



February 19, 2021

SENATE BILL No. 28

DIGEST OF SB 28 (Updated February 18, 2021 10:17 am - DI 140)

Citations Affected: IC 6-1.1; IC 35-44.1.

Synopsis: Tax sales. Prohibits a person who is delinquent in the payment of personal property taxes or is subject to an existing personal property tax judgment from bidding on or purchasing a tract at a tax sale. Prohibits a business entity from bidding on or purchasing a tract at a tax sale when a person who is prohibited from bidding on or purchasing a tract at a tax sale: (1) formed the business entity; (2) joined with another person or party to form the business entity; (3) joined the business entity as a proprietor, incorporator, partner, shareholder, director, employee, or member; (4) becomes an agent, employee, or board member of the business entity; or (5) represents the business entity in a legal matter. Requires a county treasurer to pay all taxes and assessments that accrue on the tract of real estate through the time the record owner is divested of title from the tax sale surplus fund for the tract. Permits a county legislative body to adopt an ordinance prohibiting the assignment of a certificate of sale prior to the issuance of a tax title deed. Adds requirements that must be met within 150 days of the date a court grants a petition to issue a tax deed before a county auditor can issue or record a tax deed. Provides that a person who provides false information on the county treasurer's tax sale affidavit commits a Class A misdemeanor.

Effective: July 1, 2021.

Niemeyer

January 4, 2021, read first time and referred to Committee on Local Government.
February 18, 2021, reported favorably — Do Pass.

SB 28—LS 6230/DI 137



February 19, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE BILL No. 28

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

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

- 1 SECTION 1. IC 6-1.1-24-5.3, AS AMENDED BY P.L.159-2020,
2 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 5.3. (a) This section applies to the following:
4 (1) A person who:
5 (A) owns a fee interest, a life estate interest, or the equitable
6 interest of a contract purchaser in an unsafe building or unsafe
7 premises; and
8 (B) is subject to an order issued under IC 36-7-9-5(a)(2),
9 IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5)
10 regarding which the conditions set forth in IC 36-7-9-10(a)(1)
11 through IC 36-7-9-10(a)(4) exist.
12 (2) A person who:
13 (A) owns a fee interest, a life estate interest, or the equitable
14 interest of a contract purchaser in an unsafe building or unsafe
15 premises; and
16 (B) is subject to an order issued under IC 36-7-9-5(a), other
17 than an order issued under IC 36-7-9-5(a)(2),

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- 1 IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5),
 2 regarding which the conditions set forth in IC 36-7-9-10(b)(1)
 3 through IC 36-7-9-10(b)(4) exist.
- 4 (3) A person who is the defendant in a court action brought under
 5 IC 36-7-9-18, IC 36-7-9-19, IC 36-7-9-20, IC 36-7-9-21, or
 6 IC 36-7-9-22 that has resulted in a judgment in favor of the
 7 plaintiff and the unsafe condition that caused the action to be
 8 brought has not been corrected.
- 9 (4) A person who has any of the following relationships to a
 10 person, partnership, corporation, or legal entity described in
 11 subdivision (1), (2), (3), or (5):
- 12 (A) A partner of a partnership.
 13 (B) A member of a limited liability company.
 14 (C) An officer, director, or majority stockholder of a
 15 corporation.
 16 (D) The person who controls or directs the activities or has a
 17 majority ownership in a legal entity other than a partnership or
 18 corporation.
- 19 (5) A person who owes:
- 20 (A) delinquent taxes;
 21 (B) special assessments;
 22 (C) penalties;
 23 (D) interest; or
 24 (E) costs directly attributable to a prior tax sale;
 25 on a tract or an item of real property listed under section 1 of this
 26 chapter.
- 27 (6) A person who owns a fee interest, a life estate interest, or the
 28 equitable interest of a contract purchaser in a vacant or abandoned
 29 structure subject to an enforcement order under IC 32-30-6,
 30 IC 32-30-7, IC 32-30-8, or IC 36-7-9, or a court order under
 31 IC 36-7-37.
- 32 (7) A person who is an agent of the person described in this
 33 subsection.
- 34 **(8) A person who:**
- 35 **(A) is delinquent in the payment of any personal property**
 36 **taxes; or**
 37 **(B) is subject to an existing personal property tax**
 38 **judgment;**
 39 **under IC 6-1.1-22-9.**
- 40 (b) A person subject to this section may not bid on or purchase a
 41 tract offered for sale under section 5 or 6.1 of this chapter. However,
 42 this section does not prohibit a person from bidding on a tract that is



