

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
10/10/23

BILL 2

LLS NO. 24-0384.02 Alison Killen x4350

INTERIM COMMITTEE BILL

Legislative Oversight Committee Concerning Tax Policy

BILL TOPIC: Issuance Of Treasurer's Deeds

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

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words 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. The bill ends this requirement.

The bill also establishes a process by which the lawful holder of a certificate of purchase of a tax lien may request a public auction for the sale of a certificate of property purchase. A county treasurer may issue the holder of a certificate of property purchase a treasurer's deed for the relevant 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 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 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

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

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

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

27 **SECTION 3.** In Colorado Revised Statutes, 39-11-142, **amend**

1 (1), (2), (3), (6)(a), (6)(c), and (7) as follows:

2 **39-11-142. Disposition of certificates held by counties.**

3 (1) BEFORE THE EFFECTIVE DATE OF HOUSE BILL 24-_____, in cases
4 where a tax lien on real estate has been struck off to the county at tax
5 sales and the county has held the certificate of sale for three years or
6 more, the board of county commissioners may apply for and receive a tax
7 deed in like manner as is provided by law in the case of delinquent tax
8 sale certificates held by individuals. The board of county commissioners,
9 whenever the county becomes entitled to a tax deed, may cause the
10 treasurer to issue, serve, and publish notices, pursuant to law, of
11 application for such tax deed in like manner as in the case of individual
12 certificate holders.

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

25 (3) BEFORE THE EFFECTIVE DATE OF HOUSE BILL 24-_____, upon
26 making application in the case of tax certificates held by the counties for
27 five years or more, the treasurer shall not be required to give the notice

1 that a request or demand for tax deed has been made upon him provided
2 for in section 39-11-128. The treasurer, in lieu of such notice, at least
3 sixty days before the day said tax deed issues, shall give notice by
4 registered or certified mail, addressed to the last-known residence of the
5 person in whose name the real estate is assessed for the years during
6 which said taxes have not been paid, that a tax deed has been applied for
7 on the particular described property and that said tax deed will issue on
8 a day certain. BEFORE THE EFFECTIVE DATE OF HOUSE BILL 24-_____, the
9 treasurer shall also post in a public place in the county courthouse, at least
10 sixty days before said deed issues, a notice stating that a deed will be
11 issued to the county on the real estate described in said notice. Said notice
12 shall contain the name of the person to whom the property is assessed
13 together with the date said tax deed will issue.

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

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

1 of sale.

2 (7) It is the duty of the treasurer at least once each year to prepare
3 and present, at any regular or special meeting of the board of county
4 commissioners, a list of all tax liens on all real property struck off to the
5 county and all certificates of sale relating thereto, which certificates have
6 been held by the county for three years or more without obtaining a deed
7 or being otherwise disposed of under this article 11 OR ARTICLE 12.5 OF
8 THIS TITLE 39.

9 **SECTION 4.** In Colorado Revised Statutes, **add** article 12.5 to
10 title 39 as follows:

11 **ARTICLE 12.5**

12 **Issuance of Treasurer's Deeds**

13 **39-12.5-101. Definitions.** AS USED IN THIS ARTICLE 12.5, UNLESS
14 THE CONTEXT OTHERWISE REQUIRES:

15 (1) "CERTIFICATE OF PROPERTY PURCHASE" MEANS THE
16 CERTIFICATE OF PROPERTY PURCHASE ISSUED BY A TREASURER PURSUANT
17 TO SECTION 39-12.5-115(1).

18 (2) "CERTIFICATE OF PURCHASE" MEANS THE CERTIFICATE OF
19 PURCHASE ISSUED BY A TREASURER PURSUANT TO SECTION 39-11-117.

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

21 (a) SPOUSE;

22 (b) PARTNER IN A CIVIL UNION;

23 (c) PARENT;

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

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

27 (f) SIBLING WHO IS INCAPABLE OF SELF-CARE DUE TO A MENTAL OR

1 PHYSICAL DISABILITY OR A LONG-TERM ILLNESS.

2 (4) "JUNIOR LIEN" MEANS A LIEN OR ENCUMBRANCE UPON THE
3 PROPERTY FOR WHICH THE AMOUNT DUE AND OWING THEREUNDER IS
4 SUBORDINATE TO THE TAX LIEN.

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

7 (a) THE INFORMATION REQUIRED BY SECTION 39-12.5-102 (2);

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

10 (c) THE DATE OF THE PUBLIC AUCTION, INCLUDING, IF APPLICABLE,
11 THE DATE TO WHICH THE TREASURER HAS CONTINUED THE PUBLIC
12 AUCTION PURSUANT TO SECTION 39-12.5-104 (2)(b);

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

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

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

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

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

27 (f) A LEGIBLE COPY OF SECTIONS 39-12.5-104, 39-12.5-111,

1 39-12.5-113, AND 39-12.5-114.

2 (6) "LAWFUL HOLDER" MEANS THE PERSON IN POSSESSION OF A
3 CERTIFICATE OF PURCHASE FOR A TAX LIEN ISSUED IN ACCORDANCE WITH
4 ARTICLE 11 OF THIS TITLE 39, OR THE ASSIGNEE OR ATTORNEY OF SUCH A
5 HOLDER.

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

9 (8) "MAILING LIST" MEANS THE LIST ASSEMBLED BY THE
10 TREASURER PURSUANT TO SECTION 39-12.5-104 (2)(a) THAT CONTAINS
11 THE NAMES AND ADDRESSES OF THE FOLLOWING PERSONS:

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

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

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

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

21 (9) "OVERBID" MEANS THE AMOUNT IN EXCESS OF THE VALUE OF
22 THE TAX LIEN THAT A CERTIFICATE OF PROPERTY PURCHASE IS SOLD FOR
23 AT A PUBLIC AUCTION.

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

26 (11) "PROPERTY OWNER" MEANS THE OWNER OF A PROPERTY
27 SUBJECT TO A TAX LIEN, THE CERTIFICATE OF PURCHASE FOR WHICH IS

1 HELD BY A LAWFUL HOLDER.

2 (12) "PUBLIC AUCTION" MEANS AN AUCTION CONDUCTED
3 PURSUANT TO THIS ARTICLE 12.5.

