, as described
15 in section 7(b)(1) of this chapter.

16 **Sec. 12.** Property acquired or held under this chapter with
17 retention of the deed by the unit is considered property of the unit
18 held for municipal purposes and is exempt from property taxation.
19 This property tax exemption becomes effective on the date of
20 conveyance to the unit. A petition to cancel taxes or a certified
21 application for exemption is not required for property acquired or
22 held under this chapter.

23 **Sec. 13. (a)** A property for which no one applies in two (2)
24 successive drawings held under this chapter may be sold at public
25 auction to the highest bidder.

26 **(b)** The proceeds of the sale of real property acquired under
27 IC 6-1.1-25-7.5 shall be applied to the cost of the sale, including
28 advertising and appraisal.

29 **(c)** If any proceeds remain after payment of the costs under
30 subsection (b), the proceeds shall be applied to the payment of
31 taxes removed from the tax duplicate under IC 6-1.1-25-4(e).

32 **(d)** If any proceeds remain after payment of the taxes under
33 subsection (c), the proceeds shall be deposited in the county general
34 fund.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1568, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1568 as introduced.)

BURTON, Chair

Committee Vote: yeas 10, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Financial Institutions, to which was referred House Bill No. 1568, 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:

Page 3, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 2. IC 6-1.1-4-12, AS AMENDED BY P.L.154-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) As used in this section, "land developer" means a person that holds land for sale in the ordinary course of the person's trade or business. **The term includes a financial institution (as defined in IC 28-1-1-3(1)) if the financial institution's land in inventory is purchased, acquired, or held for one (1) or more of the purposes established under IC 28-1-11-5(a)(2), IC 28-1-11-5(a)(3), and IC 28-1-11-5(a)(4).**

(b) As used in this section, "land in inventory" means:

(1) a lot; or

(2) a tract that has not been subdivided into lots;

to which a land developer holds title in the ordinary course of the land developer's trade or business.

(c) As used in this section, "title" refers to legal or equitable title, including the interest of a contract purchaser.

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(d) For purposes of this section, land purchased, acquired, or held by a financial institution for one (1) or more of the purposes established under IC 28-1-11-5(a)(2), IC 28-1-11-5(a)(3), and IC 28-1-11-5(a)(4) is considered held for sale in the ordinary course of the financial institution's trade or business.

~~(d)~~ **(e)** Except as provided in subsections ~~(h)~~ and **(i) and (j)**, if:

- (1) land assessed on an acreage basis is subdivided into lots; or
- (2) land is rezoned for, or put to, a different use;

the land shall be reassessed on the basis of its new classification.

~~(e)~~ **(f)** If improvements are added to real property, the improvements shall be assessed.

~~(f)~~ **(g)** An assessment or reassessment made under this section is effective on the next assessment date.

~~(g)~~ **(h)** No petition to the department of local government finance is necessary with respect to an assessment or reassessment made under this section.

~~(h)~~ **(i)** Subject to subsection ~~(i)~~, **(j)**, land in inventory may not be reassessed until the next assessment date following the earliest of:

- (1) the date on which title to the land is transferred by:
 - (A) the land developer; or
 - (B) a successor land developer that acquires title to the land; to a person that is not a land developer;
- (2) the date on which construction of a structure begins on the land; or
- (3) the date on which a building permit is issued for construction of a building or structure on the land.

~~(i)~~ **(j)** Subsection ~~(h)~~ **(i)** applies regardless of whether the land in inventory is rezoned while a land developer holds title to the land."

Page 3, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 4. IC 6-1.1-10-38, AS AMENDED BY P.L.98-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 38. This chapter does not contain all of the property tax exemption provisions. The property taxation exemption provisions include, but are not limited to, the following sections:

- | | |
|-------------------------------|-----------------|
| IC 4-20.5-14-3 | IC 21-35-2-19 |
| IC 4-20.5-19 | IC 21-35-3-20 |
| IC 5-1-4-26 | IC 20-47-2-21 |
| IC 6-1.1-10-5 | IC 20-47-3-15 |
| IC 6-1.1-24-6.8(k) | IC 23-7-7-3 |
| IC 8-10-1-27 | IC 36-1-10-18 |
| IC 8-23-7-31 | IC 36-7-14-37 |
| IC 8-15-2-12 | IC 36-7-15.1-25 |

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IC 8-21-9-31	IC 36-7-18-25
IC 10-18-2-22	IC 36-9-4-52
IC 10-18-1-36	IC 36-9-11-10
IC 10-18-3-12	IC 36-9-11.1-11
IC 10-18-4-21	IC 36-9-13-36
IC 10-18-7-9	IC 36-9-13-37
IC 14-33-20-27	IC 36-9-30-31
IC 15-13-4-4	IC 36-10-8-18
IC 16-22-6-34	IC 36-10-9-18
IC 21-34-8-3".	

