

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0384.02 Alison Killen x4350

HOUSE BILL 24-1056

HOUSE SPONSORSHIP

Frizell and Marshall, Weissman

SENATE SPONSORSHIP

Hansen and Kolker,

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROPERTY SUBJECT TO A PROPERTY TAX LIEN, AND, IN
102 CONNECTION THEREWITH, MODERNIZING STATUTES RELATED TO
103 THE ISSUANCE OF A TREASURER'S DEED FOR PROPERTY SUBJECT
104 TO A PROPERTY TAX LIEN TO ALIGN WITH A FEDERAL SUPREME
105 COURT DECISION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Legislative Oversight Committee Concerning Tax Policy.
Under current law, a county treasurer is required to issue a treasurer's

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

deed for a property, upon the presentation of a certificate of purchase of a tax lien for that property, if certain redemption and timing conditions are satisfied. **Sections 1 to 3** of the bill end this requirement.

Section 4 establishes a process by which the lawful holder of a certificate of purchase of a tax lien (lawful holder) may apply for a public auction for the sale of a certificate of option for treasurer's deed (public auction). If the public auction results in an "overbid", meaning the purchaser of the sale of a certificate of option for treasurer's deed pays an amount in excess of the value of the tax lien, then the amount of the overbid must be paid in order of recording priority to junior lienors who have filed a notice of intent to redeem. After payment to all lienors, any remaining overbid must be paid to the owner of the property subject to the tax lien. By providing for payment of any remaining overbid amount to the property owner, the bill brings Colorado law into compliance with the United States supreme court's recent decision affirming a property owner's constitutional right to the value of their property in excess of their tax debt.

The bill specifies the required application form and deposit amount for a lawful holder of a certificate of purchase for a tax lien to request a public auction and the notice requirements, including by mailing, publication, and posting. The treasurer must review the title work for the property and include known interested parties in the notice process.

The bill specifies the general manner and timing of the public auction to be conducted by the treasurer. The bill also provides procedural guidance in case of certain events, including continuance of the public auction, the effect of a bankruptcy filing related to the property, the withdrawal of a notice of public auction, and the redemption of the tax lien prior to the public auction.

At the public auction, the treasurer must only accept bids that are greater than the combined value of the amount owed to the lawful holder and the fees and costs incurred by the treasurer in complying with new article 11.5 of title 39. If no such bid is made and paid to the treasurer, then the lawful holder is deemed the purchaser of the certificate of option for treasurer's deed.

If the lawful holder is not the purchaser of the certificate of option for treasurer's deed, the lawful holder is still entitled to redeem the property subject to the tax lien if certain procedural requirements are met, including payment to the purchaser of all sums necessary to redeem. Junior lienholders may also file for redemption, but only as to a portion of the overbid, and only if certain procedural requirements are met. The treasurer may issue a treasurer's deed to the purchaser of a certificate of option for treasurer's deed for the relevant property.

If the property remains unredeemed, the lawful holder of the certificate of option for treasurer's deed may present the certificate, along with other required documentation, to the treasurer and obtain a

treasurer's deed, giving full rights to the property.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 39-11-120, **amend**
3 (1) and (4) as follows:

4 **39-11-120. Presentation of certificates for deed.** (1) ~~At~~ BEFORE
5 THE EFFECTIVE DATE OF THIS HOUSE BILL 24-_____, any time after the
6 expiration of the term of three years from the date of the sale of any tax
7 lien on any land, or interest therein or improvements thereon, for
8 delinquent taxes, on demand of the purchaser or lawful holder of the
9 certificate of such tax lien, other than the county wherein such property
10 is situated, and on presentation of such certificate of purchase or properly
11 authenticated order of the board of county commissioners, where the
12 certificate has been lost or wrongfully withheld from the owner, and upon
13 proof of compliance with section 39-11-128, the treasurer shall make out
14 a deed for each such lot, parcel, interest, or improvement for which a tax
15 lien was sold and which remains unredeemed and deliver the same to
16 such purchaser or lawful holder of such certificate or order.

17 (4) BEFORE THE EFFECTIVE DATE OF THIS HOUSE BILL 24-_____,
18 whenever any tax lien on any lot or parcel of land, interest therein, or
19 improvement thereon is bid in by or for the county, city, town, or city and
20 county at any tax sale, and a certificate of purchase is made to such
21 county, city, town, or city and county therefor, the treasurer of such
22 county, city, town, or city and county may sell, assign, and deliver any
23 such certificate to any person who desires to purchase the same upon
24 payment to the treasurer of the amount for which said tax lien was bid in
25 by the county, city, town, or city and county with interest and costs

1 accrued thereon from the date of sale, together with a fee for making such
2 assignment, as provided in section 30-1-102, ~~C.R.S.~~, and the taxes
3 assessed thereon since the date of such sale or, in case of a county, city,
4 town, or city and county, for such sum as the board of county
5 commissioners or other board authorized to perform the duties of a board
6 of county commissioners at any regular or special meeting may decide
7 and authorize by order duly entered in the recorded proceedings of such
8 board. BEFORE THE EFFECTIVE DATE OF THIS HOUSE BILL 24-_____,
9 whenever any tax lien on any lot or parcel of land, interest therein, or
10 improvement thereon is bid in by or for a city, town, or city and county,
11 as the case may be, such city, town, or city and county shall be entitled to
12 a deed, as provided for purchasers at tax sales.

13 **SECTION 2.** In Colorado Revised Statutes, 39-11-128, **amend**
14 (1) introductory portion as follows:

15 **39-11-128. Condition precedent to deed - notice.** (1) BEFORE
16 THE EFFECTIVE DATE OF THIS HOUSE BILL 24-_____, before any purchaser,
17 or assignee of such purchaser, of a tax lien on any land, town or city lot,
18 or mining claim sold for taxes or special assessments due either to the
19 state or any county or incorporated town or city within the same at any
20 sale of tax liens for delinquent taxes levied or assessments authorized by
21 law is entitled to a deed for the land, lot, or claim so purchased, he shall
22 make request upon the treasurer, who shall then comply with the
23 following:

24 **SECTION 3.** In Colorado Revised Statutes, 39-11-142, **amend**
25 (1), (2), (3), (6)(a), (6)(c), and (7) as follows:

26 **39-11-142. Disposition of certificates held by counties.**
27 (1) BEFORE THE EFFECTIVE DATE OF THIS HOUSE BILL 24-_____, in cases

1 where a tax lien on real estate has been struck off to the county at tax
2 sales and the county has held the certificate of sale for three years or
3 more, the board of county commissioners may apply for and receive a tax
4 deed in like manner as is provided by law in the case of delinquent tax
5 sale certificates held by individuals. The board of county commissioners,
6 whenever the county becomes entitled to a tax deed, may cause the
7 treasurer to issue, serve, and publish notices, pursuant to law, of
8 application for such tax deed in like manner as in the case of individual
9 certificate holders.

10 (2) BEFORE THE EFFECTIVE DATE OF THIS HOUSE BILL 24-_____,
11 in cases where the county has held the tax certificate for five years or
12 more and such real estate is not located within the limits of any
13 incorporated town or city within the said county, the county may include
14 in one request or demand any or all separate parcels of real estate for
15 which it holds tax sale certificates for sales in any one year, and the board
16 of county commissioners may apply for and receive tax deeds therefor.
17 BEFORE THE EFFECTIVE DATE OF THIS HOUSE BILL 24-_____, in cases
18 where the county has held the tax certificate for eight years and in the
19 opinion of the board of county commissioners such real estate is not used,
20 operated, or maintained wholly or in part in the interest or for the benefit
21 of the public, said board shall apply for and receive a tax deed therefor.

22 (3) BEFORE THE EFFECTIVE DATE OF THIS HOUSE BILL 24-_____,
23 upon making application in the case of tax certificates held by the
24 counties for five years or more, the treasurer shall not be required to give
25 the notice that a request or demand for tax deed has been made upon him
26 provided for in section 39-11-128. The treasurer, in lieu of such notice,
27 at least sixty days before the day said tax deed issues, shall give notice by

1 registered or certified mail, addressed to the last-known residence of the
2 person in whose name the real estate is assessed for the years during
3 which said taxes have not been paid, that a tax deed has been applied for
4 on the particular described property and that said tax deed will issue on
5 a day certain. BEFORE THE EFFECTIVE DATE OF THIS HOUSE BILL
6 24-_____, the treasurer shall also post in a public place in the county
7 courthouse, at least sixty days before said deed issues, a notice stating that
8 a deed will be issued to the county on the real estate described in said
9 notice. Said notice shall contain the name of the person to whom the
10 property is assessed together with the date said tax deed will issue.

11 (6) (a) BEFORE THE EFFECTIVE DATE OF THIS HOUSE BILL
12 24-_____, in all cases where a tax lien on real property has been struck
13 off to the county at a tax sale and the county has held the certificate of
14 sale for thirty years or more without obtaining a tax deed as provided in
15 this section, then such certificate may be declared void and of no effect.

16 (c) BEFORE THE EFFECTIVE DATE OF THIS HOUSE BILL 24-_____,
17 upon being presented with such list, the board of county commissioners
18 shall determine that the tax liens were struck off to the county, that such
19 certificates of sale relating thereto have been held by the county for thirty
20 years or more, and that no tax deed has been obtained or applied for as
21 provided in this section. Upon making such determination, the board of
22 county commissioners may declare that such certificates are void, and an
23 order to that effect shall be duly entered in the recorded proceedings of
24 the board, which order shall direct the treasurer to cancel such certificates
25 of sale.

26 (7) It is the duty of the treasurer at least once each year to prepare
27 and present, at any regular or special meeting of the board of county

1 commissioners, a list of all tax liens on all real property struck off to the
2 county and all certificates of sale relating thereto, which certificates have
3 been held by the county for three years or more without obtaining a deed
4 or being otherwise disposed of under this article 11 OR ARTICLE 11.5 OF
5 THIS TITLE 39.

6 **SECTION 4.** In Colorado Revised Statutes, **add** article 11.5 to
7 title 39 as follows:

8 **ARTICLE 11.5**

9 **Issuance of Treasurer's Deeds**

10 **39-11.5-101. Definitions.** AS USED IN THIS ARTICLE 11.5, UNLESS
11 THE CONTEXT OTHERWISE REQUIRES:

12 (1) "CERTIFICATE OF OPTION FOR TREASURER'S DEED" MEANS THE
13 CERTIFICATE OF OPTION FOR TREASURER'S DEED ISSUED BY A TREASURER
14 PURSUANT TO SECTION 39-11.5-115 (1).

15 (2) "CERTIFICATE OF PURCHASE" MEANS THE CERTIFICATE OF
16 PURCHASE PREPARED BY A TREASURER FOR THE PURCHASER OF A TAX LIEN
17 IN ACCORDANCE WITH SECTION 39-11-117.

18 (3) "IMMEDIATE FAMILY" MEANS AN INDIVIDUAL'S:

19 (a) SPOUSE;

20 (b) PARTNER IN A CIVIL UNION;

21 (c) PARENT;

22 (d) MINOR CHILD UNDER EIGHTEEN YEARS OF AGE;

23 (e) SIBLING WHO IS UNDER EIGHTEEN YEARS OF AGE AND FOR
24 WHOM THE INDIVIDUAL STANDS IN LOCO PARENTIS; OR

25 (f) SIBLING WHO IS INCAPABLE OF SELF-CARE DUE TO A MENTAL OR
26 PHYSICAL DISABILITY OR A LONG-TERM ILLNESS.

