

Reprinted 3/25/86

MAR 12 1986

Place On Calendar

HOUSE FILE 2455
BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(Formerly House Study Bill 782)

Passed House, Date 3-21-86 (p.958) Passed Senate, Date 4-2-86 (p.1000)

Vote: Ayes 98 Nays 0 Vote: Ayes 44 Nays 2

Approved April 28, 1986 (p.1856)

A BILL FOR

1 An Act relating to tax sales and redemptions, by revising
2 provisions governing notice and other procedures.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

HF 2455

1 Section 1. Section 135D.24, subsection 1, Code Supplement
2 1985, is amended to read as follows:

3 1. The semiannual tax is due and payable to the county
4 treasurer semiannually on January 1 and July 1 in each year;
5 and. It is delinquent April 1 and October 1 in each year, at
6 which time a penalty of one percent shall be added each month
7 until paid except that the limitation in section 445.20
8 applies. Both semiannual payments of taxes may be paid at one
9 time if so desired. A mobile home put to use at any time
10 after January 1 or July 1 is subject to the taxes prorated for
11 the remaining unexpired months of the tax period. Taxes
12 prorated on or after April 1 are due July 1 and must be paid
13 at the same time and in the same manner as the September
14 payment of property taxes. Taxes prorated on or after October
15 1 are due January 1 and must be paid at the same time and in
16 the same manner as the March payment of property taxes. The
17 semiannual tax periods for mobile home tax are January 1
18 through June 30 and July 1 through December 31. ~~On May 1 of~~
19 ~~each year, the county treasurer shall send, by mail, a~~
20 ~~statement to each delinquent mobile home taxpayer to notify~~
21 ~~the taxpayer that the mobile home will be offered at the next~~
22 ~~annual tax sale for nonpayment of one or more semiannual tax~~
23 ~~payments.~~ If taxes are not paid, the treasurer shall send a
24 statement of delinquent taxes as part of the notice of tax
25 sale as provided in section 446.9.

26 Sec. 2. Section 445.1, Code 1985, is amended to read as
27 follows:

28 445.1 DUTY OF TREASURER.

29 The treasurer, after making the entry provided in section
30 445.10, shall proceed to collect the taxes, and the list shall
31 be ~~is~~ the treasurer's authority and justification against any
32 illegality in the proceedings prior to receiving the list; ~~and~~
33 the. ~~The treasurer is~~ shall also ~~authorized and required to~~
34 collect, as far as practicable, the taxes remaining unpaid on
35 the tax books or other records approved by the state auditor

1 of previous years, ~~the treasurer's efforts to that end to~~
2 ~~include the sending by mail of a statement to each delinquent~~
3 ~~taxpayer not later than May 1 of each fiscal year. If the~~
4 ~~taxes are not paid, the treasurer shall send a statement of~~
5 ~~delinquent taxes as part of the notice of tax sale as provided~~
6 ~~in section 446.9.~~

7 Sec. 3. Section 446.9, Code 1985, is amended by striking
8 the section and inserting in lieu thereof the following:

9 446.9 NOTICE OF SALE -- SERVICE -- PUBLICATION.

10 1. A notice of the time and place of the annual tax sale
11 shall be served upon the person in whose name the real estate
12 subject to sale is taxed. The treasurer shall serve the
13 notice by sending it by regular first class mail to the
14 person's last known address not later than May 1 of each
15 fiscal year. The notice shall contain a description of the
16 real estate to be sold which is clear, concise, and sufficient
17 to distinguish the real estate to be sold from all other
18 parcels. It shall also contain the amount of delinquent
19 taxes, both regular and special, for which the real estate is
20 liable each year, the amount of the penalty, interest, and
21 five dollars representing costs, all to be incorporated as a
22 single sum. The notice shall contain a statement that, after
23 the sale, if the real estate is not redeemed within the period
24 provided in chapter 447, the right to redeem expires and a
25 deed may be issued.

26 2. Publication of the time and place of the annual tax
27 sale shall be made once by the treasurer in an official
28 newspaper in the county at least one week, but not more than
29 three weeks, before the day of sale. The publication shall
30 contain a description of the real estate to be sold that is
31 clear, concise, and sufficient to distinguish the real estate
32 to be sold from all other parcels. All items offered for sale
33 pursuant to section 446.18 may be indicated by an "s" or by an
34 asterisk. The publication shall also contain the name of the
35 person in whose name the real estate to be sold is taxed, the

1 amount of delinquent taxes, both regular and special, for
2 which the real estate is liable for each year, the amount of
3 the penalty, interest, and five dollars representing costs,
4 all to be incorporated as a single sum. The publication shall
5 contain a statement that, after the sale, if the real estate
6 is not redeemed within the period provided in chapter 447, the
7 right to redeem expires and a deed may be issued.

