

ORDINANCE NO. 2015-R- 2

DEKALB COUNTY CODE SECTION - -

DEKALB COUNTY COMMISSIONERS

AN ORDINANCE REGULATING PURCHASERS OF REAL ESTATE

IN A COMMISSIONERS' CERTIFICATE SALE AND

RESTRICTING THE SUBSEQUENT TRANSFER OF REAL ESTATE

PURCHASED AT A COMMISSIONERS' CERTIFICATE SALE

WHEREAS, the DeKalb County Commissioners (Commissioners) as the legislative and executive branch of DeKalb County Government, may schedule a certificate sale of real estate which has not sold at a tax sale; and

WHEREAS, said certificate sale is conducted pursuant to I.C. 6-1.1-24; and

WHEREAS, I.C. 6-1.1-24-5.3, among other things, prohibits a person from purchasing a tract offered for such certificate sale, who in the county in which a sale is held under I.C. 6-1.1-24, owes delinquent taxes; special assessments; penalties; interest; or costs directly attributable to a prior tax sale; and

WHEREAS, a loophole in said Section 5.3 permits such person who owes delinquent taxes; special assessments; penalties, interest; or such costs to purchase said real estate from a third person who successfully purchases such a certificate at a Commissioners' certificate sale; and

WHEREAS, Commissioners desire to close this loophole pursuant to authority granted them under the "Home Rule" statute (I.C. 36-1-3); and there is no legislation currently in existence to preclude them from doing so; and

WHEREAS, Commissioners seek to preclude the ultimate sale to a person who owes delinquent taxes, special assessments, penalties, interest, or costs directly attributable to a prior tax sale from acquiring title to real estate sold at a certificate sale for a period of two (2) years from said certificate sale; and

WHEREAS, Commissioners can require any purchaser at a certificate sale to sign a statement that said person shall not sell or assign the real estate acquired through a certificate sale to a person who owes delinquent taxes, special assessments, penalties, interest, or costs directly attributable to a prior tax sale for a period of two (2) years; and also to make this provision a condition to any sale or other transfer of said real property to a third person for the remainder of said two (2) year period; and

WHEREAS, the penalty for such a purchaser at a certificate sale or successor in interest or in title who violates this provision shall be subject to the same forfeiture provision set forth in I.C. 6-1.1-24-5.3.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMISSIONERS OF DEKALB COUNTY, INDIANA, THAT:

- Section 1. All persons who purchase real estate at a certificate sale and their successors in title for a period of two (2) years from the certificate sale shall be precluded from selling or otherwise transferring any interest in said real estate purchased at the certificate sale to a person who owes delinquent taxes, special assessments, penalties, interest, or costs directly attributable to a prior tax sale.
- Section 2. All persons who purchase real estate at a certificate sale must sign a statement confirming and agreeing to this restriction on sale or other transfer.
- Section 3. The statement referred to in Section 2 shall also include a provision that the person purchasing real estate at a certificate sale or a successor in interest to that person who, within said two (2) years of the certificate sale violates this Ordinance shall be subject to forfeiture of the person's or successors' interest in said real estate as provided in I.C. 6-1.1-24-5.3.

Ordinance Codified: This DeKalb County Ordinance Number 2015-R- 2 is passed and adopted on all three readings and shall be codified in the DeKalb County Code as DeKalb County Code \_\_-\_\_-\_\_ and properly indexed in the Code.

READ AND PASSED ON FIRST READING: Monday, February 9, 2015.

READ AND PASSED ON SECOND READING: Monday, February 9, 2015.

READ AND PASSED ON THIRD READING: Monday, February 9, 2015.


This Ordinance No. 2015-R- 2 codified as DeKalb County Code Section    -    -    is signed, approved and adopted after all three readings by the Commissioners of DeKalb County, Indiana.

**COMMISSIONERS:**

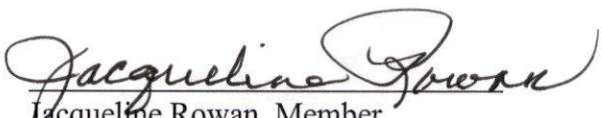
BY:

  
Donald D. Grogg, President

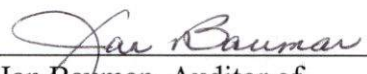
BY:

  
Randall J. Deetz, Vice President

BY:

  
Jacqueline Rowan, Member

Attested By:

  
Jan Bauman, Auditor of  
DeKalb County, Indiana