



April 7, 2015

ENGROSSED SENATE BILL No. 415

DIGEST OF SB 415 (Updated April 2, 2015 7:50 pm - DI 75)

Citations Affected: IC 5-20; IC 6-1.1; IC 32-29; IC 32-30; IC 33-37; IC 34-30; IC 36-7.

Synopsis: Vacant and abandoned housing. Provides that a county, city, or town fiscal body may adopt an ordinance to establish a deduction period for rehabilitated property that has also been determined to be abandoned or vacant. Specifies that there must be delinquent property taxes or special assessments on real property before it may be sold by the county treasurer as abandoned or vacant property. Provides that an order of a local building standards hearing authority that real property is abandoned or vacant and nonpayment of the associated penalty permits the executive of the county, city, or town to certify to the county auditor that the real property should be sold as abandoned or vacant property. Specifies that the county treasurer and not the county auditor is to auction abandoned or vacant property. Eliminates the concept of redemption after sale regarding abandoned or vacant property to be sold by the county treasurer. Provides that the county,
(Continued next page)

Effective: Upon passage; January 1, 2015 (retroactive); July 1, 2015.

**Merritt, Raatz, Bassler, Broden,
Breau, Taylor, Randolph, Brown L**
(HOUSE SPONSORS — CLERE, HAMM, MOED, FORESTAL)

January 12, 2015, read first time and referred to Committee on Local Government.
January 29, 2015, amended, reported favorably — Do Pass.
February 10, 2015, read second time, amended, ordered engrossed.
February 11, 2015, engrossed.
February 12, 2015, returned to second reading.
February 16, 2015, re-read second time, amended, ordered engrossed.
February 17, 2015, re-engrossed. Read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

March 3, 2015, read first time and referred to Committee on Local Government.
April 7, 2015, amended, reported — Do Pass.

ES 415—LS 6916/DI 58



Digest Continued

city, or town executive that certifies a property as abandoned or vacant has an option to take ownership of the property if the minimum bid is not received. Prohibits owners of property that was found to be vacant or abandoned in any county, from buying property at a tax sale. Provides for the following: (1) Removal of properties not suitable for tax sale from the tax sale list. (2) A redemption period of 120 days from the date of the tax sale from which the property was removed. (3) Notice of removal of property from the tax sale list. Eliminates a provision that permitted the county auditor to be the only signer of a sales disclosure form in the case of a tax sale because the sale disclosure form is not required for a tax sale. Specifies that any form of registration by a foreign business association with the secretary of state allows the business to participate in a tax sale. Separates out several provisions concerning abandoned and vacant property sales from delinquent tax sales and makes related changes. Moves certain provisions concerning determinations of abandonment from the property law to the local government law. Requires that notifications of unsafe building law orders state that a property may be determined to be abandoned during administrative proceedings. Provides for hearings to review civil penalties imposed at enforcement proceedings. Provides for civil penalties if a property owner does not comply with a repair order when a hearing was not requested. Provides for administrative approval of costs of emergency action. Provides for appeals of a hearing authority's determination of abandonment and in approving costs for emergency actions. Provides that the costs of emergency actions may be collected in the same way other unsafe building law costs are collected. Establishes additional provisions for receiverships of abandoned properties. Requires recording of civil penalty orders issued by an enforcement authority. Provides that procedures that apply to judicial determination of abandonment apply to determinations of abandonment in administrative proceedings. Provides that a hearing authority may use the same standards that are used by a court in finding that real property is abandoned or vacant for purposes of selling the real property at an abandoned and vacant property sale. Permits a county, city, or town executive to use the courts instead of a hearing authority for the determination that a property is abandoned or vacant. Adds a requirement to issue a judgment when property is found to be abandoned. Extends the mortgage foreclosure counseling and education court fee until July 1, 2017. Provides that certain actions of political subdivisions relating to mortgage foreclosure are preempted by Indiana law. Makes technical corrections.

ES 415—LS 6916/DI 58



April 7, 2015

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED SENATE BILL No. 415

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

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

- 1 SECTION 1. IC 5-20-1-27, AS AMENDED BY P.L.231-2013,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 27. (a) The home ownership education
4 account within the state general fund is established to support:
5 (1) home ownership education programs established under section
6 4(d) of this chapter;
7 (2) mortgage foreclosure counseling and education programs
8 established under IC 5-20-6-2; and
9 (3) programs conducted by one (1) or a combination of the
10 following to facilitate settlement conferences in residential
11 foreclosure actions under IC 32-30-10.5:
12 (A) The judiciary.
13 (B) Pro bono legal services agencies.
14 (C) Mortgage foreclosure counselors (as defined in

ES 415—LS 6916/DI 58



- 1 IC 32-30-10.5-6).
- 2 (D) Other nonprofit entities certified by the authority under
- 3 section 4(d) of this chapter.
- 4 The account is administered by the authority.
- 5 (b) The home ownership education account consists of:
- 6 (1) court fees collected under ~~IC 33-37-5-32~~ **IC 33-37-5-33**
- 7 (before its expiration on ~~January 1, 2015~~); **July 1, 2017**);
- 8 (2) civil penalties imposed and collected under:
- 9 (A) IC 6-1.1-12-43(g)(2)(B); or
- 10 (B) IC 27-7-3-15.5(e); and
- 11 (3) any civil penalties imposed and collected by a court for a
- 12 violation of a court order in a foreclosure action under
- 13 IC 32-30-10.5.
- 14 (c) The expenses of administering the home ownership education
- 15 account shall be paid from money in the account.
- 16 (d) The treasurer of state shall invest the money in the home
- 17 ownership education account not currently needed to meet the
- 18 obligations of the account in the same manner as other public money
- 19 may be invested.
- 20 SECTION 2. IC 5-20-6-3, AS AMENDED BY P.L.231-2013,
- 21 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 UPON PASSAGE]: Sec. 3. In addition to using money provided for the
- 23 program from:
- 24 (1) court fees under ~~IC 33-37-5-32~~ **IC 33-37-5-33** (before its
- 25 expiration on ~~January 1, 2015~~); **July 1, 2017**);
- 26 (2) civil penalties imposed and collected under:
- 27 (A) IC 6-1.1-12-43(g)(2)(B); or
- 28 (B) IC 27-7-3-15.5(e); and
- 29 (3) any civil penalties imposed and collected by a court for a
- 30 violation of a court order in a foreclosure action under
- 31 IC 32-30-10.5;
- 32 the authority may solicit contributions and grants from the private
- 33 sector, nonprofit entities, and the federal government to assist in
- 34 carrying out the purposes of this chapter.
- 35 SECTION 3. IC 6-1.1-12-18, AS AMENDED BY P.L.144-2008,
- 36 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 37 JULY 1, 2015]: Sec. 18. (a) If the assessed value of residential real
- 38 property described in subsection (d) is increased because it has been
- 39 rehabilitated, the owner may have deducted from the assessed value of
- 40 the property an amount not to exceed the lesser of:
- 41 (1) the total increase in assessed value resulting from the
- 42 rehabilitation; or



- 1 (2) eighteen thousand seven hundred twenty dollars (\$18,720) per
 2 rehabilitated dwelling unit.
- 3 The owner is entitled to this deduction annually for a five (5) year
 4 period, **or if subsection (e) applies, the period established under**
 5 **subsection (e).**
- 6 (b) For purposes of this section, the term "rehabilitation" means
 7 significant repairs, replacements, or improvements to an existing
 8 structure which are intended to increase the livability, utility, safety, or
 9 value of the property under rules adopted by the department of local
 10 government finance.
- 11 (c) For the purposes of this section, the term "owner" or "property
 12 owner" includes any person who has the legal obligation, or has
 13 otherwise assumed the obligation, to pay the real property taxes on the
 14 rehabilitated property.
- 15 (d) The deduction provided by this section applies only:
- 16 (1) for the rehabilitation of residential real property which is
 17 located within this state and which is described in one (1) of the
 18 following classifications:
- 19 (A) A single family dwelling if before rehabilitation the
 20 assessed value (excluding any exemptions or deductions) of
 21 the improvements does not exceed thirty-seven thousand four
 22 hundred forty dollars (\$37,440).
- 23 (B) A two (2) family dwelling if before rehabilitation the
 24 assessed value (excluding exemptions or deductions) of the
 25 improvements does not exceed forty-nine thousand nine
 26 hundred twenty dollars (\$49,920).
- 27 (C) A dwelling with more than two (2) family units if before
 28 rehabilitation the assessed value (excluding any exemptions or
 29 deductions) of the improvements does not exceed eighteen
 30 thousand seven hundred twenty dollars (\$18,720) per dwelling
 31 unit; and
- 32 (2) if the property owner:
- 33 (A) owns the residential real property; or
 34 (B) is buying the residential real property under contract;
 35 on the assessment date of the year in which an application must
 36 be filed under section 20 of this chapter.
- 37 **(e) A county, city, or town fiscal body may adopt an ordinance**
 38 **to establish a deduction period that is longer than five (5) years but**
 39 **not to exceed fifteen (15) years for any rehabilitated property**
 40 **covered by this section that has also been determined to be**
 41 **abandoned or vacant for purposes of IC 6-1.1-24.**
- 42 SECTION 4. IC 6-1.1-12-22, AS AMENDED BY P.L.144-2008,



1 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2015]: Sec. 22. (a) If the assessed value of property is
 3 increased because it has been rehabilitated and the owner has paid at
 4 least ten thousand dollars (\$10,000) for the rehabilitation, the owner is
 5 entitled to have deducted from the assessed value of the property an
 6 amount equal to fifty percent (50%) of the increase in assessed value
 7 resulting from the rehabilitation. The owner is entitled to this deduction
 8 annually for a five (5) year period, **or if subsection (e) applies, the**
 9 **period established under subsection (e).** However, the maximum
 10 deduction which a property owner may receive under this section for
 11 a particular year is:

12 (1) one hundred twenty-four thousand eight hundred dollars
 13 (\$124,800) for a single family dwelling unit; or

14 (2) three hundred thousand dollars (\$300,000) for any other type
 15 of property.

16 (b) For purposes of this section, the term "property" means a
 17 building or structure which was erected at least fifty (50) years before
 18 the date of application for the deduction provided by this section. The
 19 term "property" does not include land.

20 (c) For purposes of this section, the term "rehabilitation" means
 21 significant repairs, replacements, or improvements to an existing
 22 structure that are intended to increase the livability, utility, safety, or
 23 value of the property under rules adopted by the department of local
 24 government finance.

25 (d) The deduction provided by this section applies only if the
 26 property owner:

27 (1) owns the property; or

28 (2) is buying the property under contract;

29 on the assessment date of the year in which an application must be filed
 30 under section 24 of this chapter.

31 **(e) A county, city, or town fiscal body may adopt an ordinance**
 32 **to establish a deduction period that is longer than five (5) years but**
 33 **not to exceed seven (7) years for any rehabilitated property**
 34 **covered by this section that has also been determined to be**
 35 **abandoned or vacant for purposes of IC 6-1.1-24.**

36 SECTION 5. IC 6-1.1-24-1, AS AMENDED BY THE TECHNICAL
 37 CORRECTIONS BILL OF THE 2015 GENERAL ASSEMBLY, IS
 38 AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1,
 39 2015 (RETROACTIVE)]: Sec. 1. (a) On or after January 1 of each
 40 calendar year in which a tax sale will be held in a county and not later
 41 than fifty-one (51) days after the first tax payment due date in that
 42 calendar year, the county treasurer *(or county executive, in the case of*



1 *property described in subdivision (2))* shall certify to the county auditor
 2 a list of real property on which any of the following exist:

3 (1) *In the case of real property, other than real property*
 4 *described in subdivision (2),* any property taxes or special
 5 assessments certified to the county auditor for collection by the
 6 county treasurer from the prior year's spring installment or before
 7 **that** are delinquent as determined under IC 6-1.1-37-10 and the
 8 delinquent property *tax or taxes, special assessments, penalties,*
 9 *fees, or interest* due exceed twenty-five dollars (\$25).

10 (2) *In the case of real property for which a county executive has*
 11 *certified to the county auditor that the real property is:*

12 (A) *vacant; or*

13 (B) *abandoned;*

14 *any property taxes or special assessments from the prior year's*
 15 *fall installment or before that are delinquent as determined under*
 16 *IC 6-1.1-37-10. The county executive must make a certification*
 17 *under this subdivision not later than sixty-one (61) days before*
 18 *the earliest date on which application for judgment and order for*
 19 *sale may be made. The executive of a city or town may provide to*
 20 *the county executive of the county in which the city or town is*
 21 *located a list of real property that the city or town has determined*
 22 *to be vacant or abandoned. The county executive shall include*
 23 *real property included on the list provided by a city or town*
 24 *executive on the list certified by the county executive to the*
 25 *county auditor under this subsection.*

26 ~~(3)~~ (2) Any unpaid costs are due under section ~~2(b)~~ **2(c)** of this
 27 chapter from a prior tax sale.

28 (b) The county auditor shall maintain a list of all real property
 29 eligible for sale. Except as provided in section 1.2 or another provision
 30 of this chapter, the taxpayer's property shall remain on the list. The list
 31 must:

32 (1) describe the real property by parcel number and common
 33 address, if any;

34 (2) for a tract or item of real property with a single owner,
 35 indicate the name of the owner; and

36 (3) for a tract or item with multiple owners, indicate the name of
 37 at least one (1) of the owners.

38 (c) Except as otherwise provided in this chapter, the real property
 39 so listed is eligible for sale in the manner prescribed in this chapter.

40 (d) Not later than fifteen (15) days after the date of the county
 41 treasurer's certification under subsection (a), the county auditor shall
 42 mail by certified mail a copy of the list described in subsection (b) to



1 each mortgagee who requests from the county auditor by certified mail
 2 a copy of the list. Failure of the county auditor to mail the list under
 3 this subsection does not invalidate an otherwise valid sale.

4 SECTION 6. IC 6-1.1-24-1.2, AS AMENDED BY P.L.166-2014,
 5 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 1.2. (a) Except as
 7 provided in subsection (c), a tract or an item of real property may not
 8 be removed from the list certified under section 1 **or 1.5** of this chapter
 9 before the tax sale unless all:

10 (1) delinquent taxes and special assessments due before the date
 11 the list on which the property appears was certified under section
 12 **1 or 1.5** of this chapter; and

13 (2) penalties due on the delinquency, interest, and costs directly
 14 attributable to the tax sale;

15 have been paid in full.

16 (b) A county treasurer may accept partial payments of delinquent
 17 property taxes, assessments, penalties, interest, or costs under
 18 subsection (a) after the list of real property is certified under section 1
 19 **or 1.5** of this chapter. However, a partial payment does not remove a
 20 tract or an item from the list certified under section 1 **or 1.5** of this
 21 chapter unless the taxpayer complies with subsection (a) or (c) before
 22 the date of the tax sale.

23 (c) A county auditor shall remove a tract or an item of real property
 24 from the list certified under section 1 **or 1.5** of this chapter before the
 25 tax sale if the county treasurer and the taxpayer agree to a mutually
 26 satisfactory arrangement for the payment of the delinquent taxes.

27 (d) The county auditor shall remove the tract or item from the list
 28 certified under section 1 **or 1.5** of this chapter if:

29 (1) the arrangement described in subsection (c):

30 (A) is in writing;

31 (B) is signed by the taxpayer; and

32 (C) requires the taxpayer to pay the delinquent taxes in full not
 33 later than the last business day before July 1 of the year after
 34 the date the agreement is signed; and

35 (2) the county treasurer has provided a copy of the written
 36 agreement to the county auditor.

37 (e) If the taxpayer fails to make a payment under the arrangement
 38 described in subsection (c):

39 (1) the arrangement is void; and

40 (2) the county auditor shall immediately place the tract or item of
 41 real property on the list of real property eligible for sale at a tax
 42 sale.



1 (f) If a taxpayer fails to make a payment under an arrangement
 2 entered into under subsection (c), the county treasurer and the taxpayer
 3 may enter into a subsequent arrangement and avoid the penalties under
 4 subsection (e).

5 SECTION 7. IC 6-1.1-24-1.5, AS AMENDED BY P.L.66-2014,
 6 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 1.5. (a) As used in this
 8 chapter and IC 6-1.1-25, "county executive" means the following:

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

11 (2) In a county containing a consolidated city, the executive of the
 12 consolidated city.

13 (b) ~~The county executive or an executive of a city or town may, after~~
 14 ~~obtaining If:~~

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

18 **(2) an order from a court or a determination of a hearing**
 19 **authority has been obtained under ~~IC 32-30-10.6~~ IC 36-7-37**
 20 **that the real property is vacant or abandoned; and**

21 **the executive of the county, city, or town may, after** providing either
 22 the notice required by ~~IC 32-30-10.6~~ **IC 36-7-37** or section 2.3 of this
 23 chapter, certify a list of vacant or abandoned property to the county
 24 auditor. **This list must be delivered to the county auditor not later**
 25 **than fifty-one (51) days after the first tax payment due date each**
 26 **calendar year.**

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

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

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

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

39 ~~Auction the property. Certify to the county treasurer that~~
 40 **the real property is to be sold at auction under this chapter as**
 41 **required by section 5(j) of this chapter.**

42 (5) Issue a deed to the real property **that conveys a fee simple**



- 1 **interest** to the highest bidder ~~whose~~ **as long as the** bid is at least
 2 the minimum bid specified in this section.
- 3 The minimum bid for a property at the auction under this section is the
 4 proportionate share of the actual costs incurred by the county in
 5 conducting the sale. Any amount collected from the sale of all
 6 properties under this section above the total minimum bids shall first
 7 be used to pay the costs of the county, city, or town that certified the
 8 property vacant or abandoned for title search and court proceedings.
 9 Any amount remaining from the sale shall be certified by the county
 10 treasurer to the county auditor for distribution to other taxing units
 11 during settlement.
- 12 (d) Notice of the sale under this section must contain the following:
- 13 (1) A list of ~~tracts or~~ real property eligible for sale under this
 14 chapter.
- 15 (2) A statement that:
- 16 (A) the ~~tracts or~~ real property included in the list will be sold
 17 at public auction to the highest bidder;
- 18 (B) **the county auditor will issue a deed to the real property**
 19 **that conveys a fee simple interest to the highest bidder that**
 20 **bids at least the minimum bid; and**
- 21 (C) **the owner will have no right to redeem the real**
 22 **property after the date of the sale.**
- 23 **A deed issued under this subdivision to the highest bidder**
 24 **conveys the same fee simple interest in the real property as a**
 25 **deed issued under IC 6-1.1-25.**
- 26 (3) A statement that the ~~tracts or~~ real property will not be sold for
 27 less than an amount equal to actual proportionate costs incurred
 28 by the county that are directly attributable to the abandoned
 29 property sale.
- 30 (4) A statement for informational purposes only, of the location
 31 of each ~~tract or~~ item of real property by key number, if any, and
 32 street address, if any, or a common description of the property
 33 other than a legal description. The township assessor, or the
 34 county assessor if there is no township assessor for the township,
 35 upon written request from the county auditor, shall provide the
 36 information to be in the notice required by this subsection. A
 37 misstatement in the key number or street address does not
 38 invalidate an otherwise valid sale.
- 39 (5) A statement that the county does not warrant the accuracy of
 40 the street address or common description of the property.
- 41 (6) A statement that the sale will be conducted at a place
 42 designated in the notice and that the sale will continue until all



1 ~~tracts and~~ real property ~~have~~ **has** been offered for sale.

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

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

8 SECTION 8. IC 6-1.1-24-1.7 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: **Sec. 1.7. (a)**

11 **The county executive or the county executive's designee may:**

12 (1) **after January 1 of each calendar year in which a tax sale**
13 **will be held in the county; and**

14 (2) **not later than fifty-one (51) days after the first tax**
15 **payment due date in that calendar year;**

16 **certify to the county auditor that a property is not suitable for tax**
17 **sale. The certification must identify the names and addresses of**
18 **each person with a substantial property interest of record. When**
19 **making the application for judgment under section 4.6(b) of this**
20 **chapter, the county auditor shall include a list of the properties**
21 **certified not suitable for tax sale and the names and addresses of**
22 **each person with a substantial property interest of record in the**
23 **certified properties that was provided to the county auditor with**
24 **the certification.**

25 (b) **Not later than ten (10) days after making the certification as**
26 **provided in subsection (a), the county executive or the county**
27 **executive's designee shall provide a notice to each person with a**
28 **substantial property interest of record in the property, stating the**
29 **following:**

30 (1) **The street address, if any, or a common description of the**
31 **tract or real property.**

32 (2) **The key number or parcel number of the tract or real**
33 **property.**

34 (3) **That the property has been certified not suitable for tax**
35 **sale.**

36 (4) **That the court will hear and determine the issue before the**
37 **tax sale.**

38 (5) **That if the court determines that the property is not**
39 **suitable for tax sale, the property will not be offered for sale**
40 **at the tax sale, but may be disposed of by the county executive**
41 **as provided in this chapter.**

42 (6) **That if the court determines that the property is not**



1 suitable for tax sale, the property may be redeemed any time
2 until one hundred twenty (120) days after the conclusion of
3 the tax sale from which the property was removed.

4 (7) That if the court determines that the property is not
5 suitable for tax sale and the county executive disposes of the
6 property within three (3) years after the conclusion of the tax
7 sale at which the property would have been offered for sale,
8 any amount received in excess of the amount of the minimum
9 bid will be disbursed in the same manner as if the property
10 had been sold in the tax sale.

11 SECTION 9. IC 6-1.1-24-2, AS AMENDED BY P.L.66-2014,
12 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 2. (a) **This section does**
14 **not apply to vacant or abandoned real property that is on the list**
15 **prepared by the county auditor under section 1.5 of this chapter.**

16 ~~(a)~~ (b) In addition to the delinquency list required under section 1
17 of this chapter, each county auditor shall prepare a notice. The notice
18 shall contain the following:

19 (1) A list of tracts or real property eligible for sale under this
20 chapter.

21 (2) A statement that the tracts or real property included in the list
22 will be sold at public auction to the highest bidder, subject to the
23 right of redemption.

24 (3) A statement that the tracts or real property will not be sold for
25 an amount which is less than the sum of:

26 (A) the delinquent taxes and special assessments on each tract
27 or item of real property;

28 (B) the taxes and special assessments on each tract or item of
29 real property that are due and payable in the year of the sale,
30 whether or not they are delinquent;

31 (C) all penalties due on the delinquencies;

32 (D) an amount prescribed by the county auditor that equals the
33 sum of:

34 (i) the greater of twenty-five dollars (\$25) or postage and
35 publication costs; and

36 (ii) any other actual costs incurred by the county that are
37 directly attributable to the tax sale; and

38 (E) any unpaid costs due under subsection ~~(b)~~ (c) from a prior
39 tax sale.

40 (4) A statement that a person redeeming each tract or item of real
41 property after the sale must pay:

42 (A) one hundred ten percent (110%) of the amount of the



- 1 minimum bid for which the tract or item of real property was
 2 offered at the time of sale if the tract or item of real property
 3 is redeemed not more than six (6) months after the date of sale;
 4 (B) one hundred fifteen percent (115%) of the amount of the
 5 minimum bid for which the tract or item of real property was
 6 offered at the time of sale if the tract or item of real property
 7 is redeemed more than six (6) months after the date of sale;
 8 (C) the amount by which the purchase price exceeds the
 9 minimum bid on the tract or item of real property plus five
 10 percent (5%) **interest** per annum, on the amount by which the
 11 purchase price exceeds the minimum bid; and
 12 (D) all taxes and special assessments on the tract or item of
 13 real property paid by the purchaser after the tax sale plus
 14 interest at the rate of five percent (5%) per annum, on the
 15 amount of taxes and special assessments paid by the purchaser
 16 on the redeemed property.
- 17 (5) A statement for informational purposes only, of the location
 18 of each tract or item of real property by key number, if any, and
 19 street address, if any, or a common description of the property
 20 other than a legal description. The township assessor, or the
 21 county assessor if there is no township assessor for the township,
 22 upon written request from the county auditor, shall provide the
 23 information to be in the notice required by this subsection. A
 24 misstatement in the key number or street address does not
 25 invalidate an otherwise valid sale.
- 26 (6) A statement that the county does not warrant the accuracy of
 27 the street address or common description of the property.
- 28 (7) A statement indicating:
 29 (A) the name of the owner of each tract or item of real property
 30 with a single owner; or
 31 (B) the name of at least one (1) of the owners of each tract or
 32 item of real property with multiple owners.
- 33 (8) A statement of the procedure to be followed for obtaining or
 34 objecting to a judgment and order of sale, that must include the
 35 following:
 36 (A) A statement:
 37 (i) that the county auditor and county treasurer will apply on
 38 or after a date designated in the notice for a court judgment
 39 against the tracts or real property for an amount that is not
 40 less than the amount set under subdivision (3), and for an
 41 order to sell the tracts or real property at public auction to
 42 the highest bidder, subject to the right of redemption; and



- 1 (ii) indicating the date when the period of redemption
 2 specified in IC 6-1.1-25-4 will expire.
- 3 (B) A statement that any defense to the application for
 4 judgment must be:
- 5 (i) filed with the court; and
 6 (ii) served on the county auditor and the county treasurer;
 7 before the date designated as the earliest date on which the
 8 application for judgment may be filed.
- 9 (C) A statement that the county auditor and the county
 10 treasurer are entitled to receive all pleadings, motions,
 11 petitions, and other filings related to the defense to the
 12 application for judgment.
- 13 (D) A statement that the court will set a date for a hearing at
 14 least seven (7) days before the advertised date and that the
 15 court will determine any defenses to the application for
 16 judgment at the hearing.
- 17 (9) A statement that the sale will be conducted at a place
 18 designated in the notice and that the sale will continue until all
 19 tracts and real property have been offered for sale.
- 20 (10) A statement that the sale will take place at the times and
 21 dates designated in the notice. Whenever the public auction is to
 22 be conducted as an electronic sale, the notice must include a
 23 statement indicating that the public auction will be conducted as
 24 an electronic sale and a description of the procedures that must be
 25 followed to participate in the electronic sale.
- 26 (11) A statement that a person redeeming each tract or item after
 27 the sale must pay the costs described in IC 6-1.1-25-2(e).
- 28 (12) If a county auditor and county treasurer have entered into an
 29 agreement under IC 6-1.1-25-4.7, a statement that the county
 30 auditor will perform the duties of the notification and title search
 31 under IC 6-1.1-25-4.5 and the notification and petition to the
 32 court for the tax deed under IC 6-1.1-25-4.6.
- 33 (13) A statement that, if the tract or item of real property is sold
 34 for an amount more than the minimum bid and the property is not
 35 redeemed, the owner of record of the tract or item of real property
 36 who is divested of ownership at the time the tax deed is issued
 37 may have a right to the tax sale surplus.
- 38 (14) If a determination has been made under subsection ~~(d)~~, (e),
 39 a statement that tracts or items will be sold together.
- 40 (15) With respect to a tract or an item of real property that is
 41 subject to sale under this chapter after June 30, 2012, and before
 42 July 1, 2013, a statement declaring whether an ordinance adopted



1 under IC 6-1.1-37-10.1 is in effect in the county and, if
 2 applicable, an explanation of the circumstances in which penalties
 3 on the delinquent taxes and special assessments will be waived.

4 ~~(b)~~ **(c)** If within sixty (60) days before the date of the tax sale the
 5 county incurs costs set under subsection ~~(a)(3)(D)~~ **(b)(3)(D)** and those
 6 costs are not paid, the county auditor shall enter the amount of costs
 7 that remain unpaid upon the tax duplicate of the property for which the
 8 costs were set. The county treasurer shall mail notice of unpaid costs
 9 entered upon a tax duplicate under this subsection to the owner of the
 10 property identified in the tax duplicate.

11 ~~(c)~~ **(d)** The amount of unpaid costs entered upon a tax duplicate
 12 under subsection ~~(b)~~ **(c)** must be paid no later than the date upon which
 13 the next installment of real estate taxes for the property is due. Unpaid
 14 costs entered upon a tax duplicate under subsection ~~(b)~~ **(c)** are a lien
 15 against the property described in the tax duplicate, and amounts
 16 remaining unpaid on the date the next installment of real estate taxes
 17 is due may be collected in the same manner that delinquent property
 18 taxes are collected.