27 (4) "JUNIOR LIEN" MEANS A LIEN OR ENCUMBRANCE UPON THE

1 PROPERTY FOR WHICH THE AMOUNT DUE AND OWING THEREUNDER IS
2 SUBORDINATE TO THE TAX LIEN.

3 (5) "KNOWN INTERESTED PARTY NOTICE" MEANS THE NOTICE THAT
4 INCLUDES:

5 (a) THE INFORMATION REQUIRED BY SECTION 39-11.5-102 (2);

6 (b) THE INFORMATION COLLECTED BY THE TREASURER PURSUANT
7 TO SECTION 39-11-114;

8 (c) THE DATE OF THE PUBLIC AUCTION, INCLUDING, IF APPLICABLE,
9 THE DATE TO WHICH THE TREASURER HAS CONTINUED THE PUBLIC
10 AUCTION PURSUANT TO SECTION 39-11.5-104 (2)(b);

11 (d) IF THE PUBLIC AUCTION IS NOT CONDUCTED BY MEANS OF THE
12 INTERNET OR OTHER ELECTRONIC MEDIUM, THE LOCATION OF THE PUBLIC
13 AUCTION;

14 (e) IF THE PUBLIC AUCTION IS CONDUCTED BY MEANS OF THE
15 INTERNET OR OTHER ELECTRONIC MEDIUM:

16 (I) THE ELECTRONIC ADDRESS FOR THE PUBLIC AUCTION;

17 (II) THE LOCATION OF COMPUTER WORKSTATIONS THAT ARE
18 AVAILABLE TO THE PUBLIC AND INFORMATION ABOUT HOW TO OBTAIN
19 INSTRUCTIONS ON ACCESSING THE PUBLIC AUCTION AND SUBMITTING BIDS;
20 AND

21 (III) A STATEMENT THAT THE BIDDING RULES FOR THE PUBLIC
22 AUCTION WILL BE POSTED ON THE INTERNET OR OTHER ELECTRONIC
23 MEDIUM USED TO CONDUCT THE AUCTION AT LEAST FOURTEEN CALENDAR
24 DAYS BEFORE THE DATE OF THE AUCTION; AND

25 (f) A LEGIBLE COPY OF SECTIONS 39-11.5-104, 39-11.5-111,
26 39-11.5-113, AND 39-11.5-114.

27 (6) "LAWFUL HOLDER" MEANS THE PERSON IN POSSESSION OF A

1 CERTIFICATE OF PURCHASE FOR A TAX LIEN ISSUED IN ACCORDANCE WITH
2 ARTICLE 11 OF THIS TITLE 39, OR THE ASSIGNEE OR ATTORNEY OF SUCH A
3 HOLDER.

4 (7) "LIENOR" MEANS A PERSON WHO IS A BENEFICIARY, HOLDER,
5 OR GRANTEE OF A JUNIOR LIEN ON THE PROPERTY OR THAT PERSON'S
6 ASSIGNEE OR ATTORNEY.

7 (8) "MAILING LIST" MEANS THE LIST ASSEMBLED BY THE
8 TREASURER PURSUANT TO SECTION 39-11.5-104 (2)(a) THAT CONTAINS
9 THE NAMES AND ADDRESSES OF THE FOLLOWING PERSONS:

10 (a) THE ORIGINAL PURCHASER OF THE TAX LIEN;

11 (b) ANY PERSON KNOWN OR BELIEVED BY THE TREASURER TO BE
12 A LIENOR;

13 (c) THE OCCUPANT OF THE PROPERTY, ADDRESSED TO "OCCUPANT"
14 AT THE ADDRESS OF THE PROPERTY AND, IF DIFFERENT, THE PROPERTY
15 OWNER; AND

16 (d) A LESSEE WITH AN UNRECORDED POSSESSORY INTEREST IN THE
17 PROPERTY AT THE ADDRESS OF THE PREMISES OF THE LESSEE AND, IF
18 DIFFERENT, THE ADDRESS OF THE PROPERTY.

19 (9) "OVERBID" MEANS THE AMOUNT IN EXCESS OF THE VALUE OF
20 THE TAX LIEN THAT A CERTIFICATE OF OPTION FOR TREASURER'S DEED IS
21 SOLD FOR AT A PUBLIC AUCTION.

22 (10) "PROPERTY" MEANS THE PROPERTY SUBJECT TO A TAX LIEN,
23 THE CERTIFICATE OF PURCHASE FOR WHICH IS HELD BY A LAWFUL HOLDER.

24 (11) "PROPERTY OWNER" MEANS THE OWNER OF A PROPERTY
25 SUBJECT TO A TAX LIEN, THE CERTIFICATE OF PURCHASE FOR WHICH IS
26 HELD BY A LAWFUL HOLDER.

27 (12) "PUBLIC AUCTION" MEANS AN AUCTION CONDUCTED

1 PURSUANT TO THIS ARTICLE 11.5.

2 (13) "PURCHASER" MEANS:

3 (a) THE PERSON WHO MAKES THE HIGHEST BID FOR THE
4 CERTIFICATE OF OPTION FOR TREASURER'S DEED AT A PUBLIC AUCTION
5 PURSUANT TO THIS ARTICLE 11.5 AND PAYS THE AMOUNT OWED;

6 (b) THE PERSON TO WHOM THE TREASURER OFFERS THE
7 CERTIFICATE OF OPTION FOR TREASURER'S DEED PURSUANT TO SECTION
8 39-11.5-110 (2) AND WHO PAYS THE AMOUNT OWED; OR

9 (c) IF NO VALID BIDS ARE RECEIVED AT THE PUBLIC AUCTION AND
10 PAID AND THE LAWFUL HOLDER DOES NOT FILE A WITHDRAWAL OF THE
11 NOTICE OF PUBLIC AUCTION PURSUANT TO SECTION 39-11.5-106, THE
12 LAWFUL HOLDER BECOMES THE PROPERTY PURCHASER.

13 (14) "TAX LIEN" MEANS THE LIEN ON ANY LAND, TOWN OR CITY
14 LOT, OR MINING CLAIM SOLD FOR SPECIAL ASSESSMENTS, TAXES, OR
15 SPECIAL ASSESSMENTS AND TAXES DUE EITHER TO THE STATE OR ANY
16 COUNTY OR INCORPORATED TOWN OR CITY FOR WHICH THE TREASURER
17 ISSUED A CERTIFICATE OF PURCHASE TO THE LAWFUL HOLDER.

18 (15) "TREASURER" HAS THE SAME MEANING AS SET FORTH IN
19 SECTION 39-1-102(17), AS APPLIED TO THE COUNTY IN WHICH A PROPERTY
20 IS LOCATED.

21 (16) "TREASURER'S DEED" MEANS THE DEED ISSUED BY THE
22 TREASURER IN ACCORDANCE WITH SECTION 39-11.5-116 (1).

23 **39-11.5-102. Application for public auction - contents - fee.**

24 (1) AT ANY TIME AT LEAST THREE YEARS FROM THE DATE OF THE SALE OF
25 A TAX LIEN PURSUANT TO ARTICLE 11 OF THIS TITLE 39, A LAWFUL HOLDER
26 MAY FILE AN APPLICATION FOR A PUBLIC AUCTION OF A CERTIFICATE OF
27 OPTION FOR TREASURER'S DEED FOR THE PROPERTY SUBJECT TO THE TAX

1 LIEN DESCRIBED IN THE CERTIFICATE OF PURCHASE HELD BY THE LAWFUL
2 HOLDER. IN SO DOING, THE LAWFUL HOLDER SHALL FILE AN APPLICATION
3 FOR PUBLIC AUCTION IN A FORM AND MANNER DETERMINED BY THE
4 TREASURER AS FOLLOWS:

5 **APPLICATION FOR TREASURER'S DEED**
6 **TO THE COUNTY TREASURER OF _____**
7 **COUNTY, COLORADO:**

8 The undersigned, as the holder of Treasurer's Tax Lien Sale
9 Certificate of Purchase No. _____ issued pursuant to the
10 tax lien sale held on the ____ day of _____, 20__, for
11 the taxes and/or special assessments for the tax year
12 _____ hereby request that you, as County Treasurer, give
13 notice and take such proceedings as are required by
14 39-11.5-102, C.R.S., so that the undersigned may begin the
15 process to obtain a Treasurer's Deed to the property
16 described in said Treasurer's Tax Lien Sale Certificate,
17 more particularly described as follows, to-wit:

18 **LEGAL DESCRIPTION:**
19 situated in the County of _____, State of
20 Colorado.

21 **PROPERTY ADDRESS:** _____

22 **SCHEDULE NUMBER:** _____

23 **PARCEL NUMBER:** _____

24 **CURRENT ASSESSED OWNER:** _____

25 **T.D. REFERENCE NUMBER:** _____

26 **THE AMOUNT OF THE OUTSTANDING**
27 **INVESTMENT BALANCE OF THE TAX LIEN AS**

1 **OF THE DATE OF THE FILING OF THE**
2 **A P P L I C A T I O N F O R P U B L I C**
3 **AUCTION: _____**
4 **LAWFUL HOLDER NAME: _____**
5 **ADDRESS OR PO BOX: _____**
6 **CITY/STATE/ZIP CODE: _____**
7 **COUNTY OF RESIDENCE: _____**
8 **LAWFUL HOLDER NAME: _____**
9 **LAWFUL HOLDER SIGNATURE: _____**
10 **DATE: _____**

11 (2) THE TREASURER MAY REQUIRE THE LAWFUL HOLDER TO MAKE
12 A DEPOSIT IN AN AMOUNT DETERMINED BY THE TREASURER TO INCLUDE
13 THE TREASURER'S FEE FOR RECORDING THE APPLICATION IN THE AMOUNT
14 OF THIRTY DOLLARS PLUS THE AMOUNT NECESSARY TO COVER THE
15 ACTUAL AND REASONABLE COSTS TO THE TREASURER TO ADMINISTER THE
16 PUBLIC AUCTION AND OTHERWISE ENSURE COMPLIANCE WITH THE
17 REQUIREMENTS OF THIS ARTICLE 11.5.

18 **39-11.5-103. Review of application for public auction.** (1) NO
19 LATER THAN FIVE BUSINESS DAYS FOLLOWING THE RECEIPT OF AN
20 APPLICATION FOR PUBLIC AUCTION PURSUANT TO SECTION 39-11.5-102,
21 THE TREASURER SHALL REVIEW THE APPLICATION TO DETERMINE
22 WHETHER IT COMPLIES WITH THE REQUIREMENTS OF THIS ARTICLE 11.5.

23 (2) IF THE TREASURER DETERMINES THAT THE APPLICATION FOR
24 PUBLIC AUCTION COMPLIES WITH THE REQUIREMENTS OF THIS ARTICLE
25 11.5, THE TREASURER SHALL RECORD THE APPLICATION FOR PUBLIC
26 AUCTION WITH THE OFFICE OF THE COUNTY CLERK AND RECORDER NO
27 LATER THAN TEN BUSINESS DAYS FOLLOWING THE RECEIPT OF THE

1 APPLICATION.

2 **39-11.5-104. Notice of public auction.** (1) NO MORE THAN
3 TWENTY CALENDAR DAYS AFTER RECORDING THE APPLICATION IN
4 ACCORDANCE WITH SECTION 39-11.5-103 (2), THE TREASURER SHALL MAIL
5 A KNOWN INTERESTED PARTY NOTICE TO THE PROPERTY ADDRESS SET
6 FORTH IN THE APPLICATION AND SHALL PUBLISH THE KNOWN INTERESTED
7 PARTY NOTICE, OMITTING THE REQUIRED COPIES OF STATUTES AND ADDING
8 THE FIRST AND LAST PUBLICATION DATES IF NOT ALREADY SPECIFIED IN
9 THE KNOWN INTERESTED PARTY NOTICE, ON THE TREASURER'S OFFICE
10 WEBSITE.