4 (13) "PURCHASER" MEANS:

5 (a) THE PERSON WHO MAKES THE HIGHEST BID FOR THE
6 CERTIFICATE OF PROPERTY PURCHASE AT A PUBLIC AUCTION PURSUANT TO
7 THIS ARTICLE 12.5 AND PAID THE AMOUNT OWED;

8 (b) THE PERSON THE TREASURER OFFERS THE CERTIFICATE OF
9 PURCHASE PURSUANT TO SECTION 39-12.5-110 (2) AND WHO PAYS THE
10 AMOUNT OWED; OR

11 (c) IF NO VALID BIDS ARE RECEIVED AT THE PUBLIC AUCTION AND
12 PAID AND THE LAWFUL HOLDER DOES NOT FILE A WITHDRAWAL OF THE
13 NOTICE OF PUBLIC AUCTION PURSUANT TO SECTION 39-12.5-106, THE
14 LAWFUL HOLDER.

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

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

23 (16) "TREASURER'S DEED" MEANS THE DEED ISSUED BY THE
24 TREASURER IN ACCORDANCE WITH SECTION 39-12.5-116 (1).

25 **39-12.5-102. Application for public auction - contents - fee.**

26 (1) AT ANY TIME AT LEAST THREE YEARS FROM THE DATE OF THE SALE OF
27 A TAX LIEN PURSUANT TO ARTICLE 11 OF THIS TITLE 39, A LAWFUL HOLDER

1 MAY FILE AN APPLICATION FOR A PUBLIC AUCTION OF A CERTIFICATE OF
2 PROPERTY PURCHASE FOR THE PROPERTY SUBJECT TO THE TAX LIEN
3 DESCRIBED IN THE CERTIFICATE OF PURCHASE HELD BY THE LAWFUL
4 HOLDER. IN SO DOING, THE LAWFUL HOLDER SHALL FILE AN APPLICATION
5 FOR PUBLIC AUCTION IN A FORM AND MANNER DETERMINED BY THE
6 TREASURER.

7 (2) NOTWITHSTANDING THE REQUIREMENT THAT AN APPLICATION
8 FOR PUBLIC AUCTION MUST BE IN A FORM AND MANNER DETERMINED BY
9 THE TREASURER, AN APPLICATION FOR PUBLIC AUCTION MUST INCLUDE:

10 (a) THE NAME OF THE LAWFUL HOLDER; AND

11 (b) THE AMOUNT OF THE OUTSTANDING PRINCIPAL BALANCE OF
12 THE TAX LIEN AS OF THE DATE OF THE FILING OF THE APPLICATION FOR
13 PUBLIC AUCTION.

14 (3) THE TREASURER MAY REQUIRE THE LAWFUL HOLDER TO MAKE
15 A DEPOSIT IN AN AMOUNT DETERMINED BY THE TREASURER TO COVER THE
16 COSTS NECESSARY FOR THE TREASURER TO ADMINISTER THE PUBLIC
17 AUCTION AND OTHERWISE ENSURE COMPLIANCE WITH THE REQUIREMENTS
18 OF THIS ARTICLE 12.5. THE AMOUNT OF THIS DEPOSIT MUST NEITHER
19 EXCEED FIVE THOUSAND DOLLARS NOR BE LESS THAN FIVE HUNDRED
20 DOLLARS.

21 **39-12.5-103. Review of application for public auction.**

22 (1) (a) NO LATER THAN TEN BUSINESS DAYS FOLLOWING THE RECEIPT OF
23 AN APPLICATION FOR PUBLIC AUCTION PURSUANT TO SECTION 39-12.5-102,
24 THE TREASURER SHALL REVIEW THE APPLICATION TO DETERMINE
25 WHETHER IT COMPLIES WITH THE REQUIREMENTS OF THIS ARTICLE 12.5
26 AND SHALL NOTIFY THE LAWFUL HOLDER OF THE TREASURER'S
27 DETERMINATION.

1 (b) (I) THE TREASURER MAY REQUEST THAT THE LAWFUL HOLDER
2 PROVIDE SUCH ADDITIONAL INFORMATION AS IS NECESSARY FOR THE
3 TREASURER TO CONDUCT THE REVIEW DESCRIBED IN SUBSECTION (1)(a) OF
4 THIS SECTION.

5 (II) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION, IF
6 THE LAWFUL HOLDER PROVIDES ADDITIONAL INFORMATION TO THE
7 TREASURER, THE TREASURER HAS TEN DAYS FOLLOWING THE LATEST
8 RECEIPT OF SUCH INFORMATION TO BOTH REVIEW THE APPLICATION TO
9 DETERMINE WHETHER THE APPLICATION COMPLIES WITH THE
10 REQUIREMENTS OF THIS ARTICLE 12.5 AND NOTIFY THE LAWFUL HOLDER
11 OF THE TREASURER'S DETERMINATION.

12 (2) IF THE TREASURER DETERMINES THAT THE APPLICATION FOR
13 PUBLIC AUCTION COMPLIES WITH THE REQUIREMENTS OF THIS ARTICLE
14 12.5, THE TREASURER SHALL RECORD THE APPLICATION FOR PUBLIC
15 AUCTION WITH THE OFFICE OF THE COUNTY CLERK AND RECORDER.

16 **39-12.5-104. Notice of public auction.** (1) NO MORE THAN
17 TWENTY CALENDAR DAYS AFTER MAKING THE DETERMINATION IN SECTION
18 39-12.5-103 (2), THE TREASURER SHALL MAIL A KNOWN INTERESTED
19 PARTY NOTICE TO THE PROPERTY.

20 (2) (a) NO MORE THAN TWENTY CALENDAR DAYS AFTER
21 COMPLETING A REVIEW OF RELEVANT COUNTY RECORDS OF THE COUNTY
22 CLERK AND RECORDER CONCERNING THE PROPERTY, THE TREASURER
23 SHALL CREATE A MAILING LIST AND MAIL A KNOWN INTERESTED PARTY
24 NOTICE TO THE PERSONS ON THE MAILING LIST.

