

14 B-3

ORDINANCE NO. _____

ORDINANCE ESTABLISHING THE LAKE COUNTY
TAX SALE LOCAL RULES
AND

REPEALING ORDINANCE NO. 1412B, THE ORDINANCE ESTABLISHING
THE LAKE COUNTY TAX SALE LOCAL RULES ADOPTED ON SEPTEMBER 12, 2017

WHEREAS, pursuant to I.C. 36-2-3.5, et. seq., the Lake County Council is the fiscal and legislative body of Lake County, Indiana; and

WHEREAS, pursuant to I.C. 36-2-3.5-5, the Lake County Council may pass all ordinances, orders, resolutions and motions for the Government of Lake County, Indiana; and

WHEREAS, pursuant to I.C. 6-1.1-24, et. seq., and I.C. 6-1.1-25, et. seq., Lake County conducts both Treasurer Tax Sales and Commissioner Tax Sales for real estate located in Lake County, Indiana; and

WHEREAS, the "Home Rule Statute", I.C. 36-1-3-4, allow counties to establish local rules to conduct its affairs; and

WHEREAS, the Lake County Council desires to create the Lake County Tax Sale Local Rules.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

That the Lake County Council hereby establishes the following Lake County Tax Sale Local Rules for tax sale buyers:

1. All Commissioner tax sale bidders must register in person and provide identification at the Lake County Auditor Tax Sale Department. All bidders must sign, date and print their name under their signature on a Bidder's Contract, which binds the bidder to all local tax sale rules and regulations and any then-existing county tax sale manual.
2. All bidders at Commissioner Sales must pay by cashier's check or money order a Five Hundred Dollar (\$500) bidder's registration fee, which will be applied to any winning bid or refunded if no winning bid is made or applied to the bidder's delinquent taxes.
3. Pursuant to Indiana Code 6-1.1-24-16, all bidders at the time of pre-sale registration must pay by cashier's check or money order a One Hundred Dollar (\$100) non-refundable "paddle fee" in order to participate as a tax sale bidder and said fees will be deposited

into the County General Fund and said fees may only be used to defray expenses of the tax sale or reduce the number of vacant and abandoned houses.

4. All tax sale bidders must swear or affirm that the bidder (either individually and/or his/her business entity, principals, agents, etc.) does not owe delinquent property taxes in any Indiana County, including Lake, nor have open bankruptcies. If the bidder does have such delinquent taxes or open bankruptcies, the tax sale registration may be rejected immediately and any accepted and paid registration fee and/or tax sale bid may be subject to immediate forfeiture for payment of delinquent taxes.
5. Bidders may not bid "ON BEHALF OF" nor "AT THE DIRECTION OF" any other person or entity. Bidders must bid on their own behalf and pay for the certificates on their own behalf. Bidders may not bid for other people/entities who owe delinquent taxes on any parcel-doing so constitutes fraud upon the Lake Circuit Court Tax Sale Process. Such a bid may also be in violation of I.C. 6-1.1-24-5.3. Any violation of the bidder contract or Indiana statutes will be grounds for the Auditor to vacate the subject tax sale and ban the offending bidder from all future tax sales.
6. The name with which a tax sale bidder registers to participate in the tax sale is the name which will appear on the tax sale certificate and/or tax sale deed. Any documents filed with or picked up from the Auditor Tax Sale Department must be filed or picked up by the bidder/buyer/certificate holder themselves or by their legal counsel.
7. All assignments of a Commissioner tax sale certificate must be signed, notarized and filed with Auditor Tax Sale Department prior to the filing of a Verified Petition for Tax Deed with the Circuit Court. If the assignment is filed after the filing of the Verified Petition for Tax Deed, the tax deed shall be issued in the name of the original buyer. Any attempted assignments to persons or entities that owe delinquent taxes or are otherwise ineligible to be bidders at tax sale shall be deemed null and void and subject the original buyer and assignee to be banned from future tax sales.
8. All tax sale buyers must obtain a commercially-issued real estate title search on the parcel to properly identify anyone with a substantial property interest of public record in the parcel who must then be issued requisite statutory post-sale notices via certified mail.
9. All tax sale buyers must have the tax certificate, title work and post-sale certified mail notices (4.5 and 4.6) reviewed by the Auditor's Office staff and/or Auditor's legal counsel prior to attending a court hearing to issue a tax deed.
10. All buyers must attend all tax deed court hearings and must attend with legal counsel if required by Indiana law.

