



February 22, 2019

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## SENATE BILL No. 604

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DIGEST OF SB 604 (Updated February 20, 2019 10:52 am - DI 128)

**Citations Affected:** IC 32-20.

**Synopsis:** Voiding and releasing claims in land interests. Adds a provision to the statute concerning marketable title for real property to provide that after a person has filed a claim for an interest in land, the claim is void if: (1) the owner of the property subject to the claim (or any person having an interest in the property) provides written notice to the claimant to file an action to enforce the claim; and (2) the claimant fails to file, within 30 days after receiving the notice to enforce the claim, an action to enforce the claim in the county where the property is located. Provides that upon the claimant's failure to file an action to enforce the claim within the 30 day period, the person who provided the notice to the claimant may file with the recorder of the county where the property is located an affidavit stating that the person has served notice on the claimant to enforce the claim and that no action for enforcement of the claim is pending. Requires the county recorder to: (1) record the affidavit of service; and (2) certify on the face of the record that the claim is fully released. Requires that an affidavit of service must also include a reference to the recording information of the recorded notice of claim. Requires that, when the recorder records the affidavit of service, the recorder must include a reference to the recorded notice of claim in the record book.

**Effective:** July 1, 2019.

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### Doriot, Head

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January 15, 2019, read first time and referred to Committee on Judiciary.  
February 21, 2019, amended, reported favorably — Do Pass.

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SB 604—LS 6740/DI 101





February 22, 2019

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 604

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

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

1 SECTION 1. IC 32-20-4-4 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2019]: **Sec. 4. (a) A claim for an interest in land filed under this**  
4 **chapter is void if both of the following occur:**  
5 (1) **The owner of the property subject to the claim or any**  
6 **person or corporation having an interest in the property,**  
7 **including a mortgagee or a lienholder, provides written notice**  
8 **to the claimant to file an action to enforce the claim.**  
9 (2) **The claimant fails to file an action to enforce the claim in**  
10 **the county where the property is located not later than thirty**  
11 **(30) days after receiving the notice described in subdivision**  
12 **(1).**  
13 **However, this section does not prevent any other claim with**  
14 **respect to the land from being collected or enforced as other claims**  
15 **are collected or enforced by law.**  
16 (b) **A person who has given notice under subsection (a)(1) by**  
17 **registered or certified mail to the claimant, at the address given by**

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1 the claimant in the recorded notice of the claim, may file with the  
2 recorder of the county in which the property is located an affidavit  
3 of service of the notice under subsection (a)(1) to file an action to  
4 enforce the claim. The affidavit must state the following:  
5 (1) The facts of the notice of claim.  
6 (2) That more than thirty (30) days have passed since the  
7 notice of claim was received by the claimant.  
8 (3) That no action for enforcement of the claim is pending.  
9 (4) That no unsatisfied judgment has been rendered on the  
10 claim.  
11 (5) A reference to the recording information of the notice of  
12 claim recorded under sections 1 and 2 of this chapter.  
13 (c) The recorder shall record the affidavit of service in the  
14 miscellaneous record book of the recorder's office, with a reference  
15 to the recorded notice of claim identified in the affidavit of service  
16 under subsection (b). When the recorder records the affidavit of  
17 service with a reference to the notice of claim under this  
18 subsection, the land described in the claim is released from the  
19 claim.



## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 604, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 5, delete "notice." and insert "**notice of claim.**".

Page 2, line 7, after "notice" insert "**of claim**".

Page 2, between lines 10 and 11, begin a new line block indented and insert:

**"(5) A reference to the recording information of the notice of claim recorded under sections 1 and 2 of this chapter."**

Page 2, line 11, delete "shall:" and insert "**shall**".

Page 2, line 12, delete "(1)".

Page 2, line 13, delete "office; and" and insert "**office, with a reference to the recorded notice of claim identified in the affidavit of service under subsection (b).**".

Page 2, delete lines 14 through 15.

Page 2, line 16, delete "and certifies the record" and insert "**of service with a reference to the notice of claim**".

Page 2, run in lines 11 through 16.

and when so amended that said bill do pass.

(Reference is to SB 604 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 8, Nays 0.