11 (2) (a) NO MORE THAN TWENTY CALENDAR DAYS AFTER
12 COMPLETING A REVIEW OF RELEVANT COUNTY RECORDS OF THE COUNTY
13 CLERK AND RECORDER CONCERNING THE PROPERTY, THE TREASURER
14 SHALL CREATE A MAILING LIST AND MAIL A KNOWN INTERESTED PARTY
15 NOTICE TO THE PERSONS ON THE MAILING LIST.

16 (b) THE TREASURER SHALL UPDATE THE MAILING LIST AS NEEDED.
17 IF THE TREASURER UPDATES THE MAILING LIST AFTER MAILING OUT THE
18 KNOWN INTERESTED PARTY NOTICE REQUIRED BY SUBSECTION (2)(a) OF
19 THIS SECTION, NOTWITHSTANDING SECTION 39-11.5-105, THE TREASURER
20 SHALL CONTINUE THE PUBLIC AUCTION NO LESS THAN SIXTY-FIVE
21 CALENDAR DAYS AFTER LAST UPDATING THE MAILING LIST.

22 (3) NO MORE THAN SIXTY CALENDAR DAYS NOR LESS THAN
23 FORTY-FIVE CALENDAR DAYS PRIOR TO THE PUBLIC AUCTION, THE
24 TREASURER SHALL POST A KNOWN INTERESTED PARTY NOTICE ON THE
25 PROPERTY.

26 (4) NO MORE THAN SIXTY CALENDAR DAYS NOR LESS THAN
27 FORTY-FIVE CALENDAR DAYS PRIOR TO THE PUBLIC AUCTION, THE

1 TREASURER SHALL PUBLISH THE KNOWN INTERESTED PARTY NOTICE,
2 OMITTING THE REQUIRED COPIES OF STATUTES AND ADDING THE FIRST AND
3 LAST PUBLICATION DATES IF NOT ALREADY SPECIFIED IN THE KNOWN
4 INTERESTED PARTY NOTICE, ON THE TREASURER'S OFFICE WEBSITE.

5 (5) NO LESS THAN TWENTY-EIGHT CALENDAR DAYS PRIOR TO THE
6 PUBLIC AUCTION, THE TREASURER SHALL ALSO POST THE KNOWN
7 INTERESTED PARTY NOTICE, OMITTING THE REQUIRED COPIES OF STATUTES
8 AND ADDING THE FIRST AND LAST PUBLICATION DATES IF NOT ALREADY
9 SPECIFIED IN THE KNOWN INTERESTED PARTY NOTICE, IN A CONSPICUOUS
10 PLACE IN THE TREASURER'S OFFICE OR ON THE TREASURER'S OFFICE
11 WEBSITE.

12 **39-11.5-105. Date of public auction.** THE TREASURER SHALL
13 HOLD THE PUBLIC AUCTION NO MORE THAN ONE HUNDRED TWENTY-FIVE
14 CALENDAR DAYS NOR LESS THAN ONE HUNDRED TEN CALENDAR DAYS
15 AFTER THE DATE OF THE FIRST PUBLICATION.

16 **39-11.5-106. Continuance of public auction - effect of**
17 **bankruptcy - withdrawal of notice of public auction - redemption of**
18 **tax lien prior to public auction. (1) Continuance.** FOR ANY REASON
19 DEEMED BY THE TREASURER TO BE GOOD CAUSE OR UPON WRITTEN
20 REQUEST BY THE LAWFUL HOLDER, AT ANY TIME BEFORE COMMENCEMENT
21 OF THE PUBLIC AUCTION, THE TREASURER MAY CONTINUE THE PUBLIC
22 AUCTION TO A LATER DATE BY MAKING, AT THE TIME AND PLACE
23 DESIGNATED FOR THE PUBLIC AUCTION, AN ORAL ANNOUNCEMENT OF THE
24 TIME AND PLACE OF SUCH CONTINUANCE, OR BY POSTING OR PROVIDING A
25 NOTICE OF THE CONTINUANCE AT THE TIME AND PLACE DESIGNATED FOR
26 THE PUBLIC AUCTION, WHICH NOTICE MUST INCLUDE THE TIME AND PLACE
27 TO WHICH THE PUBLIC AUCTION IS CONTINUED. EXCEPT AS PROVIDED IN

1 SUBSECTION (2)(b)(I) OF THIS SECTION, A PUBLIC AUCTION THAT IS NOT
2 HELD ON THE THEN-SCHEDULED DATE OF PUBLIC AUCTION AND IS NOT
3 CONTINUED FROM THE THEN-SCHEDULED DATE OF PUBLIC AUCTION
4 PURSUANT TO THIS SUBSECTION (1) IS DEEMED CONTINUED FOR A PERIOD
5 OF ONE WEEK, AND FROM WEEK TO WEEK THEREAFTER, UNTIL THE PUBLIC
6 AUCTION IS HELD OR OTHERWISE CONTINUED PURSUANT TO THIS
7 SUBSECTION (1). A PUBLIC AUCTION SHALL NOT BE CONTINUED TO A DATE
8 LATER THAN TWELVE MONTHS FROM THE ORIGINALLY DESIGNATED DATE
9 IN THE NOTICE OF PUBLIC AUCTION, EXCEPT AS PROVIDED IN SUBSECTION
10 (2) OF THIS SECTION.

11 (2) **Effect of bankruptcy proceedings.** (a) IF ALL PUBLICATIONS
12 OF THE KNOWN INTERESTED PARTY NOTICE PRESCRIBED BY SECTION
13 39-11.5-104 HAVE BEEN COMPLETED BEFORE A BANKRUPTCY PETITION
14 HAS BEEN FILED THAT AUTOMATICALLY STAYS THE TREASURER FROM
15 CONDUCTING THE PUBLIC AUCTION, THE TREASURER SHALL ANNOUNCE,
16 POST, OR PROVIDE NOTICE OF THAT FACT ON THE THEN-SCHEDULED DATE
17 OF PUBLIC AUCTION, TAKE NO ACTION AT THE THEN-SCHEDULED PUBLIC
18 AUCTION, AND ALLOW THE PUBLIC AUCTION TO BE AUTOMATICALLY
19 CONTINUED FROM WEEK TO WEEK IN ACCORDANCE WITH SUBSECTION (1)
20 OF THIS SECTION UNLESS OTHERWISE REQUESTED IN WRITING PRIOR TO
21 ANY SUCH DATE OF PUBLIC AUCTION BY THE LAWFUL HOLDER.

22 (b) (I) IF THE PUBLICATIONS OF THE KNOWN INTERESTED PARTY
23 NOTICE PRESCRIBED BY SECTION 39-11.5-104 HAVE NOT BEEN STARTED OR
24 IF ALL THE PUBLICATIONS HAVE NOT BEEN COMPLETED BEFORE THE DAY
25 A BANKRUPTCY PETITION HAS BEEN FILED THAT AUTOMATICALLY STAYS
26 THE TREASURER FROM CONDUCTING THE PUBLIC AUCTION, THE TREASURER
27 SHALL IMMEDIATELY CANCEL ANY REMAINING PUBLICATIONS OF THE

1 KNOWN INTERESTED PARTY NOTICE AND, ON THE DATE SET FOR THE
2 PUBLIC AUCTION, ANNOUNCE, POST, OR PROVIDE A NOTICE THAT THE
3 PUBLIC AUCTION HAS BEEN ENJOINED OR HAS BEEN STAYED BY THE
4 AUTOMATIC STAY PROVISIONS OF THE FEDERAL BANKRUPTCY CODE OF
5 1978, 11 U.S.C. SEC. 101 ET SEQ., AS AMENDED. THE PUBLIC AUCTION
6 SHALL NOT BE CONTINUED UNDER SUBSECTION (1) OF THIS SECTION.

7 (II) (A) UPON THE TERMINATION OF ANY INJUNCTION OR UPON THE
8 ENTRY OF A BANKRUPTCY COURT ORDER DISMISSING THE BANKRUPTCY
9 CASE, ABANDONING THE PROPERTY BEING AUCTIONED, CLOSING THE
10 BANKRUPTCY CASE, OR GRANTING RELIEF FROM THE AUTOMATIC STAY
11 PROVISIONS OF THE FEDERAL BANKRUPTCY CODE OF 1978, 11 U.S.C. SEC.
12 101 ET SEQ., AS AMENDED, AND UPON RECEIPT OF A REQUEST FROM THE
13 LAWFUL HOLDER TO RESTART THE AUCTION, THE TREASURER SHALL
14 RERECORD THE NOTICE OF PUBLIC AUCTION AND DEMAND AND PROCEED
15 WITH ALL ADDITIONAL PUBLIC AUCTION PROCEDURES PROVIDED BY THIS
16 ARTICLE 11.5 AS THOUGH THE PUBLIC AUCTION HAD JUST BEEN
17 COMMENCED.

18 (B) IF THE REQUEST IS NOT RECEIVED BY THE TREASURER WITHIN
19 ONE YEAR FROM THE DATE OF THE TERMINATION OF ANY INJUNCTION OR
20 THE ENTRY OF A BANKRUPTCY COURT ORDER DISMISSING THE
21 BANKRUPTCY CASE, ABANDONING THE PROPERTY BEING AUCTIONED,
22 CLOSING THE BANKRUPTCY CASE, OR GRANTING RELIEF FROM THE
23 AUTOMATIC STAY, THE PUBLIC AUCTION SHALL BE WITHDRAWN
24 ACCORDING TO SUBSECTION (3)(b) OF THIS SECTION.

25 (c) (I) IF A PUBLIC AUCTION IS HELD IN VIOLATION OF THE
26 AUTOMATIC STAY PROVISIONS OF THE FEDERAL BANKRUPTCY CODE OF
27 1978, 11 U.S.C. SEC. 101 ET SEQ., AS AMENDED, AND AN ORDER IS

1 SUBSEQUENTLY ENTERED BY A BANKRUPTCY COURT OF COMPETENT
2 JURISDICTION DISMISSING THE BANKRUPTCY, ABANDONING THE PROPERTY
3 BEING AUCTIONED, OR CLOSING THE BANKRUPTCY CASE, OR AN ORDER IS
4 SUBSEQUENTLY ENTERED GRANTING RELIEF FROM THE AUTOMATIC STAY
5 PROVIDED BY THE FEDERAL BANKRUPTCY CODE, THEN THE TAX LIEN BEING
6 FORECLOSED IS DEEMED REINSTATED, AND THE TAX LIEN HAS THE SAME
7 PRIORITY AS IF THE PUBLIC AUCTION HAD NOT OCCURRED. IMMEDIATELY
8 UPON REINSTATEMENT, THE POWER OF PUBLIC AUCTION PROVIDED
9 THEREIN, IF ANY, IS DEEMED REVIVED.