19 ~~(d)~~ **(e)** The county auditor and county treasurer may establish the
 20 condition that a tract or item will be sold and may be redeemed under
 21 this chapter only if the tract or item is sold or redeemed together with
 22 one (1) or more other tracts or items. Property may be sold together
 23 only if the tract or item is owned by the same person.

24 SECTION 10. IC 6-1.1-24-2.2 IS REPEALED [EFFECTIVE
 25 JANUARY 1, 2015 (RETROACTIVE)]. ~~Sec. 2-2: Whenever a notice~~
 26 ~~required under section 2 of this chapter includes real property on the~~
 27 ~~list prepared under section 1(a)(2) (repealed) or 1.5(d) of this chapter;~~
 28 ~~the notice must also contain a statement that:~~

29 ~~(1) the property is on the alternate list prepared under section~~
 30 ~~1(a)(2) (repealed) or 1.5(d) of this chapter;~~

31 ~~(2) if the property is not redeemed within one hundred twenty~~
 32 ~~(120) days after the date of sale; the county auditor shall execute~~
 33 ~~and deliver a deed for the property to the purchaser or purchaser's~~
 34 ~~assignee; and~~

35 ~~(3) if the property is offered for sale and a bid is not received for~~
 36 ~~at least the amount required under section 5 of this chapter; the~~
 37 ~~county auditor may execute and deliver a deed for the property to~~
 38 ~~the county executive; subject to IC 6-1.1-25.~~

39 SECTION 11. IC 6-1.1-24-2.3, AS ADDED BY P.L.66-2014,
 40 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 2.3. (a) This section
 42 applies to a **an item of real property that has been certified as for**



1 **which a court order or a determination by a hearing authority has**
 2 **been obtained under IC 36-7-37 that the real property is vacant or**
 3 **abandoned under section 1.5 of this chapter.**

4 (b) **If the executive of the county, city, or town that has**
 5 **jurisdiction of the property plans to certify an item of real property**
 6 **as vacant or abandoned under section 1.5 of this chapter and a**
 7 **notice was not sent with regard to a tract or the real property as**
 8 **permitted by ~~IC 32-30-10.6-6~~, IC 36-7-37, the executive of the**
 9 **county, city, or town that has jurisdiction of the property shall send**
 10 **a notice shall be sent to the owner of record and to any person with a**
 11 **substantial property interest of public record in the tract or real property**
 12 **at least one hundred twenty (120) days before the date of the**
 13 **certification under section 1.5 of this chapter. The notice must contain**
 14 **at least the following:**

15 (1) A statement that an abandoned property sale will be held on
 16 or after a specified date.

17 (2) A description of the tract or real property to be sold.

18 (3) A statement that **any person may redeem the tract or to**
 19 **prevent the sale of the real property at the abandoned**
 20 **property sale, the owner must pay all delinquent taxes and**
 21 **special assessments on the real property at or before the date of**
 22 **the abandoned property sale.**

23 (4) ~~The components of the amount required to redeem the tract or~~
 24 ~~real property.~~

25 (5) (4) A statement that if the real property is **not redeemed, sold**
 26 **at the abandoned property sale, a tax deed may will be issued**
 27 **to the purchaser that provides the purchaser with a fee simple**
 28 **interest in the real property.**

29 (6) (5) The street address, if any, or a common description of the
 30 tract or real property.

31 (7) (6) The key number or parcel number of the tract or real
 32 property.

33 **A notice required by this section is in addition to the notice**
 34 **required by section 1.5 of this chapter.**

35 (c) A notice under this section **must may not** include **not** more than
 36 one (1) tract or item of real property listed to be sold in one (1)
 37 description. However, when more than one (1) tract or item of real
 38 property is owned by one (1) person, all of the tracts items of real
 39 property that are owned by that person may be included in one (1)
 40 notice.

41 (d) A single notice under this section may be used to notify joint
 42 owners of record at the last address of the joint owners for the property



1 sold, as indicated in the records of the county auditor.

2 (e) The notice required by this section is considered sufficient if the
3 notice is mailed **by certified mail, return receipt requested**, to:

4 **(1) all owners of record of real property** at the last address of
5 the owner for the property, as indicated in the records of the
6 county auditor; and

7 **(2) any person with a substantial property interest of public record**
8 at the address for the person included in the public record that
9 indicates the interest;

10 **as of the date that the tax sale list is certified.**

11 (f) The notice under this section is not required for persons in
12 possession not shown in the public records.

13 SECTION 12. IC 6-1.1-24-3, AS AMENDED BY P.L.169-2006,
14 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 3. **(a) This section does**
16 **not apply to vacant or abandoned real property that is on the list**
17 **prepared by the county auditor under section 1.5 of this chapter.**

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

29 ~~(b)~~ **(c)** At least twenty-one (21) days before the application for
30 judgment is made, the county auditor shall mail a copy of the notice
31 required by ~~sections~~ **section 2 and 2-2** of this chapter by certified mail,
32 return receipt requested, to any mortgagee who annually requests, by
33 certified mail, a copy of the notice. However, the failure of the county
34 auditor to mail this notice or its nondelivery does not affect the validity
35 of the judgment and order.

36 ~~(c)~~ **(d)** The notices mailed under this section ~~and the advertisement~~
37 ~~published under section 4(b) of this chapter~~ are considered sufficient
38 notice of the intended application for judgment and of the sale of real
39 property under the order of the court.

40 SECTION 13. IC 6-1.1-24-4, AS AMENDED BY THE
41 TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL
42 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JANUARY 1, 2015 (RETROACTIVE)]; Sec. 4. **(a) This section does**
 2 **not apply to vacant or abandoned real property that is on the list**
 3 **prepared by the county auditor under section 1.5 of this chapter.**

4 ~~(a)~~ **(b)** Not less than twenty-one (21) days before the earliest date on
 5 which the application for judgment and order for sale of real property
 6 eligible for sale may be made, the county auditor shall send a notice of
 7 the sale by certified mail, return receipt requested, to:

- 8 (1) the owner of record of real property with a single owner; or
 9 (2) at least one (1) of the owners, as of the date of certification, of
 10 real property with multiple owners;

11 at the last address of the owner for the property as indicated in the
 12 records of the county auditor on the date that the tax sale list is
 13 certified. In addition, the county auditor shall mail a duplicate notice
 14 to the owner of record, as described in subdivisions (1) and (2), by first
 15 class mail to the owners from whom the certified mail return receipt
 16 was not signed and returned. Additionally, the county auditor may
 17 determine that mailing a first class notice to or serving a notice on the
 18 property is a reasonable step to notify the owner, if the address of the
 19 owner is not the same address as the physical location of the property.
 20 If both notices are returned due to incorrect or insufficient addresses,
 21 the county auditor shall research the county auditor records to
 22 determine a more complete or accurate address. If a more complete or
 23 accurate address is found, the county auditor shall resend the notices
 24 to the address that is found in accordance with this section. Failure to
 25 obtain a more complete or accurate address does not invalidate an
 26 otherwise valid sale. The county auditor shall prepare the notice in the
 27 form prescribed by the state board of accounts. The notice must set
 28 forth the key number, if any, of the real property and a street address,
 29 if any, or other common description of the property other than a legal
 30 description. The notice must include the statement set forth in section
 31 ~~2(a)(4)~~ **2(b)(4)** of this chapter. With respect to a tract or an item of real
 32 property that is subject to sale under this chapter after June 30, 2012,
 33 and before July 1, 2013, the notice must include a statement declaring
 34 whether an ordinance adopted under IC 6-1.1-37-10.1 is in effect in the
 35 county and, if applicable, an explanation of the circumstances in which
 36 penalties on the delinquent taxes and special assessments will be
 37 waived. The county auditor must present proof of this mailing to the
 38 court along with the application for judgment and order for sale. Failure
 39 by an owner to receive or accept the notice required by this section
 40 does not affect the validity of the judgment and order. The owner of
 41 real property shall notify the county auditor of the owner's correct
 42 address. The notice required under this section is considered sufficient



1 if the notice is mailed to the address or addresses required by this
2 section.

3 (b) In addition to the notice required under subsection (a) for real
4 property on the list prepared under section 1(a)(2) (repealed) or 1.5(d)
5 of this chapter; the county auditor shall prepare and mail the notice
6 required under section 2.2 of this chapter no later than forty-five (45)
7 days after the county auditor receives the certified list from the county
8 treasurer under section 1(a) of this chapter.

9 (c) On or before the day of sale, the county auditor shall list, on the
10 tax sale record required by IC 6-1.1-25-8, all properties that will be
11 offered for sale.

12 SECTION 14. IC 6-1.1-24-4.6, AS AMENDED BY P.L.89-2007,
13 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 4.6. (a) On the day on
15 which the application for judgment and order for sale is made, the
16 county treasurer shall report to the county auditor all of the tracts and
17 real property listed in the notice required by section 2 of this chapter
18 upon which all delinquent taxes and special assessments, all penalties
19 due on the delinquencies, any unpaid costs due from a prior tax sale,
20 and the amount due under section 2(a)(3)(D) 2(b)(3)(D) of this chapter
21 have been paid up to that time. The county auditor, assisted by the
22 county treasurer, shall compare and correct the list, removing tracts and
23 real property for which all delinquencies have been paid, and shall
24 make and subscribe an affidavit in substantially the following form:

25 State of Indiana)
26) ss
27 County of _____)
28 I, _____, treasurer of the county of _____, and
29 I, _____, auditor of the county of _____, do
30 solemnly affirm that the foregoing is a true and correct list of the real
31 property within the county of _____ upon which have remained
32 delinquent uncollected taxes, special assessments, penalties and costs,
33 as required by law for the time periods set forth, to the best of my
34 knowledge and belief.

35 _____
36 County Treasurer

37 _____
38 County Auditor

39 Dated _____
40 I, _____, auditor of the county of _____, do
41 solemnly affirm that notice of the application for judgment and order
42 for sale was mailed via certified mail to the owners on the foregoing



1 list, and publication made, as required by law.

2 _____
3 County Auditor

4 Dated _____

5 (b) Application for judgment and order for sale shall be made as one
6 (1) cause of action to any court of competent jurisdiction jointly by the
7 county treasurer and county auditor. The application shall include the
8 names of at least one (1) of the owners of each tract or item of real
9 property, the dates of mailing of the notice required by ~~sections section~~
10 ~~2 and 2.2~~ of this chapter, the dates of publication required by section
11 3 of this chapter, and the affidavit and corrected list as provided in
12 subsection (a).

13 (c) Any defense to the application for judgment and order of sale
14 shall be filed with the court on or before the earliest date on which the
15 application may be made as set forth in the notice required under
16 section 2 of this chapter. The county auditor and the county treasurer
17 for the county where the real property is located are entitled to receive
18 all pleadings, motions, petitions, and other filings related to a defense
19 to the application for judgment and order of sale.

20 SECTION 15. IC 6-1.1-24-4.7, AS AMENDED BY P.L.169-2006,
21 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 4.7. (a) No later than
23 fifteen (15) days before the advertised date of the tax sale, the court
24 shall examine the list of tracts and real property as provided under
25 section 4.6 of this chapter. No later than three (3) days before the
26 advertised date of the tax sale, the court shall enter judgment for those
27 taxes, special assessments, penalties, and costs that appear to be due.
28 This judgment is considered as a judgment against each tract or item
29 of real property for each kind of tax, special assessment, penalty, or
30 cost included in it. The affidavit provided under section 4.6 of this
31 chapter is prima facie evidence of delinquency for purposes of
32 proceedings under this section. The court shall also direct the clerk to
33 prepare and enter an order for the sale of those tracts and real property
34 against which judgment is entered, **except as provided in subsection**
35 **(j).**

36 (b) Not later than seven (7) days before the advertised date of the tax
37 sale, the court shall conduct a hearing. At the hearing, the court shall
38 hear any defense offered by any person interested in any of the tracts
39 or items of real property to the entry of judgment against them, hear
40 and determine the matter in a summary manner, without pleadings, and
41 enter its judgment. The court shall enter a judgment under this
42 subsection not later than three (3) days before the advertised date of the



1 tax sale. The objection must be in writing, and no person may offer any
 2 defense unless the writing specifying the objection is accompanied by
 3 an original or a duplicate tax receipt or other supporting
 4 documentation. At least seven (7) days before the date set for the
 5 hearing, notice of the date, time, and place of the hearing shall be
 6 provided by the court to **the following:**

7 (1) Any person filing a defense to the application for judgment
 8 and order of sale.

9 (2) **Any person with a substantial property interest of record**
 10 **in a property certified not suitable for tax sale under**
 11 **IC 6-1.1-24-1.7.**

12 (c) If judgment is entered in favor of the respondent under these
 13 proceedings or if judgment is not entered for any particular tract, part
 14 of a tract, or items of real property because of an unresolved objection
 15 made under subsection (b), the court shall remove those tracts, parts of
 16 tracts, or items of real property from the list of tracts and real property
 17 provided under section 4.6 of this chapter.

18 (d) A judgment and order for sale shall contain the final listing of
 19 affected properties and the name of at least one (1) of the owners of
 20 each tract or item of real property, and shall substantially follow this
 21 form:

22 "Whereas, notice has been given of the intended application for
 23 a judgment against these tracts and real property, and no
 24 sufficient defense has been made or cause has been shown why
 25 judgment should not be entered against these tracts for taxes, and
 26 real property special assessments, penalties, and costs due and
 27 unpaid on them, therefore it is considered by the court that
 28 judgment is hereby entered against the below listed tracts and real
 29 property in favor of the state of Indiana for the amount of taxes,
 30 special assessments, penalties, and costs due severally on them;
 31 and it is ordered by the court that the several tracts or items of real
 32 property be sold as the law directs. Payments for taxes, special
 33 assessments, penalties, and costs made after this judgment but
 34 before the sale shall reduce the judgment accordingly."

35 (e) The order of the court constitutes the list of tracts and real
 36 property that shall be offered for sale under section 5 of this chapter.

37 (f) The court that enters judgment under this section shall retain
 38 exclusive continuing supervisory jurisdiction over all matters and
 39 claims relating to the tax sale.

40 (g) No error or informality in the proceedings of any of the officers
 41 connected with the assessment, levying, or collection of the taxes that
 42 does not affect the substantial justice of the tax itself shall invalidate or



1 in any manner affect the tax or the assessment, levying, or collection of
2 the tax.

3 (h) Any irregularity, informality, omission, or defective act of one
4 (1) or more officers connected with the assessment or levying of the
5 taxes may be, in the discretion of the court, corrected, supplied, and
6 made to conform to law by the court, or by the officer (in the presence
7 of the court).

8 (i) **At the hearing required by subsection (b), the court shall**
9 **hear and determine whether properties certified by the county**
10 **executive under section 1.7 of this chapter are not suitable for tax**
11 **sale. The court shall determine a property to be not suitable for tax**
12 **sale if the property:**

13 (1) contains hazardous waste or another environmental
14 hazard; or

15 (2) has unsafe building conditions;

16 for which the cost of abatement or remediation will exceed the fair
17 market value of the property.

18 (j) **The judgment and order described in subsection (d) must**
19 **also identify any properties that the court has determined to not be**
20 **suitable for tax sale. Judgment shall be entered against these**
21 **properties as provided in this section, but an order for the sale of**
22 **these properties may not be entered. As to these properties, the**
23 **judgment and order shall state in substantially the following form:**
24 **"Whereas, this court having entered judgment against these tracts**
25 **and real property, and the court having found that these properties**
26 **are not suitable for tax sale, it is ordered that, notwithstanding the**
27 **aforementioned judgment and order, the following tracts shall not**
28 **be offered for sale under IC 6-1.1-24-5, but may be disposed of by**
29 **the county executive as provided in IC 6-1.1-24-4.7(k)."**

30 (k) **The county executive has the same rights in a property**
31 **determined by the court to be not suitable for tax sale as the county**
32 **executive has in a property that is offered for sale at a tax sale but**
33 **for which an amount greater than or equal to the minimum sale**
34 **price is not received, and may dispose of the property as provided**
35 **in this chapter. If the property is disposed of by the county**
36 **executive any time within three (3) years after the conclusion of the**
37 **tax sale at which the property would have been offered for sale but**
38 **for the determination in subsection (i), the proceeds of the**
39 **disposition shall be applied in accordance with IC 6-1.1-25-9(a).**

40 SECTION 16. IC 6-1.1-24-5, AS AMENDED BY THE
41 TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL
42 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JANUARY 1, 2015 (RETROACTIVE)]; Sec. 5. (a) When a tract or an
 2 item of real property is subject to sale under this chapter, it must be
 3 sold in compliance with this section.

4 (b) The sale must:

- 5 (1) be held at the times and place stated in the notice of sale; and
 6 (2) not extend beyond one hundred seventy-one (171) days after
 7 the list containing the tract or item of real property is certified to
 8 the county auditor.

9 (c) A tract or an item of real property may not be sold under this
 10 chapter to collect:

- 11 (1) delinquent personal property taxes; or
 12 (2) taxes or special assessments which are chargeable to other real
 13 property.

14 (d) A tract or an item of real property may not be sold under this
 15 chapter if all the delinquent taxes, penalties, and special assessments
 16 on the tract or an item of real property and the amount prescribed by
 17 section ~~2(a)(3)(D)~~ **1.5 or 2(b)(3)(D)** of this chapter, **whichever**
 18 **applies**, reflecting the costs incurred by the county due to the sale, are
 19 paid before the time of sale.

20 (e) The county treasurer shall sell the tract or item of real property,
 21 subject to the right of redemption, to the highest bidder at public
 22 auction whose bid is at least the minimum bid specified in subsection
 23 (f) or (g), as applicable. **The right of redemption after a sale does not**
 24 **apply to an item of real property that is on the vacant and**
 25 **abandoned property list prepared by the county auditor under**
 26 **section 1.5 of this chapter.**

27 (f) Except as provided in **section 1.5 of this chapter and** subsection
 28 (g), a tract or an item of real property may not be sold for an amount
 29 which is less than the sum of:

- 30 (1) the delinquent taxes and special assessments on each tract or
 31 item of real property;
 32 (2) the taxes and special assessments on each tract or item of real
 33 property that are due and payable in the year of the sale,
 34 regardless of whether the taxes and special assessments are
 35 delinquent;
 36 (3) all penalties which are due on the delinquencies;
 37 (4) the amount prescribed by section ~~2(a)(3)(D)~~ **2(b)(3)(D)** of this
 38 chapter reflecting the costs incurred by the county due to the sale;
 39 (5) any unpaid costs which are due under section ~~2(b)~~ **2(c)** of this
 40 chapter from a prior tax sale; and
 41 (6) other reasonable expenses of collection, including title search
 42 expenses, uniform commercial code expenses, and reasonable



1 attorney's fees incurred by the date of the sale.

2 The amount of penalties due on the delinquencies under subdivision (3)
3 must be adjusted in accordance with IC 6-1.1-37-10.1, if applicable.

4 (g) If an ordinance adopted under section 15(a) of this chapter is in
5 effect in the county in which a tract or an item of real property is
6 located, the tract or item of real property may not be sold for an amount
7 that is less than the lesser of:

8 (1) the amount determined under subsection (f); or

9 (2) seventy-five percent (75%) of the gross assessed value of the
10 tract or item of real property, as determined on the most recent
11 assessment date.

12 (h) For purposes of the sale, it is not necessary for the county
13 treasurer to first attempt to collect the real property taxes or special
14 assessments out of the personal property of the owner of the tract or
15 real property.

16 (i) The county auditor shall serve as the clerk of the sale.

17 (j) Real property certified to the county auditor under section ~~1(a)(2)~~
18 **1.5** of this chapter (~~repealed~~) must be offered for sale in a different
19 phase of the tax sale or on a different day of the tax sale than the phase
20 or day during which other real property is offered for sale.

21 (k) The public auction required under subsection (e) may be
22 conducted by electronic means, at the option of the county treasurer.
23 The electronic sale must comply with the other statutory requirements
24 of this section. If an electronic sale is conducted under this subsection,
25 the county treasurer shall provide access to the electronic sale by
26 providing computer terminals open to the public at a designated
27 location. A county treasurer who elects to conduct an electronic sale
28 may receive electronic payments and establish rules necessary to secure
29 the payments in a timely fashion. The county treasurer may not add an
30 additional cost of sale charge to a parcel for the purpose of conducting
31 the electronic sale.

32 SECTION 17. IC 6-1.1-24-5.1, AS ADDED BY P.L.66-2014,
33 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2015]: Sec. 5.1. A business entity that seeks to register to bid
35 at a tax sale must provide a certificate of good standing or **authority**
36 **proof of registration in accordance with IC 23** from the secretary of
37 state to the county treasurer.

38 SECTION 18. IC 6-1.1-24-5.3, AS AMENDED BY P.L.88-2009,
39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 5.3. (a) This section
41 applies to the following:

42 (1) A person who:

ES 415—LS 6916/DI 58



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



1 equitable interest of a contract purchaser in a vacant or abandoned
 2 structure subject to an enforcement order under IC 32-30-6,
 3 IC 32-30-7, IC 32-30-8, or IC 36-7-9, **or a court order under**
 4 **IC 36-7-37.**

5 (7) A person who is an agent of the person described in this
 6 subsection.

7 (b) A person subject to this section may not purchase a tract offered
 8 for sale under section 5 or 6.1 of this chapter. However, this section
 9 does not prohibit a person from bidding on a tract that is owned by the
 10 person and offered for sale under section 5 of this chapter.

11 (c) The county treasurer shall require each person who will be
 12 bidding at the tax sale to sign a statement in a form substantially similar
 13 to the following:

14 "Indiana law prohibits a person who owes delinquent taxes,
 15 special assessments, penalties, interest, or costs directly
 16 attributable to a prior tax sale, from purchasing tracts or items of
 17 real property at a tax sale. I hereby affirm under the penalties for
 18 perjury that I do not owe delinquent taxes, special assessments,
 19 penalties, interest, costs directly attributable to a prior tax sale,
 20 amounts from a final adjudication in favor of a political
 21 subdivision, ~~in this county~~, any civil penalties imposed for the
 22 violation of a building code or **county** ordinance, ~~of this county~~,
 23 or any civil penalties imposed by a **county** health department. ~~in~~
 24 ~~this county~~. Further, I hereby acknowledge that any successful bid
 25 I make in violation of this statement is subject to forfeiture. In the
 26 event of forfeiture, the amount of my bid shall be applied to the
 27 delinquent taxes, special assessments, penalties, interest, costs,
 28 judgments, or civil penalties I owe, and a certificate will be issued
 29 to the county executive."

30 (d) If a person purchases a tract that the person was not eligible to
 31 purchase under this section, the sale of the property is subject to
 32 forfeiture. If the county treasurer determines or is notified not more
 33 than six (6) months after the date of the sale that the sale of the
 34 property should be forfeited, the county treasurer shall:

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

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

42 (3) remit the amounts owed from a final adjudication or civil



1 penalties in favor of a political subdivision to the appropriate
2 political subdivision; and

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

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

7 (e) A county treasurer may decline to forfeit a sale under this section
8 because of inadvertence or mistake, lack of actual knowledge by the
9 bidder, substantial harm to other parties with interests in the tract or
10 item of real property, or other substantial reasons. If the treasurer
11 declines to forfeit a sale, the treasurer shall:

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

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

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

21 SECTION 19. IC 6-1.1-24-6.3, AS AMENDED BY P.L.56-2012,
22 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 6.3. (a) The sale of
24 certificates of sale under this chapter must be held at the time and place
25 stated in the notice of sale.

26 (b) A certificate of sale may not be sold under this chapter if the
27 following are paid before the time of sale:

28 (1) All the delinquent taxes, penalties, and special assessments on
29 the tract or an item of real property.

30 (2) The amount prescribed by section ~~2(a)(3)(D)~~ **2(b)(3)(D)** of
31 this chapter, reflecting the costs incurred by the county due to the
32 sale.

33 (c) The county executive shall sell the certificate of sale, subject to
34 the right of redemption, to the highest bidder at public auction. The
35 public auction may be conducted as an electronic sale in conformity
36 with section 5(k) of this chapter.

37 (d) The county auditor shall serve as the clerk of the sale.

38 SECTION 20. IC 6-1.1-24-6.8, AS AMENDED BY THE
39 TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL
40 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 6.8. (a) For purposes of
42 this section, in a county containing a consolidated city "county



1 executive" refers to the board of commissioners of the county as
2 provided in IC 36-3-3-10.

3 (b) As used in this section, "vacant parcel" refers to a parcel that
4 satisfies the following:

5 (1) A lien has been acquired on the parcel under section 6(a) of
6 this chapter.

7 (2) If the parcel is improved on the date the certificate of sale for
8 the parcel or the vacant parcel is offered for sale under this
9 chapter, the following apply:

10 (A) One (1) or more of the following are located on the parcel:

11 (i) A structure that may be lawfully occupied for residential
12 use.

13 (ii) A structure used in conjunction with a structure that may
14 be lawfully occupied for residential use.

15 (B) The parcel is:

16 (i) on the list of vacant or abandoned properties designated
17 under section ~~1(a)(2)~~ 1.5 of this chapter; ~~(repealed)~~; or

18 (ii) not occupied by a tenant or a person having a substantial
19 property interest of public record in the parcel.

20 (3) On the date the certificate of sale for the parcel or the vacant
21 parcel is offered for sale under this chapter, the parcel is
22 contiguous to one (1) or more parcels that satisfy the following:

23 (A) One (1) or more of the following are located on the
24 contiguous parcel:

25 (i) A structure occupied for residential use.

26 (ii) A structure used in conjunction with a structure occupied
27 for residential use.

28 (B) The contiguous parcel is eligible for the standard
29 deduction under IC 6-1.1-12-37.

30 (c) A county legislative body may adopt an ordinance authorizing
31 the sale of vacant parcels and certificates of sale for vacant parcels in
32 the county under this section. The ordinance may establish criteria for
33 the identification of vacant parcels and certificates of sale for vacant
34 parcels to be offered for sale under this section. The criteria may
35 include the following:

36 (1) Limitations on the use of the parcel under local zoning and
37 land use requirements.

38 (2) If the parcel is unimproved, the minimum parcel area
39 sufficient for construction of improvements.

40 (3) Any other factor considered appropriate by the county
41 legislative body.

42 In a county containing a consolidated city, the county legislative body



1 may adopt an ordinance under this subsection only upon
 2 recommendation by the board of commissioners provided in
 3 IC 36-3-3-10.

4 (d) If the county legislative body adopts an ordinance under
 5 subsection (c), the county executive shall for each sale under this
 6 section:

- 7 (1) by resolution, and subject to the criteria adopted by the county
 8 legislative body under subsection (c), identify each vacant parcel
 9 for which the county executive desires to sell the vacant parcel or
 10 the certificate of sale for the vacant parcel under this section; and
 11 (2) subject to subsection (e), give written notice to the owner of
 12 record of each parcel referred to in subsection (b)(3) that is
 13 contiguous to the vacant parcel.

14 (e) The notice under subsection (d)(2) with respect to each vacant
 15 parcel must include at least the following:

- 16 (1) A description of the vacant parcel by:
 17 (A) legal description; and
 18 (B) parcel number or street address, or both.
 19 (2) Notice that the county executive will accept written
 20 applications from owners of parcels described in subsection (b)(3)
 21 as provided in subsection (f).
 22 (3) Notice of the deadline for applications referred to in
 23 subdivision (2) and of the information to be included in the
 24 applications.
 25 (4) Notice that the vacant parcel or certificate of sale for the
 26 vacant parcel will be sold to the successful applicant for:
 27 (A) one dollar (\$1); plus
 28 (B) the amounts described in section 5(f)(4) through 5(f)(6) of
 29 this chapter.

30 (f) To be eligible to purchase a vacant parcel or the certificate of
 31 sale for a vacant parcel under this section, the owner of a contiguous
 32 parcel referred to in subsection (b)(3) must file a written application
 33 with the county executive. The application must:

- 34 (1) identify the vacant parcel or certificate of sale that the
 35 applicant desires to purchase; and
 36 (2) include any other information required by the county
 37 executive.

