



January 30, 2015

SENATE BILL No. 415

DIGEST OF SB 415 (Updated January 29, 2015 8:12 am - DI 87)

Citations Affected: IC 5-14; IC 5-20; IC 6-1.1; IC 32-29; IC 32-30; IC 36-7.

Synopsis: Vacant and abandoned housing and mortgage servicing. 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, 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. 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 requested by counties, cities, and towns from the property law to the local government law. 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
(Continued next page)

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

**Merritt, Raatz, Bassler, Broden,
Breux, Taylor**

January 12, 2015, read first time and referred to Committee on Local Government.
January 29, 2015, amended, reported favorably — Do Pass.

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Digest Continued

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. Prohibits owners of property that was found to be vacant or abandoned in any county, from buying property at a tax sale, and requires the attorney general to include these owners on the tax sale blight registry. Provides for the following: (1) Removal of properties not suitable for tax sale from the tax sale list. (2) A one year redemption period for property removed from the tax sale list. (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. Adds a requirement to issue a judgment when property is found to be abandoned. Adds conditions under which a property may be determined to be abandoned. Provides that the interest rate to be paid for redeemed property is the adjusted interest rate used for refunds of state income taxes. Makes the following changes to statutes concerning mortgage servicing: (1) Amends the definition of "mortgage" in the statute concerning foreclosure prevention agreements for residential property to mean a federally related mortgage loan that is: (A) subject in whole or in part to the federal Real Estate Settlement Procedures Act (RESPA); and (B) secured by the debtor's primary residence. Requires a mortgage servicer (instead of a creditor) to provide notice to a debtor before filing a mortgage foreclosure action. Requires a small mortgage servicer to comply with federal regulations adopted under RESPA concerning early intervention, continuity of contact requirements, and loss mitigation procedures. (The federal regulations exempt small mortgage servicers from these provisions.) Repeals provisions regarding mortgage foreclosure action settlement conferences. Makes technical corrections.

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January 30, 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.

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 5-14-3-4, AS AMENDED BY P.L.168-2014,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 4. (a) The following public records are excepted
4 from section 3 of this chapter and may not be disclosed by a public
5 agency, unless access to the records is specifically required by a state
6 or federal statute or is ordered by a court under the rules of discovery:
7 (1) Those declared confidential by state statute.
8 (2) Those declared confidential by rule adopted by a public
9 agency under specific authority to classify public records as
10 confidential granted to the public agency by statute.
11 (3) Those required to be kept confidential by federal law.
12 (4) Records containing trade secrets.
13 (5) Confidential financial information obtained, upon request,
14 from a person. However, this does not include information that is

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1 filed with or received by a public agency pursuant to state statute.

2 (6) Information concerning research, including actual research
3 documents, conducted under the auspices of a state educational
4 institution, including information:

5 (A) concerning any negotiations made with respect to the
6 research; and

7 (B) received from another party involved in the research.

8 (7) Grade transcripts and license examination scores obtained as
9 part of a licensure process.

10 (8) Those declared confidential by or under rules adopted by the
11 supreme court of Indiana.

12 (9) Patient medical records and charts created by a provider,
13 unless the patient gives written consent under IC 16-39 or as
14 provided under IC 16-41-8.

15 (10) Application information declared confidential by the board
16 of the Indiana economic development corporation under
17 IC 5-28-16.

18 (11) A photograph, a video recording, or an audio recording of an
19 autopsy, except as provided in IC 36-2-14-10.

20 (12) A Social Security number contained in the records of a
21 public agency.

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

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

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

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

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

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

36 (A) a public agency;

37 (B) the state; or

38 (C) an individual.

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



- 1 (4) Scores of tests if the person is identified by name and has not
2 consented to the release of the person's scores.
- 3 (5) The following:
- 4 (A) Records relating to negotiations between the Indiana
5 economic development corporation, the ports of Indiana, the
6 Indiana state department of agriculture, the Indiana finance
7 authority, an economic development commission, a local
8 economic development organization (as defined in
9 IC 5-28-11-2(3)), or a governing body of a political
10 subdivision with industrial, research, or commercial prospects,
11 if the records are created while negotiations are in progress.
- 12 (B) Notwithstanding clause (A), the terms of the final offer of
13 public financial resources communicated by the Indiana
14 economic development corporation, the ports of Indiana, the
15 Indiana finance authority, an economic development
16 commission, or a governing body of a political subdivision to
17 an industrial, a research, or a commercial prospect shall be
18 available for inspection and copying under section 3 of this
19 chapter after negotiations with that prospect have terminated.
- 20 (C) When disclosing a final offer under clause (B), the Indiana
21 economic development corporation shall certify that the
22 information being disclosed accurately and completely
23 represents the terms of the final offer.
- 24 (D) Notwithstanding clause (A), an incentive agreement with
25 an incentive recipient shall be available for inspection and
26 copying under section 3 of this chapter after the date the
27 incentive recipient and the Indiana economic development
28 corporation execute the incentive agreement regardless of
29 whether negotiations are in progress with the recipient after
30 that date regarding a modification or extension of the incentive
31 agreement.
- 32 (6) Records that are intra-agency or interagency advisory or
33 deliberative material, including material developed by a private
34 contractor under a contract with a public agency, that are
35 expressions of opinion or are of a speculative nature, and that are
36 communicated for the purpose of decision making.
- 37 (7) Diaries, journals, or other personal notes serving as the
38 functional equivalent of a diary or journal.
- 39 (8) Personnel files of public employees and files of applicants for
40 public employment, except for:
- 41 (A) the name, compensation, job title, business address,
42 business telephone number, job description, education and



- 1 training background, previous work experience, or dates of
 2 first and last employment of present or former officers or
 3 employees of the agency;
 4 (B) information relating to the status of any formal charges
 5 against the employee; and
 6 (C) the factual basis for a disciplinary action in which final
 7 action has been taken and that resulted in the employee being
 8 suspended, demoted, or discharged.
- 9 However, all personnel file information shall be made available
 10 to the affected employee or the employee's representative. This
 11 subdivision does not apply to disclosure of personnel information
 12 generally on all employees or for groups of employees without the
 13 request being particularized by employee name.
- 14 (9) Minutes or records of hospital medical staff meetings.
- 15 (10) Administrative or technical information that would
 16 jeopardize a record keeping or security system.
- 17 (11) Computer programs, computer codes, computer filing
 18 systems, and other software that are owned by the public agency
 19 or entrusted to it and portions of electronic maps entrusted to a
 20 public agency by a utility.
- 21 (12) Records specifically prepared for discussion or developed
 22 during discussion in an executive session under IC 5-14-1.5-6.1.
 23 However, this subdivision does not apply to that information
 24 required to be available for inspection and copying under
 25 subdivision (8).
- 26 (13) The work product of the legislative services agency under
 27 personnel rules approved by the legislative council.
- 28 (14) The work product of individual members and the partisan
 29 staffs of the general assembly.
- 30 (15) The identity of a donor of a gift made to a public agency if:
 31 (A) the donor requires nondisclosure of the donor's identity as
 32 a condition of making the gift; or
 33 (B) after the gift is made, the donor or a member of the donor's
 34 family requests nondisclosure.
- 35 (16) Library or archival records:
 36 (A) which can be used to identify any library patron; or
 37 (B) deposited with or acquired by a library upon a condition
 38 that the records be disclosed only:
 39 (i) to qualified researchers;
 40 (ii) after the passing of a period of years that is specified in
 41 the documents under which the deposit or acquisition is
 42 made; or



- 1 (iii) after the death of persons specified at the time of the
2 acquisition or deposit.
- 3 However, nothing in this subdivision shall limit or affect contracts
4 entered into by the Indiana state library pursuant to IC 4-1-6-8.
- 5 (17) The identity of any person who contacts the bureau of motor
6 vehicles concerning the ability of a driver to operate a motor
7 vehicle safely and the medical records and evaluations made by
8 the bureau of motor vehicles staff or members of the driver
9 licensing medical advisory board regarding the ability of a driver
10 to operate a motor vehicle safely. However, upon written request
11 to the commissioner of the bureau of motor vehicles, the driver
12 must be given copies of the driver's medical records and
13 evaluations.
- 14 (18) School safety and security measures, plans, and systems,
15 including emergency preparedness plans developed under 511
16 IAC 6.1-2-2.5.
- 17 (19) A record or a part of a record, the public disclosure of which
18 would have a reasonable likelihood of threatening public safety
19 by exposing a vulnerability to terrorist attack. A record described
20 under this subdivision includes:
- 21 (A) a record assembled, prepared, or maintained to prevent,
22 mitigate, or respond to an act of terrorism under IC 35-47-12-1
23 or an act of agricultural terrorism under IC 35-47-12-2;
 - 24 (B) vulnerability assessments;
 - 25 (C) risk planning documents;
 - 26 (D) needs assessments;
 - 27 (E) threat assessments;
 - 28 (F) intelligence assessments;
 - 29 (G) domestic preparedness strategies;
 - 30 (H) the location of community drinking water wells and
31 surface water intakes;
 - 32 (I) the emergency contact information of emergency
33 responders and volunteers;
 - 34 (J) infrastructure records that disclose the configuration of
35 critical systems such as communication, electrical, ventilation,
36 water, and wastewater systems;
 - 37 (K) detailed drawings or specifications of structural elements,
38 floor plans, and operating, utility, or security systems, whether
39 in paper or electronic form, of any building or facility located
40 on an airport (as defined in IC 8-21-1-1) that is owned,
41 occupied, leased, or maintained by a public agency. A record
42 described in this clause may not be released for public



1 inspection by any public agency without the prior approval of
 2 the public agency that owns, occupies, leases, or maintains the
 3 airport. The public agency that owns, occupies, leases, or
 4 maintains the airport:

5 (i) is responsible for determining whether the public
 6 disclosure of a record or a part of a record has a reasonable
 7 likelihood of threatening public safety by exposing a
 8 vulnerability to terrorist attack; and

9 (ii) must identify a record described under item (i) and
 10 clearly mark the record as "confidential and not subject to
 11 public disclosure under IC 5-14-3-4(b)(19)(J) without
 12 approval of (insert name of submitting public agency)"; and
 13 (L) the home address, home telephone number, and emergency
 14 contact information for any:

15 (i) emergency management worker (as defined in
 16 IC 10-14-3-3);

17 (ii) public safety officer (as defined in IC 35-47-4.5-3);

18 (iii) emergency medical responder (as defined in
 19 IC 16-18-2-109.8); or

20 (iv) advanced emergency medical technician (as defined in
 21 IC 16-18-2-6.5).

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

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

32 (A) Telephone number.

33 (B) Address.

34 (C) Social Security number.

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

37 (A) Telephone number.

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

42 (22) Notwithstanding subdivision (8)(A), the name,



1 compensation, job title, business address, business telephone
 2 number, job description, education and training background,
 3 previous work experience, or dates of first employment of a law
 4 enforcement officer who is operating in an undercover capacity.

5 (23) Records requested by an offender that:

6 (A) contain personal information relating to:

7 (i) a correctional officer (as defined in IC 5-10-10-1.5);

8 (ii) a law enforcement officer (as defined in
 9 IC 35-31.5-2-185);

10 (iii) a judge (as defined in IC 33-38-12-3);

11 (iv) the victim of a crime; or

12 (v) a family member of a correctional officer, law
 13 enforcement officer (as defined in IC 35-31.5-2-185), judge
 14 (as defined in IC 33-38-12-3), or victim of a crime; or

15 (B) concern or could affect the security of a jail or correctional
 16 facility.

17 (24) Information concerning an individual less than eighteen (18)
 18 years of age who participates in a conference, meeting, program,
 19 or activity conducted or supervised by a state educational
 20 institution, including the following information regarding the
 21 individual or the individual's parent or guardian:

22 (A) Name.

23 (B) Address.

24 (C) Telephone number.

25 (D) Electronic mail account address.

26 (25) Criminal intelligence information.

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

30 (A) date of birth;

31 (B) driver's license number;

32 (C) taxpayer identification number;

33 (D) employer identification number; or

34 (E) account number.

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

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

42 (e) Only the content of a public record may form the basis for the



1 adoption by any public agency of a rule or procedure creating an
2 exception from disclosure under this section.

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

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

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

12 (1) public records subject to IC 5-15 may be destroyed only in
13 accordance with record retention schedules under IC 5-15; or

14 (2) public records not subject to IC 5-15 may be destroyed in the
15 ordinary course of business.