1 owned by the person and offered for sale under section 5 of this
2 chapter.

3 **(c) A business entity may not bid on or purchase a tract offered**
4 **for sale under section 5 or 6.1 of this chapter if:**

5 **(1) a person subject to this section:**

6 **(A) formed the business entity;**

7 **(B) joined with another person or party to form the**
8 **business entity; or**

9 **(C) joined the business entity as a proprietor, incorporator,**
10 **partner, shareholder, director, employee, or member; or**

11 **(2) a person subject to this section:**

12 **(A) becomes an agent, employee, or board member of the**
13 **business entity; or**

14 **(B) represents the business entity in a legal matter.**

15 ~~(c)~~ **(d)** The county treasurer shall require each person who will be
16 bidding at the tax sale to sign a statement in a form substantially
17 similar to the following:

18 "Indiana law prohibits a person who owes delinquent taxes,
19 special assessments, penalties, interest, or costs directly
20 attributable to a prior tax sale of a tract or item of real property
21 listed under IC 6-1.1-24-1 from bidding on or purchasing tracts or
22 items of real property at a tax sale. I hereby affirm under the
23 penalties for perjury that I do not owe delinquent taxes, special
24 assessments, penalties, interest, costs directly attributable to a
25 prior tax sale, amounts from a final adjudication in favor of a
26 political subdivision, any civil penalties imposed for the violation
27 of a building code or county ordinance, or any civil penalties
28 imposed by a county health department. I also affirm that I am not
29 purchasing tracts or items of real property on behalf of or as an
30 agent for a person who is prohibited from purchasing at a tax sale.
31 Further, I hereby acknowledge that any successful bid I make in
32 violation of this statement is subject to forfeiture. In the event of
33 forfeiture, the amount by which my bid exceeds the minimum bid
34 on the tract or item or real property under IC 6-1.1-24-5(e), if any,
35 shall be applied to the delinquent taxes, special assessments,
36 penalties, interest, costs, judgments, or civil penalties I owe, and
37 a certificate will be issued to the county executive. **I further**
38 **acknowledge that a person who knowingly, recklessly, or**
39 **intentionally provides false information on this affidavit**
40 **commits a Class A misdemeanor."**

41 ~~(d)~~ **(e)** If a person purchases a tract that the person was not eligible
42 to purchase under this section, the sale of the property is subject to



1 forfeiture. If the county treasurer determines or is notified not more
 2 than six (6) months after the date of the sale that the sale of the
 3 property should be forfeited, the county treasurer shall:

4 (1) notify the person in writing that the sale is subject to forfeiture
 5 if the person does not pay the amounts that the person owes
 6 within thirty (30) days of the notice;

7 (2) if the person does not pay the amounts that the person owes
 8 within thirty (30) days after the notice, apply the surplus amount
 9 of the person's bid to the person's delinquent taxes, special
 10 assessments, penalties, and interest;

11 (3) remit the amounts owed from a final adjudication or civil
 12 penalties in favor of a political subdivision to the appropriate
 13 political subdivision; and

14 (4) notify the county auditor that the sale has been forfeited.

15 Upon being notified that a sale has been forfeited, the county auditor
 16 shall issue a certificate to the county executive under section 6 of this
 17 chapter.