10 (II) IF THE TREASURER IS NOTIFIED OF THE TAX LIEN REINSTATED
11 PURSUANT TO THIS SUBSECTION (2)(c) BY THE ENTRY OF AN ORDER
12 DISMISSING THE BANKRUPTCY CASE, ABANDONING THE PROPERTY BEING
13 AUCTIONED, CLOSING THE BANKRUPTCY CASE, OR GRANTING RELIEF FROM
14 THE AUTOMATIC STAY PROVIDED BY THE FEDERAL BANKRUPTCY CODE OF
15 1978, 11 U.S.C. SEC. 101 ET SEQ., AS AMENDED, NO LATER THAN FIFTY
16 CALENDAR DAYS PRIOR TO THE LAST POSSIBLE PUBLIC AUCTION DATE
17 PURSUANT TO SUBSECTIONS (1) AND (2)(e) OF THIS SECTION, THE
18 TREASURER SHALL SET A NEW DATE OF PUBLIC AUCTION AT LEAST
19 TWENTY-FOUR CALENDAR DAYS BUT NOT MORE THAN FORTY-NINE
20 CALENDAR DAYS AFTER THE DATE ON WHICH THE TREASURER RECEIVES
21 SUCH NOTICE. NO LATER THAN TEN BUSINESS DAYS AFTER RECEIVING
22 SUCH NOTICE, THE TREASURER SHALL MAIL AN AMENDED KNOWN
23 INTERESTED PARTY NOTICE CONTAINING THE DATE OF THE RESCHEDULED
24 PUBLIC AUCTION TO EACH PERSON APPEARING ON THE MOST RECENT
25 MAILING LIST. NO LATER THAN TWENTY CALENDAR DAYS AFTER
26 RECEIVING SUCH NOTICE, BUT NO LESS THAN TEN CALENDAR DAYS PRIOR
27 TO THE NEW DATE OF PUBLIC AUCTION, THE TREASURER SHALL PUBLISH

1 THE AMENDED KNOWN INTERESTED PARTY NOTICE, OMITTING THE COPIES
2 OF THE STATUTES, ONE TIME ONLY IN A NEWSPAPER OF GENERAL
3 CIRCULATION IN THE COUNTY WHERE THE PROPERTY IS LOCATED.

4 (III) IF THE LAWFUL HOLDER OF THE TAX LIEN REINSTATED
5 PURSUANT TO THIS SUBSECTION (2)(c) DOES NOT NOTIFY THE TREASURER
6 IN WRITING OF THE ENTRY OF AN ORDER DISMISSING THE BANKRUPTCY
7 CASE, ABANDONING THE PROPERTY BEING AUCTIONED, CLOSING THE
8 BANKRUPTCY CASE, OR GRANTING RELIEF FROM THE AUTOMATIC STAY
9 PROVIDED BY THE FEDERAL BANKRUPTCY CODE OF 1978, 11 U.S.C. SEC.
10 101 ET SEQ., AS AMENDED, WITHIN THE TIME ALLOWED UNDER SUBSECTION
11 (2)(c)(II) OF THIS SECTION, THE TREASURER SHALL ADMINISTRATIVELY
12 WITHDRAW THE PUBLIC AUCTION PURSUANT TO SUBSECTION (3)(b) OF THIS
13 SECTION UPON RECEIPT OF THE ORDER DISMISSING THE BANKRUPTCY CASE,
14 ABANDONING THE PROPERTY BEING AUCTIONED, CLOSING THE
15 BANKRUPTCY CASE, OR GRANTING RELIEF FROM THE AUTOMATIC STAY
16 PROVIDED BY THE FEDERAL BANKRUPTCY CODE OF 1978, 11 U.S.C. SEC.
17 101 ET SEQ., AS AMENDED.

18 (IV) ALL FEES AND COSTS OF PROVIDING AND PUBLISHING THE
19 AMENDED KNOWN INTERESTED PARTY NOTICE AND PUBLICATION ARE PART
20 OF THE PUBLIC AUCTION COSTS.

21 (d) IF A PUBLIC AUCTION IS SET ASIDE BY COURT ORDER, UNLESS
22 THE COURT ORDER SPECIFIES OTHERWISE, THE FOLLOWING PROCEDURES
23 APPLY:

24 (I) UPON RECEIPT OF THE COURT ORDER, THE TREASURER'S FEE IN
25 THE SUM OF ONE HUNDRED DOLLARS, AND THE COSTS OF RECORDING THE
26 COURT ORDER, THE TREASURER SHALL ATTACH TO THE ORDER A COPY OF
27 THE CERTIFICATE OF OPTION FOR TREASURER'S DEED, ANY ASSIGNMENTS

1 THEREOF, AND, IF APPLICABLE, THE TREASURER'S DEED, EACH MARKED
2 "NULL AND VOID", AND RECORD THE ORDER TOGETHER WITH THESE
3 DOCUMENTS.

4 (II) UPON RECORDATION OF THE COURT ORDER, THE CERTIFICATE
5 OF OPTION FOR TREASURER'S DEED IS DEEMED CANCELED AS IF THE PUBLIC
6 AUCTION HAD NOT OCCURRED, AND THE TAX LIEN IS DEEMED FULLY
7 REINSTATED WITH THE SAME LIEN PRIORITY AS IF THE PUBLIC AUCTION
8 HAD NOT OCCURRED.

9 (III) WITHIN TEN CALENDAR DAYS AFTER RECEIPT OF ALL
10 DOCUMENTS, FEES, AND COSTS SPECIFIED IN THIS SUBSECTION (2)(d), THE
11 TREASURER SHALL MAIL A COPY OF THE COURT ORDER TO EACH PERSON
12 ENTITLED TO RECEIVE THE KNOWN INTEREST PARTY NOTICE PURSUANT TO
13 SECTION 39-11.5-104.

14 (IV) (A) AFTER THE RECORDATION OF THE COURT ORDER, THE
15 LAWFUL HOLDER OR THE HOLDER'S ASSIGNEE MAY NOTIFY THE TREASURER
16 IN WRITING TO RESCHEDULE THE PUBLIC AUCTION WITHIN ONE YEAR OF
17 THE ISSUANCE OF THE ORDER. THE TREASURER SHALL SET A NEW DATE OF
18 PUBLIC AUCTION AT LEAST THIRTY CALENDAR DAYS BUT NOT MORE THAN
19 FORTY-FIVE CALENDAR DAYS AFTER THE DATE ON WHICH THE TREASURER
20 RECEIVES NOTICE TO SCHEDULE A NEW DATE OF PUBLIC AUCTION SUBJECT
21 TO THE REQUIREMENTS OF SUBSECTIONS (1) AND (2)(e) OF THIS SECTION,
22 BUT NOT EARLIER THAN THE SCHEDULED PUBLIC AUCTION DATE AS OF THE
23 DATE OF THE COURT ORDER.

24 (B) NO LATER THAN TEN CALENDAR DAYS AFTER RECEIVING
25 NOTICE TO SCHEDULE A NEW DATE OF PUBLIC AUCTION, THE TREASURER
26 SHALL MAIL A KNOWN INTERESTED PARTY NOTICE SETTING FORTH THE
27 RESCHEDULED DATE OF PUBLIC AUCTION TO EACH PERSON ENTITLED TO

1 RECEIVE THE KNOWN INTERESTED PARTY NOTICE PURSUANT TO SECTION
2 39-11.5-104.

3 (C) NO LATER THAN TWENTY CALENDAR DAYS AFTER RECEIVING
4 NOTICE TO SCHEDULE A NEW DATE OF PUBLIC AUCTION, BUT NO LESS THAN
5 TEN CALENDAR DAYS PRIOR TO THE NEW DATE OF PUBLIC AUCTION, THE
6 TREASURER SHALL PUBLISH THE PUBLIC AUCTION ONE TIME ONLY. THE
7 PUBLICATION MUST BE IN THE FORMAT SPECIFIED FOR PUBLICATION BY
8 SECTION 39-11.5-104 (4).

9 (D) ALL FEES AND COSTS OF THE TREASURER FOR ACTIONS
10 PERFORMED PURSUANT TO THIS SECTION AND THE COST OF RECORDING THE
11 COURT ORDER AND DOCUMENTS INCORPORATED INTO THE COURT ORDER
12 BY ATTACHMENT ARE PART OF THE PUBLIC AUCTION COSTS.

13 (E) AFTER A PUBLIC AUCTION HAS BEEN SET ASIDE AND
14 SUBSEQUENTLY RESCHEDULED PURSUANT TO THIS SUBSECTION (2)(d)(IV),
15 THE PUBLIC AUCTION MAY BE CONTINUED IN ACCORDANCE WITH
16 SUBSECTIONS (1) AND (2)(e) OF THIS SECTION.

17 (F) IF A WRITTEN REQUEST TO RESCHEDULE THE PUBLIC AUCTION
18 IS NOT RECEIVED BY THE TREASURER WITHIN ONE YEAR OF THE ISSUANCE
19 OF THE ORDER, THE PUBLIC AUCTION MUST BE WITHDRAWN IN
20 ACCORDANCE WITH SUBSECTION (3)(b) OF THIS SECTION.

21 (e) THE PERIODS FOR WHICH A PUBLIC AUCTION MAY BE
22 CONTINUED UNDER THIS SUBSECTION (2) ARE IN ADDITION TO THE
23 TWELVE-MONTH PERIOD OF CONTINUANCE PROVIDED BY SUBSECTION (1)
24 OF THIS SECTION.

25 (3) **Withdrawal.** (a) IF THE LAWFUL HOLDER FILES WITH THE
26 TREASURER, PRIOR TO PUBLIC AUCTION, A WRITTEN WITHDRAWAL OF THE
27 NOTICE OF PUBLIC AUCTION, THE PUBLIC AUCTION IS TERMINATED. THE

1 TREASURER SHALL RECORD THE WITHDRAWAL WITH THE OFFICE OF THE
2 CLERK AND RECORDER AND COLLECT ALL FEES AND COSTS OWED AND
3 INCURRED, INCLUDING A WITHDRAWAL FEE IN THE AMOUNT OF
4 THIRTY-FIVE DOLLARS. THE AMOUNT DUE ACCRUES INTEREST AT THE RATE
5 PROVIDED BY LAW. UNTIL ALL AMOUNTS DUE AND OWING ARE PAID, THE
6 TREASURER IS ENTITLED TO HOLD ALL DOCUMENTATION IN THE
7 TREASURER'S POSSESSION AND TO WITHHOLD ALL OTHER SERVICES
8 REQUESTED BY THE LAWFUL HOLDER WITH RESPECT TO THE TAX LIEN.

