



February 26, 2016

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## ENGROSSED SENATE BILL No. 355

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DIGEST OF SB 355 (Updated February 23, 2016 7:23 pm - DI 58)

**Citations Affected:** IC 6-1.1; IC 32-21.

**Synopsis:** Tax sales and tax sale properties. Provides that certain notices of tax sales may omit the descriptions of the properties to be offered for sale if: (1) the notice includes a statement indicating that descriptions of the properties and minimum bids are available on the Internet web site of the county government or the county government's contractor and in printed form upon request; and (2) the descriptions of the properties are made available on the county's Internet web site and in an electronic format, on a digital storage medium, or in printed form upon request. Provides that if a county auditor or county executive has published information concerning properties to be sold in a tax sale on the Internet web site of the county government or the county government's contractor, a person who requests information concerning descriptions of those properties in an alternative form may specify that the person prefers to receive the information in an electronic format, on a digital storage medium, or in printed form.  
(Continued next page)

**Effective:** Upon passage; July 1, 2016.

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**Niemeyer, Merritt,  
Randolph Lonnie M**

(HOUSE SPONSORS — SLAGER, FINE, PRICE, PRYOR)

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January 11, 2016, read first time and referred to Committee on Local Government.  
January 28, 2016, reported favorably — Do Pass.  
February 1, 2016, read second time, amended, ordered engrossed.  
February 2, 2016, engrossed.  
February 3, 2016, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 9, 2016, read first time and referred to Committee on Ways and Means.  
February 25, 2016, amended, reported — Do Pass.

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ES 355—LS 6342/DI 113



Provides that if an owner of property that has been sold at a tax sale sells the property during the redemption period: (1) the amount the buyer must pay to redeem the property includes any excess amount that was paid by the winner bidder at the tax sale and that is being held in the tax sale surplus fund; (2) a county recorder may not record the conveyance document unless the buyer has redeemed the property; and (3) if the buyer does not redeem the property before the end of the redemption period, the conveyance is inoperable and void. Gives the attorney general the power to enforce current law pertaining to agreements for compensation to locate, deliver, recover, or assist in the recovery of money deposited in a tax sale surplus fund with respect to real property as a result of a tax sale. Provides that when a governmental entity or the state becomes the owner of real property with unpaid property taxes, delinquencies, fees, special assessments, and penalties assessed against the real property, the department of local government finance may release the lien against the real property and cancel these assessments with respect to the governmental entity, the state, or a subsequent purchaser, regardless of whether the property taxes were assessed before or after the governmental entity or the state became the owner of the real property. Specifies that the cancellation of the assessments and the release of the corresponding lien does not affect the liability of any person that is personally liable for the assessments.



February 26, 2016

Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 355

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 6-1.1-24-1.5, AS AMENDED BY P.L.247-2015,  
2       SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       UPON PASSAGE]: Sec. 1.5. (a) As used in this chapter and  
4       IC 6-1.1-25, "county executive" means the following:

5               (1) In a county not containing a consolidated city, the county  
6               executive or the county executive's designee.

7               (2) In a county containing a consolidated city, the executive of the  
8               consolidated city.

9       (b) If:

10              (1) any property taxes or special assessments from the prior year's  
11              fall installment or before are delinquent on real property as  
12              determined under IC 6-1.1-37-10; and

13              (2) an order from a court or a determination of a hearing authority  
14              has been obtained under IC 36-7-37 that the real property is  
15              vacant or abandoned;

16       the executive of the county, city, or town may, after providing either the  
17       notice required by IC 36-7-37 or section 2.3 of this chapter, certify a

ES 355—LS 6342/DI 113



list of vacant or abandoned property to the county auditor. This list must be delivered to the county auditor not later than fifty-one (51) days after the first tax payment due date each calendar year.

(c) Upon receiving lists described in subsection (b), the county auditor shall do all the following:

(1) Prepare a combined list of the properties certified by the executive of the county, city, or town.

(2) Delete any property described in that list from the delinquent tax list prepared under section 1 of this chapter.

(3) Provide public notice of the sale of the properties under subsection (d) at least thirty (30) days before the date of the sale, which shall be published in accordance with IC 5-3-1, and post a copy of the notice at a public place of posting in the county courthouse or in another public county building at least twenty-one (21) days before the date of sale.

(4) Certify to the county treasurer that the real property is to be sold at auction under this chapter as required by section 5(j) of this chapter.

(5) Issue a deed to the real property that conveys a fee simple interest to the highest bidder as long as the bid is at least the minimum bid specified in this section.

The minimum bid for a property at the auction under this section is the proportionate share of the actual costs incurred by the county in conducting the sale. Any amount collected from the sale of all properties under this section above the total minimum bids shall first be used to pay the costs of the county, city, or town that certified the property vacant or abandoned for title search and court proceedings. Any amount remaining from the sale shall be certified by the county treasurer to the county auditor for distribution to other taxing units during settlement.

(d) Notice of the sale under this section must contain the following:

(1) A list of real property eligible for sale under this chapter.

(2) A statement that:

(A) the real property included in the list will be sold at public auction to the highest bidder;

(B) the county auditor will issue a deed to the real property that conveys a fee simple interest to the highest bidder that bids at least the minimum bid; and

(C) the owner will have no right to redeem the real property after the date of the sale.

A deed issued under this subdivision to the highest bidder conveys the same fee simple interest in the real property as a deed



issued under IC 6-1.1-25.

(3) A statement that the real property will not be sold for less than an amount equal to actual proportionate costs incurred by the county that are directly attributable to the abandoned property sale.

(4) A statement for informational purposes only, of the location of each item of real property by key number, if any, and street address, if any, or a common description of the property other than a legal description. The township assessor, or the county assessor if there is no township assessor for the township, upon written request from the county auditor, shall provide the information to be in the notice required by this subsection. A misstatement in the key number or street address does not invalidate an otherwise valid sale.

(5) A statement that the county does not warrant the accuracy of the street address or common description of the property.

(6) A statement that the sale will be conducted at a place designated in the notice and that the sale will continue until all real property has been offered for sale.

(7) A statement that the sale will take place at the times and dates designated in the notice.

Whenever the public auction is to be conducted as an electronic sale, the notice must include a statement indicating that the public auction will be conducted as an electronic sale and a description of the procedures that must be followed to participate in the electronic sale.

**(e) For properties that are not sold when initially offered for sale under this section, the county auditor may omit from the notice the descriptions of the tracts or items of real property specified in subsections (d)(1) and (d)(4) for those properties that are to be offered again at subsequent sales under this section if:**

**(1) the county auditor includes in the notice a statement that descriptions of those tracts or items of real property are available on the Internet web site of the county government or the county government's contractor and the information may be obtained in an alternative form from the county auditor upon request; and**

**(2) the descriptions of those tracts or items of real property eligible for sale a second or subsequent time under this section are made available on the Internet web site of the county government or the county government's contractor and may be obtained from the county auditor in an alternative form upon request in accordance with section 3.4 of this chapter.**



SECTION 2. IC 6-1.1-24-3, AS AMENDED BY P.L.251-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This section does not apply to vacant or abandoned real property that is on the list prepared by the county auditor under section 1.5 of this chapter.