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

21 (1) to make or participate in the making of construction loans for
22 multiple family residential housing under terms that are approved
23 by the authority;

24 (2) to make or participate in the making of mortgage loans for
25 multiple family residential housing under terms that are approved
26 by the authority;

27 (3) to purchase or participate in the purchase from mortgage
28 lenders of mortgage loans made to persons of low and moderate
29 income for residential housing;

30 (4) to make loans to mortgage lenders for the purpose of
31 furnishing funds to such mortgage lenders to be used for making
32 mortgage loans for persons and families of low and moderate
33 income. However, the obligation to repay loans to mortgage
34 lenders shall be general obligations of the respective mortgage
35 lenders and shall bear such date or dates, shall mature at such
36 time or times, shall be evidenced by such note, bond, or other
37 certificate of indebtedness, shall be subject to prepayment, and
38 shall contain such other provisions consistent with the purposes
39 of this chapter as the authority shall by rule or resolution
40 determine;

41 (5) to collect and pay reasonable fees and charges in connection
42 with making, purchasing, and servicing of its loans, notes, bonds,



1 commitments, and other evidences of indebtedness;
2 (6) to acquire real property, or any interest in real property, by
3 conveyance, including purchase in lieu of foreclosure, or
4 foreclosure, to own, manage, operate, hold, clear, improve, and
5 rehabilitate such real property and sell, assign, exchange, transfer,
6 convey, lease, mortgage, or otherwise dispose of or encumber
7 such real property where such use of real property is necessary or
8 appropriate to the purposes of the authority;
9 (7) to sell, at public or private sale, all or any part of any mortgage
10 or other instrument or document securing a construction loan, a
11 land development loan, a mortgage loan, or a loan of any type
12 permitted by this chapter;
13 (8) to procure insurance against any loss in connection with its
14 operations in such amounts and from such insurers as it may deem
15 necessary or desirable;
16 (9) to consent, subject to the provisions of any contract with
17 noteholders or bondholders which may then exist, whenever it
18 deems it necessary or desirable in the fulfillment of its purposes
19 to the modification of the rate of interest, time of payment of any
20 installment of principal or interest, or any other terms of any
21 mortgage loan, mortgage loan commitment, construction loan,
22 loan to lender, or contract or agreement of any kind to which the
23 authority is a party;
24 (10) to enter into agreements or other transactions with any
25 federal, state, or local governmental agency for the purpose of
26 providing adequate living quarters for such persons and families
27 in cities and counties where a need has been found for such
28 housing;
29 (11) to include in any borrowing such amounts as may be deemed
30 necessary by the authority to pay financing charges, interest on
31 the obligations (for a period not exceeding the period of
32 construction and a reasonable time thereafter or if the housing is
33 completed, two (2) years from the date of issue of the
34 obligations), consultant, advisory, and legal fees and such other
35 expenses as are necessary or incident to such borrowing;
36 (12) to make and publish rules respecting its lending programs
37 and such other rules as are necessary to effectuate the purposes of
38 this chapter;
39 (13) to provide technical and advisory services to sponsors,
40 builders, and developers of residential housing and to residents
41 and potential residents, including housing selection and purchase
42 procedures, family budgeting, property use and maintenance,



1 household management, and utilization of community resources;
 2 (14) to promote research and development in scientific methods
 3 of constructing low cost residential housing of high durability;
 4 (15) to encourage community organizations to participate in
 5 residential housing development;
 6 (16) to make, execute, and effectuate any and all agreements or
 7 other documents with any governmental agency or any person,
 8 corporation, association, partnership, limited liability company,
 9 or other organization or entity necessary or convenient to
 10 accomplish the purposes of this chapter;
 11 (17) to accept gifts, devises, bequests, grants, loans,
 12 appropriations, revenue sharing, other financing and assistance
 13 and any other aid from any source whatsoever and to agree to, and
 14 to comply with, conditions attached thereto;
 15 (18) to sue and be sued in its own name, plead and be impleaded;
 16 (19) to maintain an office in the city of Indianapolis and at such
 17 other place or places as it may determine;
 18 (20) to adopt an official seal and alter the same at pleasure;
 19 (21) to adopt and from time to time amend and repeal bylaws for
 20 the regulation of its affairs and the conduct of its business and to
 21 prescribe rules and policies in connection with the performance
 22 of its functions and duties;
 23 (22) to employ fiscal consultants, engineers, attorneys, real estate
 24 counselors, appraisers, and such other consultants and employees
 25 as may be required in the judgment of the authority and to fix and
 26 pay their compensation from funds available to the authority
 27 therefor;
 28 (23) notwithstanding IC 5-13, but subject to the requirements of
 29 any trust agreement entered into by the authority, to invest:
 30 (A) the authority's money, funds, and accounts;
 31 (B) any money, funds, and accounts in the authority's custody;
 32 and
 33 (C) proceeds of bonds or notes;
 34 in the manner provided by an investment policy established by
 35 resolution of the authority;
 36 (24) to make or participate in the making of construction loans,
 37 mortgage loans, or both, to individuals, partnerships, limited
 38 liability companies, corporations, and organizations for the
 39 construction of residential facilities for individuals with a
 40 developmental disability or for individuals with a mental illness
 41 or for the acquisition or renovation, or both, of a facility to make
 42 it suitable for use as a new residential facility for individuals with



1 a developmental disability or for individuals with a mental illness;
 2 (25) to make or participate in the making of construction and
 3 mortgage loans to individuals, partnerships, corporations, limited
 4 liability companies, and organizations for the construction,
 5 rehabilitation, or acquisition of residential facilities for children;
 6 (26) to purchase or participate in the purchase of mortgage loans
 7 from:

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

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

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

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

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

21 (29) subject to the authority's investment policy, to enter into
 22 swap agreements (as defined in IC 8-9.5-9-4) in accordance with
 23 IC 8-9.5-9-5 and IC 8-9.5-9-7;

24 (30) to promote and foster community revitalization through
 25 community services and real estate development;

26 (31) to coordinate and establish linkages between governmental
 27 and other social services programs to ensure the effective delivery
 28 of services to low income individuals and families, including
 29 individuals or families facing or experiencing homelessness;

30 (32) to cooperate with local housing officials and plan
 31 commissions in the development of projects that the officials or
 32 commissions have under consideration;

33 ~~(33) to prescribe, in accordance with IC 32-30-10.5-10(i), a list of~~
 34 ~~documents that must be included under IC 32-30-10.5 as part of~~
 35 ~~a debtor's loss mitigation package in a foreclosure action filed~~
 36 ~~after June 30, 2011;~~

37 ~~(34) (33)~~ to take actions necessary to implement its powers that
 38 the authority determines to be appropriate and necessary to ensure
 39 the availability of state or federal financial assistance; and

40 ~~(35) (34)~~ to administer any program or money designated by the
 41 state or available from the federal government or other sources
 42 that is consistent with the authority's powers and duties.



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

7 (b) The authority shall ensure that a mortgage loan acquired by the
 8 authority under subsection (a)(3) or made by a mortgage lender with
 9 funds provided by the authority under subsection (a)(4) is not
 10 knowingly made to a person whose adjusted family income, as
 11 determined by the authority, exceeds one hundred twenty-five percent
 12 (125%) of the median income for the geographic area involved.
 13 However, if the authority determines that additional encouragement is
 14 needed for the development of the geographic area involved, a
 15 mortgage loan acquired or made under subsection (a)(3) or (a)(4) may
 16 be made to a person whose adjusted family income, as determined by
 17 the authority, does not exceed one hundred forty percent (140%) of the
 18 median income for the geographic area involved. The authority shall
 19 establish procedures that the authority determines are appropriate to
 20 structure and administer any program conducted under subsection
 21 (a)(3) or (a)(4) for the purpose of acquiring or making mortgage loans
 22 to persons of low or moderate income. In determining what constitutes
 23 low income, moderate income, or median income for purposes of any
 24 program conducted under subsection (a)(3) or (a)(4), the authority shall
 25 consider:

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

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

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

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

40 conducted throughout Indiana by nonprofit counseling agencies that the
 41 authority has certified, or by any other public, private, or nonprofit
 42 entity in partnership with a nonprofit agency that the authority has



1 certified, using funds appropriated under section 27 of this chapter. The
 2 attorney general and the entities listed in IC 4-6-12-4(a)(1) through
 3 IC 4-6-12-4(a)(10) shall cooperate with the authority in implementing
 4 this subsection.

5 (e) The authority shall:

6 (1) oversee and encourage a regional homeless delivery system
 7 that:

8 (A) considers the need for housing and support services;

9 (B) implements strategies to respond to gaps in the delivery
 10 system; and

11 (C) ensures individuals and families are matched with optimal
 12 housing solutions;

13 (2) facilitate the dissemination of information to assist individuals
 14 and families accessing local resources, programs, and services
 15 related to homelessness, housing, and community development;
 16 and

17 (3) each year, estimate and reasonably determine the number of
 18 the following:

19 (A) Individuals in Indiana who are homeless.

20 (B) Individuals in Indiana who are homeless and less than
 21 eighteen (18) years of age.

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

24 SECTION 3. IC 6-1.1-12-18, AS AMENDED BY P.L.144-2008,
 25 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2015]: Sec. 18. (a) If the assessed value of residential real
 27 property described in subsection (d) is increased because it has been
 28 rehabilitated, the owner may have deducted from the assessed value of
 29 the property an amount not to exceed the lesser of:

30 (1) the total increase in assessed value resulting from the
 31 rehabilitation; or

32 (2) eighteen thousand seven hundred twenty dollars (\$18,720) per
 33 rehabilitated dwelling unit.

34 The owner is entitled to this deduction annually for a five (5) year
 35 period, **or if subsection (e) applies, the period established under**
 36 **subsection (e).**

37 (b) For purposes of this section, the term "rehabilitation" means
 38 significant repairs, replacements, or improvements to an existing
 39 structure which are intended to increase the livability, utility, safety, or
 40 value of the property under rules adopted by the department of local
 41 government finance.

42 (c) For the purposes of this section, the term "owner" or "property



1 owner" includes any person who has the legal obligation, or has
 2 otherwise assumed the obligation, to pay the real property taxes on the
 3 rehabilitated property.

4 (d) The deduction provided by this section applies only:

5 (1) for the rehabilitation of residential real property which is
 6 located within this state and which is described in one (1) of the
 7 following classifications:

8 (A) A single family dwelling if before rehabilitation the
 9 assessed value (excluding any exemptions or deductions) of
 10 the improvements does not exceed thirty-seven thousand four
 11 hundred forty dollars (\$37,440).

12 (B) A two (2) family dwelling if before rehabilitation the
 13 assessed value (excluding exemptions or deductions) of the
 14 improvements does not exceed forty-nine thousand nine
 15 hundred twenty dollars (\$49,920).

16 (C) A dwelling with more than two (2) family units if before
 17 rehabilitation the assessed value (excluding any exemptions or
 18 deductions) of the improvements does not exceed eighteen
 19 thousand seven hundred twenty dollars (\$18,720) per dwelling
 20 unit; and

21 (2) if the property owner:

22 (A) owns the residential real property; or

23 (B) is buying the residential real property under contract;

24 on the assessment date of the year in which an application must
 25 be filed under section 20 of this chapter.

26 **(e) A county, city, or town fiscal body may adopt an ordinance**
 27 **to establish a deduction period that is longer than five (5) years but**
 28 **not to exceed fifteen (15) years for any rehabilitated property**
 29 **covered by this section that has also been determined to be**
 30 **abandoned or vacant for purposes of IC 6-1.1-24.**

31 SECTION 4. IC 6-1.1-12-22, AS AMENDED BY P.L.144-2008,
 32 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2015]: Sec. 22. (a) If the assessed value of property is
 34 increased because it has been rehabilitated and the owner has paid at
 35 least ten thousand dollars (\$10,000) for the rehabilitation, the owner is
 36 entitled to have deducted from the assessed value of the property an
 37 amount equal to fifty percent (50%) of the increase in assessed value
 38 resulting from the rehabilitation. The owner is entitled to this deduction
 39 annually for a five (5) year period, **or if subsection (e) applies, the**
 40 **period established under subsection (e).** However, the maximum
 41 deduction which a property owner may receive under this section for
 42 a particular year is:



- 1 (1) one hundred twenty-four thousand eight hundred dollars
- 2 (\$124,800) for a single family dwelling unit; or
- 3 (2) three hundred thousand dollars (\$300,000) for any other type
- 4 of property.
- 5 (b) For purposes of this section, the term "property" means a
- 6 building or structure which was erected at least fifty (50) years before
- 7 the date of application for the deduction provided by this section. The
- 8 term "property" does not include land.
- 9 (c) For purposes of this section, the term "rehabilitation" means
- 10 significant repairs, replacements, or improvements to an existing
- 11 structure that are intended to increase the livability, utility, safety, or
- 12 value of the property under rules adopted by the department of local
- 13 government finance.
- 14 (d) The deduction provided by this section applies only if the
- 15 property owner:
- 16 (1) owns the property; or
- 17 (2) is buying the property under contract;
- 18 on the assessment date of the year in which an application must be filed
- 19 under section 24 of this chapter.
- 20 **(e) A county, city, or town fiscal body may adopt an ordinance**
- 21 **to establish a deduction period that is longer than five (5) years but**
- 22 **not to exceed fifteen (15) years for any rehabilitated property**
- 23 **covered by this section that has also been determined to be**
- 24 **abandoned or vacant for purposes of IC 6-1.1-24.**
- 25 SECTION 5. IC 6-1.1-24-1, AS AMENDED BY THE TECHNICAL
- 26 CORRECTIONS BILL OF THE 2015 GENERAL ASSEMBLY, IS
- 27 AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1,
- 28 2015 (RETROACTIVE)]: Sec. 1. (a) On or after January 1 of each
- 29 calendar year in which a tax sale will be held in a county and not later
- 30 than fifty-one (51) days after the first tax payment due date in that
- 31 calendar year, the county treasurer *(or county executive, in the case of*
- 32 *property described in subdivision (2))* shall certify to the county auditor
- 33 a list of real property on which any of the following exist:
- 34 (1) *In the case of real property, other than real property*
- 35 *described in subdivision (2),* any property taxes or special
- 36 assessments certified to the county auditor for collection by the
- 37 county treasurer from the prior year's spring installment or before
- 38 **that** are delinquent as determined under IC 6-1.1-37-10 and the
- 39 delinquent property *tax or taxes, special assessments, penalties,*
- 40 *fees, or interest* due exceed twenty-five dollars (\$25).
- 41 *(2) In the case of real property for which a county executive has*
- 42 *certified to the county auditor that the real property is:*



1 (A) vacant; or
 2 (B) abandoned;
 3 any property taxes or special assessments from the prior year's
 4 fall installment or before that are delinquent as determined under
 5 IC 6-1.1-37-10. The county executive must make a certification
 6 under this subdivision not later than sixty-one (61) days before
 7 the earliest date on which application for judgment and order for
 8 sale may be made. The executive of a city or town may provide to
 9 the county executive of the county in which the city or town is
 10 located a list of real property that the city or town has determined
 11 to be vacant or abandoned. The county executive shall include
 12 real property included on the list provided by a city or town
 13 executive on the list certified by the county executive to the
 14 county auditor under this subsection.

