
HOUSE BILL No. 1317

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1; IC 32-29-7-3; IC 32-30; IC 36-1-11-1; IC 36-7.

Synopsis: Land banks and tax sale issues. Authorizes a county, consolidated city, or second class city to which the unsafe building law applies to establish a municipal corporation known as a land bank. Provides that the purpose of a land bank is to manage and improve the marketability of distressed real property in the territory of the county or city that established the land bank. Provides that the calculation of the amount required to redeem real property sold at a tax sale includes: (1) 1.5% per month on the purchaser's investment in the property, if the property is not certified to be vacant or abandoned; or (2) 5% per month on the purchaser's investment in the property, if the property is certified to be vacant or abandoned. Provides that when a tax deed is issued to a land bank after a county executive has assigned the county executive's certificate of sale to the land bank, the taxes, special assessments, and costs on the real property are removed from the tax duplicate in the same manner that taxes are removed by certificate of error. Provides that real property to which a county executive has acquired title through the tax sale process may be transferred at no cost to a land bank rather than a redevelopment commission, as is the case under current law. Authorizes a land bank to maintain an action to quiet title to more than one parcel of real property for which the land bank has a claim in a single complaint. Provides that a local governmental entity may not issue a permit, approve a land use, or approve construction concerning a parcel of real property if: (1) delinquent property taxes or special assessments on the parcel remain unpaid; or (2) unsafe building costs or civil penalties for the parcel remain unpaid. Permits an enforcement authority for the unsafe
(Continued next page)

C
o
p
y

Effective: July 1, 2013.

Clere, Burton, Riecken, Moed

January 17, 2013, read first time and referred to Committee on Government and Regulatory Reform.



Digest Continued

building law to file a praecipe for a sheriff's sale following a foreclosure action if: (1) the creditor does not file a praecipe within 90 days; and (2) the enforcement authority has issued an abatement order with respect to the property. Allows an enforcement authority to petition a court to determine that a property is abandoned before a creditor has filed a foreclosure action. Requires the enforcement authority to serve a copy of its petition on the debtor, creditor, and any other appropriate party. Provides that, if a court finds that the property is abandoned, the creditor shall file a foreclosure action within 90 days. Makes conforming amendments.

C
o
p
y



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.

C
O
P
Y

HOUSE BILL No. 1317



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

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

1 SECTION 1. IC 6-1.1-24-0.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2013]:

4 **Sec. 1. The following definitions apply throughout this chapter**
5 **and IC 6-1.1-25:**

- 6 (1) "County executive" means the following:
 - 7 (A) In a county not containing a consolidated city, the
 - 8 county executive or the county executive's designee.
 - 9 (B) In a county containing a consolidated city, the
 - 10 executive of the consolidated city.
- 11 (2) "Land bank" has the meaning set forth in IC 36-7-37-1(3).
- 12 (3) "Substantial property interest of public record" means
- 13 title to or interest in a tract possessed by a person and
- 14 recorded in the office of a county recorder or available for
- 15 public inspection in the office of a circuit court clerk not later



1 **than the hour and date the sale or transfer is scheduled to**
 2 **begin under this chapter. The term does not include a lien**
 3 **held by the state or a political subdivision.**

4 SECTION 2. IC 6-1.1-24-1, AS AMENDED BY P.L.120-2012,
 5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2013]: Sec. 1. (a) **As used in this section, "alternate**
 7 **certifying authority" refers to:**

8 **(1) for real property located in a municipality (as defined in**
 9 **IC 36-1-2-11) in a county other than Marion County:**

10 **(A) the building commissioner's office, if the municipality**
 11 **has a building commissioner; or**

12 **(B) the official of the municipality having the equivalent**
 13 **responsibilities of a building commissioner, if the**
 14 **municipality does not have a building commissioner; or**

15 **(2) the county executive, if subdivision (1) does not apply.**

16 **(a) (b)** On or after January 1 of each calendar year in which a tax sale
 17 will be held in a county and not later than fifty-one (51) days after the
 18 first tax payment due date in that calendar year, the county treasurer (or
 19 **county executive, alternate certifying authority**, in the case of
 20 property described in subdivision (2)) shall certify to the county auditor
 21 a list of real property on which any of the following exist:

22 (1) In the case of real property other than real property described
 23 in subdivision (2), any property taxes or special assessments
 24 certified to the county auditor for collection by the county
 25 treasurer from the prior year's spring installment or before are
 26 delinquent as determined under IC 6-1.1-37-10 and the delinquent
 27 property tax or special assessments due exceed twenty-five dollars
 28 (\$25).

29 (2) In the case of real property for which a ~~county executive~~ **the**
 30 **appropriate alternate certifying authority** has certified to the
 31 county auditor that the real property is:

32 (A) vacant; or

33 (B) abandoned;

34 any property taxes or special assessments from the prior year's fall
 35 installment or before that are delinquent as determined under
 36 IC 6-1.1-37-10. ~~The county executive~~ **An alternate certifying**
 37 **authority** must make a certification under this subdivision not
 38 later than sixty-one (61) days before the earliest date on which
 39 application for judgment and order for sale may be made.

40 (3) Any unpaid costs are due under section 2(b) of this chapter
 41 from a prior tax sale.

42 **(b) (c)** The county auditor shall maintain a list of all real property

C
o
p
y



1 eligible for sale. Except as provided in section 1.2 or another provision
 2 of this chapter, the taxpayer's property shall remain on the list. The list
 3 must:

- 4 (1) describe the real property by parcel number and common
 5 address, if any;
 6 (2) for a tract or item of real property with a single owner,
 7 indicate the name of the owner; and
 8 (3) for a tract or item with multiple owners, indicate the name of
 9 at least one (1) of the owners.

10 ~~(e)~~ **(d)** Except as otherwise provided in this chapter, the real
 11 property so listed is eligible for sale in the manner prescribed in this
 12 chapter.

13 ~~(d)~~ **(e)** Not later than fifteen (15) days after the date of the county
 14 treasurer's certification under subsection ~~(a)~~; **(b)**, the county auditor
 15 shall mail by certified mail a copy of the list described in subsection ~~(b)~~
 16 **(c)** to each mortgagee who requests from the county auditor by certified
 17 mail a copy of the list. Failure of the county auditor to mail the list
 18 under this subsection does not invalidate an otherwise valid sale.

19 SECTION 3. IC 6-1.1-24-1.5, AS AMENDED BY P.L.169-2006,
 20 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2013]: Sec. 1.5. ~~(a) As used in this chapter and IC 6-1.1-25,~~
 22 "county executive" means the following:

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

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

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

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

- 36 (1) prepare a list of the properties certified by the commission;
 37 and
 38 (2) delete any property described in that list from the delinquent
 39 tax list prepared under section 1 of this chapter.

40 SECTION 4. IC 6-1.1-24-1.9 IS REPEALED [EFFECTIVE JULY
 41 1, 2013]. Sec. 1.9: ~~As used in this chapter and IC 6-1.1-25, "substantial~~
 42 ~~property interest of public record" means title to or interest in a tract~~

C
o
p
y



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

6 SECTION 5. IC 6-1.1-24-2, AS AMENDED BY P.L.56-2012,
 7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2013]: Sec. 2. (a) In addition to the delinquency list required
 9 under section 1 of this chapter, each county auditor shall prepare a
 10 notice. The notice shall contain the following:

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

13 (2) A statement that the tracts or real property included in the list
 14 will be sold at public auction to the highest bidder, subject to the
 15 right of redemption.

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

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

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

23 (C) all penalties due on the delinquencies;

24 (D) an amount prescribed by the county auditor that equals the
 25 sum of:

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

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

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

32 (4) A statement that a person redeeming each tract or item of real
 33 property after the sale must pay:

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

39 (i) **one and five-tenths percent (1.5%) per month on the**
 40 **amount of the minimum bid for which the tract or item**
 41 **of real property was offered at the time of sale, if the**
 42 **tract or item real property is not certified as vacant or**

C
O
P
Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

abandoned property; or

(ii) five percent (5%) per month on the amount of the minimum bid for which the tract or item of real property was offered at the time of sale, if the tract or item of real property is certified as vacant or abandoned property;

~~(B)~~ **one hundred fifteen percent (115%) of the amount of the minimum bid for which the tract or item of real property was offered at the time of sale if the tract or item of real property is redeemed more than six (6) months after the date of sale;**

~~(E)~~ **(B) the amount by which the purchase price exceeds the minimum bid on the tract or item of real property, plus:**

(i) one and five-tenths percent (1.5%) per month on the amount by which the purchase price exceeds the minimum bid, if the tract or item real property is not certified as vacant or abandoned property; or

(ii) ten five percent (10%) (5%) per annum month on the amount by which the purchase price exceeds the minimum bid, if the tract or item of real property is certified as vacant or abandoned property; and

~~(D)~~ **(C) all taxes and special assessments on the tract or item of real property paid by the purchaser after the tax sale plus interest at the rate of:**

(i) ten one and five-tenths percent (10%) (1.5%) per annum month on the amount of taxes and special assessments paid by the purchaser on the redeemed property, if the tract or item real property is not certified as vacant or abandoned property; or

(ii) five percent (5%) per month on the amount of the minimum bid for which the tract or item of real property was offered at the time of sale, if the tract or item of real property is certified as vacant or abandoned property.

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

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

C
o
p
y



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

C
o
p
y



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

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

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

13 (15) With respect to a tract or an item of real property that is
 14 subject to sale under this chapter after June 30, 2012, and before
 15 July 1, 2013, a statement declaring whether an ordinance adopted
 16 under IC 6-1.1-37-10.1 is in effect in the county and, if
 17 applicable, an explanation of the circumstances in which penalties
 18 on the delinquent taxes and special assessments will be waived.