(b) When real property is eligible for sale under this chapter, the county auditor shall post a copy of the notice required by section 2 of this chapter at a public place of posting in the county courthouse or in another public county building at least twenty-one (21) days before the earliest date of application for judgment. In addition, the county auditor shall, in accordance with IC 5-3-1-4, publish the notice required in section 2 of this chapter once each week for three (3) consecutive weeks before the earliest date on which the application for judgment may be made. The expenses of this publication shall be paid out of the county general fund without prior appropriation.

(c) At least twenty-one (21) days before the application for judgment is made, the county auditor shall mail a copy of the notice required by section 2 of this chapter by certified mail, return receipt requested, to any mortgagee, or purchaser under an installment land contract recorded in the office of the county recorder, who annually requests, by certified mail, a copy of the notice.

(d) The notices mailed under this section are considered sufficient notice of the intended application for judgment and of the sale of real property under the order of the court.

(e) For properties not sold at their initial tax sale, the county auditor may omit the descriptions of the tracts or items of real property specified in section 2(b)(1) and 2(b)(5) of this chapter for those properties when they come up for sale at subsequent tax sales if:

(1) the county auditor includes in the notice a statement that descriptions of those tracts or items of real property are available on the ~~county government's~~ Internet web site **of the county government or the county government's contractor** and the information may be obtained in ~~printed~~ **an alternative** form from the county auditor upon request; and

(2) the descriptions of those tracts or items of real property eligible for sale a second or subsequent time are made available on the ~~county government~~ Internet web site **of the county government or the county government's contractor** and ~~in printed form may be obtained~~ from the county auditor **in an alternative form** upon request **in accordance with section 3.4 of this chapter.**

SECTION 3. IC 6-1.1-24-3.4 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS  
 [EFFECTIVE UPON PASSAGE]: **Sec. 3.4. (a) This section applies to a request for information in an alternative form under this chapter in those circumstances in which a county auditor or county executive may omit descriptions of tracts or items of real property from a published notice of sale or other transfer under this chapter if the county auditor or county executive, as applicable, makes the information available on the Internet web site of the county government or the county government's contractor and in an alternative form upon request.**

**(b) A person who requests information in an alternative form concerning descriptions of tracts or items of real property to which this section applies may specify whether the person prefers to receive the information in an electronic format, on a digital storage medium, or in printed form. A county auditor or county executive, as applicable, who has a duty under this chapter to make the information available in an alternative form upon request shall furnish the information in the alternative form specified by the requesting person. The department of local government finance shall prescribe the allowable file formats when the information is requested in an electronic format or on a digital storage medium.**

SECTION 4. IC 6-1.1-24-6.1, AS AMENDED BY P.L.251-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.1. (a) The county executive may do the following:**

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

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

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

**(B) a listing of parcels on which certificates will be offered by parcel number and minimum bid amount;**

**once each week for three (3) consecutive weeks, with the final advertisement being not less than thirty (30) days before the sale date. The expenses of the publication shall be paid out of the county general fund.**

**(3) Sell each certificate of sale covered by the resolution for a price that:**

**(A) is less than the minimum sale price prescribed by section 5 of this chapter; and**

**(B) includes any costs to the county executive directly**



- 1           attributable to the sale of the certificate of sale.
- 2       **(b) Except as otherwise provided in subsection (c),** notice of the
- 3       list of properties prepared under subsection (a) and the date, time, and
- 4       place for the public sale of the certificates of sale shall be published in
- 5       accordance with IC 5-3-1. The notice must:
- 6           (1) include a description of the property by parcel number and
- 7           common address;
- 8           (2) specify that the county executive will accept bids for the
- 9           certificates of sale for the price referred to in subsection (a)(3);
- 10          (3) specify the minimum bid for each parcel;
- 11          (4) include a statement that a person redeeming each tract or item
- 12          of real property after the sale of the certificate must pay:
- 13              (A) the amount of the minimum bid under section 5 of this
- 14              chapter for which the tract or item of real property was last
- 15              offered for sale;
- 16              (B) ten percent (10%) of the amount for which the certificate
- 17              is sold;
- 18              (C) the attorney's fees and costs of giving notice under
- 19              IC 6-1.1-25-4.5;
- 20              (D) the costs of a title search or of examining and updating the
- 21              abstract of title for the tract or item of real property;
- 22              (E) all taxes and special assessments on the tract or item of
- 23              real property paid by the purchaser after the sale of the
- 24              certificate plus interest at the rate of ten percent (10%) per
- 25              annum on the amount of taxes and special assessments paid by
- 26              the purchaser on the redeemed property; and
- 27              (F) all costs of sale, advertising costs, and other expenses of
- 28              the county directly attributable to the sale of certificates of
- 29              sale; and
- 30          (5) include a statement that, if the certificate is sold for an amount
- 31          more than the minimum bid under section 5 of this chapter for
- 32          which the tract or item of real property was last offered for sale
- 33          and the property is not redeemed, the owner of record of the tract
- 34          or item of real property who is divested of ownership at the time
- 35          the tax deed is issued may have a right to the tax sale surplus.
- 36       **(c) For properties identified under subsection (a) for which the**
- 37       **certificates of sale are not sold when initially offered for sale under**
- 38       **this section, the county executive may omit from the notice the**
- 39       **descriptions of the tracts or items of real property under**
- 40       **subsection (b)(1) and the associated minimum bids under**
- 41       **subsection (b)(3) if:**
- 42           (1) the county executive includes in the notice a statement that





descriptions of those tracts or items of real property are available on the Internet web site of the county government or the county government's contractor and the information may be obtained in an alternative form from the county executive upon request; and

(2) the descriptions of those tracts or items of real property for which a certificate of sale is eligible for sale under this section are made available on the Internet web site of the county government or the county government's contractor and may be obtained from the county executive in an alternative form upon request in accordance with section 3.4 of this chapter.

SECTION 5. IC 6-1.1-24-6.7, AS AMENDED BY P.L.251-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.7. (a) For purposes of this section, in a county containing a consolidated city "county executive" refers to the board of commissioners of the county as provided in IC 36-3-3-10.

(b) A county executive may transfer to a nonprofit entity:

(1) property under this section; or

(2) a tax sale certificate under section 17 of this chapter.

(c) As used in this section, "nonprofit entity" means an organization exempt from federal income taxation under 26 U.S.C. 501(c)(3).

(d) The county executive may:

(1) by resolution, identify the property described under section 6 of this chapter that the county executive desires to transfer to nonprofit entities for use for the public good; and

(2) set a date, time, and place for a public hearing to consider the transfer of the property to nonprofit entities.

(e) **Except as otherwise provided in subsection (f)**, notice of the property identified under subsection (d) and the date, time, and place for the hearing on the proposed transfer of the property on the list shall be published in accordance with IC 5-3-1. The notice must include a description of the property by:

(1) legal description; and

(2) parcel number or street address, or both.

The notice must specify that the county executive will accept applications submitted by nonprofit entities as provided in subsection ~~(g)~~ (h) and hear any opposition to a proposed transfer.