18 ~~(e)~~ **(f)** A county treasurer may decline to forfeit a sale under this
 19 section because of inadvertence or mistake, lack of actual knowledge
 20 by the bidder, substantial harm to other parties with interests in the
 21 tract or item of real property, or other substantial reasons. If the
 22 treasurer declines to forfeit a sale, the treasurer shall:

23 (1) prepare a written statement explaining the reasons for
 24 declining to forfeit the sale; and

25 (2) retain the written statement as an official record.

26 ~~(f)~~ **(g)** If a sale is forfeited under this section and the tract or item of
 27 real property is redeemed from the sale, the county auditor shall deposit
 28 the amount of the redemption into the county general fund and notify
 29 the county executive of the redemption. Upon being notified of the
 30 redemption, the county executive shall surrender the certificate to the
 31 county auditor.

32 SECTION 2. IC 6-1.1-24-6.1, AS AMENDED BY P.L.171-2018,
 33 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2021]: Sec. 6.1. (a) The county executive may do the
 35 following:

36 (1) By resolution, identify properties concerning which the county
 37 executive desires to offer to the public the certificates of sale
 38 acquired by the county executive under section 6 of this chapter.

39 (2) Except as otherwise provided in subsection (c), in conformity
 40 with IC 5-3-1-4, publish:

41 (A) notice of the date, time, and place for a public sale; and

42 (B) a listing of parcels on which certificates will be offered by



- 1 parcel number and minimum bid amount;
 2 once each week for three (3) consecutive weeks, with the final
 3 advertisement being not less than thirty (30) days before the sale
 4 date. The expenses of the publication shall be paid out of the
 5 county general fund.
- 6 (3) Sell each certificate of sale covered by the resolution for a
 7 price that:
- 8 (A) is less than the minimum sale price prescribed by section
 9 5 of this chapter; and
 10 (B) includes any costs to the county directly attributable to the
 11 sale of the certificate of sale.
- 12 (b) Except as otherwise provided in subsection (c), notice of the list
 13 of properties prepared under subsection (a) and the date, time, and
 14 place for the public sale of the certificates of sale shall be published in
 15 accordance with IC 5-3-1. The notice must:
- 16 (1) include a description of the property by parcel number and
 17 common address;
 18 (2) specify that the county executive will accept bids for the
 19 certificates of sale for the price referred to in subsection (a)(3);
 20 (3) specify the minimum bid for each parcel;
 21 (4) include a statement that a person redeeming each tract or item
 22 of real property after the sale of the certificate must pay:
- 23 (A) the amount of the minimum bid under section 5 of this
 24 chapter for which the tract or item of real property was last
 25 offered for sale;
 26 (B) ten percent (10%) of the amount for which the certificate
 27 is sold;
 28 (C) the attorney's fees and costs of giving notice under
 29 IC 6-1.1-25-4.5;
 30 (D) the costs of a title search or of examining and updating the
 31 abstract of title for the tract or item of real property;
 32 (E) all taxes and special assessments on the tract or item of
 33 real property paid by the purchaser after the sale of the
 34 certificate plus interest at the rate of ten percent (10%) per
 35 annum on the amount of taxes and special assessments paid by
 36 the purchaser on the redeemed property; ~~and~~
 37 (F) all costs of sale, advertising costs, and other expenses of
 38 the county directly attributable to the sale of certificates of
 39 sale; and
 40 **(G) all taxes or special assessments, or both, paid by the**
 41 **county treasurer under section 7(b) of this chapter; and**
 42 (5) include a statement that, if the certificate is sold for an amount



1 more than the minimum bid under section 5 of this chapter for
 2 which the tract or item of real property was last offered for sale
 3 and the property is not redeemed, the owner of record of the tract
 4 or item of real property who is divested of ownership at the time
 5 the tax deed is issued may have a right to the tax sale surplus.