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

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

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

39 SECTION 6. IC 6-1.1-24-2.2, AS AMENDED BY P.L.169-2006,
 40 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2013]: Sec. 2.2. Whenever a notice required under section 2
 42 of this chapter includes real property on the list prepared under section

C
o
p
y



1 ~~1(a)(2)~~ **1(b)(2)** or ~~1.5(d)~~ **1.5(c)** of this chapter, the notice must also
2 contain a statement that:

3 (1) the property is on the alternate list prepared under section
4 ~~1(a)(2)~~ **1(b)(2)** or ~~1.5(d)~~ **1.5(c)** of this chapter;

5 (2) if the property is not redeemed within one hundred twenty
6 (120) days after the date of sale, the county auditor shall execute
7 and deliver a deed for the property to the purchaser or purchaser's
8 assignee; and

9 (3) if the property is offered for sale and a bid is not received for
10 at least the amount required under section 5 of this chapter, the
11 county auditor may execute and deliver a deed for the property to
12 the county executive, subject to IC 6-1.1-25.

13 SECTION 7. IC 6-1.1-24-4, AS AMENDED BY P.L.56-2012,
14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2013]: Sec. 4. (a) Not less than twenty-one (21) days before
16 the earliest date on which the application for judgment and order for
17 sale of real property eligible for sale may be made, the county auditor
18 shall send a notice of the sale by certified mail, return receipt
19 requested, to:

20 (1) the owner of record of real property with a single owner; or

21 (2) at least one (1) of the owners, as of the date of certification, of
22 real property with multiple owners;

23 at the last address of the owner for the property as indicated in the
24 records of the county auditor on the date that the tax sale list is
25 certified. In addition, the county auditor shall mail a duplicate notice
26 to the owner of record, as described in subdivisions (1) and (2), by first
27 class mail to the owners from whom the certified mail return receipt
28 was not signed and returned. Additionally, the county auditor may
29 determine that mailing a first class notice to or serving a notice on the
30 property is a reasonable step to notify the owner, if the address of the
31 owner is not the same address as the physical location of the property.
32 If both notices are returned due to incorrect or insufficient addresses,
33 the county auditor shall research the county auditor records to
34 determine a more complete or accurate address. If a more complete or
35 accurate address is found, the county auditor shall resend the notices
36 to the address that is found in accordance with this section. Failure to
37 obtain a more complete or accurate address does not invalidate an
38 otherwise valid sale. The county auditor shall prepare the notice in the
39 form prescribed by the state board of accounts. The notice must set
40 forth the key number, if any, of the real property and a street address,
41 if any, or other common description of the property other than a legal
42 description. The notice must include the statement set forth in section

C
o
p
y



1 2(a)(4) of this chapter. With respect to a tract or an item of real
 2 property that is subject to sale under this chapter after June 30, 2012,
 3 and before July 1, 2013, the notice must include a statement declaring
 4 whether an ordinance adopted under IC 6-1.1-37-10.1 is in effect in the
 5 county and, if applicable, an explanation of the circumstances in which
 6 penalties on the delinquent taxes and special assessments will be
 7 waived. The county auditor must present proof of this mailing to the
 8 court along with the application for judgment and order for sale.
 9 Failure by an owner to receive or accept the notice required by this
 10 section does not affect the validity of the judgment and order. The
 11 owner of real property shall notify the county auditor of the owner's
 12 correct address. The notice required under this section is considered
 13 sufficient if the notice is mailed to the address or addresses required by
 14 this section.

15 (b) In addition to the notice required under subsection (a) for real
 16 property on the list prepared under section ~~1(a)(2)~~ **1(b)(2)** or ~~1.5(d)~~
 17 **1.5(c)** of this chapter, the county auditor shall prepare and mail the
 18 notice required under section 2.2 of this chapter no later than forty-five
 19 (45) days after the county auditor receives the certified list from the
 20 county treasurer under section 1(a) of this chapter.

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

24 SECTION 8. IC 6-1.1-24-5, AS AMENDED BY P.L.56-2012,
 25 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2013]: Sec. 5. (a) When a tract or an item of real property is
 27 subject to sale under this chapter, it must be sold in compliance with
 28 this section.

29 (b) The sale must:

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

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

- 36 (1) delinquent personal property taxes; or
- 37 (2) taxes or special assessments which are chargeable to other real
 38 property.

39 (d) A tract or an item of real property may not be sold under this
 40 chapter if all the delinquent taxes, penalties, and special assessments
 41 on the tract or an item of real property and the amount prescribed by
 42 section 2(a)(3)(D) of this chapter, reflecting the costs incurred by the

C
o
p
y



1 county due to the sale, are paid before the time of sale.
 2 (e) The county treasurer shall sell the tract or item of real property,
 3 subject to the right of redemption, to the highest bidder at public
 4 auction whose bid is at least the minimum bid specified in subsection
 5 (f) or (g), as applicable.
 6 (f) Except as provided in subsection (g), a tract or an item of real
 7 property may not be sold for an amount which is less than the sum of:
 8 (1) the delinquent taxes and special assessments on each tract or
 9 item of real property;
 10 (2) the taxes and special assessments on each tract or item of real
 11 property that are due and payable in the year of the sale,
 12 regardless of whether the taxes and special assessments are
 13 delinquent;
 14 (3) all penalties which are due on the delinquencies;
 15 (4) the amount prescribed by section 2(a)(3)(D) of this chapter
 16 reflecting the costs incurred by the county due to the sale;
 17 (5) any unpaid costs which are due under section 2(b) of this
 18 chapter from a prior tax sale; and
 19 (6) other reasonable expenses of collection, including title search
 20 expenses, uniform commercial code expenses, and reasonable
 21 attorney's fees incurred by the date of the sale.
 22 The amount of penalties due on the delinquencies under subdivision (3)
 23 must be adjusted in accordance with IC 6-1.1-37-10.1, if applicable.
 24 (g) If an ordinance adopted under section 15(a) of this chapter is in
 25 effect in the county in which a tract or an item of real property is
 26 located, the tract or item of real property may not be sold for an amount
 27 that is less than the lesser of:
 28 (1) the amount determined under subsection (f); or
 29 (2) seventy-five percent (75%) of the gross assessed value of the
 30 tract or item of real property, as determined on the most recent
 31 assessment date.
 32 (h) For purposes of the sale, it is not necessary for the county
 33 treasurer to first attempt to collect the real property taxes or special
 34 assessments out of the personal property of the owner of the tract or
 35 real property.
 36 (i) The county auditor shall serve as the clerk of the sale.
 37 (j) Real property certified to the county auditor under section ~~1(a)(2)~~
 38 **1(b)(2)** of this chapter must be offered for sale in a different phase of
 39 the tax sale or on a different day of the tax sale than the phase or day
 40 during which other real property is offered for sale.
 41 (k) The public auction required under subsection (e) may be
 42 conducted by electronic means, at the option of the county treasurer.

COPY



1 The electronic sale must comply with the other statutory requirements
 2 of this section. If an electronic sale is conducted under this subsection,
 3 the county treasurer shall provide access to the electronic sale by
 4 providing computer terminals open to the public at a designated
 5 location. A county treasurer who elects to conduct an electronic sale
 6 may receive electronic payments and establish rules necessary to
 7 secure the payments in a timely fashion. The county treasurer may not
 8 add an additional cost of sale charge to a parcel for the purpose of
 9 conducting the electronic sale.

10 SECTION 9. IC 6-1.1-24-9, AS AMENDED BY P.L.73-2010,
 11 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2013]: Sec. 9. (a) Immediately after a tax sale purchaser pays
 13 the bid, as evidenced by the receipt of the county treasurer, or
 14 immediately after the county acquires a lien under section 6 of this
 15 chapter, the county auditor shall deliver a certificate of sale to the
 16 purchaser or to the county or to the city. The certificate shall be signed
 17 by the auditor and registered in the auditor's office. The certificate shall
 18 contain:

- 19 (1) a description of real property that corresponds to the
- 20 description used on the notice of sale;
- 21 (2) the name of:
 - 22 (A) the owner of record at the time of the sale of real property
 - 23 with a single owner; or
 - 24 (B) at least one (1) of the owners of real property with multiple
 - 25 owners;
- 26 (3) the mailing address of the owner of the real property sold as
- 27 indicated in the records of the county auditor;
- 28 (4) the name of the purchaser;
- 29 (5) the date of sale;
- 30 (6) the amount for which the real property was sold;
- 31 (7) the amount of the minimum bid for which the tract or real
- 32 property was offered at the time of sale as required by section 5
- 33 of this chapter;
- 34 (8) the date when the period of redemption specified in
- 35 IC 6-1.1-25-4 will expire;
- 36 (9) the court cause number under which judgment was obtained;
- 37 and
- 38 (10) the street address, if any, or common description of the real
- 39 property.

40 (b) When a certificate of sale is issued under this section, the
 41 purchaser acquires a lien against the real property for the entire amount
 42 paid. The lien of the purchaser is superior to all liens against the real

C
o
p
y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

property which exist at the time the certificate is issued.
(c) A certificate of sale is assignable. However, an assignment is not valid unless it is endorsed on the certificate of sale, acknowledged before an officer authorized to take acknowledgments of deeds, and registered in the office of the county auditor. When a certificate of sale is assigned, the assignee acquires the same rights and obligations that the original purchaser acquired.

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

(e) If the county executive wishes make an assignment to a land bank under subsection (d), the county executive must first offer the certificate of sale to the land bank in whose territory the tract or item of real property is located, if any.

SECTION 10. IC 6-1.1-25-2, AS AMENDED BY P.L.56-2012, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) The total amount of money required for the redemption of real property equals:

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

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

- (1) one hundred ten percent (110%) of the minimum bid for which the tract or real property was offered at the time of sale, as required by IC 6-1.1-24-5, if:

- (A) the certificate of sale for the tract or item of real property was originally issued before July 1, 2013; and**
- (B) the tract or item of real property is redeemed not more than six (6) months after the date of sale; or**

- (2) one hundred fifteen percent (115%) of the minimum bid for which the tract or real property was offered at the time of sale, as required by IC 6-1.1-24-5, if:

- (A) the certificate of sale for the tract or item of real property was originally issued before July 1, 2013; and**
- (B) the tract or item of real property is redeemed more than six (6) months but not more than one (1) year after the date of**

C
o
p
y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

sale; or
(3) if the certificate of sale for the tract or item of real property was originally issued after June 30, 2013, the amount of the minimum bid for which the tract or real property was offered at the time of sale plus:

(A) one and five-tenths percent (1.5%) per month on the amount of the minimum bid for which the tract or item of real property was offered at the time of sale, if the tract or item real property is not certified as vacant or abandoned property under IC 6-1.1-24-1(b)(2); or

(B) five percent (5%) per month on the amount of the minimum bid for which the tract or item of real property was offered at the time of sale, if the tract or item of real property is certified as vacant or abandoned property under IC 6-1.1-24-1(b)(2).

(c) Except as provided in subsection (g), in addition to the amount required under subsection (b), the total amount required for redemption includes the amount by which the purchase price exceeds the minimum bid on the real property plus:

(1) if the certificate of sale for the tract or item of real property was originally issued before July 1, 2013, ten percent (10%) per annum on the amount by which the purchase price exceeds the minimum bid on the property; or

(2) if the certificate of sale for the tract or item of real property was originally issued after June 30, 2013:

(A) one and five-tenths percent (1.5%) per month on the amount by which the purchase price exceeds the minimum bid on the property, if the tract or item real property is not certified as vacant or abandoned property under IC 6-1.1-24-1(b)(2); or

(B) five percent (5%) per month on the amount by which the purchase price exceeds the minimum bid on the property, if the tract or item real property is certified as vacant or abandoned property under IC 6-1.1-24-1(b)(2).

(d) Except as provided in subsection (g), in addition to the amount required under subsections (b) and (c), the total amount required for redemption includes all taxes and special assessments upon the property paid by the purchaser after the sale plus:

(1) if the certificate of sale for the tract or item of real property was originally issued before July 1, 2013, ten percent (10%) interest per annum on those taxes and special assessments; or

C
o
p
y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

(2) if the certificate of sale for the tract or item of real property was originally issued after June 30, 2013:

(A) one and five-tenths percent (1.5%) per month on those taxes and special assessments, if the tract or item real property is not certified as vacant or abandoned property under IC 6-1.1-24-1(b)(2); or

(B) five percent (5%) per month on those taxes and special assessments, if the tract or item real property is certified as vacant or abandoned property under IC 6-1.1-24-1(b)(2).

(e) Except as provided in subsection (g), in addition to the amounts required under subsections (b), (c), and (d), the total amount required for redemption includes the following costs, if certified before redemption and not earlier than thirty (30) days after the date of sale of the property being redeemed by the payor to the county auditor on a form prescribed by the state board of accounts, that were incurred and paid by the purchaser, the purchaser's assignee, or the county, before redemption:

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

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

(f) The total amount required for redemption includes, in addition to the amounts required under subsections (b) and (e), all taxes, special assessments, interest, penalties, and fees on the property that accrued after the sale.

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

SECTION 11. IC 6-1.1-25-4, AS AMENDED BY P.L.56-2012, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) The period for redemption of real property sold under IC 6-1.1-24 is:

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

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

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

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

C
O
P
Y



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

C
o
p
y

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

COPY



1 expiration of a period for redemption extended under this subsection:

2 (1) the county treasurer may extend the period for redemption;

3 and

4 (2) except as provided in subsection (m), the extended period for
5 redemption expires one (1) year after the date of the agreement.

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

13 SECTION 12. IC 6-1.1-25-4.6, AS AMENDED BY P.L.56-2012,
14 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2013]: Sec. 4.6. (a) After the expiration of the redemption
16 period specified in section 4 of this chapter but not later than **thirty**
17 **(30) days after the expiration of the period of redemption, if the**
18 **period of redemption expires after June 30, 2013, or** six (6) months
19 after the expiration of the period of redemption, **if the period of**
20 **redemption expires before July 1, 2013:**

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

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

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

41 (b) Not later than sixty-one (61) days after the petition is filed under
42 subsection (a), the court shall enter an order directing the county

C
o
p
y



1 auditor (on the production of the certificate of sale and a copy of the
2 order) to issue to the petitioner a tax deed if the court finds that the
3 following conditions exist:

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

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

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

- 27 (d) Except as provided in subsections (e) and (f), if:
28 (1) the verified petition referred to in subsection (a) is timely
29 filed; and
30 (2) the court refuses to enter an order directing the county auditor
31 to execute and deliver the tax deed because of the failure of the
32 petitioner under subsection (a) to fulfill the notice requirement of
33 subsection (a);

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

- 41 (e) Notwithstanding subsection (d), in all cases in which:
42 (1) the verified petition referred to in subsection (a) is timely

C
O
P
Y



1 filed;

2 (2) the petitioner under subsection (a) has made a bona fide

3 attempt to comply with the statutory requirements under

4 subsection (b) for the issuance of the tax deed but has failed to

5 comply with these requirements;

6 (3) the court refuses to enter an order directing the county auditor

7 to execute and deliver the tax deed because of the failure to

8 comply with these requirements; and

9 (4) the purchaser, the purchaser's successors or assignees, or the

10 purchaser of the certificate of sale under IC 6-1.1-24 files a claim

11 with the county auditor for refund not later than thirty (30) days

12 after the entry of the order of the court refusing to direct the

13 county auditor to execute and deliver the tax deed;

14 the county auditor shall not execute the deed but shall refund the

15 purchase money minus a penalty of twenty-five percent (25%) of the

16 purchase money from the county treasury to the purchaser, the

17 purchaser's successors or assignees, or the purchaser of the certificate

18 of sale under IC 6-1.1-24. The county auditor shall deposit penalties

19 paid under this subsection in the county general fund. All the

20 delinquent taxes and special assessments shall then be reinstated and

21 recharged to the tax duplicate and collected in the same manner as if

22 the property had not been offered for sale. The tract or item of real

23 property, if it is then eligible for sale under IC 6-1.1-24, shall be placed

24 on the delinquent list as an initial offering under IC 6-1.1-24.

25 (f) Notwithstanding subsections (d) and (e), the court shall not order

26 the return of the purchase price or any part of the purchase price if:

27 (1) the purchaser or the purchaser of the certificate of sale under

28 IC 6-1.1-24 has failed to provide notice or has provided

29 insufficient notice as required by section 4.5 of this chapter; and

30 (2) the sale is otherwise valid.

31 (g) A tax deed executed under this section vests in the grantee an

32 estate in fee simple absolute, free and clear of all liens and

33 encumbrances created or suffered before or after the tax sale except

34 those liens granted priority under federal law, and the lien of the state

35 or a political subdivision for taxes and special assessments that accrue

36 subsequent to the sale. However, the estate is subject to all easements,

37 covenants, declarations, and other deed restrictions and laws governing

38 land use, including all zoning restrictions and liens and encumbrances

39 created or suffered by the purchaser at the tax sale. The deed is prima

40 facie evidence of:

41 (1) the regularity of the sale of the real property described in the

42 deed;

COPY



1 (2) the regularity of all proper proceedings; and
 2 (3) valid title in fee simple in the grantee of the deed.
 3 (h) A tax deed issued under this section is incontestable except by
 4 appeal from the order of the court directing the county auditor to issue
 5 the tax deed filed not later than sixty (60) days after the date of the
 6 court's order.
 7 SECTION 13. IC 6-1.1-25-9, AS AMENDED BY P.L.169-2006,
 8 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2013]: Sec. 9. (a) When a county acquires title to real property
 10 under IC 6-1.1-24 and this chapter, the county executive may dispose
 11 of the real property under IC 36-1-11 or subsection (e). The proceeds
 12 of any sale under IC 36-1-11 shall be applied as follows:
 13 (1) First, to the cost of the sale or offering for sale of the real
 14 property, including the cost of:
 15 (A) maintenance;
 16 (B) preservation;
 17 (C) administration of the property before the sale or offering
 18 for sale of the property;
 19 (D) unpaid costs of the sale or offering for sale of the property;
 20 (E) preparation of the property for sale;
 21 (F) advertising; and
 22 (G) appraisal.
 23 (2) Second, to any unrecovered cost of the sale or offering for sale
 24 of other real property in the same taxing district acquired by the
 25 county under IC 6-1.1-24 and this chapter, including the cost of:
 26 (A) maintenance;
 27 (B) preservation;
 28 (C) administration of the property before the sale or offering
 29 for sale of the property;
 30 (D) unpaid costs of the sale or offering for sale of the property;
 31 (E) preparation of the property for sale;
 32 (F) advertising; and
 33 (G) appraisal.
 34 (3) Third, to the payment of the taxes on the real property that
 35 were removed from the tax duplicate under section 4(c) of this
 36 chapter.
 37 (4) Fourth, any surplus remaining into the county general fund.
 38 (b) The county auditor shall file a report with the board of
 39 commissioners before January 31 of each year. The report must:
 40 (1) list the real property acquired under IC 6-1.1-24 and this
 41 chapter; and
 42 (2) indicate if any person resides or conducts a business on the

C
O
P
Y



1 property.