25 (b) THE TREASURER SHALL UPDATE THE MAILING LIST AS NEEDED.
26 IF THE TREASURER UPDATES THE MAILING LIST AFTER MAILING OUT THE
27 KNOWN INTERESTED PARTY NOTICE REQUIRED BY SUBSECTION (2)(a) OF

1 THIS SECTION, NOTWITHSTANDING SECTION 39-12.5-105, THE TREASURER
2 SHALL CONTINUE THE PUBLIC AUCTION NO LESS THAN SIXTY-FIVE
3 CALENDAR DAYS AFTER LAST UPDATING THE MAILING LIST.

4 (3) NO MORE THAN SIXTY CALENDAR DAYS NOR LESS THAN
5 FORTY-FIVE CALENDAR DAYS PRIOR TO THE PUBLIC AUCTION, THE
6 TREASURER SHALL POST A KNOWN INTERESTED PARTY NOTICE ON THE
7 PROPERTY.

8 (4) NO MORE THAN SIXTY CALENDAR DAYS NOR LESS THAN
9 FORTY-FIVE CALENDAR DAYS PRIOR TO THE PUBLIC AUCTION, THE
10 TREASURER SHALL PUBLISH THE KNOWN INTERESTED PARTY NOTICE,
11 OMITTING THE REQUIRED COPIES OF STATUTES AND ADDING THE FIRST AND
12 LAST PUBLICATION DATES IF NOT ALREADY SPECIFIED IN THE KNOWN
13 INTERESTED PARTY NOTICE, ON THE TREASURER'S OFFICE WEBSITE.

14 (5) NO LESS THAN TWENTY-EIGHT CALENDAR DAYS PRIOR TO THE
15 PUBLIC AUCTION, THE TREASURER SHALL ALSO POST THE KNOWN
16 INTERESTED PARTY NOTICE, OMITTING THE REQUIRED COPIES OF STATUTES
17 AND ADDING THE FIRST AND LAST PUBLICATION DATES IF NOT ALREADY
18 SPECIFIED IN THE KNOWN INTERESTED PARTY NOTICE, IN A CONSPICUOUS
19 PLACE IN THE TREASURER'S OFFICE OR ON THE TREASURER'S OFFICE
20 WEBSITE.

21 **39-12.5-105. Date of public auction.** THE TREASURER SHALL
22 HOLD THE PUBLIC AUCTION NO MORE THAN ONE HUNDRED TWENTY-FIVE
23 CALENDAR DAYS NOR LESS THAN ONE HUNDRED TEN CALENDAR DAYS
24 AFTER THE TREASURER RECORDS THE APPLICATION FOR PUBLIC AUCTION
25 PURSUANT TO SECTION 39-12.5-103 (2).

26 **39-12.5-106. Withdrawal of the notice of public auction.** (1) IF
27 THE LAWFUL HOLDER FILES A WRITTEN WITHDRAWAL OF THE NOTICE OF

1 PUBLIC AUCTION WITH THE TREASURER PRIOR TO THE PUBLIC AUCTION,
2 THE TREASURER SHALL TERMINATE THE PUBLIC AUCTION PROCEEDINGS
3 AND RECORD THE WITHDRAWAL WITH THE OFFICE OF THE CLERK AND
4 RECORDER.

5 (2) IF THE LAWFUL HOLDER FILES A WITHDRAWAL OF THE NOTICE
6 OF PUBLIC AUCTION, THE LAWFUL HOLDER SHALL PAY ALL UNPAID FEES
7 AND COSTS OWED AND INCURRED BY THE TREASURER, AS WELL AS A
8 WITHDRAWAL FEE. THE AMOUNT DUE ACCRUES INTEREST AT THE RATE
9 PROVIDED BY LAW. UNTIL THE LAWFUL HOLDER PAYS ALL AMOUNTS DUE,
10 THE TREASURER IS ENTITLED TO HOLD ALL DOCUMENTATION IN THE
11 TREASURER'S POSSESSION AND TO WITHHOLD ALL OTHER SERVICES
12 REQUESTED BY THE LAWFUL HOLDER IN RELATION TO THE TAX LIEN.

13 **39-12.5-107. Location of public auction - electronic devices -**
14 **definition.** (1) THE TREASURER SHALL CONDUCT THE PUBLIC AUCTION IN
15 ANY BUILDING TEMPORARILY OR PERMANENTLY USED AS A COURTHOUSE,
16 IN ANY BUILDING WHERE THE OFFICE OF THE TREASURER IS LOCATED, OR
17 BY MEANS OF THE INTERNET OR OTHER ELECTRONIC MEDIUM.

18 (2) THE COUNTY AND ITS EMPLOYEES ACTING IN THEIR OFFICIAL
19 CAPACITY IN PREPARING, CONDUCTING, AND EXECUTING A PUBLIC
20 AUCTION PURSUANT TO THIS ARTICLE 12.5 ARE NOT LIABLE FOR THE
21 FAILURE OF A DEVICE THAT PREVENTS A PERSON FROM PARTICIPATING IN
22 A PUBLIC AUCTION. AS USED IN THIS SUBSECTION (2), "DEVICE" INCLUDES,
23 BUT IS NOT LIMITED TO, COMPUTER HARDWARE, A COMPUTER NETWORK,
24 A COMPUTER SOFTWARE APPLICATION, AND AN INTERNET WEBSITE.

25 **39-12.5-108. Conduct of public auction - conduct of treasurer**
26 **- bidding rules - method of payment.** (1) TO CONDUCT THE PUBLIC
27 AUCTION IN AN EFFICIENT AND EQUITABLE MANNER, THE TREASURER IS

1 GRANTED BROAD POWERS TO SET THE BIDDING RULES GOVERNING THE
2 PUBLIC AUCTION. SUCH POWERS INCLUDE:

3 (a) RECOGNIZING BUYERS IN NUMERICAL SEQUENCE, IN ROTATION,
4 OR IN THE ORDER IN WHICH BIDS ARE MADE;

5 (b) DETERMINING THE ORDER IN WHICH THE PUBLIC AUCTION IS
6 CONDUCTED; AND

7 (c) SETTING MINIMUM BID INCREASES.