6 (c) For properties identified under subsection (a) for which the
 7 certificates of sale are not sold when initially offered for sale under this
 8 section, the county executive may omit from the notice the descriptions
 9 of the tracts or items of real property under subsection (b)(1) and the
 10 associated minimum bids under subsection (b)(3) if:

- 11 (1) the county executive includes in the notice a statement that
 12 descriptions of those tracts or items of real property are available
 13 on the Internet web site of the county government or the county
 14 government's contractor and the information may be obtained in
 15 an alternative form from the county executive upon request; and
 16 (2) the descriptions of those tracts or items of real property for
 17 which a certificate of sale is eligible for sale under this section are
 18 made available on the Internet web site of the county government
 19 or the county government's contractor and may be obtained from
 20 the county executive in an alternative form upon request in
 21 accordance with section 3.4 of this chapter.

22 SECTION 3. IC 6-1.1-24-7, AS AMENDED BY P.L.85-2017,
 23 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2021]: Sec. 7. (a) When real property is sold under this
 25 chapter, the purchaser at the sale shall immediately pay the amount of
 26 the bid to the county treasurer. The county treasurer shall apply the
 27 payment in the following manner:

- 28 (1) First, to the taxes, special assessments, penalties, and costs
 29 described in section 5(e) of this chapter.
 30 (2) Second, to other delinquent property taxes in the manner
 31 provided in IC 6-1.1-23-5(b).
 32 (3) Third, to a separate "tax sale surplus fund".

33 (b) For any tract or item of real property for which a tax sale
 34 certificate is sold under this chapter, if taxes or special assessments, or
 35 both, ~~become due~~ **accrue** on the tract or item of real property ~~during~~
 36 ~~the period of redemption specified under IC 6-1.1-25-4, through and~~
 37 **including the year in which the owner of record is divested of title**
 38 **to the real property**, the county treasurer ~~may~~ **shall** pay ~~the all~~ taxes
 39 or special assessments, or both, on the tract or item of real property
 40 from the tax sale surplus held in the name of the taxpayer, if any, after
 41 the ~~taxes or special assessments become due~~ **tax bills are mailed. The**
 42 **county auditor must freeze the tax sale surplus fund until all**



- 1 **payments required under this subsection are paid.**
- 2 (c) The:
- 3 (1) owner of record of the real property at the time the real
- 4 property was certified for sale under this chapter and before the
- 5 issuance of a tax deed; or
- 6 (2) tax sale purchaser or purchaser's assignee, upon redemption
- 7 of the tract or item of real property;
- 8 may file a verified claim for money which is deposited in the tax sale
- 9 surplus fund. If the claim is approved by the county auditor and the
- 10 county treasurer, the county auditor shall issue a warrant to the
- 11 claimant for the amount due.
- 12 (d) If the person who claims money deposited in the tax sale surplus
- 13 fund under subsection (c) is:
- 14 (1) a person who has a contract or agreement described under
- 15 section 7.5 of this chapter with a person described in subsection
- 16 (c)(1); or
- 17 (2) a person who acts as an executor, attorney-in-fact, or legal
- 18 guardian of a person described in subsection (c)(1);
- 19 the county auditor may issue a warrant to the person only as directed
- 20 by the court having jurisdiction over the tax sale of the parcel for which
- 21 the surplus claim is made.
- 22 (e) A court may direct the issuance of a warrant only:
- 23 (1) on petition by the claimant;
- 24 (2) within three (3) years after the date of sale of the parcel in the
- 25 tax sale; and
- 26 (3) in the case of a petitioner to whom subsection (d)(1) applies,
- 27 if the petitioner has satisfied the requirements of section 7.5 of
- 28 this chapter.
- 29 (f) Unless the redemption period specified under IC 6-1.1-25 has
- 30 been extended under federal bankruptcy law, an amount deposited in
- 31 the tax sale surplus fund shall be transferred by the county auditor to
- 32 the county general fund and may not be disbursed under subsection (c)
- 33 if it is not claimed within the three (3) year period after the date of its
- 34 receipt.
- 35 (g) If an amount applied to taxes under this section is later paid out
- 36 of the county general fund to the purchaser or the purchaser's successor
- 37 due to the invalidity of the sale, all the taxes shall be reinstated and
- 38 recharged to the tax duplicate and collected in the same manner as if
- 39 the property had not been offered for sale.
- 40 (h) When a refund is made to any purchaser or purchaser's successor
- 41 by reason of the invalidity of a sale, the county auditor shall, at the
- 42 December settlement immediately following the refund, deduct the



