



January 25, 2019

HOUSE BILL No. 1212

DIGEST OF HB 1212 (Updated January 22, 2019 2:31 pm - DI 101)

Citations Affected: IC 32-29; IC 32-30; noncode.

Synopsis: Notice of sheriff's sale of foreclosed property. Amends the statute concerning the procedures for a sheriff's sale of real property subject to a mortgage foreclosure judgment to provide that before selling the property, the sheriff must advertise the sale by arranging for the posting of a notice of the sale on the Internet web site maintained by: (1) each county in which the real estate is located; or (2) the office of the sheriff; at the discretion of the sheriff. (Current law requires the sheriff to advertise the sale by publication in a newspaper of general circulation in each county in which the property is located.) Specifies that existing law governing an error or omission in a legal notice published in a newspaper also applies to a sheriff's sale notice posted on an Internet web site. Provides that if: (1) a county in which the real estate is located does not maintain an Internet web site; and (2) the office of the sheriff does not maintain an Internet web site; the sheriff shall advertise the sale by publication in the county. Provides that in a case in which: (1) the sheriff must publish a sheriff's sale notice in a
(Continued next page)

Effective: July 1, 2019.

McNamara, Mahan, Pressel

January 10, 2019, read first time and referred to Committee on Financial Institutions.
January 24, 2019, amended, reported — Do Pass.

HB 1212—LS 7284/DI 101



Digest Continued

newspaper; and (2) the sheriff is unable to procure such publication; the sheriff shall execute a written statement explaining why publication was not possible. (Current law does not specify that the sheriff's statement must be in writing.) Provides that the sheriff shall: (1) maintain a record, in a printed or an electronic format, of the written statement for a period of not less than three years from the date of execution of the statement; and (2) make the statement available to the public upon request. Provides that a sheriff who posts a sheriff's sale notice on a county's or the sheriff's Internet web site shall: (1) maintain a record, in a printed or an electronic format, of the posted notice of sale for a period of not less than three years from the date on which the notice is removed from the Internet web site after the occurrence of an event specified under the bill; and (2) make the record available to the public upon request. Makes conforming amendments.

HB 1212—LS 7284/DI 101



January 25, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1212

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 32-29-7-3, AS AMENDED BY P.L.247-2015,
2 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 3. (a) In a proceeding for the foreclosure of a
4 mortgage executed on real estate, process may not issue for the
5 execution of a judgment or decree of sale for a period of three (3)
6 months after the filing of a complaint in the proceeding. However:
7 (1) the period is:
8 (A) twelve (12) months in a proceeding for the foreclosure of
9 a mortgage executed before January 1, 1958; and
10 (B) six (6) months in a proceeding for the foreclosure of a
11 mortgage executed after December 31, 1957, but before July
12 1, 1975; and
13 (2) if the court finds under IC 32-30-10.6 that the mortgaged real
14 estate has been abandoned, a judgment or decree of sale may be
15 executed on the date the judgment of foreclosure or decree of sale
16 is entered, regardless of the date the mortgage is executed.
17 (b) A judgment and decree in a proceeding to foreclose a mortgage

HB 1212—LS 7284/DI 101



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

8 (1) a praecipe is not filed with the clerk within one hundred eighty
 9 (180) days after the later of the dates on which:

10 (A) the period specified in subsection (a) expires; or

11 (B) the judgment and decree is filed; and

12 (2) the sale is not:

13 (A) otherwise prohibited by law;

14 (B) subject to a voluntary statewide foreclosure moratorium;
 15 or

16 (C) subject to a written agreement that:

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

19 (ii) is executed by and between the owner of the mortgaged
 20 real estate and a party entitled to enforce the judgment and
 21 decree;

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

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

36 (1) a date not later than:

37 (A) sixty (60) days after the date on which a judgment and
 38 decree under IC 32-30-10.6-5; and

39 (B) one hundred twenty (120) days after the date on which a
 40 judgment and decree in all other cases;

41 under seal of the court is certified to the sheriff by the clerk; and

42 (2) a time certain between the hours of 10 a.m. and 4 p.m. on any



1 day of the week except Sunday.