Page 3, delete lines 37 through 42, begin a new paragraph and insert:

"SECTION 5. IC 6-1.1-24-6.8, AS ADDED BY P.L.98-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6.8. (a) For purposes of this section, in a county containing a consolidated city "county executive" refers to the board of commissioners of the county as provided in IC 36-3-3-10.

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

- (1) A lien has been acquired on the parcel under section 6(a) of this chapter.
- ~~(2) The parcel is unimproved on the date the parcel is offered for sale under this chapter.~~
- ~~(3) (2) If the parcel is unimproved on the date the certificate of sale for the parcel is offered for sale under this chapter, the construction of a structure intended for residential use on the parcel is permitted by law.~~
- (3) If the parcel is improved on the date the certificate of sale for the parcel is offered for sale under this chapter, the following apply:**
 - (A) One (1) or more of the following are located on the parcel:**
 - (i) A structure that may be lawfully occupied for residential use.**
 - (ii) A structure used in conjunction with a structure that may be lawfully occupied for residential use.**
 - (B) The parcel is:**
 - (i) on the list of vacant or abandoned properties designated under section 1(a)(2) of this chapter; or**
 - (ii) not occupied by a tenant or a person having a substantial property interest of public record in the parcel.**

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

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

- (i) A structure occupied for residential use.
- (ii) A structure used in conjunction with a structure occupied for residential use.

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

(c) ~~The A~~ county legislative body may **by adopt an ordinance establish authorizing the sale of certificates of sale in the county under this section and establishing** criteria for the identification of vacant parcels **for which the certificates of sale are** to be offered for sale under this section. The criteria may include the following:

- (1) Limitations on the use of the parcel under local zoning and land use requirements.
- (2) **If the parcel is unimproved, the** minimum parcel area sufficient for construction of improvements.
- (3) Any other factor considered appropriate by the county legislative body.

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

(d) If the county legislative body adopts an ordinance under subsection (c), the county executive shall for each ~~tax~~ sale **under this section:**

- (1) by resolution, **and subject to the criteria adopted by the county legislative body under subsection (c),** identify each vacant parcel ~~that for which~~ the county executive desires to sell **the certificate of sale** under this section; and
- (2) subject to subsection (e), give written notice to the owner of record of each parcel referred to in subsection (b)(4) that is contiguous to the vacant parcel.

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

- (1) A description of the vacant parcel by:
 - (A) legal description; and
 - (B) parcel number or street address, or both.
- (2) Notice that the county executive will accept written applications from owners of parcels described in subsection (b)(4)

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as provided in subsection (f).

(3) Notice of the deadline for applications referred to in subdivision (2) and of the information to be included in the applications.

(4) Notice that the **certificate of sale for the** vacant parcel will be sold to the successful applicant for:

(A) one dollar (\$1); **plus**

(B) **the amounts described in section 5(f)(4) through 5(f)(6) of this chapter.**

~~(5) Notice of the exemption provisions of subsection (f):~~

(f) To be eligible to purchase **the certificate of sale for** a vacant parcel under this section, the owner of a contiguous parcel referred to in subsection (b)(4) must file a written application with the county executive. The application must:

(1) identify the ~~vacant parcel~~ **certificate of sale** that the applicant desires to purchase; and

(2) include any other information required by the county executive.

(g) If more than one (1) application to purchase **the certificate of sale for** a single vacant parcel is filed with the county executive, the county executive shall conduct a drawing between or among the applicants in which each applicant has an equal chance to be selected as the transferee of the **certificate of sale for the** vacant parcel.

(h) The county executive shall by resolution make a final determination concerning the ~~vacant parcels~~ **certificates of sale** that are to be sold under this section.

(i) After the final determination of **the certificates of sale for** vacant parcels to be sold under subsection (h), the county executive shall:

(1) on behalf of the county, cause all delinquent taxes, special assessments, penalties, **and** interest ~~and costs of sale~~ with respect to the vacant parcels to be removed from the tax duplicate; **and**

(2) give notice of the final determination to:

(A) the successful applicant;

(B) the county auditor; and

(C) the township assessor, or the county assessor if there is no township assessor for the township.

