

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 156

AN ACT to amend the Indiana Code concerning taxation.

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

SECTION 1. IC 6-1.1-24-5.7, AS ADDED BY P.L.66-2021, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5.7. (a) The county treasurer shall require each person who will be bidding at the tax sale to sign a statement in a form substantially similar to the following:

"Indiana law prohibits a person who owes delinquent taxes, special assessments, penalties, interest, or costs directly attributable to a prior tax sale of a tract or item of real property listed under IC 6-1.1-24-1 from bidding on or purchasing tracts or items of real property at a tax sale. I hereby affirm under the penalties for perjury that I do not owe delinquent taxes, special assessments, penalties, interest, costs directly attributable to a prior tax sale, amounts from a final adjudication in favor of a political subdivision, any civil penalties imposed for the violation of a building code or county ordinance, or any civil penalties imposed by a county health department. I also affirm that I am not purchasing tracts or items of real property on behalf of or as an agent for a person who is prohibited from purchasing at a tax sale. Further, I hereby acknowledge that any successful bid I make in violation of this statement is subject to forfeiture. **I further acknowledge that I will not assign a certificate of sale for any tract or item of real property purchased to a person who is**

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prohibited from bidding on or purchasing real property at a tax sale. In the event of forfeiture, the amount by which my bid exceeds the minimum bid on the tract or item or real property under IC 6-1.1-24-5(e), if any, shall be applied to the delinquent taxes, special assessments, penalties, interest, costs, judgments, or civil penalties I owe, and a certificate will be issued to the county executive. I further acknowledge that a person who knowingly or intentionally provides false information on this affidavit commits perjury, a Level 6 felony."

(b) If a person purchases real property that the person was not eligible to purchase under section 5.1, 5.3, or 5.4 of this chapter, the sale of the real property is subject to forfeiture. If the county treasurer determines or is notified not more than forty-five (45) days after the date of the sale that the sale of the real property should be forfeited, the county treasurer shall:

- (1) not more than five (5) days after the county treasurer is notified, notify the person in writing by first class mail that the sale is subject to forfeiture if the person does not pay the amounts the person owes within fifteen (15) days of the date the written notice is mailed;
- (2) if the person does not meet the conditions described in subdivision (1) within fifteen (15) days after the written notice is mailed, apply the surplus amount of the person's bid, if any, to the delinquent taxes, special assessments, penalties, and interest on the real property;
- (3) remit the amounts owed from a final adjudication or civil penalties in favor of a political subdivision to the political subdivision;
- (4) notify the county auditor that the sale has been forfeited; and
- (5) file with the county recorder a certification identifying the forfeited sale that includes:
 - (A) the date of the sale;
 - (B) the name of the buyer;
 - (C) the property identification number of the real property;
 - (D) the real property's legal description; and
 - (E) a statement that the sale has been forfeited and is null and void because the buyer was not eligible to purchase the real property.

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

(c) A county treasurer may decline to forfeit a sale under this section



because of inadvertence or mistake, lack of actual knowledge by the bidder, substantial harm to other parties with interests in the real property, or other substantial reasons. If the treasurer declines to forfeit a sale, the treasurer shall:

- (1) prepare a written statement explaining the reasons for declining to forfeit the sale;
- (2) retain the written statement as an official record; and
- (3) file with the county recorder a certification that includes:
 - (A) the date of the sale;
 - (B) the name of the buyer;
 - (C) the property identification number of the real property;
 - (D) the real property's legal description; and
 - (E) a statement that the sale has not been forfeited and is valid.

(d) If a sale is forfeited under this section and the tract or item of real property is redeemed from the sale, the county auditor shall deposit the amount of the redemption into the county general fund and notify the county executive of the redemption. Upon being notified of the redemption, the county executive shall surrender the certificate to the county auditor.

(e) If a county treasurer does not take action under subsection (b) within forty-five (45) days of the date the county treasurer determines or is notified that a sale should be forfeited, the person is deemed to be an eligible purchaser for that sale of that real property.