9 (b) IF THERE IS NO PUBLIC AUCTION AND IF A WITHDRAWAL IS NOT
10 FILED WITHIN FORTY-FIVE CALENDAR DAYS AFTER THE LAST DATE OF
11 PUBLIC AUCTION PERMITTED BY LAW, THE TREASURER MAY TRANSMIT, BY
12 MAIL OR ELECTRONIC TRANSMISSION TO THE LAWFUL HOLDER, A NOTICE
13 THAT A WITHDRAWAL OF THE NOTICE OF PUBLIC AUCTION MAY BE
14 RECORDED BY THE TREASURER UNLESS A RESPONSE REQUESTING THAT
15 SUCH WITHDRAWAL BE DELAYED FOR NINETY CALENDAR DAYS IS
16 RECEIVED BY THE TREASURER WITHIN THIRTY CALENDAR DAYS AFTER THE
17 DATE THAT THE TREASURER'S NOTICE IS TRANSMITTED. IF SUCH A
18 RESPONSE IS RECEIVED BY THE TREASURER AND THERE IS NO PUBLIC
19 AUCTION NOR IS A WITHDRAWAL FILED WITHIN THE NINETY-DAY DELAY
20 PERIOD, THE TREASURER MAY RECORD A WITHDRAWAL OF THE NOTICE OF
21 PUBLIC AUCTION. IF NO SUCH RESPONSE IS RECEIVED BY THE TREASURER
22 WITHIN THIRTY CALENDAR DAYS AFTER THE NOTICE IS TRANSMITTED, THE
23 TREASURER MAY RECORD A WITHDRAWAL OF THE NOTICE OF PUBLIC
24 AUCTION AT ANY TIME AFTER THE EXPIRATION OF THE THIRTY-DAY NOTICE
25 PERIOD. IF A WITHDRAWAL IS RECORDED DURING THE PENDENCY OF AN
26 AUTOMATIC STAY IMPOSED ON THE PUBLIC AUCTION BASED ON ANY
27 PROCEEDING FILED UNDER THE FEDERAL BANKRUPTCY CODE OF 1978, 11

1 U.S.C. SEC. 101 ET SEQ., AS AMENDED, THE WITHDRAWAL IS VOID AND OF
2 NO FORCE AND EFFECT, AND THE TREASURER SHALL MAIL TO ALL PERSONS
3 ON THE MAILING LIST A NOTICE THAT THE WITHDRAWAL OF THE NOTICE OF
4 PUBLIC AUCTION OCCURRED DURING THE PENDENCY OF AN INJUNCTION OR
5 BANKRUPTCY STAY AND IS VOID AND OF NO FORCE AND EFFECT. THE
6 TREASURER SHALL CAUSE THE NOTICE TO BE RECORDED IN THE OFFICE OF
7 THE COUNTY CLERK AND RECORDER. ALL UNPAID FEES AND COSTS OWED
8 AND INCURRED BY THE TREASURER, AS WELL AS A WITHDRAWAL FEE IN
9 THE AMOUNT OF FIFTY DOLLARS, SHALL BE PAID BY THE LAWFUL HOLDER.
10 THE AMOUNT DUE ACCRUES INTEREST AT THE RATE PROVIDED BY LAW.
11 UNTIL ALL AMOUNTS DUE AND OWING ARE PAID, THE TREASURER IS
12 ENTITLED TO HOLD ALL DOCUMENTATION IN THE TREASURER'S POSSESSION
13 AND TO WITHHOLD ALL OTHER SERVICES REQUESTED BY THE LAWFUL
14 HOLDER WITH RESPECT TO THE TAX LIEN.

15 (4) **Redemption of tax lien prior to public auction.** IF THE TAX
16 LIEN IS REDEEMED PRIOR TO THE PUBLIC AUCTION, THE PERSON WHO
17 REDEEMS THE TAX LIEN SHALL NOTIFY THE TREASURER OF SUCH
18 REDEMPTION AND THE TREASURER SHALL:

- 19 (a) CANCEL THE PUBLIC AUCTION;
20 (b) RECORD A CERTIFICATE OF REDEMPTION;
21 (c) PROVIDE NOTICE OF THE CANCELLATION AND REDEMPTION;

22 AND

- 23 (d) COLLECT ANY FEES OR COSTS ASSOCIATED WITH THE
24 CANCELLATION.

25 **39-11.5-107. Location of public auction - electronic devices -**
26 **definition.** (1) THE TREASURER SHALL CONDUCT THE PUBLIC AUCTION IN
27 ANY BUILDING TEMPORARILY OR PERMANENTLY USED AS A COURTHOUSE,

1 IN ANY BUILDING WHERE THE OFFICE OF THE TREASURER IS LOCATED, OR
2 BY MEANS OF THE INTERNET OR OTHER ELECTRONIC MEDIUM.

3 (2) THE COUNTY AND ITS EMPLOYEES ACTING IN THEIR OFFICIAL
4 CAPACITY IN PREPARING, CONDUCTING, AND EXECUTING A PUBLIC
5 AUCTION PURSUANT TO THIS ARTICLE 11.5 ARE NOT LIABLE FOR THE
6 FAILURE OF A DEVICE THAT PREVENTS A PERSON FROM PARTICIPATING IN
7 A PUBLIC AUCTION. AS USED IN THIS SUBSECTION (2), "DEVICE" INCLUDES,
8 BUT IS NOT LIMITED TO, COMPUTER HARDWARE, A COMPUTER NETWORK,
9 A COMPUTER SOFTWARE APPLICATION, AND AN INTERNET WEBSITE.

10 **39-11.5-108. Conduct of public auction - conduct of treasurer**
11 **- bidding rules - method of payment.** (1) TO CONDUCT THE PUBLIC

12 AUCTION IN AN EFFICIENT AND EQUITABLE MANNER, THE TREASURER IS
13 GRANTED BROAD POWERS TO SET THE BIDDING RULES GOVERNING THE
14 PUBLIC AUCTION. SUCH POWERS INCLUDE:

- 15 (a) RECOGNIZING BUYERS IN NUMERICAL SEQUENCE, IN ROTATION,
16 OR IN THE ORDER IN WHICH BIDS ARE MADE;
- 17 (b) DETERMINING THE ORDER IN WHICH THE PUBLIC AUCTION IS
18 CONDUCTED; AND
- 19 (c) SETTING MINIMUM BID INCREASES.

20 (2) (a) THE TREASURER SHALL ANNOUNCE BIDDING RULES AT THE
21 BEGINNING OF THE PUBLIC AUCTION. THE BIDDING RULES APPLY TO ALL
22 BIDDERS THROUGHOUT THE PUBLIC AUCTION.

23 (b) IF THE PUBLIC AUCTION IS CONDUCTED BY MEANS OF THE
24 INTERNET OR OTHER ELECTRONIC MEDIUM, THE TREASURER SHALL POST
25 THE INTERNET BIDDING RULES ON THE ELECTRONIC MEDIUM AT LEAST
26 FOURTEEN CALENDAR DAYS BEFORE THE DATE OF SALE. THE BIDDING
27 RULES APPLY TO ALL BIDDERS THROUGHOUT THE PUBLIC AUCTION.

1 (3) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, THE
2 TREASURER SHALL:

3 (a) ONLY ACCEPT BIDS THAT ARE GREATER THAN THE COMBINED
4 VALUE OF THE AMOUNT OWED TO THE LAWFUL HOLDER AND THE FEES AND
5 COSTS INCURRED BY THE TREASURER IN COMPLYING WITH THIS ARTICLE
6 11.5; AND

7 (b) NOT ACCEPT BIDS MADE BY A COUNTY OFFICIAL OR A COUNTY
8 EMPLOYEE ACTING IN THEIR INDIVIDUAL CAPACITY OR BY AN IMMEDIATE
9 FAMILY MEMBER OF A COUNTY OFFICIAL OR A COUNTY EMPLOYEE.

10 (4) WHEN THE TREASURER CONDUCTS A PUBLIC AUCTION IN
11 ACCORDANCE WITH THIS ARTICLE 11.5, THE TREASURER MAY ACCEPT
12 PAYMENT OF THE PURCHASE PRICE IN THE FORM OF CASH, NEGOTIABLE
13 PAPER, OR ELECTRONIC FUNDS TRANSFER, SUBJECT TO THE TREASURER'S
14 BIDDING RULES.

15 **39-11.5-109. Treatment of an overbid.** (1) (a) ANY OVERBID
16 MUST BE PAID IN ORDER OF RECORDING PRIORITY TO JUNIOR LIENORS,
17 DETERMINED AS OF THE RECORDING DATE OF THE NOTICE OF PUBLIC
18 AUCTION ACCORDING TO THE RECORDS, WHO HAVE DULY FILED A NOTICE
19 OF INTENT TO REDEEM AND WHOSE LIENS HAVE NOT BEEN REDEEMED, IN
20 EACH CASE UP TO THE UNPAID AMOUNT OF EACH SUCH LIENOR'S LIEN PLUS
21 FEES AND COSTS. AFTER PAYMENT TO ALL LIENORS, ANY REMAINING
22 OVERBID SHALL BE PAID TO THE PROPERTY OWNER.

23 (b) A LIENOR OR LAWFUL HOLDER THAT IS NOT ENTITLED TO
24 REDEEM BY VIRTUE OF HOLDING A LIEN THAT IS RECORDED AFTER THE
25 NOTICE OF PUBLIC AUCTION OR BY NOT TIMELY FILING A NOTICE OF INTENT
26 TO REDEEM PURSUANT TO SECTION 39-11.5-111 OR 39-11.5-113 DOES NOT
27 HAVE ANY CLAIM TO ANY PORTION OF THE OVERBID. A LAWFUL HOLDER

1 WHO ACCEPTS LESS THAN A FULL REDEMPTION PURSUANT TO SECTION
2 39-11.5-111 (4)(c) ALSO DOES NOT HAVE ANY CLAIM TO ANY PORTION OF
3 THE OVERBID.

4 (c) THE TREASURER SHALL ONLY REDEEM THE PROPERTY TO A
5 LAWFUL HOLDER. THE TREASURER MAY REDEEM ALL LIENORS FOR A
6 PORTION OF THE OVERBID AMOUNT, BUT SHALL NOT REDEEM THE
7 PROPERTY TO THOSE LIENORS.

8 (2) (a) THE TREASURER SHALL POST THE FOLLOWING STATEMENT
9 ON THE TREASURER'S OFFICE WEBSITE:

10 **NOTICE TO A PROPERTY OWNER OF A**
11 **PROPERTY FOR WHICH THE OPTION FOR**
12 **TREASURER'S DEED HAS BEEN SOLD AT PUBLIC**
13 **AUCTION:** If the option for a treasurer's deed for your
14 property is sold at a public auction for more than the total
15 owed to the lawful holder of a tax lien on your property and
16 to all other lien holders, please contact the treasurer's office
17 after the auction because you may have funds due to you.

18 (b) IN ORDER TO PAY THE PROPERTY OWNER AS REQUIRED
19 PURSUANT TO SUBSECTION (1) OF THIS SECTION, A TREASURER SHALL MAIL
20 THE PROPERTY OWNER A NOTICE REGARDING THE REMAINING OVERBID TO
21 THE BEST AVAILABLE ADDRESS NO LATER THAN THIRTY DAYS AFTER THE
22 CONCLUSION OF THE PUBLIC AUCTION. IF THE AMOUNT OF THE REMAINING
23 OVERBID IS EQUAL TO OR GREATER THAN TWENTY-FIVE DOLLARS, THE
24 TREASURER SHALL MAKE REASONABLE EFFORTS TO IDENTIFY THE
25 PROPERTY OWNER'S CURRENT ADDRESS.

26 (c) AN AGREEMENT TO PAY COMPENSATION TO RECOVER OR ASSIST
27 IN RECOVERING AN AMOUNT DUE TO THE PROPERTY OWNER FROM THE

1 TREASURER UNDER SUBSECTION (1) OF THIS SECTION IS NOT ENFORCEABLE.
2 A PERSON WHO INDUCES OR ATTEMPTS TO INDUCE ANOTHER PERSON TO
3 ENTER INTO SUCH AN AGREEMENT COMMITS A CLASS 2 MISDEMEANOR.