15 ~~(3)~~ (2) Any unpaid costs are due under section 2(b) 2(c) of this
 16 chapter from a prior tax sale.

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

- 21 (1) describe the real property by parcel number and common
- 22 address, if any;
- 23 (2) for a tract or item of real property with a single owner,
- 24 indicate the name of the owner; and
- 25 (3) for a tract or item with multiple owners, indicate the name of
- 26 at least one (1) of the owners.

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

29 (d) Not later than fifteen (15) days after the date of the county
 30 treasurer's certification under subsection (a), the county auditor shall
 31 mail by certified mail a copy of the list described in subsection (b) to
 32 each mortgagee who requests from the county auditor by certified mail
 33 a copy of the list. Failure of the county auditor to mail the list under
 34 this subsection does not invalidate an otherwise valid sale.

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

- 41 (1) delinquent taxes and special assessments due before the date
- 42 the list on which the property appears was certified under section



- 1 **1 or 1.5** of this chapter; and
 2 (2) penalties due on the delinquency, interest, and costs directly
 3 attributable to the tax sale;
 4 have been paid in full.
- 5 (b) A county treasurer may accept partial payments of delinquent
 6 property taxes, assessments, penalties, interest, or costs under
 7 subsection (a) after the list of real property is certified under section 1
 8 **or 1.5** of this chapter. However, a partial payment does not remove a
 9 tract or an item from the list certified under section 1 **or 1.5** of this
 10 chapter unless the taxpayer complies with subsection (a) or (c) before
 11 the date of the tax sale.
- 12 (c) A county auditor shall remove a tract or an item of real property
 13 from the list certified under section 1 **or 1.5** of this chapter before the
 14 tax sale if the county treasurer and the taxpayer agree to a mutually
 15 satisfactory arrangement for the payment of the delinquent taxes.
- 16 (d) The county auditor shall remove the tract or item from the list
 17 certified under section 1 **or 1.5** of this chapter if:
- 18 (1) the arrangement described in subsection (c):
 19 (A) is in writing;
 20 (B) is signed by the taxpayer; and
 21 (C) requires the taxpayer to pay the delinquent taxes in full not
 22 later than the last business day before July 1 of the year after
 23 the date the agreement is signed; and
 24 (2) the county treasurer has provided a copy of the written
 25 agreement to the county auditor.
- 26 (e) If the taxpayer fails to make a payment under the arrangement
 27 described in subsection (c):
 28 (1) the arrangement is void; and
 29 (2) the county auditor shall immediately place the tract or item of
 30 real property on the list of real property eligible for sale at a tax
 31 sale.
- 32 (f) If a taxpayer fails to make a payment under an arrangement
 33 entered into under subsection (c), the county treasurer and the taxpayer
 34 may enter into a subsequent arrangement and avoid the penalties under
 35 subsection (e).
- 36 SECTION 7. IC 6-1.1-24-1.5, AS AMENDED BY P.L.66-2014,
 37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 1.5. (a) As used in this
 39 chapter and IC 6-1.1-25, "county executive" means the following:
 40 (1) In a county not containing a consolidated city, the county
 41 executive or the county executive's designee.
 42 (2) In a county containing a consolidated city, the executive of the



1 consolidated city.
 2 (b) ~~The county executive or an executive of a city or town may, after~~
 3 ~~obtaining If:~~
 4 **(1) any property taxes or special assessments from the prior**
 5 **year's fall installment or before are delinquent on real**
 6 **property as determined under IC 6-1.1-37-10; and**
 7 **(2) an order from a court or a determination of a hearing**
 8 **authority has been obtained** under ~~IC 32-30-10.6~~ **IC 36-7-37**
 9 ~~that the real property is vacant or abandoned; and~~
 10 **the executive of the county, city, or town may, after** providing either
 11 the notice required by ~~IC 32-30-10.6-6~~ **IC 36-7-37** or section 2.3 of this
 12 chapter, certify a list of vacant or abandoned property to the county
 13 auditor. **This list must be delivered to the county auditor before**
 14 **July 1 each year.**
 15 (c) Upon receiving lists described in subsection (b), the county
 16 auditor shall do all the following:
 17 (1) Prepare a combined list of the properties certified by the
 18 executive of the county, city, or town.
 19 (2) Delete any property described in that list from the delinquent
 20 tax list prepared under section 1 of this chapter.
 21 (3) Provide public notice of the sale of the properties under
 22 subsection (d) at least thirty (30) days before the date of the sale,
 23 which shall be published in accordance with IC 5-3-1, **and post**
 24 **a copy of the notice at a public place of posting in the county**
 25 **courthouse or in another public county building at least**
 26 **twenty-one (21) days before the date of sale.**
 27 (4) ~~Auction the property.~~ **Certify to the county treasurer that**
 28 **the real property is to be sold at auction under this chapter as**
 29 **required by section 5(j) of this chapter.**
 30 (5) Issue a deed to the real property **that conveys a fee simple**
 31 **interest** to the highest bidder ~~whose~~ **as long as the** bid is at least
 32 the minimum bid specified in this section.
 33 The minimum bid for a property at the auction under this section is the
 34 proportionate share of the actual costs incurred by the county in
 35 conducting the sale. Any amount collected from the sale of all
 36 properties under this section above the total minimum bids shall first
 37 be used to pay the costs of the county, city, or town that certified the
 38 property vacant or abandoned for title search and court proceedings.
 39 Any amount remaining from the sale shall be certified by the county
 40 treasurer to the county auditor for distribution to other taxing units
 41 during settlement.
 42 (d) Notice of the sale under this section must contain the following:



- 1 (1) A list of ~~tracts or~~ real property eligible for sale under this
- 2 chapter.
- 3 (2) A statement that:
- 4 (A) the ~~tracts or~~ real property included in the list will be sold
- 5 at public auction to the highest bidder;
- 6 (B) **the county auditor will issue a deed to the real property**
- 7 **that conveys a fee simple interest to the highest bidder that**
- 8 **bids at least the minimum bid; and**
- 9 (C) **the owner will have no right to redeem the real**
- 10 **property after the date of the sale.**
- 11 **A deed issued under this subdivision to the highest bidder**
- 12 **conveys the same fee simple interest in the real property as a**
- 13 **deed issued under IC 6-1.1-25.**
- 14 (3) A statement that the ~~tracts or~~ real property will not be sold for
- 15 less than an amount equal to actual proportionate costs incurred
- 16 by the county that are directly attributable to the abandoned
- 17 property sale.
- 18 (4) A statement for informational purposes only, of the location
- 19 of each ~~tract or~~ item of real property by key number, if any, and
- 20 street address, if any, or a common description of the property
- 21 other than a legal description. The township assessor, or the
- 22 county assessor if there is no township assessor for the township,
- 23 upon written request from the county auditor, shall provide the
- 24 information to be in the notice required by this subsection. A
- 25 misstatement in the key number or street address does not
- 26 invalidate an otherwise valid sale.
- 27 (5) A statement that the county does not warrant the accuracy of
- 28 the street address or common description of the property.
- 29 (6) A statement that the sale will be conducted at a place
- 30 designated in the notice and that the sale will continue until all
- 31 ~~tracts and~~ real property ~~have has~~ been offered for sale.
- 32 (7) A statement that the sale will take place at the times and dates
- 33 designated in the notice.
- 34 Whenever the public auction is to be conducted as an electronic sale,
- 35 the notice must include a statement indicating that the public auction
- 36 will be conducted as an electronic sale and a description of the
- 37 procedures that must be followed to participate in the electronic sale.
- 38 SECTION 8. IC 6-1.1-24-1.7 IS ADDED TO THE INDIANA
- 39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 40 [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: **Sec. 1.7. (a)**
- 41 **The county executive or the county executive's designee may, at**
- 42 **any time before the application for judgment provided for in**



1 section 4.6(b) of this chapter, certify to the county auditor that a
 2 property is not suitable for tax sale. When making the application
 3 for judgment, the county auditor shall include a list of the
 4 properties certified not suitable for tax sale.

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

10 (1) The street address, if any, or a common description of the
 11 tract or real property.

12 (2) The key number or parcel number of the tract or real
 13 property.

14 (3) That the property has been certified not suitable for tax
 15 sale.

16 (4) That the court will hear and determine the issue before the
 17 tax sale.

18 (5) That if the court determines that the property is not
 19 suitable for tax sale, the property will not be offered for sale
 20 at the tax sale, but may be disposed of by the county executive
 21 as provided in this chapter.

22 (6) That if the court determines that the property is not
 23 suitable for tax sale, the property may be redeemed any time
 24 until one (1) year after the conclusion of the tax sale from
 25 which the property was removed.

26 (7) That if the court determines that the property is not
 27 suitable for tax sale and the county executive disposes of the
 28 property within three (3) years after the conclusion of the tax
 29 sale at which the property would have been offered for sale,
 30 any amount received in excess of the amount of the minimum
 31 bid will be disbursed in the same manner as if the property
 32 had been sold in the tax sale.

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

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

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



- 1 (2) A statement that the tracts or real property included in the list
- 2 will be sold at public auction to the highest bidder, subject to the
- 3 right of redemption.
- 4 (3) A statement that the tracts or real property will not be sold for
- 5 an amount which is less than the sum of:
- 6 (A) the delinquent taxes and special assessments on each tract
- 7 or item of real property;
- 8 (B) the taxes and special assessments on each tract or item of
- 9 real property that are due and payable in the year of the sale,
- 10 whether or not they are delinquent;
- 11 (C) all penalties due on the delinquencies;
- 12 (D) an amount prescribed by the county auditor that equals the
- 13 sum of:
- 14 (i) the greater of twenty-five dollars (\$25) or postage and
- 15 publication costs; and
- 16 (ii) any other actual costs incurred by the county that are
- 17 directly attributable to the tax sale; and
- 18 (E) any unpaid costs due under subsection ~~(b)~~ (c) from a prior
- 19 tax sale.
- 20 (4) A statement that a person redeeming each tract or item of real
- 21 property after the sale must pay:
- 22 (A) one hundred ten percent (110%) of the amount of the
- 23 minimum bid for which the tract or item of real property was
- 24 offered at the time of sale if the tract or item of real property
- 25 is redeemed not more than six (6) months after the date of
- 26 sale;
- 27 (B) one hundred fifteen percent (115%) of the amount of the
- 28 minimum bid for which the tract or item of real property was
- 29 offered at the time of sale if the tract or item of real property
- 30 is redeemed more than six (6) months after the date of sale;
- 31 (C) the amount by which the purchase price exceeds the
- 32 minimum bid on the tract or item of real property plus ~~five~~
- 33 **percent (5%) interest per annum, using the adjusted rate of**
- 34 **interest specified for the previous year for late payments**
- 35 **of state income tax under IC 6-8.1-10-1**, on the amount by
- 36 which the purchase price exceeds the minimum bid; and
- 37 (D) all taxes and special assessments on the tract or item of
- 38 real property paid by the purchaser after the tax sale plus
- 39 interest ~~at the rate of five percent (5%)~~ per annum, **using the**
- 40 **adjusted rate of interest specified for the previous year for**
- 41 **late payments of state income tax under IC 6-8.1-10-1**, on
- 42 the amount of taxes and special assessments paid by the



- 1 purchaser on the redeemed property.
- 2 (5) A statement for informational purposes only, of the location
- 3 of each tract or item of real property by key number, if any, and
- 4 street address, if any, or a common description of the property
- 5 other than a legal description. The township assessor, or the
- 6 county assessor if there is no township assessor for the township,
- 7 upon written request from the county auditor, shall provide the
- 8 information to be in the notice required by this subsection. A
- 9 misstatement in the key number or street address does not
- 10 invalidate an otherwise valid sale.
- 11 (6) A statement that the county does not warrant the accuracy of
- 12 the street address or common description of the property.
- 13 (7) A statement indicating:
- 14 (A) the name of the owner of each tract or item of real
- 15 property with a single owner; or
- 16 (B) the name of at least one (1) of the owners of each tract or
- 17 item of real property with multiple owners.
- 18 (8) A statement of the procedure to be followed for obtaining or
- 19 objecting to a judgment and order of sale, that must include the
- 20 following:
- 21 (A) A statement:
- 22 (i) that the county auditor and county treasurer will apply on
- 23 or after a date designated in the notice for a court judgment
- 24 against the tracts or real property for an amount that is not
- 25 less than the amount set under subdivision (3), and for an
- 26 order to sell the tracts or real property at public auction to
- 27 the highest bidder, subject to the right of redemption; and
- 28 (ii) indicating the date when the period of redemption
- 29 specified in IC 6-1.1-25-4 will expire.
- 30 (B) A statement that any defense to the application for
- 31 judgment must be:
- 32 (i) filed with the court; and
- 33 (ii) served on the county auditor and the county treasurer;
- 34 before the date designated as the earliest date on which the
- 35 application for judgment may be filed.
- 36 (C) A statement that the county auditor and the county
- 37 treasurer are entitled to receive all pleadings, motions,
- 38 petitions, and other filings related to the defense to the
- 39 application for judgment.
- 40 (D) A statement that the court will set a date for a hearing at
- 41 least seven (7) days before the advertised date and that the
- 42 court will determine any defenses to the application for