(f) If a tax deed is issued for real property under IC 6-1.1-25-4, this section cannot be invoked to invalidate, rescind, or set aside the tax deed.

SECTION 2. IC 6-1.1-24-9, AS AMENDED BY P.L.66-2021, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 9. (a) Immediately after a tax sale purchaser pays the bid, as evidenced by the receipt of the county treasurer, or immediately after the county acquires a lien under section 6 of this chapter, the county auditor shall deliver a certificate of sale to the purchaser or to the county or to the city. The certificate shall be signed by the auditor and registered in the auditor's office. The certificate shall contain:

- (1) a description of real property that corresponds to the description used on the notice of sale;
- (2) the name of:
 - (A) the owner of record at the time of the sale of real property with a single owner; or
 - (B) at least one (1) of the owners of real property with multiple owners;



- (3) the mailing address of the owner of the real property sold as indicated in the records of the county auditor;
- (4) the name **and mailing address** of the purchaser;
- (5) the date of sale;
- (6) the amount for which the real property was sold;
- (7) the amount of the minimum bid for which the tract or real property was offered at the time of sale as required by section 5 of this chapter;
- (8) the date when the period of redemption specified in IC 6-1.1-25-4 will expire;
- (9) the court cause number under which judgment was obtained; and
- (10) the street address, if any, or common description of the real property.

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

(c) A certificate of sale is assignable. **However, a purchaser who acquires a certificate of sale may not assign the certificate of sale to a person who was not eligible under section 5.1, 5.3, or 5.4 of this chapter to bid on or purchase real property at a tax sale held under section 5 or 6.1 of this chapter until the person satisfies the eligibility requirements as determined by the county auditor. In addition to the prohibition on the assignment of a tax sale certificate to a person described in section 5.1, 5.3, or 5.4 of this chapter until the person satisfies the eligibility requirements as determined by the county auditor,** a county legislative body may adopt an ordinance **further** prohibiting the assignment of a certificate of sale acquired at a treasurer's sale (pursuant to section 5 of this chapter) or at a county executive's tax sale (pursuant to section 6.1 of this chapter) prior to the issuance of a tax deed for the real property by the county auditor.

(d) An assignment not prohibited by an ordinance adopted under this subsection (c) is not valid unless it is **the county auditor first determines the person is eligible to receive the assignment. If the county auditor determines the person is eligible to receive the assignment, the following requirements apply:**

- (1) **The assignment must be** acknowledged before an officer authorized to take acknowledgments of deeds. **and**
- (2) **The assignment must be** registered in the office of the county auditor **and noted in the county auditor's tax sale record under**



IC 6-1.1-25-8.

When a certificate of sale is assigned, the assignee acquires the same rights and obligations that the original purchaser acquired.

(d) (e) Subject to 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. If an assignment is made under this subsection:

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

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

SECTION 3. IC 6-1.1-25-4, AS AMENDED BY SEA 296-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) There is no right to redeem real property under this chapter after its sale under IC 6-1.1-24 if the real property is on the vacant and abandoned property list prepared by the county auditor under IC 6-1.1-24-1.5. The period for redemption of any other real property sold under IC 6-1.1-24 is:

- (1) one (1) year after the date of sale; or
- (2) one hundred twenty (120) days after the date of sale to a purchasing agency qualified under IC 36-7-17 or IC 36-7-17.1.

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

- (1) on which the county executive acquires a lien under IC 6-1.1-24-6; and
- (2) for which the certificate of sale is not sold under IC 6-1.1-24-6.1;

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

(c) The period for redemption of real property:

- (1) on which the county executive acquires a lien under IC 6-1.1-24-6; and
- (2) for which the certificate of sale is sold under IC 6-1.1-24;

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

(d) When a deed for real property is executed under this chapter, the



county auditor shall cancel the certificate of sale and file the canceled certificate in the office of the county auditor.