1 amount of the refund from the gross collections in the taxing district in
 2 which the land lies and shall pay that amount into the county general
 3 fund.

4 SECTION 4. IC 6-1.1-24-9, AS AMENDED BY P.L.32-2017,
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2021]: Sec. 9. (a) Immediately after a tax sale purchaser pays
 7 the bid, as evidenced by the receipt of the county treasurer, or
 8 immediately after the county acquires a lien under section 6 of this
 9 chapter, the county auditor shall deliver a certificate of sale to the
 10 purchaser or to the county or to the city. The certificate shall be signed
 11 by the auditor and registered in the auditor's office. The certificate shall
 12 contain:

13 (1) a description of real property that corresponds to the
 14 description used on the notice of sale;

15 (2) the name of:

16 (A) the owner of record at the time of the sale of real property
 17 with a single owner; or

18 (B) at least one (1) of the owners of real property with multiple
 19 owners;

20 (3) the mailing address of the owner of the real property sold as
 21 indicated in the records of the county auditor;

22 (4) the name of the purchaser;

23 (5) the date of sale;

24 (6) the amount for which the real property was sold;

25 (7) the amount of the minimum bid for which the tract or real
 26 property was offered at the time of sale as required by section 5
 27 of this chapter;

28 (8) the date when the period of redemption specified in
 29 IC 6-1.1-25-4 will expire;

30 (9) the court cause number under which judgment was obtained;
 31 and

32 (10) the street address, if any, or common description of the real
 33 property.

34 (b) When a certificate of sale is issued under this section, the
 35 purchaser acquires a lien against the real property for the entire amount
 36 paid. The lien of the purchaser is superior to all liens against the real
 37 property which exist at the time the certificate is issued.

38 (c) A certificate of sale is assignable. **A county legislative body**
 39 **may adopt an ordinance prohibiting the assignment of a certificate**
 40 **of sale acquired at a treasurer's sale (pursuant to section 5 of this**
 41 **chapter) or at a county executive's tax sale (pursuant to section 6.1**
 42 **of this chapter) prior to the issuance of a tax deed for the real**



1 **property by the county auditor. However,** An assignment **not**
 2 **prohibited by an ordinance adopted under this subsection** is not
 3 valid unless it is acknowledged before an officer authorized to take
 4 acknowledgments of deeds, and registered in the office of the county
 5 auditor. When a certificate of sale is assigned, the assignee acquires the
 6 same rights and obligations that the original purchaser acquired.

7 (d) Subject to IC 36-1-11-8, the county executive may assign a
 8 certificate of sale held in the name of the county executive to any
 9 political subdivision. If an assignment is made under this subsection:

10 (1) the period of redemption of the real property under
 11 IC 6-1.1-25 is one hundred twenty (120) days after the date of the
 12 assignment; and

13 (2) notwithstanding IC 6-1.1-25-4.5(a) through
 14 IC 6-1.1-25-4.5(c), the assignee must transmit the notices
 15 required under IC 6-1.1-25-4.5 not later than ninety (90) days
 16 after the date of the assignment.

17 If the real property is not redeemed during the period of redemption,
 18 the assignee may petition the court for a tax deed under IC 6-1.1-25-4.6
 19 not later than ninety (90) days after the expiration of the period of
 20 redemption.

21 SECTION 5. IC 6-1.1-25-2, AS AMENDED BY P.L.187-2018,
 22 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2021]: Sec. 2. (a) The total amount of money required for the
 24 redemption of real property equals the following amount, as applicable:

25 (1) If a tract or item of real property is redeemed under section
 26 4(c) of this chapter, the amount prescribed in subsection (g).

27 (2) If subdivision (1) does not apply, the sum of the amounts
 28 prescribed in subsections (b) through (f).

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

31 (1) one hundred ten percent (110%) of the minimum bid for
 32 which the tract or real property was offered at the time of sale, as
 33 required by IC 6-1.1-24-5, if the tract or item of real property is
 34 redeemed not more than six (6) months after the date of sale; or

35 (2) one hundred fifteen percent (115%) of the minimum bid for
 36 which the tract or real property was offered at the time of sale, as
 37 required by IC 6-1.1-24-5, if: the tract or item of real property is
 38 redeemed more than six (6) months but not more than one (1)
 39 year after the date of sale.

40 (c) Except as provided in subsection (g), in addition to the amount
 41 required under subsection (b), the total amount required for redemption
 42 includes five percent (5%) per annum on the amount by which the



1 purchase price exceeds the minimum bid on the property, if the date of
2 sale occurs after June 30, 2014.

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

7 (1) five percent (5%) per annum on those taxes and special
8 assessments, if the date of sale occurs after June 30, 2014; or

9 (2) ten percent (10%) interest per annum on those taxes and
10 special assessments, if the date of sale occurs before July 1, 2014.

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

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

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

23 (f) The total amount required for redemption includes, in addition
24 to the amounts required under subsections (b) and (e):

25 (1) all taxes, special assessments, interest, penalties, and fees on
26 the property that accrued and are delinquent after the sale; **and**

27 (2) **all taxes or special assessments, or both, paid by the county**
28 **treasurer under IC 6-1.1-24-7(b).**

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

33 SECTION 6. IC 6-1.1-25-4, AS AMENDED BY P.L.251-2015,
34 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2021]: Sec. 4. (a) There is no right to redeem real property
36 under this chapter after its sale under IC 6-1.1-24, if the real property
37 is on the vacant and abandoned property list prepared by the county
38 auditor under IC 6-1.1-24-1.5. The period for redemption of any other
39 real property sold under IC 6-1.1-24 is:

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

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



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

3 (1) on which the county executive acquires a lien under
4 IC 6-1.1-24-6; and

5 (2) for which the certificate of sale is not sold under
6 IC 6-1.1-24-6.1;

7 is one hundred twenty (120) days after the date the county executive
8 acquires the lien under IC 6-1.1-24-6.

9 (c) The period for redemption of real property:

10 (1) on which the county executive acquires a lien under
11 IC 6-1.1-24-6; and

12 (2) for which the certificate of sale is sold under IC 6-1.1-24;

13 is one hundred twenty (120) days after the date of sale of the certificate
14 of sale under IC 6-1.1-24.

15 (d) When a deed for real property is executed under this chapter, the
16 county auditor shall cancel the certificate of sale and file the canceled
17 certificate in the office of the county auditor.

18 (e) When a deed is issued to a county executive or other political
19 subdivision under this chapter, the taxes and special assessments for
20 which the real property was offered for sale, and all subsequent taxes,
21 special assessments, interest, penalties, and cost of sale shall be
22 removed from the tax duplicate in the same manner that taxes are
23 removed by certificate of error.

24 (f) A tax deed executed under this chapter vests in the grantee an
25 estate in fee simple absolute, free and clear of all liens and
26 encumbrances created or suffered before or after the tax sale except
27 those liens granted priority under federal law and the lien of the state
28 or a political subdivision for taxes and special assessments which
29 accrue subsequent to the sale and which are not removed under
30 subsection (e). However, subject to subsection (g), the estate is subject
31 to:

32 (1) all easements, covenants, declarations, and other deed
33 restrictions shown by public records;

34 (2) laws, ordinances, and regulations concerning governmental
35 police powers, including zoning, building, land use,
36 improvements on the land, land division, and environmental
37 protection; and

38 (3) liens and encumbrances created or suffered by the grantee.

39 (g) A tax deed executed under this chapter for real property sold in
40 a tax sale:

41 (1) does not operate to extinguish an easement recorded before
42 the date of the tax sale in the office of the recorder of the county



- 1 in which the real property is located, regardless of whether the
 2 easement was taxed under this article separately from the real
 3 property; and
 4 (2) conveys title subject to all easements recorded before the date
 5 of the tax sale in the office of the recorder of the county in which
 6 the real property is located.
- 7 (h) A tax deed executed under this chapter is prima facie evidence
 8 of:
- 9 (1) the regularity of the sale of the real property described in the
 10 deed;
 11 (2) the regularity of all proper proceedings; and
 12 (3) valid title in fee simple in the grantee of the deed.
- 13 (i) A county auditor is not required to execute a deed to the county
 14 executive under this chapter if the county executive determines that the
 15 property involved contains hazardous waste or another environmental
 16 hazard for which the cost of abatement or alleviation will exceed the
 17 fair market value of the property. The county executive may enter the
 18 property to conduct environmental investigations.
- 19 (j) When a deed is issued to a purchaser of a certificate of sale sold
 20 under IC 6-1.1-24-6.1, the county auditor shall, in the same manner that
 21 taxes are removed by certificate of error, remove from the tax duplicate
 22 the taxes, special assessments, interest, penalties, and costs remaining
 23 due as the difference between:
- 24 (1) the amount of:
- 25 (A) the last minimum bid under IC 6-1.1-24-5; plus
 26 (B) any penalty associated with a delinquency that was not due
 27 until after the date of the sale under IC 6-1.1-24-5 but is due
 28 before the issuance of the certificate of sale, with respect to
 29 taxes included in the minimum bid that were not due at the
 30 time of the sale under IC 6-1.1-24-5; and
 31 (2) the amount paid for the certificate of sale.
- 32 (k) If a tract or item of real property did not sell at a tax sale or a
 33 sale conducted under IC 6-1.1-24-6.1 and the county treasurer and the
 34 owner of real property agree before the expiration of the period for
 35 redemption under subsection (b) to a mutually satisfactory arrangement
 36 for the payment of the entire amount required for redemption under
 37 section 2 of this chapter before the expiration of a period for
 38 redemption extended under this subsection:
- 39 (1) the county treasurer may extend the period for redemption;
 40 and
 41 (2) except as provided in subsection (1), the extended period for
 42 redemption expires one (1) year after the date of the agreement.



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

8 (m) The period of redemption for a property, which was not offered
 9 for sale under IC 6-1.1-24-4.7(j), is one hundred twenty (120) days
 10 after the conclusion of the tax sale at which the property was not
 11 offered.

12 **(n) A county auditor shall not issue or record a tax deed unless**
 13 **the following requirements are met not later than one hundred**
 14 **fifty (150) days after the date of the hearing at which a court grants**
 15 **the tax sale buyer's petition for the tax deed:**

16 **(1) Copies of the court order to issue the tax deed and the**
 17 **sales disclosure form are filed with the county auditor.**

18 **(2) The recording fees for the tax deed are paid.**

19 **(3) All subsequent or outstanding real property taxes on the**
 20 **property are paid.**

21 SECTION 7. IC 35-44.1-2-14 IS ADDED TO THE INDIANA
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2021]: **Sec. 14. A person who knowingly,**
 24 **recklessly, or intentionally provides false information on the**
 25 **county treasurer's tax sale affidavit required by IC 6-1.1-24-5.3(d)**
 26 **commits a Class A misdemeanor.**



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 28, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 28 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 8, Nays 0