38 (g) If more than one (1) application to purchase a single vacant
 39 parcel or the certificate of sale for a single vacant parcel is filed with
 40 the county executive, the county executive shall conduct a drawing
 41 between or among the applicants in which each applicant has an equal
 42 chance to be selected as the transferee of the vacant parcel or certificate



- 1 of sale for the vacant parcel.
- 2 (h) The county executive shall by resolution make a final
3 determination concerning the vacant parcels or certificates of sale for
4 vacant parcels that are to be sold under this section.
- 5 (i) After the final determination of the vacant parcels and
6 certificates of sale for vacant parcels to be sold under subsection (h),
7 the county executive shall:
- 8 (1) on behalf of the county, cause all delinquent taxes, special
9 assessments, penalties, and interest with respect to the vacant
10 parcels to be removed from the tax duplicate; and
- 11 (2) give notice of the final determination to:
- 12 (A) the successful applicant;
- 13 (B) the county auditor; and
- 14 (C) the township assessor, or the county assessor if there is no
15 township assessor for the township.
- 16 (j) Upon receipt of notice under subsection (i)(2):
- 17 (1) the county auditor shall:
- 18 (A) collect the purchase price from each successful applicant;
19 and
- 20 (B) subject to subsection (k), prepare a tax deed transferring
21 each vacant parcel to the successful applicant, if the conditions
22 of IC 6-1.1-25-4.5 and IC 6-1.1-25-4.6 are satisfied; and
- 23 (2) if the vacant parcel is unimproved, the township assessor or
24 county assessor shall consolidate each unimproved parcel sold
25 and the contiguous parcel owned by the successful applicant into
26 a single parcel.
- 27 (k) For a deed issued under subsection (j)(1)(B) before July 1, 2013,
28 a county auditor shall include in the deed prepared under subsection
29 (j)(1)(B) reference to the exemption under subsection (l).
- 30 (l) This subsection applies only to a vacant parcel consolidated with
31 a successful applicant's contiguous parcel under this section before July
32 1, 2013. Subject to subsection (m), each consolidated parcel to which
33 this subsection applies is exempt from property taxation for the period
34 beginning on the assessment date that next succeeds the consolidation
35 in the amount of the assessed value at the time of consolidation of the
36 vacant parcel that was subject to the consolidation.
- 37 (m) This subsection applies only to a vacant parcel consolidated
38 with a successful applicant's contiguous parcel under this section
39 before July 1, 2013. The exemption under subsection (l) is terminated
40 as of the assessment date that next succeeds the earlier of the
41 following:
- 42 (1) Five (5) years after the transfer of title to the successful



1 applicant.
 2 (2) The first transfer of title to the consolidated parcel that occurs
 3 after the consolidation.

4 (n) If a tax deed is issued for an improved vacant parcel after June
 5 30, 2013, under this section or under IC 6-1.1-25-4.6 following the
 6 purchase of a certificate of sale under this section, the successful
 7 applicant may not sell the improved vacant parcel until after the first
 8 anniversary of the date on which the tax deed for the improved vacant
 9 parcel is issued to the successful applicant.

10 SECTION 21. IC 6-1.1-24-13, AS AMENDED BY P.L.56-2012,
 11 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 13. (a) Whenever:

13 (1) a tract is offered for sale under this chapter; and
 14 (2) no bid is received for the minimum sale price set under section
 15 5 of this chapter;

16 the county auditor shall prepare a certified statement of the actual costs
 17 incurred by the county described in section ~~2(a)(3)(D)~~ **2(b)(3)(D)** of
 18 this chapter.

19 (b) The county auditor shall place the amount specified in the
 20 certified statement prepared under subsection (a) on the tax duplicate
 21 of the tract offered but not sold at the sale. The amount shall be
 22 collected as real property taxes are collected and paid into the county
 23 general fund.

24 (c) **Whenever the minimum sale price is not received for a**
 25 **property that is on the list of abandoned or vacant property**
 26 **prepared under section 1.5 of this chapter, the executive of the**
 27 **county, city, or town that certified the property for the list may**
 28 **request that the county auditor execute and deliver a deed for the**
 29 **property to the executive. The request must be delivered to the**
 30 **county auditor within six (6) months after the date of sale. If it is an**
 31 **executive of a city or town that certified the property for the list**
 32 **prepared under section 1.5 of this chapter, and the executive does**
 33 **not deliver a request for a deed within six (6) months after the date**
 34 **of sale, the executive of the county may request that the county**
 35 **auditor execute and deliver a deed for the property to the county**
 36 **executive. The request must be delivered to the county auditor**
 37 **within nine (9) months after the date of sale.**

38 SECTION 22. IC 6-1.1-25-0.5 IS ADDED TO THE INDIANA
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: **Sec. 0.5. This**
 41 **chapter does not apply to vacant or abandoned real property that**
 42 **is on the list prepared by the county auditor under IC 6-1.1-24-1.5**



1 **unless the bid on the real property by the highest bidder is not at**
 2 **least the minimum bid and the county auditor executes and delivers**
 3 **a deed for the real property to the executive of a county, city, or**
 4 **town under IC 6-1.1-24-13(c). There is no right to redeem real**
 5 **property under this chapter after its sale under IC 6-1.1-24, if the**
 6 **real property is on the vacant and abandoned property list**
 7 **prepared by the county auditor under IC 6-1.1-24-1.5.**

8 SECTION 23. IC 6-1.1-25-4, AS AMENDED BY P.L.94-2014,
 9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 4. (a) **There is no right**
 11 **to redeem real property under this chapter after its sale under**
 12 **IC 6-1.1-24, if the real property is on the vacant and abandoned**
 13 **property list prepared by the county auditor under IC 6-1.1-24-1.5.**
 14 The period for redemption of **any other** real property sold under
 15 IC 6-1.1-24 ~~except for IC 6-1.1-24-1.5~~ is:

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

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

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

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

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

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

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

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

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

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

33 (d) When a deed for real property is executed under this chapter, the
 34 county auditor shall cancel the certificate of sale and file the canceled
 35 certificate in the office of the county auditor. ~~If real property that~~
 36 ~~appears on the list prepared under IC 6-1.1-24-1.5 is offered for sale~~
 37 ~~and an amount that is at least equal to the minimum sale price required~~
 38 ~~under IC 6-1.1-24-5 is not received, the county auditor shall issue a~~
 39 ~~deed to the real property, subject to this chapter.~~

40 (e) When a deed is issued to a county executive under this chapter,
 41 the taxes and special assessments for which the real property was
 42 offered for sale, and all subsequent taxes, special assessments, interest,



1 penalties, and cost of sale shall be removed from the tax duplicate in
2 the same manner that taxes are removed by certificate of error.

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

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

13 (2) laws, ordinances, and regulations concerning governmental
14 police powers, including zoning, building, land use,
15 improvements on the land, land division, and environmental
16 protection; and

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

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

20 (1) does not operate to extinguish an easement recorded before
21 the date of the tax sale in the office of the recorder of the county
22 in which the real property is located, regardless of whether the
23 easement was taxed under this article separately from the real
24 property; and

25 (2) conveys title subject to all easements recorded before the date
26 of the tax sale in the office of the recorder of the county in which
27 the real property is located.

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

30 (1) the regularity of the sale of the real property described in the
31 deed;

32 (2) the regularity of all proper proceedings; and

33 (3) valid title in fee simple in the grantee of the deed.

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

40 (j) If the county executive makes the determination under subsection
41 (i) as to any interest in an oil or gas lease or separate mineral rights, the
42 county treasurer shall certify all delinquent taxes, interest, penalties,



1 and costs assessed under IC 6-1.1-24 to the clerk, following the
 2 procedures in IC 6-1.1-23-9. After the date of the county treasurer's
 3 certification, the certified amount is subject to collection as delinquent
 4 personal property taxes under IC 6-1.1-23. Notwithstanding
 5 IC 6-1.1-4-12.4 and IC 6-1.1-4-12.6, the assessed value of such an
 6 interest shall be zero (0) until production commences.

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

12 (1) the amount of:

13 (A) the last minimum bid under IC 6-1.1-24-5; plus

14 (B) any penalty associated with a delinquency that was not due
 15 until after the date of the sale under IC 6-1.1-24-5 but is due
 16 before the issuance of the certificate of sale, with respect to
 17 taxes included in the minimum bid that were not due at the
 18 time of the sale under IC 6-1.1-24-5; and

19 (2) the amount paid for the certificate of sale.

20 (l) If a tract or item of real property did not sell at a tax sale and the
 21 county treasurer and the owner of real property agree before the
 22 expiration of the period for redemption under subsection (b) to a
 23 mutually satisfactory arrangement for the payment of the entire amount
 24 required for redemption under section 2 of this chapter before the
 25 expiration of a period for redemption extended under this subsection:

26 (1) the county treasurer may extend the period for redemption;
 27 and

28 (2) except as provided in subsection (m), the extended period for
 29 redemption expires one (1) year after the date of the agreement.

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

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

41 SECTION 24. IC 6-1.1-25-4.7 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]:

ES 415—LS 6916/DI 58



1 Sec. 4.7. (a) A county auditor and county treasurer may enter into a
 2 mutual agreement for the county auditor to perform the following
 3 duties instead of the purchaser:

- 4 (1) Notification and title search under section 4.5 of this chapter.
 5 (2) Notification and petition to the court for the tax deed under
 6 section 4.6 of this chapter.

7 (b) If a county auditor and county treasurer enter into an agreement
 8 under this section, notice shall be given under ~~IC 6-1.1-24-2(a)(11)~~.
 9 **IC 6-1.1-24-2(b)(12).**

10 SECTION 25. IC 6-1.1-25-4.8 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: **Sec. 4.8. Not**
 13 **later than ninety (90) days after the conclusion of a tax sale, the**
 14 **county auditor shall provide a notice to each person with a**
 15 **substantial property interest of record in a property that was not**
 16 **offered for sale in the tax sale under IC 6-1.1-24-4.7(j). The notice**
 17 **must contain at least the following:**

- 18 (1) **The street address, if any, or a common description of the**
 19 **tract or real property.**
 20 (2) **The key number or parcel number of the tract or real**
 21 **property.**
 22 (3) **A statement that the property was not offered for sale in**
 23 **the tax sale.**
 24 (4) **A statement that the property may be redeemed by any**
 25 **person at any time until one hundred twenty (120) days after**
 26 **the conclusion of the tax sale from which the property was**
 27 **removed.**
 28 (5) **The components of the amount required to redeem the**
 29 **property.**
 30 (6) **The date of expiration of the period of redemption**
 31 **specified in section 4 of this chapter.**
 32 (7) **A statement that the property may be disposed of by the**
 33 **county executive as provided in IC 6-1.1-24.**
 34 (8) **A statement that, if the county executive disposes of the**
 35 **property within three (3) years after the conclusion of the tax**
 36 **sale at which the property would have been offered for sale,**
 37 **any amount received in excess of the amount of the minimum**
 38 **bid will be disbursed in the same manner as if the property**
 39 **had been sold in the tax sale.**

40 SECTION 26. IC 6-1.1-25-20, AS ADDED BY P.L.66-2014,
 41 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 20. A county auditor who



1 executes a tax deed under this chapter shall provide a copy of the tax
 2 deed to the grantee. The county auditor shall collect from the grantee
 3 the appropriate recording fee set forth in IC 36-2-7-10 on behalf of the
 4 county recorder and submit the tax deed directly to the county recorder
 5 for recording. The county recorder shall record the tax deed in the deed
 6 records and provide the recorded tax deed to the grantee in the normal
 7 course of business. ~~Notwithstanding IC 6-1.1-5.5-3, a sales disclosure~~
 8 ~~form for such a property satisfies the requirements of IC 6-1.1-5.5 if~~
 9 ~~only the county auditor signs the form.~~

10 SECTION 27. IC 32-29-7-3, AS AMENDED BY P.L.66-2014,
 11 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2015]: Sec. 3. (a) In a proceeding for the foreclosure of a
 13 mortgage executed on real estate, process may not issue for the
 14 execution of a judgment or decree of sale for a period of three (3)
 15 months after the filing of a complaint in the proceeding. However:

16 (1) the period is:

17 (A) twelve (12) months in a proceeding for the foreclosure of
 18 a mortgage executed before January 1, 1958; and

19 (B) six (6) months in a proceeding for the foreclosure of a
 20 mortgage executed after December 31, 1957, but before July
 21 1, 1975; and

22 (2) if the court finds under IC 32-30-10.6 that the mortgaged real
 23 estate has been abandoned, a judgment or decree of sale may be
 24 executed on the date the judgment of foreclosure or decree of sale
 25 is entered, regardless of the date the mortgage is executed.

26 (b) A judgment and decree in a proceeding to foreclose a mortgage
 27 that is entered by a court having jurisdiction may be filed with the clerk
 28 in any county as provided in IC 33-32-3-2. After the period set forth in
 29 subsection (a) expires, a person who may enforce the judgment and
 30 decree may file a praecipe with the clerk in any county where the
 31 judgment and decree is filed, and the clerk shall promptly issue and
 32 certify to the sheriff of that county a copy of the judgment and decree
 33 under the seal of the court. However, if:

34 (1) a praecipe is not filed with the clerk within one hundred eighty
 35 (180) days after the later of the dates on which:

36 (A) the period specified in subsection (a) expires; or

37 (B) the judgment and decree is filed; and

38 (2) the sale is not:

39 (A) otherwise prohibited by law;

40 (B) subject to a voluntary statewide foreclosure moratorium;

41 or

42 (C) subject to a written agreement that:



- 1 (i) provides for a delay in the sale of the mortgaged real
 2 estate; and
 3 (ii) is executed by and between the owner of the mortgaged
 4 real estate and a party entitled to enforce the judgment and
 5 decree;
 6 an enforcement authority that has issued an abatement order under
 7 IC 36-7-36-9 with respect to the mortgaged real estate may file a
 8 praecipe with the clerk in any county where the judgment and decree
 9 is filed. If an enforcement authority files a praecipe under this
 10 subsection, the clerk of the county in which the praecipe is filed shall
 11 promptly issue and certify to the sheriff of that county a copy of the
 12 judgment and decree under the seal of the court.
 13 (c) Upon receiving a certified judgment under subsection (b), the
 14 sheriff shall, subject to section 4 of this chapter, sell the mortgaged
 15 premises or as much of the mortgaged premises as necessary to satisfy
 16 the judgment, interest, and costs at public auction at the office of the
 17 sheriff or at another location that is reasonably likely to attract higher
 18 competitive bids. The sheriff shall schedule the date and time of the
 19 sheriff's sale for:
 20 (1) a date not later than:
 21 **(A) sixty (60) days after the date on which a judgment and**
 22 **decree under IC 32-30-10.6-5; and**
 23 **(B) one hundred twenty (120) days after the date on which the**
 24 **a judgment and decree in all other cases;**
 25 under seal of the court ~~are~~ **is** certified to the sheriff by the clerk;
 26 and
 27 (2) a time certain between the hours of 10 a.m. and 4 p.m. on any
 28 day of the week except Sunday.
 29 (d) Before selling mortgaged property, the sheriff must advertise the
 30 sale by publication once each week for three (3) successive weeks in
 31 a daily or weekly newspaper of general circulation. The sheriff shall
 32 publish the advertisement in at least one (1) newspaper published and
 33 circulated in each county where the real estate is situated. The first
 34 publication shall be made at least thirty (30) days before the date of
 35 sale. At the time of placing the first advertisement by publication, the
 36 sheriff shall also serve a copy of the written or printed notice of sale
 37 upon each owner of the real estate. Service of the written notice shall
 38 be made as provided in the Indiana Rules of Trial Procedure governing
 39 service of process upon a person. The sheriff shall charge a fee of ten
 40 dollars (\$10) to one (1) owner and three dollars (\$3) to each additional
 41 owner for service of written notice under this subsection. The fee is:
 42 (1) a cost of the proceeding;



- 1 (2) to be collected as other costs of the proceeding are collected;
 2 and
 3 (3) to be deposited in the county general fund for appropriation
 4 for operating expenses of the sheriff's department.
- 5 (e) The sheriff also shall post written or printed notices of the sale
 6 at the door of the courthouse of each county in which the real estate is
 7 located.
- 8 (f) If the sheriff is unable to procure the publication of a notice
 9 within the county, the sheriff may dispense with publication. The
 10 sheriff shall state that the sheriff was not able to procure the publication
 11 and explain the reason why publication was not possible.
- 12 (g) Notices under subsections (d), (e), and (i) must contain a
 13 statement, for informational purposes only, of the location of each
 14 property by street address, if any, or other common description of the
 15 property other than legal description. A misstatement in the
 16 informational statement under this subsection does not invalidate an
 17 otherwise valid sale.
- 18 (h) The sheriff may charge an administrative fee of not more than
 19 two hundred dollars (\$200) with respect to a proceeding referred to in
 20 subsection (b) for actual costs directly attributable to the administration
 21 of the sale under subsection (c). The fee is:
- 22 (1) payable by the person seeking to enforce the judgment and
 23 decree; and
 24 (2) due at the time of filing of the praecipe;
 25 under subsection (b).
- 26 (i) If a sale of mortgaged property scheduled under this section is
 27 canceled, the sheriff shall provide written notice of the cancellation to
 28 each owner of the real estate. Service of the written notice shall be
 29 made as provided in the Indiana Rules of Trial Procedure governing
 30 service of process upon a person. The sheriff shall charge a fee of ten
 31 dollars (\$10) for notice to one (1) owner and three dollars (\$3) for
 32 notice to each additional owner for service of written notice under this
 33 subsection. The fee:
- 34 (1) is a cost of the proceeding;
 35 (2) shall be collected as other costs of the proceeding are
 36 collected; and
 37 (3) shall be deposited in the county general fund for appropriation
 38 for operating expenses of the sheriff's department.
- 39 The fee for service under this subsection shall be paid by the person
 40 who caused the sale to be canceled.
- 41 SECTION 28. IC 32-30-10.3 IS ADDED TO THE INDIANA CODE
 42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]:

2 **Chapter 10.3. State Regulation of Mortgage Foreclosures**

3 **Sec. 1. The state is the sole regulator of the process of mortgage**
 4 **foreclosures, including the duties and obligations of borrowers and**
 5 **lenders in connection with mortgage foreclosures. This chapter**
 6 **preempts all other regulation of the process of mortgage**
 7 **foreclosures by a political subdivision.**

8 **Sec. 2. As used in this chapter, "political subdivision" has the**
 9 **meaning set forth in IC 36-1-2-13.**

10 **Sec. 3. A political subdivision may not do any of the following:**

11 (1) **Enact, issue, or enforce ordinances, resolutions,**
 12 **regulations, orders, requests for proposals, or requests for**
 13 **bids pertaining to mortgage foreclosure activities or practices**
 14 **and rules that disqualify persons from doing business with a**
 15 **municipality and that are based upon mortgage foreclosure**
 16 **activities or practices.**

17 (2) **Impose reporting requirements or any other obligations**
 18 **upon persons regarding mortgage foreclosure activities or**
 19 **practices or upon subsidiaries or affiliates that:**

20 (A) **are subject to the jurisdiction of the department of**
 21 **financial institutions;**

22 (B) **are subject to the jurisdiction or regulatory supervision**
 23 **of the Board of Governors of the Federal Reserve System,**
 24 **the Office of the Comptroller of the Currency, the National**
 25 **Credit Union Administration, the Federal Deposit**
 26 **Insurance Corporation, the Federal Trade Commission,**
 27 **the United States Department of Housing and Urban**
 28 **Development or the Federal Housing Finance Agency;**

29 (C) **are chartered by the United States Congress to engage**
 30 **in secondary market mortgage transactions;**

31 (D) **are created by the Indiana housing and community**
 32 **development authority; or**

33 (E) **originate, purchase, sell, assign, securitize, or service**
 34 **property interests or obligations created by financial**
 35 **transactions or loans made, executed, originated, or**
 36 **purchased by persons referred to in clauses (A), (B), (C), or**
 37 **(D).**

38 SECTION 29. IC 32-30-10.6-1, AS AMENDED BY P.L.66-2014,
 39 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 1. This chapter applies
 41 to the following:

42 (†) a mortgage foreclosure action filed under IC 32-30-10-3.



1 (2) A determination that property is abandoned or vacant for
2 purposes of IC 6-1.1-24 or IC 34-30-26-7.

3 SECTION 30. IC 32-30-10.6-2 IS REPEALED [EFFECTIVE
4 JANUARY 1, 2015 (RETROACTIVE)]. Sec. 2: As used in this
5 chapter, "enforcement authority" refers to the enforcement authority (as
6 defined in IC 36-7-9-2) that has jurisdiction in the location of the
7 property:

8 SECTION 31. IC 32-30-10.6-2.3 IS REPEALED [EFFECTIVE
9 JANUARY 1, 2015 (RETROACTIVE)]. Sec. 2-3: As used in this
10 chapter, "executive of a county" in a county containing a consolidated
11 city means the executive of the consolidated city.

12 SECTION 32. IC 32-30-10.6-3.5 IS REPEALED [EFFECTIVE
13 JANUARY 1, 2015 (RETROACTIVE)]. Sec. 3-5: (a) This section
14 applies to a property whether or not there is a mortgage on the property:

15 (b) As an alternative to seeking a determination of abandonment
16 under any other statute, the executive of a county, city, or town that:

17 (1) has jurisdiction in the location of a property; and

18 (2) does not have a person designated as a hearing authority, as
19 defined by IC 36-7-9-2;

20 may petition a court for a determination that the property is abandoned:

21 (c) A petition filed with the court under this section must do all the
22 following:

23 (1) Include a statement of the enforcement authority's jurisdiction
24 in the location of the property:

25 (2) Allege that the property is abandoned:

26 (3) Include evidence that one (1) or more of the conditions set
27 forth in section 5(a) or 5(b) of this chapter apply:

28 (d) A petition under this section shall be served on:

29 (1) the creditor and the debtor, if the property is subject to a
30 mortgage; and

31 (2) any other appropriate party;

32 in the manner prescribed by the Indiana Rules of Trial Procedure:

33 SECTION 33. IC 32-30-10.6-4, AS AMENDED BY P.L.203-2013,
34 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 4. (a) Upon receiving a
36 request for a determination of abandonment from a creditor ~~or an~~
37 ~~enforcement authority~~; through a petition or motion filed with the court
38 and served on the required parties in accordance with section 3 ~~or 3-5~~
39 of this chapter, the court shall issue an order to show cause as to why
40 the property should not be found to be abandoned **and a judgment in**
41 **rem foreclosing the mortgage entered** and directing the petitioner,
42 the debtor, and any other person or party the court considers



1 appropriate to appear before the court on a date and time specified in
 2 the order under subdivision (1). The court's order under this subsection
 3 must do the following:

4 (1) Direct the parties subject to the order to appear before the
 5 court on a date and time specified by the court. The date specified
 6 under this subdivision must not be:

7 (A) earlier than fifteen (15) days; or

8 (B) later than twenty-five (25) days;

9 after the date of the court's order under this section.

10 (2) Notify the parties subject to the order that any party ordered
 11 to appear:

12 (A) may present evidence or objections on the issue of
 13 abandonment to the court:

14 (i) in writing before the appearance date specified by the
 15 court under subdivision (1); or

16 (ii) in writing or by oral testimony on the date and at the
 17 time specified by the court under subdivision (1);

18 in the manner specified by the court; and

19 (B) has the right to be represented by an attorney when
 20 appearing before the court.

21 (3) Notify the parties subject to the order that if a party fails to:

22 (A) submit written evidence or objections to the court before
 23 the appearance date specified by the court under subdivision

24 (1); or

25 (B) appear before the court on the date and at the time
 26 specified by the court under subdivision (1);

27 the party's failure to submit evidence or objections or to appear
 28 before the court will result in a finding of abandonment **and the**
 29 **entry of an in rem judgment foreclosing the mortgage** by the
 30 court.

31 (b) A party subject to an order issued by the court under this section
 32 has the following rights, as described in the court's order under
 33 subsection (a):

34 (1) The right to present evidence or objections on the issue of
 35 abandonment to the court:

36 (A) in writing before the appearance date specified in the
 37 court's order under subsection (a)(1); or

38 (B) in writing or by oral testimony on the date and at the time
 39 specified in the court's order under subsection (a)(1);

40 in the manner specified by the court.

41 (2) The right to be represented by an attorney when appearing
 42 before the court.



1 SECTION 34. IC 32-30-10.6-5, AS AMENDED BY P.L.203-2013,
 2 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 5. (a) Subject to
 4 subsection (b), for purposes of an abandonment determination under
 5 this chapter, one (1) or more of the following constitute prima facie
 6 evidence that property is abandoned:

7 (1) The enforcement authority that has jurisdiction in the location
 8 of the property has issued an order under IC 36-7-36-9 with
 9 respect to the property.

10 (2) Windows or entrances to the property are boarded up or closed
 11 off.

12 (3) Multiple window panes on the property are broken and
 13 unrepared.

14 (4) One (1) or more doors to the property are smashed through,
 15 broken off, unhinged, or continuously unlocked.

16 (5) Gas service, electric service, water service, or other utility
 17 service to the property has been terminated.

18 (6) Rubbish, trash, or debris has accumulated on the property.

19 (7) The property is deteriorating and is either below or in
 20 imminent danger of falling below minimum community standards
 21 for public safety and sanitation.

22 (8) The creditor has changed the locks on the property and for at
 23 least fifteen (15) days after the changing of the locks the owner
 24 has not requested entrance to the property.

25 (9) There exist one (1) or more written statements, including
 26 documents of conveyance, that have been executed by the debtor,
 27 or by the debtor's personal representatives or assigns, and that
 28 indicate a clear intent to abandon the property.

29 (10) There exists other evidence indicating a clear intent to
 30 abandon the property.

31 (b) Regardless of whether any of the conditions described in
 32 subsection (a) are found to apply, the debtor's failure to either:

33 (1) present evidence or objections on the issue of abandonment to
 34 the court in writing before the appearance date specified in the
 35 court's order under section 4(a)(1) of this chapter; or

36 (2) appear before the court on the date specified in the court's
 37 order under section 4(a)(1) of this chapter;

38 constitutes prima facie evidence that the property is abandoned.

39 (c) If the court finds that:

40 (1) one (1) or more of the conditions described in subsection (a)
 41 apply; or

42 (2) the circumstances described in subsection (b) apply;



1 the court shall issue an order finding that the property is abandoned
 2 **and enter a judgment in rem foreclosing the mortgage.**

3 SECTION 35. IC 32-30-10.6-6 IS REPEALED [EFFECTIVE
 4 JANUARY 1, 2015 (RETROACTIVE)]. ~~Sec. 6. (a) This section applies~~
 5 ~~only to a petition by the executive of a county, city, or town for a court~~
 6 ~~order of abandonment.~~

7 (b) ~~Instead of providing notice at least one hundred twenty (120)~~
 8 ~~days before the date of a certification under IC 6-1.1-24-1.5, the~~
 9 ~~executive of the county, city, or town that is filing the petition may~~
 10 ~~provide the notice referred to IC 6-1.1-24-2.3 at least one hundred~~
 11 ~~twenty (120) days before a petition is filed under section 3.5 of this~~
 12 ~~chapter.~~

13 (c) ~~A court order of abandonment under this chapter authorizes the~~
 14 ~~sale of the property and transfer of the deed of the property under~~
 15 ~~IC 6-1.1-24-1.5.~~

16 SECTION 36. IC 33-37-4-4, AS AMENDED BY P.L.231-2013,
 17 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 4. (a) The clerk shall collect a civil costs fee
 19 of one hundred dollars (\$100) from a party filing a civil action. This
 20 subsection does not apply to the following civil actions:

- 21 (1) Proceedings to enforce a statute defining an infraction under
- 22 IC 34-28-5 (or IC 34-4-32 before its repeal).
- 23 (2) Proceedings to enforce an ordinance under IC 34-28-5 (or
- 24 IC 34-4-32 before its repeal).
- 25 (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- 26 (4) Proceedings in paternity under IC 31-14.
- 27 (5) Proceedings in small claims court under IC 33-34.
- 28 (6) Proceedings in actions described in section 7 of this chapter.