4 (3) (a) THE TREASURER SHALL HOLD ANY UNCLAIMED REMAINING
5 OVERBID FROM THE PUBLIC AUCTION IN ESCROW FOR SIX MONTHS FROM
6 THE DATE OF THE PUBLIC AUCTION. THE TREASURER IS ANSWERABLE FOR
7 THESE FUNDS WITHOUT INTEREST AT ANY TIME WITHIN SIX MONTHS AFTER
8 THE PUBLIC AUCTION TO ANY PERSON LEGALLY ENTITLED TO THE FUNDS.
9 THE TREASURER SHALL PAY ANY INTEREST EARNED ON THE ESCROWED
10 FUNDS TO THE COUNTY AT LEAST ANNUALLY.

11 (b) (I) IF THE UNCLAIMED REMAINING OVERBID EXCEEDS FIVE
12 HUNDRED DOLLARS AND HAS NOT BEEN CLAIMED WITHIN SIXTY CALENDAR
13 DAYS AFTER THE PUBLIC AUCTION, THE TREASURER SHALL, WITHIN NINETY
14 CALENDAR DAYS AFTER THE EXPIRATION OF ALL REDEMPTION PERIODS,
15 POST A NOTICE ON THE TREASURER'S OFFICE WEBSITE FOR FOUR WEEKS
16 AND MAIL A COPY OF THE NOTICE TO THE PROPERTY OWNER AT THE BEST
17 AVAILABLE ADDRESS.

18 (II) THE NOTICE REQUIRED IN SUBSECTION (3)(b)(I) OF THIS
19 SECTION MUST CONTAIN:

20 (A) THE NAME OF THE PROPERTY OWNER;

21 (B) THE PROPERTY OWNER'S ADDRESS AS GIVEN IN THE RECORDED
22 INSTRUMENT EVIDENCING THE PROPERTY OWNER'S INTEREST;

23 (C) THE LEGAL DESCRIPTION AND STREET ADDRESS, IF ANY, OF THE
24 PROPERTY SOLD AT THE PUBLIC AUCTION; AND

25 (D) A STATEMENT THAT AN OVERBID WAS REALIZED FROM THE
26 SALE AND THAT, UNLESS THE FUNDS ARE CLAIMED BY THE PROPERTY
27 OWNER OR OTHER PERSON ENTITLED THERETO WITHIN SIX MONTHS AFTER

1 THE DATE OF SALE, THE TREASURER SHALL TRANSFER THE FUNDS TO THE
2 STATE TREASURER FOR DISPOSITION IN ACCORDANCE WITH THE "REVISED
3 UNIFORM UNCLAIMED PROPERTY ACT", ARTICLE 13 OF TITLE 38.

4 (III) THE TREASURER SHALL PAY THE FEES AND COSTS OF
5 PUBLISHING AND MAILING THE NOTICE REQUIRED PURSUANT TO
6 SUBSECTION (3)(b)(I) OF THIS SECTION FROM THE MONEY THE TREASURER
7 HOLDS IN ESCROW.

8 (c) UNCLAIMED REMAINING OVERBIDS THAT ARE NOT CLAIMED
9 WITHIN SIX MONTHS FROM THE DATE OF THE SALE ARE UNCLAIMED
10 PROPERTY FOR PURPOSES OF THE "REVISED UNIFORM UNCLAIMED
11 PROPERTY ACT", ARTICLE 13 OF TITLE 38. THE TREASURER SHALL
12 TRANSFER THESE UNCLAIMED REMAINING OVERBIDS TO THE
13 ADMINISTRATOR IN ACCORDANCE WITH ARTICLE 13 OF TITLE 38.

14 (d) AFTER THE TREASURER TRANSFERS THE UNCLAIMED
15 REMAINING OVERBIDS TO THE ADMINISTRATOR OR TO THE GENERAL FUND
16 OF THE COUNTY, THE TREASURER IS DISCHARGED FROM ANY FURTHER
17 LIABILITY OR RESPONSIBILITY FOR THE MONEY.

18 **39-11.5-110. Procedure when purchaser fails to pay.** (1) IF A
19 PERSON BIDDING AT THE PUBLIC AUCTION FAILS TO PAY THE AMOUNT DUE,
20 THE TREASURER MAY AGAIN ADVERTISE THE PUBLIC AUCTION IN THE SAME
21 MANNER AS IN THE ORIGINAL ADVERTISEMENT AND FOR NOT LESS THAN
22 ONE WEEK, AFTER WHICH THE TREASURER MAY AGAIN CONDUCT THE
23 PUBLIC AUCTION AS DESCRIBED IN THIS ARTICLE 11.5.

24 (2) IN A PUBLIC AUCTION CONDUCTED BY MEANS OF THE INTERNET
25 OR OTHER ELECTRONIC MEDIUM, IF A PERSON BIDDING FAILS TO PAY THE
26 AMOUNT DUE, THE TREASURER MAY OFFER THE CERTIFICATE OF OPTION
27 FOR TREASURER'S DEED, WITHOUT ADDITIONAL ADVERTISEMENT, TO

1 ANOTHER BIDDER, WHETHER OR NOT THE PUBLIC AUCTION HAS CLOSED.

2 (3) THE TREASURER MAY PROHIBIT A PERSON WHO FAILS TO PAY
3 THE AMOUNT DUE FROM BIDDING ON SALES UNDER THIS ARTICLE 11.5 FOR
4 UP TO FIVE YEARS.

5 **39-11.5-111. Redemption of the property by a lawful holder**
6 **- procedure. (1) Requirements for redemption.** A LAWFUL HOLDER IS
7 ENTITLED TO REDEEM THE PROPERTY IF THE FOLLOWING REQUIREMENTS
8 ARE MET TO THE SATISFACTION OF THE TREASURER:

9 (a) THE LAWFUL HOLDER HAS, WITHIN EIGHT BUSINESS DAYS
10 AFTER THE PUBLIC AUCTION, FILED A NOTICE WITH THE TREASURER OF THE
11 LAWFUL HOLDER'S INTENT TO REDEEM;

12 (b) THE LAWFUL HOLDER HAS ATTACHED TO THE NOTICE OF
13 INTENT TO REDEEM THE ORIGINAL CERTIFICATE OF PURCHASE AND ANY
14 ASSIGNMENT OF THE CERTIFICATE OF PURCHASE TO THE LAWFUL HOLDER,
15 OR CERTIFIED COPIES THEREOF. IF THE ORIGINAL CERTIFICATE OF
16 PURCHASE IS DELIVERED TO THE TREASURER, THE TREASURER SHALL
17 RETURN THE CERTIFICATE OF PURCHASE TO THE LAWFUL HOLDER AND
18 RETAIN A COPY.

19 (c) THE LAWFUL HOLDER HAS ATTACHED TO THE NOTICE OF INTENT
20 TO REDEEM A SIGNED AND PROPERLY ACKNOWLEDGED STATEMENT OF THE
21 LAWFUL HOLDER SETTING FORTH THE AMOUNT REQUIRED TO REDEEM THE
22 CERTIFICATE OF PURCHASE, INCLUDING PER DIEM INTEREST, THROUGH THE
23 END OF THE NINETEENTH BUSINESS DAY AFTER THE PUBLIC AUCTION WITH
24 THE SAME SPECIFICITY AND ITEMIZATION AS REQUIRED IN SECTION
25 38-38-106.

26 (2) **Request for redemption amount.** WITHIN ONE BUSINESS DAY
27 OF THE RECEIPT BY THE TREASURER OF THE NOTICE OF INTENT TO REDEEM

1 FILED BY A LAWFUL HOLDER ENTITLED TO REDEEM UNDER THIS SECTION,
2 THE TREASURER SHALL TRANSMIT BY MAIL, FACSIMILE, OR OTHER
3 ELECTRONIC MEANS TO THE PURCHASER A WRITTEN REQUEST FOR A
4 WRITTEN OR ELECTRONIC STATEMENT OF ALL SUMS NECESSARY TO
5 REDEEM.

6 (3) **Statement of redemption.** (a) UPON RECEIPT OF THE REQUEST
7 TRANSMITTED BY THE TREASURER PURSUANT TO SUBSECTION (2) OF THIS
8 SECTION, THE PURCHASER SHALL SUBMIT A SIGNED AND ACKNOWLEDGED
9 STATEMENT TO THE TREASURER, NO LATER THAN THIRTEEN BUSINESS
10 DAYS FOLLOWING THE PUBLIC AUCTION, SPECIFYING ALL SUMS NECESSARY
11 TO REDEEM AS OF THE DATE OF THE STATEMENT. A PURCHASER THAT IS
12 NOT A QUALIFIED HOLDER AS DEFINED IN SECTION 38-38-100.3 (20) SHALL
13 ALSO SUBMIT TO THE TREASURER RECEIPTS, INVOICES, EVIDENCE OF
14 ELECTRONIC ACCOUNT-TO-ACCOUNT TRANSFERS, OR COPIES OF LOAN
15 SERVICING COMPUTER SCREENS EVIDENCING THE FEES AND COSTS AND
16 VERIFYING THAT THE FEES AND COSTS WERE ACTUALLY INCURRED AS OF
17 THE DATE OF THE STATEMENT, ALONG WITH THE PER DIEM AMOUNTS THAT
18 ACCRUE AFTER THE DATE OF SALE. THE PURCHASER MAY AMEND THE
19 STATEMENT AS NECESSARY TO REFLECT ADDITIONAL SUMS ADVANCED AS
20 ALLOWED BY LAW, BUT THE PURCHASER SHALL NOT AMEND THE
21 STATEMENT LATER THAN TWO BUSINESS DAYS PRIOR TO THE
22 COMMENCEMENT OF THE REDEMPTION PERIOD PURSUANT TO SUBSECTION
23 (4)(a) OF THIS SECTION OR EACH SUBSEQUENT REDEMPTION PERIOD
24 PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION.

25 (b) IF THE PURCHASER FAILS TO SUBMIT THE STATEMENT
26 DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION TO THE TREASURER
27 WITHIN THIRTEEN BUSINESS DAYS AFTER THE SALE, THE TREASURER MAY

1 CALCULATE THE AMOUNT NECESSARY TO REDEEM BY ADDING TO THE
2 SUCCESSFUL BID THE ACCRUED INTEREST FROM THE SALE THROUGH THE
3 REDEMPTION DATE. THE ACCRUED INTEREST IS CALCULATED BY
4 MULTIPLYING THE AMOUNT OF THE BID BY THE REGULAR RATE OF ANNUAL
5 INTEREST SPECIFIED IN THE UNDERLING TAX LIEN, DIVIDED BY THREE
6 HUNDRED SIXTY-FIVE AND THEN MULTIPLIED BY THE NUMBER OF DAYS
7 FROM THE DATE OF SALE THROUGH THE REDEMPTION DATE.

8 (c) THE TREASURER SHALL TRANSMIT BY MAIL, FACSIMILE, OR
9 OTHER ELECTRONIC MEANS TO THE LAWFUL HOLDER FILING THE NOTICE OF
10 INTENT TO REDEEM, PROMPTLY UPON RECEIPT, THE STATEMENT FILED BY
11 THE PURCHASER, OR IF NO SUCH STATEMENT IS FILED, THE TREASURER'S
12 ESTIMATE OF THE REDEMPTION FIGURE, WHICH THE TREASURER SHALL
13 TRANSMIT NO LATER THAN THE COMMENCEMENT OF THE REDEMPTION
14 PERIOD PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION OR EACH
15 SUBSEQUENT REDEMPTION PERIOD PURSUANT TO SUBSECTION (4)(b) OF
16 THIS SECTION.