**(f) For properties or tax sale certificates that are not transferred when initially identified for transfer under this section, the county executive may omit from the notice the descriptions of the properties identified under subsection (d) if:**



(1) the county executive includes in the notice a statement that descriptions of those tracts or items of real property are available on the Internet web site of the county government or the county government's contractor and the information may be obtained in an alternative form from the county executive upon request; and

(2) the descriptions of those tracts or items of real property eligible for transfer under this section are made available on the Internet web site of the county government or the county government's contractor and may be obtained from the county executive in an alternative form upon request in accordance with section 3.4 of this chapter.

~~(f)~~ (g) After the hearing set under subsection (d), the county executive shall by resolution make a final determination concerning:

- (1) the properties that are to be transferred to a nonprofit entity;
- (2) the nonprofit entity to which each property is to be transferred;
- and
- (3) the terms and conditions of the transfer.

~~(g)~~ (h) To be eligible to receive property under this section, a nonprofit entity must file an application with the county executive. The application must state the property that the nonprofit entity desires to acquire, the use to be made of the property, and the time period anticipated for implementation of the use. The application must be accompanied by documentation verifying the nonprofit status of the entity and be signed by an officer of the nonprofit entity. If more than one (1) application for a single property is filed, the county executive shall determine which application is to be accepted based on the benefit to be provided to the public and the neighborhood and the suitability of the stated use for the property and the surrounding area.

~~(h)~~ (i) After the hearing set under subsection (d) and the final determination of properties to be transferred under subsection ~~(f)~~, (g), the county executive, on behalf of the county, shall cause all delinquent taxes, special assessments, penalties, interest, and costs of sale to be removed from the tax duplicate and the nonprofit entity is entitled to a tax deed prepared by the county auditor, if the conditions of IC 6-1.1-25-4.5 and IC 6-1.1-25-4.6 are satisfied. The deed shall provide for:

- (1) the use to be made of the property;
- (2) the time within which the use must be implemented and maintained;
- (3) any other terms and conditions that are established by the county executive; and



(4) the reversion of the property to the county executive if the grantee nonprofit entity fails to comply with the terms and conditions.

If the grantee nonprofit entity fails to comply with the terms and conditions of the transfer and title to the property reverts to the county executive, the property may be retained by the county executive or disposed of under any of the provisions of this chapter or IC 6-1.1-25, or both.

SECTION 6. IC 6-1.1-24-6.9, AS ADDED BY P.L.203-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.9. (a) For purposes of this section, in a county having a consolidated city, "county executive" refers to the board of commissioners of the county as provided in IC 36-3-3-10.

(b) The county executive may:

(1) by resolution, identify the property described in section 6 of this chapter that the county executive desires to transfer to a person able to satisfactorily repair and maintain the property, if repair and maintenance of the property are in the public interest; and

(2) set a date, time, and place for a public hearing to consider the transfer of the property.

(c) Notice of the property identified under subsection (b) and the date, time, and place for the hearing on the proposed transfer of the property shall be published in accordance with IC 5-3-1. The notice must include a description of the property by:

(1) legal description; and

(2) parcel number or street address, or both.

The notice must specify that the county executive will accept applications submitted by persons able to satisfactorily repair and maintain the property as provided in subsection ~~(e)~~ (f) and hear any opposition to a proposed transfer.

**(d) For properties that are not transferred when initially identified for transfer under this section, the county executive may omit from the notice the descriptions of the properties identified under subsection (b) if:**

**(1) the county executive includes in the notice a statement that descriptions of those tracts or items of real property are available on the Internet web site of the county government or the county government's contractor and the information may be obtained in an alternative form from the county executive upon request; and**

**(2) the descriptions of those tracts or items of real property**



1 eligible for transfer under this section are made available on  
 2 the Internet web site of the county government or the county  
 3 government's contractor and may be obtained from the  
 4 county executive in an alternative form upon request in  
 5 accordance with section 3.4 of this chapter.

6 ~~(d)~~ (e) After the hearing set under subsection (b), the county  
 7 executive shall by resolution make a final determination concerning:

- 8 (1) the properties that are to be transferred;
- 9 (2) the person to which each property is to be transferred; and
- 10 (3) the terms and conditions of the transfer.

11 ~~(e)~~ (f) To be eligible to receive a property under this section, a  
 12 person must file an application with the county executive. The  
 13 application must identify the property that the person desires to  
 14 acquire, the use to be made of the property, and the time anticipated for  
 15 implementation of the use. The application must be accompanied by  
 16 documentation demonstrating the person's ability to satisfactorily repair  
 17 and maintain the property, including evidence of the person's:

- 18 (1) ability to repair and maintain the property personally, if  
 19 applicable;
- 20 (2) financial resources, if the services of a contractor may be  
 21 required to satisfactorily repair or maintain the property; and
- 22 (3) previous experience in repairing or maintaining property, if  
 23 applicable.

24 The application must be signed by the person. If more than one (1)  
 25 application for a single property is filed, the county executive shall  
 26 determine which application is to be accepted based on the benefit to  
 27 be provided to the public and the neighborhood, the suitability of the  
 28 stated use for the property and the surrounding area, and the likelihood  
 29 that the person will satisfactorily repair and maintain the property. The  
 30 county executive may require the person to pay a reasonable deposit or  
 31 post a performance bond to be forfeited if the person does not  
 32 satisfactorily repair and maintain the property.

33 ~~(f)~~ (g) After the hearing set under subsection (b) and the final  
 34 determination of the properties to be transferred under subsection ~~(d)~~;  
 35 (e), the county executive, on behalf of the county, shall cause all  
 36 delinquent taxes, special assessments, penalties, interest, and costs of  
 37 sale to be removed from the tax duplicate and the person is entitled to  
 38 a tax deed if the conditions of IC 6-1.1-25-4.5 and IC 6-1.1-25-4.6 are  
 39 satisfied. The deed must provide for:

- 40 (1) the use to be made of the property;
- 41 (2) the time within which the use must be implemented and  
 42 maintained;



(3) any other terms and conditions that are established by the county executive;

(4) the reversion of the property to the county executive if the grantee fails to comply with the terms and conditions; and

(5) the forfeiture of any bond or deposit to the county executive if the grantee fails to comply with the terms and conditions.

If the grantee fails to comply with the terms and conditions of the transfer and title to the property reverts to the county executive, the property may be retained by the county executive or disposed of under any of the provisions of this chapter or IC 6-1.1-25, or both.

SECTION 7. IC 6-1.1-24-7, AS AMENDED BY P.L.251-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) When real property is sold under this chapter, the purchaser at the sale shall immediately pay the amount of the bid to the county treasurer. The county treasurer shall apply the payment in the following manner:

(1) first, to the taxes, special assessments, penalties, and costs described in section 5(e) of this chapter;

(2) second, to other delinquent property taxes in the manner provided in IC 6-1.1-23-5(b); and

(3) third, to a separate "tax sale surplus fund".