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

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

- (1) all easements, covenants, declarations, and other deed restrictions shown by public records;
- (2) laws, ordinances, and regulations concerning governmental police powers, including zoning, building, land use, improvements on the land, land division, and environmental protection;
- (3) liens and encumbrances created or suffered by the grantee; and
- (4) leases shown by public record if the tax deed executed under this chapter conveys only a severed interest located in, on, under, or above the land.

The rights that an owner of land has in, on, under, or above the land, in a lease described in subdivision (4), or in a memorandum of a lease described in subdivision (4) are not limited or abrogated by a tax deed conveying an interest in one (1) or more severed interests described in subdivision (4).

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

- (1) does not operate to extinguish an easement recorded before the date of the tax sale in the office of the recorder of the county in which the real property is located, regardless of whether the easement was taxed under this article separately from the real property; and
- (2) conveys title subject to all easements recorded before the date of the tax sale in the office of the recorder of the county in which the real property is located.



(h) A tax deed executed under this chapter is prima facie evidence of:

- (1) the regularity of the sale of the real property described in the deed;
- (2) the regularity of all proper proceedings; and
- (3) valid title in fee simple in the grantee of the deed.

(i) A county auditor is not required to execute a deed to the county executive under this chapter if the county executive determines that the property involved contains hazardous waste or another environmental hazard for which the cost of abatement or alleviation will exceed the fair market value of the property. The county executive may enter the property to conduct environmental investigations.

(j) When a deed is issued to a purchaser of a certificate of sale sold under IC 6-1.1-24-6.1, the county auditor shall, in the same manner that taxes are removed by certificate of error, remove from the tax duplicate the taxes, special assessments, interest, penalties, and costs remaining due as the difference between:

- (1) the amount of:
 - (A) the last minimum bid under IC 6-1.1-24-5; plus
 - (B) any penalty associated with a delinquency that was not due until after the date of the sale under IC 6-1.1-24-5 but is due before the issuance of the certificate of sale, with respect to taxes included in the minimum bid that were not due at the time of the sale under IC 6-1.1-24-5; and
- (2) the amount paid for the certificate of sale.

(k) If a tract or item of real property did not sell at a tax sale or a sale conducted under IC 6-1.1-24-6.1 and the county treasurer and the owner of real property agree before the expiration of the period for redemption under subsection (b) to a mutually satisfactory arrangement for the payment of the entire amount required for redemption under section 2 of this chapter before the expiration of a period for redemption extended under this subsection:

- (1) the county treasurer may extend the period for redemption; and
- (2) except as provided in subsection (1), the extended period for redemption expires one (1) year after the date of the agreement.

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



of the notice.

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

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

- (1) Copies of the court order to issue the tax deed and the sales disclosure form are filed with the county auditor.
- (2) The recording fees for the tax deed are paid.
- (3) All subsequent or outstanding real property taxes on the property are paid.

SECTION 4. IC 6-1.1-25-4.6, AS AMENDED BY P.L.32-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4.6. (a) After the expiration of the redemption period specified in section 4 of this chapter but not later than three (3) months after the expiration of the period of redemption:

- (1) the purchaser, the purchaser's assignee, the county executive, the county executive's assignee, or the purchaser of the certificate of sale under IC 6-1.1-24-6.1 may; or
- (2) in a county where the county auditor and county treasurer have an agreement under section 4.7 of this chapter, the county auditor shall, upon the request of the purchaser or the purchaser's assignee;

file a verified petition in accordance with subsection (b) in the same court in which the judgment of sale was entered asking the court to direct the county auditor to issue a tax deed if the real property is not redeemed from the sale. Notice of the filing of this petition shall be given to the same parties as provided in section 4.5 of this chapter, except that, if notice is given by publication, only one (1) publication is required. The notice required by this section is considered sufficient if the notice is sent to the address required by section 4.5(d) of this chapter. Any person owning or having an interest in the tract or item of real property may file a written objection to the petition with the court not later than thirty (30) days after the date the petition was filed. If a written objection is timely filed, the court shall conduct a hearing on the objection. If there is not a written objection that is timely filed, the court may consider the petition without conducting a hearing.