17 (4) **Redemption period.** (a) NO MORE THAN NINETEEN BUSINESS
18 DAYS NOR LESS THAN FIFTEEN BUSINESS DAYS AFTER A PUBLIC AUCTION
19 IS CONDUCTED PURSUANT TO THIS ARTICLE 11.5, THE REDEEMING LAWFUL
20 HOLDER MAY REDEEM THE PROPERTY BY PAYING TO THE TREASURER, NO
21 LATER THAN 12 NOON ON THE LAST DAY OF THE LAWFUL HOLDER'S
22 REDEMPTION PERIOD, IN A FORM SPECIFIED BY THE TREASURER, THE
23 AMOUNT FOR WHICH THE PROPERTY WAS SOLD AT PUBLIC AUCTION WITH
24 INTEREST FROM THE DATE OF SALE, TOGETHER WITH ANY APPLICABLE FEES
25 OR COSTS. INTEREST ON THE AMOUNT FOR WHICH THE PROPERTY WAS
26 SOLD IS CHARGED AT THE DEFAULT RATE SPECIFIED IN THE UNDERLYING
27 TAX LIEN.

1 (b) IF THE REDEEMING LAWFUL HOLDER IS THE SAME PERSON AS
2 THE PURCHASER, REGARDLESS OF THE NUMBER OF CONSECUTIVE LIENS
3 HELD BY THE REDEEMING LAWFUL HOLDER, THE REDEEMING LAWFUL
4 HOLDER SHALL ONLY PAY TO THE TREASURER THE UNPAID FEES AND COSTS
5 REQUIRED BY THE REDEMPTION AND SHALL PROVIDE THE STATEMENT
6 DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION.

7 (c) IF THE STATEMENT DESCRIBED IN SUBSECTION (1)(c) OF THIS
8 SECTION SO STATES, OR UPON OTHER WRITTEN AUTHORIZATION FROM THE
9 PURCHASER OR THE THEN-CURRENT LAWFUL HOLDER OF THE CERTIFICATE
10 OF REDEMPTION, THE TREASURER MAY ACCEPT AS A FULL REDEMPTION AN
11 AMOUNT LESS THAN THE AMOUNT SPECIFIED IN SUBSECTION (3)(a) OF THIS
12 SECTION. ANY REDEMPTION UNDER THIS SECTION CONSTITUTES A FULL
13 REDEMPTION AND IS DEEMED TO BE PAYMENT OF ALL SUMS TO WHICH THE
14 LAWFUL HOLDER IS ENTITLED.

15 (5) **Certificate of redemption.** UPON RECEIPT OF THE
16 REDEMPTION PAYMENT PURSUANT TO SUBSECTION (4) OF THIS SECTION,
17 THE TREASURER SHALL EXECUTE AND RECORD A CERTIFICATE OF
18 REDEMPTION PURSUANT TO SECTION 39-11.5-112.

19 (6) **Certificate of lawful holder.** A REDEEMING LAWFUL HOLDER
20 SHALL PAY TO THE TREASURER THE AMOUNT REQUIRED TO REDEEM AND
21 SHALL DELIVER TO THE TREASURER A SIGNED AND PROPERLY
22 ACKNOWLEDGED STATEMENT BY THE LAWFUL HOLDER SHOWING THE
23 AMOUNT OWING ON SUCH LIEN, INCLUDING PER DIEM INTEREST AND FEES
24 AND COSTS ACTUALLY INCURRED THAT ARE PERMITTED BY SUBSECTION (7)
25 OF THIS SECTION AND FOR WHICH THE LAWFUL HOLDER HAS SUBMITTED TO
26 THE TREASURER RECEIPTS, INVOICES, EVIDENCE OF ELECTRONIC
27 ACCOUNT-TO-ACCOUNT TRANSFERS, OR COPIES OF LOAN SERVICING

1 COMPUTER SCREENS EVIDENCING THE FEES AND COSTS AND VERIFYING
2 THAT THE FEES AND COSTS WERE ACTUALLY INCURRED AS OF THE DATE OF
3 THE STATEMENT OF REDEMPTION WITH THE PER DIEM AMOUNTS THAT
4 ACCRUE THEREAFTER. AT ANY TIME BEFORE THE EXPIRATION OF A LAWFUL
5 HOLDER REDEMPTION PERIOD, THE REDEEMING LAWFUL HOLDER MAY
6 SUBMIT A REVISED OR CORRECTED CERTIFICATE.

7 (7) **Payment of fees and costs.** A LAWFUL HOLDER MAY, DURING
8 THE LAWFUL HOLDER REDEMPTION PERIOD DESCRIBED IN SUBSECTION (4)
9 OF THIS SECTION, PAY THE FEES AND COSTS THAT THE PURCHASER MAY
10 PAY.

11 (8) **Misstatement of redemption amount.** IF AN AGGRIEVED
12 PERSON CONTESTS THE AMOUNT SET FORTH IN THE STATEMENT FILED BY
13 A LAWFUL HOLDER PURSUANT TO SUBSECTION (1)(f) OF THIS SECTION OR
14 BY A PURCHASER PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION AND
15 A COURT DETERMINES THAT THE LAWFUL HOLDER OR PURCHASER HAS
16 MADE A MATERIAL MISSTATEMENT ON THE STATEMENT WITH RESPECT TO
17 THE AMOUNT DUE AND OWING TO THE LAWFUL HOLDER OR THE
18 PURCHASER, THE COURT SHALL, IN ADDITION TO OTHER RELIEF, AWARD TO
19 THE AGGRIEVED PERSON THE AGGRIEVED PERSON'S COURT COSTS AND
20 REASONABLE ATTORNEY FEES AND COSTS.

21 (9) **No partial redemption.** A LAWFUL HOLDER HOLDING A LIEN
22 ON LESS THAN ALL OF, OR A PARTIAL INTEREST IN, THE PROPERTY SHALL
23 REDEEM THE ENTIRE PROPERTY. NO PARTIAL REDEMPTION IS PERMITTED
24 UNDER THIS ARTICLE 11.5. THE PRIORITY OF LIENS FOR PURPOSES OF THIS
25 SECTION IS TO BE DETERMINED WITHOUT CONSIDERATION OF THE FACT
26 THAT THE LIEN RELATES TO ONLY A PORTION OF THE PROPERTY OR TO A
27 PARTIAL INTEREST THEREIN.

1 **39-11.5-112. Certificate of redemption - issuance.** (1) NO
2 SOONER THAN FIFTEEN BUSINESS DAYS FOLLOWING A PUBLIC AUCTION BUT
3 NO LATER THAN FIVE BUSINESS DAYS FOLLOWING A TREASURER'S RECEIPT
4 OF REDEMPTION MONEY PAID UNDER SECTION 39-11.5-111, THE
5 TREASURER SHALL EXECUTE AND RECORD IN EACH COUNTY WHERE THE
6 PROPERTY OR A PORTION THEREOF IS LOCATED A CERTIFICATE OF
7 REDEMPTION CONTAINING:

- 8 (a) THE NAME OF THE LAWFUL HOLDER;
- 9 (b) THE NAME AND ADDRESS OF THE PERSON REDEEMING;
- 10 (c) THE REDEMPTION AMOUNT PAID;
- 11 (d) THE DATE OF SALE;
- 12 (e) THE DESCRIPTION OF THE PROPERTY REDEEMED; AND
- 13 (f) THE TREASURER'S SALE NUMBER.

14 (2) THE TREASURER SHALL RETAIN THE RECORDED CERTIFICATE OF
15 REDEMPTION IN THE TREASURER'S RECORDS.

16 (3) THE FAILURE OF THE TREASURER TO COMPLY WITH THE
17 PROVISIONS OF THIS SECTION DOES NOT AFFECT THE VALIDITY OF THE SALE
18 OR THE RIGHTS OF THE GRANTEE OF THE CONFIRMATION DEED.

19 **39-11.5-113. Redemption of overbid amount by a lienor -**
20 **procedure.** (1) **Requirements for redemption.** A LIENOR IS ENTITLED
21 TO REDEEM A PORTION OF THE OVERBID AMOUNT, IF THE FOLLOWING
22 REQUIREMENTS ARE MET TO THE SATISFACTION OF THE TREASURER:

- 23 (a) THE LIENOR'S LIEN IS A LIEN THAT IS CREATED OR RECOGNIZED
24 BY STATE OR FEDERAL STATUTE OR BY JUDGMENT OF A COURT OF
25 COMPETENT JURISDICTION;
- 26 (b) THE LIEN IS A JUNIOR LIEN;
- 27 (c) THE LIENOR'S LIEN APPEARS BY INSTRUMENTS THAT WERE

1 DULY RECORDED IN THE OFFICE OF THE CLERK AND RECORDER OF THE
2 COUNTY PRIOR TO THE TREASURER RECORDING THE APPLICATION FOR
3 PUBLIC AUCTION PURSUANT TO SECTION 39-11.5-103 AND THE LIENOR IS
4 ONE OF THE PERSONS WHO WOULD BE ENTITLED TO CURE PURSUANT TO
5 SECTION 38-38-104 (1) IN THE CASE OF A FORECLOSURE, REGARDLESS OF
6 WHETHER SUCH LIENOR FILED A NOTICE OF INTENT TO CURE. IF, PRIOR TO
7 THE DATE AND TIME OF THE TREASURER'S RECORDING OF THE APPLICATION
8 FOR PUBLIC AUCTION PURSUANT TO SECTION 39-11.5-103 (2), A LIEN WAS
9 RECORDED IN AN INCORRECT COUNTY, THE LIENOR'S RIGHTS UNDER THIS
10 SECTION ARE VALID ONLY IF THE LIEN IS RERECORDED IN THE CORRECT
11 COUNTY AT LEAST FIFTEEN CALENDAR DAYS PRIOR TO THE PUBLIC
12 AUCTION.

13 (d) THE LIENOR HAS, WITHIN EIGHT BUSINESS DAYS AFTER THE
14 PUBLIC AUCTION, FILED A NOTICE WITH THE TREASURER OF THE LIENOR'S
15 INTENT TO REDEEM. A LIENOR MAY FILE A NOTICE OF INTENT TO REDEEM
16 MORE THAN EIGHT BUSINESS DAYS AFTER PUBLIC AUCTION IF:

17 (I) NO LIENOR JUNIOR TO THE LIENOR SEEKING TO FILE THE LATE
18 INTENT TO REDEEM HAS REDEEMED;

19 (II) THE REDEMPTION PERIOD FOR THE LIENOR SEEKING TO FILE
20 THE LATE INTENT TO REDEEM HAS NOT EXPIRED;

21 (III) A REDEMPTION PERIOD HAS BEEN CREATED BY THE TIMELY
22 FILING OF A NOTICE OF INTENT TO REDEEM; AND

23 (IV) THE NOTICE OF INTENT TO REDEEM IS ACCOMPANIED BY A
24 WRITTEN AUTHORIZATION FROM THE IMMEDIATELY PRIOR REDEEMING
25 LIENOR AUTHORIZING THE TREASURER TO ACCEPT SUCH NOTICE OF INTENT
26 TO REDEEM.