(b) For any tract or item of real property for which a tax sale certificate is sold under this chapter, if taxes or special assessments, or both, become due on the tract or item of real property during the period of redemption specified under IC 6-1.1-25-4, the county treasurer may pay the taxes or special assessments, or both, on the tract or item of real property from the tax sale surplus held in the name of the taxpayer, if any, after the taxes or special assessments become due.

(c) The:

(1) owner of record of the real property at the time the ~~tax deed is issued who is divested of ownership by real property was certified for sale under this chapter and before~~ the issuance of a tax deed; or

(2) tax sale purchaser or purchaser's assignee, upon redemption of the tract or item of real property;

may file a verified claim for money which is deposited in the tax sale surplus fund. If the claim is approved by the county auditor and the county treasurer, the county auditor shall issue a warrant to the claimant for the amount due.

(d) If the person who claims money deposited in the tax sale surplus fund under subsection (c) is:

(1) a person **who has a contract or agreement described under**



1 **section 7.5 of this chapter with a person** described in subsection  
 2 (c)(1); ~~who acquired the property from a delinquent taxpayer after~~  
 3 ~~the property was sold at a tax sale under this chapter; or~~  
 4 (2) a person ~~not described in subsection (c)(1); including a person~~  
 5 who acts under a power of attorney executed by the ~~as an~~  
 6 **executor, attorney-in-fact, or legal guardian of a person**  
 7 described in subsection (c)(1);

8 the county auditor may issue a warrant to the person only as directed  
 9 by the court having jurisdiction over the tax sale of the parcel for which  
 10 the surplus claim is made.

11 (e) A court may direct the issuance of a warrant only:

12 (1) on petition by the claimant; ~~and~~

13 (2) within three (3) years after the date of sale of the parcel in the  
 14 tax sale; ~~and~~

15 **(3) in the case of a petitioner to whom subsection (d)(1)**  
 16 **applies, if the petitioner has satisfied the requirements of**  
 17 **section 7.5 of this chapter.**

18 (f) Unless the redemption period specified under IC 6-1.1-25 has  
 19 been extended under federal bankruptcy law, an amount deposited in  
 20 the tax sale surplus fund shall be transferred by the county auditor to  
 21 the county general fund and may not be disbursed under subsection (c)  
 22 if it is not claimed within the three (3) year period after the date of its  
 23 receipt.

24 (g) If an amount applied to taxes under this section is later paid out  
 25 of the county general fund to the purchaser or the purchaser's successor  
 26 due to the invalidity of the sale, all the taxes shall be reinstated and  
 27 recharged to the tax duplicate and collected in the same manner as if  
 28 the property had not been offered for sale.

29 (h) When a refund is made to any purchaser or purchaser's successor  
 30 by reason of the invalidity of a sale, the county auditor shall, at the  
 31 December settlement immediately following the refund, deduct the  
 32 amount of the refund from the gross collections in the taxing district in  
 33 which the land lies and shall pay that amount into the county general  
 34 fund.

35 SECTION 8. IC 6-1.1-24-7.5, AS ADDED BY P.L.73-2010,  
 36 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2016]: Sec. 7.5. (a) ~~For purposes of As used in this section,~~  
 38 "property owner" refers to the owner of record of real property at the  
 39 time the tax deed is issued ~~and who is divested of ownership by the~~  
 40 ~~issuance of the tax deed: real property was certified for sale under~~  
 41 **this chapter and before issuance of the tax deed.**

42 (b) If a property owner enters into an agreement on or after May 1,



2010, that has the primary purpose of paying compensation to locate, deliver, recover, or assist in the recovery of money deposited in the tax sale surplus fund under section 7(a)(3) of this chapter with respect to real property as a result of a tax sale, the agreement is valid only if the agreement:

- (1) requires payment of compensation of not more than ten percent (10%) of the amount collected from the tax sale surplus fund with respect to the real property, unless the amount collected is fifty dollars (\$50) or less;
- (2) is in writing;
- (3) is signed by the property owner; and
- (4) clearly sets forth:
  - (A) the amount deposited in the tax sale surplus fund under section 7(a)(3) of this chapter with respect to the real property; and
  - (B) the value of the property owner's share of the amount collected from the tax sale surplus fund with respect to the real property after the compensation is deducted.

**(c) The attorney general and the attorney general's homeowner protection unit established under IC 4-6-12 shall enforce this section.**

**(d) The attorney general may maintain an action in a court with jurisdiction to enforce this section. A court in which an action is brought to enforce this section may do the following:**

- (1) Issue an injunction.**
- (2) Order restitution to an owner aggrieved by a violation of this section.**
- (3) Order a person that violates this section to reimburse the state for the reasonable costs of the attorney general's investigation and prosecution of the violation.**
- (4) Impose a civil penalty, in an amount determined by the court, on a person that violates this section.**

SECTION 9. IC 6-1.1-24-17, AS ADDED BY P.L.251-2015, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) For purposes of this section, in a county containing a consolidated city "county executive" refers to the board of commissioners of the county as provided in IC 36-3-3-10.

(b) As used in this section, "nonprofit entity" means an organization exempt from federal income taxation under 26 U.S.C. 501(c)(3).

(c) The county executive may by resolution:

- (1) identify tax sale certificates issued under section 6 of this chapter that the county executive desires to assign to one (1) or



1 more nonprofit entities; and

2 (2) set a date, time, and place for a public hearing to consider the  
3 assignment of the tax sale certificates to the nonprofit entities.

4 **(d) Except as otherwise provided in subsection (e),** notice of the  
5 tax sale certificates identified under subsection (c) and the date, time,  
6 and place for the hearing on the proposed transfer of the tax sale  
7 certificates on the list shall be published in accordance with IC 5-3-1.  
8 The notice must include a description of the properties associated with  
9 the tax sale certificates being considered for assignment by:

10 (1) parcel number;

11 (2) legal description; and

12 (3) street address or other common description.

13 The notice must specify that the county executive will hear any  
14 opposition to the proposed assignments.

15 **(e) For tax sale certificates that are not assigned when initially**  
16 **identified for assignment under this section, the county executive**  
17 **may omit from the notice the descriptions of the tax sale**  
18 **certificates and the properties associated with the tax sale**  
19 **certificates identified under subsection (c) if:**

20 **(1) the county executive includes in the notice a statement that**  
21 **the descriptions of those tax sale certificates and the tracts or**  
22 **items of real property associated with the tax sale certificates**  
23 **are available on the Internet web site of the county**  
24 **government or the county government's contractor and the**  
25 **information may be obtained in an alternative form from the**  
26 **county executive in an alternative form upon request in**  
27 **accordance with section 3.4 of this chapter; and**

28 **(2) the descriptions of those tax sale certificates and the tracts**  
29 **or items of real property associated with the tax sale**  
30 **certificates are made available on the Internet web site of the**  
31 **county government or the county government's contractor**  
32 **and may be obtained from the county executive in an**  
33 **alternative form upon request in accordance with section 3.4**  
34 **of this chapter.**

35 ~~(e)~~ **(f)** After the hearing set under subsection (c), the county  
36 executive shall by resolution make a final determination concerning:

37 (1) the tax sale certificates that are to be assigned to a nonprofit  
38 entity;

39 (2) the nonprofit entity to which each tax sale certificate is to be  
40 assigned; and

41 (3) the terms and conditions of the assignment.