2 (d) **Subject to subsections (e), (k), and (l), and notwithstanding**
 3 **IC 5-3-1**, before selling mortgaged property, the sheriff must advertise
 4 the sale by **arranging for the posting of a notice of the sale:**

5 (1) **on the Internet web site maintained by each county in**
 6 **which the real estate is located; or**

7 (2) **on the Internet web site maintained by the office of the**
 8 **sheriff;**

9 **at the discretion of the sheriff. IC 5-3-1-2.3 concerning an error or**
 10 **omission in a legal notice published in a newspaper applies to a**
 11 **notice of sale posted on an Internet web site under this subsection.**

12 (e) **Subject to subsection (g), if:**

13 (1) **a county in which the real estate is located does not**
 14 **maintain an Internet web site; and**

15 (2) **the office of the sheriff does not maintain an Internet web**
 16 **site;**

17 **the sheriff shall advertise the sale by** publication once each week for
 18 three (3) successive weeks in ~~a~~ **at least one (1)** daily or weekly
 19 newspaper of general circulation **in the county.** ~~The sheriff shall~~
 20 ~~publish the advertisement in at least one (1) newspaper published and~~
 21 ~~circulated in each county where the real estate is situated.~~ The first
 22 publication shall be made at least thirty (30) days before the date of
 23 sale.

24 (f) **At the time of posting the advertisement under subsection (d),**
 25 **or of placing the first advertisement by publication under subsection**
 26 **(e), as applicable, the sheriff shall also do the following:**

27 (1) **Serve a copy of the written or printed notice of sale upon each**
 28 **owner of the real estate. Service of the written notice shall be**
 29 **made as provided in the Indiana Rules of Trial Procedure**
 30 **governing service of process upon a person. The sheriff shall**
 31 **charge a fee of ten dollars (\$10) to one (1) owner and three dollars**
 32 **(\$3) to each additional owner for service of written notice under**
 33 **this subsection. The fee is:**

34 ~~(1)~~ (A) **a cost of the proceeding;**

35 ~~(2)~~ (B) **to be collected as other costs of the proceeding are**
 36 **collected; and**

37 ~~(3)~~ (C) **to be deposited in the county general fund for**
 38 **appropriation for operating expenses of the sheriff's**
 39 **department.**

40 ~~(e)~~ **The sheriff also shall (2) Post written or printed notices of the**
 41 **sale at the door of the courthouse of each county in which the real**
 42 **estate is located.**



1 ~~(f)~~ **(g)** If the sheriff is unable to procure the publication of a notice
 2 within the county **under subsection (e)**, the sheriff may dispense with
 3 publication. The sheriff shall ~~state~~ **execute a written statement**
 4 **indicating** that the sheriff was not able to procure the publication and
 5 ~~explain~~ **explaining** the reason why publication was not possible. **The**
 6 **sheriff shall:**

7 **(1) maintain a record, in a printed or an electronic format, of**
 8 **the written statement required by this subsection for a period**
 9 **of not less than three (3) years from the date of execution of**
 10 **the statement; and**

11 **(2) make the statement available to the public upon request.**

12 ~~(g)~~ **(h)** Notices under subsections (d), (e), **(f)**, and (i) must contain
 13 a statement, for informational purposes only, of the location of each
 14 property by street address, if any, or other common description of the
 15 property other than legal description. A misstatement in the
 16 informational statement under this subsection does not invalidate an
 17 otherwise valid sale.

18 ~~(h)~~ **(i)** The sheriff may charge an administrative fee of not more than
 19 two hundred dollars (\$200) with respect to a proceeding referred to in
 20 subsection (b) for actual costs directly attributable to the administration
 21 of the sale under subsection (c). The fee is:

22 (1) payable by the person seeking to enforce the judgment and
 23 decree; and

24 (2) due at the time of filing of the praecipe;
 25 under subsection (b).

26 ~~(i)~~ **(j)** If a sale of mortgaged property scheduled under this section
 27 is canceled, the sheriff shall provide written notice of the cancellation
 28 to each owner of the real estate. Service of the written notice shall be
 29 made as provided in the Indiana Rules of Trial Procedure governing
 30 service of process upon a person. The sheriff shall charge a fee of ten
 31 dollars (\$10) for notice to one (1) owner and three dollars (\$3) for
 32 notice to each additional owner for service of written notice under this
 33 subsection. The fee:

34 (1) is a cost of the proceeding;

35 (2) shall be collected as other costs of the proceeding are
 36 collected; and

37 (3) shall be deposited in the county general fund for appropriation
 38 for operating expenses of the sheriff's department.