27 (e) THE LIENOR HAS ATTACHED TO THE NOTICE OF INTENT TO

1 REDEEM THE ORIGINAL INSTRUMENT AND ANY ASSIGNMENT OF THE LIEN
2 TO THE PERSON ATTEMPTING TO REDEEM, OR CERTIFIED COPIES THEREOF,
3 OR IN THE CASE OF A QUALIFIED HOLDER AS DEFINED IN SECTION
4 38-38-100.3 (20), A COPY OF THE INSTRUMENT EVIDENCING THE LIEN AND
5 ANY ASSIGNMENT OF THE LIEN TO THE PERSON ATTEMPTING TO REDEEM.
6 IF THE ORIGINAL INSTRUMENT IS DELIVERED TO THE TREASURER, THE
7 TREASURER SHALL RETURN THE INSTRUMENT TO THE LIENOR AND RETAIN
8 A COPY.

9 (f) THE LIENOR HAS ATTACHED TO THE NOTICE OF INTENT TO
10 REDEEM A SIGNED AND PROPERLY ACKNOWLEDGED STATEMENT OF THE
11 LIENOR SETTING FORTH THE AMOUNT REQUIRED TO REDEEM THE LIENOR'S
12 LIEN, INCLUDING PER DIEM INTEREST, THROUGH THE END OF THE
13 NINETEENTH BUSINESS DAY AFTER THE PUBLIC AUCTION WITH THE SAME
14 SPECIFICITY AND ITEMIZATION AS REQUIRED IN SECTION 38-38-106.

15 (2) **Redemption period.** ON THE NINTH BUSINESS DAY AFTER THE
16 DATE OF PUBLIC AUCTION, THE TREASURER SHALL SET THE DATES OF THE
17 REDEMPTION PERIOD OF EACH LIENOR IN ACCORDANCE WITH THIS
18 SUBSECTION (2) AND SECTION 39-11.5-111 (4). THE RIGHT TO REDEEM IS
19 IN PRIORITY OF SUCH LIENS ACCORDING TO THE RECORDS. THE
20 REDEMPTION PERIOD OF A LIENOR MUST NOT BE SHORTENED OR ALTERED
21 BY THE FACT THAT A PRIOR LIENOR REDEEMED BEFORE THE EXPIRATION OF
22 A DIFFERENT LIENOR'S REDEMPTION PERIOD.

23 (3) **Redemption proceeds.** UPON THE EXPIRATION OF THE
24 REDEMPTION PERIOD UNDER THIS SECTION, THE TREASURER SHALL
25 DISBURSE ALL REDEMPTION PROCEEDS TO THE PERSONS ENTITLED TO
26 RECEIVE THEM.

27 (4) **Misstatement of redemption amount.** IF AN AGGRIEVED

1 PERSON CONTESTS THE AMOUNT SET FORTH IN THE STATEMENT FILED BY
2 A LIENOR PURSUANT TO SUBSECTION (1)(f) OF THIS SECTION AND A COURT
3 DETERMINES THAT THE LIENOR HAS MADE A MATERIAL MISSTATEMENT ON
4 THE STATEMENT WITH RESPECT TO THE AMOUNT DUE AND OWING TO THE
5 LIENOR, THE COURT SHALL, IN ADDITION TO OTHER RELIEF, AWARD TO THE
6 AGGRIEVED PERSON THE AGGRIEVED PERSON'S COURT COSTS AND
7 REASONABLE ATTORNEY FEES AND COSTS.

8 **39-11.5-114. Federal redemption rights.** ANY REDEMPTION
9 RIGHTS GRANTED UNDER FEDERAL LAW ARE SEPARATE AND DISTINCT
10 FROM THE REDEMPTION RIGHTS GRANTED UNDER THIS ARTICLE 11.5. ALL
11 LIENS THAT ARE JUNIOR TO A TAX LIEN PURSUANT TO THIS ARTICLE 11.5
12 ARE DIVESTED BY THE PUBLIC AUCTION CONDUCTED IN ACCORDANCE WITH
13 THIS ARTICLE 11.5, SUBJECT TO THE REDEMPTION RIGHTS PROVIDED IN
14 THIS ARTICLE 11.5. THE TREASURER CONDUCTING A PUBLIC AUCTION
15 UNDER THIS ARTICLE 11.5 IS NOT DESIGNATED TO RECEIVE REDEMPTIONS
16 UNDER FEDERAL LAW.

17 **39-11.5-115. Certificate of option for treasurer's deed -**
18 **assignability.** (1) THE TREASURER SHALL PREPARE, SIGN, AND RETAIN
19 FOR SAFEKEEPING OR DELIVER TO THE PURCHASER A CERTIFICATE OF
20 OPTION FOR TREASURER'S DEED DESCRIBING THE PROPERTY AND
21 CONFIRMING, EXCEPT IN THE CASE OF THE PURCHASER DESCRIBED IN
22 SECTION 39-11.5-101 (12)(c), THAT PAYMENT HAS BEEN MADE. THE
23 TREASURER MAY CHARGE THE PURCHASER A FEE IN THE AMOUNT OF
24 THIRTY DOLLARS FOR EACH SUCH CERTIFICATE.

25 (2) THE CERTIFICATE OF OPTION FOR TREASURER'S DEED IS
26 ASSIGNABLE BY ENDORSEMENT, AND AN ASSIGNMENT THEREOF, WHEN
27 ENTERED UPON THE RECORD OF SALES IN THE OFFICES OF THE COUNTY

1 CLERK AND RECORDER AND THE TREASURER, VESTS IN THE ASSIGNEE OR
2 THE ASSIGNEE'S LEGAL REPRESENTATIVE ALL THE RIGHT AND TITLE OF THE
3 PURCHASER.

4 **39-11.5-116. Presentation of certificate of option for**
5 **treasurer's deed for deed - fee - purchase by a local government.**

6 (1) THE TREASURER SHALL MAKE OUT AND DELIVER A DEED FOR EACH
7 LOT, PARCEL, INTEREST, OR IMPROVEMENT FOR WHICH A CERTIFICATE OF
8 OPTION FOR TREASURER'S DEED WAS SOLD AND WHICH REMAINS
9 UNREDEEMED ON DEMAND OF:

10 (a) THE PURCHASER OR LAWFUL HOLDER OF A CERTIFICATE OF
11 OPTION FOR TREASURER'S DEED ISSUED PURSUANT TO SECTION
12 39-11.5-115; OR

13 (b) THE HOLDER OF AN ORDER ISSUED BY THE BOARD OF COUNTY
14 COMMISSIONERS PURSUANT TO SUBSECTION (3) OF THIS SECTION.

15 (2) THE TREASURER IS ENTITLED TO A FEE IN THE AMOUNT OF
16 THIRTY DOLLARS FOR:

17 (a) EACH DEED MADE AND ACKNOWLEDGED BY THE TREASURER
18 PURSUANT TO THIS SECTION; AND

19 (b) EACH DEED ACKNOWLEDGED BY THE TREASURER PURSUANT TO
20 THIS SECTION.

21 (3) (a) IF A CERTIFICATE OF OPTION FOR TREASURER'S DEED IS LOST
22 OR WRONGFULLY WITHHELD FROM THE RIGHTFUL OWNER AND THE
23 PROPERTY HAS NOT BEEN REDEEMED, A CLAIMANT MAY FILE A CLAIM WITH
24 THE TREASURER.

25 (b) AFTER REVIEWING A CLAIM FILED BY A CLAIMANT PURSUANT
26 TO SUBSECTION (3)(a) OF THIS SECTION, THE TREASURER MAY ISSUE AN
27 ORDER STATING THAT THE CERTIFICATE OF OPTION FOR TREASURER'S DEED

1 WAS LOST OR WRONGFULLY WITHHELD FROM THE RIGHTFUL OWNER. THE
2 TREASURER SHALL DELIVER SUCH AN ORDER TO THE CLAIMANT AND FILE
3 A COPY OF THE CERTIFICATE WITH THE CLERK AND RECORDER.

4 (4) (a) WHENEVER ANY CERTIFICATE OF OPTION FOR TREASURER'S
5 DEED IS BID ON BY OR FOR A CITY, TOWN, OR CITY AND COUNTY AT A
6 PUBLIC AUCTION, SUCH CITY, TOWN, OR CITY AND COUNTY IS ENTITLED TO
7 A DEED, IN THE SAME MANNER AS OTHER PURCHASERS AT SUCH PUBLIC
8 AUCTIONS.

9 (b) THE TREASURER OF A COUNTY, CITY, TOWN, OR CITY AND
10 COUNTY THAT PURCHASES A CERTIFICATE OF OPTION FOR TREASURER'S
11 DEED AT A PUBLIC AUCTION MAY ASSIGN AND DELIVER THE RESULTING
12 DEED. IN SO DOING, THE TREASURER SHALL CHARGE AN AMOUNT EQUAL
13 TO THE COMBINATION OF:

14 (I) THE AMOUNT PAID AT THE PUBLIC AUCTION BY THE COUNTY,
15 CITY, TOWN, OR CITY AND COUNTY;

16 (II) ANY INTEREST AND COSTS THAT ACCRUED ON THE AMOUNT
17 PAID AT THE PUBLIC AUCTION BY THE COUNTY, CITY, TOWN, OR CITY AND
18 COUNTY; AND

19 (III) ANY FEE AMOUNT DETERMINED BY THE BOARD OF COUNTY
20 COMMISSIONERS OR OTHER BOARD AUTHORIZED TO PERFORM THE DUTIES
21 OF A BOARD OF COUNTY COMMISSIONERS.

22 **39-11.5-117. Fees and costs.** (1) ALL FEES AND COSTS INCURRED
23 PURSUANT TO THIS ARTICLE 11.5 ARE CHARGEABLE AS ADDITIONAL
24 AMOUNTS OWING UNDER THE TAX LIEN. THE TREASURER SHALL DEDUCT
25 SUCH ADDITIONAL AMOUNTS FROM THE PROCEEDS OF ANY PUBLIC
26 AUCTION. IF THERE ARE NOT CASH PROCEEDS FROM THE PUBLIC AUCTION
27 ADEQUATE TO PAY SUCH ADDITIONAL AMOUNTS, TO THE EXTENT OF THE

1 INADEQUACY, THE PURCHASER OR LAWFUL HOLDER SHALL PAY SUCH
2 AMOUNTS.

3 (2) THE TREASURER MAY DECLINE TO ISSUE THE CERTIFICATE OF
4 OPTION FOR TREASURER'S DEED PURSUANT TO SECTION 39-11.5-115 UNTIL
5 ALL FEES AND COSTS INCURRED PURSUANT TO THIS ARTICLE 11.5 IN
6 CONNECTION WITH THE PUBLIC AUCTION HAVE BEEN PAID.

7 **39-11.5-118. Abbreviations, letters, and figures may be used.**
8 IN ALL ADVERTISEMENTS FOR THE PUBLIC AUCTION AND IN ENTRIES
9 REQUIRED TO BE MADE BY THE ASSESSOR, COUNTY CLERK AND RECORDER,
10 TREASURER, OR OTHER COUNTY OFFICERS IN LISTS, BOOKS, ROLLS,
11 CERTIFICATES, RECEIPTS, DEEDS, OR NOTICES, THE ASSESSOR, COUNTY
12 CLERK AND RECORDER, TREASURER OR OTHER COUNTY OFFICER MAY USE
13 LETTERS, FIGURES, AND ABBREVIATIONS TO DENOTE TOWNSHIPS, RANGES,
14 SECTIONS, PARTS OF SECTIONS, LOTS, BLOCKS, DATES AND AMOUNTS OF
15 TAXES, DELINQUENT INTEREST, AND COSTS.

16 **SECTION 5. Safety clause.** The general assembly finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety or for appropriations for
19 the support and maintenance of the departments of the state and state
20 institutions.