8 (2) (a) THE TREASURER SHALL ANNOUNCE BIDDING RULES AT THE
9 BEGINNING OF THE PUBLIC AUCTION. THE BIDDING RULES APPLY TO ALL
10 BIDDERS THROUGHOUT THE PUBLIC AUCTION.

11 (b) IF THE PUBLIC AUCTION IS CONDUCTED BY MEANS OF THE
12 INTERNET OR OTHER ELECTRONIC MEDIUM, THE TREASURER SHALL POST
13 THE INTERNET BIDDING RULES ON THE ELECTRONIC MEDIUM AT LEAST
14 FOURTEEN CALENDAR DAYS BEFORE THE DATE OF SALE. THE BIDDING
15 RULES APPLY TO ALL BIDDERS THROUGHOUT THE PUBLIC AUCTION.

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

18 (a) ONLY ACCEPT BIDS THAT ARE EQUAL TO OR GREATER THAN THE
19 COMBINED VALUE OF THE AMOUNT OWED TO THE LAWFUL HOLDER AND
20 THE FEES INCURRED BY THE TREASURER IN COMPLYING WITH THIS ARTICLE
21 12.5; AND

22 (b) NOT ACCEPT BIDS MADE BY A COUNTY EMPLOYEE ACTING IN
23 THEIR INDIVIDUAL CAPACITY OR AN IMMEDIATE FAMILY MEMBER OF A
24 COUNTY EMPLOYEE.

25 (4) WHEN THE TREASURER CONDUCTS A PUBLIC AUCTION IN
26 ACCORDANCE WITH THIS ARTICLE 12.5, THE TREASURER MAY ACCEPT
27 PAYMENT OF THE PURCHASE PRICE IN THE FORM OF CASH, NEGOTIABLE

1 PAPER, OR ELECTRONIC FUNDS TRANSFER, SUBJECT TO THE TREASURER'S
2 BIDDING RULES.

3 **39-12.5-109. Treatment of an overbid.** (1) (a) ANY OVERBID
4 MUST BE PAID IN ORDER OF RECORDING PRIORITY TO JUNIOR LIENORS,
5 DETERMINED AS OF THE RECORDING DATE OF THE NOTICE OF PUBLIC
6 AUCTION ACCORDING TO THE RECORDS, WHO HAVE DULY FILED A NOTICE
7 OF INTENT TO REDEEM AND WHOSE LIENS HAVE NOT BEEN REDEEMED, IN
8 EACH CASE UP TO THE UNPAID AMOUNT OF EACH SUCH LIENOR'S LIEN PLUS
9 FEES AND COSTS. AFTER PAYMENT TO ALL LIENORS, ANY REMAINING
10 OVERBID SHALL BE PAID TO THE PROPERTY OWNER.

11 (b) A LIENOR OR LAWFUL HOLDER THAT IS NOT ENTITLED TO
12 REDEEM BY VIRTUE OF HOLDING A LIEN THAT IS RECORDED AFTER THE
13 NOTICE OF PUBLIC AUCTION OR BY NOT TIMELY FILING A NOTICE OF INTENT
14 TO REDEEM PURSUANT TO SECTION 39-12.5-111 OR 39-12.5-113 DOES NOT
15 HAVE ANY CLAIM TO ANY PORTION OF THE OVERBID. A LAWFUL HOLDER
16 WHO ACCEPTS LESS THAN A FULL REDEMPTION PURSUANT TO SECTION
17 39-12.5-111 (4)(c) ALSO DOES NOT HAVE ANY CLAIM TO ANY PORTION OF
18 THE OVERBID.

19 (c) THE TREASURER SHALL ONLY REDEEM THE PROPERTY TO A
20 LAWFUL HOLDER. THE TREASURER MAY REDEEM ALL LIENORS FOR A
21 PORTION OF THE OVERBID AMOUNT, BUT SHALL NOT REDEEM THE
22 PROPERTY TO THOSE LIENORS.

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

25 **NOTICE TO A PROPERTY OWNER OF A**
26 **PROPERTY FOR WHICH THE RIGHT TO A**
27 **TREASURER'S DEED HAS BEEN SOLD AT PUBLIC**

1 **AUCTION:** If the right to a treasurer's deed for your
2 property is sold at a public auction for more than the total
3 owed to the lawful holder of a tax lien on your property and
4 to all other lien holders, please contact the treasurer's office
5 after the auction because you may have funds due to you.

6 (b) IN ORDER TO PAY THE PROPERTY OWNER AS REQUIRED
7 PURSUANT TO SUBSECTION (1) OF THIS SECTION, A TREASURER SHALL MAIL
8 THE PROPERTY OWNER A NOTICE REGARDING THE REMAINING OVERBID TO
9 THE BEST AVAILABLE ADDRESS NO LATER THAN THIRTY DAYS AFTER THE
10 CONCLUSION OF THE PUBLIC AUCTION. IF THE AMOUNT OF THE REMAINING
11 OVERBID IS EQUAL TO OR GREATER THAN TWENTY-FIVE DOLLARS, THE
12 TREASURER SHALL MAKE REASONABLE EFFORTS TO IDENTIFY THE
13 PROPERTY OWNER'S CURRENT ADDRESS.

14 (c) AN AGREEMENT TO PAY COMPENSATION TO RECOVER OR ASSIST
15 IN RECOVERING AN AMOUNT DUE TO THE PROPERTY OWNER FROM THE
16 TREASURER UNDER SUBSECTION (1) OF THIS SECTION IS NOT ENFORCEABLE.
17 A PERSON WHO INDUCES OR ATTEMPTS TO INDUCE ANOTHER PERSON TO
18 ENTER INTO SUCH AN AGREEMENT COMMITS A CLASS 2 MISDEMEANOR.