42 ~~(f)~~ **(g)** If a county executive assigns a tax sale certificate to a





1 nonprofit entity under this section, the period of redemption of the real  
 2 property under IC 6-1.1-25 expires one hundred twenty (120) days after  
 3 the date of the assignment to the nonprofit entity. If a nonprofit entity  
 4 takes assignment of a tax sale certificate under this section, the  
 5 nonprofit entity acquires the same rights and obligations as a purchaser  
 6 of a tax sale certificate under section 6.1 of this chapter.

7 SECTION 10. IC 6-1.1-25-1 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Any person may  
 9 redeem the tract or real property:

10 (1) sold; or

11 (2) for which the certificate of sale is sold under IC 6-1.1-24;  
 12 under IC 6-1.1-24 at any time before the expiration of the period of  
 13 redemption specified in section 4 of this chapter by paying to the  
 14 county treasurer the amount required for redemption under section 2 of  
 15 this chapter.

16 **(b) If a tract or real property to which subsection (a) applies is**  
 17 **conveyed to a person before the expiration of the period of**  
 18 **redemption and the person wishes to redeem the tract or real**  
 19 **property, the person shall:**

20 (1) **redeem the tract or real property in accordance with**  
 21 **section 2 of this chapter; and**

22 (2) **satisfy the requirements of IC 32-21-8-7.**

23 SECTION 11. IC 6-1.1-25-2, AS AMENDED BY P.L.251-2015,  
 24 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2016]: Sec. 2. (a) The total amount of money required for the  
 26 redemption of real property equals **the following amount, as**  
 27 **applicable:**

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

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

35 (A) **the amounts prescribed in subsections (b) through (f);**  
 36 **and**

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

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

42 **(+) (3) If subdivisions (1) and (2) do not apply, the sum of the**



amounts prescribed in subsections (b) through (f), reduced by any amount held ~~in the name of the taxpayer or purchaser~~ in the tax sale surplus fund. ~~or~~

~~(2) The amount prescribed in subsection (g):~~

(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



1 of this chapter.

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

4 (f) The total amount required for redemption includes, in addition  
5 to the amounts required under subsections (b) and (e), all taxes, special  
6 assessments, interest, penalties, and fees on the property that accrued  
7 and are delinquent after the sale.

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

12 SECTION 12. IC 6-1.1-36-7, AS AMENDED BY P.L.172-2011,  
13 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2016]: Sec. 7. (a) The department of local government finance  
15 may cancel any property taxes, **delinquencies, fees, special**  
16 **assessments, and penalties** assessed against real property owned by  
17 a county, a township, a city, a town, or a body corporate and politic  
18 established under IC 8-10-5-2(a), **regardless of whether the county,**  
19 **township, city, town, or body corporate and politic established**  
20 **under IC 8-10-5-2(a) owned the property on the assessment date**  
21 **for which the property taxes, delinquencies, fees, special**  
22 **assessments, or penalties are imposed and regardless of when the**  
23 **county, township, city, town, or body corporate and politic**  
24 **established under IC 8-10-5-2(a) acquired the property,** if a petition  
25 requesting that the department cancel the taxes is submitted by the  
26 auditor, assessor, and treasurer of the county in which the real property  
27 is located. **However, the cancellation of any property taxes,**  
28 **delinquencies, fees, special assessments, or penalties under this**  
29 **subsection does not affect the liability of any person that is**  
30 **personally liable for the property taxes before the date the county,**  
31 **township, city, town, or body corporate and politic established**  
32 **under IC 8-10-5-2(a) acquired the property.**

33 (b) The department of local government finance may cancel any  
34 property taxes, **delinquencies, fees, special assessments, and**  
35 **penalties** assessed against real property owned by this state, **regardless**  
36 **of whether the state owned the property on the assessment date for**  
37 **which the property taxes, delinquencies, fees, special assessments,**  
38 **or penalties are imposed and regardless of when the state acquired**  
39 **the property,** if a petition requesting that the department cancel the  
40 taxes is submitted by:

41 (1) the governor; or

42 (2) the chief administrative officer of the state agency which



supervises the real property.

However, if the petition is submitted by the chief administrative officer of a state agency, the governor must approve the petition. **In addition, the cancellation of any property taxes, delinquencies, fees, special assessments, or penalties under this subsection does not affect the liability of any person that is personally liable for the property taxes before the date the state acquired the property.**

**(c) If property taxes are canceled under subsection (a) or (b), any lien on the real property shall be released and canceled to the extent the lien covers any property taxes, delinquencies, fees, special assessments, or penalties that were assessed against the real property before or after the county, township, city, town, body corporate and politic established under IC 8-10-5-2(a), or state became the owner of the real property.**

~~(c)~~ **(d)** The department of local government finance may compromise the amount of property taxes, together with any interest or penalties on those taxes, assessed against the fixed or distributable property owned by a bankrupt railroad, which is under the jurisdiction of:

- (1) a federal court under 11 U.S.C. 1163;
- (2) Chapter X of the Acts of Congress Relating to Bankruptcy (11 U.S.C. 701-799); or
- (3) a comparable bankruptcy law.

~~(d)~~ **(e)** After making a compromise under subsection ~~(c)~~ **(d)** and after receiving payment of the compromised amount, the department of local government finance shall distribute to each county treasurer an amount equal to the product of:

- (1) the compromised amount; multiplied by
- (2) a fraction, the numerator of which is the total of the particular county's property tax levies against the railroad for the compromised years, and the denominator of which is the total of all property tax levies against the railroad for the compromised years.

~~(e)~~ **(f)** After making the distribution under subsection ~~(d)~~ **(e)**, the department of local government finance shall direct the auditors of each county to remove from the tax rolls the amount of all property taxes assessed against the bankrupt railroad for the compromised years.

~~(f)~~ **(g)** The county auditor of each county receiving money under subsection ~~(d)~~ **(e)** shall allocate that money among the county's taxing districts. The auditor shall allocate to each taxing district an amount equal to the product of:

- (1) the amount of money received by the county under subsection



~~(d)~~; (e); multiplied by

(2) a fraction, the numerator of which is the total of the taxing district's property tax levies against the railroad for the compromised years, and the denominator of which is the total of all property tax levies against the railroad in that county for the compromised years.

~~(g)~~ (h) The money allocated to each taxing district shall be apportioned and distributed among the taxing units of that taxing district in the same manner and at the same time that property taxes are apportioned and distributed.

~~(h)~~ (i) The department of local government finance may, with the approval of the attorney general, compromise the amount of property taxes, together with any interest or penalties on those taxes, assessed against property owned by a person that has a case pending under state or federal bankruptcy law. Property taxes that are compromised under this section shall be distributed and allocated at the same time and in the same manner as regularly collected property taxes. The department of local government finance may compromise property taxes under this subsection only if:

(1) a petition is filed with the department of local government finance that requests the compromise and is signed and approved by the assessor, auditor, and treasurer of each county and the assessor of each township (if any) that is entitled to receive any part of the compromised taxes;

(2) the compromise significantly advances the time of payment of the taxes; and

(3) the compromise is in the best interest of the state and the taxing units that are entitled to receive any part of the compromised taxes.