11. Payment of tax sale bid amounts by tax sale buyers must be made on the date of purchase and in the tax sale buyer's own name and not by other third parties. Failure to timely pay and/or payment made by a non-registered buyer will nullify the tax sale and subject the tax sale buyer to any and all other statutory penalties. An initial acceptance of a late payment by Lake County shall **NOT** serve as a **WAIVER** of the rights of the County to declare the payment late and unacceptable and the tax sale void. Receipts for tax sale payments will only be delivered to the buyer or buyer's legal counsel for signature.
12. In order to be reimbursed for previously paid tax sale notification expenses, title search and attorney fees, all tax certificate Buyers must timely sign, print their name upon and file a State Form 137B with the Auditor Tax Sale Department upon which they swear and affirm that the Buyer has previously incurred and paid said listed expenses as of the date that the Form 137B is filed with the Auditor's office. A copy of the payment check or statement that it was paid in cash with copies of payment receipts from attorney and title company are also required. Swearing or affirming that such expenses have been previously incurred and paid when in fact they have not, constitutes fraud upon the tax sale process and subjects the sales to immediate cancellation.
13. All tax sale buyers acknowledge receipt of the Internal Revenue Service's (IRS) Federal Tax Lien Consent Form and agree to be bound by its terms and conditions, including but not limited to, federal tax lien noticing requirements. Further, all tax certificate purchases are subject to federal tax liens even if the lien(s) is filed after the date of sale and less than 90 days prior to the expiration of the redemption period and therefore, subject to the Government's right of redemption.
14. The mere purchase of a tax sale certificate does not convey any ownership rights to the parcel, unless or until, the purchaser has met all Indiana Code requirements (including proper notice provisions) and the Lake Circuit Court has ordered the issuance of a tax deed and the tax deed has been issued and recorded. Prior to that time, tax sale purchasers have no legal right to enter the tax sale parcel premises or contact/harass any occupant of said premises. Any such entry or contact may be considered Criminal Trespass and/or Harassment.
15. All Court Orders to issue tax deed signed by the Judge will be null and void unless delivered to Lake County Auditor Tax Sale Department within 150 days from the court date that the Petition for Tax Deed was granted, together with Sales Disclosure Form, payment of deed recording fees and payment of remaining and/or subsequent taxes by cashier's check or money order and must be issued in the name of the tax sale buyer.
16. All Court Orders to issue tax deed must be prepared by the tax sale buyer or buyer's legal counsel and must contain the following language: "That Petitioner shall file this Order to Issue Tax Deed with the Lake County Auditor Tax Sale Department within 150 days of

the hearing date at which the tax deed petition was granted, together with the necessary Sales Disclosure Form, payment of tax deed recording fees and payment of subsequent or outstanding real property taxes. Petitioner's failure to perform any of the foregoing within 150 days from the subject hearing date shall make this Order to Issue Tax Deed null and void. The Court will not entertain nor approve Motions to Extend said filing deadline."

17. No tax deed will issue from the Lake County Auditor until remaining taxes and/or subsequent taxes and tax deed recording fees are paid in full by the tax sale purchaser or a certificate gift grantee by way of cashier's check or money order issued in the name of the tax sale purchaser as remitter.
18. Pursuant to Indiana Code 34-9-1-1, all sale bidders that are corporations, limited liability companies (LLC) or partnerships are required to be represented by licensed legal counsel in the preparation and issuance of the required tax sale notices (4.5 and 4.6) and said legal counsel must attend all Lake Circuit Court tax deed hearings on behalf of the bidder/buyer corporation and/or LLC. All such business entities must also provide a current Indiana Secretary of State official Certificate of Existence/Authorization.

That this Ordinance repeals and replaces Ordinance No. 1412B, the Ordinance Establishing the Lake County Sale Local Rules, adopted on September 12, 2017.

SO ORDAINED THIS _____ DAY OF _____, 2020.

TED F. BILSKI, President

DAVID HAMM

CHRISTINE CID

CHRISTIAN J. JORGENSEN

ALFREDO MENCHACA

DANIEL E. DERNULC

CHARLIE BROWN

Members of the Lake County Council

ORDINANCE ESTABLISHING THE
LAKE COUNTY TAX SALE LOCAL RULES

WHEREAS, pursuant to I.C. 36-2-3.5, et. seq., the Lake County Council is the fiscal and legislative body of Lake County, Indiana; and

WHEREAS, pursuant to I.C. 36-2-3.5-5, the Lake County Council may pass all ordinances, orders, resolutions and motions for the Government of Lake County, Indiana; and

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WHEREAS, the "Home Rule Statute", I.C. 36-1-3-4, allows counties to establish local rules to conduct its affairs; and

WHEREAS, the Lake County Council desires to create the Lake County Tax Sale Local Rules.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

The Lake County Council hereby establishes the following Lake County Tax Sale Local Rules for tax sale buyers:

1. All buyers must register as a tax sale bidder in person, sign a bidder packet acknowledging the local rules, provide identification and pay a Five Hundred (\$500.00) Dollar tax sale bidder registration fee which is applied to any winning bid or refunded if no winning bid is made or applied to the bidder's delinquent taxes.
2. All bids are final and if a buyer fails to pay the winning bid in a timely manner, the bidder is banned from all future tax sales.
3. All buyers must obtain a professionally issued real estate title search on the parcel to properly identify anyone with a substantial property interest of public record in the parcel who must then receive the requisite statutory post-sale notices via certified mail.
4. All buyers must have the post-sale certified mail notices (4.5 and 4.6) reviewed by the Auditor's Office staff prior to attending a court hearing to issue a tax deed.
5. All buyers must attend all tax deed court hearings (must attend with legal counsel if required by Indiana Law).

6. All buyers must file with the Auditor Tax Sale Department the Original Tax Certificate, Court Order to Issue Tax Deed and real estate sales disclosure forms within 90 days of the tax deed court hearing.
7. All buyers must pay tax deed recording fees to the Auditor Tax Sale Department within 90 days of the tax deed court hearing.
8. All buyers must pay any remaining and/or subsequent taxes that accrued on the parcel for tax years not included on the original tax certificate.
9. All buyers must file any written tax certificate assignments with the Auditor Tax Sale Department prior to the filing of a Verified Petition for Tax Deed with the Lake Circuit Court to ensure that the Court Order to issue Tax Deed matches the correct Buyer name/information. In addition, any attempted written assignment to a person or entity that owes outstanding real or personal property taxes will be null and void.

SO ORDAINED THIS 12th DAY OF September, 2017.


TED F. BILSKI, President

CHRISTINE CID


DANIEL E. DERNULC


ELDON STRONG

PRESENTED TO
BOARD OF COMMISSIONERS
BY LAKE COUNTY AUDITOR

SEP 13 2017 m/c


DAVID HAMM


ELSIE FRANKLIN

JAMAL WASHINGTON

Members of Lake County Council



BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE




APPROVED THIS 12th DAY OF September, 2017