19 (3) (a) THE TREASURER SHALL HOLD ANY UNCLAIMED REMAINING
20 OVERBID FROM THE PUBLIC AUCTION IN ESCROW FOR SIX MONTHS FROM
21 THE DATE OF THE PUBLIC AUCTION. THE TREASURER IS ANSWERABLE FOR
22 THESE FUNDS WITHOUT INTEREST AT ANY TIME WITHIN SIX MONTHS AFTER
23 THE PUBLIC AUCTION TO ANY PERSON LEGALLY ENTITLED TO THE FUNDS.
24 THE TREASURER SHALL PAY ANY INTEREST EARNED ON THE ESCROWED
25 FUNDS TO THE COUNTY AT LEAST ANNUALLY.

26 (b) (I) IF THE UNCLAIMED REMAINING OVERBID EXCEEDS FIVE
27 HUNDRED DOLLARS AND HAS NOT BEEN CLAIMED WITHIN SIXTY CALENDAR

1 DAYS AFTER THE PUBLIC AUCTION, THE TREASURER SHALL, WITHIN NINETY
2 CALENDAR DAYS AFTER THE EXPIRATION OF ALL REDEMPTION PERIODS,
3 POST A NOTICE ON THE TREASURER'S OFFICE WEBSITE FOR FOUR WEEKS
4 AND MAIL A COPY OF THE NOTICE TO THE PROPERTY OWNER AT THE BEST
5 AVAILABLE ADDRESS.

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

8 (A) THE NAME OF THE PROPERTY OWNER;

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

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

13 (D) A STATEMENT THAT AN OVERBID WAS REALIZED FROM THE
14 SALE AND THAT, UNLESS THE FUNDS ARE CLAIMED BY THE PROPERTY
15 OWNER OR OTHER PERSON ENTITLED THERETO WITHIN SIX MONTHS AFTER
16 THE DATE OF SALE, THE TREASURER SHALL TRANSFER THE FUNDS TO THE
17 STATE TREASURER FOR DISPOSITION IN ACCORDANCE WITH THE "REVISED
18 UNIFORM UNCLAIMED PROPERTY ACT", ARTICLE 13 OF TITLE 38.

19 (III) THE TREASURER SHALL PAY THE FEES AND COSTS OF
20 PUBLISHING AND MAILING THE NOTICE REQUIRED PURSUANT TO
21 SUBSECTION (3)(b)(I) OF THIS SECTION FROM THE MONEY THE TREASURER
22 HOLDS IN ESCROW.

23 (c) UNCLAIMED REMAINING OVERBIDS THAT ARE NOT CLAIMED
24 WITHIN SIX MONTHS FROM THE DATE OF THE SALE ARE UNCLAIMED
25 PROPERTY FOR PURPOSES OF THE "REVISED UNIFORM UNCLAIMED
26 PROPERTY ACT", ARTICLE 13 OF TITLE 38. THE TREASURER SHALL
27 TRANSFER THESE UNCLAIMED REMAINING OVERBIDS TO THE

1 ADMINISTRATOR IN ACCORDANCE WITH ARTICLE 13 OF TITLE 38.

2 (d) AFTER THE TREASURER TRANSFERS THE UNCLAIMED
3 REMAINING OVERBIDS TO THE ADMINISTRATOR OR TO THE GENERAL FUND
4 OF THE COUNTY, THE TREASURER IS DISCHARGED FROM ANY FURTHER
5 LIABILITY OR RESPONSIBILITY FOR THE MONEY.

6 **39-12.5-110. Procedure when purchaser fails to pay.** (1) IF A
7 PERSON BIDDING AT THE PUBLIC AUCTION FAILS TO PAY THE AMOUNT DUE,
8 THE TREASURER MAY AGAIN ADVERTISE THE PUBLIC AUCTION IN THE SAME
9 MANNER AS IN THE ORIGINAL ADVERTISEMENT AND FOR NOT LESS THAN
10 ONE WEEK, AFTER WHICH THE TREASURER MAY AGAIN CONDUCT THE
11 PUBLIC AUCTION AS DESCRIBED IN THIS ARTICLE 12.5.

12 (2) IN A PUBLIC AUCTION CONDUCTED BY MEANS OF THE INTERNET
13 OR OTHER ELECTRONIC MEDIUM, IF A PERSON BIDDING FAILS TO PAY THE
14 AMOUNT DUE, THE TREASURER MAY OFFER THE CERTIFICATE OF PROPERTY
15 PURCHASE, WITHOUT ADDITIONAL ADVERTISEMENT, TO ANOTHER BIDDER,
16 WHETHER OR NOT THE PUBLIC AUCTION HAS CLOSED.

17 (3) THE TREASURER MAY PROHIBIT A PERSON WHO FAILS TO PAY
18 THE AMOUNT DUE FROM BIDDING ON SALES UNDER THIS ARTICLE 12.5 FOR
19 UP TO FIVE YEARS.

20 **39-12.5-111. Redemption of the property by a lawful holder**
21 **- procedure.** (1) **Requirements for redemption.** A LAWFUL HOLDER IS
22 ENTITLED TO REDEEM THE PROPERTY IF THE FOLLOWING REQUIREMENTS
23 ARE MET TO THE SATISFACTION OF THE TREASURER:

24 (a) THE LAWFUL HOLDER HAS, WITHIN EIGHT BUSINESS DAYS
25 AFTER THE PUBLIC AUCTION, FILED A NOTICE OF INTENT TO REDEEM WITH
26 THE TREASURER. A LAWFUL HOLDER MAY FILE A NOTICE OF INTENT TO
27 REDEEM MORE THAN EIGHT BUSINESS DAYS AFTER SALE IF:

1 (I) THE REDEMPTION PERIOD FOR THE LAWFUL HOLDER SEEKING TO
2 FILE THE LATE INTENT TO REDEEM HAS NOT EXPIRED;

3 (II) A REDEMPTION PERIOD HAS BEEN CREATED BY THE TIMELY
4 FILING OF A NOTICE OF INTENT TO REDEEM; AND

5 (III) THE NOTICE OF INTENT TO REDEEM IS ACCOMPANIED BY A
6 WRITTEN AUTHORIZATION FROM THE PURCHASER ACCORDING TO THE
7 RECORDS OF THE TREASURER CONDUCTING THE PUBLIC AUCTION, OR, IF A
8 REDEMPTION HAS OCCURRED, FROM THE IMMEDIATELY PRIOR REDEEMING
9 LIENOR AUTHORIZING THE TREASURER TO ACCEPT SUCH NOTICE OF INTENT
10 TO REDEEM.