~~(i)~~ (j) A taxing unit that receives funds under this section is not required to include the funds in its budget estimate for any budget year which begins after the budget year in which it receives the funds.

~~(j)~~ (k) A county treasurer, with the consent of the county auditor and the county assessor, may compromise the amount of property taxes, interest, or penalties owed in a county by an entity that has a case pending under Title 11 of the United States Code (Bankruptcy Code) by accepting a single payment that must be at least seventy-five percent (75%) of the total amount owed in the county.

SECTION 13. IC 32-21-2-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 14. A county recorder may not record a document of conveyance to which IC 32-21-8-7 applies**



1 **unless the document of conveyance has been endorsed by the**  
 2 **auditor of the proper county under IC 36-2-11-14.**

3 SECTION 14. IC 32-21-8-3 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. A tax sale surplus  
 5 fund disclosure form must contain the following information:

6 (1) The name and address of the taxpayer transferring the  
 7 property.

8 (2) The name and address of the person acquiring the property.

9 (3) The proposed date of transfer.

10 (4) The purchase price for the transfer.

11 (5) The date the property was sold at a tax sale under IC 6-1.1-24.

12 (6) The amount of the tax sale purchaser's bid that was deposited  
 13 into the tax sale surplus fund under IC 6-1.1-24-7.

14 **(7) Proof from the county treasurer that the person acquiring**  
 15 **the property has paid to the county treasurer the amount**  
 16 **required under IC 6-1.1-25 for redemption of the property.**

17 SECTION 15. IC 32-21-8-7 IS ADDED TO THE INDIANA CODE  
 18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 19 1, 2016]: Sec. 7. (a) Before a county auditor may make the  
 20 endorsement required by IC 36-2-11-14 on a document of  
 21 conveyance for property to which this chapter applies, the person  
 22 acquiring the property must:

23 (1) redeem the property by paying to the county treasurer the  
 24 total amount required under IC 6-1.1-25; and

25 (2) provide to the county auditor proof from the county  
 26 treasurer that the person made the payment specified under  
 27 subdivision (1).

28 (b) A conveyance of property to which this chapter applies is  
 29 inoperable and void if the conveyance document is not recorded  
 30 with the county recorder of the county where the property is  
 31 located on or before the expiration of the redemption period  
 32 specified under IC 6-1.1-25 for the property.

33 SECTION 16. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 355, 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 355 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 7, Nays 0

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SENATE MOTION

Madam President: I move that Senate Bill 355 be amended to read as follows:

Page 6, line 10, delete "The" and insert "**For properties or tax sale certificates that are not transferred when initially identified for transfer under this section, the**".

Page 7, line 40, delete "The" and insert "**For properties that are not transferred when initially identified for transfer under this section, the**".

Page 9, line 38, delete "The" and insert "**For tax sale certificates that are not assigned when initially identified for assignment under this section, the**".

(Reference is to SB 355 as printed January 29, 2016.)

NIEMEYER

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 355, 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:

Replace the effective dates in SECTIONS 1 through 5 with "[EFFECTIVE UPON PASSAGE]".

Page 3, line 33, delete "county government's".

Page 3, line 33, after "site" insert "**of the county government or the county government's contractor**".

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Page 3, line 34, delete "printed" and insert "**an alternative**".

Page 3, line 38, delete "county government".

Page 3, line 39, after "site" insert "**of the county government or the county government's contractor**".

Page 3, line 39, delete "in printed form" and insert "**may be obtained**".

Page 3, line 39, after "auditor" insert "**in an alternative form**".

Page 3, line 40, delete "request." and insert "**request in accordance with section 3.4 of this chapter.**".

Page 3, between lines 40 and 41, begin a new paragraph and insert:  
"SECTION 2. IC 6-1.1-24-3, AS AMENDED BY P.L.251-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This section does not apply to vacant or abandoned real property that is on the list prepared by the county auditor under section 1.5 of this chapter.

(b) When real property is eligible for sale under this chapter, the county auditor shall post a copy of the notice required by section 2 of this chapter at a public place of posting in the county courthouse or in another public county building at least twenty-one (21) days before the earliest date of application for judgment. In addition, the county auditor shall, in accordance with IC 5-3-1-4, publish the notice required in section 2 of this chapter once each week for three (3) consecutive weeks before the earliest date on which the application for judgment may be made. The expenses of this publication shall be paid out of the county general fund without prior appropriation.

(c) At least twenty-one (21) days before the application for judgment is made, the county auditor shall mail a copy of the notice required by section 2 of this chapter by certified mail, return receipt requested, to any mortgagee, or purchaser under an installment land contract recorded in the office of the county recorder, who annually requests, by certified mail, a copy of the notice.

(d) The notices mailed under this section are considered sufficient notice of the intended application for judgment and of the sale of real property under the order of the court.

(e) For properties not sold at their initial tax sale, the county auditor may omit the descriptions of the tracts or items of real property specified in section 2(b)(1) and 2(b)(5) of this chapter for those properties when they come up for sale at subsequent tax sales if:

(1) the county auditor includes in the notice a statement that descriptions of those tracts or items of real property are available on the ~~county government's~~ Internet web site **of the county government or the county government's contractor** and the





information may be obtained in ~~printed~~ **an alternative** form from the county auditor upon request; and

(2) the descriptions of those tracts or items of real property eligible for sale a second or subsequent time are made available on the ~~county government~~ Internet web site **of the county government or the county government's contractor** and in ~~printed form may be obtained~~ **from the county auditor in an alternative form** upon request **in accordance with section 3.4 of this chapter.**

SECTION 3. IC 6-1.1-24-3.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.4. (a) This section applies to a request for information in an alternative form under this chapter in those circumstances in which a county auditor or county executive may omit descriptions of tracts or items of real property from a published notice of sale or other transfer under this chapter if the county auditor or county executive, as applicable, makes the information available on the Internet web site of the county government or the county government's contractor and in an alternative form upon request.**

**(b) A person who requests information in an alternative form concerning descriptions of tracts or items of real property to which this section applies may specify whether the person prefers to receive the information in an electronic format, on a digital storage medium, or in printed form. A county auditor or county executive, as applicable, who has a duty under this chapter to make the information available in an alternative form upon request shall furnish the information in the alternative form specified by the requesting person. The department of local government finance shall prescribe the allowable file formats when the information is requested in an electronic format or on a digital storage medium."**

Page 5, delete lines 13 through 25, begin a new paragraph and insert:

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

**(1) the county executive includes in the notice a statement that descriptions of those tracts or items of real property are available on the Internet web site of the county government or**



**the county government's contractor and the information may be obtained in an alternative form from the county executive upon request; and**

**(2) the descriptions of those tracts or items of real property for which a certificate of sale is eligible for sale under this section are made available on the Internet web site of the county government or the county government's contractor and may be obtained from the county executive in an alternative form upon request in accordance with section 3.4 of this chapter."**

Page 6, line 16, delete "county government's".