- 1 judgment at the hearing.
- 2 (9) A statement that the sale will be conducted at a place
- 3 designated in the notice and that the sale will continue until all
- 4 tracts and real property have been offered for sale.
- 5 (10) A statement that the sale will take place at the times and
- 6 dates designated in the notice. Whenever the public auction is to
- 7 be conducted as an electronic sale, the notice must include a
- 8 statement indicating that the public auction will be conducted as
- 9 an electronic sale and a description of the procedures that must be
- 10 followed to participate in the electronic sale.
- 11 (11) A statement that a person redeeming each tract or item after
- 12 the sale must pay the costs described in IC 6-1.1-25-2(e).
- 13 (12) If a county auditor and county treasurer have entered into an
- 14 agreement under IC 6-1.1-25-4.7, a statement that the county
- 15 auditor will perform the duties of the notification and title search
- 16 under IC 6-1.1-25-4.5 and the notification and petition to the
- 17 court for the tax deed under IC 6-1.1-25-4.6.
- 18 (13) A statement that, if the tract or item of real property is sold
- 19 for an amount more than the minimum bid and the property is not
- 20 redeemed, the owner of record of the tract or item of real property
- 21 who is divested of ownership at the time the tax deed is issued
- 22 may have a right to the tax sale surplus.
- 23 (14) If a determination has been made under subsection ~~(d)~~; **(e)**,
- 24 a statement that tracts or items will be sold together.
- 25 (15) With respect to a tract or an item of real property that is
- 26 subject to sale under this chapter after June 30, 2012, and before
- 27 July 1, 2013, a statement declaring whether an ordinance adopted
- 28 under IC 6-1.1-37-10.1 is in effect in the county and, if
- 29 applicable, an explanation of the circumstances in which penalties
- 30 on the delinquent taxes and special assessments will be waived.
- 31 ~~(b)~~ **(c)** If within sixty (60) days before the date of the tax sale the
- 32 county incurs costs set under subsection ~~(a)(3)(D)~~ **(b)(3)(D)** and those
- 33 costs are not paid, the county auditor shall enter the amount of costs
- 34 that remain unpaid upon the tax duplicate of the property for which the
- 35 costs were set. The county treasurer shall mail notice of unpaid costs
- 36 entered upon a tax duplicate under this subsection to the owner of the
- 37 property identified in the tax duplicate.
- 38 ~~(e)~~ **(d)** The amount of unpaid costs entered upon a tax duplicate
- 39 under subsection ~~(b)~~ **(c)** must be paid no later than the date upon which
- 40 the next installment of real estate taxes for the property is due. Unpaid
- 41 costs entered upon a tax duplicate under subsection ~~(b)~~ **(c)** are a lien
- 42 against the property described in the tax duplicate, and amounts



1 remaining unpaid on the date the next installment of real estate taxes
 2 is due may be collected in the same manner that delinquent property
 3 taxes are collected.

4 ~~(d)~~ (e) The county auditor and county treasurer may establish the
 5 condition that a tract or item will be sold and may be redeemed under
 6 this chapter only if the tract or item is sold or redeemed together with
 7 one (1) or more other tracts or items. Property may be sold together
 8 only if the tract or item is owned by the same person.

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

14 ~~(1) the property is on the alternate list prepared under section~~
 15 ~~1(a)(2) (repealed) or 1.5(d) of this chapter;~~

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

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

24 SECTION 11. IC 6-1.1-24-2.3, AS ADDED BY P.L.66-2014,
 25 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 2.3. (a) This section
 27 applies to a **an item of real property that has been certified as for**
 28 **which a court order or a determination by a hearing authority has**
 29 **been obtained under IC 36-7-37 that the real property is vacant or**
 30 **abandoned under section 1.5 of this chapter.**

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

42 (1) A statement that an abandoned property sale will be held on



- 1 or after a specified date.
- 2 (2) A description of the ~~tract or~~ real property to be sold.
- 3 (3) A statement that ~~any person may redeem the tract or to~~
 4 **prevent the sale of the real property at the abandoned**
 5 **property sale, the owner must pay all delinquent taxes and**
 6 **special assessments on the** real property at ~~or~~ before the **date of**
 7 **the** abandoned property sale.
- 8 ~~(4) The components of the amount required to redeem the tract or~~
 9 ~~real property.~~
- 10 ~~(5) (4) A statement that if the real property is not redeemed, sold~~
 11 **at the abandoned property sale, a tax deed may will** be issued
 12 to the purchaser **that provides the purchaser with a fee simple**
 13 **interest in the real property.**
- 14 ~~(6) (5) The street address, if any, or a common description of the~~
 15 ~~tract or~~ real property.
- 16 ~~(7) (6) The key number or parcel number of the tract or~~ real
 17 property.

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

20 (c) A notice under this section ~~must may not~~ include ~~not~~ more than
 21 one (1) ~~tract or~~ item of real property listed to be sold in one (1)
 22 description. However, when more than one (1) ~~tract or~~ item of real
 23 property is owned by one (1) person, all of the ~~tracts~~ **items** of real
 24 property that are owned by that person may be included in one (1)
 25 notice.

26 (d) A single notice under this section may be used to notify joint
 27 owners of record at the last address of the joint owners for the property
 28 sold, as indicated in the records of the county auditor.

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

- 31 **(1) all owners of record of real property** at the last address of
 32 the owner for the property, as indicated in the records of the
 33 county auditor; and
- 34 **(2) any person with a substantial property interest of public record**
 35 **at the address for the person included in the public record that**
 36 **indicates the interest;**

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

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

40 SECTION 12. IC 6-1.1-24-3, AS AMENDED BY P.L.169-2006,
 41 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 3. **(a) This section does**



1 **not apply to vacant or abandoned real property that is on the list**
 2 **prepared by the county auditor under section 1.5 of this chapter.**

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

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

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

25 SECTION 13. IC 6-1.1-24-4, AS AMENDED BY THE
 26 TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL
 27 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 4. **(a) This section does**
 29 **not apply to vacant or abandoned real property that is on the list**
 30 **prepared by the county auditor under section 1.5 of this chapter.**

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

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

38 at the last address of the owner for the property as indicated in the
 39 records of the county auditor on the date that the tax sale list is
 40 certified. In addition, the county auditor shall mail a duplicate notice
 41 to the owner of record, as described in subdivisions (1) and (2), by first
 42 class mail to the owners from whom the certified mail return receipt



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

30 (b) In addition to the notice required under subsection (a) for real
 31 property on the list prepared under section 1(a)(2) (repealed) or 1.5(d)
 32 of this chapter, the county auditor shall prepare and mail the notice
 33 required under section 2.2 of this chapter no later than forty-five (45)
 34 days after the county auditor receives the certified list from the county
 35 treasurer under section 1(a) of this chapter.

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

39 SECTION 14. IC 6-1.1-24-4.6, AS AMENDED BY P.L.89-2007,
 40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 4.6. (a) On the day on
 42 which the application for judgment and order for sale is made, the



1 county treasurer shall report to the county auditor all of the tracts and
 2 real property listed in the notice required by section 2 of this chapter
 3 upon which all delinquent taxes and special assessments, all penalties
 4 due on the delinquencies, any unpaid costs due from a prior tax sale,
 5 and the amount due under section ~~2(a)(3)(D)~~ **2(b)(3)(D)** of this chapter
 6 have been paid up to that time. The county auditor, assisted by the
 7 county treasurer, shall compare and correct the list, removing tracts and
 8 real property for which all delinquencies have been paid, and shall
 9 make and subscribe an affidavit in substantially the following form:

10 State of Indiana)
 11) ss
 12 County of _____)
 13 I, _____, treasurer of the county of _____, and
 14 I, _____, auditor of the county of _____, do
 15 solemnly affirm that the foregoing is a true and correct list of the real
 16 property within the county of _____ upon which have remained
 17 delinquent uncollected taxes, special assessments, penalties and costs,
 18 as required by law for the time periods set forth, to the best of my
 19 knowledge and belief.

20 _____
 21 County Treasurer
 22 _____
 23 County Auditor

24 Dated _____
 25 I, _____, auditor of the county of _____, do
 26 solemnly affirm that notice of the application for judgment and order
 27 for sale was mailed via certified mail to the owners on the foregoing
 28 list, and publication made, as required by law.

29 _____
 30 County Auditor
 31 Dated _____

32 (b) Application for judgment and order for sale shall be made as one
 33 (1) cause of action to any court of competent jurisdiction jointly by the
 34 county treasurer and county auditor. The application shall include the
 35 names of at least one (1) of the owners of each tract or item of real
 36 property, the dates of mailing of the notice required by ~~sections~~ **section**
 37 **2 and 2-2** of this chapter, the dates of publication required by section
 38 3 of this chapter, and the affidavit and corrected list as provided in
 39 subsection (a).

40 (c) Any defense to the application for judgment and order of sale
 41 shall be filed with the court on or before the earliest date on which the
 42 application may be made as set forth in the notice required under



1 section 2 of this chapter. The county auditor and the county treasurer
 2 for the county where the real property is located are entitled to receive
 3 all pleadings, motions, petitions, and other filings related to a defense
 4 to the application for judgment and order of sale.

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

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

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

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

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



1 provided under section 4.6 of this chapter.

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

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

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

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

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

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

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

39 **(1) contains hazardous waste or another environmental
40 hazard for which the cost of abatement or remediation will
41 exceed the fair market value of the property;**

42 **(2) has been the site of excessive police or fire emergency**



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

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

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

28 SECTION 16. IC 6-1.1-24-5, AS AMENDED BY THE
 29 TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL
 30 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 5. (a) When a tract or an
 32 item of real property is subject to sale under this chapter, it must be
 33 sold in compliance with this section.

34 (b) The sale must:

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

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

- 41 (1) delinquent personal property taxes; or
 42 (2) taxes or special assessments which are chargeable to other real



1 property.

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

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

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

- 18 (1) the delinquent taxes and special assessments on each tract or
19 item of real property;
- 20 (2) the taxes and special assessments on each tract or item of real
21 property that are due and payable in the year of the sale,
22 regardless of whether the taxes and special assessments are
23 delinquent;
- 24 (3) all penalties which are due on the delinquencies;
- 25 (4) the amount prescribed by section ~~2(a)(3)(D)~~ **2(b)(3)(D)** of this
26 chapter reflecting the costs incurred by the county due to the sale;
- 27 (5) any unpaid costs which are due under section ~~2(b)~~ **2(c)** of this
28 chapter from a prior tax sale; and
- 29 (6) other reasonable expenses of collection, including title search
30 expenses, uniform commercial code expenses, and reasonable
31 attorney's fees incurred by the date of the sale.

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

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

- 38 (1) the amount determined under subsection (f); or
- 39 (2) seventy-five percent (75%) of the gross assessed value of the
40 tract or item of real property, as determined on the most recent
41 assessment date.

42 (h) For purposes of the sale, it is not necessary for the county



1 treasurer to first attempt to collect the real property taxes or special
2 assessments out of the personal property of the owner of the tract or
3 real property.

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

5 (j) Real property certified to the county auditor under section ~~1(a)(2)~~
6 **1.5** of this chapter (~~repealed~~) must be offered for sale in a different
7 phase of the tax sale or on a different day of the tax sale than the phase
8 or day during which other real property is offered for sale.

9 (k) The public auction required under subsection (e) may be
10 conducted by electronic means, at the option of the county treasurer.
11 The electronic sale must comply with the other statutory requirements
12 of this section. If an electronic sale is conducted under this subsection,
13 the county treasurer shall provide access to the electronic sale by
14 providing computer terminals open to the public at a designated
15 location. A county treasurer who elects to conduct an electronic sale
16 may receive electronic payments and establish rules necessary to
17 secure the payments in a timely fashion. The county treasurer may not
18 add an additional cost of sale charge to a parcel for the purpose of
19 conducting the electronic sale.

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

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

30 (1) A person who:

31 (A) owns a fee interest, a life estate interest, or the equitable
32 interest of a contract purchaser in an unsafe building or unsafe
33 premises ~~in the county in which a sale is held under this~~; and
34 ~~chapter~~; and

35 (B) is subject to an order issued under IC 36-7-9-5(a)(2),
36 IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5)
37 regarding which the conditions set forth in IC 36-7-9-10(a)(1)
38 through IC 36-7-9-10(a)(4) exist.