39 The fee for service under this subsection shall be paid by the person
 40 who caused the sale to be canceled.

41 **(k) Notice posted on a county's Internet web site or on a sheriff's**
 42 **Internet web site under subsection (d):**



- 1 **(1) shall be posted on the Internet web site at least thirty (30)**
 2 **days before the date of the sale; and**
 3 **(2) shall be maintained on the Internet web site until any of**
 4 **the following occurs:**
 5 **(A) Any owner or part owner of the real estate redeems the**
 6 **real estate from the judgment under section 7 of this**
 7 **chapter.**
 8 **(B) The sale is cancelled under subsection (j).**
 9 **(C) If the real estate is sold under subsection (c), a deed of**
 10 **conveyance for the premises is executed and delivered**
 11 **under section 10(a)(1) of this chapter to the purchaser of**
 12 **the real estate.**
 13 **(l) A sheriff who posts a notice of sale on a county's Internet web**
 14 **site or on the sheriff's Internet web site under subsection (d) shall:**
 15 **(1) maintain a record, in a printed or an electronic format, of**
 16 **the posted notice of sale for a period of not less than three (3)**
 17 **years from the date on which the notice is removed from the**
 18 **Internet web site after the occurrence of an event described in**
 19 **subsection (k)(2); and**
 20 **(2) make the record available to the public upon request.**
 21 **The record required by this subsection must include the date of the**
 22 **initial posting of the notice along with proof that the notice was**
 23 **posted from the initial date through the applicable date described**
 24 **in subsection (k)(2).**
 25 SECTION 2. IC 32-29-8-4, AS AMENDED BY P.L.13-2013,
 26 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2019]: Sec. 4. (a) As used in this section, "interested person",
 28 with respect to an action to foreclose a mortgage on an interest in real
 29 property in Indiana, means:
 30 (1) the holder of the evidence of debt secured by the mortgage
 31 being foreclosed;
 32 (2) a person:
 33 (A) who purchases the property at a judicial sale after a
 34 judgment and decree of sale is entered in the action; and
 35 (B) to whom a deed is executed and delivered by the sheriff
 36 under IC 32-29-7-10; or
 37 (3) any person claiming by, through, or under a person described
 38 in subdivision (1) or (2).
 39 (b) As used in this section, "omitted party", with respect to an action
 40 to foreclose a mortgage on an interest in real property in Indiana,
 41 means a person who:
 42 (1) before the commencement of the action has acquired in the



- 1 property an interest that:
- 2 (A) is junior or subordinate to the mortgage being foreclosed;
- 3 and
- 4 (B) would otherwise be extinguished by the foreclosure; and
- 5 (2) is either:
- 6 (A) not named as a party defendant in the action or, if named
- 7 as a party defendant, is not served with process; or
- 8 (B) not served with a notice of sale under ~~IC 32-29-7-3(d)~~
- 9 **IC 32-29-7-3(f)** after a judgment and decree of sale is entered
- 10 in the action.
- 11 The term includes any person claiming by, through, or under a person
- 12 described in this subsection.
- 13 (c) At any time after a judgment and decree of sale is entered in a
- 14 action to foreclose a mortgage on an interest in real property in Indiana,
- 15 an interested person or an omitted party may bring a civil action to:
- 16 (1) determine the extent of; and
- 17 (2) terminate;
- 18 the interest of an omitted party in the property subject to the sale.
- 19 (d) Except as provided in subsection (e) and subject to subsections
- 20 (f) and (g), upon the filing of an action described in subsection (c), the
- 21 court shall determine the extent of the omitted party's interest in the
- 22 property and issue a decree terminating that interest, subject to the right
- 23 of the omitted party to redeem the property on terms as the court
- 24 considers equitable under the circumstances after considering the
- 25 factors set forth in subsection (f), if the omitted party would have had
- 26 redemption rights:
- 27 (1) before the sale under IC 32-29-7-7; or
- 28 (2) after the sale, as described in IC 34-55-4-8(a)(2).
- 29 (e) If the omitted party proves that the omitted party has a right to
- 30 receive proceeds actually paid at the judicial sale, the omitted party's
- 31 interest in the property is not subject to termination by an action
- 32 brought under this section unless the proceeds that the omitted party
- 33 would have received at the judicial sale are paid to the omitted party.
- 34 (f) In an action brought under this section, if the court determines
- 35 that the omitted party is entitled to redemption under subsection (d),
- 36 the court shall consider the following in deciding the terms of the
- 37 redemption:
- 38 (1) Whether the omitted party:
- 39 (A) was given or had actual notice or knowledge of the
- 40 foreclosure; and
- 41 (B) had opportunity to intervene in the foreclosure action or
- 42 otherwise exercise any right to redeem the property.



- 1 (2) Whether any interested person in good faith has made
 2 valuable improvements to the property and, if so, the value of all
 3 lasting improvements made to the property before the
 4 commencement of the action under this section.
- 5 (3) The amount of any taxes and assessments, along with any
 6 related interest payments, related to the property and paid by an
 7 interested person or by any person under whose title to the
 8 property an interested person claims.
- 9 (g) If the court determines that the omitted party is entitled to
 10 redemption under subsection (d), and after considering the factors set
 11 forth in subsection (f), the court shall grant redemption rights to the
 12 omitted party that the court considers equitable under the
 13 circumstances, subject to the following:
- 14 (1) The amount to be paid for redemption may not be less than the
 15 sale price resulting from the foreclosure of the interested person's
 16 senior lien, plus interest at the statutory judgment rate.
- 17 (2) The time allowed for payment of the redemption amount may
 18 not exceed ninety (90) days after the date of the court's decree
 19 under subsection (d).
- 20 (h) The senior lien upon which the foreclosure action was based is
 21 not extinguished by merger with the title to the property conveyed to
 22 a purchaser through a sheriff's deed executed and delivered under
 23 IC 32-29-7-10 until the interest of any omitted party has been
 24 terminated:
- 25 (1) through an action brought under this section; or
 26 (2) by operation of law.
- 27 Until an omitted party's interest is terminated as described in this
 28 subsection, any owner of the property as a holder of a sheriff's deed
 29 executed and delivered under IC 32-29-7-10, or any person claiming
 30 by, through, or under such an owner, is the equitable owner of the
 31 senior lien upon which the foreclosure action was based and has all
 32 rights against an omitted party as existed before the judicial sale.
- 33 (i) An interested person may not terminate an omitted party's
 34 interest in real property that is the subject of a foreclosure action except
 35 through an action brought under this section. An interested person's
 36 rights under this section may not be denied because the interested
 37 person:
- 38 (1) had actual or constructive notice of the omitted party's interest
 39 in the property;
 40 (2) was negligent in examining county records;
 41 (3) was engaged in the business of lending; or
 42 (4) obtained a title search or commitment or a title insurance



1 policy.
2 SECTION 3. IC 32-30-10-8 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) The copy of the
4 court's order of sale and judgment shall be issued and certified by the
5 clerk under the seal of the court to the sheriff.
6 (b) After receiving the order under subsection (a), the sheriff shall
7 proceed to sell the mortgaged premises, or as much of the mortgaged
8 premises as is necessary to satisfy the judgment, interest, and costs. If
9 any part of the judgment, interest, and costs remain unsatisfied after the
10 sale of the mortgaged premises, the sheriff shall proceed to sell the
11 remaining property of the defendant. If the mortgaged property is
12 located in more than one (1) county, a common description of the
13 property, the sale of the property, and the location of the sale must be
14 advertised **in accordance with the procedures set forth in**
15 **IC 32-29-7-3** in each county where the property is located.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1212, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert the following:

"SECTION 1. IC 32-29-7-3, AS AMENDED BY P.L.247-2015, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) In a proceeding for the foreclosure of a mortgage executed on real estate, process may not issue for the execution of a judgment or decree of sale for a period of three (3) months after the filing of a complaint in the proceeding. However:

(1) the period is:

(A) twelve (12) months in a proceeding for the foreclosure of a mortgage executed before January 1, 1958; and

(B) six (6) months in a proceeding for the foreclosure of a mortgage executed after December 31, 1957, but before July 1, 1975; and

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

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

(1) a praecipe is not filed with the clerk within one hundred eighty (180) days after the later of the dates on which:

(A) the period specified in subsection (a) expires; or

(B) the judgment and decree is filed; and

(2) the sale is not:

(A) otherwise prohibited by law;

(B) subject to a voluntary statewide foreclosure moratorium; or

(C) subject to a written agreement that:

(i) provides for a delay in the sale of the mortgaged real



estate; and

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

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

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

(1) a date not later than:

(A) sixty (60) days after the date on which a judgment and decree under IC 32-30-10.6-5; and

(B) one hundred twenty (120) days after the date on which a judgment and decree in all other cases;

under seal of the court is certified to the sheriff by the clerk; and

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

(d) **Subject to subsections (e), (k), and (l), and notwithstanding IC 5-3-1**, before selling mortgaged property, the sheriff must advertise the sale by **arranging for the posting of a notice of the sale:**

(1) on the Internet web site maintained by each county in which the real estate is located; or

(2) on the Internet web site maintained by the office of the sheriff;

at the discretion of the sheriff. IC 5-3-1-2.3 concerning an error or omission in a legal notice published in a newspaper applies to a notice of sale posted on an Internet web site under this subsection.

(e) Subject to subsection (g), if:

(1) a county in which the real estate is located does not maintain an Internet web site; and

(2) the office of the sheriff does not maintain an Internet web site;

the sheriff shall advertise the sale by publication once each week for



three (3) successive weeks in a **at least one (1)** daily or weekly newspaper of general circulation **in the county**. ~~The sheriff shall publish the advertisement in at least one (1) newspaper published and circulated in each county where the real estate is situated.~~ The first publication shall be made at least thirty (30) days before the date of sale.

(f) At the time of **posting the advertisement under subsection (d), or of placing the first advertisement by publication under subsection (e), as applicable**, the sheriff shall also **do the following**:

(1) Serve a copy of the written or printed notice of sale upon each owner of the real estate. Service of the written notice shall be made as provided in the Indiana Rules of Trial Procedure governing service of process upon a person. The sheriff shall charge a fee of ten dollars (\$10) to one (1) owner and three dollars (\$3) to each additional owner for service of written notice under this subsection. The fee is:

~~(1)~~ **(A)** a cost of the proceeding;

~~(2)~~ **(B)** to be collected as other costs of the proceeding are collected; and

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

~~(e)~~ **The sheriff also shall (2)** Post written or printed notices of the sale at the door of the courthouse of each county in which the real estate is located.

~~(f)~~ **(g)** If the sheriff is unable to procure the publication of a notice within the county **under subsection (e)**, the sheriff may dispense with publication. The sheriff shall **state execute a written statement indicating** that the sheriff was not able to procure the publication and **explain explaining** the reason why publication was not possible. **The sheriff shall:**

(1) maintain a record, in a printed or an electronic format, of the written statement required by this subsection for a period of not less than three (3) years from the date of execution of the statement; and

(2) make the statement available to the public upon request.

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



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

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

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

~~(i)~~ **(j)** If a sale of mortgaged property scheduled under this section is canceled, the sheriff shall provide written notice of the cancellation to each owner of the real estate. Service of the written notice shall be made as provided in the Indiana Rules of Trial Procedure governing service of process upon a person. The sheriff shall charge a fee of ten dollars (\$10) for notice to one (1) owner and three dollars (\$3) for notice to each additional owner for service of written notice under this subsection. The fee:

(1) is a cost of the proceeding;

(2) shall be collected as other costs of the proceeding are collected; and

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

The fee for service under this subsection shall be paid by the person who caused the sale to be canceled.

(k) Notice posted on a county's Internet web site or on a sheriff's Internet web site under subsection (d):

(1) shall be posted on the Internet web site at least thirty (30) days before the date of the sale; and

(2) shall be maintained on the Internet web site until any of the following occurs:

(A) Any owner or part owner of the real estate redeems the real estate from the judgment under section 7 of this chapter.

(B) The sale is cancelled under subsection (j).

(C) If the real estate is sold under subsection (c), a deed of conveyance for the premises is executed and delivered under section 10(a)(1) of this chapter to the purchaser of the real estate.

(l) A sheriff who posts a notice of sale on a county's Internet web site or on the sheriff's Internet web site under subsection (d) shall:

(1) maintain a record, in a printed or an electronic format, of the posted notice of sale for a period of not less than three (3) years from the date on which the notice is removed from the



Internet web site after the occurrence of an event described in subsection (k)(2); and

(2) make the record available to the public upon request.

The record required by this subsection must include the date of the initial posting of the notice along with proof that the notice was posted from the initial date through the applicable date described in subsection (k)(2)."

Delete pages 2 through 4.

Page 5, delete lines 1 through 7.

and when so amended that said bill do pass.

(Reference is to HB 1212 as introduced.)

BURTON

Committee Vote: yeas 7, nays 3.

