

# HOUSE BILL No. 1488

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-7-9-13.

**Synopsis:** Priority liens for maintenance expenses. Provides that a lien on real estate for costs incurred by an enforcement authority in taking action to remediate an unsafe building has priority over all other liens except a lien of the state or a political subdivision for taxes and special assessments.

**Effective:** July 1, 2013.

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January 22, 2013, read first time and referred to Committee on Judiciary.

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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.

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## HOUSE BILL No. 1488



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

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

1 SECTION 1. IC 36-7-9-13, AS AMENDED BY P.L.169-2006,  
2 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: Sec. 13. (a) If all or any part of the costs listed in  
4 section 12 of this chapter remain unpaid for any unsafe premises (other  
5 than unsafe premises owned by a governmental entity) for more than  
6 fifteen (15) days after the completion of the work, the enforcement  
7 authority does not act under section 13.5 of this chapter, and the  
8 enforcement authority determines that there is a reasonable probability  
9 of obtaining recovery, the enforcement authority shall prepare a record  
10 stating:

11 (1) the name and last known address of each person who held a  
12 known or recorded fee interest, life estate interest, or equitable  
13 interest of a contract purchaser in the unsafe premises from the  
14 time the order requiring the work to be performed was recorded  
15 to the time that the work was completed;

16 (2) the legal description or address of the unsafe premises that  
17 were the subject of work;



- 1 (3) the nature of the work that was accomplished;  
 2 (4) the amount of the unpaid bid price of the work that was  
 3 accomplished; and  
 4 (5) the amount of the unpaid average processing expense.

5 The record must be in a form approved by the state board of accounts.

6 (b) The enforcement authority, or its head, shall swear to the  
 7 accuracy of the record before the clerk of the circuit court and deposit  
 8 the record in the clerk's office. Notice that the record has been filed and  
 9 that a hearing on the amounts indicated in the record may be held must  
 10 be sent in the manner prescribed by section 25 of this chapter to all of  
 11 the following:

- 12 (1) The persons named in the record.  
 13 (2) Any mortgagee that has a known or recorded substantial  
 14 property interest.

15 (c) If, within thirty (30) days after the notice required by subsection  
 16 (b), a person named in the record or a mortgagee files with the clerk of  
 17 the circuit court a written petition objecting to the claim for payment  
 18 and requesting a hearing, the clerk shall enter the cause on the docket  
 19 of the circuit or superior court as a civil action, and a hearing shall be  
 20 held on the question in the manner prescribed by IC 4-21.5. However,  
 21 issues that could have been determined under section 8 of this chapter  
 22 may not be entertained at the hearing. At the conclusion of the hearing,  
 23 the court shall either sustain the petition or enter a judgment against the  
 24 persons named in the record for the amounts recorded or for modified  
 25 amounts.

26 (d) If no petition is filed under subsection (c), the clerk of the circuit  
 27 court shall enter the cause on the docket of the court and the court shall  
 28 enter a judgment for the amounts stated in the record.

29 (e) A judgment under subsection (c) or (d), to the extent that it is not  
 30 satisfied under IC 27-2-15, is a debt and a lien on all the real and  
 31 personal property of the person named, or a joint and several debt and  
 32 lien on the real and personal property of the persons named in the  
 33 record prepared under subsection (a). The lien on real property is  
 34 perfected against all creditors and purchasers when the judgment is  
 35 entered on the judgment docket of the court. The lien on personal  
 36 property is perfected by filing a lis pendens notice in the appropriate  
 37 filing office, as prescribed by the Indiana Rules of Trial Procedure.

38 **(f) A lien on real estate described in subsection (e) has priority**  
 39 **over all other liens except a lien of the state or a political**  
 40 **subdivision for taxes and special assessments.**

41 **(g)** Judgments rendered under this section may be enforced in the  
 42 same manner as all other judgments are enforced.

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