29 (b) In addition to the civil costs fee collected under this section, the
 30 clerk shall collect the following fees, if they are required under
 31 IC 33-37-5:

- 32 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
- 33 IC 33-37-5-4).
- 34 (2) A support and maintenance fee (IC 33-37-5-6).
- 35 (3) A document storage fee (IC 33-37-5-20).
- 36 (4) An automated record keeping fee (IC 33-37-5-21).
- 37 (5) A public defense administration fee (IC 33-37-5-21.2).
- 38 (6) A judicial insurance adjustment fee (IC 33-37-5-25).
- 39 (7) A judicial salaries fee (IC 33-37-5-26).
- 40 (8) A court administration fee (IC 33-37-5-27).
- 41 (9) A service fee (IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).
- 42 (10) A garnishee service fee (IC 33-37-5-28(b)(3) or



- 1 IC 33-37-5-28(b)(4).
- 2 (11) For a mortgage foreclosure action, a mortgage foreclosure
3 counseling and education fee (~~IC 33-37-5-32~~) **(IC 33-37-5-33)**
4 **(before its expiration on January 1, 2015): July 1, 2017).**
- 5 (12) Before July 1, 2017, a pro bono legal services fee
6 (IC 33-37-5-31).
- 7 SECTION 37. IC 33-37-5-33 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE UPON PASSAGE]: **Sec. 33. (a) This section applies to**
10 **a civil action in which the clerk is required to collect a civil costs**
11 **fee under IC 33-37-4-4. The clerk shall collect a fifty dollar (\$50)**
12 **mortgage foreclosure counseling and education fee from a party**
13 **filing an action to foreclose a mortgage.**
- 14 **(b) This section expires July 1, 2017.**
- 15 SECTION 38. IC 33-37-7-2, AS AMENDED BY P.L.284-2013,
16 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 UPON PASSAGE]: Sec. 2. (a) The clerk of a circuit court shall
18 distribute semiannually to the auditor of state as the state share for
19 deposit in the homeowner protection unit account established by
20 IC 4-6-12-9 one hundred percent (100%) of the automated record
21 keeping fees collected under IC 33-37-5-21 with respect to actions
22 resulting in the accused person entering into a pretrial diversion
23 program agreement under IC 33-39-1-8 or a deferral program
24 agreement under IC 34-28-5-1 and for deposit in the state general fund
25 seventy percent (70%) of the amount of fees collected under the
26 following:
- 27 (1) IC 33-37-4-1(a) (criminal costs fees).
28 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
29 (3) IC 33-37-4-3(a) (juvenile costs fees).
30 (4) IC 33-37-4-4(a) (civil costs fees).
31 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
32 (6) IC 33-37-4-7(a) (probate costs fees).
33 (7) IC 33-37-5-17 (deferred prosecution fees).
- 34 (b) The clerk of a circuit court shall distribute semiannually to the
35 auditor of state for deposit in the state user fee fund established in
36 IC 33-37-9-2 the following:
- 37 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
38 interdiction, and correction fees collected under
39 IC 33-37-4-1(b)(5).
40 (2) Twenty-five percent (25%) of the alcohol and drug
41 countermeasures fees collected under IC 33-37-4-1(b)(6),
42 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).



- 1 (3) One hundred percent (100%) of the child abuse prevention
 2 fees collected under IC 33-37-4-1(b)(7).
 3 (4) One hundred percent (100%) of the domestic violence
 4 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
 5 (5) One hundred percent (100%) of the highway work zone fees
 6 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
 7 (6) One hundred percent (100%) of the safe schools fee collected
 8 under IC 33-37-5-18.
 9 (7) The following:
 10 (A) For a county operating under the state's automated judicial
 11 system, one hundred percent (100%) of the automated record
 12 keeping fee (IC 33-37-5-21) not distributed under subsection
 13 (a).
 14 (B) This clause applies before July 1, 2013, and after June 30,
 15 2015. For a county not operating under the state's automated
 16 judicial system, eighty percent (80%) of the automated record
 17 keeping fee (IC 33-37-5-21) not distributed under subsection
 18 (a).
 19 (C) This clause applies after June 30, 2013, and before July 1,
 20 2015. For a county not operating under the state's automated
 21 judicial system, five dollars (\$5) of the automated record
 22 keeping fee (IC 33-37-5-21) not distributed under subsection
 23 (a).
 24 (c) The clerk of a circuit court shall distribute monthly to the county
 25 auditor the following:
 26 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 27 interdiction, and correction fees collected under
 28 IC 33-37-4-1(b)(5).
 29 (2) Seventy-five percent (75%) of the alcohol and drug
 30 countermeasures fees collected under IC 33-37-4-1(b)(6),
 31 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
 32 The county auditor shall deposit fees distributed by a clerk under this
 33 subsection into the county drug free community fund established under
 34 IC 5-2-11.
 35 (d) The clerk of a circuit court shall distribute monthly to the county
 36 auditor one hundred percent (100%) of the late payment fees collected
 37 under IC 33-37-5-22. The county auditor shall deposit fees distributed
 38 by a clerk under this subsection as follows:
 39 (1) If directed to do so by an ordinance adopted by the county
 40 fiscal body, the county auditor shall deposit forty percent (40%)
 41 of the fees in the clerk's record perpetuation fund established
 42 under IC 33-37-5-2 and sixty percent (60%) of the fees in the



- 1 county general fund.
- 2 (2) If the county fiscal body has not adopted an ordinance
3 described in subdivision (1), the county auditor shall deposit all
4 the fees in the county general fund.
- 5 (e) The clerk of the circuit court shall distribute semiannually to the
6 auditor of state for deposit in the sexual assault victims assistance
7 account established by IC 5-2-6-23(h) one hundred percent (100%) of
8 the sexual assault victims assistance fees collected under
9 IC 33-37-5-23.
- 10 (f) The clerk of a circuit court shall distribute monthly to the county
11 auditor the following:
- 12 (1) One hundred percent (100%) of the support and maintenance
13 fees for cases designated as non-Title IV-D child support cases in
14 the Indiana support enforcement tracking system (ISETS) or the
15 successor statewide automated support enforcement system
16 collected under IC 33-37-5-6.
- 17 (2) The percentage share of the support and maintenance fees for
18 cases designated as Title IV-D child support cases in ISETS or the
19 successor statewide automated support enforcement system
20 collected under IC 33-37-5-6 that is reimbursable to the county at
21 the federal financial participation rate.
- 22 The county clerk shall distribute monthly to the department of child
23 services the percentage share of the support and maintenance fees for
24 cases designated as Title IV-D child support cases in ISETS, or the
25 successor statewide automated support enforcement system, collected
26 under IC 33-37-5-6 that is not reimbursable to the county at the
27 applicable federal financial participation rate.
- 28 (g) The clerk of a circuit court shall distribute monthly to the county
29 auditor the following:
- 30 (1) One hundred percent (100%) of the small claims service fee
31 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
32 the county general fund.
- 33 (2) One hundred percent (100%) of the small claims garnishee
34 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
35 deposit in the county general fund.
- 36 (h) This subsection does not apply to court administration fees
37 collected in small claims actions filed in a court described in IC 33-34.
38 The clerk of a circuit court shall semiannually distribute to the auditor
39 of state for deposit in the state general fund one hundred percent
40 (100%) of the following:
- 41 (1) The public defense administration fee collected under
42 IC 33-37-5-21.2.



- 1 (2) The judicial salaries fees collected under IC 33-37-5-26.
 2 (3) The DNA sample processing fees collected under
 3 IC 33-37-5-26.2.
 4 (4) The court administration fees collected under IC 33-37-5-27.
 5 (i) The clerk of a circuit court shall semiannually distribute to the
 6 auditor of state for deposit in the judicial branch insurance adjustment
 7 account established by IC 33-38-5-8.2 one hundred percent (100%) of
 8 the judicial insurance adjustment fee collected under IC 33-37-5-25.
 9 (j) The proceeds of the service fee collected under
 10 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
 11 follows:
 12 (1) The clerk shall distribute one hundred percent (100%) of the
 13 service fees collected in a circuit, superior, county, or probate
 14 court to the county auditor for deposit in the county general fund.
 15 (2) The clerk shall distribute one hundred percent (100%) of the
 16 service fees collected in a city or town court to the city or town
 17 fiscal officer for deposit in the city or town general fund.
 18 (k) The proceeds of the garnishee service fee collected under
 19 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
 20 follows:
 21 (1) The clerk shall distribute one hundred percent (100%) of the
 22 garnishee service fees collected in a circuit, superior, county, or
 23 probate court to the county auditor for deposit in the county
 24 general fund.
 25 (2) The clerk shall distribute one hundred percent (100%) of the
 26 garnishee service fees collected in a city or town court to the city
 27 or town fiscal officer for deposit in the city or town general fund.
 28 (l) The clerk of the circuit court shall distribute semiannually to the
 29 auditor of state for deposit in the home ownership education account
 30 established by IC 5-20-1-27 one hundred percent (100%) of the
 31 following:
 32 (1) The mortgage foreclosure counseling and education fees
 33 collected under ~~IC 33-37-5-32~~ **IC 33-37-5-33** (before its
 34 expiration on ~~January 1, 2015~~; **July 1, 2017**).
 35 (2) Any civil penalties imposed and collected by a court for a
 36 violation of a court order in a foreclosure action under
 37 IC 32-30-10.5.
 38 (m) This subsection applies to a county that is not operating under
 39 the state's automated judicial system. The clerk of a circuit court shall
 40 distribute monthly to the county auditor the following part of the
 41 automated record keeping fee (IC 33-37-5-21) not distributed under
 42 subsection (a) for deposit in the clerk's record perpetuation fund:



- 1 (1) Twenty percent (20%), before July 1, 2013, and after June 30,
2 2015.
- 3 (2) Two dollars (\$2) of each fee collected, after June 30, 2013,
4 and before July 1, 2015.
- 5 (n) The clerk of a circuit court shall distribute semiannually to the
6 auditor of state one hundred percent (100%) of the pro bono legal
7 services fees collected before July 1, 2017, under IC 33-37-5-31. The
8 auditor of state shall transfer semiannually the pro bono legal services
9 fees to the Indiana Bar Foundation (or a successor entity) as the entity
10 designated to organize and administer the interest on lawyers trust
11 accounts (IOLTA) program under Rule 1.15 of the Rules of
12 Professional Conduct of the Indiana supreme court. The Indiana Bar
13 Foundation shall:
- 14 (1) deposit in an appropriate account and otherwise manage the
15 fees the Indiana Bar Foundation receives under this subsection in
16 the same manner the Indiana Bar Foundation deposits and
17 manages the net earnings the Indiana Bar Foundation receives
18 from IOLTA accounts; and
- 19 (2) use the fees the Indiana Bar Foundation receives under this
20 subsection to assist or establish approved pro bono legal services
21 programs.
- 22 The handling and expenditure of the pro bono legal services fees
23 received under this section by the Indiana Bar Foundation (or its
24 successor entity) are subject to audit by the state board of accounts. The
25 amounts necessary to make the transfers required by this subsection are
26 appropriated from the state general fund.
- 27 SECTION 39. IC 34-30-26-7, AS ADDED BY P.L.66-2014,
28 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2015]: Sec. 7. (a) This section applies to real property for
30 which **the executive of** a city, town, or county **or an enforcement**
31 **authority (as defined by IC 36-7-9-2)** has obtained a **judgment**
32 **determination of abandonment** under ~~IC 32-30-10.6~~ **that the real**
33 **property is (1) vacant; or (2) abandoned; due to a request for a**
34 **determination by an enforcement authority. IC 36-7-37 or IC 36-7-9.**
- 35 (b) A city, town, or county may provide a potential purchaser or a
36 potential lender to a person who may want to purchase the real property
37 an opportunity to visually inspect the real property, if accompanied by
38 the appropriate enforcement authority. The appropriate enforcement
39 authority may accompany the person in inspecting the real property and
40 may enter upon the real property, including any structure located on the
41 real property, to visually inspect the real property to determine whether
42 the real property may be desirable. For purposes of a visual inspection



- 1 under this section, a potential purchaser or a potential lender may not:
 2 (1) request a utility provider or the city, town, or county to
 3 connect or turn on utilities to the real property; or
 4 (2) physically disturb or alter the real property.
 5 (c) An enforcement authority or a person that enters upon the
 6 premises of real property as permitted under this section:
 7 (1) is immune from civil liability for an act or omission related to
 8 the entry, unless the act or omission constitutes gross negligence
 9 or willful, wanton, or intentional misconduct; and
 10 (2) shall be held harmless from and against all claims of civil or
 11 criminal trespass.
 12 SECTION 40. IC 36-7-9-5, AS AMENDED BY P.L.203-2013,
 13 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2015]: Sec. 5. (a) The enforcement authority may issue an
 15 order requiring action relative to any unsafe premises, including:
 16 (1) vacating of an unsafe building;
 17 (2) sealing an unsafe building against intrusion by unauthorized
 18 persons, in accordance with a uniform standard established by
 19 ordinance;
 20 (3) extermination of vermin in and about the unsafe premises;
 21 (4) removal of trash, debris, fire hazardous material, or a public
 22 health hazard in and about the unsafe premises;
 23 (5) repair or rehabilitation of an unsafe building to bring it into
 24 compliance with standards for building condition or maintenance
 25 required for human habitation, occupancy, or use by a statute, a
 26 rule adopted under IC 4-22-2, or an ordinance;
 27 (6) demolition and removal of part of an unsafe building;
 28 (7) demolition and removal of an unsafe building if:
 29 (A) the general condition of the building warrants removal; or
 30 (B) the building continues to require reinspection and
 31 additional abatement action after an initial abatement action
 32 was taken pursuant to notice and an order; and
 33 (8) requiring, for an unsafe building that will be sealed for a
 34 period of more than ninety (90) days:
 35 (A) sealing against intrusion by unauthorized persons and the
 36 effects of weather;
 37 (B) exterior improvements to make the building compatible in
 38 appearance with other buildings in the area; and
 39 (C) continuing maintenance and upkeep of the building and
 40 premises;
 41 in accordance with standards established by ordinance.
 42 Notice of the order must be given under section 25 of this chapter. The



1 ordered action must be reasonably related to the condition of the unsafe
 2 premises and the nature and use of nearby properties. The order
 3 supersedes any permit relating to building or land use, whether that
 4 permit is obtained before or after the order is issued.

5 (b) The order must contain **the following:**

6 (1) The name of the person to whom the order is issued.

7 (2) The legal description or address of the unsafe premises that
 8 are the subject of the order.

9 (3) The action that the order requires.

10 (4) The period of time in which the action is required to be
 11 accomplished, measured from the time when the notice of the
 12 order is given.

13 (5) If a hearing is required, a statement indicating the exact time
 14 and place of the hearing, and stating that person to whom the
 15 order was issued is entitled to appear at the hearing with or
 16 without legal counsel, present evidence, cross-examine opposing
 17 witnesses, and present arguments.

18 (6) If a hearing is not required, a statement that an order under
 19 subsection (a)(2), (a)(3), (a)(4), or (a)(5) becomes final ten (10)
 20 days after notice is given, unless a hearing is requested in writing
 21 by a person holding a fee interest, life estate interest, or equitable
 22 interest of a contract purchaser in the unsafe premises, and the
 23 request is delivered to the enforcement authority before the end
 24 of the ten (10) day period.

25 (7) A statement briefly indicating what action can be taken by the
 26 enforcement authority if the order is not complied with.

27 (8) A statement indicating the obligation created by section 27 of
 28 this chapter relating to notification of subsequent interest holders
 29 and the enforcement authority. ~~and~~

30 (9) The name, address, and telephone number of the enforcement
 31 authority.

32 **(10) A statement that the hearing authority may determine**
 33 **the property to be abandoned as provided in IC 36-7-37.**

34 (c) The order must allow a sufficient time, of at least ten (10) days,
 35 but not more than sixty (60) days, from the time when notice of the
 36 order is given, to accomplish the required action. If the order allows
 37 more than thirty (30) days to accomplish the action, the order may
 38 require that a substantial beginning be made in accomplishing the
 39 action within thirty (30) days.

40 (d) The order expires two (2) years from the day the notice of the
 41 order is given, unless one (1) or more of the following events occurs
 42 within that two (2) year period:



- 1 (1) A complaint requesting judicial review is filed under section
2 8 of this chapter.
- 3 (2) A contract for action required by the order is let at public bid
4 under section 11 of this chapter.
- 5 (3) A civil action is filed under section 17 of this chapter.
- 6 (e) If the order contains a statement under subsection (a)(6) or
7 (a)(7), notice of the order shall be given to each person with a known
8 or recorded substantial property interest.
- 9 SECTION 41. IC 36-7-9-7, AS AMENDED BY P.L.88-2009,
10 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2015]: Sec. 7. (a) A hearing must be held relative to each
12 order of the enforcement authority, except for an order issued under
13 section 5(a)(2), 5(a)(3), 5(a)(4), **or** 5(a)(5), **or** 7.5 of this chapter. An
14 order issued under section 5(a)(2), 5(a)(3), 5(a)(4), **or** 5(a)(5), **or** 7.5
15 of this chapter becomes final ten (10) days after notice is given, unless
16 a hearing is requested before the ten (10) day period ends by a person
17 holding a fee interest, life estate interest, mortgage interest, or equitable
18 interest of a contract purchaser in the unsafe premises. The hearing
19 shall be conducted by the hearing authority.
- 20 (b) The hearing shall be held on a business day no earlier than ten
21 (10) days after notice of the order is given. The hearing authority may,
22 however, take action at the hearing, or before the hearing if a written
23 request is received by the enforcement authority not later than five (5)
24 days after notice is given, to continue the hearing to a business day not
25 later than fourteen (14) days after the hearing date shown on the order.
26 Unless the hearing authority takes action to have the continued hearing
27 held on a definite, specified date, notice of the continued hearing must
28 be given to the person to whom the order was issued at least five (5)
29 days before the continued hearing date, in the manner prescribed by
30 section 25 of this chapter. If the order being considered at the
31 continued hearing was served by publication, it is sufficient to give
32 notice of the continued hearing by publication unless the enforcement
33 authority has received information in writing that enables it to make
34 service under section 25 of this chapter by a method other than
35 publication.
- 36 (c) The person to whom the order was issued, any person having a
37 substantial property interest in the unsafe premises that are the subject
38 of the order, or any other person with an interest in the proceedings
39 may appear in person or by counsel at the hearing. Each person
40 appearing at the hearing is entitled to present evidence, cross-examine
41 opposing witnesses, and present arguments.
- 42 (d) At the conclusion of any hearing at which a continuance is not



1 granted, the hearing authority may make findings and take action to:

2 (1) affirm the order;

3 (2) rescind the order; or

4 (3) modify the order, but unless the person to whom the order was
5 issued, or counsel for that person, is present at the hearing, the
6 hearing authority may modify the order in only a manner that
7 makes its terms less stringent.

8 (e) In addition to affirming the order, in those cases in which the
9 hearing authority finds that there has been a willful failure to comply
10 with the order, the hearing authority may impose a civil penalty in an
11 amount not to exceed five thousand dollars (\$5,000). The effective date
12 of the civil penalty may be postponed for a reasonable period, after
13 which the hearing authority may order the civil penalty reduced or
14 stricken if the hearing authority is satisfied that all work necessary to
15 fully comply with the order has been done. For purposes of an appeal
16 under section 8 of this chapter or enforcement of an order under section
17 17 of this chapter, action of the hearing authority is considered final
18 upon the affirmation of the order, even though the hearing authority
19 may retain jurisdiction for the ultimate determination related to the
20 civil penalty. In the hearing authority's exercise of continuing
21 jurisdiction, the hearing authority may, in addition to reducing or
22 striking the civil penalty, impose one (1) or more additional civil
23 penalties in an amount not to exceed five thousand dollars (\$5,000) per
24 civil penalty. An additional civil penalty may be imposed if the hearing
25 authority finds that:

26 (1) significant work on the premises to comply with the affirmed
27 order has not been accomplished; and

28 (2) the premises have a negative effect on property values or the
29 quality of life of the surrounding area or the premises require the
30 provision of services by local government in excess of the
31 services required by ordinary properties.

32 **The hearing authority may not impose an additional civil penalty**
33 **in a hearing to review a civil penalty imposed by the enforcement**
34 **authority under section 7.5 of this chapter.**

35 (f) If, at a hearing, a person to whom an order has been issued
36 requests an additional period to accomplish action required by the
37 order, and shows good cause for this request to be granted, the hearing
38 authority may grant the request. However, as a condition for allowing
39 the additional period, the hearing authority may require that the person
40 post a performance bond to be forfeited if the action required by the
41 order is not completed within the additional period.

42 (g) If an order is affirmed or modified, the hearing authority shall



- 1 issue a continuous enforcement order (as defined in section 2 of this
2 chapter).
- 3 (h) The board or commission having control over the department
4 shall, at a public hearing, after having given notice of the time and
5 place of the hearing by publication in accordance with IC 5-3-1, adopt
6 a schedule setting forth the maximum amount of performance bonds
7 applicable to various types of ordered action. The hearing authority
8 shall use this schedule to fix the amount of the performance bond
9 required under subsection (f).
- 10 (i) The record of the findings made and action taken by the hearing
11 authority at the hearing shall be available to the public upon request.
12 However, neither the enforcement authority nor the hearing authority
13 is required to give any person notice of the findings and action.
- 14 (j) If a civil penalty under subsection (e) is unpaid for more than
15 fifteen (15) days after payment of the civil penalty is due, the civil
16 penalty may be collected from any person against whom the hearing
17 officer assessed the civil penalty or fine. A civil penalty or fine may be
18 collected under this subsection in the same manner as costs under
19 section 13 or 13.5 of this chapter. The amount of the civil penalty or
20 fine that is collected shall be deposited in the unsafe building fund.
- 21 SECTION 42. IC 36-7-9-7.5 IS ADDED TO THE INDIANA CODE
22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
23 1, 2015]: **Sec. 7.5. (a) This section applies to an order issued under
24 section 5(a)(5) of this chapter for which a hearing was not
25 requested as provided in section 7 of this chapter.**
- 26 (b) **If the person to whom the order was issued fails or refuses
27 to comply with the order within sixty (60) days or the time
28 specified in the order, the enforcement authority may impose a
29 civil penalty not to exceed two thousand five hundred dollars
30 (\$2,500). The enforcement authority shall give notice of the civil
31 penalty to all persons with a known or recorded substantial
32 property interest in the unsafe premises.**
- 33 (c) **After a civil penalty is imposed under subsection (b), the
34 enforcement authority may impose an additional civil penalty in an
35 amount not to exceed one thousand dollars (\$1,000) every ninety
36 (90) days if the person to whom the order was issued continues to
37 fail or refuse to comply with the order.**
- 38 (d) **If a civil penalty under this section is unpaid for more than
39 fifteen (15) days after payment of the civil penalty is due, the civil
40 penalty may be collected in the same manner as costs under section
41 13 or 13.5 of this chapter. The amount of the civil penalty that is
42 collected shall be deposited in the unsafe building fund.**



1 SECTION 43. IC 36-7-9-8, AS AMENDED BY P.L.169-2006,
2 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 8. (a) An action taken **by the hearing authority**
4 under section 7(d), **or 7(e), or 9(d)** of this chapter **or a finding by the**
5 **hearing authority of abandonment under IC 36-7-37** is subject to
6 review by the circuit or superior court of the county in which the unsafe
7 premises are located, on request of:

8 (1) any person who has a substantial property interest in the
9 unsafe premises; or

10 (2) any person to whom that order **or finding** was issued.

11 (b) A person requesting judicial review under this section must file
12 a verified complaint including the findings of fact and the action taken
13 by the hearing authority. The complaint must be filed within ten (10)
14 days after the date when the action was taken.

15 (c) An appeal under this section is an action de novo. The court may
16 affirm, modify, or reverse the action taken by the hearing authority.

17 SECTION 44. IC 36-7-9-9 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) If the
19 enforcement authority finds it necessary to take emergency action
20 concerning an unsafe premises in order to protect life, safety, or
21 property, it may take that action without issuing an order or giving
22 notice. However, this emergency action must be limited to removing
23 any immediate danger.

24 (b) The department, acting through the enforcement authority, may
25 recover the costs incurred by the enforcement authority in taking
26 emergency action, by filing a civil action in the circuit court or superior
27 court of the county against the persons who held a fee interest, life
28 estate interest, or equitable interest of a contract purchaser in the unsafe
29 premises at the time the enforcement authority found it necessary to
30 take emergency action. The department is not liable for the costs of this
31 civil action.

32 (c) If an unsafe premises poses an immediate danger to the life or
33 safety of persons occupying or using nearby property, the enforcement
34 authority may, without following this chapter's requirements for issuing
35 an order and giving notice, take emergency action to require persons to
36 vacate and not use the nearby property until the danger has passed.
37 However, any person required to vacate an unsafe premises under this
38 subsection may challenge in an emergency court proceeding the
39 enforcement authority's determination that the premises poses an
40 immediate danger to the life or safety of any person. In an emergency
41 court proceeding, the enforcement authority has the burden of proving
42 that emergency action is necessary to protect from immediate danger



1 the life or safety of persons occupying or using nearby property.

