

PROPOSED AMENDMENT

HB 1048 # 3

DIGEST

Sheriff's sale. Allows certain persons to have a sheriff's sale of the tract of real property rendered null and void by a court if the purchaser of the tract is ineligible to bid on or purchase the tract.

- 1 Page 6, between lines 17 and 18, begin a new paragraph and insert:
2 "**(d) If a person purchases real property that the person was not**
3 **eligible to purchase under this section, the sale of the real property**
4 **is rendered null and void if the following occurs:**
5 **(1) A person who is:**
6 **(A) a political subdivision in which the tract of real**
7 **property is located;**
8 **(B) a person who bid on the tract of real property; or**
9 **(C) an owner of real property that is contiguous to the**
10 **tract of real property;**
11 **files a petition with the court having jurisdiction in the county**
12 **where the tract of real property is located not later than**
13 **forty-five (45) business days after the date of the sale.**
14 **(2) Notice of the petition filing is given to each owner of the**
15 **tract of real property and any person holding a substantial**
16 **interest of record in the tract of real property by certified**
17 **mail, return receipt requested.**
18 **(3) The court holds a hearing on the petition not later than**
19 **thirty (30) days following the date that notice is sent under**
20 **subdivision (2).**
21 **(4) The court finds that the purchaser was ineligible. If the**
22 **court finds that the purchaser was ineligible, the court shall**
23 **issue an order that does the following:**
24 **(A) Declares the purchaser ineligible at the time of sale.**
25 **(B) Orders the tract of real property eligible for sale again**
26 **at sheriff's sale.**
27 **(C) Orders a refund to the purchaser of the amount paid**

1 **by the purchaser for the tract of real property. However**
2 **any administrative fees related to the sale or compensation**
3 **for improvements made by the purchaser to the property**
4 **are nonrefundable.**

5 **(e) If a petition is not filed within forty-five (45) business days**
6 **after the date of the sale as provided in subsection (d)(1), the**
7 **person is considered to be an eligible purchaser for the sale of that**
8 **tract of real property."**

(Reference is to HB 1048 as reprinted January 27, 2022.)