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

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

25 (2) **Request for redemption amount.** WITHIN ONE BUSINESS DAY
26 OF THE RECEIPT BY THE TREASURER OF THE NOTICE OF INTENT TO REDEEM
27 FILED BY A LAWFUL HOLDER ENTITLED TO REDEEM UNDER THIS SECTION,

1 THE TREASURER SHALL TRANSMIT BY MAIL, FACSIMILE, OR OTHER
2 ELECTRONIC MEANS TO THE PURCHASER A WRITTEN REQUEST FOR A
3 WRITTEN OR ELECTRONIC STATEMENT OF ALL SUMS NECESSARY TO
4 REDEEM.

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

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

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

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

16 (4) **Redemption period.** (a) NO MORE THAN NINETEEN BUSINESS
17 DAYS NOR LESS THAN FIFTEEN BUSINESS DAYS AFTER A PUBLIC AUCTION
18 IS CONDUCTED PURSUANT TO THIS ARTICLE 12.5, THE REDEEMING LAWFUL
19 HOLDER MAY REDEEM THE PROPERTY BY PAYING TO THE TREASURER, NO
20 LATER THAN 12 NOON ON THE LAST DAY OF THE LAWFUL HOLDER'S
21 REDEMPTION PERIOD, IN A FORM SPECIFIED BY THE TREASURER, THE
22 AMOUNT FOR WHICH THE PROPERTY WAS SOLD WITH INTEREST FROM THE
23 DATE OF SALE, TOGETHER WITH ANY APPLICABLE FEES OR COSTS.
24 INTEREST ON THE AMOUNT FOR WHICH THE PROPERTY WAS SOLD IS
25 CHARGED AT THE DEFAULT RATE SPECIFIED IN THE UNDERLYING TAX LIEN.

26 (b) IF THE REDEEMING LAWFUL HOLDER IS THE SAME PERSON AS
27 THE PURCHASER, REGARDLESS OF THE NUMBER OF CONSECUTIVE LIENS

1 HELD BY THE REDEEMING LAWFUL HOLDER, THE REDEEMING LAWFUL
2 HOLDER SHALL ONLY PAY TO THE TREASURER THE UNPAID FEES AND COSTS
3 REQUIRED BY THE REDEMPTION AND PROVIDE THE STATEMENT DESCRIBED
4 IN SUBSECTION (1)(c) OF THIS SECTION.

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

13 (5) **Certificate of redemption.** UPON RECEIPT OF THE
14 REDEMPTION PAYMENT PURSUANT TO SUBSECTION (4) OF THIS SECTION,
15 THE TREASURER SHALL EXECUTE AND RECORD A CERTIFICATE OF
16 REDEMPTION PURSUANT TO SECTION 39-12.5-112.

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

1 THE STATEMENT OF REDEMPTION WITH THE PER DIEM AMOUNTS THAT
2 ACCRUE THEREAFTER. AT ANY TIME BEFORE THE EXPIRATION OF A LAWFUL
3 HOLDER REDEMPTION PERIOD, THE REDEEMING LAWFUL HOLDER MAY
4 SUBMIT A REVISED OR CORRECTED CERTIFICATE.

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

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

19 (9) **No partial redemption.** A LAWFUL HOLDER HOLDING A LIEN
20 ON LESS THAN ALL OF, OR A PARTIAL INTEREST IN, THE PROPERTY SHALL
21 REDEEM THE ENTIRE PROPERTY. NO PARTIAL REDEMPTION IS PERMITTED
22 UNDER THIS ARTICLE 12.5. THE PRIORITY OF LIENS FOR PURPOSES OF THIS
23 SECTION IS TO BE DETERMINED WITHOUT CONSIDERATION OF THE FACT
24 THAT THE LIEN RELATES TO ONLY A PORTION OF THE PROPERTY OR TO A
25 PARTIAL INTEREST THEREIN.

26 **39-12.5-112. Certificate of redemption - issuance.** (1) NO
27 SOONER THAN FIFTEEN BUSINESS DAYS FOLLOWING A PUBLIC AUCTION BUT

1 NO LATER THAN FIVE BUSINESS DAYS FOLLOWING A TREASURER'S RECEIPT
2 OF REDEMPTION MONEY PAID UNDER SECTION 39-12.5-111, THE
3 TREASURER SHALL EXECUTE AND RECORD IN EACH COUNTY WHERE THE
4 PROPERTY OR A PORTION THEREOF IS LOCATED A CERTIFICATE OF
5 REDEMPTION CONTAINING:

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

12 (2) THE TREASURER SHALL RETAIN THE RECORDED CERTIFICATE OF
13 REDEMPTION IN THE OFFICER'S RECORDS.