2 (c) The county auditor shall mail a notice by certified mail before

3 March 31 of each year to each person listed in subsection (b)(2). The

4 notice must state that the county has acquired title to the tract the

5 person occupies.

6 (d) If the county executive determines that any real property

7 acquired under this section should be retained by the county, then the

8 county executive shall not dispose of the real property. The county

9 executive may repair, maintain, equip, alter, and construct buildings

10 upon the real property so retained in the same manner prescribed for

11 other county buildings.

12 (e) The county executive may transfer title to real property

13 described in subsection (a) to ~~the redevelopment commission a land~~

14 ~~bank at no cost to the commission for sale, grant, or other disposition~~

15 ~~under IC 36-7-14-22.2, IC 36-7-14-22.5, IC 36-7-15.1-15.1,~~

16 ~~IC 36-7-15.1-15.2, or IC 36-7-15.1-15.5. land bank.~~

17 (f) If the real property is located in a geographic area that is not

18 served by a ~~redevelopment commission land bank~~ and the county

19 executive determines that any real property acquired under this section

20 should be held for later sale or transfer by the county executive, the

21 county executive shall wait until an appropriate time to dispose of the

22 real property. The county executive may do the following:

23 (1) Examine, classify, manage, protect, insure, and maintain the

24 property being held.

25 (2) Eliminate deficiencies (including environmental deficiencies),

26 carry out repairs, remove structures, make improvements, and

27 control the use of the property.

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

29 The county executive may enter into contracts to carry out part or all of

30 the functions described in subdivisions (1) through (3).

31 SECTION 14. IC 32-29-7-3, AS AMENDED BY P.L.102-2012,

32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

33 JULY 1, 2013]: Sec. 3. (a) In a proceeding for the foreclosure of a

34 mortgage executed on real estate, process may not issue for the

35 execution of a judgment or decree of sale for a period of three (3)

36 months after the filing of a complaint in the proceeding. However:

37 (1) the period is:

38 (A) twelve (12) months in a proceeding for the foreclosure of

39 a mortgage executed before January 1, 1958; and

40 (B) six (6) months in a proceeding for the foreclosure of a

41 mortgage executed after December 31, 1957, but before July

42 1, 1975; and

C
o
p
y



1 (2) if the court finds under IC 32-30-10.6 or **IC 32-30-10.7** that
 2 the mortgaged real estate has been abandoned, a judgment or
 3 decree of sale may be executed on the date the judgment of
 4 foreclosure or decree of sale is entered, regardless of the date the
 5 mortgage is executed.

6 (b) A judgment and decree in a proceeding to foreclose a mortgage
 7 that is entered by a court having jurisdiction may be filed with the clerk
 8 in any county as provided in IC 33-32-3-2. After the period set forth in
 9 subsection (a) expires, a person who may enforce the judgment and
 10 decree may file a praecipe with the clerk in any county where the
 11 judgment and decree is filed, and the clerk shall promptly issue and
 12 certify to the sheriff of that county a copy of the judgment and decree
 13 under the seal of the court. However, if:

14 (1) a praecipe is not filed with the clerk within ~~one hundred eighty~~
 15 ~~(+80)~~ **ninety (90)** days after the later of the dates on which:

- 16 (A) the period specified in subsection (a) expires; or
 17 (B) the judgment and decree is filed; and

18 (2) the sale is not:

- 19 (A) otherwise prohibited by law;
 20 (B) subject to a voluntary statewide foreclosure moratorium;
 21 or

22 (C) subject to a written agreement that:

23 (i) provides for a delay in the sale of the mortgaged real
 24 estate; and

25 (ii) is executed by and between the owner of the mortgaged
 26 real estate and a party entitled to enforce the judgment and
 27 decree;

28 an enforcement authority that has issued an abatement order under
 29 IC 36-7-36-9 with respect to the mortgaged real estate may file a
 30 praecipe with the clerk in any county where the judgment and decree
 31 is filed. If an enforcement authority files a praecipe under this
 32 subsection, the clerk of the county in which the praecipe is filed shall
 33 promptly issue and certify to the sheriff of that county a copy of the
 34 judgment and decree under the seal of the court.

35 (c) Upon receiving a certified judgment under subsection (b), the
 36 sheriff shall, subject to section 4 of this chapter, sell the mortgaged
 37 premises or as much of the mortgaged premises as necessary to satisfy
 38 the judgment, interest, and costs at public auction at the office of the
 39 sheriff or at another location that is reasonably likely to attract higher
 40 competitive bids. The sheriff shall schedule the date and time of the
 41 sheriff's sale for:

42 (1) a date not later than one hundred twenty (120) days after the

C
O
P
Y



1 date on which the judgment and decree under seal of the court are
2 certified to the sheriff by the clerk; and

3 (2) a time certain between the hours of 10 a.m. and 4 p.m. on any
4 day of the week except Sunday.

5 (d) Before selling mortgaged property, the sheriff must advertise the
6 sale by publication once each week for three (3) successive weeks in
7 a daily or weekly newspaper of general circulation. The sheriff shall
8 publish the advertisement in at least one (1) newspaper published and
9 circulated in each county where the real estate is situated. The first
10 publication shall be made at least thirty (30) days before the date of
11 sale. At the time of placing the first advertisement by publication, the
12 sheriff shall also serve a copy of the written or printed notice of sale
13 upon each owner of the real estate. Service of the written notice shall
14 be made as provided in the Indiana Rules of Trial Procedure governing
15 service of process upon a person. The sheriff shall charge a fee of ten
16 dollars (\$10) to one (1) owner and three dollars (\$3) to each additional
17 owner for service of written notice under this subsection. The fee is:

18 (1) a cost of the proceeding;

19 (2) to be collected as other costs of the proceeding are collected;
20 and

21 (3) to be deposited in the county general fund for appropriation
22 for operating expenses of the sheriff's department.

23 (e) The sheriff also shall post written or printed notices of the sale
24 at the door of the courthouse of each county in which the real estate is
25 located.

26 (f) If the sheriff is unable to procure the publication of a notice
27 within the county, the sheriff may dispense with publication. The
28 sheriff shall state that the sheriff was not able to procure the
29 publication and explain the reason why publication was not possible.

30 (g) Notices under subsections (d) and (e) must contain a statement,
31 for informational purposes only, of the location of each property by
32 street address, if any, or other common description of the property other
33 than legal description. A misstatement in the informational statement
34 under this subsection does not invalidate an otherwise valid sale.

35 (h) The sheriff may charge an administrative fee of not more than
36 two hundred dollars (\$200) with respect to a proceeding referred to in
37 subsection (b) for actual costs directly attributable to the administration
38 of the sale under subsection (c). The fee is:

39 (1) payable by the person seeking to enforce the judgment and
40 decree; and

41 (2) due at the time of filing of the praecipe;
42 under subsection (b).

C
O
P
Y



1 SECTION 15. IC 32-30-3-16.5 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2013]: **Sec. 16.5. A land bank established**
 4 **under IC 36-7-37 may, in accordance with sections 14 and 16 of**
 5 **this chapter, institute an action to quiet title to more than one (1)**
 6 **parcel of real property to which the land bank has a claim in a**
 7 **single complaint. The possible claimants of any of the parcels**
 8 **designated in the complaint are not required to have any**
 9 **relationship.**

10 SECTION 16. IC 32-30-10.5-8, AS AMENDED BY P.L.102-2012,
 11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2013]: Sec. 8. (a) This section applies to a foreclosure action
 13 that is filed after June 30, 2009. Except as provided in subsection (e)
 14 and section 10(g) of this chapter, not later than thirty (30) days before
 15 a creditor files an action for foreclosure, the creditor shall send to the
 16 debtor by certified mail a presuit notice on a form prescribed by the
 17 authority. The notice required by this subsection must do the following:

18 (1) Inform the debtor that:

19 (A) the debtor is in default;

20 (B) the debtor is encouraged to obtain assistance from a
 21 mortgage foreclosure counselor; and

22 (C) if the creditor proceeds to file a foreclosure action and
 23 obtains a foreclosure judgment, the debtor has a right to do the
 24 following before a sheriff's sale is conducted:

25 (i) Appeal a finding of abandonment by a court under
 26 IC 32-30-10.6 or **IC 32-30-10.7.**

27 (ii) Redeem the real estate from the judgment under
 28 IC 32-29-7-7.

29 (iii) Retain possession of the property under
 30 IC 32-29-7-11(b), subject to the conditions set forth in
 31 IC 32-29-7-11(b).

32 (2) Provide the contact information for the Indiana Foreclosure
 33 Prevention Network.