(j) Upon receipt of notice under subsection (i)(2), ~~(1)~~ the county auditor shall ~~(A)~~ collect the purchase price from each successful applicant. ~~and (B) subject to subsection (k); prepare a deed transferring each vacant parcel to the successful applicant; and (2) the township assessor or county assessor shall consolidate each vacant parcel sold~~

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and the contiguous parcel owned by the successful applicant into a single parcel.

~~(k)~~ The county auditor shall include in the deed prepared under subsection ~~(j)(1)(B)~~ reference to the exemption under subsection ~~(l)~~.

~~(l)~~ **(k) This subsection applies only to a vacant parcel consolidated with a successful applicant's contiguous parcel under this section before July 1, 2013. Except as provided in Subject to subsection ~~(m)~~, (l), each consolidated parcel referred to in subsection ~~(j)(2)~~ is entitled to an exemption exempt from property taxation for the period beginning on the assessment date that next succeeds the consolidation in the amount of the assessed value at the time of consolidation of the vacant parcel that was subject to the consolidation.**

~~(m)~~ **(l) This subsection applies only to a vacant parcel consolidated with a successful applicant's contiguous parcel under this section before July 1, 2013. The exemption under subsection ~~(l)~~ (k) is terminated as of the assessment date that next succeeds the earlier of the following:**

(1) Five (5) years after the transfer of title to the successful applicant.

(2) The first transfer of title to the consolidated parcel that occurs after the consolidation."

Delete pages 4 through 6.

Page 7, delete line 1.

Page 9, between lines 23 and 24, begin a new paragraph and insert:
"SECTION 7. IC 6-1.1-25-4.6, AS AMENDED BY P.L.56-2012, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4.6. (a) After the expiration of the redemption period specified in section 4 of this chapter but not later than six (6) months after the expiration of the period of redemption:

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

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

file a verified petition in the same court and under the same cause number in which the judgment of sale was entered asking the court to direct the county auditor to issue a tax deed if the real property is not redeemed from the sale. Notice of the filing of this petition shall be given to the same parties and in the same manner as provided in section 4.5 of this chapter, except that, if notice is given by publication, only



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one (1) publication is required. The notice required by this section is considered sufficient if the notice is sent to the address required by section 4.5(d) of this chapter. Any person owning or having an interest in the tract or real property may file a written objection to the petition with the court not later than thirty (30) days after the date the petition was filed. If a written objection is timely filed, the court shall conduct a hearing on the objection.

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

- (1) The time of redemption has expired.
- (2) The tract or real property has not been redeemed from the sale before the expiration of the period of redemption specified in section 4 of this chapter.
- (3) Except with respect to a petition for the issuance of a tax deed under a sale of the certificate of sale on the property under IC 6-1.1-24-6.1 or IC 6-1.1-24-6.8, all taxes and special assessments, penalties, and costs have been paid.
- (4) The notices required by this section and section 4.5 of this chapter have been given.
- (5) The petitioner has complied with all the provisions of law entitling the petitioner to a deed.

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

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

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

- (1) the verified petition referred to in subsection (a) is timely filed; and
- (2) the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure of the petitioner under subsection (a) to fulfill the notice requirement of subsection (a);

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

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

- (1) the verified petition referred to in subsection (a) is timely filed;
- (2) the petitioner under subsection (a) has made a bona fide attempt to comply with the statutory requirements under subsection (b) for the issuance of the tax deed but has failed to comply with these requirements;
- (3) the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure to comply with these requirements; and
- (4) the purchaser, the purchaser's successors or assignees, or the purchaser of the certificate of sale under IC 6-1.1-24 files a claim with the county auditor for refund not later than thirty (30) days after the entry of the order of the court refusing to direct the county auditor to execute and deliver the tax deed;

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

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

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

(g) A tax deed executed under this section vests in the grantee an estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale except

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those liens granted priority under federal law, and the lien of the state or a political subdivision for taxes and special assessments that accrue subsequent to the sale. However, the estate is subject to all easements, covenants, declarations, and other deed restrictions and laws governing land use, including all zoning restrictions and liens and encumbrances created or suffered by the purchaser at the tax sale. The deed is prima facie evidence of:

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

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

Page 15, line 38, delete "or" and insert "**or**".

Page 17, line 29, after "chapter" insert ",".

Page 17, line 38, after "dwelling;" delete "and".

Page 19, line 41, delete "assure" and insert "**ensure**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1568 as printed February 15, 2013.)

HOLDMAN, Chairperson

Committee Vote: Yeas 7, Nays 0.

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