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

17 **39-12.5-113. Redemption of the property by a lienor -**
18 **procedure. (1) Requirements for redemption.** A LIENOR IS ENTITLED
19 TO REDEEM A PORTION OF THE OVERBID AMOUNT, IF THE FOLLOWING
20 REQUIREMENTS ARE MET TO THE SATISFACTION OF THE TREASURER:

- 21 (a) THE LIENOR'S LIEN IS A LIEN THAT IS CREATED OR RECOGNIZED
22 BY STATE OR FEDERAL STATUTE OR BY JUDGMENT OF A COURT OF
23 COMPETENT JURISDICTION;
- 24 (b) THE LIEN IS A JUNIOR LIEN;
- 25 (c) THE LIENOR'S LIEN APPEARS BY INSTRUMENTS THAT WERE
26 DULY RECORDED IN THE OFFICE OF THE CLERK AND RECORDER OF THE
27 COUNTY PRIOR TO THE TREASURER RECORDING THE APPLICATION FOR

1 PUBLIC AUCTION PURSUANT TO SECTION 39-12.5-103 AND THE LIENOR IS
2 ONE OF THE PERSONS WHO WOULD BE ENTITLED TO CURE PURSUANT TO
3 SECTION 38-38-104 (1) IN THE CASE OF A FORECLOSURE, REGARDLESS OF
4 WHETHER SUCH LIENOR FILED A NOTICE OF INTENT TO CURE. IF, PRIOR TO
5 THE DATE AND TIME OF THE TREASURER RECORDING OF THE APPLICATION
6 FOR PUBLIC AUCTION PURSUANT TO SECTION 39-12.5-103 (2), A LIEN WAS
7 RECORDED IN AN INCORRECT COUNTY, THE HOLDER'S RIGHTS UNDER THIS
8 SECTION ARE VALID ONLY IF THE LIEN IS RERECORDED IN THE CORRECT
9 COUNTY AT LEAST FIFTEEN CALENDAR DAYS PRIOR TO THE PUBLIC
10 AUCTION.

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

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

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

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

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

25 (e) THE LIENOR HAS ATTACHED TO THE NOTICE OF INTENT TO
26 REDEEM THE ORIGINAL INSTRUMENT AND ANY ASSIGNMENT OF THE LIEN
27 TO THE PERSON ATTEMPTING TO REDEEM, OR CERTIFIED COPIES THEREOF,

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

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

13 (2) **Redemption period.** (a) AFTER THE PERIOD TO REDEEM
14 DESCRIBED IN SECTION 39-12.5-111 (4)(a), EACH LIENOR ENTITLED TO
15 REDEEM HAS, IN SUCCESSION, AN ADDITIONAL PERIOD OF FIVE BUSINESS
16 DAYS TO REDEEM. THE RIGHT TO REDEEM IS IN PRIORITY OF SUCH LIENS
17 ACCORDING TO THE RECORDS.

18 (b) ON THE NINTH BUSINESS DAY AFTER THE DATE OF SALE, THE
19 TREASURER SHALL SET THE DATES OF THE REDEMPTION PERIOD OF EACH
20 LIENOR IN ACCORDANCE WITH THIS SUBSECTION (2) AND SECTION
21 39-12.5-111 (4). THE REDEMPTION PERIOD OF A LIENOR MUST NOT BE
22 SHORTENED OR ALTERED BY THE FACT THAT A PRIOR LIENOR REDEEMED
23 BEFORE THE EXPIRATION OF A DIFFERENT LIENOR'S REDEMPTION PERIOD.

24 (3) **Certificate of redemption.** UPON THE EXPIRATION OF EACH
25 REDEMPTION PERIOD UNDER THIS SECTION, THE TREASURER SHALL
26 DISBURSE ALL REDEMPTION PROCEEDS TO THE PERSONS ENTITLED TO
27 RECEIVE THEM.

1 (4) **Certificate of lienor.** A LIENOR SHALL DELIVER TO THE
2 TREASURER A SIGNED AND PROPERLY ACKNOWLEDGED STATEMENT BY THE
3 LIENOR SHOWING THE AMOUNT OWING ON SUCH LIEN, INCLUDING PER DIEM
4 INTEREST AND FEES AND COSTS ACTUALLY INCURRED FOR WHICH THE
5 LIENOR HAS SUBMITTED TO THE TREASURER RECEIPTS, INVOICES,
6 EVIDENCE OF ELECTRONIC ACCOUNT-TO-ACCOUNT TRANSFERS, OR COPIES
7 OF LOAN SERVICING COMPUTER SCREENS EVIDENCING THE FEES AND COSTS
8 AND VERIFYING THAT THE FEES AND COSTS WERE ACTUALLY INCURRED AS
9 OF THE DATE OF THE STATEMENT OF REDEMPTION WITH THE PER DIEM
10 AMOUNTS THAT ACCRUE THEREAFTER. AT ANY TIME BEFORE THE
11 EXPIRATION OF A LIENOR REDEMPTION PERIOD, THE LIENOR MAY SUBMIT
12 A REVISED OR CORRECTED CERTIFICATE.

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

21 **39-12.5-114. Federal redemption rights.** ANY REDEMPTION
22 RIGHTS GRANTED UNDER FEDERAL LAW ARE SEPARATE AND DISTINCT
23 FROM THE REDEMPTION RIGHTS GRANTED UNDER THIS ARTICLE 12.5. ALL
24 LIENS THAT ARE JUNIOR TO A TAX LIEN PURSUANT TO THIS ARTICLE 12.5
25 ARE DIVESTED BY THE PUBLIC AUCTION CONDUCTED IN ACCORDANCE WITH
26 THIS ARTICLE 12.5, SUBJECT TO THE REDEMPTION RIGHTS PROVIDED IN
27 THIS ARTICLE 12.5. THE TREASURER CONDUCTING A PUBLIC AUCTION

1 UNDER THIS ARTICLE 12.5 IS NOT DESIGNATED TO RECEIVE REDEMPTIONS
2 UNDER FEDERAL LAW.

3 **39-12.5-115. Certificate of property purchase - assignability.**

4 (1) THE TREASURER SHALL PREPARE, SIGN, AND RETAIN FOR SAFEKEEPING
5 OR DELIVER TO THE PURCHASER A CERTIFICATE OF PROPERTY PURCHASE
6 DESCRIBING THE PROPERTY AND CONFIRMING, EXCEPT IN THE CASE OF THE
7 PURCHASER DESCRIBED IN SECTION 39-12.5-101 (12)(c), THAT PAYMENT
8 HAS BEEN MADE. THE TREASURER MAY CHARGE THE PURCHASER A FEE FOR
9 EACH SUCH CERTIFICATE.