2 **(d) Instead of filing a civil action to recover the costs incurred**
 3 **by the enforcement authority in taking emergency action, the**
 4 **enforcement authority may set a hearing for the hearing authority**
 5 **to review the necessity of the emergency action and the amount of**
 6 **the costs of the emergency action. Notice of the hearing must be**
 7 **provided to each person with a known or recorded substantial**
 8 **property interest in the unsafe premises. If the emergency action**
 9 **or the costs of the emergency action are determined by the hearing**
 10 **authority to have been an abuse of discretion or otherwise**
 11 **unlawful, the hearing authority may reduce or deny the costs of the**
 12 **emergency action as warranted under the circumstances;**
 13 **otherwise, the hearing authority shall affirm the costs of the**
 14 **emergency action. The amount of the costs affirmed by the hearing**
 15 **authority may then be collected as provided in sections 12 through**
 16 **13.5 of this chapter.**

17 SECTION 45. IC 36-7-9-12, AS AMENDED BY P.L.68-2010,
 18 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2015]: Sec. 12. (a) When action required by an order is
 20 performed by the enforcement authority or by a contractor acting under
 21 section 9 or 11 of this chapter, each person who held a fee interest, life
 22 estate interest, or equitable interest of a contract purchaser in the unsafe
 23 premises from the time when the order requiring the work performed
 24 was issued to the time that the work was completed, **or, if emergency**
 25 **action was taken under section 9 of this chapter, during the time of**
 26 **such emergency action**, is jointly and severally responsible for the
 27 following costs:

28 (1) The:

29 **(A) actual cost of the emergency action taken, as affirmed**
 30 **by the hearing authority; or**

31 **(B) actual cost of the work performed by the enforcement**
 32 **authority or the bid price of work accomplished by the**
 33 **contractor under section 11 of this chapter.**

34 (2) An amount that represents a reasonable forecast of the average
 35 processing expense that will be incurred by the enforcement
 36 authority in taking the technical, administrative, and legal actions
 37 concerning typical unsafe premises that are necessary under this
 38 chapter so that the action required by an order may be performed
 39 by a contractor under section 9 or 11 of this chapter. In
 40 calculating the amount of the average processing expense, the
 41 following costs may be considered:

42 (A) The cost of obtaining reliable information about the



- 1 identity and location of persons who own a substantial
 2 property interest in the unsafe premises.
- 3 (B) The cost of notice of orders, notice of statements of
 4 rescission, notice of continued hearing, notice of statements
 5 that public bids are to be let or that the enforcement authority
 6 intends to accomplish the work, and notice that a hearing may
 7 be held on the amounts indicated in the record, in accordance
 8 with section 25 of this chapter.
- 9 (C) Salaries for employees.
- 10 (D) The cost of supplies, equipment, and office space.
- 11 (b) The board or commission having control over the department
 12 shall determine the amount of the average processing expense at the
 13 public hearing, after notice has been given in the same manner as is
 14 required for other official action of the board or commission. In
 15 determining the average processing expense, the board or commission
 16 may fix the amount at a full dollar amount that is an even multiple of
 17 ten (10).
- 18 SECTION 46. IC 36-7-9-13.5, AS AMENDED BY P.L.169-2006,
 19 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2015]: Sec. 13.5. (a) This section does not apply to the
 21 collection of an amount if a court determines under section 13 of this
 22 chapter that the enforcement authority is not entitled to the amount.
- 23 (b) If:
- 24 (1) all or any part of the costs listed in section 12 of this chapter
 25 remain unpaid for any unsafe premises (other than unsafe
 26 premises owned by a governmental entity) for more than fifteen
 27 (15) days after completion of the work; **or**
- 28 (2) **emergency action was taken under section 9 of this**
 29 **chapter, for more than fifteen (15) days after the costs of the**
 30 **emergency action have been affirmed by the hearing**
 31 **authority;**
- 32 the enforcement authority may send notice under section 25 of this
 33 chapter to each person who held a known or recorded fee interest, life
 34 estate interest, or equitable interest of a contract purchaser in the unsafe
 35 premises. If the notice is sent, the enforcement authority shall also send
 36 notice to any mortgagee with a known or recorded substantial property
 37 interest. The notice must require full payment of the amount owed
 38 within thirty (30) days.
- 39 (c) If full payment of the amount owed is not made less than thirty
 40 (30) days after the notice is delivered, the enforcement officer may
 41 certify the following information to the county auditor:
- 42 (1) The name of each person who held a known or recorded fee



- 1 interest, life estate interest, or equitable interest of a contract
 2 purchaser in the unsafe premises.
- 3 (2) The description of the unsafe premises, as shown by the
 4 records of the county auditor.
- 5 (3) The amount of the delinquent payment, including all costs
 6 described in section 12 of this chapter.
- 7 (d) The county auditor shall place the total amount certified under
 8 subsection (c) on the tax duplicate for the affected property as a special
 9 assessment. The total amount, including accrued interest, shall be
 10 collected as delinquent taxes are collected.
- 11 (e) An amount collected under subsection (d), after all other taxes
 12 have been collected and disbursed, shall be disbursed to the unsafe
 13 building fund.
- 14 (f) A judgment entered under section 13, 19, 21, or 22 of this
 15 chapter may be certified to the auditor and collected under this section.
 16 However, a judgment lien need not be obtained under section 13 of this
 17 chapter before a debt is certified under this section.
- 18 SECTION 47. IC 36-7-9-20.5 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2015]: **Sec. 20.5. (a) This section applies only
 21 to property determined to be:**
- 22 **(1) an unsafe premises under this chapter; and**
 23 **(2) abandoned under IC 36-7-37.**
- 24 **(b) The circuit court of the county in which the unit is located
 25 shall appoint the hearing authority.**
- 26 **(c) A city, town, or county having an enforcement authority may
 27 adopt or amend an ordinance to set requirements for the receiver
 28 that are more stringent than is provided in this section.**
- 29 **(d) Upon the request of the enforcement authority or the
 30 enforcement authority's designee, a circuit court acting under
 31 section 17 of this chapter may appoint a receiver to take possession
 32 of, rehabilitate, and transfer the property. The receiver may be any
 33 competent person who has been approved by the enforcement
 34 authority.**
- 35 **(e) If the enforcement authority or the enforcement authority's
 36 designee requests the appointment of a receiver, all persons having
 37 a substantial interest in the property shall be made party
 38 defendants and given notice.**
- 39 **(f) A receiver shall provide written notice to the county auditor
 40 and the county treasurer that a receiver has been appointed.**
- 41 **(g) The county treasurer may file a proof of claim with the
 42 receiver that identifies the taxes that are owed at the time the**



1 receiver took possession of the property. The proof of claim must
 2 include a detailed breakdown of all taxes, special assessments, fees,
 3 fines from the enforcement authority, and penalties that are owed
 4 on the property.

5 (h) The county treasurer may request that the county auditor
 6 waive penalties that incurred after the proof of claim is filed. The
 7 county auditor may waive such penalties.

8 (i) A receiver appointed to transfer property may do the
 9 following:

10 (1) Enter into contracts and do all things necessary to
 11 maintain, rehabilitate, and prepare the property for sale,
 12 including demolition of structures or parts of structures that
 13 may not reasonably be rehabilitated.

14 (2) Enter into any contracts and do all things necessary to
 15 accomplish the transfer of the property.

16 (3) Investigate claims on the proceeds of sale submitted under
 17 subsection (k).

18 The enforcement authority may utilize funds from the unsafe
 19 building fund for expenses incurred by the receiver in carrying out
 20 the receiver's responsibilities.

21 (j) A transfer under this section shall be conducted as follows:

22 (1) The property shall be offered at a public auction, unless
 23 the property is claimed at any time by a recorded owner of
 24 the property.

25 (2) A bidder must be in good standing as determined by the
 26 enforcement authority or by the receiver acting as the
 27 enforcement authority's designee. The receiver may establish
 28 minimum qualifications for bidders, investigate a bidder's
 29 qualifications and ability to rehabilitate the property, and
 30 prequalify bidders before holding an auction. A person
 31 prohibited from bidding at an auction held under
 32 IC 6-1.1-24-6.1 may not bid at a receiver's auction held under
 33 this section.

34 (3) The receiver may establish a minimum bid for the auction.

35 (4) Notice of the auction must be given by publication and
 36 such other means as determined by the receiver at least thirty
 37 (30) days before the auction.

38 (5) The receiver may cancel the auction at any time and for
 39 any reason. The auction may be rescheduled as determined by
 40 the receiver.

41 (6) The receiver may impose any reasonable conditions upon
 42 the sale.



1 (k) After the transfer of title to the purchaser, the receiver shall
 2 serve a notice on all persons who, before the transfer, had a known
 3 or recorded substantial property interest in the property. The
 4 notice must contain the following information:

5 (1) The fact of the transfer and the purchase price paid.

6 (2) The order in which the proceeds of the sale are to be
 7 applied as described in subsection (l).

8 (3) Instructions for submitting a claim.

9 (4) The date by which a claim must be submitted, which may
 10 not be less than ninety (90) days after the date the notice is
 11 served.

12 (5) If the receiver takes reasonable steps but is unable to
 13 locate a person entitled to notice under this subsection, the
 14 receiver may serve the notice by publication. Any proceeds
 15 from the sale remaining after all claims have been paid shall
 16 be deposited in the unsafe building fund or a fund designated
 17 by the local ordinance.

18 (l) The proceeds of the sale shall be applied in the following
 19 order:

20 (1) Current year taxes of not to exceed two thousand five
 21 hundred dollars (\$2,500).

22 (2) The receiver's expenses, including administrative
 23 expenses, and costs of sale.

24 (3) Any additional current year taxes in addition to the limit
 25 set in subdivision (1), delinquent taxes, and penalties, unpaid
 26 fees and fines issued by the enforcement authority, and special
 27 assessment accrued on the property.

28 (4) Any liens on the property in their order of priority.

29 (5) Any remaining money shall be paid to the divested owner.

30 (m) The issuing authority of the special assessments may choose
 31 to waive the special assessments and not collect them.

32 (n) A deed executed under this section vests in the grantee an
 33 estate in fee simple absolute, free and clear of all liens and
 34 encumbrances created or suffered before or after the sale except
 35 those liens granted priority under federal law and the lien of the
 36 state or a political subdivision for taxes and special assessments
 37 that accrue after the sale. However, subject to subsection (o), the
 38 estate is subject to the following:

39 (1) All easements, covenants, declarations, and other deed
 40 restrictions shown by public records.

41 (2) Laws, ordinances, and regulations concerning
 42 governmental police powers, including zoning, building, land



1 use, improvements on the land, land division, and
2 environmental protection.

3 **(3) Liens and encumbrances created or suffered by the**
4 **grantee.**

5 **(o) A deed executed under this section:**

6 **(1) does not operate to extinguish an easement recorded**
7 **before the date of the sale in the office of the recorder of the**
8 **county in which the real property is located, regardless of**
9 **whether the easement was taxed separately from the real**
10 **estate; and**

11 **(2) conveys title subject to all easements recorded before the**
12 **date of the sale in the office of the recorder of the county in**
13 **which the real property is located.**

14 SECTION 48. IC 36-7-9-26 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 26. (a) The
16 enforcement authority shall record in the office of the county recorder
17 orders issued under section 5(a)(6), 5(a)(7), ~~or 6(a)~~, **or 7.5** of this
18 chapter. If the enforcement authority records an order issued under
19 section 5(a)(6), 5(a)(7), ~~or 6(a)~~, **or 7.5** of this chapter, statements of
20 rescission issued under section 6(b) of this chapter, statements that
21 public bids are to be let under section 11 of this chapter, and records of
22 action in which the order is affirmed, modified, or rescinded taken by
23 the hearing authority under section 7 of this chapter shall be recorded.
24 The recorder shall charge the fee required under IC 36-2-7-10 for
25 recording these items.

26 (b) A person who takes an interest in unsafe premises that are the
27 subject of a recorded order takes that interest, whether or not a hearing
28 has been held, subject to the terms of the order and other documents
29 recorded under subsection (a) and in such a manner that all of the
30 requirements of sections 10, 11, and 17 through 22 of this chapter
31 relating to the issuance of orders, service of orders and affirmation of
32 orders are considered satisfied. If a hearing has been held, the interest
33 is taken subject to the terms of the order as modified at the hearing, in
34 other documents recorded under subsection (a), and in such a manner
35 that all of the requirements of sections 10, 11, and 17 through 22 of this
36 chapter relating to the issuance of orders, service of orders, and
37 modification of orders at hearing are considered satisfied.

38 (c) A person who takes an interest in unsafe premises that are the
39 subject of a recorded statement that public bids are to be let takes the
40 interest subject to the terms of the statement and in such a manner that
41 the notice of the statement required by section 11 of this chapter is
42 considered given to the person.



1 SECTION 49. IC 36-7-37 IS ADDED TO THE INDIANA CODE
 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 3 JANUARY 1, 2015 (RETROACTIVE)]:

4 **Chapter 37. Determination of Abandoned Property**

5 **Sec. 1. (a)** Except as provided in subsections (b) and (c), as an
 6 alternative to seeking a determination of abandonment under any
 7 other statute:

8 (1) the executive of a county, city, or town that has
 9 jurisdiction in the location of a property may petition a court
 10 for a determination that the property is abandoned; or

11 (2) an enforcement authority, as defined by IC 36-7-9-2, may
 12 seek a determination from a hearing authority under
 13 IC 36-7-9. The hearing authority may make a determination
 14 of abandonment using the standards set forth in
 15 IC 32-30-10.6-5 after notice to the owner and a hearing under
 16 IC 36-7-9-7.

17 (b) If a person gives notice to the executive of the county, city,
 18 or town that has jurisdiction in the location of the property that the
 19 person owns the property, all proceedings under this chapter are
 20 terminated. An owner of the property may give notice in person, by
 21 telephone, by electronic mail, or by United States mail.

22 (c) This chapter does not apply to a property covered by an
 23 installment payment plan under IC 6-1.1-10-16.

24 **Sec. 2.** A petition filed with the court under this chapter or an
 25 order by an enforcement authority under IC 36-7-9-7 with respect
 26 to property for which a determination of abandonment is being
 27 sought under this chapter must do all the following:

28 (1) Include a statement of the jurisdiction of the county, city,
 29 or town in the location of the property.

30 (2) Allege that the property is abandoned.

31 (3) Include evidence that one (1) or more of the conditions set
 32 forth in IC 32-30-10.6-5(a), which constitute prima facie
 33 evidence, apply.

34 (4) Include a statement that if the property is determined to
 35 be abandoned and any property taxes are delinquent, the
 36 property may be sold by the county at tax sale and the owner
 37 will have no right of redemption with respect to the property
 38 after the sale.

39 **Sec. 3.** A petition under this section or an order by an
 40 enforcement authority under IC 36-7-9-7 with respect to property
 41 for which a determination of abandonment is being sought under
 42 this chapter shall be served on:



1 (1) any person with a substantial property interest of public
2 record in the tract of real property; and

3 (2) any other appropriate party;

4 in the manner prescribed by the Indiana Rules of Trial Procedure
5 in the case of a petition or in the manner prescribed by IC 36-7-9-7
6 in the case of an order by an enforcement authority.

7 Sec. 4. Upon receiving a request for a determination of
8 abandonment from an enforcement authority, or an executive of a
9 county, city, or town through a petition or motion filed with the
10 court and served on the required parties in accordance with this
11 chapter, or if an enforcement authority requests an abandonment
12 determination from the hearing authority and has served the
13 request as provided in IC 36-7-9, the court or hearing authority
14 shall issue an order to show cause as to why the property should
15 not be found to be abandoned and directing the petitioner, the
16 owner, and any other person or party the court or hearing
17 authority considers appropriate to appear before the court or
18 hearing authority on a date and time specified in the order under
19 subdivision (1). The court's or hearing authority's order under this
20 section must do the following:

21 (1) Direct the parties subject to the order to appear before the
22 court or hearing authority on a date and time specified by the
23 court or hearing authority. The date specified under this
24 subdivision must not be:

25 (A) earlier than fifteen (15) days; or

26 (B) later than twenty-five (25) days;

27 after the date of the court's or hearing authority's order
28 under this section.

29 (2) Notify the parties subject to the order that any party
30 ordered to appear:

31 (A) may present evidence or objections on the issue of
32 abandonment to the court or hearing authority:

33 (i) in writing before the appearance date specified by the
34 court or hearing authority under subdivision (1); or

35 (ii) in writing or by oral testimony on the date and at the
36 time specified by the court or hearing authority under
37 subdivision (1);

38 in the manner specified by the court or hearing authority;
39 and

40 (B) has the right to be represented by an attorney when
41 appearing before the court or hearing authority.

42 (3) Notify the parties subject to the order that if a party fails



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to:
(A) submit written evidence or objections to the court or hearing authority before the appearance date specified by the court or hearing authority under subdivision (1); or
(B) appear before the court or hearing authority on the date and at the time specified by the court or hearing authority under subdivision (1);
the party's failure to submit evidence or objections or to appear before the court or hearing authority will result in a finding of abandonment by the court or hearing authority.

Sec. 5. A party subject to an order issued by the court or hearing authority under this chapter has the following rights, as described in the court's or hearing authority's order under section 4 of this chapter:

- (1) The right to present evidence or objections on the issue of abandonment to the court or hearing authority:
 - (A) in writing before the appearance date specified in the court's or hearing authority's order under section 4(1) of this chapter; or
 - (B) in writing or by oral testimony on the date and at the time specified in the court's or hearing authority's order under section 4(1) of this chapter;
- in the manner specified by the court or hearing authority.
- (2) The right to be represented by an attorney when appearing before the court or hearing authority.

Sec. 6. (a) This section applies to:

- (1) a petition by the executive of a county, city, or town for a court order of abandonment; and
- (2) an order by an enforcement authority under IC 36-7-9-7.

(b) Instead of providing notice at least one hundred twenty (120) days before the date of a certification under IC 6-1.1-24-1.5, the executive of the county, city, or town that is filing the petition or the enforcement authority that issued the order under IC 36-7-9-7 may provide the notice referred to in IC 6-1.1-24-2.3 at least one hundred twenty (120) days before the petition is filed under this chapter or the order is sent under IC 36-7-9-7.

(c) A court order or hearing authority determination of abandonment under this chapter authorizes the sale of the property and transfer of the deed of the property under IC 6-1.1-24.

SECTION 50. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 415, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-14-3-4, AS AMENDED BY P.L.168-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

- (1) Those declared confidential by state statute.
- (2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.
- (3) Those required to be kept confidential by federal law.
- (4) Records containing trade secrets.
- (5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.
- (6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:
 - (A) concerning any negotiations made with respect to the research; and
 - (B) received from another party involved in the research.
- (7) Grade transcripts and license examination scores obtained as part of a licensure process.
- (8) Those declared confidential by or under rules adopted by the supreme court of Indiana.
- (9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39 or as provided under IC 16-41-8.
- (10) Application information declared confidential by the board of the Indiana economic development corporation under IC 5-28-16.
- (11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.
- (12) A Social Security number contained in the records of a



public agency.

~~(13) The following information that is part of a foreclosure action subject to IC 32-30-10.5:~~

~~(A) Contact information for a debtor, as described in IC 32-30-10.5-8(d)(1)(B):~~

~~(B) Any document submitted to the court as part of the debtor's loss mitigation package under IC 32-30-10.5-10(a)(3).~~

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.

(5) The following:

(A) Records relating to negotiations between the Indiana economic development corporation, the ports of Indiana, the Indiana state department of agriculture, the Indiana finance authority, an economic development commission, a local economic development organization (as defined in IC 5-28-11-2(3)), or a governing body of a political subdivision with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the ports of Indiana, the Indiana finance authority, an economic development commission, or a governing body of a political subdivision to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana



economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(D) Notwithstanding clause (A), an incentive agreement with an incentive recipient shall be available for inspection and copying under section 3 of this chapter after the date the incentive recipient and the Indiana economic development corporation execute the incentive agreement regardless of whether negotiations are in progress with the recipient after that date regarding a modification or extension of the incentive agreement.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a record keeping or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.



(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;

(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or

(iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes:



- (A) a record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2;
- (B) vulnerability assessments;
- (C) risk planning documents;
- (D) needs assessments;
- (E) threat assessments;
- (F) intelligence assessments;
- (G) domestic preparedness strategies;
- (H) the location of community drinking water wells and surface water intakes;
- (I) the emergency contact information of emergency responders and volunteers;
- (J) infrastructure records that disclose the configuration of critical systems such as communication, electrical, ventilation, water, and wastewater systems;
- (K) detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. The public agency that owns, occupies, leases, or maintains the airport:
 - (i) is responsible for determining whether the public disclosure of a record or a part of a record has a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack; and
 - (ii) must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)"; and
- (L) the home address, home telephone number, and emergency contact information for any:
 - (i) emergency management worker (as defined in IC 10-14-3-3);
 - (ii) public safety officer (as defined in IC 35-47-4.5-3);
 - (iii) emergency medical responder (as defined in IC 16-18-2-109.8); or
 - (iv) advanced emergency medical technician (as defined in



IC 16-18-2-6.5).

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2 has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

- (A) Telephone number.
- (B) Address.
- (C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

- (A) Telephone number.
- (B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.

(23) Records requested by an offender that:

- (A) contain personal information relating to:
 - (i) a correctional officer (as defined in IC 5-10-10-1.5);
 - (ii) a law enforcement officer (as defined in IC 35-31.5-2-185);
 - (iii) a judge (as defined in IC 33-38-12-3);
 - (iv) the victim of a crime; or
 - (v) a family member of a correctional officer, law enforcement officer (as defined in IC 35-31.5-2-185), judge (as defined in IC 33-38-12-3), or victim of a crime; or
- (B) concern or could affect the security of a jail or correctional facility.

(24) Information concerning an individual less than eighteen (18) years of age who participates in a conference, meeting, program, or activity conducted or supervised by a state educational institution, including the following information regarding the



individual or the individual's parent or guardian:

- (A) Name.
- (B) Address.
- (C) Telephone number.
- (D) Electronic mail account address.

(25) Criminal intelligence information.

(26) The following information contained in a report of unclaimed property under IC 32-34-1-26 or in a claim for unclaimed property under IC 32-34-1-36:

- (A) date of birth;
- (B) driver's license number;
- (C) taxpayer identification number;
- (D) employer identification number; or
- (E) account number.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption or patient medical records, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Only the content of a public record may form the basis for the adoption by any public agency of a rule or procedure creating an exception from disclosure under this section.

(f) Except as provided by law, a public agency may not adopt a rule or procedure that creates an exception from disclosure under this section based upon whether a public record is stored or accessed using paper, electronic media, magnetic media, optical media, or other information storage technology.

(g) Except as provided by law, a public agency may not adopt a rule or procedure nor impose any costs or liabilities that impede or restrict the reproduction or dissemination of any public record.

(h) Notwithstanding subsection (d) and section 7 of this chapter:

- (1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or
- (2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 2. IC 5-20-1-4, AS AMENDED BY P.L.6-2012, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) The authority has all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the power:

ES 415—LS 6916/DI 58



- (1) to make or participate in the making of construction loans for multiple family residential housing under terms that are approved by the authority;
- (2) to make or participate in the making of mortgage loans for multiple family residential housing under terms that are approved by the authority;
- (3) to purchase or participate in the purchase from mortgage lenders of mortgage loans made to persons of low and moderate income for residential housing;
- (4) to make loans to mortgage lenders for the purpose of furnishing funds to such mortgage lenders to be used for making mortgage loans for persons and families of low and moderate income. However, the obligation to repay loans to mortgage lenders shall be general obligations of the respective mortgage lenders and shall bear such date or dates, shall mature at such time or times, shall be evidenced by such note, bond, or other certificate of indebtedness, shall be subject to prepayment, and shall contain such other provisions consistent with the purposes of this chapter as the authority shall by rule or resolution determine;
- (5) to collect and pay reasonable fees and charges in connection with making, purchasing, and servicing of its loans, notes, bonds, commitments, and other evidences of indebtedness;
- (6) to acquire real property, or any interest in real property, by conveyance, including purchase in lieu of foreclosure, or foreclosure, to own, manage, operate, hold, clear, improve, and rehabilitate such real property and sell, assign, exchange, transfer, convey, lease, mortgage, or otherwise dispose of or encumber such real property where such use of real property is necessary or appropriate to the purposes of the authority;
- (7) to sell, at public or private sale, all or any part of any mortgage or other instrument or document securing a construction loan, a land development loan, a mortgage loan, or a loan of any type permitted by this chapter;
- (8) to procure insurance against any loss in connection with its operations in such amounts and from such insurers as it may deem necessary or desirable;
- (9) to consent, subject to the provisions of any contract with noteholders or bondholders which may then exist, whenever it deems it necessary or desirable in the fulfillment of its purposes to the modification of the rate of interest, time of payment of any installment of principal or interest, or any other terms of any



mortgage loan, mortgage loan commitment, construction loan, loan to lender, or contract or agreement of any kind to which the authority is a party;

(10) to enter into agreements or other transactions with any federal, state, or local governmental agency for the purpose of providing adequate living quarters for such persons and families in cities and counties where a need has been found for such housing;

(11) to include in any borrowing such amounts as may be deemed necessary by the authority to pay financing charges, interest on the obligations (for a period not exceeding the period of construction and a reasonable time thereafter or if the housing is completed, two (2) years from the date of issue of the obligations), consultant, advisory, and legal fees and such other expenses as are necessary or incident to such borrowing;

(12) to make and publish rules respecting its lending programs and such other rules as are necessary to effectuate the purposes of this chapter;

(13) to provide technical and advisory services to sponsors, builders, and developers of residential housing and to residents and potential residents, including housing selection and purchase procedures, family budgeting, property use and maintenance, household management, and utilization of community resources;

(14) to promote research and development in scientific methods of constructing low cost residential housing of high durability;

(15) to encourage community organizations to participate in residential housing development;

(16) to make, execute, and effectuate any and all agreements or other documents with any governmental agency or any person, corporation, association, partnership, limited liability company, or other organization or entity necessary or convenient to accomplish the purposes of this chapter;

(17) to accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance and any other aid from any source whatsoever and to agree to, and to comply with, conditions attached thereto;

(18) to sue and be sued in its own name, plead and be impleaded;

(19) to maintain an office in the city of Indianapolis and at such other place or places as it may determine;

(20) to adopt an official seal and alter the same at pleasure;

(21) to adopt and from time to time amend and repeal bylaws for the regulation of its affairs and the conduct of its business and to



prescribe rules and policies in connection with the performance of its functions and duties;

(22) to employ fiscal consultants, engineers, attorneys, real estate counselors, appraisers, and such other consultants and employees as may be required in the judgment of the authority and to fix and pay their compensation from funds available to the authority therefor;

(23) notwithstanding IC 5-13, but subject to the requirements of any trust agreement entered into by the authority, to invest:

(A) the authority's money, funds, and accounts;

(B) any money, funds, and accounts in the authority's custody; and

(C) proceeds of bonds or notes;

in the manner provided by an investment policy established by resolution of the authority;

(24) to make or participate in the making of construction loans, mortgage loans, or both, to individuals, partnerships, limited liability companies, corporations, and organizations for the construction of residential facilities for individuals with a developmental disability or for individuals with a mental illness or for the acquisition or renovation, or both, of a facility to make it suitable for use as a new residential facility for individuals with a developmental disability or for individuals with a mental illness;

(25) to make or participate in the making of construction and mortgage loans to individuals, partnerships, corporations, limited liability companies, and organizations for the construction, rehabilitation, or acquisition of residential facilities for children;

(26) to purchase or participate in the purchase of mortgage loans from:

(A) public utilities (as defined in IC 8-1-2-1); or

(B) municipally owned gas utility systems organized under IC 8-1.5;

if those mortgage loans were made for the purpose of insulating and otherwise weatherizing single family residences in order to conserve energy used to heat and cool those residences;

(27) to provide financial assistance to mutual housing associations (IC 5-20-3) in the form of grants, loans, or a combination of grants and loans for the development of housing for low and moderate income families;

(28) to service mortgage loans made or acquired by the authority and to impose and collect reasonable fees and charges in connection with such servicing;



- (29) subject to the authority's investment policy, to enter into swap agreements (as defined in IC 8-9.5-9-4) in accordance with IC 8-9.5-9-5 and IC 8-9.5-9-7;
- (30) to promote and foster community revitalization through community services and real estate development;
- (31) to coordinate and establish linkages between governmental and other social services programs to ensure the effective delivery of services to low income individuals and families, including individuals or families facing or experiencing homelessness;
- (32) to cooperate with local housing officials and plan commissions in the development of projects that the officials or commissions have under consideration;
- ~~(33) to prescribe, in accordance with IC 32-30-10.5-10(i), a list of documents that must be included under IC 32-30-10.5 as part of a debtor's loss mitigation package in a foreclosure action filed after June 30, 2011;~~
- ~~(34)~~ **(33)** to take actions necessary to implement its powers that the authority determines to be appropriate and necessary to ensure the availability of state or federal financial assistance; and
- ~~(35)~~ **(34)** to administer any program or money designated by the state or available from the federal government or other sources that is consistent with the authority's powers and duties.

The omission of a power from the list in this subsection does not imply that the authority lacks that power. The authority may exercise any power that is not listed in this subsection but is consistent with the powers listed in this subsection to the extent that the power is not expressly denied by the Constitution of the State of Indiana or by another statute.

(b) The authority shall ensure that a mortgage loan acquired by the authority under subsection (a)(3) or made by a mortgage lender with funds provided by the authority under subsection (a)(4) is not knowingly made to a person whose adjusted family income, as determined by the authority, exceeds one hundred twenty-five percent (125%) of the median income for the geographic area involved. However, if the authority determines that additional encouragement is needed for the development of the geographic area involved, a mortgage loan acquired or made under subsection (a)(3) or (a)(4) may be made to a person whose adjusted family income, as determined by the authority, does not exceed one hundred forty percent (140%) of the median income for the geographic area involved. The authority shall establish procedures that the authority determines are appropriate to structure and administer any program conducted under subsection



(a)(3) or (a)(4) for the purpose of acquiring or making mortgage loans to persons of low or moderate income. In determining what constitutes low income, moderate income, or median income for purposes of any program conducted under subsection (a)(3) or (a)(4), the authority shall consider:

- (1) the appropriate geographic area in which to measure income levels; and
- (2) the appropriate method of calculating low income, moderate income, or median income levels including:
 - (A) sources of;
 - (B) exclusions from; and
 - (C) adjustments to;
 income.

(c) The authority, when directed by the governor, shall administer programs and funds under 42 U.S.C. 1437 et seq.

(d) The authority shall identify, promote, assist, and fund:

- (1) home ownership education programs; and
- (2) mortgage foreclosure counseling and education programs under IC 5-20-6;

conducted throughout Indiana by nonprofit counseling agencies that the authority has certified, or by any other public, private, or nonprofit entity in partnership with a nonprofit agency that the authority has certified, using funds appropriated under section 27 of this chapter. The attorney general and the entities listed in IC 4-6-12-4(a)(1) through IC 4-6-12-4(a)(10) shall cooperate with the authority in implementing this subsection.

(e) The authority shall:

- (1) oversee and encourage a regional homeless delivery system that:
 - (A) considers the need for housing and support services;
 - (B) implements strategies to respond to gaps in the delivery system; and
 - (C) ensures individuals and families are matched with optimal housing solutions;
- (2) facilitate the dissemination of information to assist individuals and families accessing local resources, programs, and services related to homelessness, housing, and community development; and
- (3) each year, estimate and reasonably determine the number of the following:
 - (A) Individuals in Indiana who are homeless.
 - (B) Individuals in Indiana who are homeless and less than



eighteen (18) years of age.

(C) Individuals in Indiana who are homeless and not residents of Indiana."

Page 6, line 13, strike "IC 32-30-10.6" and insert "**IC 36-7-37**".

Page 6, line 16, strike "IC 32-30-10.6-6" and insert "**IC 36-7-37**".

Page 7, after line 42, begin a new paragraph and insert:

"SECTION 6. IC 6-1.1-24-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: Sec. 1.7. (a) The county executive or the county executive's designee may, at any time before the application for judgment provided for in section 4.6(b) of this chapter, certify to the county auditor that a property is not suitable for tax sale. When making the application for judgment, the county auditor shall include a list of the properties certified not suitable for tax sale.**

(b) Not later than ten (10) days after making the certification as provided in subsection (a), the county executive or the county executive's designee shall provide a notice to each person with a substantial property interest of record in the property, stating the following:

- (1) The street address, if any, or a common description of the tract or real property.**
- (2) The key number or parcel number of the tract or real property.**
- (3) That the property has been certified not suitable for tax sale.**
- (4) That the court will hear and determine the issue before the tax sale.**
- (5) That if the court determines that the property is not suitable for tax sale, the property will not be offered for sale at the tax sale, but may be disposed of by the county executive as provided in this chapter.**
- (6) That if the court determines that the property is not suitable for tax sale, the property may be redeemed any time until one (1) year after the conclusion of the tax sale from which the property was removed.**
- (7) That if the court determines that the property is not suitable for tax sale and the county executive disposes of the property within three (3) years after the conclusion of the tax sale at which the property would have been offered for sale, any amount received in excess of the amount of the minimum bid will be disbursed in the same manner as if the property**



had been sold in the tax sale."

Page 11, line 39, delete "IC 32-30-10.6" and insert "**IC 36-7-37**".

Page 12, line 3, strike "IC 32-30-10.6-6," and insert "**IC 36-7-37**,".

Page 16, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 13. IC 6-1.1-24-4.7, AS AMENDED BY P.L. 169-2006, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: Sec. 4.7. (a) No later than fifteen (15) days before the advertised date of the tax sale, the court shall examine the list of tracts and real property as provided under section 4.6 of this chapter. No later than three (3) days before the advertised date of the tax sale, the court shall enter judgment for those taxes, special assessments, penalties, and costs that appear to be due. This judgment is considered as a judgment against each tract or item of real property for each kind of tax, special assessment, penalty, or cost included in it. The affidavit provided under section 4.6 of this chapter is prima facie evidence of delinquency for purposes of proceedings under this section. The court shall also direct the clerk to prepare and enter an order for the sale of those tracts and real property against which judgment is entered, **except as provided in subsection (j).**

(b) Not later than seven (7) days before the advertised date of the tax sale, the court shall conduct a hearing. At the hearing, the court shall hear any defense offered by any person interested in any of the tracts or items of real property to the entry of judgment against them, hear and determine the matter in a summary manner, without pleadings, and enter its judgment. The court shall enter a judgment under this subsection not later than three (3) days before the advertised date of the tax sale. The objection must be in writing, and no person may offer any defense unless the writing specifying the objection is accompanied by an original or a duplicate tax receipt or other supporting documentation. At least seven (7) days before the date set for the hearing, notice of the date, time, and place of the hearing shall be provided by the court to **the following:**

(1) Any person filing a defense to the application for judgment and order of sale.

(2) Any person with a substantial property interest of record in a property certified not suitable for tax sale.

(c) If judgment is entered in favor of the respondent under these proceedings or if judgment is not entered for any particular tract, part of a tract, or items of real property because of an unresolved objection made under subsection (b), the court shall remove those tracts, parts of tracts, or items of real property from the list of tracts and real property



provided under section 4.6 of this chapter.

(d) A judgment and order for sale shall contain the final listing of affected properties and the name of at least one (1) of the owners of each tract or item of real property, and shall substantially follow this form:

"Whereas, notice has been given of the intended application for a judgment against these tracts and real property, and no sufficient defense has been made or cause has been shown why judgment should not be entered against these tracts for taxes, and real property special assessments, penalties, and costs due and unpaid on them, therefore it is considered by the court that judgment is hereby entered against the below listed tracts and real property in favor of the state of Indiana for the amount of taxes, special assessments, penalties, and costs due severally on them; and it is ordered by the court that the several tracts or items of real property be sold as the law directs. Payments for taxes, special assessments, penalties, and costs made after this judgment but before the sale shall reduce the judgment accordingly."

(e) The order of the court constitutes the list of tracts and real property that shall be offered for sale under section 5 of this chapter.

(f) The court that enters judgment under this section shall retain exclusive continuing supervisory jurisdiction over all matters and claims relating to the tax sale.

(g) No error or informality in the proceedings of any of the officers connected with the assessment, levying, or collection of the taxes that does not affect the substantial justice of the tax itself shall invalidate or in any manner affect the tax or the assessment, levying, or collection of the tax.

(h) Any irregularity, informality, omission, or defective act of one (1) or more officers connected with the assessment or levying of the taxes may be, in the discretion of the court, corrected, supplied, and made to conform to law by the court, or by the officer (in the presence of the court).

(i) At the hearing required by subsection (b), the court shall hear and determine whether properties certified by the county executive under section 1.7 of this chapter are not suitable for tax sale. The court may determine a property to be not suitable for tax sale if the property:

- (1) contains hazardous waste or another environmental hazard for which the cost of abatement or remediation will exceed the fair market value of the property;**
- (2) has been the site of excessive police or fire emergency**



response activities during the preceding three (3) years; or
 (3) has been offered for sale in at least two (2) tax sales during
 the preceding ten (10) years.

(j) The judgment and order described in subsection (d) must also identify any properties that the court has determined to not be suitable for tax sale. Judgment shall be entered against these properties as provided in this section, but an order for the sale of these properties may not be entered. As to these properties, the judgment and order shall state in substantially the following form: "Whereas, this court having entered judgment against these tracts and real property, and the court having found that these properties are not suitable for tax sale, it is ordered that, notwithstanding the aforementioned judgment and order, the following tracts shall not be offered for sale under IC 6-1.1-24-5, but may be disposed of by the county executive as provided in IC 6-1.1-24-4.7(k)."

(k) The county executive has the same rights in a property determined by the court to be not suitable for tax sale as the county executive has in a property that is offered for sale at a tax sale but for which an amount greater than or equal to the minimum sale price is not received, and may dispose of the property as provided in this chapter. If the property is disposed of by the county executive any time within three (3) years after the conclusion of the tax sale at which the property would have been offered for sale but for the determination in subsection (i), the proceeds of the disposition shall be disbursed in the same manner as if such determination had not been made and the property had been offered for sale and sold at the tax sale."

Page 18, line 20, strike "in the county in which a sale is held under this" and insert "; and".

Page 18, strike line 21.

Page 18, line 29, strike "in the county in which a sale is held under this" and insert "; and".

Page 18, strike line 30.

Page 18, line 38, strike "in the county in which a sale is held under this".

Page 18, line 39, strike "chapter".

Page 19, line 8, delete ",".

Page 19, line 8, strike "in the county in which a sale is held under this".

Page 19, line 9, strike "chapter,".

Page 19, line 21, delete "IC 32-30-10.6." and insert "IC 36-7-37.".

Page 19, line 38, after "subdivision" insert ",".



Page 19, line 38, strike "in this county,".

Page 19, line 39, after "code or" insert "**county**".

Page 19, line 39, after "ordinance" insert ",".

Page 19, line 39, strike "of this county,".

Page 19, line 40, after "a" insert "**county**".

Page 19, line 40, after "department" insert ".".

Page 19, line 40, strike "in this county,".

Page 24, line 41, delete "sales" and insert "**sale**".

Page 29, between lines 39 and 40, begin a new paragraph and insert:

"(n) The period of redemption for a property, which was not offered for sale under IC 6-1.1-24-4.7(j), is one (1) year after the conclusion of the tax sale at which the property was not offered."

Page 30, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 24. IC 6-1.1-25-4.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: Sec. 4.8. Not later than ninety (90) days after the conclusion of a tax sale, the county auditor shall provide a notice to each person with a substantial property interest of record in a property that was not offered for sale in the tax sale under IC 6-1.1-24-4.7(j). The notice must contain at least the following:

- (1) The street address, if any, or a common description of the tract or real property.**
- (2) The key number or parcel number of the tract or real property.**
- (3) A statement that the property was not offered for sale in the tax sale.**
- (4) A statement that the property may be redeemed by any person at any time until one (1) year after the conclusion of the tax sale from which the property was removed.**
- (5) The components of the amount required to redeem the property.**
- (6) The date of expiration of the period of redemption specified in section 4 of this chapter.**
- (7) A statement that the property may be disposed of by the county executive as provided in IC 6-1.1-24.**
- (8) A statement that, if the county executive disposes of the property within three (3) years after the conclusion of the tax sale at which the property would have been offered for sale, any amount received in excess of the amount of the minimum bid will be disbursed in the same manner as if the property had been sold in the tax sale."**



Page 34, delete lines 33 through 42, begin a new paragraph and insert:

"SECTION 28. IC 32-30-10-10, AS AMENDED BY P.L.105-2009, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. A plaintiff may not:

- (1) proceed to foreclose the mortgagee's mortgage:
 - (A) while the plaintiff is prosecuting any other action for the same debt or matter that is secured by the mortgage;
 - (B) while the plaintiff is seeking to obtain execution of any judgment in any other action; or
 - (C) until the notice under ~~IC 32-30-10.5-8(a)~~ **IC 32-30-10.5-8** has been sent, if required, in the case of a mortgage transaction described in IC 32-30-10.5-5; or
- (2) prosecute any other action for the same matter while the plaintiff is foreclosing the mortgagee's mortgage or prosecuting a judgment of foreclosure.

SECTION 29. IC 32-30-10.5-4.7 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 4.7. As used in this chapter, "loss mitigation package" means a set of documents, the components of which:

- (1) are specified by the authority under section 10(i) of this chapter;
- (2) provide information about a debtor's present and projected future income, expenses, assets, and liabilities; and
- (3) are necessary for a creditor to make underwriting decisions or other determinations in connection with a potential foreclosure prevention agreement with the debtor to whom the documents apply.

SECTION 30. IC 32-30-10.5-5, AS AMENDED BY P.L.6-2012, SECTION 211, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) As used in this chapter, "mortgage" means (1) a loan; or (2) a consumer credit sale; that is or will be used by the debtor primarily for personal, family, or household purposes and that is secured by a mortgage (or another equivalent consensual security interest) **that a mortgage loan (as defined in 12 CFR 1024.31) that:**

- (1) is secured by the debtor's primary residence; and
- (2) constitutes a first lien on a dwelling or on residential real estate upon which a dwelling is constructed or intended to be constructed.

(b) The term does not include a land contract (as defined in IC 24-4.4-1-301(36)) or similar agreement in which the debtor does not possess a deed.

ES 415—LS 6916/DI 58



SECTION 31. IC 32-30-10.5-7, AS ADDED BY P.L.105-2009, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. As used in this chapter, "mortgage servicer" means the last person to whom:

- (1) a debtor; in a mortgage; or
- (2) the debtor's successor in interest;

has been instructed to send payments on the mortgage. **a servicer as defined by 12 CFR 1024.2.**

SECTION 32. IC 32-30-10.5-8, AS AMENDED BY P.L.102-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) ~~This section applies to a foreclosure action that is filed after June 30, 2009. Except as provided in subsection (e) and section 10(g) of this chapter, not later than thirty (30) days before a creditor files an action for foreclosure, the creditor shall send to the debtor by certified mail a presuit notice on a form prescribed by the authority. The notice required by this subsection~~ **A mortgage servicer, including a small servicer (as defined in 12 CFR 1026.41) that is exempt in whole or in part from 12 CFR 1024.39, 12 CFR 1024.40, and 12 CFR 1024.41, shall comply with:**

- (1) 12 CFR 1024.39;
- (2) 12 CFR 1024.40;
- (3) 12 CFR 1024.41; and
- (4) subsection (b).

(b) A mortgage servicer shall send the debtor a notice that must do the following:

- (1) Inform the debtor that:
 - (A) the debtor is in default;
 - (B) the debtor is encouraged to obtain assistance from a mortgage foreclosure counselor; and
 - (C) if the creditor proceeds to file a foreclosure action and obtains a foreclosure judgment, the debtor has a right to do the following before a sheriff's sale is conducted:
 - (i) Appeal a finding of abandonment by a court under IC 32-30-10.6.
 - (ii) Redeem the real estate from the judgment under IC 32-29-7-7.
 - (iii) Retain possession of the property under IC 32-29-7-11(b), subject to the conditions set forth in IC 32-29-7-11(b).
- (2) Provide the contact information for the Indiana Foreclosure Prevention Network.
- (3) Include the following statement printed in at least 14 point



boldface type:

"NOTICE REQUIRED BY STATE LAW

Mortgage foreclosure is a complex process. People may approach you about "saving" your home. You should be careful about any such promises. There are government agencies and nonprofit organizations you may contact for helpful information about the foreclosure process. For the name and telephone number of an organization near you, please call the Indiana Foreclosure Prevention Network."

A mortgage servicer is exempt from the requirements of this subsection for a mortgage loan, if the debtor is a debtor in bankruptcy under Title 11 of the United States Code.

~~(b)~~ **(c)** The notice required by subsection ~~(a)~~ **(b)** shall be sent:

(1) not later than the date the written notice is sent under 12 CFR 1024.39; and

(2) to ~~(1)~~ the address of the mortgaged property; or (2) the last known mailing address of the debtor if the creditor's records indicate that the mailing address of the debtor is other than the address of the mortgaged property: to which the written notice under 12 CFR 1024.39 is sent.

The notice under subsection (b) may be included with the notice provided under 12 CFR 1024.39. If the creditor provides evidence that the notice required by subsection ~~(a)~~ **(b)** was sent by certified mail; return receipt requested; and in accordance with this subsection, it is not necessary that the debtor accept receipt of the notice for an action to proceed as allowed under this chapter.

~~(c)~~ **(e)** Except as provided in subsection ~~(c)~~ **(e)** and section ~~10(g)~~ of this chapter, if a creditor files an action to foreclose a mortgage, the creditor shall:

~~(1)~~ **(1)** in the case of a foreclosure action filed after June 30, 2009, but before July 1, 2011, include with the complaint served on the debtor, on a form prescribed by the authority; and

~~(2)~~ **(2)** subject to subsection ~~(f)~~ **(f)**; in the case of a foreclosure action filed after June 30, 2011, include on the first page of the summons that is served on the debtor in conjunction with the complaint, a notice that informs the debtor of the debtor's right to participate in a settlement conference; subject to section 9(b) of this chapter. The notice under subdivision ~~(1)~~ **(1)** or ~~(2)~~ **(2)** must inform the debtor that the debtor may schedule a settlement conference by notifying the court, not later than thirty ~~(30)~~ **(30)** days after the complaint is served on the debtor, of the debtor's intent to participate in a settlement conference.

~~(d)~~ **(d)** If a creditor files an action to foreclose a mortgage **for which**



notice is required under subsection (b), the creditor shall: ~~do the following:~~

(1) include with the complaint filed with the court (A) ~~except as provided in subsection (e) and section 10(g) of this chapter~~, a copy of the notices sent to the debtor under subsections (a) and (c); if the foreclosure action is filed after June 30, 2009, but before July 1, 2011; or (B) the following; if the foreclosure action is filed after June 30, 2011: (i) Except as provided in subsection (e) and section 10(g) of this chapter, a copy of the notice sent to the debtor under subsection (a); (ii) The following most recent contact information for the debtor that the creditor has on file: all telephone numbers and electronic mail addresses for the debtor and any mailing address described in subsection (b)(2). The contact information provided under this item is confidential under ~~IC 5-14-3-4(a)(13)~~. **subsection (b); and**

(2) For a foreclosure action filed after June 30, 2011, at the time the complaint is filed with the court, send:

(A) by certified mail, return receipt requested; and

(B) to the last known mailing address of the insurance company;

a copy of the complaint filed with the court to the insurance company of record for the property that is the subject of the foreclosure action.

It is not necessary that the insurance company accept receipt of the copy of the complaint for the creditor to satisfy the requirement of subdivision (2). A creditor's failure to provide a copy of the complaint as required by subdivision (2) does not affect the foreclosure action or subject the creditor to any liability. Subject to section 9(b) of this chapter, in the case of a foreclosure action filed after June 30, 2011, upon the filing of the complaint by the creditor, the court shall send to the debtor, by United States mail and to the address of the mortgaged property, or to an address for the debtor provided by the creditor under subdivision (1)(B)(ii), if applicable, a notice that informs the debtor of the debtor's right to participate in a settlement conference. The court's notice must inform the debtor that the debtor may schedule a settlement conference by notifying the court of the debtor's intent to participate in a settlement conference. The court's notice must specify a date by which the debtor must request a settlement conference, which date must be the date that is thirty (30) days after the date of the creditor's service of the complaint on the debtor under subsection (c), as determined by the court from the service list included with the complaint filed with the court. The court may not delegate the duty to



send the notice the court is required to provide under this subsection to the creditor or to any other person.

(e) A creditor is not required to send the notices described in this section if:

- (1) the mortgage is secured by a dwelling that is not occupied by the debtor as the debtor's primary residence;
- (2) the mortgage has been the subject of a prior foreclosure prevention agreement under this chapter and the debtor has defaulted with respect to the terms of that foreclosure prevention agreement; or
- (3) bankruptcy law prohibits the creditor from participating in a settlement conference under this chapter with respect to the mortgage.

(f) Not later than June 1, 2011, the authority, in consultation with the division of state court administration, shall prescribe language for the notice required under subsection (e)(2) to be included on the first page of the summons that is served on the debtor in a foreclosure action filed after June 30, 2011. The language must convey the same information as the form prescribed by the authority under subsection (e)(1) for foreclosure actions filed after June 30, 2009, but before July 1, 2011. The authority shall make the language prescribed under this subsection available on the authority's Internet web site. A creditor complies with subsection (e)(2) in a foreclosure action filed after June 30, 2011, if the creditor includes on the first page of the summons served on the debtor:

- (1) the language that is prescribed by the authority under this subsection and made available on the authority's Internet web site;
- or
- (2) language that conveys the same information as the language that is prescribed by the authority under this subsection and made available on the authority's Internet web site.

SECTION 33. IC 32-30-10.5-8.5 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 8.5: (a) This section applies to the following:

- (1) A mortgage foreclosure action with respect to which:
 - (A) the creditor has filed the complaint in the proceeding before July 1, 2011;
 - (B) the debtor has contacted the court under section 8(c) of this chapter or under section 11(b) of this chapter to schedule a settlement conference under this chapter; and
 - (C) the court having jurisdiction over the action has not:
 - (i) issued a stay in the foreclosure proceedings pending the conclusion of the settlement conference under this chapter;



- (ii) issued a default judgment against the debtor in the action; or
 - (iii) rendered a judgment of foreclosure in the action.
- (2) A mortgage foreclosure action with respect to which:
- (A) the creditor has filed the complaint in the proceeding after June 30, 2011; and
 - (B) the debtor has contacted the court under section 8(c) of this chapter to schedule a settlement conference under this chapter.

(b) In a mortgage foreclosure action to which this section applies, the court, notwithstanding Indiana Trial Rule 56, shall stay the granting of any dispositive motion until one (1) of the following occurs, subject to the court's right under section 10(b) of this chapter to order the creditor and the debtor to reconvene a settlement conference at any time before judgment is entered:

- (1) The court receives notice under section 10(e) of this chapter that after the conclusion of a settlement conference held under this chapter:
 - (A) the debtor and the creditor have agreed to enter into a foreclosure prevention agreement; and
 - (B) the creditor has elected under section 10(e) of this chapter to dismiss the foreclosure action for as long as the debtor complies with the terms of the foreclosure prevention agreement.

(2) The court receives notice under section 10(f) of this chapter that after the conclusion of a settlement conference held under this chapter, the creditor and the debtor are unable to agree on the terms of a foreclosure prevention agreement.

(c) If the debtor requests a settlement conference under this chapter, the court shall treat the request as the entry of an appearance under Indiana Trial Rule 3-1(B):

SECTION 34. IC 32-30-10.5-8.6, AS ADDED BY P.L.170-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8.6. (a) This section applies to a mortgage foreclosure action that is filed after June 30, 2011.

(b) During the pendency of an action to which this section applies, regardless of any stay that is issued by the court under section 8.5 of this chapter, if the debtor continues to occupy the dwelling that is the subject of the mortgage upon which the action is based, the court may issue a provisional order that requires the debtor to continue to make monthly payments with respect to the mortgage on which the action is based. The amount of the monthly payment:



(1) shall be determined by the court, which may base its determination on the debtor's ability to pay; and

(2) may not exceed the debtor's monthly obligation under the mortgage at the time the action is filed.

(c) Payments made by a debtor under an order issued by the court under subsection (b) shall be made to:

(1) the clerk of the court, who shall hold the payments in trust for the parties; or

(2) an attorney trust account;

as directed by the court. The funds held by the clerk or in an attorney trust account under this subsection may not be disbursed unless the court issues an order for their disbursement.

(d) If the debtor and the creditor agree to enter into a foreclosure prevention agreement ~~under section 10(e) of this chapter~~ at any time after the debtor has made payments under an order issued by the court under subsection (b), the debtor is entitled to a credit of any amounts paid under the order.

(e) In an action to which this section applies, if:

(1) a judgment of foreclosure is issued by the court; ~~after the conditions set forth in section 9 of this chapter are met;~~

(2) the debtor and the creditor agree to a deed in lieu of foreclosure; or

(3) the debtor otherwise forfeits the dwelling that is the subject of the mortgage upon which the action is based;

the debtor is not entitled to a refund of any payments made under an order issued by the court under subsection (b), and any amounts held in trust by the clerk of the court or in an attorney trust fund shall be disbursed to the creditor and credited against the amount of the judgment entered against the debtor or the amount otherwise owed by the debtor.

SECTION 35. IC 32-30-10.5-9 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 9: (a) Except as provided in sections 8(e) and 10(g) of this chapter and subsection (b); and subject to section 8.5 of this chapter, after June 30, 2009, a court may not issue a judgment of foreclosure under IC 32-30-10 on a mortgage subject to this chapter unless all of the following apply:~~

~~(1) The creditor has given the notice required under section 8(e) of this chapter.~~

~~(2) One (1) of the following applies:~~

~~(A) The debtor does not contact the court within the thirty (30) day period described in section 8(e) of this chapter to schedule a settlement conference under this chapter.~~



(B) The debtor contacts the court within the thirty (30) day period described in section 8(c) of this chapter to schedule a settlement conference under this chapter and, upon conclusion of the settlement conference, the parties are unable to reach agreement on the terms of a foreclosure prevention agreement.

(C) In a foreclosure action filed after June 30, 2011, the debtor:

- (i) contacts the court within the thirty (30) day period described in section 8(c) of this chapter to schedule a settlement conference under this chapter; and
- (ii) does not provide to the creditor and the court at least one (1) of the documents required as part of the debtor's loss mitigation package, as specified by the authority in the listing developed under section 10(i) of this chapter and included with the court's notice under section 10(a)(8) of this chapter, within the time specified in the court's notice under section 10(a)(3)(A) of this chapter.

(3) At least sixty (60) days have elapsed since the date the notice required by section 8(a) of this chapter was sent.

(b) If the court finds that a settlement conference would be of limited value based on the result of a prior loss mitigation effort between the creditor and the debtor:

- (1) a settlement conference is not required under this chapter; and
- (2) the conditions set forth in subsection (a) do not apply; and the foreclosure action may proceed as otherwise allowed by law.

SECTION 36. IC 32-30-10.5-10 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 10. (a) Unless a settlement conference is not required under this chapter, the court shall issue a notice of a settlement conference if the debtor contacts the court to schedule a settlement conference as described in section 8(c) of this chapter. The court's notice of a settlement conference must do the following:

(1) Order the creditor and the debtor to conduct a settlement conference on or before a date and time specified in the notice; which date:

- (A) must not be earlier than twenty-five (25) days after the date of the notice under this section or later than sixty (60) days after the date of the notice under this section; in the case of a foreclosure action filed after June 30, 2009, but before July 1, 2011; and
- (B) must not be earlier than forty (40) days after the date of the notice under this section or later than sixty (60) days after the date of the notice under this section; in the case of a



foreclosure action filed after June 30, 2011; for the purpose of attempting to negotiate a foreclosure prevention agreement.

(2) Encourage the debtor to contact a mortgage foreclosure counselor before the date of the settlement conference. The notice must provide the contact information for the Indiana Foreclosure Prevention Network.

(3) Require the debtor to do the following:

(A) In the case of a foreclosure action filed after June 30, 2011; provide, not later than a date specified in the order; which date must be the date that is thirty (30) days before the date of the settlement conference specified by the court under subdivision (1); a copy of the debtor's loss mitigation package to the following:

(i) The creditor's attorney, as identified by the creditor in the complaint, at the address specified in the complaint.

(ii) The court, at an address specified by the court.

In setting forth the requirement described in this clause, the court shall reference the listing that must be included as an attachment to the notice under subdivision (8); and shall direct the debtor to consult the attachment in compiling the debtor's loss mitigation package.

(B) Bring the following to the settlement conference:

(i) In the case of a foreclosure action filed after June 30, 2009; but before July 1, 2011; documents needed to engage in good faith negotiations with the creditor, including documentation of the debtor's present and projected future income; expenses; assets; and liabilities (including documentation of the debtor's employment history); and any other documentation or information that the court determines is needed for the debtor to engage in good faith negotiations with the creditor. The court shall identify any documents required under this item with enough specificity to allow the debtor to obtain the documents before the scheduled settlement conference.

(ii) In the case of a foreclosure action filed after June 30, 2011; the debtor's loss mitigation package.

Any document submitted to the court under this subdivision as part of the debtor's loss mitigation package is confidential under IC 5-14-3-4(a)(13).

(4) Require the creditor to do the following:

(A) In the case of a foreclosure action filed after June 30;



2011, send to the debtor, by certified mail and not later than a date specified in the order, which date must be the date that is thirty (30) days before the date of the settlement conference specified by the court under subdivision (1); the following transaction history for the mortgage:

- (i) A payment record substantiating the default, such as a payment history.
- (ii) An itemization of all amounts claimed by the creditor as being owed on the mortgage, such as an account payoff statement.

If the creditor provides evidence that the transaction history required by this clause was sent by certified mail, return receipt requested, it is not necessary that the debtor accept receipt of the transaction history for an action to proceed as allowed under this chapter.

(B) Bring the following to the settlement conference:

- (i) A copy of the original note and mortgage.
- (ii) A payment record substantiating the default, such as a payment history.
- (iii) An itemization of all amounts claimed by the creditor as being owed on the mortgage, such as an account payoff statement.
- (iv) Any other documentation that the court determines is needed.

(5) Inform the parties that:

(A) each party has the right to be represented by an attorney or assisted by a mortgage foreclosure counselor at the settlement conference; and

(B) subject to subsection (b), an attorney or a mortgage foreclosure counselor may participate in the settlement conference in person or by telephone.

(6) Inform the parties that the settlement conference will be conducted at the county courthouse, or at another place designated by the court, on the date and time specified in the notice under subdivision (1) unless the parties submit to the court a stipulation to:

(A) modify the date, time, and place of the settlement conference; or

(B) hold the settlement conference by telephone at a date and time agreed to by the parties.

(7) In the case of a foreclosure action filed after June 30, 2011, inform the parties of the following:



(A) That if the parties stipulate under subdivision (6) to modify the date of the settlement conference:

(i) the debtor must provide the debtor's loss mitigation package to the creditor and to the court, as described in subdivision (3); at least thirty (30) days before the settlement conference date; as modified by the parties; and

(ii) the creditor must send to the debtor, by certified mail; the transaction history described in subdivision (4)(A) at least thirty (30) days before the settlement conference date; as modified by the parties:

(B) That if the parties stipulate under subdivision (6)(B) to conduct the settlement conference by telephone; the parties shall ensure the availability of any technology needed to allow simultaneous participation in the settlement conference by all participants:

(8) In the case of a foreclosure action filed after June 30, 2011; include as an attachment the loss mitigation package listing prescribed by the authority under subsection (i):

(b) An attorney for the creditor shall attend the settlement conference; and an authorized representative of the creditor shall be available by telephone during the settlement conference. In addition; the court may require any person that is a party to the foreclosure action to appear at or participate in a settlement conference held under this chapter; and; for cause shown; the court may order the creditor and the debtor to reconvene a settlement conference at any time before judgment is entered. Any:

(1) costs to a creditor associated with a settlement conference under this chapter; or

(2) civil penalty imposed on a creditor by the court in connection with a violation of a court order issued in the case;

may not be charged to or collected from the debtor; either directly or indirectly:

(c) At the court's discretion; a settlement conference may or may not be attended by a judicial officer:

(d) The creditor shall ensure that any person representing the creditor:

(1) at a settlement conference scheduled under this section; or

(2) in any negotiations with the debtor designed to reach agreement on the terms of a foreclosure prevention agreement;

has authority to represent the creditor in negotiating a foreclosure prevention agreement with the debtor:

(e) If; as a result of a settlement conference held under this chapter;



the debtor and the creditor agree to enter into a foreclosure prevention agreement, the agreement shall be reduced to writing and signed by both parties, and each party shall retain a copy of the signed agreement. Not later than seven (7) business days after the signing of the foreclosure prevention agreement, the creditor shall file with the court a copy of the signed agreement. At the election of the creditor, the foreclosure shall be dismissed or stayed for as long as the debtor complies with the terms of the foreclosure prevention agreement.

(f) If, as a result of a settlement conference held under this chapter, the debtor and the creditor are unable to agree on the terms of a foreclosure prevention agreement:

(1) the creditor shall, not later than seven (7) business days after the conclusion of the settlement conference, file with the court a notice indicating that the settlement conference held under this chapter has concluded and a foreclosure prevention agreement was not reached; and

(2) the foreclosure action filed by the creditor may proceed as otherwise allowed by law, subject to the court's right under subsection (b) to order the creditor and the debtor to reconvene a settlement conference at any time before judgment is entered.

(g) If:

(1) a foreclosure is dismissed by the creditor under subsection (e) after a foreclosure prevention agreement is reached; and

(2) a default in the terms of the foreclosure prevention agreement later occurs;

the creditor or its assigns may bring a foreclosure action with respect to the mortgage that is the subject of the foreclosure prevention agreement without sending the notices described in section 8 of this chapter.

(h) Participation in a settlement conference under this chapter satisfies any mediation or alternative dispute resolution requirement established by court rule.

(i) Not later than June 1, 2011, the authority shall prescribe a list of documents that must be included as part of a debtor's loss mitigation package in a foreclosure action filed after June 30, 2011. In prescribing the list of documents required by this subsection, the authority:

(1) shall require those documents that:

(A) provide information about a debtor's present and projected future income, expenses, assets, and liabilities; and

(B) are necessary for a creditor to make underwriting decisions or other determinations in connection with a potential foreclosure prevention agreement with the debtor to whom the



documents apply; and

(2) may amend the list:

(A) in response to changes in any federal loan modification programs; or

(B) as otherwise determined to be necessary by the authority.

The authority shall make the list prescribed under this subsection available on the authority's Internet web site. The division of state court administration shall make the list prescribed under this subsection available on the Internet web site maintained by the state's judicial branch. If the authority determines that an amendment to the list is necessary under subdivision (2), the authority shall notify the division of state court administration of the amendment as soon as practicable before the amendment takes effect and shall update the list on the authority's Internet web site not later than the effective date of the amendment. Upon receiving notice of an amendment to the list from the authority, the division of state court administration shall update the list on the Internet web site maintained by the state's judicial branch not later than the effective date of the amendment.

SECTION 37. IC 32-30-10.5-11 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 11. (a) This section applies to a mortgage foreclosure action with respect to which the creditor has filed the complaint in the proceeding before July 1, 2009, and the court having jurisdiction over the proceeding has not rendered a judgment of foreclosure before July 1, 2009.

(b) In a mortgage foreclosure action to which this section applies, the court having jurisdiction of the action shall serve notice of the availability of a settlement conference under this chapter. The notice required by this section must inform the debtor that the debtor:

(1) has the right to participate in a settlement conference, subject to section 9(b) of this chapter; and

(2) may schedule a settlement conference by notifying the court, not later than thirty (30) days after the notice required by this section is served, of the debtor's intent to participate in a settlement conference.

SECTION 26. IC 32-30-10.6-1, AS AMENDED BY P.L.66-2014, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]. Sec. 1. This chapter applies to the following:

(1) a mortgage foreclosure action filed under IC 32-30-10-3.

(2) A determination that property is abandoned or vacant for purposes of IC 6-1.1-24 or IC 34-30-26-7.

SECTION 27. IC 32-30-10.6-2 IS REPEALED [EFFECTIVE



JANUARY 1, 2015 (RETROACTIVE)]. Sec. 2: As used in this chapter, "enforcement authority" refers to the enforcement authority (as defined in IC 36-7-9-2) that has jurisdiction in the location of the property:

SECTION 28. IC 32-30-10.6-2.3 IS REPEALED [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]. Sec. 2:3: As used in this chapter, "executive of a county" in a county containing a consolidated city means the executive of the consolidated city:

SECTION 29. IC 32-30-10.6-3.5 IS REPEALED [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]. Sec. 3:5: (a) This section applies to a property whether or not there is a mortgage on the property:

(b) As an alternative to seeking a determination of abandonment under any other statute, the executive of a county, city, or town that:

(1) has jurisdiction in the location of a property; and

(2) does not have a person designated as a hearing authority, as defined by IC 36-7-9-2;

may petition a court for a determination that the property is abandoned:

(c) A petition filed with the court under this section must do all the following:

(1) Include a statement of the enforcement authority's jurisdiction in the location of the property:

(2) Allege that the property is abandoned:

(3) Include evidence that one (1) or more of the conditions set forth in section 5(a) or 5(b) of this chapter apply:

(d) A petition under this section shall be served on:

(1) the creditor and the debtor, if the property is subject to a mortgage; and

(2) any other appropriate party;

in the manner prescribed by the Indiana Rules of Trial Procedure."

Page 35, delete lines 1 through 31.

Page 35, line 35, after "creditor" delete ",".

Page 35, line 35, strike "an".

Page 35, line 36, strike "enforcement authority,".

Page 35, line 36, delete "or an executive of a county, city, or town".

Page 35, line 38, strike "or 3.5".

Page 37, delete lines 32 through 35.

Page 37, line 36, delete "(14)" and insert "(12)".

Page 37, line 37, delete "(15)" and insert "(13)".

Page 37, line 40, delete "(16)" and insert "(14)".

Page 38, line 3, delete "or hearing authority".

Page 38, line 5, delete "or the date specified by the hearing authority under" and insert ";



Page 38, line 6, delete "IC 36-7-9;"

Page 38, line 8, delete "or before the hearing" and insert ";

Page 38, delete lines 9 through 10.

Page 38, line 12, delete "or hearing authority".

Page 38, line 16, delete "or hearing authority".

Page 38, delete lines 19 through 35, begin a new paragraph and insert:

"SECTION 29. IC 32-30-10.6-6 IS REPEALED [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]. Sec. 6: (a) This section applies only to a petition by the executive of a county, city, or town for a court order of abandonment.

(b) Instead of providing notice at least one hundred twenty (120) days before the date of a certification under IC ~~6-1.1-24-1.5~~, the executive of the county, city, or town that is filing the petition may provide the notice referred to IC ~~6-1.1-24-2.3~~ at least one hundred twenty (120) days before a petition is filed under section ~~3.5~~ of this chapter.

(c) ~~A court order of abandonment under this chapter authorizes the sale of the property and transfer of the deed of the property under IC 6-1.1-24-1.5.~~

SECTION 30. IC 36-7-37 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]:

Chapter 37. Determination of Abandoned Property

Sec. 1. As an alternative to seeking a determination of abandonment under any other statute:

- (1) the executive of a county, city, or town that has jurisdiction in the location of a property may petition a court for a determination that the property is abandoned; or
- (2) an enforcement authority, as defined by IC 36-7-9-2, may seek a determination from a hearing authority under IC 36-7-9. The hearing authority may make a determination of abandonment using the standards set forth in IC 32-30-10.6-5 after notice to the owner and a hearing under IC 36-7-9-7.

Sec. 2. A petition filed with the court under this chapter or an order by an enforcement authority under IC 36-7-9-7 with respect to property for which a determination of abandonment is being sought under this chapter must do all the following:

- (1) Include a statement of the jurisdiction of the county, city, or town in the location of the property.
- (2) Allege that the property is abandoned.



(3) Include evidence that one (1) or more of the conditions set forth in IC 32-30-10.6-5(a), which constitute prima facie evidence, apply.

(4) Include a statement that if the property is determined to be abandoned and any property taxes are delinquent, the property may be sold by the county at tax sale and the owner will have no right of redemption with respect to the property after the sale.

Sec. 3. A petition under this section or an order by an enforcement authority under IC 36-7-9-7 with respect to property for which a determination of abandonment is being sought under this chapter shall be served on:

- (1) any person with a substantial property interest of public record in the tract of real property; and**
- (2) any other appropriate party;**

in the manner prescribed by the Indiana Rules of Trial Procedure in the case of a petition or in the manner prescribed by IC 36-7-9-7 in the case of an order by an enforcement authority.

Sec. 4. Upon receiving a request for a determination of abandonment from an enforcement authority, or an executive of a county, city, or town through a petition or motion filed with the court and served on the required parties in accordance with this chapter, the court shall issue an order to show cause as to why the property should not be found to be abandoned and directing the petitioner, the debtor, and any other person or party the court considers appropriate to appear before the court on a date and time specified in the order under subdivision (1). The court's order under this section must do the following:

(1) Direct the parties subject to the order to appear before the court on a date and time specified by the court. The date specified under this subdivision must not be:

- (A) earlier than fifteen (15) days; or**
- (B) later than twenty-five (25) days;**

after the date of the court's order under this section.

(2) Notify the parties subject to the order that any party ordered to appear:

(A) may present evidence or objections on the issue of abandonment to the court:

- (i) in writing before the appearance date specified by the court under subdivision (1); or**
- (ii) in writing or by oral testimony on the date and at the time specified by the court under subdivision (1);**



in the manner specified by the court; and

(B) has the right to be represented by an attorney when appearing before the court.

(3) Notify the parties subject to the order that if a party fails to:

(A) submit written evidence or objections to the court before the appearance date specified by the court under subdivision (1); or

(B) appear before the court on the date and at the time specified by the court under subdivision (1);

the party's failure to submit evidence or objections or to appear before the court will result in a finding of abandonment by the court.

Sec. 5. A party subject to an order issued by the court under this chapter has the following rights, as described in the court's order under section 4 of this chapter:

(1) The right to present evidence or objections on the issue of abandonment to the court:

(A) in writing before the appearance date specified in the court's order under section 4(1) of this chapter; or

(B) in writing or by oral testimony on the date and at the time specified in the court's order under section 4(1) of this chapter;

in the manner specified by the court.

(2) The right to be represented by an attorney when appearing before the court.

Sec. 6. (a) This section applies to:

(1) a petition by the executive of a county, city, or town for a court order of abandonment; and

(2) an order by an enforcement authority under IC 36-7-9-7.

(b) Instead of providing notice at least one hundred twenty (120) days before the date of a certification under IC 6-1.1-24-1.5, the executive of the county, city, or town that is filing the petition or the enforcement authority that issued the order under IC 36-7-9-7 may provide the notice referred to in IC 6-1.1-24-2.3 at least one hundred twenty (120) days before the petition is filed under this chapter or the order is sent under IC 36-7-9-7.

(c) A court order or hearing authority determination of abandonment under this chapter authorizes the sale of the



property and transfer of the deed of the property under IC 6-1.1-24."

Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to SB 415 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 8, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 415 be amended to read as follows:

Page 15, line 22, delete "fifteen (15)" and insert "**seven (7)**".

(Reference is to SB 415 as printed January 30, 2015.)

RAATZ

SENATE MOTION

Madam President: I move that Senate Bill 415 be amended to read as follows:

Page 50, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 31. IC 32-30-10.5-8, AS AMENDED BY P.L.102-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) This section applies to a foreclosure action that is filed after June 30, 2009. Except as provided in subsection (e) and ~~section sections~~ **sections 10(g) and 12** of this chapter, not later than thirty (30) days before a creditor files an action for foreclosure, the creditor shall send to the debtor by certified mail a presuit notice on a form prescribed by the authority. The notice required by this subsection must do the following:

- (1) Inform the debtor that:
 - (A) the debtor is in default;
 - (B) the debtor is encouraged to obtain assistance from a mortgage foreclosure counselor; and

ES 415—LS 6916/DI 58



(C) if the creditor proceeds to file a foreclosure action and obtains a foreclosure judgment, the debtor has a right to do the following before a sheriff's sale is conducted:

- (i) Appeal a finding of abandonment by a court under IC 32-30-10.6.
- (ii) Redeem the real estate from the judgment under IC 32-29-7-7.
- (iii) Retain possession of the property under IC 32-29-7-11(b), subject to the conditions set forth in IC 32-29-7-11(b).

(2) Provide the contact information for the Indiana Foreclosure Prevention Network.

(3) Include the following statement printed in at least 14 point boldface type:

"NOTICE REQUIRED BY STATE LAW

Mortgage foreclosure is a complex process. People may approach you about "saving" your home. You should be careful about any such promises. There are government agencies and nonprofit organizations you may contact for helpful information about the foreclosure process. For the name and telephone number of an organization near you, please call the Indiana Foreclosure Prevention Network."

(b) The notice required by subsection (a) shall be sent to:

- (1) the address of the mortgaged property; or
- (2) the last known mailing address of the debtor if the creditor's records indicate that the mailing address of the debtor is other than the address of the mortgaged property.

If the creditor provides evidence that the notice required by subsection (a) was sent ~~by certified mail, return receipt requested, and~~ in accordance with this subsection, it is not necessary that the debtor accept receipt of the notice for an action to proceed as allowed under this chapter.

(c) Except as provided in subsection (e) and section 10(g) of this chapter, if a creditor files an action to foreclose a mortgage, the creditor shall:

- (1) in the case of a foreclosure action filed after June 30, 2009, but before July 1, 2011, include with the complaint served on the debtor, on a form prescribed by the authority; and
- (2) subject to subsection (f), in the case of a foreclosure action filed after June 30, 2011, include on the first page of the summons that is served on the debtor in conjunction with the complaint; a notice that informs the debtor of the debtor's right to participate in a



settlement conference, subject to section 9(b) of this chapter. The notice under subdivision (1) or (2) must inform the debtor that the debtor may schedule a settlement conference by notifying the court, not later than thirty (30) days after the complaint is served on the debtor, of the debtor's intent to participate in a settlement conference.

(d) If a creditor files an action to foreclose a mortgage the creditor shall do the following:

(1) Include with the complaint filed with the court:

(A) except as provided in subsection (e) and ~~section sections~~ **sections 10(g) and 12** of this chapter, a copy of the notices sent to the debtor under subsections (a) and (c), if the foreclosure action is filed after June 30, 2009, but before July 1, 2011; or

(B) the following, if the foreclosure action is filed after June 30, 2011:

(i) Except as provided in subsection (e) and section 10(g) of this chapter, a copy of the notice sent to the debtor under subsection (a).

(ii) The following most recent contact information for the debtor that the creditor has on file: all telephone numbers and electronic mail addresses for the debtor and any mailing address described in subsection (b)(2). The contact information provided under this item is confidential under IC 5-14-3-4(a)(13).

(2) For a foreclosure action filed after June 30, 2011, at the time the complaint is filed with the court, send:

(A) by certified mail, return receipt requested; and

(B) to the last known mailing address of the insurance company;

a copy of the complaint filed with the court to the insurance company of record for the property that is the subject of the foreclosure action.

It is not necessary that the insurance company accept receipt of the copy of the complaint for the creditor to satisfy the requirement of subdivision (2). A creditor's failure to provide a copy of the complaint as required by subdivision (2) does not affect the foreclosure action or subject the creditor to any liability. Subject to section 9(b) of this chapter, in the case of a foreclosure action filed after June 30, 2011, upon the filing of the complaint by the creditor, the court shall send to the debtor, by United States mail and to the address of the mortgaged property, or to an address for the debtor provided by the creditor under subdivision (1)(B)(ii), if applicable, a notice that informs the debtor of the debtor's right to participate in a settlement conference. The court's



notice must inform the debtor that the debtor may schedule a settlement conference by notifying the court of the debtor's intent to participate in a settlement conference. The court's notice must specify a date by which the debtor must request a settlement conference, which date must be the date that is thirty (30) days after the date of the creditor's service of the complaint on the debtor under subsection (c), as determined by the court from the service list included with the complaint filed with the court. The court may not delegate the duty to send the notice the court is required to provide under this subsection to the creditor or to any other person.

(e) A creditor is not required to send the notices described in this section if:

- (1) the mortgage is secured by a dwelling that is not occupied by the debtor as the debtor's primary residence;
- (2) the mortgage has been the subject of a prior foreclosure prevention agreement under this chapter and the debtor has defaulted with respect to the terms of that foreclosure prevention agreement; or
- (3) bankruptcy law prohibits the creditor from participating in a settlement conference under this chapter with respect to the mortgage.

(f) Not later than June 1, 2011, the authority, in consultation with the division of state court administration, shall prescribe language for the notice required under subsection (c)(2) to be included on the first page of the summons that is served on the debtor in a foreclosure action filed after June 30, 2011. The language must convey the same information as the form prescribed by the authority under subsection (c)(1) for foreclosure actions filed after June 30, 2009, but before July 1, 2011. The authority shall make the language prescribed under this subsection available on the authority's Internet web site. A creditor complies with subsection (c)(2) in a foreclosure action filed after June 30, 2011, if the creditor includes on the first page of the summons served on the debtor:

- (1) the language that is prescribed by the authority under this subsection and made available on the authority's Internet web site; or
- (2) language that conveys the same information as the language that is prescribed by the authority under this subsection and made available on the authority's Internet web site.

SECTION 32. IC 32-30-10.5-8.5, AS ADDED BY P.L.170-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8.5. (a) **Except as provided in section 12 of this**



chapter, this section applies to the following:

- (1) A mortgage foreclosure action with respect to which:
 - (A) the creditor has filed the complaint in the proceeding before July 1, 2011;
 - (B) the debtor has contacted the court under section 8(c) of this chapter or under section 11(b) of this chapter to schedule a settlement conference under this chapter; and
 - (C) the court having jurisdiction over the action has not:
 - (i) issued a stay in the foreclosure proceedings pending the conclusion of the settlement conference under this chapter;
 - (ii) issued a default judgment against the debtor in the action; or
 - (iii) rendered a judgment of foreclosure in the action.
- (2) A mortgage foreclosure action with respect to which:
 - (A) the creditor has filed the complaint in the proceeding after June 30, 2011; and
 - (B) the debtor has contacted the court under section 8(c) of this chapter to schedule a settlement conference under this chapter.

(b) In a mortgage foreclosure action to which this section applies, the court, notwithstanding Indiana Trial Rule 56, shall stay the granting of any dispositive motion until one (1) of the following occurs, subject to the court's right under section 10(b) of this chapter to order the creditor and the debtor to reconvene a settlement conference at any time before judgment is entered:

- (1) The court receives notice under section 10(e) of this chapter that after the conclusion of a settlement conference held under this chapter:
 - (A) the debtor and the creditor have agreed to enter into a foreclosure prevention agreement; and
 - (B) the creditor has elected under section 10(e) of this chapter to dismiss the foreclosure action for as long as the debtor complies with the terms of the foreclosure prevention agreement.
- (2) The court receives notice under section 10(f) of this chapter that after the conclusion of a settlement conference held under this chapter, the creditor and the debtor are unable to agree on the terms of a foreclosure prevention agreement.

(c) If the debtor requests a settlement conference under this chapter, the court shall treat the request as the entry of an appearance under Indiana Trial Rule 3.1(B).

SECTION 33. IC 32-30-10.5-9, AS AMENDED BY P.L.102-2012,

ES 415—LS 6916/DI 58



SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) Except as provided in sections 8(e), ~~and 10(g), and 12~~ of this chapter and subsection (b), and subject to section 8.5 of this chapter, after June 30, 2009, a court may not issue a judgment of foreclosure under IC 32-30-10 on a mortgage subject to this chapter unless all of the following apply:

(1) The creditor has given the notice required under section 8(c) of this chapter.

(2) One (1) of the following applies:

(A) The debtor does not contact the court within the thirty (30) day period described in section 8(c) of this chapter to schedule a settlement conference under this chapter.

(B) The debtor contacts the court within the thirty (30) day period described in section 8(c) of this chapter to schedule a settlement conference under this chapter and, upon conclusion of the settlement conference, the parties are unable to reach agreement on the terms of a foreclosure prevention agreement.

(C) In a foreclosure action filed after June 30, 2011, the debtor:

(i) contacts the court within the thirty (30) day period described in section 8(c) of this chapter to schedule a settlement conference under this chapter; and

(ii) does not provide to the creditor and the court at least one (1) of the documents required as part of the debtor's loss mitigation package, as specified by the authority in the listing developed under section 10(i) of this chapter and included with the court's notice under section 10(a)(8) of this chapter, within the time specified in the court's notice under section 10(a)(3)(A) of this chapter.

(3) At least sixty (60) days have elapsed since the date the notice required by section 8(a) of this chapter was sent.

(b) If the court finds that a settlement conference would be of limited value based on the result of a prior loss mitigation effort between the creditor and the debtor:

(1) a settlement conference is not required under this chapter; and

(2) the conditions set forth in subsection (a) do not apply, and the foreclosure action may proceed as otherwise allowed by law.

SECTION 34. IC 32-30-10.5-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 12. This chapter does not apply to a mortgage that is serviced by a mortgage servicer that is subject to the requirements of 12 CFR 1024.39, 12 CFR 1024.40,**



and 12 CFR 1024.41."

Delete pages 51 through 62.

Page 63, delete lines 1 through 25.

Page 63, line 28, delete "JANUARY 1, 2015 (RETROACTIVE)]."
and insert "JANUARY 1, 2015 (RETROACTIVE)].":

Renumber all SECTIONS consecutively.

(Reference is to SB 415 as printed January 30, 2015.)

TALLIAN

SENATE MOTION

Madam President: I move that Engrossed SB 415, which is eligible for third reading, be returned to second reading for purposes of amendment.

MERRITT

SENATE MOTION

Madam President: I move that Senate Bill 415 be amended to read as follows:

Page 18, line 13, delete "before" and insert "**not later than fifty-one (51) days after the first tax payment due date each calendar year.**".

Page 18, delete line 14.

Page 19, line 41, delete "may, at" and insert "**may:**

(1) after January 1 of each calendar year in which a tax sale will be held in the county; and

(2) not later than fifty-one (51) days after the first tax payment due date in that calendar year;

certify to the county auditor that a property is not suitable for tax sale. The certification must identify the names and addresses of each person with a substantial property interest of record. When making the application for judgment under section 4.6(b) of this chapter, the county auditor shall include a list of the properties certified not suitable for tax sale and the names and addresses of each person with a substantial property interest of record in the certified properties that was provided to the county auditor with



the certification."

Page 19, delete line 42.

Page 20, delete lines 1 through 4.

Page 20, line 24, delete "one (1) year" and insert "**one hundred twenty (120) days**".

Page 21, line 32, reset in roman "five".

Page 21, line 33, reset in roman "percent (5%)".

Page 21, line 33, delete "using the adjusted rate of".

Page 21, delete line 34.

Page 21, line 35, delete "of state income tax under IC 6-8.1-10-1,".

Page 21, line 39, reset in roman "at the rate of five percent (5%)".

Page 21, line 39, delete "using the".

Page 21, delete line 40.

Page 21, line 41, delete "late payments of state income tax under IC 6-8.1-10-1,".

Page 29, line 37, delete "." and insert "**under IC 6-1.1-24-1.7**".

Page 30, line 37, delete "may" and insert "**shall**".

Page 30, delete lines 39 through 42, begin a new line block indented and insert:

"(1) contains hazardous waste or another environmental hazard; or

(2) has unsafe building conditions;

for which the cost of abatement or remediation will exceed the fair market value of the property."

Page 31, delete lines 1 through 3.

Page 31, line 25, delete "disbursed in the same manner as if such" and insert "**applied in accordance with IC 6-1.1-25-9(a)**".

Page 31, delete lines 26 through 27.

Page 40, delete lines 38 through 42.

Delete page 41.

Page 42, delete lines 1 through 23.

Page 45, line 12, delete "one (1) year" and insert "**one hundred twenty (120) days**".

Page 45, line 40, delete "one (1) year" and insert "**one hundred twenty (120) days**".

Page 46, delete lines 12 through 42.

Page 47, delete lines 1 through 34.

Page 59, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 42. IC 34-30-26-7, AS ADDED BY P.L.66-2014, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) This section applies to real property for which **the executive of** a city, town, or county **or an enforcement**



authority (as defined by IC 36-7-9-2) has obtained a judgment determination of abandonment under ~~IC 32-30-10.6~~ that the real property is (1) vacant; or (2) abandoned; due to a request for a determination by an enforcement authority: IC 36-7-37 or IC 36-7-9.

(b) A city, town, or county may provide a potential purchaser or a potential lender to a person who may want to purchase the real property an opportunity to visually inspect the real property, if accompanied by the appropriate enforcement authority. The appropriate enforcement authority may accompany the person in inspecting the real property and may enter upon the real property, including any structure located on the real property, to visually inspect the real property to determine whether the real property may be desirable. For purposes of a visual inspection under this section, a potential purchaser or a potential lender may not:

- (1) request a utility provider or the city, town, or county to connect or turn on utilities to the real property; or
- (2) physically disturb or alter the real property.

(c) An enforcement authority or a person that enters upon the premises of real property as permitted under this section:

- (1) is immune from civil liability for an act or omission related to the entry, unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct; and
- (2) shall be held harmless from and against all claims of civil or criminal trespass."

(Reference is to SB 415 as reprinted February 11, 2015.)

MERRITT

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 415, 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:

Page 1, delete lines 1 through 14.

Delete pages 2 through 12.

Page 13, delete lines 1 through 23, begin a new paragraph and insert:

"SECTION 1. IC 5-20-1-27, AS AMENDED BY P.L.231-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) The home ownership education

ES 415—LS 6916/DI 58



account within the state general fund is established to support:

- (1) home ownership education programs established under section 4(d) of this chapter;
- (2) mortgage foreclosure counseling and education programs established under IC 5-20-6-2; and
- (3) programs conducted by one (1) or a combination of the following to facilitate settlement conferences in residential foreclosure actions under IC 32-30-10.5:
 - (A) The judiciary.
 - (B) Pro bono legal services agencies.
 - (C) Mortgage foreclosure counselors (as defined in IC 32-30-10.5-6).
 - (D) Other nonprofit entities certified by the authority under section 4(d) of this chapter.

The account is administered by the authority.

- (b) The home ownership education account consists of:
 - (1) court fees collected under ~~IC 33-37-5-32~~ **IC 33-37-5-33** (before its expiration on ~~January 1, 2015~~; **July 1, 2017**);
 - (2) civil penalties imposed and collected under:
 - (A) IC 6-1.1-12-43(g)(2)(B); or
 - (B) IC 27-7-3-15.5(e); and
 - (3) any civil penalties imposed and collected by a court for a violation of a court order in a foreclosure action under IC 32-30-10.5.

(c) The expenses of administering the home ownership education account shall be paid from money in the account.

(d) The treasurer of state shall invest the money in the home ownership education account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

SECTION 2. IC 5-20-6-3, AS AMENDED BY P.L.231-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. In addition to using money provided for the program from:

- (1) court fees under ~~IC 33-37-5-32~~ **IC 33-37-5-33** (before its expiration on ~~January 1, 2015~~; **July 1, 2017**);
- (2) civil penalties imposed and collected under:
 - (A) IC 6-1.1-12-43(g)(2)(B); or
 - (B) IC 27-7-3-15.5(e); and
- (3) any civil penalties imposed and collected by a court for a violation of a court order in a foreclosure action under IC 32-30-10.5;

ES 415—LS 6916/DI 58



the authority may solicit contributions and grants from the private sector, nonprofit entities, and the federal government to assist in carrying out the purposes of this chapter."

Page 47, delete lines 31 through 42, begin a new paragraph and insert:

"SECTION 28. IC 32-30-10.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 10.3. State Regulation of Mortgage Foreclosures

Sec. 1. The state is the sole regulator of the process of mortgage foreclosures, including the duties and obligations of borrowers and lenders in connection with mortgage foreclosures. This chapter preempts all other regulation of the process of mortgage foreclosures by a political subdivision.

Sec. 2. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

Sec. 3. A political subdivision may not do any of the following:

(1) Enact, issue, or enforce ordinances, resolutions, regulations, orders, requests for proposals, or requests for bids pertaining to mortgage foreclosure activities or practices and rules that disqualify persons from doing business with a municipality and that are based upon mortgage foreclosure activities or practices.

(2) Impose reporting requirements or any other obligations upon persons regarding mortgage foreclosure activities or practices or upon subsidiaries or affiliates that:

(A) are subject to the jurisdiction of the department of financial institutions;

(B) are subject to the jurisdiction or regulatory supervision of the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the National Credit Union Administration, the Federal Deposit Insurance Corporation, the Federal Trade Commission, the United States Department of Housing and Urban Development or the Federal Housing Finance Agency;

(C) are chartered by the United States Congress to engage in secondary market mortgage transactions;

(D) are created by the Indiana housing and community development authority; or

(E) originate, purchase, sell, assign, securitize, or service property interests or obligations created by financial transactions or loans made, executed, originated, or



purchased by persons referred to in clauses (A), (B), (C), or (D)."

Delete pages 48 through 52.

Page 53, delete lines 1 through 2.

Page 55, delete lines 36 through 42.

Page 56, delete line 1.

Page 56, line 2, reset in roman "(10)".

Page 56, line 2, delete "(14)".

Page 56, between lines 30 and 31, begin a new paragraph and insert:
 "SECTION 36. IC 33-37-4-4, AS AMENDED BY P.L.231-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The clerk shall collect a civil costs fee of one hundred dollars (\$100) from a party filing a civil action. This subsection does not apply to the following civil actions:

- (1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- (4) Proceedings in paternity under IC 31-14.
- (5) Proceedings in small claims court under IC 33-34.
- (6) Proceedings in actions described in section 7 of this chapter.

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A support and maintenance fee (IC 33-37-5-6).
- (3) A document storage fee (IC 33-37-5-20).
- (4) An automated record keeping fee (IC 33-37-5-21).
- (5) A public defense administration fee (IC 33-37-5-21.2).
- (6) A judicial insurance adjustment fee (IC 33-37-5-25).
- (7) A judicial salaries fee (IC 33-37-5-26).
- (8) A court administration fee (IC 33-37-5-27).
- (9) A service fee (IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).
- (10) A garnishee service fee (IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4)).
- (11) For a mortgage foreclosure action, a mortgage foreclosure counseling and education fee (~~IC 33-37-5-32~~) **(IC 33-37-5-33)** (before its expiration on ~~January 1, 2015~~) **July 1, 2017**).
- (12) Before July 1, 2017, a pro bono legal services fee (IC 33-37-5-31).



SECTION 37. IC 33-37-5-33 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 33. (a) This section applies to a civil action in which the clerk is required to collect a civil costs fee under IC 33-37-4-4. The clerk shall collect a fifty dollar (\$50) mortgage foreclosure counseling and education fee from a party filing an action to foreclose a mortgage.**

(b) This section expires July 1, 2017.

SECTION 38. IC 33-37-7-2, AS AMENDED BY P.L.284-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:**

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) One hundred percent (100%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).



(6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.

(7) The following:

(A) For a county operating under the state's automated judicial system, one hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(B) This clause applies before July 1, 2013, and after June 30, 2015. For a county not operating under the state's automated judicial system, eighty percent (80%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(C) This clause applies after June 30, 2013, and before July 1, 2015. For a county not operating under the state's automated judicial system, five dollars (\$5) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(e) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance



account established by IC 5-2-6-23(h) one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(f) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) or the successor statewide automated support enforcement system collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS or the successor statewide automated support enforcement system collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the department of child services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS, or the successor statewide automated support enforcement system, collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(2) One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(h) This subsection does not apply to court administration fees collected in small claims actions filed in a court described in IC 33-34. The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The judicial salaries fees collected under IC 33-37-5-26.

(3) The DNA sample processing fees collected under IC 33-37-5-26.2.

(4) The court administration fees collected under IC 33-37-5-27.

(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment



account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(j) The proceeds of the service fee collected under IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(k) The proceeds of the garnishee service fee collected under IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(l) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the home ownership education account established by IC 5-20-1-27 one hundred percent (100%) of the following:

(1) The mortgage foreclosure counseling and education fees collected under ~~IC 33-37-5-32~~ **IC 33-37-5-33** (before its expiration on ~~January 1, 2015~~; **July 1, 2017**).

(2) Any civil penalties imposed and collected by a court for a violation of a court order in a foreclosure action under IC 32-30-10.5.

(m) This subsection applies to a county that is not operating under the state's automated judicial system. The clerk of a circuit court shall distribute monthly to the county auditor the following part of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a) for deposit in the clerk's record perpetuation fund:

(1) Twenty percent (20%), before July 1, 2013, and after June 30, 2015.

(2) Two dollars (\$2) of each fee collected, after June 30, 2013, and before July 1, 2015.

(n) The clerk of a circuit court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal



services fees collected before July 1, 2017, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:

- (1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and
- (2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund."

Page 57, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 40. IC 36-7-9-5, AS AMENDED BY P.L.203-2013, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The enforcement authority may issue an order requiring action relative to any unsafe premises, including:

- (1) vacating of an unsafe building;
- (2) sealing an unsafe building against intrusion by unauthorized persons, in accordance with a uniform standard established by ordinance;
- (3) extermination of vermin in and about the unsafe premises;
- (4) removal of trash, debris, fire hazardous material, or a public health hazard in and about the unsafe premises;
- (5) repair or rehabilitation of an unsafe building to bring it into compliance with standards for building condition or maintenance required for human habitation, occupancy, or use by a statute, a rule adopted under IC 4-22-2, or an ordinance;
- (6) demolition and removal of part of an unsafe building;
- (7) demolition and removal of an unsafe building if:
 - (A) the general condition of the building warrants removal; or
 - (B) the building continues to require reinspection and additional abatement action after an initial abatement action was taken pursuant to notice and an order; and



(8) requiring, for an unsafe building that will be sealed for a period of more than ninety (90) days:

- (A) sealing against intrusion by unauthorized persons and the effects of weather;
- (B) exterior improvements to make the building compatible in appearance with other buildings in the area; and
- (C) continuing maintenance and upkeep of the building and premises;

in accordance with standards established by ordinance.

Notice of the order must be given under section 25 of this chapter. The ordered action must be reasonably related to the condition of the unsafe premises and the nature and use of nearby properties. The order supersedes any permit relating to building or land use, whether that permit is obtained before or after the order is issued.

(b) The order must contain **the following**:

- (1) The name of the person to whom the order is issued.
- (2) The legal description or address of the unsafe premises that are the subject of the order.
- (3) The action that the order requires.
- (4) The period of time in which the action is required to be accomplished, measured from the time when the notice of the order is given.
- (5) If a hearing is required, a statement indicating the exact time and place of the hearing, and stating that person to whom the order was issued is entitled to appear at the hearing with or without legal counsel, present evidence, cross-examine opposing witnesses, and present arguments.
- (6) If a hearing is not required, a statement that an order under subsection (a)(2), (a)(3), (a)(4), or (a)(5) becomes final ten (10) days after notice is given, unless a hearing is requested in writing by a person holding a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises, and the request is delivered to the enforcement authority before the end of the ten (10) day period.
- (7) A statement briefly indicating what action can be taken by the enforcement authority if the order is not complied with.
- (8) A statement indicating the obligation created by section 27 of this chapter relating to notification of subsequent interest holders and the enforcement authority. ~~and~~
- (9) The name, address, and telephone number of the enforcement authority.
- (10) **A statement that the hearing authority may determine**



the property to be abandoned as provided in IC 36-7-37.

(c) The order must allow a sufficient time, of at least ten (10) days, but not more than sixty (60) days, from the time when notice of the order is given, to accomplish the required action. If the order allows more than thirty (30) days to accomplish the action, the order may require that a substantial beginning be made in accomplishing the action within thirty (30) days.

(d) The order expires two (2) years from the day the notice of the order is given, unless one (1) or more of the following events occurs within that two (2) year period:

(1) A complaint requesting judicial review is filed under section 8 of this chapter.

(2) A contract for action required by the order is let at public bid under section 11 of this chapter.

(3) A civil action is filed under section 17 of this chapter.

(e) If the order contains a statement under subsection (a)(6) or (a)(7), notice of the order shall be given to each person with a known or recorded substantial property interest.

SECTION 41. IC 36-7-9-7, AS AMENDED BY P.L.88-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) A hearing must be held relative to each order of the enforcement authority, except for an order issued under section 5(a)(2), 5(a)(3), 5(a)(4), ~~or 5(a)(5)~~, **or 7.5** of this chapter. An order issued under section 5(a)(2), 5(a)(3), 5(a)(4), ~~or 5(a)(5)~~, **or 7.5** of this chapter becomes final ten (10) days after notice is given, unless a hearing is requested before the ten (10) day period ends by a person holding a fee interest, life estate interest, mortgage interest, or equitable interest of a contract purchaser in the unsafe premises. The hearing shall be conducted by the hearing authority.

(b) The hearing shall be held on a business day no earlier than ten (10) days after notice of the order is given. The hearing authority may, however, take action at the hearing, or before the hearing if a written request is received by the enforcement authority not later than five (5) days after notice is given, to continue the hearing to a business day not later than fourteen (14) days after the hearing date shown on the order. Unless the hearing authority takes action to have the continued hearing held on a definite, specified date, notice of the continued hearing must be given to the person to whom the order was issued at least five (5) days before the continued hearing date, in the manner prescribed by section 25 of this chapter. If the order being considered at the continued hearing was served by publication, it is sufficient to give notice of the continued hearing by publication unless the enforcement



authority has received information in writing that enables it to make service under section 25 of this chapter by a method other than publication.

(c) The person to whom the order was issued, any person having a substantial property interest in the unsafe premises that are the subject of the order, or any other person with an interest in the proceedings may appear in person or by counsel at the hearing. Each person appearing at the hearing is entitled to present evidence, cross-examine opposing witnesses, and present arguments.

(d) At the conclusion of any hearing at which a continuance is not granted, the hearing authority may make findings and take action to:

- (1) affirm the order;
- (2) rescind the order; or
- (3) modify the order, but unless the person to whom the order was issued, or counsel for that person, is present at the hearing, the hearing authority may modify the order in only a manner that makes its terms less stringent.

(e) In addition to affirming the order, in those cases in which the hearing authority finds that there has been a willful failure to comply with the order, the hearing authority may impose a civil penalty in an amount not to exceed five thousand dollars (\$5,000). The effective date of the civil penalty may be postponed for a reasonable period, after which the hearing authority may order the civil penalty reduced or stricken if the hearing authority is satisfied that all work necessary to fully comply with the order has been done. For purposes of an appeal under section 8 of this chapter or enforcement of an order under section 17 of this chapter, action of the hearing authority is considered final upon the affirmation of the order, even though the hearing authority may retain jurisdiction for the ultimate determination related to the civil penalty. In the hearing authority's exercise of continuing jurisdiction, the hearing authority may, in addition to reducing or striking the civil penalty, impose one (1) or more additional civil penalties in an amount not to exceed five thousand dollars (\$5,000) per civil penalty. An additional civil penalty may be imposed if the hearing authority finds that:

- (1) significant work on the premises to comply with the affirmed order has not been accomplished; and
- (2) the premises have a negative effect on property values or the quality of life of the surrounding area or the premises require the provision of services by local government in excess of the services required by ordinary properties.

The hearing authority may not impose an additional civil penalty



in a hearing to review a civil penalty imposed by the enforcement authority under section 7.5 of this chapter.

(f) If, at a hearing, a person to whom an order has been issued requests an additional period to accomplish action required by the order, and shows good cause for this request to be granted, the hearing authority may grant the request. However, as a condition for allowing the additional period, the hearing authority may require that the person post a performance bond to be forfeited if the action required by the order is not completed within the additional period.

(g) If an order is affirmed or modified, the hearing authority shall issue a continuous enforcement order (as defined in section 2 of this chapter).

(h) The board or commission having control over the department shall, at a public hearing, after having given notice of the time and place of the hearing by publication in accordance with IC 5-3-1, adopt a schedule setting forth the maximum amount of performance bonds applicable to various types of ordered action. The hearing authority shall use this schedule to fix the amount of the performance bond required under subsection (f).

(i) The record of the findings made and action taken by the hearing authority at the hearing shall be available to the public upon request. However, neither the enforcement authority nor the hearing authority is required to give any person notice of the findings and action.

(j) If a civil penalty under subsection (e) is unpaid for more than fifteen (15) days after payment of the civil penalty is due, the civil penalty may be collected from any person against whom the hearing officer assessed the civil penalty or fine. A civil penalty or fine may be collected under this subsection in the same manner as costs under section 13 or 13.5 of this chapter. The amount of the civil penalty or fine that is collected shall be deposited in the unsafe building fund.

SECTION 42. IC 36-7-9-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 7.5. (a) This section applies to an order issued under section 5(a)(5) of this chapter for which a hearing was not requested as provided in section 7 of this chapter.**

(b) If the person to whom the order was issued fails or refuses to comply with the order within sixty (60) days or the time specified in the order, the enforcement authority may impose a civil penalty not to exceed two thousand five hundred dollars (\$2,500). The enforcement authority shall give notice of the civil penalty to all persons with a known or recorded substantial property interest in the unsafe premises.



(c) After a civil penalty is imposed under subsection (b), the enforcement authority may impose an additional civil penalty in an amount not to exceed one thousand dollars (\$1,000) every ninety (90) days if the person to whom the order was issued continues to fail or refuse to comply with the order.

(d) If a civil penalty under this section is unpaid for more than fifteen (15) days after payment of the civil penalty is due, the civil penalty may be collected in the same manner as costs under section 13 or 13.5 of this chapter. The amount of the civil penalty that is collected shall be deposited in the unsafe building fund.

SECTION 43. IC 36-7-9-8, AS AMENDED BY P.L.169-2006, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) An action taken by the hearing authority under section 7(d), or 7(e), or 9(d) of this chapter or a finding by the hearing authority of abandonment under IC 36-7-37 is subject to review by the circuit or superior court of the county in which the unsafe premises are located, on request of:

- (1) any person who has a substantial property interest in the unsafe premises; or
- (2) any person to whom that order or finding was issued.

(b) A person requesting judicial review under this section must file a verified complaint including the findings of fact and the action taken by the hearing authority. The complaint must be filed within ten (10) days after the date when the action was taken.

(c) An appeal under this section is an action de novo. The court may affirm, modify, or reverse the action taken by the hearing authority.

SECTION 44. IC 36-7-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) If the enforcement authority finds it necessary to take emergency action concerning an unsafe premises in order to protect life, safety, or property, it may take that action without issuing an order or giving notice. However, this emergency action must be limited to removing any immediate danger.

(b) The department, acting through the enforcement authority, may recover the costs incurred by the enforcement authority in taking emergency action, by filing a civil action in the circuit court or superior court of the county against the persons who held a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises at the time the enforcement authority found it necessary to take emergency action. The department is not liable for the costs of this civil action.

(c) If an unsafe premises poses an immediate danger to the life or



safety of persons occupying or using nearby property, the enforcement authority may, without following this chapter's requirements for issuing an order and giving notice, take emergency action to require persons to vacate and not use the nearby property until the danger has passed. However, any person required to vacate an unsafe premises under this subsection may challenge in an emergency court proceeding the enforcement authority's determination that the premises poses an immediate danger to the life or safety of any person. In an emergency court proceeding, the enforcement authority has the burden of proving that emergency action is necessary to protect from immediate danger the life or safety of persons occupying or using nearby property.

(d) Instead of filing a civil action to recover the costs incurred by the enforcement authority in taking emergency action, the enforcement authority may set a hearing for the hearing authority to review the necessity of the emergency action and the amount of the costs of the emergency action. Notice of the hearing must be provided to each person with a known or recorded substantial property interest in the unsafe premises. If the emergency action or the costs of the emergency action are determined by the hearing authority to have been an abuse of discretion or otherwise unlawful, the hearing authority may reduce or deny the costs of the emergency action as warranted under the circumstances; otherwise, the hearing authority shall affirm the costs of the emergency action. The amount of the costs affirmed by the hearing authority may then be collected as provided in sections 12 through 13.5 of this chapter.

SECTION 45. IC 36-7-9-12, AS AMENDED BY P.L.68-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) When action required by an order is performed by the enforcement authority or by a contractor acting under section 9 or 11 of this chapter, each person who held a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises from the time when the order requiring the work performed was issued to the time that the work was completed, **or, if emergency action was taken under section 9 of this chapter, during the time of such emergency action**, is jointly and severally responsible for the following costs:

(1) The:

(A) actual cost of the emergency action taken, as affirmed by the hearing authority; or

(B) actual cost of the work performed by the enforcement authority or the bid price of work accomplished by the



contractor under section 11 of this chapter.

(2) An amount that represents a reasonable forecast of the average processing expense that will be incurred by the enforcement authority in taking the technical, administrative, and legal actions concerning typical unsafe premises that are necessary under this chapter so that the action required by an order may be performed by a contractor under section 9 or 11 of this chapter. In calculating the amount of the average processing expense, the following costs may be considered:

(A) The cost of obtaining reliable information about the identity and location of persons who own a substantial property interest in the unsafe premises.

(B) The cost of notice of orders, notice of statements of rescission, notice of continued hearing, notice of statements that public bids are to be let or that the enforcement authority intends to accomplish the work, and notice that a hearing may be held on the amounts indicated in the record, in accordance with section 25 of this chapter.

(C) Salaries for employees.

(D) The cost of supplies, equipment, and office space.

(b) The board or commission having control over the department shall determine the amount of the average processing expense at the public hearing, after notice has been given in the same manner as is required for other official action of the board or commission. In determining the average processing expense, the board or commission may fix the amount at a full dollar amount that is an even multiple of ten (10).

SECTION 46. IC 36-7-9-13.5, AS AMENDED BY P.L.169-2006, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13.5. (a) This section does not apply to the collection of an amount if a court determines under section 13 of this chapter that the enforcement authority is not entitled to the amount.

(b) If:

(1) all or any part of the costs listed in section 12 of this chapter remain unpaid for any unsafe premises (other than unsafe premises owned by a governmental entity) for more than fifteen (15) days after completion of the work; or

(2) **emergency action was taken under section 9 of this chapter, for more than fifteen (15) days after the costs of the emergency action have been affirmed by the hearing authority;**

the enforcement authority may send notice under section 25 of this



chapter to each person who held a known or recorded fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises. If the notice is sent, the enforcement authority shall also send notice to any mortgagee with a known or recorded substantial property interest. The notice must require full payment of the amount owed within thirty (30) days.

(c) If full payment of the amount owed is not made less than thirty (30) days after the notice is delivered, the enforcement officer may certify the following information to the county auditor:

(1) The name of each person who held a known or recorded fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises.

(2) The description of the unsafe premises, as shown by the records of the county auditor.

(3) The amount of the delinquent payment, including all costs described in section 12 of this chapter.

(d) The county auditor shall place the total amount certified under subsection (c) on the tax duplicate for the affected property as a special assessment. The total amount, including accrued interest, shall be collected as delinquent taxes are collected.

(e) An amount collected under subsection (d), after all other taxes have been collected and disbursed, shall be disbursed to the unsafe building fund.

(f) A judgment entered under section 13, 19, 21, or 22 of this chapter may be certified to the auditor and collected under this section. However, a judgment lien need not be obtained under section 13 of this chapter before a debt is certified under this section.

SECTION 47. IC 36-7-9-20.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 20.5. (a) This section applies only to property determined to be:

(1) an unsafe premises under this chapter; and

(2) abandoned under IC 36-7-37.

(b) The circuit court of the county in which the unit is located shall appoint the hearing authority.

(c) A city, town, or county having an enforcement authority may adopt or amend an ordinance to set requirements for the receiver that are more stringent than is provided in this section.

(d) Upon the request of the enforcement authority or the enforcement authority's designee, a circuit court acting under section 17 of this chapter may appoint a receiver to take possession of, rehabilitate, and transfer the property. The receiver may be any



competent person who has been approved by the enforcement authority.

(e) If the enforcement authority or the enforcement authority's designee requests the appointment of a receiver, all persons having a substantial interest in the property shall be made party defendants and given notice.

(f) A receiver shall provide written notice to the county auditor and the county treasurer that a receiver has been appointed.

(g) The county treasurer may file a proof of claim with the receiver that identifies the taxes that are owed at the time the receiver took possession of the property. The proof of claim must include a detailed breakdown of all taxes, special assessments, fees, fines from the enforcement authority, and penalties that are owed on the property.

(h) The county treasurer may request that the county auditor waive penalties that incurred after the proof of claim is filed. The county auditor may waive such penalties.

(i) A receiver appointed to transfer property may do the following:

- (1) Enter into contracts and do all things necessary to maintain, rehabilitate, and prepare the property for sale, including demolition of structures or parts of structures that may not reasonably be rehabilitated.
- (2) Enter into any contracts and do all things necessary to accomplish the transfer of the property.
- (3) Investigate claims on the proceeds of sale submitted under subsection (k).

The enforcement authority may utilize funds from the unsafe building fund for expenses incurred by the receiver in carrying out the receiver's responsibilities.

(j) A transfer under this section shall be conducted as follows:

- (1) The property shall be offered at a public auction, unless the property is claimed at any time by a recorded owner of the property.
- (2) A bidder must be in good standing as determined by the enforcement authority or by the receiver acting as the enforcement authority's designee. The receiver may establish minimum qualifications for bidders, investigate a bidder's qualifications and ability to rehabilitate the property, and prequalify bidders before holding an auction. A person prohibited from bidding at an auction held under IC 6-1.1-24-6.1 may not bid at a receiver's auction held under



this section.

(3) The receiver may establish a minimum bid for the auction.

(4) Notice of the auction must be given by publication and such other means as determined by the receiver at least thirty (30) days before the auction.

(5) The receiver may cancel the auction at any time and for any reason. The auction may be rescheduled as determined by the receiver.

(6) The receiver may impose any reasonable conditions upon the sale.

(k) After the transfer of title to the purchaser, the receiver shall serve a notice on all persons who, before the transfer, had a known or recorded substantial property interest in the property. The notice must contain the following information:

(1) The fact of the transfer and the purchase price paid.

(2) The order in which the proceeds of the sale are to be applied as described in subsection (l).

(3) Instructions for submitting a claim.

(4) The date by which a claim must be submitted, which may not be less than ninety (90) days after the date the notice is served.

(5) If the receiver takes reasonable steps but is unable to locate a person entitled to notice under this subsection, the receiver may serve the notice by publication. Any proceeds from the sale remaining after all claims have been paid shall be deposited in the unsafe building fund or a fund designated by the local ordinance.

(l) The proceeds of the sale shall be applied in the following order:

(1) Current year taxes of not to exceed two thousand five hundred dollars (\$2,500).

(2) The receiver's expenses, including administrative expenses, and costs of sale.

(3) Any additional current year taxes in addition to the limit set in subdivision (1), delinquent taxes, and penalties, unpaid fees and fines issued by the enforcement authority, and special assessment accrued on the property.

(4) Any liens on the property in their order of priority.

(5) Any remaining money shall be paid to the divested owner.

(m) The issuing authority of the special assessments may choose to waive the special assessments and not collect them.

(n) A 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 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 after the sale. However, subject to subsection (o), the estate is subject to the following:

- (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.

(o) A deed executed under this section:

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

SECTION 48. IC 36-7-9-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 26. (a) The enforcement authority shall record in the office of the county recorder orders issued under section 5(a)(6), 5(a)(7), ~~or 6(a)~~, **or 7.5** of this chapter. If the enforcement authority records an order issued under section 5(a)(6), 5(a)(7), ~~or 6(a)~~, **or 7.5** of this chapter, statements of rescission issued under section 6(b) of this chapter, statements that public bids are to be let under section 11 of this chapter, and records of action in which the order is affirmed, modified, or rescinded taken by the hearing authority under section 7 of this chapter shall be recorded. The recorder shall charge the fee required under IC 36-2-7-10 for recording these items.

(b) A person who takes an interest in unsafe premises that are the subject of a recorded order takes that interest, whether or not a hearing has been held, subject to the terms of the order and other documents recorded under subsection (a) and in such a manner that all of the requirements of sections 10, 11, and 17 through 22 of this chapter relating to the issuance of orders, service of orders and affirmation of orders are considered satisfied. If a hearing has been held, the interest



is taken subject to the terms of the order as modified at the hearing, in other documents recorded under subsection (a), and in such a manner that all of the requirements of sections 10, 11, and 17 through 22 of this chapter relating to the issuance of orders, service of orders, and modification of orders at hearing are considered satisfied.

(c) A person who takes an interest in unsafe premises that are the subject of a recorded statement that public bids are to be let takes the interest subject to the terms of the statement and in such a manner that the notice of the statement required by section 11 of this chapter is considered given to the person."

Page 57, line 20, delete "As" and insert **"(a) Except as provided in subsections (b) and (c), as"**.

Page 57, between lines 30 and 31, begin a new paragraph and insert:

"(b) If a person gives notice to the executive of the county, city, or town that has jurisdiction in the location of the property that the person owns the property, all proceedings under this chapter are terminated. An owner of the property may give notice in person, by telephone, by electronic mail, or by United States mail.

(c) This chapter does not apply to a property covered by an installment payment plan under IC 6-1.1-10-16."

Page 58, line 18, after "chapter," insert **"or if an enforcement authority requests an abandonment determination from the hearing authority and has served the request as provided in IC 36-7-9,"**.

Page 58, line 18, after "court" insert **"or hearing authority"**.

Page 58, line 20, delete "debtor," and insert **"owner,"**.

Page 58, line 20, after "court" insert **"or hearing authority"**.

Page 58, line 21, after "court" insert **"or hearing authority"**.

Page 58, line 22, after "court's" insert **"or hearing authority's"**.

Page 58, line 25, delete "court on" and insert **"court or hearing authority on"**.

Page 58, line 25, delete "." and insert **"or hearing authority."**

Page 58, line 29, after "court's" insert **"or hearing authority's"**.

Page 58, line 33, delete ":" and insert **"or hearing authority:"**.

Page 58, line 35, after "court" insert **"or hearing authority"**.

Page 58, line 37, after "court" insert **"or hearing authority"**.

Page 58, line 38, delete ";" and insert **"or hearing authority;"**.

Page 58, line 40, delete "." and insert **"or hearing authority."**

Page 59, line 1, after "court" insert **"or hearing authority"**.

Page 59, line 2, after "court" insert **"or hearing authority"**.

Page 59, line 4, after "court" insert **"or hearing authority"**.

Page 59, line 5, after "court" insert **"or hearing authority"**.



Page 59, line 7, after "court" insert "**or hearing authority**".
Page 59, line 8, delete "." and insert "**or hearing authority**".
Page 59, line 9, after "court" insert "**or hearing authority**".
Page 59, line 10, after "court's" insert "**or hearing authority's**".
Page 59, line 13, delete ":" and insert "**or hearing authority**".
Page 59, line 15, after "court's" insert "**or hearing authority's**".
Page 59, line 17, after "court's" insert "**or hearing authority's**".
Page 59, line 19, delete "." and insert "**or hearing authority**".
Page 59, line 21, delete "." and insert "**or hearing authority**".
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 415 as reprinted February 17, 2015.)

PRICE

Committee Vote: yeas 10, nays 0.