39 (2) A person who:

40 (A) owns a fee interest, a life estate interest, or the equitable
41 interest of a contract purchaser in an unsafe building or unsafe
42 premises ~~in the county in which a sale is held under this~~; and



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



- 1 similar to the following:
- 2 "Indiana law prohibits a person who owes delinquent taxes,
3 special assessments, penalties, interest, or costs directly
4 attributable to a prior tax sale, from purchasing tracts or items of
5 real property at a tax sale. I hereby affirm under the penalties for
6 perjury that I do not owe delinquent taxes, special assessments,
7 penalties, interest, costs directly attributable to a prior tax sale,
8 amounts from a final adjudication in favor of a political
9 subdivision, ~~in this county~~; any civil penalties imposed for the
10 violation of a building code or **county** ordinance, ~~of this county~~;
11 or any civil penalties imposed by a **county** health department. ~~in~~
12 ~~this county~~. Further, I hereby acknowledge that any successful bid
13 I make in violation of this statement is subject to forfeiture. In the
14 event of forfeiture, the amount of my bid shall be applied to the
15 delinquent taxes, special assessments, penalties, interest, costs,
16 judgments, or civil penalties I owe, and a certificate will be issued
17 to the county executive."
- 18 (d) If a person purchases a tract that the person was not eligible to
19 purchase under this section, the sale of the property is subject to
20 forfeiture. If the county treasurer determines or is notified not more
21 than six (6) months after the date of the sale that the sale of the
22 property should be forfeited, the county treasurer shall:
- 23 (1) notify the person in writing that the sale is subject to forfeiture
24 if the person does not pay the amounts that the person owes
25 within thirty (30) days of the notice;
- 26 (2) if the person does not pay the amounts that the person owes
27 within thirty (30) days after the notice, apply the surplus amount
28 of the person's bid to the person's delinquent taxes, special
29 assessments, penalties, and interest;
- 30 (3) remit the amounts owed from a final adjudication or civil
31 penalties in favor of a political subdivision to the appropriate
32 political subdivision; and
- 33 (4) notify the county auditor that the sale has been forfeited.
- 34 Upon being notified that a sale has been forfeited, the county auditor
35 shall issue a certificate to the county executive under section 6 of this
36 chapter.
- 37 (e) A county treasurer may decline to forfeit a sale under this section
38 because of inadvertence or mistake, lack of actual knowledge by the
39 bidder, substantial harm to other parties with interests in the tract or
40 item of real property, or other substantial reasons. If the treasurer
41 declines to forfeit a sale, the treasurer shall:
- 42 (1) prepare a written statement explaining the reasons for



1 declining to forfeit the sale; and

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

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

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

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

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

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

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

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

26 SECTION 20. IC 6-1.1-24-6.8, AS AMENDED BY THE
27 TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL
28 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 6.8. (a) For purposes of
30 this section, in a county containing a consolidated city "county
31 executive" refers to the board of commissioners of the county as
32 provided in IC 36-3-3-10.

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

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

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

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

41 (i) A structure that may be lawfully occupied for residential
42 use.



- 1 (ii) A structure used in conjunction with a structure that may
 2 be lawfully occupied for residential use.
- 3 (B) The parcel is:
- 4 (i) on the list of vacant or abandoned properties designated
 5 under section ~~1(a)(2)~~ 1.5 of this chapter; ~~(repeated)~~; or
 6 (ii) not occupied by a tenant or a person having a substantial
 7 property interest of public record in the parcel.
- 8 (3) On the date the certificate of sale for the parcel or the vacant
 9 parcel is offered for sale under this chapter, the parcel is
 10 contiguous to one (1) or more parcels that satisfy the following:
- 11 (A) One (1) or more of the following are located on the
 12 contiguous parcel:
- 13 (i) A structure occupied for residential use.
 14 (ii) A structure used in conjunction with a structure
 15 occupied for residential use.
- 16 (B) The contiguous parcel is eligible for the standard
 17 deduction under IC 6-1.1-12-37.
- 18 (c) A county legislative body may adopt an ordinance authorizing
 19 the sale of vacant parcels and certificates of sale for vacant parcels in
 20 the county under this section. The ordinance may establish criteria for
 21 the identification of vacant parcels and certificates of sale for vacant
 22 parcels to be offered for sale under this section. The criteria may
 23 include the following:
- 24 (1) Limitations on the use of the parcel under local zoning and
 25 land use requirements.
 26 (2) If the parcel is unimproved, the minimum parcel area
 27 sufficient for construction of improvements.
 28 (3) Any other factor considered appropriate by the county
 29 legislative body.
- 30 In a county containing a consolidated city, the county legislative body
 31 may adopt an ordinance under this subsection only upon
 32 recommendation by the board of commissioners provided in
 33 IC 36-3-3-10.
- 34 (d) If the county legislative body adopts an ordinance under
 35 subsection (c), the county executive shall for each sale under this
 36 section:
- 37 (1) by resolution, and subject to the criteria adopted by the county
 38 legislative body under subsection (c), identify each vacant parcel
 39 for which the county executive desires to sell the vacant parcel or
 40 the certificate of sale for the vacant parcel under this section; and
 41 (2) subject to subsection (e), give written notice to the owner of
 42 record of each parcel referred to in subsection (b)(3) that is



- 1 contiguous to the vacant parcel.
- 2 (e) The notice under subsection (d)(2) with respect to each vacant
3 parcel must include at least the following:
- 4 (1) A description of the vacant parcel by:
- 5 (A) legal description; and
- 6 (B) parcel number or street address, or both.
- 7 (2) Notice that the county executive will accept written
8 applications from owners of parcels described in subsection (b)(3)
9 as provided in subsection (f).
- 10 (3) Notice of the deadline for applications referred to in
11 subdivision (2) and of the information to be included in the
12 applications.
- 13 (4) Notice that the vacant parcel or certificate of sale for the
14 vacant parcel will be sold to the successful applicant for:
- 15 (A) one dollar (\$1); plus
- 16 (B) the amounts described in section 5(f)(4) through 5(f)(6) of
17 this chapter.
- 18 (f) To be eligible to purchase a vacant parcel or the certificate of
19 sale for a vacant parcel under this section, the owner of a contiguous
20 parcel referred to in subsection (b)(3) must file a written application
21 with the county executive. The application must:
- 22 (1) identify the vacant parcel or certificate of sale that the
23 applicant desires to purchase; and
- 24 (2) include any other information required by the county
25 executive.
- 26 (g) If more than one (1) application to purchase a single vacant
27 parcel or the certificate of sale for a single vacant parcel is filed with
28 the county executive, the county executive shall conduct a drawing
29 between or among the applicants in which each applicant has an equal
30 chance to be selected as the transferee of the vacant parcel or certificate
31 of sale for the vacant parcel.
- 32 (h) The county executive shall by resolution make a final
33 determination concerning the vacant parcels or certificates of sale for
34 vacant parcels that are to be sold under this section.
- 35 (i) After the final determination of the vacant parcels and
36 certificates of sale for vacant parcels to be sold under subsection (h),
37 the county executive shall:
- 38 (1) on behalf of the county, cause all delinquent taxes, special
39 assessments, penalties, and interest with respect to the vacant
40 parcels to be removed from the tax duplicate; and
- 41 (2) give notice of the final determination to:
- 42 (A) the successful applicant;



- 1 (B) the county auditor; and
 2 (C) the township assessor, or the county assessor if there is no
 3 township assessor for the township.
- 4 (j) Upon receipt of notice under subsection (i)(2):
 5 (1) the county auditor shall:
 6 (A) collect the purchase price from each successful applicant;
 7 and
 8 (B) subject to subsection (k), prepare a tax deed transferring
 9 each vacant parcel to the successful applicant, if the conditions
 10 of IC 6-1.1-25-4.5 and IC 6-1.1-25-4.6 are satisfied; and
 11 (2) if the vacant parcel is unimproved, the township assessor or
 12 county assessor shall consolidate each unimproved parcel sold
 13 and the contiguous parcel owned by the successful applicant into
 14 a single parcel.
- 15 (k) For a deed issued under subsection (j)(1)(B) before July 1, 2013,
 16 a county auditor shall include in the deed prepared under subsection
 17 (j)(1)(B) reference to the exemption under subsection (l).
- 18 (l) This subsection applies only to a vacant parcel consolidated with
 19 a successful applicant's contiguous parcel under this section before July
 20 1, 2013. Subject to subsection (m), each consolidated parcel to which
 21 this subsection applies is exempt from property taxation for the period
 22 beginning on the assessment date that next succeeds the consolidation
 23 in the amount of the assessed value at the time of consolidation of the
 24 vacant parcel that was subject to the consolidation.
- 25 (m) This subsection applies only to a vacant parcel consolidated
 26 with a successful applicant's contiguous parcel under this section
 27 before July 1, 2013. The exemption under subsection (l) is terminated
 28 as of the assessment date that next succeeds the earlier of the
 29 following:
 30 (1) Five (5) years after the transfer of title to the successful
 31 applicant.
 32 (2) The first transfer of title to the consolidated parcel that occurs
 33 after the consolidation.
- 34 (n) If a tax deed is issued for an improved vacant parcel after June
 35 30, 2013, under this section or under IC 6-1.1-25-4.6 following the
 36 purchase of a certificate of sale under this section, the successful
 37 applicant may not sell the improved vacant parcel until after the first
 38 anniversary of the date on which the tax deed for the improved vacant
 39 parcel is issued to the successful applicant.
- 40 SECTION 21. IC 6-1.1-24-13, AS AMENDED BY P.L.56-2012,
 41 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JANUARY 1, 2015 (RETROACTIVE)]; Sec. 13. (a) Whenever:



1 (1) a tract is offered for sale under this chapter; and

2 (2) no bid is received for the minimum sale price set under
3 section 5 of this chapter;

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

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

12 **(c) Whenever the minimum sale price is not received for a**
13 **property that is on the list of abandoned or vacant property**
14 **prepared under section 1.5 of this chapter, the executive of the**
15 **county, city, or town that certified the property for the list may**
16 **request that the county auditor execute and deliver a deed for the**
17 **property to the executive. The request must be delivered to the**
18 **county auditor within six (6) months after the date of sale. If it is**
19 **an executive of a city or town that certified the property for the list**
20 **prepared under section 1.5 of this chapter, and the executive does**
21 **not deliver a request for a deed within six (6) months after the date**
22 **of sale, the executive of the county may request that the county**
23 **auditor execute and deliver a deed for the property to the county**
24 **executive. The request must be delivered to the county auditor**
25 **within nine (9) months after the date of sale.**

26 SECTION 22. IC 6-1.1-25-0.5 IS ADDED TO THE INDIANA
27 CODE AS A NEW SECTION TO READ AS FOLLOWS
28 [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: **Sec. 0.5. This**
29 **chapter does not apply to vacant or abandoned real property that**
30 **is on the list prepared by the county auditor under IC 6-1.1-24-1.5**
31 **unless the bid on the real property by the highest bidder is not at**
32 **least the minimum bid and the county auditor executes and**
33 **delivers a deed for the real property to the executive of a county,**
34 **city, or town under IC 6-1.1-24-13(c). There is no right to redeem**
35 **real property under this chapter after its sale under IC 6-1.1-24, if**
36 **the real property is on the vacant and abandoned property list**
37 **prepared by the county auditor under IC 6-1.1-24-1.5.**

38 SECTION 23. IC 6-1.1-25-2, AS AMENDED BY P.L.94-2014,
39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2015]: Sec. 2. (a) The total amount of money required for the
41 redemption of real property equals:

42 (1) the sum of the amounts prescribed in subsections (b) through



- 1 (f); or
 2 (2) the amount prescribed in subsection (g);
 3 reduced by any amounts held in the name of the taxpayer or the
 4 purchaser in the tax sale surplus fund.
- 5 (b) Except as provided in subsection (g), the total amount required
 6 for redemption includes:
 7 (1) one hundred ten percent (110%) of the minimum bid for
 8 which the tract or real property was offered at the time of sale, as
 9 required by IC 6-1.1-24-5, if the tract or item of real property is
 10 redeemed not more than six (6) months after the date of sale; or
 11 (2) one hundred fifteen percent (115%) of the minimum bid for
 12 which the tract or real property was offered at the time of sale, as
 13 required by IC 6-1.1-24-5, if: the tract or item of real property is
 14 redeemed more than six (6) months but not more than one (1)
 15 year after the date of sale.
- 16 (c) Except as provided in subsection (g), in addition to the amount
 17 required under subsection (b), the total amount required for redemption
 18 includes the amount by which the purchase price exceeds the minimum
 19 bid on the real property plus:
 20 **(1) interest per annum, using the adjusted rate of interest**
 21 **specified for the previous year for late payments of state**
 22 **income tax under IC 6-8.1-10-1, on the amount by which the**
 23 **purchase price exceeds the minimum bid on the property, if**
 24 **the date of sale occurs after June 30, 2015;**
 25 ~~(+)~~ **(2) five percent (5%) per annum on the amount by which the**
 26 **purchase price exceeds the minimum bid on the property, if the**
 27 **date of sale occurs after June 30, 2014, and before July 1, 2015;**
 28 or
 29 ~~(2)~~ **(3) ten percent (10%) per annum on the amount by which the**
 30 **purchase price exceeds the minimum bid on the property, if the**
 31 **date of sale occurs before July 1, 2014.**
- 32 (d) Except as provided in subsection (g), in addition to the amount
 33 required under subsections (b) and (c), the total amount required for
 34 redemption includes all taxes and special assessments upon the
 35 property paid by the purchaser after the sale plus:
 36 **(1) interest per annum, using the adjusted rate of interest**
 37 **specified for the previous year for late payments of state**
 38 **income tax under IC 6-8.1-10-1, on the amount by which the**
 39 **purchase price exceeds the minimum bid on the property, if**
 40 **the date of sale occurs after June 30, 2015;**
 41 ~~(+)~~ **(2) five percent (5%) per annum on those taxes and special**
 42 **assessments, if the date of sale occurs after June 30, 2014, and**



1 **before July 1, 2015; or**

2 ~~(2)~~ **(3)** ten percent (10%) interest per annum on those taxes and
3 special assessments, if the date of sale occurs before July 1, 2014.

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

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

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

16 (f) The total amount required for redemption includes, in addition
17 to the amounts required under subsections (b) and (e), all taxes, special
18 assessments, interest, penalties, and fees on the property that accrued
19 after the sale.

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

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

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

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

35 (b) Subject to subsection (l) and IC 6-1.1-24-9(d), the period for
36 redemption of real property:

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

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

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



- 1 (c) The period for redemption of real property:
- 2 (1) on which the county executive acquires a lien under
- 3 IC 6-1.1-24-6; and
- 4 (2) for which the certificate of sale is sold under IC 6-1.1-24;
- 5 is one hundred twenty (120) days after the date of sale of the certificate
- 6 of sale under IC 6-1.1-24.
- 7 (d) When a deed for real property is executed under this chapter, the
- 8 county auditor shall cancel the certificate of sale and file the canceled
- 9 certificate in the office of the county auditor. ~~If real property that~~
- 10 ~~appears on the list prepared under IC 6-1.1-24-1.5 is offered for sale~~
- 11 ~~and an amount that is at least equal to the minimum sale price required~~
- 12 ~~under IC 6-1.1-24-5 is not received, the county auditor shall issue a~~
- 13 ~~deed to the real property, subject to this chapter.~~
- 14 (e) When a deed is issued to a county executive under this chapter,
- 15 the taxes and special assessments for which the real property was
- 16 offered for sale, and all subsequent taxes, special assessments, interest,
- 17 penalties, and cost of sale shall be removed from the tax duplicate in
- 18 the same manner that taxes are removed by certificate of error.
- 19 (f) A tax deed executed under this chapter vests in the grantee an
- 20 estate in fee simple absolute, free and clear of all liens and
- 21 encumbrances created or suffered before or after the tax sale except
- 22 those liens granted priority under federal law and the lien of the state
- 23 or a political subdivision for taxes and special assessments which
- 24 accrue subsequent to the sale and which are not removed under
- 25 subsection (e). However, subject to subsection (g), the estate is subject
- 26 to:
- 27 (1) all easements, covenants, declarations, and other deed
- 28 restrictions shown by public records;
- 29 (2) laws, ordinances, and regulations concerning governmental
- 30 police powers, including zoning, building, land use,
- 31 improvements on the land, land division, and environmental
- 32 protection; and
- 33 (3) liens and encumbrances created or suffered by the grantee.
- 34 (g) A tax deed executed under this chapter for real property sold in
- 35 a tax sale:
- 36 (1) does not operate to extinguish an easement recorded before
- 37 the date of the tax sale in the office of the recorder of the county
- 38 in which the real property is located, regardless of whether the
- 39 easement was taxed under this article separately from the real
- 40 property; and
- 41 (2) conveys title subject to all easements recorded before the date
- 42 of the tax sale in the office of the recorder of the county in which



- 1 the real property is located.
- 2 (h) A tax deed executed under this chapter is prima facie evidence
- 3 of:
- 4 (1) the regularity of the sale of the real property described in the
- 5 deed;
- 6 (2) the regularity of all proper proceedings; and
- 7 (3) valid title in fee simple in the grantee of the deed.
- 8 (i) A county auditor is not required to execute a deed to the county
- 9 executive under this chapter if the county executive determines that the
- 10 property involved contains hazardous waste or another environmental
- 11 hazard for which the cost of abatement or alleviation will exceed the
- 12 fair market value of the property. The county executive may enter the
- 13 property to conduct environmental investigations.
- 14 (j) If the county executive makes the determination under subsection
- 15 (i) as to any interest in an oil or gas lease or separate mineral rights, the
- 16 county treasurer shall certify all delinquent taxes, interest, penalties,
- 17 and costs assessed under IC 6-1.1-24 to the clerk, following the
- 18 procedures in IC 6-1.1-23-9. After the date of the county treasurer's
- 19 certification, the certified amount is subject to collection as delinquent
- 20 personal property taxes under IC 6-1.1-23. Notwithstanding
- 21 IC 6-1.1-4-12.4 and IC 6-1.1-4-12.6, the assessed value of such an
- 22 interest shall be zero (0) until production commences.
- 23 (k) When a deed is issued to a purchaser of a certificate of sale sold
- 24 under IC 6-1.1-24-6.1, the county auditor shall, in the same manner that
- 25 taxes are removed by certificate of error, remove from the tax duplicate
- 26 the taxes, special assessments, interest, penalties, and costs remaining
- 27 due as the difference between:
- 28 (1) the amount of:
- 29 (A) the last minimum bid under IC 6-1.1-24-5; plus
- 30 (B) any penalty associated with a delinquency that was not due
- 31 until after the date of the sale under IC 6-1.1-24-5 but is due
- 32 before the issuance of the certificate of sale, with respect to
- 33 taxes included in the minimum bid that were not due at the
- 34 time of the sale under IC 6-1.1-24-5; and
- 35 (2) the amount paid for the certificate of sale.
- 36 (l) If a tract or item of real property did not sell at a tax sale and the
- 37 county treasurer and the owner of real property agree before the
- 38 expiration of the period for redemption under subsection (b) to a
- 39 mutually satisfactory arrangement for the payment of the entire amount
- 40 required for redemption under section 2 of this chapter before the
- 41 expiration of a period for redemption extended under this subsection:
- 42 (1) the county treasurer may extend the period for redemption;



1 and

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

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

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

14 SECTION 25. IC 6-1.1-25-4.7 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]:
16 Sec. 4.7. (a) A county auditor and county treasurer may enter into a
17 mutual agreement for the county auditor to perform the following
18 duties instead of the purchaser:

19 (1) Notification and title search under section 4.5 of this chapter.

20 (2) Notification and petition to the court for the tax deed under
21 section 4.6 of this chapter.

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

25 SECTION 26. IC 6-1.1-25-4.8 IS ADDED TO THE INDIANA
26 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: **Sec. 4.8. Not**
27 **later than ninety (90) days after the conclusion of a tax sale, the**
28 **county auditor shall provide a notice to each person with a**
29 **substantial property interest of record in a property that was not**
30 **offered for sale in the tax sale under IC 6-1.1-24-4.7(j). The notice**
31 **must contain at least the following:**

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

34 (2) **The key number or parcel number of the tract or real**
35 **property.**

36 (3) **A statement that the property was not offered for sale in**
37 **the tax sale.**

38 (4) **A statement that the property may be redeemed by any**
39 **person at any time until one (1) year after the conclusion of**
40 **the tax sale from which the property was removed.**

41 (5) **The components of the amount required to redeem the**
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- 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.**

SECTION 27. IC 6-1.1-25-10, AS AMENDED BY P.L.66-2014, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) If, before the court issues an order directing the county auditor to issue a tax deed to a tract or item of real property sold under IC 6-1.1-24, it is found by the county auditor and the county treasurer that the sale was invalid, the county auditor shall refund:

- (1) the purchase money and all taxes and special assessments on the property paid by the purchaser, the purchaser's assigns, or the purchaser of the certificate of sale under IC 6-1.1-24 after the tax sale plus ~~five percent (5%)~~ interest per annum, **using the adjusted rate of interest specified for the previous year for late payments of state income tax under IC 6-8.1-10-1**; and
- (2) subject to any limitation under section 2.5 of this chapter, any costs paid by the purchaser, the purchaser's assigns, or the purchaser of the certificate of sale under IC 6-1.1-24 under section 2 of this chapter;

from the county treasury to the purchaser, the purchaser's successors or assigns, or the purchaser of the certificate of sale under IC 6-1.1-24. The tract or item of real property, if it is then eligible for sale under IC 6-1.1-24, shall be placed on the delinquent list as an initial offering under IC 6-1.1-24-6.

(b) A political subdivision shall reimburse the county for interest paid by the county under subsection (a) if:

- (1) the invalidity of the sale under IC 6-1.1-24 resulted from the failure of the political subdivision to give adequate notice of a lien to property owners; and
- (2) the existence of the lien resulted in the sale of the property under IC 6-1.1-24.

SECTION 28. IC 6-1.1-25-11, AS AMENDED BY P.L.66-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 11. (a) Subsequent to the issuance of the order
 2 directing the county auditor to issue a tax deed to real property sold
 3 under IC 6-1.1-24, a county auditor shall refund the purchase money
 4 plus ~~five percent (5%)~~ interest per annum, **using the adjusted rate of**
 5 **interest specified for the previous year for late payments of state**
 6 **income tax under IC 6-8.1-10-1**, from the county treasury to the
 7 purchaser, the purchaser's successors or assigns, or the purchaser of the
 8 certificate of sale under IC 6-1.1-24 if it is found by the court that
 9 entered the order for the tax deed that:

- 10 (1) the real property described in the deed was not subject to the
 11 taxes for which it was sold;
 12 (2) the delinquent taxes or special assessments for which the real
 13 property was sold were properly paid before the sale; or
 14 (3) the legal description of the real property in the tax deed is void
 15 for uncertainty.

16 (b) The grantee of an invalid tax deed, including the county, to
 17 whom a refund is made under this section shall execute, acknowledge,
 18 and deliver to the owner a deed conveying whatever interest the
 19 purchaser may have acquired by the tax sale deed. If a county is
 20 required to execute a deed under this section, the deed shall be signed
 21 by the county board of commissioners and acknowledged by the clerk of
 22 the circuit court.

23 (c) A refund may not be made under this section while an action
 24 initiated under either section 14 or 16 of this chapter is pending.

25 (d) If a sale is declared invalid after a claim is submitted under
 26 IC 6-1.1-24-7 for money deposited in the tax sale surplus fund and the
 27 claim is paid, the county auditor shall:

- 28 (1) refund the purchase money plus five percent (5%) interest per
 29 annum from the county treasury to the purchaser, the purchaser's
 30 successors or assigns, or the purchaser of the certificate of sale
 31 under IC 6-1.1-24; and
 32 (2) certify the amount paid to the property owner from the tax sale
 33 surplus fund as a lien against the property and as a civil judgment
 34 against the property owner.

35 SECTION 29. IC 6-1.1-25-20, AS ADDED BY P.L.66-2014,
 36 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 20. A county auditor who
 38 executes a tax deed under this chapter shall provide a copy of the tax
 39 deed to the grantee. The county auditor shall collect from the grantee
 40 the appropriate recording fee set forth in IC 36-2-7-10 on behalf of the
 41 county recorder and submit the tax deed directly to the county recorder
 42 for recording. The county recorder shall record the tax deed in the deed



1 records and provide the recorded tax deed to the grantee in the normal
 2 course of business. ~~Notwithstanding IC 6-1.1-5.5-3, a sales disclosure~~
 3 ~~form for such a property satisfies the requirements of IC 6-1.1-5.5 if~~
 4 ~~only the county auditor signs the form.~~

5 SECTION 30. IC 32-29-7-3, AS AMENDED BY P.L.66-2014,
 6 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2015]: Sec. 3. (a) In a proceeding for the foreclosure of a
 8 mortgage executed on real estate, process may not issue for the
 9 execution of a judgment or decree of sale for a period of three (3)
 10 months after the filing of a complaint in the proceeding. However:

11 (1) the period is:

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

14 (B) six (6) months in a proceeding for the foreclosure of a
 15 mortgage executed after December 31, 1957, but before July
 16 1, 1975; and

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

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

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

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

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

33 (2) the sale is not:

34 (A) otherwise prohibited by law;

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

36 or

37 (C) subject to a written agreement that:

38 (i) provides for a delay in the sale of the mortgaged real
 39 estate; and

40 (ii) is executed by and between the owner of the mortgaged
 41 real estate and a party entitled to enforce the judgment and
 42 decree;



1 an enforcement authority that has issued an abatement order under
 2 IC 36-7-36-9 with respect to the mortgaged real estate may file a
 3 praecipe with the clerk in any county where the judgment and decree
 4 is filed. If an enforcement authority files a praecipe under this
 5 subsection, the clerk of the county in which the praecipe is filed shall
 6 promptly issue and certify to the sheriff of that county a copy of the
 7 judgment and decree under the seal of the court.

8 (c) Upon receiving a certified judgment under subsection (b), the
 9 sheriff shall, subject to section 4 of this chapter, sell the mortgaged
 10 premises or as much of the mortgaged premises as necessary to satisfy
 11 the judgment, interest, and costs at public auction at the office of the
 12 sheriff or at another location that is reasonably likely to attract higher
 13 competitive bids. The sheriff shall schedule the date and time of the
 14 sheriff's sale for:

15 (1) a date not later than:

16 **(A) sixty (60) days after the date on which a judgment and**
 17 **decree under IC 32-30-10.6-5; and**

18 **(B) one hundred twenty (120) days after the date on which ~~the~~**
 19 **a judgment and decree in all other cases;**

20 under seal of the court ~~are~~ **is** certified to the sheriff by the clerk;
 21 and

22 (2) a time certain between the hours of 10 a.m. and 4 p.m. on any
 23 day of the week except Sunday.

24 (d) Before selling mortgaged property, the sheriff must advertise the
 25 sale by publication once each week for three (3) successive weeks in
 26 a daily or weekly newspaper of general circulation. The sheriff shall
 27 publish the advertisement in at least one (1) newspaper published and
 28 circulated in each county where the real estate is situated. The first
 29 publication shall be made at least thirty (30) days before the date of
 30 sale. At the time of placing the first advertisement by publication, the
 31 sheriff shall also serve a copy of the written or printed notice of sale
 32 upon each owner of the real estate. Service of the written notice shall
 33 be made as provided in the Indiana Rules of Trial Procedure governing
 34 service of process upon a person. The sheriff shall charge a fee of ten
 35 dollars (\$10) to one (1) owner and three dollars (\$3) to each additional
 36 owner for service of written notice under this subsection. The fee is:

37 (1) a cost of the proceeding;

38 (2) to be collected as other costs of the proceeding are collected;

39 and

40 (3) to be deposited in the county general fund for appropriation
 41 for operating expenses of the sheriff's department.

42 (e) The sheriff also shall post written or printed notices of the sale



1 at the door of the courthouse of each county in which the real estate is
2 located.

3 (f) If the sheriff is unable to procure the publication of a notice
4 within the county, the sheriff may dispense with publication. The
5 sheriff shall state that the sheriff was not able to procure the
6 publication and explain the reason why publication was not possible.

7 (g) Notices under subsections (d), (e), and (i) must contain a
8 statement, for informational purposes only, of the location of each
9 property by street address, if any, or other common description of the
10 property other than legal description. A misstatement in the
11 informational statement under this subsection does not invalidate an
12 otherwise valid sale.

13 (h) The sheriff may charge an administrative fee of not more than
14 two hundred dollars (\$200) with respect to a proceeding referred to in
15 subsection (b) for actual costs directly attributable to the administration
16 of the sale under subsection (c). The fee is:

17 (1) payable by the person seeking to enforce the judgment and
18 decree; and

19 (2) due at the time of filing of the praecipe;

20 under subsection (b).

21 (i) If a sale of mortgaged property scheduled under this section is
22 canceled, the sheriff shall provide written notice of the cancellation to
23 each owner of the real estate. Service of the written notice shall be
24 made as provided in the Indiana Rules of Trial Procedure governing
25 service of process upon a person. The sheriff shall charge a fee of ten
26 dollars (\$10) for notice to one (1) owner and three dollars (\$3) for
27 notice to each additional owner for service of written notice under this
28 subsection. The fee:

29 (1) is a cost of the proceeding;

30 (2) shall be collected as other costs of the proceeding are
31 collected; and

32 (3) shall be deposited in the county general fund for appropriation
33 for operating expenses of the sheriff's department.

34 The fee for service under this subsection shall be paid by the person
35 who caused the sale to be canceled.

36 SECTION 31. IC 32-30-10-10, AS AMENDED BY P.L.105-2009,
37 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2015]: Sec. 10. A plaintiff may not:

39 (1) proceed to foreclose the mortgagee's mortgage:

40 (A) while the plaintiff is prosecuting any other action for the
41 same debt or matter that is secured by the mortgage;

42 (B) while the plaintiff is seeking to obtain execution of any



- 1 judgment in any other action; or
 2 (C) until the notice under ~~IC 32-30-10.5-8(a)~~ **IC 32-30-10.5-8**
 3 has been sent, if required, in the case of a mortgage transaction
 4 described in IC 32-30-10.5-5; or
 5 (2) prosecute any other action for the same matter while the
 6 plaintiff is foreclosing the mortgagee's mortgage or prosecuting
 7 a judgment of foreclosure.
- 8 SECTION 32. IC 32-30-10.5-4.7 IS REPEALED [EFFECTIVE
 9 JULY 1, 2015]. ~~Sec. 4.7. As used in this chapter, "loss mitigation~~
 10 ~~package" means a set of documents, the components of which:~~
 11 ~~(1) are specified by the authority under section 10(i) of this~~
 12 ~~chapter;~~
 13 ~~(2) provide information about a debtor's present and projected~~
 14 ~~future income; expenses; assets; and liabilities; and~~
 15 ~~(3) are necessary for a creditor to make underwriting decisions or~~
 16 ~~other determinations in connection with a potential foreclosure~~
 17 ~~prevention agreement with the debtor to whom the documents~~
 18 ~~apply.~~
- 19 SECTION 33. IC 32-30-10.5-5, AS AMENDED BY P.L.6-2012,
 20 SECTION 211, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) As used in this chapter,
 22 "mortgage" means ~~(1) a loan; or (2) a consumer credit sale; that is or~~
 23 ~~will be used by the debtor primarily for personal, family, or household~~
 24 ~~purposes and that is secured by a mortgage (or another equivalent~~
 25 ~~consensual security interest) that a mortgage loan (as defined in 12~~
 26 ~~CFR 1024.31) that:~~
 27 **(1) is secured by the debtor's primary residence; and**
 28 **(2) constitutes a first lien on a dwelling or on residential real**
 29 **estate upon which a dwelling is constructed or intended to be**
 30 **constructed.**
- 31 (b) The term does not include a land contract (as defined in
 32 IC 24-4.4-1-301(36)) or similar agreement in which the debtor does not
 33 possess a deed.
- 34 SECTION 34. IC 32-30-10.5-7, AS ADDED BY P.L.105-2009,
 35 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2015]: Sec. 7. As used in this chapter, "mortgage servicer"
 37 means ~~the last person to whom:~~
 38 ~~(1) a debtor; in a mortgage; or~~
 39 ~~(2) the debtor's successor in interest;~~
 40 ~~has been instructed to send payments on the mortgage. a servicer as~~
 41 ~~defined by 12 CFR 1024.2.~~
 42 SECTION 35. IC 32-30-10.5-8, AS AMENDED BY P.L.102-2012,



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

- 11 (1) **12 CFR 1024.39;**
 12 (2) **12 CFR 1024.40;**
 13 (3) **12 CFR 1024.41; and**
 14 (4) **subsection (b).**

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

- 17 (1) Inform the debtor that:
 18 (A) the debtor is in default;
 19 (B) the debtor is encouraged to obtain assistance from a
 20 mortgage foreclosure counselor; and
 21 (C) if the creditor proceeds to file a foreclosure action and
 22 obtains a foreclosure judgment, the debtor has a right to do the
 23 following before a sheriff's sale is conducted:
 24 (i) Appeal a finding of abandonment by a court under
 25 IC 32-30-10.6.
 26 (ii) Redeem the real estate from the judgment under
 27 IC 32-29-7-7.
 28 (iii) Retain possession of the property under
 29 IC 32-29-7-11(b), subject to the conditions set forth in
 30 IC 32-29-7-11(b).

31 (2) Provide the contact information for the Indiana Foreclosure
 32 Prevention Network.

33 (3) Include the following statement printed in at least 14 point
 34 boldface type:

35 "NOTICE REQUIRED BY STATE LAW

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



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

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

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

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

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

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

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

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

33 (d) If a creditor files an action to foreclose a mortgage **for which**
 34 **notice is required under subsection (b),** the creditor shall: ~~do the~~
 35 ~~following:~~

36 (1) ~~include with the complaint filed with the court (A) except as~~
 37 ~~provided in subsection (e) and section 10(g) of this chapter; a~~
 38 ~~copy of the notices sent to the debtor under subsections (a) and~~
 39 ~~(c); if the foreclosure action is filed after June 30, 2009; but~~
 40 ~~before July 1, 2011; or (B) the following; if the foreclosure action~~
 41 ~~is filed after June 30, 2011: (i) Except as provided in subsection~~
 42 ~~(e) and section 10(g) of this chapter; a copy of the notice sent to~~



1 the debtor under subsection (a): (ii) The following most recent
 2 contact information for the debtor that the creditor has on file: all
 3 telephone numbers and electronic mail addresses for the debtor
 4 and any mailing address described in subsection (b)(2). The
 5 contact information provided under this item is confidential under
 6 ~~IC 5-14-3-4(a)(13)~~. **subsection (b); and**

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

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

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

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

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

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

38 (1) the mortgage is secured by a dwelling that is not occupied by
 39 the debtor as the debtor's primary residence;

40 (2) the mortgage has been the subject of a prior foreclosure
 41 prevention agreement under this chapter and the debtor has
 42 defaulted with respect to the terms of that foreclosure prevention



1 agreement; or

2 (3) bankruptcy law prohibits the creditor from participating in a
3 settlement conference under this chapter with respect to the
4 mortgage.

5 (f) Not later than June 1, 2011, the authority, in consultation with
6 the division of state court administration, shall prescribe language for
7 the notice required under subsection (c)(2) to be included on the first
8 page of the summons that is served on the debtor in a foreclosure action
9 filed after June 30, 2011. The language must convey the same
10 information as the form prescribed by the authority under subsection
11 (c)(1) for foreclosure actions filed after June 30, 2009, but before July
12 1, 2011. The authority shall make the language prescribed under this
13 subsection available on the authority's Internet web site. A creditor
14 complies with subsection (c)(2) in a foreclosure action filed after June
15 30, 2011, if the creditor includes on the first page of the summons
16 served on the debtor:

17 (1) the language that is prescribed by the authority under this
18 subsection and made available on the authority's Internet web site;
19 or

20 (2) language that conveys the same information as the language
21 that is prescribed by the authority under this subsection and made
22 available on the authority's Internet web site.

23 SECTION 36. IC 32-30-10.5-8.5 IS REPEALED [EFFECTIVE
24 JULY 1, 2015]. Sec. 8-5. (a) This section applies to the following:

25 (1) A mortgage foreclosure action with respect to which:

26 (A) the creditor has filed the complaint in the proceeding
27 before July 1, 2011;

28 (B) the debtor has contacted the court under section 8(c) of
29 this chapter or under section 11(b) of this chapter to schedule
30 a settlement conference under this chapter; and

31 (C) the court having jurisdiction over the action has not:

32 (i) issued a stay in the foreclosure proceedings pending the
33 conclusion of the settlement conference under this chapter;

34 (ii) issued a default judgment against the debtor in the
35 action; or

36 (iii) rendered a judgment of foreclosure in the action.

37 (2) A mortgage foreclosure action with respect to which:

38 (A) the creditor has filed the complaint in the proceeding after
39 June 30, 2011; and

40 (B) the debtor has contacted the court under section 8(c) of
41 this chapter to schedule a settlement conference under this
42 chapter.



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

7 (1) The court receives notice under section 10(e) of this chapter
 8 that after the conclusion of a settlement conference held under
 9 this chapter:

10 (A) the debtor and the creditor have agreed to enter into a
 11 foreclosure prevention agreement; and

12 (B) the creditor has elected under section 10(e) of this chapter
 13 to dismiss the foreclosure action for as long as the debtor
 14 complies with the terms of the foreclosure prevention
 15 agreement.

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

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

23 SECTION 37. IC 32-30-10.5-8.6, AS ADDED BY P.L.170-2011,
 24 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2015]: Sec. 8.6. (a) This section applies to a mortgage
 26 foreclosure action that is filed after June 30, 2011.

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

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

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

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

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

42 (2) an attorney trust account;



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

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

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

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

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

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

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

22 SECTION 38. IC 32-30-10.5-9 IS REPEALED [EFFECTIVE JULY
 23 1, 2015]. Sec. 9: (a) Except as provided in sections 8(e) and 10(g) of
 24 this chapter and subsection (b); and subject to section 8.5 of this
 25 chapter, after June 30, 2009, a court may not issue a judgment of
 26 foreclosure under IC 32-30-10 on a mortgage subject to this chapter
 27 unless all of the following apply:

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

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

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

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

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

41 (i) contacts the court within the thirty (30) day period
 42 described in section 8(e) of this chapter to schedule a



1 settlement conference under this chapter; and
 2 (ii) does not provide to the creditor and the court at least one
 3 (1) of the documents required as part of the debtor's loss
 4 mitigation package, as specified by the authority in the
 5 listing developed under section 10(i) of this chapter and
 6 included with the court's notice under section 10(a)(8) of
 7 this chapter, within the time specified in the court's notice
 8 under section 10(a)(3)(A) of this chapter:

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

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

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

17 SECTION 39. IC 32-30-10.5-10 IS REPEALED [EFFECTIVE
 18 JULY 1, 2015]. Sec. 10. (a) Unless a settlement conference is not
 19 required under this chapter, the court shall issue a notice of a
 20 settlement conference if the debtor contacts the court to schedule a
 21 settlement conference as described in section 8(c) of this chapter. The
 22 court's notice of a settlement conference must do the following:

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

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

31 (B) must not be earlier than forty (40) days after the date of the
 32 notice under this section or later than sixty (60) days after the
 33 date of the notice under this section; in the case of a
 34 foreclosure action filed after June 30, 2011;

35 for the purpose of attempting to negotiate a foreclosure prevention
 36 agreement.

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

41 (3) Require the debtor to do the following:

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



1 2011; provide, not later than a date specified in the order;
 2 which date must be the date that is thirty (30) days before the
 3 date of the settlement conference specified by the court under
 4 subdivision (1); a copy of the debtor's loss mitigation package
 5 to the following:

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

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

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

14 (B) Bring the following to the settlement conference:

15 (i) In the case of a foreclosure action filed after June 30;
 16 2009; but before July 1, 2011; documents needed to engage
 17 in good faith negotiations with the creditor; including
 18 documentation of the debtor's present and projected future
 19 income; expenses; assets; and liabilities (including
 20 documentation of the debtor's employment history); and any
 21 other documentation or information that the court
 22 determines is needed for the debtor to engage in good faith
 23 negotiations with the creditor. The court shall identify any
 24 documents required under this item with enough specificity
 25 to allow the debtor to obtain the documents before the
 26 scheduled settlement conference.

27 (ii) In the case of a foreclosure action filed after June 30;
 28 2011; the debtor's loss mitigation package.

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

32 (4) Require the creditor to do the following:

33 (A) In the case of a foreclosure action filed after June 30;
 34 2011; send to the debtor, by certified mail and not later than a
 35 date specified in the order; which date must be the date that is
 36 thirty (30) days before the date of the settlement conference
 37 specified by the court under subdivision (1); the following
 38 transaction history for the mortgage:

39 (i) A payment record substantiating the default, such as a
 40 payment history.

41 (ii) An itemization of all amounts claimed by the creditor as
 42 being owed on the mortgage; such as an account payoff



- 1 statement.
- 2 If the creditor provides evidence that the transaction history
- 3 required by this clause was sent by certified mail; return
- 4 receipt requested; it is not necessary that the debtor accept
- 5 receipt of the transaction history for an action to proceed as
- 6 allowed under this chapter.
- 7 (B) Bring the following to the settlement conference:
- 8 (i) A copy of the original note and mortgage.
- 9 (ii) A payment record substantiating the default, such as a
- 10 payment history.
- 11 (iii) An itemization of all amounts claimed by the creditor as
- 12 being owed on the mortgage; such as an account payoff
- 13 statement.
- 14 (iv) Any other documentation that the court determines is
- 15 needed.
- 16 (5) Inform the parties that:
- 17 (A) each party has the right to be represented by an attorney or
- 18 assisted by a mortgage foreclosure counselor at the settlement
- 19 conference; and
- 20 (B) subject to subsection (b); an attorney or a mortgage
- 21 foreclosure counselor may participate in the settlement
- 22 conference in person or by telephone.
- 23 (6) Inform the parties that the settlement conference will be
- 24 conducted at the county courthouse; or at another place
- 25 designated by the court; on the date and time specified in the
- 26 notice under subdivision (1) unless the parties submit to the court
- 27 a stipulation to:
- 28 (A) modify the date; time; and place of the settlement
- 29 conference; or
- 30 (B) hold the settlement conference by telephone at a date and
- 31 time agreed to by the parties.
- 32 (7) In the case of a foreclosure action filed after June 30, 2011;
- 33 inform the parties of the following:
- 34 (A) That if the parties stipulate under subdivision (6) to
- 35 modify the date of the settlement conference:
- 36 (i) the debtor must provide the debtor's loss mitigation
- 37 package to the creditor and to the court; as described in
- 38 subdivision (3); at least thirty (30) days before the settlement
- 39 conference date; as modified by the parties; and
- 40 (ii) the creditor must send to the debtor; by certified mail;
- 41 the transaction history described in subdivision (4)(A) at
- 42 least thirty (30) days before the settlement conference date;



- 1 as modified by the parties:
 2 (B) That if the parties stipulate under subdivision (6)(B) to
 3 conduct the settlement conference by telephone, the parties
 4 shall ensure the availability of any technology needed to allow
 5 simultaneous participation in the settlement conference by all
 6 participants.
 7 (8) In the case of a foreclosure action filed after June 30, 2011,
 8 include as an attachment the loss mitigation package listing
 9 prescribed by the authority under subsection (i):
 10 (b) An attorney for the creditor shall attend the settlement
 11 conference, and an authorized representative of the creditor shall be
 12 available by telephone during the settlement conference. In addition,
 13 the court may require any person that is a party to the foreclosure
 14 action to appear at or participate in a settlement conference held under
 15 this chapter, and, for cause shown, the court may order the creditor and
 16 the debtor to reconvene a settlement conference at any time before
 17 judgment is entered. Any:
 18 (1) costs to a creditor associated with a settlement conference
 19 under this chapter; or
 20 (2) civil penalty imposed on a creditor by the court in connection
 21 with a violation of a court order issued in the case;
 22 may not be charged to or collected from the debtor, either directly or
 23 indirectly.
 24 (c) At the court's discretion, a settlement conference may or may not
 25 be attended by a judicial officer.
 26 (d) The creditor shall ensure that any person representing the
 27 creditor:
 28 (1) at a settlement conference scheduled under this section; or
 29 (2) in any negotiations with the debtor designed to reach
 30 agreement on the terms of a foreclosure prevention agreement;
 31 has authority to represent the creditor in negotiating a foreclosure
 32 prevention agreement with the debtor.
 33 (e) If, as a result of a settlement conference held under this chapter,
 34 the debtor and the creditor agree to enter into a foreclosure prevention
 35 agreement, the agreement shall be reduced to writing and signed by
 36 both parties, and each party shall retain a copy of the signed agreement.
 37 Not later than seven (7) business days after the signing of the
 38 foreclosure prevention agreement, the creditor shall file with the court
 39 a copy of the signed agreement. At the election of the creditor, the
 40 foreclosure shall be dismissed or stayed for as long as the debtor
 41 complies with the terms of the foreclosure prevention agreement.
 42 (f) If, as a result of a settlement conference held under this chapter,



1 the debtor and the creditor are unable to agree on the terms of a
2 foreclosure prevention agreement:

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

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

12 (g) If:

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

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

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

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

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

28 (1) shall require those documents that:

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

31 (B) are necessary for a creditor to make underwriting decisions
32 or other determinations in connection with a potential
33 foreclosure prevention agreement with the debtor to whom the
34 documents apply; and

35 (2) may amend the list:

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

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

39 The authority shall make the list prescribed under this subsection
40 available on the authority's Internet web site. The division of state court
41 administration shall make the list prescribed under this subsection
42 available on the Internet web site maintained by the state's judicial



1 branch. If the authority determines that an amendment to the list is
 2 necessary under subdivision (2), the authority shall notify the division
 3 of state court administration of the amendment as soon as practicable
 4 before the amendment takes effect and shall update the list on the
 5 authority's Internet web site not later than the effective date of the
 6 amendment. Upon receiving notice of an amendment to the list from
 7 the authority, the division of state court administration shall update the
 8 list on the Internet web site maintained by the state's judicial branch not
 9 later than the effective date of the amendment.

10 SECTION 40. IC 32-30-10.5-11 IS REPEALED [EFFECTIVE
 11 JULY 1, 2015]. Sec. 11: (a) This section applies to a mortgage
 12 foreclosure action with respect to which the creditor has filed the
 13 complaint in the proceeding before July 1, 2009, and the court having
 14 jurisdiction over the proceeding has not rendered a judgment of
 15 foreclosure before July 1, 2009:

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

- 20 (1) has the right to participate in a settlement conference, subject
 21 to section 9(b) of this chapter; and
 22 (2) may schedule a settlement conference by notifying the court,
 23 not later than thirty (30) days after the notice required by this
 24 section is served; of the debtor's intent to participate in a
 25 settlement conference.

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

- 30 (1) a mortgage foreclosure action filed under IC 32-30-10-3.
 31 (2) A determination that property is abandoned or vacant for
 32 purposes of IC 6-1.1-24 or IC 34-30-26-7.

33 SECTION 42. IC 32-30-10.6-2 IS REPEALED [EFFECTIVE
 34 JANUARY 1, 2015 (RETROACTIVE)]. Sec. 2: As used in this
 35 chapter, "enforcement authority" refers to the enforcement authority (as
 36 defined in IC 36-7-9-2) that has jurisdiction in the location of the
 37 property.

38 SECTION 43. IC 32-30-10.6-2.3 IS REPEALED [EFFECTIVE
 39 JANUARY 1, 2015 (RETROACTIVE)]. Sec. 2:3: As used in this
 40 chapter, "executive of a county" in a county containing a consolidated
 41 city means the executive of the consolidated city.

42 SECTION 44. IC 32-30-10.6-3.5 IS REPEALED [EFFECTIVE



1 JANUARY 1, 2015 (RETROACTIVE)]. Sec. 3-5: (a) This section
 2 applies to a property whether or not there is a mortgage on the property:

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

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

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

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

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

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

13 (2) Allege that the property is abandoned:

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

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

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

19 (2) any other appropriate party;

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

21 SECTION 45. IC 32-30-10.6-4, AS AMENDED BY P.L.203-2013,
 22 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JANUARY 1, 2015 (RETROACTIVE)]; Sec. 4. (a) Upon receiving a

24 request for a determination of abandonment from a creditor ~~or an~~
 25 ~~enforcement authority~~; through a petition or motion filed with the court
 26 and served on the required parties in accordance with section 3 ~~or 3-5~~
 27 of this chapter, the court shall issue an order to show cause as to why
 28 the property should not be found to be abandoned **and a judgment in**
 29 **rem foreclosing the mortgage entered** and directing the petitioner,
 30 the debtor, and any other person or party the court considers
 31 appropriate to appear before the court on a date and time specified in
 32 the order under subdivision (1). The court's order under this subsection
 33 must do the following:

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

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

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

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

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

42 (A) may present evidence or objections on the issue of



- 1 abandonment to the court:
- 2 (i) in writing before the appearance date specified by the
- 3 court under subdivision (1); or
- 4 (ii) in writing or by oral testimony on the date and at the
- 5 time specified by the court under subdivision (1);
- 6 in the manner specified by the court; and
- 7 (B) has the right to be represented by an attorney when
- 8 appearing before the court.
- 9 (3) Notify the parties subject to the order that if a party fails to:
- 10 (A) submit written evidence or objections to the court before
- 11 the appearance date specified by the court under subdivision
- 12 (1); or
- 13 (B) appear before the court on the date and at the time
- 14 specified by the court under subdivision (1);
- 15 the party's failure to submit evidence or objections or to appear
- 16 before the court will result in a finding of abandonment **and the**
- 17 **entry of an in rem judgment foreclosing the mortgage** by the
- 18 court.
- 19 (b) A party subject to an order issued by the court under this section
- 20 has the following rights, as described in the court's order under
- 21 subsection (a):
- 22 (1) The right to present evidence or objections on the issue of
- 23 abandonment to the court:
- 24 (A) in writing before the appearance date specified in the
- 25 court's order under subsection (a)(1); or
- 26 (B) in writing or by oral testimony on the date and at the time
- 27 specified in the court's order under subsection (a)(1);
- 28 in the manner specified by the court.
- 29 (2) The right to be represented by an attorney when appearing
- 30 before the court.
- 31 SECTION 46. IC 32-30-10.6-5, AS AMENDED BY P.L.203-2013,
- 32 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 33 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 5. (a) Subject to
- 34 subsection (b), for purposes of an abandonment determination under
- 35 this chapter, one (1) or more of the following constitute prima facie
- 36 evidence that property is abandoned:
- 37 (1) The enforcement authority that has jurisdiction in the location
- 38 of the property has issued an order under IC 36-7-36-9 with
- 39 respect to the property.
- 40 (2) Windows or entrances to the property are boarded up or closed
- 41 off.
- 42 (3) Multiple window panes on the property are broken and



- 1 unrepaired.
- 2 (4) One (1) or more doors to the property are smashed through,
- 3 broken off, unhinged, or continuously unlocked.
- 4 (5) Gas service, electric service, water service, or other utility
- 5 service to the property has been terminated.
- 6 (6) Rubbish, trash, or debris has accumulated on the property.
- 7 (7) The property is deteriorating and is either below or in
- 8 imminent danger of falling below minimum community standards
- 9 for public safety and sanitation.
- 10 (8) The creditor has changed the locks on the property and for at
- 11 least fifteen (15) days after the changing of the locks the owner
- 12 has not requested entrance to the property.
- 13 (9) There exist one (1) or more written statements, including
- 14 documents of conveyance, that have been executed by the debtor,
- 15 or by the debtor's personal representatives or assigns, and that
- 16 indicate a clear intent to abandon the property.
- 17 **(10) The property contains overgrown or neglected**
- 18 **vegetation.**
- 19 **(11) There is an accumulation of newspapers, circulars, flyers,**
- 20 **or mail on the property.**
- 21 **(12) There is an absence of furnishings and personal items.**
- 22 **(13) Statements are made by neighbors, delivery persons, or**
- 23 **government employees indicating that the residence is**
- 24 **abandoned.**
- 25 ~~(14)~~ **(14)** There exists other evidence indicating a clear intent to
- 26 abandon the property.
- 27 (b) Regardless of whether any of the conditions described in
- 28 subsection (a) are found to apply, the debtor's failure to either:
- 29 (1) present evidence or objections on the issue of abandonment to
- 30 the court in writing before the appearance date specified in the
- 31 court's order under section 4(a)(1) of this chapter; or
- 32 (2) appear before the court on the date specified in the court's
- 33 order under section 4(a)(1) of this chapter;
- 34 constitutes prima facie evidence that the property is abandoned.
- 35 (c) If the court finds that:
- 36 (1) one (1) or more of the conditions described in subsection (a)
- 37 apply; or
- 38 (2) the circumstances described in subsection (b) apply;
- 39 the court shall issue an order finding that the property is abandoned
- 40 **and enter a judgment in rem foreclosing the mortgage.**
- 41 SECTION 47. IC 32-30-10.6-6 IS REPEALED [EFFECTIVE
- 42 JANUARY 1, 2015 (RETROACTIVE)]. ~~Sec. 6: (a) This section~~



1 applies only to a petition by the executive of a county, city, or town for
2 a court order of abandonment.

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

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

12 SECTION 48. IC 36-7-37 IS ADDED TO THE INDIANA CODE
13 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
14 JANUARY 1, 2015 (RETROACTIVE)]:

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

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

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

21 (2) an enforcement authority, as defined by IC 36-7-9-2, may
22 seek a determination from a hearing authority under
23 IC 36-7-9. The hearing authority may make a determination
24 of abandonment using the standards set forth in
25 IC 32-30-10.6-5 after notice to the owner and a hearing under
26 IC 36-7-9-7.

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

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

33 (2) Allege that the property is abandoned.

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

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

42 **Sec. 3. A petition under this section or an order by an**



1 enforcement authority under IC 36-7-9-7 with respect to property
 2 for which a determination of abandonment is being sought under
 3 this chapter shall be served on:

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

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

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

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

- 23 (A) earlier than fifteen (15) days; or
 24 (B) later than twenty-five (25) days;
 25 after the date of the court's order under this section.

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

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

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

34 in the manner specified by the court; and

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

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

- 39 (A) submit written evidence or objections to the court
 40 before the appearance date specified by the court under
 41 subdivision (1); or
 42 (B) appear before the court on the date and at the time



1 specified by the court under subdivision (1);
2 the party's failure to submit evidence or objections or to
3 appear before the court will result in a finding of
4 abandonment by the court.

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

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

10 (A) in writing before the appearance date specified in the
11 court's order under section 4(1) of this chapter; or

12 (B) in writing or by oral testimony on the date and at the
13 time specified in the court's order under section 4(1) of this
14 chapter;

15 in the manner specified by the court.

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

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

19 (1) a petition by the executive of a county, city, or town for a
20 court order of abandonment; and

21 (2) an order by an enforcement authority under IC 36-7-9-7.

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

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

33 SECTION 49. 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

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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:

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- (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.

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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) 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 **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.