34 (3) Include the following statement printed in at least 14 point
 35 boldface type:

36 "NOTICE REQUIRED BY STATE LAW

37 Mortgage foreclosure is a complex process. People may
 38 approach you about "saving" your home. You should be
 39 careful about any such promises. There are government
 40 agencies and nonprofit organizations you may contact for
 41 helpful information about the foreclosure process. For the
 42 name and telephone number of an organization near you,

C
o
p
y



- 1 please call the Indiana Foreclosure Prevention Network.".
- 2 (b) The notice required by subsection (a) shall be sent to:
- 3 (1) the address of the mortgaged property; or
- 4 (2) the last known mailing address of the debtor if the creditor's
- 5 records indicate that the mailing address of the debtor is other
- 6 than the address of the mortgaged property.
- 7 If the creditor provides evidence that the notice required by subsection
- 8 (a) was sent by certified mail, return receipt requested, and in
- 9 accordance with this subsection, it is not necessary that the debtor
- 10 accept receipt of the notice for an action to proceed as allowed under
- 11 this chapter.
- 12 (c) Except as provided in subsection (e) and section 10(g) of this
- 13 chapter, if a creditor files an action to foreclose a mortgage, the creditor
- 14 shall:
- 15 (1) in the case of a foreclosure action filed after June 30, 2009,
- 16 but before July 1, 2011, include with the complaint served on the
- 17 debtor, on a form prescribed by the authority; and
- 18 (2) subject to subsection (f), in the case of a foreclosure action
- 19 filed after June 30, 2011, include on the first page of the summons
- 20 that is served on the debtor in conjunction with the complaint;
- 21 a notice that informs the debtor of the debtor's right to participate in a
- 22 settlement conference, subject to section 9(b) of this chapter. The
- 23 notice under subdivision (1) or (2) must inform the debtor that the
- 24 debtor may schedule a settlement conference by notifying the court, not
- 25 later than thirty (30) days after the complaint is served on the debtor,
- 26 of the debtor's intent to participate in a settlement conference.
- 27 (d) If a creditor files an action to foreclose a mortgage, the creditor
- 28 shall do the following:
- 29 (1) Include with the complaint filed with the court:
- 30 (A) except as provided in subsection (e) and section 10(g) of
- 31 this chapter, a copy of the notices sent to the debtor under
- 32 subsections (a) and (c), if the foreclosure action is filed after
- 33 June 30, 2009, but before July 1, 2011; or
- 34 (B) the following, if the foreclosure action is filed after June
- 35 30, 2011:
- 36 (i) Except as provided in subsection (e) and section 10(g) of
- 37 this chapter, a copy of the notice sent to the debtor under
- 38 subsection (a).
- 39 (ii) The following most recent contact information for the
- 40 debtor that the creditor has on file: all telephone numbers
- 41 and electronic mail addresses for the debtor and any mailing
- 42 address described in subsection (b)(2). The contact

C
O
P
Y

1 information provided under this item is confidential under
 2 IC 5-14-3-4(a)(13).
 3 (2) For a foreclosure action filed after June 30, 2011, at the time
 4 the complaint is filed with the court, send:
 5 (A) by certified mail, return receipt requested; and
 6 (B) to the last known mailing address of the insurance
 7 company;
 8 a copy of the complaint filed with the court to the insurance
 9 company of record for the property that is the subject of the
 10 foreclosure action.

11 It is not necessary that the insurance company accept receipt of the
 12 copy of the complaint for the creditor to satisfy the requirement of
 13 subdivision (2). A creditor's failure to provide a copy of the complaint
 14 as required by subdivision (2) does not affect the foreclosure action or
 15 subject the creditor to any liability. Subject to section 9(b) of this
 16 chapter, in the case of a foreclosure action filed after June 30, 2011,
 17 upon the filing of the complaint by the creditor, the court shall send to
 18 the debtor, by United States mail and to the address of the mortgaged
 19 property, or to an address for the debtor provided by the creditor under
 20 subdivision (1)(B)(ii), if applicable, a notice that informs the debtor of
 21 the debtor's right to participate in a settlement conference. The court's
 22 notice must inform the debtor that the debtor may schedule a settlement
 23 conference by notifying the court of the debtor's intent to participate in
 24 a settlement conference. The court's notice must specify a date by
 25 which the debtor must request a settlement conference, which date
 26 must be the date that is thirty (30) days after the date of the creditor's
 27 service of the complaint on the debtor under subsection (c), as
 28 determined by the court from the service list included with the
 29 complaint filed with the court. The court may not delegate the duty to
 30 send the notice the court is required to provide under this subsection to
 31 the creditor or to any other person.

32 (e) A creditor is not required to send the notices described in this
 33 section if:
 34 (1) the mortgage is secured by a dwelling that is not occupied by
 35 the debtor as the debtor's primary residence;
 36 (2) the mortgage has been the subject of a prior foreclosure
 37 prevention agreement under this chapter and the debtor has
 38 defaulted with respect to the terms of that foreclosure prevention
 39 agreement; or
 40 (3) bankruptcy law prohibits the creditor from participating in a
 41 settlement conference under this chapter with respect to the
 42 mortgage.

C
o
p
y



1 (f) Not later than June 1, 2011, the authority, in consultation with
 2 the division of state court administration, shall prescribe language for
 3 the notice required under subsection (c)(2) to be included on the first
 4 page of the summons that is served on the debtor in a foreclosure action
 5 filed after June 30, 2011. The language must convey the same
 6 information as the form prescribed by the authority under subsection
 7 (c)(1) for foreclosure actions filed after June 30, 2009, but before July
 8 1, 2011. The authority shall make the language prescribed under this
 9 subsection available on the authority's Internet web site. A creditor
 10 complies with subsection (c)(2) in a foreclosure action filed after June
 11 30, 2011, if the creditor includes on the first page of the summons
 12 served on the debtor:

13 (1) the language that is prescribed by the authority under this
 14 subsection and made available on the authority's Internet web site;

15 or

16 (2) language that conveys the same information as the language
 17 that is prescribed by the authority under this subsection and made
 18 available on the authority's Internet web site.

19 SECTION 17. IC 32-30-10.7 IS ADDED TO THE INDIANA
 20 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2013]:

22 **Chapter 10.7. Judicial Determination of Abandonment**

23 **Sec. 1. This chapter does not apply to a property with respect to**
 24 **which a foreclosure action has been filed under IC 32-30-10-3.**

25 **Sec. 2. As used in this chapter, "enforcement authority" refers**
 26 **to the enforcement authority (as defined in IC 36-7-9-2) that has**
 27 **jurisdiction in the location of the property that is the subject of a**
 28 **mortgage foreclosure action.**

29 **Sec. 3. At any time before a mortgage foreclosure action has**
 30 **been filed, the enforcement authority that has jurisdiction in the**
 31 **location of a mortgaged property may petition a court for a**
 32 **determination that the mortgaged property is abandoned. A**
 33 **petition filed with the court under this section must:**

34 (1) include a statement of the enforcement authority's
 35 jurisdiction in the location of the mortgaged property;

36 (2) allege that the mortgaged property is abandoned; and

37 (3) include evidence that one (1) or more of the conditions set
 38 forth in section 5(a) or 5(b) of this chapter apply.

39 A petition under this section shall be served on the creditor, the
 40 debtor, and any other appropriate party in the manner prescribed
 41 by the Indiana Rules of Trial Procedure.

42 **Sec. 4. (a) Upon receiving a request for a determination of**

C
O
P
Y



1 abandonment from an enforcement authority through a petition
 2 filed with the court and served on the required parties in
 3 accordance with section 3 of this chapter, the court shall issue an
 4 order to show cause as to why the property should not be found to
 5 be abandoned and directing the petitioner, the debtor, the creditor,
 6 and any other person or party the court considers appropriate to
 7 appear before the court on a date and time specified in the order
 8 under subdivision (1). The court's order under this subsection must
 9 do the following:

10 (1) Direct the parties subject to the order to appear before the
 11 court on a date and time specified by the court. The date
 12 specified under this subdivision must not be:

13 (A) earlier than fifteen (15) days; or

14 (B) later than twenty-five (25) days;

15 after the date of the court's order under this section.

16 (2) Notify the parties subject to the order that any party
 17 ordered to appear:

18 (A) may present evidence or objections on the issue of
 19 abandonment to the court:

20 (i) in writing before the appearance date specified by the
 21 court under subdivision (1); or

22 (ii) in writing or by oral testimony on the date and at the
 23 time specified by the court under subdivision (1);

24 in the manner specified by the court; and

25 (B) has the right to be represented by an attorney when
 26 appearing before the court.

27 (3) Notify the parties subject to the order that if a party fails
 28 to:

29 (A) submit written evidence or objections to the court
 30 before the appearance date specified by the court under
 31 subdivision (1); or

32 (B) appear before the court on the date and at the time
 33 specified by the court under subdivision (1);

34 the failure to submit evidence or objections or to appear
 35 before the court may result in a finding of abandonment by
 36 the court.

37 (b) A party subject to an order issued by the court under this
 38 section has the following rights, as described in the court's order
 39 under subsection (a):

40 (1) The right to present evidence or objections on the issue of
 41 abandonment to the court:

42 (A) in writing before the appearance date specified in the

C
O
P
Y



1 court's order under subsection (a)(1); or
 2 (B) in writing or by oral testimony on the date and at the
 3 time specified in the court's order under subsection (a)(1);
 4 in the manner specified by the court.
 5 (2) The right to be represented by an attorney when
 6 appearing before the court.
 7 Sec. 5. (a) Subject to subsection (b), for purposes of an
 8 abandonment determination under this chapter, one (1) or more of
 9 the following constitute prima facie evidence that mortgaged
 10 property is abandoned:
 11 (1) The enforcement authority that has jurisdiction in the
 12 location of the mortgaged property has issued an order under
 13 IC 36-7-36-9 with respect to the property.
 14 (2) Windows or entrances to the mortgaged property are
 15 boarded up or closed off.
 16 (3) Multiple window panes on the mortgaged property are
 17 broken and unrepaired.
 18 (4) One (1) or more doors to the mortgaged property are
 19 smashed through, broken off, unhinged, or continuously
 20 unlocked.
 21 (5) Gas service, electric service, water service, or other utility
 22 service to the mortgaged property has been terminated.
 23 (6) Rubbish, trash, or debris has accumulated on the
 24 mortgaged property.
 25 (7) The mortgaged property is deteriorating and is either
 26 below or in imminent danger of falling below minimum
 27 community standards for public safety and sanitation.
 28 (8) The creditor has changed the locks on the mortgaged
 29 property and for at least fifteen (15) days after the changing
 30 of the locks the owner has not requested entrance to the
 31 mortgaged property.
 32 (9) One (1) or more written statements, including documents
 33 of conveyance, exist that have been executed by the debtor, or
 34 by the debtor's personal representatives or assigns, and that
 35 indicate a clear intent to abandon the mortgaged property.
 36 (10) Other evidence exists indicating a clear intent to abandon
 37 the mortgaged property.
 38 (b) Regardless of whether any of the conditions described in
 39 subsection (a) are found to apply, the failure to either:
 40 (1) present evidence or objections on the issue of
 41 abandonment to the court in writing before the appearance
 42 date specified in the court's order under section 4(a)(1) of this

COPY



1 chapter; or
2 (2) appear before the court on the date specified in the court's
3 order under section 4(a)(1) of this chapter;
4 constitutes prima facie evidence that the mortgaged property is
5 abandoned.

6 (c) If the court finds that:
7 (1) one (1) or more of the conditions described in subsection
8 (a) apply; or
9 (2) the circumstances described in subsection (b) apply;
10 the court shall issue an order finding that the mortgaged property
11 is abandoned.

12 **Sec. 6. If a court has issued an order under this chapter finding
13 that the mortgaged property is abandoned, the creditor shall file
14 an action to foreclose the mortgage not later than ninety (90) days
15 from the date the court issues its order.**

16 SECTION 18. IC 36-1-11-1, AS AMENDED BY P.L.154-2012,
17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2013]: Sec. 1. (a) Except as provided in subsection (b), this
19 chapter applies to the disposal of property by:

- 20 (1) political subdivisions; and
- 21 (2) their agencies.
- 22 (b) This chapter does not apply to the following:
 - 23 (1) The disposal of property under an urban homesteading
24 program under IC 36-7-17.
 - 25 (2) The lease of school buildings under IC 20-47.
 - 26 (3) The sale of land to a lessor in a lease-purchase contract under
27 IC 36-1-10.
 - 28 (4) The disposal of property by a redevelopment commission
29 established under IC 36-7.
 - 30 (5) The leasing of property by a board of aviation commissioners
31 established under IC 8-22-2 or an airport authority established
32 under IC 8-22-3.
 - 33 (6) The disposal of a municipally owned utility under IC 8-1.5.
 - 34 (7) The sale or lease of property by a unit to an Indiana nonprofit
35 corporation organized for educational, literary, scientific,
36 religious, or charitable purposes that is exempt from federal
37 income taxation under Section 501 of the Internal Revenue Code
38 or the sale or reletting of that property by the nonprofit
39 corporation.
 - 40 (8) The disposal of surplus property by a hospital established and
41 operated under IC 16-22-1 through IC 16-22-5, IC 16-22-8,
42 IC 16-23-1, or IC 16-24-1.

C
o
p
y



- 1 (9) The sale or lease of property acquired under IC 36-7-13 for
2 industrial development.
- 3 (10) The sale, lease, or disposal of property by a local hospital
4 authority under IC 5-1-4.
- 5 (11) The sale or other disposition of property by a county or
6 municipality to finance housing under IC 5-20-2.
- 7 (12) The disposition of property by a soil and water conservation
8 district under IC 14-32.
- 9 (13) The sale, lease, or disposal of property by the health and
10 hospital corporation established and operated under IC 16-22-8.
- 11 (14) The disposal of personal property by a library board under
12 IC 36-12-3-5(c).
- 13 (15) The sale or disposal of property by the historic preservation
14 commission under IC 36-7-11.1.
- 15 (16) The disposal of an interest in property by a housing authority
16 under IC 36-7-18.
- 17 (17) The disposal of property under IC 36-9-37-26.
- 18 (18) The disposal of property used for park purposes under
19 IC 36-10-7-8.
- 20 (19) The disposal of textbooks that will no longer be used by
21 school corporations under IC 20-26-12.
- 22 (20) The disposal of residential structures or improvements by a
23 municipal corporation without consideration to:
- 24 (A) a governmental entity; or
- 25 (B) a nonprofit corporation that is organized to expand the
26 supply or sustain the existing supply of good quality,
27 affordable housing for residents of Indiana having low or
28 moderate incomes.
- 29 (21) The disposal of historic property without consideration to a
30 nonprofit corporation whose charter or articles of incorporation
31 allows the corporation to take action for the preservation of
32 historic property. As used in this subdivision, "historic property"
33 means property that is:
- 34 (A) listed on the National Register of Historic Places; or
- 35 (B) eligible for listing on the National Register of Historic
36 Places, as determined by the division of historic preservation
37 and archeology of the department of natural resources.
- 38 (22) The disposal of real property without consideration to:
- 39 (A) a governmental agency; or
- 40 (B) a nonprofit corporation that exists for the primary purpose
41 of enhancing the environment;
42 when the property is to be used for compliance with a permit or

C
o
p
y

- 1 an order issued by a federal or state regulatory agency to mitigate
- 2 an adverse environmental impact.
- 3 (23) The disposal of property to a person under an agreement
- 4 between the person and a political subdivision or an agency of a
- 5 political subdivision under IC 5-23.
- 6 (24) The disposal of residential real property pursuant to a federal
- 7 aviation regulation (14 CFR 150) Airport Noise Compatibility
- 8 Planning Program as approved by the Federal Aviation
- 9 Administration.
- 10 **(25) The disposal of property to or by a land bank established**
- 11 **under IC 36-7-37.**

12 SECTION 19. IC 36-7-4-1112 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2013]: **Sec. 1112. (a) The following**
 15 **definitions apply throughout this section:**

- 16 (1) "Local governmental agency" has the meaning set forth in
- 17 section 1109(a) of this chapter.
- 18 (2) "Permit" has the meaning set forth in section 1109(b) of
- 19 this chapter.

20 (b) A local governmental agency may not issue a permit,
 21 approval of a land use, or approval for construction of a
 22 development, a building, or another structure if:

- 23 (1) delinquent property taxes or special assessments on the
- 24 real property that the permit or approval concerns remain
- 25 unpaid, unless an agreement to pay the delinquent property
- 26 taxes or special assessments under IC 6-1.1-24-1.2(c),
- 27 IC 6-1.1-25-4(l), or any other law is in effect;
- 28 (2) costs or civil penalties imposed under IC 36-7-9 for the
- 29 real property that the permit or approval concerns remain
- 30 unpaid; or
- 31 (3) both subdivisions (1) and (2) apply.

32 SECTION 20. IC 36-7-14-22.2, AS AMENDED BY P.L.4-2005,
 33 SECTION 134, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2013]: **Sec. 22.2. (a) The commission may sell**
 35 or grant, at no cost, title to real property to an urban enterprise
 36 association for the purpose of developing the real property if the
 37 following requirements are met:

- 38 (1) The urban enterprise association has incorporated as a
- 39 nonprofit corporation under IC 5-28-15-14(b)(3).
- 40 (2) The parcel of property to be sold or granted is located entirely
- 41 within the enterprise zone for which the urban enterprise
- 42 association was created under IC 5-28-15-13.

C
o
p
y



- 1 (3) The urban enterprise association agrees to cause development
- 2 on the parcel of property within a specified period that may not
- 3 exceed five (5) years from the date of the sale or grant.
- 4 (4) The urban enterprise association agrees to rehabilitate or
- 5 otherwise develop the property in a manner that is similar to and
- 6 consistent with the use of the other properties in the enterprise
- 7 zone.
- 8 (b) The commission may sell or grant, at no cost, title to real
- 9 property to a community development corporation (as defined in
- 10 IC 4-4-28-2) for the purpose of providing low or moderate income
- 11 housing or other development that will benefit or serve low or
- 12 moderate income families if the following requirements are met:
- 13 (1) The community development corporation has as a major
- 14 corporate purpose and function the provision of housing for low
- 15 and moderate income families within the geographic area in
- 16 which the parcel of real property is located.
- 17 (2) The community development corporation agrees to cause
- 18 development that will serve or benefit low or moderate income
- 19 families on the parcel of real property within a specified period,
- 20 which may not exceed five (5) years from the date of the sale or
- 21 grant.
- 22 (3) The community development corporation agrees that the
- 23 community development corporation and each applicant,
- 24 recipient, contractor, or subcontractor undertaking work in
- 25 connection with the real property will:
- 26 (A) use lower income project area residents as trainees and as
- 27 employees; and
- 28 (B) contract for work with business concerns located in the
- 29 project area or owned in substantial part by persons residing
- 30 in the project area;
- 31 to the greatest extent feasible, as determined under the standards
- 32 specified in 24 CFR 135.
- 33 (4) The community development corporation agrees to
- 34 rehabilitate or otherwise develop the property in a manner that is
- 35 similar to and consistent with the use of the other properties in the
- 36 area served by the community development corporation.
- 37 (c) To carry out the purposes of this section, the commission may
- 38 secure from the county under IC 6-1.1-25-9(e) parcels of property
- 39 acquired by the county under IC 6-1.1-24 and IC 6-1.1-25.
- 40 (d) (c) Before offering any parcel of property for sale or grant, the
- 41 fair market value of the parcel of property must be determined by an
- 42 appraiser, who may be an employee of the department. However, if the

COPY



1 commission has obtained the parcel in the manner described in
2 subsection (e); from the county under IC 6-1.1-25-9(e) before July
3 1, 2013, an appraisal is not required. An appraisal under this subsection
4 is solely for the information of the commission and is not available for
5 public inspection.

6 (e) (d) The commission must decide at a public meeting whether the
7 commission will sell or grant the parcel of real property. In making this
8 decision, the commission shall give substantial weight to the extent to
9 which and the terms under which the urban enterprise association or
10 community development corporation will cause development on the
11 property.

12 (f) (e) Before conducting a meeting under subsection (g); (f), the
13 commission shall publish a notice in accordance with IC 5-3-1
14 indicating that at a designated time the commission will consider
15 selling or granting the parcel of real property under this section. The
16 notice must state the general location of the property, including the
17 street address, if any, or a common description of the property other
18 than the legal description.

19 (g) (f) If the county agrees to transfer a parcel of real property to the
20 commission to be sold or granted under this section, the commission
21 may conduct a meeting to sell or grant the parcel to an urban enterprise
22 zone or to a community development corporation even though the
23 parcel has not yet been transferred to the commission. After the
24 hearing, the commission may adopt a resolution directing the
25 department to take appropriate steps necessary to acquire the parcel
26 from the county and to transfer the parcel to the urban enterprise
27 association or to the community development corporation.

28 (h) (g) A conveyance of property under this section shall be made
29 in accordance with section 22(i) of this chapter.

30 (i) (h) An urban enterprise association that purchases or receives
31 real property under this section shall report the terms of the conveyance
32 to the board of the Indiana economic development corporation not later
33 than thirty (30) days after the date the conveyance of the property is
34 made.

35 SECTION 21. IC 36-7-14-22.5, AS ADDED BY P.L.169-2006,
36 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2013]: Sec. 22.5. (a) This section applies to the following:

- 38 (1) Real property:
39 (A) that was acquired by the commission to carry out a
40 redevelopment project, an economic development area project,
41 or an urban renewal project; and
42 (B) relative to which the commission has, at a public hearing,

C
O
P
Y



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

C
o
p
y

1 both human and economic welfare; and
 2 (2) group together nearby or similar properties to facilitate
 3 convenient disposition.
 4 SECTION 22. IC 36-7-15.1-15.1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15.1. (a) As used in this
 6 section, "qualifying corporation" refers to a nonprofit corporation or
 7 neighborhood development corporation that meets the requirements of
 8 subsection (b)(1) and the criteria established by the county fiscal body
 9 under subsection ~~(i)~~: **(h)**.
 10 (b) The commission may sell or grant at no cost title to real property
 11 to a nonprofit corporation or neighborhood development corporation
 12 for the purpose of providing low or moderate income housing or other
 13 development that will benefit or serve low or moderate income families
 14 if the following requirements are met:
 15 (1) The nonprofit corporation or neighborhood development
 16 corporation has, as a major corporate purpose and function, the
 17 provision of housing for low and moderate income families within
 18 the geographic area in which the parcel of property is located.
 19 (2) The qualifying corporation agrees to cause development that
 20 will serve or benefit low or moderate income families on the
 21 parcel of property within a specified period, which may not
 22 exceed five (5) years from the date of the sale or grant.
 23 (3) The qualifying corporation, if the qualifying corporation is a
 24 neighborhood development corporation, agrees that the qualifying
 25 corporation and each applicant, recipient, contractor, or
 26 subcontractor undertaking work in connection with the real
 27 property will:
 28 (A) use lower income project area residents as trainees and as
 29 employees; and
 30 (B) contract for work with business concerns located in the
 31 project area or owned in substantial part by persons residing
 32 in the project area;
 33 to the greatest extent feasible, as determined under the standards
 34 specified in 24 CFR 135.
 35 (4) The county fiscal body has determined that the corporation
 36 meets the criteria established under subsection ~~(i)~~: **(h)**.
 37 (5) The qualifying corporation agrees to rehabilitate or otherwise
 38 develop the property in a manner that is similar to and consistent
 39 with the use of the other properties in the area served by the
 40 qualifying corporation.
 41 ~~(c) To carry out the purposes of this section, the commission may~~
 42 ~~secure from the county under IC 6-1.1-25-9(e) parcels of property~~

C
o
p
y



1 acquired by the county under IC 6-1.1-24 and IC 6-1.1-25.

2 ~~(d)~~ (c) Before offering any parcel of property for sale or grant, the
3 fair market value of the parcel of property must be determined. The fair
4 market value may be determined by an appraisal made by a qualified
5 employee of the department. However, if the qualified employee of the
6 department determines that:

7 (1) the property:

8 (A) is less than five (5) acres in size; and

9 (B) has a fair market value that is less than ten thousand
10 dollars (\$10,000); or

11 (2) if the commission has obtained the parcel ~~in the manner~~
12 ~~described in subsection (c);~~ **from the county under**
13 **IC 6-1.1-25-9(e) before July 1, 2013;**

14 an appraisal is not required. An appraisal under this subsection is solely
15 for the information of the commission and is not available for public
16 inspection.

17 ~~(e)~~ (d) The commission must decide whether the commission will
18 sell or grant the parcel of real property at a public meeting. In making
19 this decision, the commission shall give substantial weight to the extent
20 to which and the terms under which the qualifying corporation will
21 cause development to serve or benefit families of low or moderate
22 income. If more than one (1) qualifying corporation is interested in
23 acquiring a parcel of real property, the commission shall conduct a
24 hearing at which a representative of each corporation may state the
25 reasons why the commission should sell or grant the parcel to that
26 corporation.

27 ~~(f)~~ (e) Before conducting a hearing under subsection ~~(e);~~ (d), the
28 commission shall publish a notice in accordance with IC 5-3-1
29 indicating that at a designated time the commission will consider
30 selling or granting the parcel of real property under this section. The
31 notice must state the general location of the property, including the
32 street address if any, or a common description of the property other
33 than the legal description.

34 ~~(g)~~ (f) If the county agrees to transfer a parcel of real property to the
35 commission to be sold or granted under this section, the commission
36 may conduct a hearing to sell or grant the parcel to a qualifying
37 corporation even though the parcel has not yet been transferred to the
38 commission. After the hearing, the commission may adopt a resolution
39 directing the department to take appropriate steps necessary to acquire
40 the parcel from the county and to transfer the parcel to the qualifying
41 corporation.

42 ~~(h)~~ (g) A conveyance of property to a qualifying corporation under

C
O
P
Y



1 this section shall be made in accordance with section 15(i) of this
2 chapter.

3 (†) (h) The county fiscal body shall establish criteria for determining
4 the eligibility of nonprofit corporations and neighborhood development
5 corporations for sales or grants of real property under this section. A
6 nonprofit corporation or neighborhood development corporation may
7 apply to the county fiscal body for a determination concerning the
8 corporation's compliance with the criteria established under this
9 subsection.

10 SECTION 23. IC 36-7-15.1-15.2, AS AMENDED BY P.L.4-2005,
11 SECTION 137, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2013]: Sec. 15.2. (a) The commission may sell
13 or grant, at no cost, title to real property to an urban enterprise
14 association for the purpose of developing the real property if the
15 following requirements are met:

16 (1) The urban enterprise association has incorporated as a
17 nonprofit corporation under IC 5-28-15-14(b)(3).

18 (2) The parcel of property to be sold or granted is located entirely
19 within the enterprise zone for which the urban enterprise
20 association was created under IC 5-28-15-13.

21 (3) The urban enterprise association agrees to cause development
22 on the parcel of property within a specified period that may not
23 exceed five (5) years from the date of the sale or grant.

24 (4) The urban enterprise association agrees to rehabilitate or
25 otherwise develop the property in a manner that is similar to and
26 consistent with the use of the other properties in the enterprise
27 zone.

28 (b) ~~To carry out the purposes of this section, the commission may~~
29 ~~secure from the county under IC 6-1.1-25-9(e) parcels of property~~
30 ~~acquired by the county under IC 6-1.1-24 and IC 6-1.1-25.~~

31 (†) (b) Before offering any parcel of property for sale or grant, the
32 fair market value of the parcel of property must be determined by an
33 appraiser, who may be an employee of the department. However, if the
34 commission has obtained the parcel in the manner described in
35 subsection (b), **from the county under IC 6-1.1-25-9(e) before July**
36 **1, 2013**, an appraisal is not required. An appraisal under this subsection
37 is solely for the information of the commission and is not available for
38 public inspection.

39 (†) (c) The commission must decide at a public meeting whether the
40 commission will sell or grant the parcel of real property. In making this
41 decision, the commission shall give substantial weight to the extent to
42 which and the terms under which the urban enterprise association will

C
o
p
y



1 cause development on the property.
 2 ~~(e)~~ (d) Before conducting a meeting under subsection ~~(d)~~; (c), the
 3 commission shall publish a notice in accordance with IC 5-3-1
 4 indicating that at a designated time the commission will consider
 5 selling or granting the parcel of real property under this section. The
 6 notice must state the general location of the property, including the
 7 street address, if any, or a common description of the property other
 8 than the legal description.
 9 ~~(f)~~ (e) If the county agrees to transfer a parcel of real property to the
 10 commission to be sold or granted under this section, the commission
 11 may conduct a meeting to sell or grant the parcel to an urban enterprise
 12 zone even though the parcel has not yet been transferred to the
 13 commission. After the hearing, the commission may adopt a resolution
 14 directing the department to take appropriate steps necessary to acquire
 15 the parcel from the county and to transfer the parcel to the urban
 16 enterprise association.
 17 ~~(g)~~ (f) A conveyance of property to an urban enterprise association
 18 under this section shall be made in accordance with section 15(i) of this
 19 chapter.
 20 ~~(h)~~ (g) An urban enterprise association that purchases or receives
 21 real property under this section shall report the terms of the conveyance
 22 to the board of the Indiana economic development corporation not later
 23 than thirty (30) days after the date the conveyance of the property is
 24 made.
 25 SECTION 24. IC 36-7-15.1-15.5, AS ADDED BY P.L.169-2006,
 26 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2013]: Sec. 15.5. (a) This section applies to the following:
 28 (1) Real property:
 29 (A) that was acquired by the commission to carry out a
 30 redevelopment project, an economic development area project,
 31 or an urban renewal project; and
 32 (B) relative to which the commission has, at a public hearing,
 33 decided that the real property is not needed to complete the
 34 redevelopment activity, an economic development area
 35 activity, or urban renewal activity in the project area.
 36 (2) Real property acquired under this chapter that is not in a
 37 redevelopment project area, an economic development area, or an
 38 urban renewal project area.
 39 ~~(3) Parcels of property secured from the county under~~
 40 ~~IC 6-1.1-25-9(e) that were acquired by the county under~~
 41 ~~IC 6-1.1-24 and IC 6-1.1-25.~~
 42 ~~(4)~~ (3) Real property donated or transferred to the commission to

COPY



1 be held and disposed of under this section.
 2 However, this section does not apply to property acquired under section
 3 22.5 of this chapter.

4 (b) The commission may do the following to or for real property
 5 described in subsection (a):

6 (1) Examine, classify, manage, protect, insure, and maintain the
 7 property.

8 (2) Eliminate deficiencies (including environmental deficiencies),
 9 carry out repairs, remove structures, and make improvements.

10 (3) Control the use of the property.

11 (4) Lease the property.

12 (5) Use any powers under section 7(a) or 7(b) of this chapter in
 13 relation to the property.

14 (c) The commission may enter into contracts to carry out part or all
 15 of the functions described in subsection (b).

16 (d) The commission may extinguish all delinquent taxes, special
 17 assessments, and penalties relative to real property donated to the
 18 commission to be held and disposed of under this section. The
 19 commission shall provide the county auditor with a list of the real
 20 property on which delinquent taxes, special assessments, and penalties
 21 are extinguished under this subsection.

22 (e) Real property described in subsection (a) may be sold,
 23 exchanged, transferred, granted, donated, or otherwise disposed of in
 24 any of the following ways:

25 (1) In accordance with section 15, 15.1, 15.2, 15.6, or 15.7 of this
 26 chapter.

27 (2) In accordance with the provisions authorizing an urban
 28 homesteading program under IC 36-7-17.

29 (f) In disposing of real property under subsection (e), the
 30 commission may:

31 (1) group together properties for disposition in a manner that will
 32 best serve the interest of the community, from the standpoint of
 33 both human and economic welfare; and

34 (2) group together nearby or similar properties to facilitate
 35 convenient disposition.

36 SECTION 25. IC 36-7-37 IS ADDED TO THE INDIANA CODE
 37 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2013]:

39 **Chapter 37. Land Banks**

40 **Sec. 1. The following definitions apply throughout this chapter:**

41 (1) "Distressed real property" includes real property in a
 42 neglected or unmarketable condition.

C
O
P
Y



1 (2) "Eligible unit" means:

2 (A) a county;

3 (B) a consolidated city; or

4 (C) a second class city;

5 to which IC 36-7-9 applies.

6 (3) "Land bank" means an entity established by or in
7 accordance with an ordinance adopted under section 2 of this
8 chapter.

9 Sec. 2. (a) The legislative body of an eligible unit may adopt an
10 ordinance:

11 (1) establishing a body corporate and politic; or

12 (2) directing the executive of the eligible unit to organize a
13 nonprofit corporation under IC 23-17;

14 as an independent instrumentality exercising essential
15 governmental functions. The primary purpose of an entity
16 established under this subsection is to manage and improve the
17 marketability of distressed real property located in the territory of
18 the eligible unit.

19 (b) The legislative body shall specify the following in the
20 ordinance:

21 (1) The name of the entity.

22 (2) The number of board members, subject to section 3 of this
23 chapter.

24 (3) The appointing authorities of the board members.

25 (4) The terms of service of the initially appointed board
26 members.

27 (5) The regular terms of service of appointed board members.

28 (c) The territory of a land bank established by a county is all the
29 territory of the county except for the territory of a second class city
30 located in the county.

31 Sec. 3. A land bank is governed by a board of at least five (5)
32 and at most seven (7) individuals, appointed to serve for terms as
33 provided by ordinance.

34 Sec. 4. Except as otherwise provide in this chapter, a land bank
35 is granted all powers necessary, convenient, or appropriate to
36 carry out and effectuate the land bank's public and corporate
37 purposes, which includes the power to do the following:

38 (1) Sue or be sued in the land bank's own name.

39 (2) Enter into contracts, including contracts to provide
40 services to other governmental entities.

41 (3) Establish accounts with financial institutions.

42 (4) Acquire, lease, improve, repair, renovate, and dispose of

C
O
P
Y



- 1 **property.**
- 2 **(5) Borrow money, including issue bonds.**
- 3 **(6) Pledge collateral.**
- 4 **(7) Make investments.**
- 5 **(8) Hire employees, including an executive director.**
- 6 **(9) Procure insurance.**
- 7 **Sec. 5. A land bank shall do the following:**
- 8 **(1) Maintain an inventory of real property held by the land**
- 9 **bank.**
- 10 **(2) Develop procedures and guidelines for the acquisition,**
- 11 **redevelopment, and disposition of property by and from the**
- 12 **land bank.**
- 13 **(3) Make the information described in subdivisions (1) and (2)**
- 14 **available for inspection:**
- 15 **(A) at the offices of the land bank during regular business**
- 16 **hours; and**
- 17 **(B) on the land bank's Internet web site.**
- 18 **(4) Make reasonable efforts to coordinate the land bank's**
- 19 **activities with any land use plans that affect real property**
- 20 **held by the land bank.**
- 21 **Sec. 6. (a) This subsection does not apply to a consolidated city.**
- 22 **The legislative body of an eligible unit that has adopted an**
- 23 **ordinance to create a land bank under section 2 of this chapter may**
- 24 **not rescind the ordinance that the legislative body adopted under**
- 25 **IC 36-7-9-3, unless the land bank is dissolved.**
- 26 **(b) A land bank does not have authority to exercise the power**
- 27 **of eminent domain.**
- 28 **Sec. 7. (a) Employees of a land bank are not employees of the**
- 29 **eligible unit that established the land bank.**
- 30 **(b) The board of a land bank may elect by resolution to provide**
- 31 **programs of group health insurance for the land bank's employees**
- 32 **and retired employees as provided in IC 5-10-8-2.6.**
- 33 **(c) The board of a land bank may elect by resolution to provide**
- 34 **retirement and disability benefits for employees, which may be by**
- 35 **means of participation in the public employees' retirement fund as**
- 36 **provided in IC 5-10.3-6.**
- 37 **Sec. 8. A land bank's income is not subject to taxation under**
- 38 **IC 6-3-1 through IC 6-3-7.**
- 39 **Sec. 9. A land bank is subject to IC 5-14-1.5 (open door law) and**
- 40 **IC 5-14-3 (public records law).**
- 41 **Sec. 10. The state board of accounts shall audit the funds and**
- 42 **accounts of a land bank as provided in IC 5-11-1-25.**

COPY



1 SECTION 26. IC 36-7-36-1, AS AMENDED BY P.L.102-2012,
 2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2013]: Sec. 1. As used in this chapter, "abandoned structure"
 4 means any of the following:

5 (1) Commercial real property or a vacant structure on commercial
 6 real property that is used or was previously used for industrial or
 7 commercial purposes, and:

8 (A) that the owner of the property or structure has declared in
 9 writing to be abandoned; or

10 (B) for which the owner of the property or structure has been
 11 given a written order by an enforcement authority to
 12 rehabilitate or demolish, and the owner:

13 (i) has not applied for a permit to rehabilitate or demolish
 14 the property or structure; or

15 (ii) applied for and was granted a permit, but rehabilitation
 16 or demolition work has not commenced on the property or
 17 structure within thirty (30) days after the date the permit was
 18 granted.

19 (2) Real property that has not been used for a legal purpose for at
 20 least six (6) consecutive months and:

21 (A) in the judgment of an enforcement authority, is in need of
 22 completion, rehabilitation, or repair, and completion,
 23 rehabilitation, or repair work has not taken place on the
 24 property for at least six (6) consecutive months;

25 (B) on which at least one (1) installment of property taxes is
 26 delinquent; or

27 (C) that has been declared a public nuisance by a hearing
 28 authority.

29 (3) Real property that has been declared in writing to be
 30 abandoned by the owner, including an estate or a trust that
 31 possesses the property.

32 (4) Vacant real property on which a municipal lien has remained
 33 unpaid for at least one (1) year.

34 (5) Real estate that a court has determined to be abandoned under
 35 IC 32-30-10.6 or IC 32-30-10.7.

C
 O
 P
 Y