Page 6, line 16, after "site" insert **"of the county government or the county government's contractor"**.

Page 6, line 17, delete "printed" and insert **"an alternative"**.

Page 6, line 21, delete "county government".

Page 6, line 21, after "site" insert **"of the county government or the county government's contractor"**.

Page 6, line 21, delete "in printed form" and insert **"may be obtained"**.

Page 6, line 22, delete "upon request." and insert **"in an alternative form upon request in accordance with section 3.4 of this chapter."**

Page 8, line 6, delete "county government's".

Page 8, line 6, after "site" insert **"of the county government or the county government's contractor"**.

Page 8, line 7, delete "printed" and insert **"an alternative"**.

Page 8, line 11, delete "county government".

Page 8, line 11, after "site" insert **"of the county government or the county government's contractor"**.

Page 8, line 11, delete "in printed form" and insert **"may be obtained"**.

Page 8, line 12, delete "upon request." and insert **"in an alternative form upon request in accordance with section 3.4 of this chapter."**

Page 9, between lines 17 and 18, begin a new paragraph and insert:  
**"SECTION 7. IC 6-1.1-24-7, AS AMENDED BY P.L.251-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) When real property is sold under this chapter, the purchaser at the sale shall immediately pay the amount of the bid to the county treasurer. The county treasurer shall apply the payment in the following manner:**

**(1) first, to the taxes, special assessments, penalties, and costs described in section 5(e) of this chapter;**

**(2) second, to other delinquent property taxes in the manner**



provided in IC 6-1.1-23-5(b); and

(3) third, to a separate "tax sale surplus fund".

(b) For any tract or item of real property for which a tax sale certificate is sold under this chapter, if taxes or special assessments, or both, become due on the tract or item of real property during the period of redemption specified under IC 6-1.1-25-4, the county treasurer may pay the taxes or special assessments, or both, on the tract or item of real property from the tax sale surplus held in the name of the taxpayer, if any, after the taxes or special assessments become due.

(c) The:

(1) owner of record of the real property at the time the ~~tax deed is issued who is divested of ownership by real property was certified for sale under this chapter and before~~ the issuance of a tax deed; or

(2) tax sale purchaser or purchaser's assignee, upon redemption of the tract or item of real property;

may file a verified claim for money which is deposited in the tax sale surplus fund. If the claim is approved by the county auditor and the county treasurer, the county auditor shall issue a warrant to the claimant for the amount due.

(d) If the person who claims money deposited in the tax sale surplus fund under subsection (c) is:

(1) a person **who has a contract or agreement described under section 7.5 of this chapter with a person** described in subsection (c)(1); ~~who acquired the property from a delinquent taxpayer after the property was sold at a tax sale under this chapter;~~ or

(2) a person ~~not described in subsection (c)(1); including a person who acts under a power of attorney executed by the as an executor, attorney-in-fact, or legal guardian of a person~~ described in subsection (c)(1);

the county auditor may issue a warrant to the person only as directed by the court having jurisdiction over the tax sale of the parcel for which the surplus claim is made.

(e) A court may direct the issuance of a warrant only:

(1) on petition by the claimant; ~~and~~

(2) within three (3) years after the date of sale of the parcel in the tax sale; ~~and~~

**(3) in the case of a petitioner to whom subsection (d)(1) applies, if the petitioner has satisfied the requirements of section 7.5 of this chapter.**

(f) Unless the redemption period specified under IC 6-1.1-25 has been extended under federal bankruptcy law, an amount deposited in



the tax sale surplus fund shall be transferred by the county auditor to the county general fund and may not be disbursed under subsection (c) if it is not claimed within the three (3) year period after the date of its receipt.

(g) If an amount applied to taxes under this section is later paid out of the county general fund to the purchaser or the purchaser's successor due to the invalidity of the sale, all the taxes shall be reinstated and recharged to the tax duplicate and collected in the same manner as if the property had not been offered for sale.

(h) When a refund is made to any purchaser or purchaser's successor by reason of the invalidity of a sale, the county auditor shall, at the December settlement immediately following the refund, deduct the amount of the refund from the gross collections in the taxing district in which the land lies and shall pay that amount into the county general fund.

SECTION 8. IC 6-1.1-24-7.5, AS ADDED BY P.L.73-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.5. (a) ~~For purposes of~~ **As used in** this section, "property owner" refers to the owner of record of real property at the time the ~~tax deed is issued and who is divested of ownership by the issuance of the tax deed.~~ **real property was certified for sale under this chapter and before issuance of the tax deed.**

(b) If a property owner enters into an agreement on or after May 1, 2010, that has the primary purpose of paying compensation to locate, deliver, recover, or assist in the recovery of money deposited in the tax sale surplus fund under section 7(a)(3) of this chapter with respect to real property as a result of a tax sale, the agreement is valid only if the agreement:

- (1) requires payment of compensation of not more than ten percent (10%) of the amount collected from the tax sale surplus fund with respect to the real property, unless the amount collected is fifty dollars (\$50) or less;
- (2) is in writing;
- (3) is signed by the property owner; and
- (4) clearly sets forth:
  - (A) the amount deposited in the tax sale surplus fund under section 7(a)(3) of this chapter with respect to the real property; and
  - (B) the value of the property owner's share of the amount collected from the tax sale surplus fund with respect to the real property after the compensation is deducted.

**(c) The attorney general and the attorney general's homeowner**



protection unit established under IC 4-6-12 shall enforce this section.

(d) The attorney general may maintain an action in a court with jurisdiction to enforce this section. A court in which an action is brought to enforce this section may do the following:

(1) Issue an injunction.

(2) Order restitution to an owner aggrieved by a violation of this section.

(3) Order a person that violates this section to reimburse the state for the reasonable costs of the attorney general's investigation and prosecution of the violation.

(4) Impose a civil penalty, in an amount determined by the court, on a person that violates this section."

Page 10, line 8, delete "county government's".

Page 10, line 8, after "site" insert "**of the county government or the county government's contractor**".

Page 10, line 9, delete "printed" and insert "**an alternative**".

Page 10, line 10, delete "upon request;" and insert "**in an alternative form upon request in accordance with section 3.4 of this chapter;**".

Page 10, line 13, delete "county government".

Page 10, line 14, after "site" insert "**of the county government or the county government's contractor**".

Page 10, line 14, delete "in printed form" and insert "**may be obtained**".

Page 10, line 15, delete "upon request." and insert "**in an alternative form upon request in accordance with section 3.4 of this chapter.**".

Page 10, after line 29, begin a new paragraph and insert:

"SECTION 10. IC 6-1.1-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Any person may redeem the tract or real property:

(1) sold; or

(2) for which the certificate of sale is sold under IC 6-1.1-24; under IC 6-1.1-24 at any time before the expiration of the period of redemption specified in section 4 of this chapter by paying to the county treasurer the amount required for redemption under section 2 of this chapter.

(b) If a tract or real property to which subsection (a) applies is conveyed to a person before the expiration of the period of redemption and the person wishes to redeem the tract or real property, the person shall:



**(1) redeem the tract or real property in accordance with section 2 of this chapter; and**

**(2) satisfy the requirements of IC 32-21-8-7.**

SECTION 11. IC 6-1.1-25-2, AS AMENDED BY P.L.251-2015, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: 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) If subdivisions (1) and (2) do not apply, the sum of the amounts prescribed in subsections (b) through (f), reduced by any amount held in the name of the taxpayer or purchaser in the tax sale surplus fund. or**

**(2) The amount prescribed in subsection (g):**

**(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 12. IC 6-1.1-36-7, AS AMENDED BY P.L.172-2011, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The department of local government finance may cancel any property taxes, **delinquencies, fees, special assessments, and penalties** assessed against real property owned by a county, a township, a city, a town, or a body corporate and politic established under IC 8-10-5-2(a), **regardless of whether the county, township, city, town, or body corporate and politic established**



under IC 8-10-5-2(a) owned the property on the assessment date for which the property taxes, delinquencies, fees, special assessments, or penalties are imposed and regardless of when the county, township, city, town, or body corporate and politic established under IC 8-10-5-2(a) acquired the property, if a petition requesting that the department cancel the taxes is submitted by the auditor, assessor, and treasurer of the county in which the real property is located. **However, the cancellation of any property taxes, delinquencies, fees, special assessments, or penalties under this subsection does not affect the liability of any person that is personally liable for the property taxes before the date the county, township, city, town, or body corporate and politic established under IC 8-10-5-2(a) acquired the property.**

(b) The department of local government finance may cancel any property taxes, **delinquencies, fees, special assessments, and penalties** assessed against real property owned by this state, **regardless of whether the state owned the property on the assessment date for which the property taxes, delinquencies, fees, special assessments, or penalties are imposed and regardless of when the state acquired the property**, if a petition requesting that the department cancel the taxes is submitted by:

- (1) the governor; or
- (2) the chief administrative officer of the state agency which supervises the real property.

However, if the petition is submitted by the chief administrative officer of a state agency, the governor must approve the petition. **In addition, the cancellation of any property taxes, delinquencies, fees, special assessments, or penalties under this subsection does not affect the liability of any person that is personally liable for the property taxes before the date the state acquired the property.**

(c) **If property taxes are canceled under subsection (a) or (b), any lien on the real property shall be released and canceled to the extent the lien covers any property taxes, delinquencies, fees, special assessments, or penalties that were assessed against the real property before or after the county, township, city, town, body corporate and politic established under IC 8-10-5-2(a), or state became the owner of the real property.**

(d) The department of local government finance may compromise the amount of property taxes, together with any interest or penalties on those taxes, assessed against the fixed or distributable property owned by a bankrupt railroad, which is under the jurisdiction of:





- (1) a federal court under 11 U.S.C. 1163;
- (2) Chapter X of the Acts of Congress Relating to Bankruptcy (11 U.S.C. 701-799); or
- (3) a comparable bankruptcy law.

~~(d)~~ (e) After making a compromise under subsection ~~(c)~~ (d) and after receiving payment of the compromised amount, the department of local government finance shall distribute to each county treasurer an amount equal to the product of:

- (1) the compromised amount; multiplied by
- (2) a fraction, the numerator of which is the total of the particular county's property tax levies against the railroad for the compromised years, and the denominator of which is the total of all property tax levies against the railroad for the compromised years.

~~(e)~~ (f) After making the distribution under subsection ~~(d)~~; (e), the department of local government finance shall direct the auditors of each county to remove from the tax rolls the amount of all property taxes assessed against the bankrupt railroad for the compromised years.

~~(f)~~ (g) The county auditor of each county receiving money under subsection ~~(d)~~ (e) shall allocate that money among the county's taxing districts. The auditor shall allocate to each taxing district an amount equal to the product of:

- (1) the amount of money received by the county under subsection ~~(d)~~; (e); multiplied by
- (2) a fraction, the numerator of which is the total of the taxing district's property tax levies against the railroad for the compromised years, and the denominator of which is the total of all property tax levies against the railroad in that county for the compromised years.

~~(g)~~ (h) The money allocated to each taxing district shall be apportioned and distributed among the taxing units of that taxing district in the same manner and at the same time that property taxes are apportioned and distributed.

~~(h)~~ (i) The department of local government finance may, with the approval of the attorney general, compromise the amount of property taxes, together with any interest or penalties on those taxes, assessed against property owned by a person that has a case pending under state or federal bankruptcy law. Property taxes that are compromised under this section shall be distributed and allocated at the same time and in the same manner as regularly collected property taxes. The department of local government finance may compromise property taxes under this subsection only if:



- (1) a petition is filed with the department of local government finance that requests the compromise and is signed and approved by the assessor, auditor, and treasurer of each county and the assessor of each township (if any) that is entitled to receive any part of the compromised taxes;
- (2) the compromise significantly advances the time of payment of the taxes; and
- (3) the compromise is in the best interest of the state and the taxing units that are entitled to receive any part of the compromised taxes.

†(j) A taxing unit that receives funds under this section is not required to include the funds in its budget estimate for any budget year which begins after the budget year in which it receives the funds.

†(k) A county treasurer, with the consent of the county auditor and the county assessor, may compromise the amount of property taxes, interest, or penalties owed in a county by an entity that has a case pending under Title 11 of the United States Code (Bankruptcy Code) by accepting a single payment that must be at least seventy-five percent (75%) of the total amount owed in the county.

SECTION 13. IC 32-21-2-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 14. A county recorder may not record a document of conveyance to which IC 32-21-8-7 applies unless the document of conveyance has been endorsed by the auditor of the proper county under IC 36-2-11-14.**

SECTION 14. IC 32-21-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3. A tax sale surplus fund disclosure form must contain the following information:**

- (1) The name and address of the taxpayer transferring the property.
- (2) The name and address of the person acquiring the property.
- (3) The proposed date of transfer.
- (4) The purchase price for the transfer.
- (5) The date the property was sold at a tax sale under IC 6-1.1-24.
- (6) The amount of the tax sale purchaser's bid that was deposited into the tax sale surplus fund under IC 6-1.1-24-7.
- (7) **Proof from the county treasurer that the person acquiring the property has paid to the county treasurer the amount required under IC 6-1.1-25 for redemption of the property.**

SECTION 15. IC 32-21-8-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7. (a) Before a county auditor may make the**



**endorsement required by IC 36-2-11-14 on a document of conveyance for property to which this chapter applies, the person acquiring the property must:**

- (1) redeem the property by paying to the county treasurer the total amount required under IC 6-1.1-25; and**
- (2) provide to the county auditor proof from the county treasurer that the person made the payment specified under subdivision (1).**

**(b) A conveyance of property to which this chapter applies is inoperable and void if the conveyance document is not recorded with the county recorder of the county where the property is located on or before the expiration of the redemption period specified under IC 6-1.1-25 for the property.**

**SECTION 16. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 355 as reprinted February 2, 2016.)

BROWN T

Committee Vote: yeas 22, nays 0.