(b) Unless the county auditor and the county treasurer have entered into an agreement under section 4.7 of this chapter, a verified petition



filed under subsection (a) may include the following:

- (1) Copies of all notices sent under section 4.5 of this chapter.
- (2) Copies of all notices sent under this section.
- (3) Copies of all certified mail mailing receipts, return receipts, and returned mailing envelopes for notices sent under section 4.5 of this chapter.
- (4) Copies of all certified mail mailing receipts, return receipts, and returned mailing envelopes for notices sent under this section.
- (5) Copies or descriptions of the evidence used by the petitioner or the petitioner's assignor to identify the owner and other persons with a substantial property interest of public record in the real property.
- (6) Copies of the assignment to the purchaser's assignee from the purchaser.**

(c) If the purchaser or the purchaser's assignee includes the documents described in subsection (b), the issuance of a tax deed constitutes prima facie evidence of the sale referenced in subsection (k).

(d) If a verified petition is brought by the county auditor under an agreement provided for under section 4.7 of this chapter, a tax deed constitutes prima facie evidence of the validity of the sale referenced in subsection (k) upon timely production by the county of all documents described in subsection (b) in response to a challenge to a tax deed.

(e) If the issuance of a tax deed does not constitute prima facie evidence of the validity of the sale due to the failure to comply with this section, the purchaser or the purchaser's successor has the burden of proving the validity of the sale by a preponderance of the evidence in any subsequent challenge to the sale.

(f) Not later than sixty-one (61) days after the petition is filed under subsection (a), the court shall enter an order directing the county auditor (on the production of the certificate of sale and a copy of the order) to issue to the petitioner a tax deed if the court finds that the following conditions exist:

- (1) The time of redemption has expired.
- (2) The tract or item of real property has not been redeemed from the sale before the expiration of the period of redemption specified in section 4 of this chapter.
- (3) Except with respect to a petition for the issuance of a tax deed under a sale of the certificate of sale on the property under IC 6-1.1-24-6.1 or IC 6-1.1-24-6.8, or with respect to penalties described in section 4(j) of this chapter, all taxes and special



assessments, penalties, and costs have been paid.

(4) The notices required by this section and section 4.5 of this chapter have been given.

(5) The petitioner has complied with all the provisions of law entitling the petitioner to a deed.

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

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

(h) Except as provided in subsections (i) and (j), if:

(1) the verified petition referred to in subsection (a) is timely filed; and

(2) the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure of the petitioner under subsection (a) to fulfill the notice requirement of subsection (a);

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

(i) Notwithstanding subsection (h), in all cases in which:

(1) the verified petition referred to in subsection (a) is timely filed;

(2) the petitioner under subsection (a) has made a bona fide attempt to comply with the statutory requirements under subsection (f) for the issuance of the tax deed but has failed to comply with these requirements;

(3) the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure to comply with these requirements; and

(4) the purchaser, the purchaser's successors or assignees, or the purchaser of the certificate of sale under IC 6-1.1-24 files a claim



with the county auditor for refund not later than thirty (30) days after the entry of the order of the court refusing to direct the county auditor to execute and deliver the tax deed;

the county auditor shall not execute the deed but shall refund the purchase money minus a penalty of twenty-five percent (25%) of the purchase money from the county treasury to the purchaser, the purchaser's successors or assignees, or the purchaser of the certificate of sale under IC 6-1.1-24. The county auditor shall deposit penalties paid under this subsection in the county general fund. All the delinquent taxes and special assessments shall then be reinstated and recharged to the tax duplicate and collected in the same manner as if the property had not been offered for sale. The tract or item of real property, if it is then eligible for sale under IC 6-1.1-24, shall be placed on the delinquent list as an initial offering under IC 6-1.1-24.