10 (2) THE CERTIFICATE OF PROPERTY PURCHASE IS ASSIGNABLE BY
11 ENDORSEMENT, AND AN ASSIGNMENT THEREOF, WHEN ENTERED UPON THE
12 RECORD OF SALES IN THE OFFICES OF THE COUNTY CLERK AND RECORDER
13 AND THE TREASURER, VESTS IN THE ASSIGNEE OR THE ASSIGNEE'S LEGAL
14 REPRESENTATIVE ALL THE RIGHT AND TITLE OF THE PURCHASER.

15 **39-12.5-116. Presentation of certificate of property purchase
16 for deed - fee - purchase by a local government.**

(1) THE TREASURER
17 SHALL MAKE OUT AND DELIVER A DEED FOR EACH LOT, PARCEL, INTEREST,
18 OR IMPROVEMENT FOR WHICH A CERTIFICATE OF PROPERTY PURCHASE WAS
19 SOLD AND WHICH REMAINS UNREDEEMED ON DEMAND OF:

20 (a) THE PURCHASER OR LAWFUL HOLDER OF A CERTIFICATE OF
21 PROPERTY PURCHASE ISSUED PURSUANT TO SECTION 39-12.5-115; OR

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

24 (2) THE TREASURER IS ENTITLED TO A FEE FOR:

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

27 (b) EACH DEED ACKNOWLEDGED BY THE TREASURER PURSUANT TO

1 THIS SECTION.

2 (3) (a) IF A CERTIFICATE OF PROPERTY PURCHASE IS LOST OR
3 WRONGFULLY WITHHELD FROM THE RIGHTFUL OWNER AND THE PROPERTY
4 HAS NOT BEEN REDEEMED, A CLAIMANT MAY FILE A CLAIM WITH THE
5 TREASURER.

6 (b) AFTER REVIEWING A CLAIM FILED BY A CLAIMANT PURSUANT
7 TO SUBSECTION (3)(a) OF THIS SECTION, THE TREASURER MAY ISSUE AN
8 ORDER STATING THAT THE CERTIFICATE OF PROPERTY PURCHASE WAS LOST
9 OR WRONGFULLY WITHHELD FROM THE RIGHTFUL OWNER. THE TREASURER
10 SHALL DELIVER SUCH AN ORDER TO THE CLAIMANT AND FILE A COPY OF
11 THE CERTIFICATE WITH THE CLERK AND RECORDER.

12 (4) (a) WHENEVER ANY CERTIFICATE OF PROPERTY PURCHASE IS
13 BID ON BY OR FOR A CITY, TOWN, OR CITY AND COUNTY AT A PUBLIC
14 AUCTION, SUCH CITY, TOWN, OR CITY AND COUNTY IS ENTITLED TO A DEED,
15 IN THE SAME MANNER AS OTHER PURCHASERS AT SUCH PUBLIC AUCTIONS.

16 (b) THE TREASURER OF A COUNTY, CITY, TOWN, OR CITY AND
17 COUNTY THAT PURCHASES A CERTIFICATE OF PROPERTY PURCHASE AT A
18 PUBLIC AUCTION MAY ASSIGN AND DELIVER THE RESULTING DEED. IN SO
19 DOING, THE TREASURER SHALL CHARGE AN AMOUNT EQUAL TO THE
20 COMBINATION OF:

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

23 (II) ANY INTEREST AND COSTS THAT ACCRUED ON THE AMOUNT
24 PAID AT THE PUBLIC AUCTION BY THE COUNTY, CITY, TOWN, OR CITY AND
25 COUNTY; AND

26 (III) ANY FEE AMOUNT DETERMINED BY THE BOARD OF COUNTY
27 COMMISSIONERS OR OTHER BOARD AUTHORIZED TO PERFORM THE DUTIES

1 OF A BOARD OF COUNTY COMMISSIONERS.

2 **39-12.5-117. Fees and costs.** (1) ALL FEES AND COSTS INCURRED
3 PURSUANT TO THIS ARTICLE 12.5 ARE CHARGEABLE AS ADDITIONAL
4 AMOUNTS OWING UNDER THE TAX LIEN. THE TREASURER SHALL DEDUCE
5 SUCH ADDITIONAL AMOUNTS FROM THE PROCEEDS OF ANY PUBLIC
6 AUCTION. IF THERE ARE NOT CASH PROCEEDS FROM THE PUBLIC ADEQUATE
7 TO PAY SUCH ADDITIONAL AMOUNTS, TO THE EXTENT OF THE
8 INADEQUACY, THE PURCHASER OR LAWFUL HOLDER SHALL PAY SUCH
9 AMOUNTS.

10 (2) THE TREASURER MAY DECLINE TO ISSUE THE CERTIFICATE OF
11 PROPERTY PURCHASE PURSUANT TO SECTION 39-12.5-115 UNTIL ALL FEES
12 AND COSTS INCURRED PURSUANT TO THIS ARTICLE 12.5 IN CONNECTION
13 WITH THE PUBLIC AUCTION HAVE BEEN PAID.

14 **39-12.5-118. Abbreviations, letters, and figures may be used.**
15 IN ALL ADVERTISEMENTS FOR THE PUBLIC AUCTION AND IN ENTRIES
16 REQUIRED TO BE MADE BY THE ASSESSOR, COUNTY CLERK AND RECORDER,
17 TREASURER, OR OTHER COUNTY OFFICERS IN LISTS, BOOKS, ROLLS,
18 CERTIFICATES, RECEIPTS, DEEDS, OR NOTICES, THE ASSESSOR, COUNTY
19 CLERK AND RECORDER, TREASURER OR OTHER COUNTY OFFICER MAY USE
20 LETTERS, FIGURES, AND ABBREVIATIONS TO DENOTE TOWNSHIPS, RANGES,
21 SECTIONS, PARTS OF SECTIONS, LOTS, BLOCKS, DATES AND AMOUNTS OF
22 TAXES, DELINQUENT INTEREST, AND COSTS.

23 **SECTION 5. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety.