

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1320

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AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-1.1-23.9-1, AS ADDED BY SEA 296-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. Except as otherwise provided, the definitions in this chapter apply throughout **this chapter**, IC 6-1.1-24, IC 6-1.1-24.5, and IC 6-1.1-25.

SECTION 2. IC 6-1.1-23.9-3, AS ADDED BY SEA 296-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) "Substantial property interest of public record" means title to or interest in a tract **that is within the tract's chain of record title and:**

(1) possessed by a person; and

(2) **either:**

(A) recorded in the office of ~~a~~ **the** county recorder **for the county in which the tract is located;** or

(B) available for public inspection **and properly indexed** in the office of ~~a~~ **the** circuit court clerk **in the county in which the tract is located;**

~~no~~ **not** later than the hour and date a sale is scheduled to commence under IC 6-1.1-24.

The term does not include a lien held by the state or a political subdivision.

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**(b) For purposes of IC 6-1.1-24 and IC 6-1.1-25 only, chain of record title includes instruments executed by the owner and recorded within the five (5) day period before the date the owner acquires title to the tract.**

SECTION 3. IC 6-1.1-25-2, AS AMENDED BY P.L.187-2016, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) The total amount of money required for the redemption of real property equals the following amount, as applicable:

(1) If a tract or item of real property is redeemed under section 4(c) of this chapter, the amount prescribed in subsection (g).

~~(2) If subdivision (1) does not apply and the real property is conveyed before the expiration of the period of redemption by the owner of record at the time the tract or real property was certified for sale under IC 6-1.1-24, the sum of:~~

~~(A) the amounts prescribed in subsections (b) through (f); and~~

~~(B) the amount held in the tax sale surplus fund.~~

~~The amount specified in clause (B) shall be deposited with the county treasurer and made payable to the owner of record at the time the tract or real property was certified for sale under IC 6-1.1-24.~~

~~(3) (2) If subdivisions subdivision (1) and (2) do does not apply, the sum of the amounts prescribed in subsections (b) through (f). reduced by any amount held 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 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: 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 sale.

(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) five percent (5%) per annum on the amount by which the purchase price exceeds the minimum bid on the property, if the date of sale occurs after June 30, 2014. or~~

~~(2) ten percent (10%) per annum on the amount by which the~~



~~purchase price exceeds the minimum bid on the property, if the date of sale occurs before July 1, 2014.~~

(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) five percent (5%) per annum on those taxes and special assessments, if the date of sale occurs after June 30, 2014; or
- (2) ten percent (10%) interest per annum on those taxes and special assessments, if the date of sale occurs before July 1, 2014.

(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 and are delinquent 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 4. IC 32-21-2-3, AS AMENDED BY P.L.143-2009, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) For a conveyance, a mortgage, or an instrument of writing to be recorded, it must be:

- (1) acknowledged by the grantor; or
- (2) proved before a:
  - (A) judge;
  - (B) clerk of a court of record;
  - (C) county auditor;
  - (D) county recorder;
  - (E) notary public;
  - (F) mayor of a city in Indiana or any other state;



- (G) commissioner appointed in a state other than Indiana by the governor of Indiana;
- (H) minister, charge d'affaires, or consul of the United States in any foreign country;
- (I) clerk of the city county council for a consolidated city, city clerk for a second class city, or clerk-treasurer for a third class city;
- (J) clerk-treasurer for a town; or
- (K) person authorized under IC 2-3-4-1.

(b) In addition to the requirements under subsection (a), a conveyance may not be recorded after June 30, 2007, unless it meets the requirements of this subsection. **The conveyance must include a statement containing substantially the following information:**

**"The mailing address to which statements should be mailed under IC 6-1.1-22-8.1 is [insert proper mailing address]. The mailing address of the grantee is [insert proper mailing address]."**

The conveyance must include the mailing address to which statements should be mailed under IC 6-1.1-22-8.1. If the mailing address for statements under IC 6-1.1-22-8.1 is not **The mailing address for the grantee must be** a street address or a rural route address. ~~of the grantee;~~ the conveyance must also include a street address or rural route address of the grantee after the mailing address for statements mailed under IC 6-1.1-22-8.1. A conveyance complies with this subsection if it contains the address or addresses required by this subsection at the end of the conveyance and immediately preceding or following the statements required by IC 36-2-11-15.

SECTION 5. [EFFECTIVE JULY 1, 2018] (a) **The general assembly recognizes that SEA 296-2018, SECTION 1, which added a NEW chapter IC 6-1.1-23.9 to the Indiana Code, added two NEW sections within that chapter at the same Code cite, IC 6-1.1-23.9-1. The general assembly intends to redesignate the first NEW section 1, which is further amended by SECTION 1 of this act, to read as follows effective July 1, 2018: "Sec. 0.5. Except as otherwise provided, the definitions in this chapter apply throughout this chapter, IC 6-1.1-24, IC 6-1.1-24.5, and IC 6-1.1-25." The revisor of statutes shall publish the Indiana Code with the first section 1 added by SEA 296-2018, SECTION 1, and amended by SECTION 1 of this act, as IC 6-1.1-23.9-0.5 and the second section added by SEA 296-2018, SECTION 1, as IC 6-1.1-23.9-1.**

(b) This SECTION expires June 30, 2019.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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