(j) Notwithstanding subsections (h) and (i), the court shall not order the return of the purchase price or any part of the purchase price if:

- (1) the purchaser or the purchaser of the certificate of sale under IC 6-1.1-24 has failed to provide notice or has provided insufficient notice as required by section 4.5 of this chapter; and
- (2) the sale is otherwise valid.

(k) A tax deed executed under this section vests in the grantee an estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale except those liens granted priority under federal law, and the lien of the state or a political subdivision for taxes and special assessments that accrue subsequent to the sale. However, the estate is subject to all easements, covenants, declarations, and other deed restrictions and laws governing land use, including all zoning restrictions and liens and encumbrances created or suffered by the purchaser at the tax sale. Except as provided in subsections (b), (c), (d), and (e), the deed is prima facie evidence of:

- (1) the regularity of the sale of the real property described in the deed;
- (2) the regularity of all proper proceedings; and
- (3) valid title in fee simple in the grantee of the deed.

(l) A tax deed issued under this section is incontestable except by appeal from the order of the court directing the county auditor to issue the tax deed filed not later than sixty (60) days after the date of the court's order.

SECTION 5. IC 6-1.1-25-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 8. **(a)** Each county auditor shall maintain a tax sale record on the form prescribed by the state board of accounts. The record shall contain:

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- (1) a description of each parcel of real property:
 - (A) that is sold under IC 6-1.1-24;
 - (B) on which a county acquires a lien under IC 6-1.1-24-6; ~~or~~
 - (C) for which a certificate of sale is purchased under IC 6-1.1-24; ~~or~~
 - (D) for which a certificate of sale is assigned under IC 6-1.1-24-9.**
- (2) the name of the owner of the real property at the time of the:
 - (A) sale;
 - (B) lien acquisition; ~~or~~
 - (C) certificate of sale purchase; ~~or~~
 - (D) assignment of the certificate of sale under IC 6-1.1-24-9.**
- (3) the date of the:
 - (A) sale;
 - (B) lien acquisition; ~~or~~
 - (C) certificate of sale purchase; ~~or~~
 - (D) assignment of the certificate of sale under IC 6-1.1-24-9.**
- (4) the name and mailing address of the:
 - (A) purchaser of the property and the purchaser's assignee; ~~or~~
 - (B) purchaser of the certificate of sale; ~~or~~
 - (C) assignee of the certificate of sale under IC 6-1.1-24-9.**
- (5) the amount of the minimum bid;
- (6) the amount for which the:
 - (A) real property; or
 - (B) certificate of sale;
 is sold;
- (7) the amount of any taxes paid by the:
 - (A) purchaser of the real property or the purchaser's assignee;
 - or
 - (B) purchaser of the certificate of sale;
 and the date of the payment;
- (8) the amount of any costs certified to the county auditor under section 2(e) of this chapter and the date of the certification;
- (9) the name of the person, if any, who redeems the property;
- (10) the date of redemption;
- (11) the amount for which the property is redeemed;
- (12) the date a deed, if any, to the real property is executed; and
- (13) the name of the grantee in the deed.

(b) After January 1, 2023, the information described in subsection (a)(1) through (a)(5) shall be made available online not



later than five (5) days after:

- (1) a parcel of real property is sold under IC 6-1.1-24; or
- (2) the county acquires a lien on a parcel of property under IC 6-1.1-24-6.

(c) The information described in subsection (b) shall be made available on:

- (1) the website of the county or the county auditor for not less than five (5) years; or
- (2) a website hosted by the county vendor that is responsible for maintaining the information described in subsection (a)(1) through (a)(5) for not less than ten (10) years.

(d) If the information described in subsection (a)(1) through (a)(5) is made available on the website of a county vendor under subsection (c)(2), a link to the website hosted by the county vendor shall be made available on the website of the county or the county auditor.

(e) A county or a county vendor is not liable for an act or omission under this section.

SECTION 6. IC 34-30-2.1-55.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 55.5. IC 6-1.1-25-8 (Concerning an act or omission of a county or a county vendor related to publishing certain information of a tax sale record on a website).**



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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