8 3. In addition to the notice required by subsection 1 and
9 the publication required by subsection 2, the treasurer shall
10 send, at least one week, but not more than three weeks, before
11 the day of sale, a notice of sale in the form prescribed by
12 subsection 1, by regular first class mail, to any mortgagee
13 having a lien upon the real estate, a vendor of the real
14 estate under a recorded contract of sale, a lessor who has a
15 recorded lease or memorandum of a recorded lease, and to any
16 other person who has an interest of record in the real estate,
17 if the mortgagee, vendor, lessor, or other person having an
18 interest of record has done both of the following:

19 a. Has requested, on a form prescribed by the treasurer,
20 that notice of sale be sent to the person.

21 b. Has filed the request form with the treasurer at least
22 one month prior to the date of sale, together with a fee of
23 twenty-five dollars.

24 The request for notice is valid for a period of five years
25 from the date of filing with the treasurer. The request for
26 notice may be renewed for additional periods of five years by
27 the procedure specified in this subsection.

28 4. Notice required by subsections 1 and 3 shall be deemed
29 made and completed when the notice is enclosed in a sealed
30 envelope with the proper postage on the envelope, addressed to
31 the person entitled to receive it at the person's last known
32 mailing address, and is deposited in a mail receptacle
33 provided by the United States postal service.

34 Sec. 4. Section 446.10, Code 1985, is amended to read as
35 follows:

1 446.10 COSTS.

2 The compensation for such publication shall not exceed one
3 dollar four dollars for each description separately described
4 parcel, and shall be paid by the county. Headings and other
5 matter shall be compensated for as provided in section 618.11.
6 The amount paid ~~therefor~~ shall be ~~collected-as-a-part-of~~ added
7 to the costs of sale and paid into the county treasury.

8 Sec. 5. Section 446.12, Code 1985, is amended to read as
9 follows:

10 446.12 CERTIFICATE OF PUBLICATION.

11 The treasurer shall obtain a copy of the notice of sale,
12 with a certificate of ~~the~~ its publication ~~thereof~~, from the
13 printer or publisher, and file it in the office of the
14 auditor, which certificate shall be substantially in the
15 following form:

16 I, A B, publisher (or printer) of the
17, a newspaper printed and published in the
18 county of and state of Iowa, ~~do~~-hereby certify that
19 the foregoing notice and list were published in said that
20 ~~newspaper once-in-each-week-for-two-consecutive-weeks, the~~
21 ~~last-of-which-publications-was-made~~ on the day of
22, ~~A:B~~, and that copies of each number
23 issue of said the paper in which said the notice and list were
24 published were delivered by carrier or transmitted by mail to
25 each of the subscribers to said the paper, ~~according-to-the~~
26 ~~accustomed-mode-of-business-in-this-office.~~

27 A B
28 Signature of publisher (or printer)

29 State of Iowa, ss.
30 County.

31 The above certificate of publication was subscribed and
32 sworn to before me by the above named A B
33, who is personally known to me to be the identical
34 person described therein in the certificate, on the
35 day of, ~~A:B~~

1
2 Auditor County, Iowa.

3 Sec. 6. Section 447.9, Code 1985, is amended to read as
4 follows:

5 447.9 NOTICE OF EXPIRATION OF RIGHT OF REDEMPTION.

6 After two years and nine months from the date of sale, or
7 after nine months from the date of a sale made under the
8 provisions of section 446.18, 446.38 or 446.39, the holder of
9 the certificate of purchase may cause to be served upon the
10 person in possession of the real estate, and also upon the
11 person in whose name the real estate is taxed, ~~if the person~~
12 ~~resides in the county where the land is situated,~~ in the
13 manner provided for the service of original notices, a notice
14 signed by the certificate holder or the certificate holder's
15 agent or attorney, stating the date of sale, the description
16 of the property sold, the name of the purchaser, and that the
17 right of redemption will expire and a deed for the land be
18 made unless redemption is made within ninety days from the
19 completed service of the notice. When the notice is given by
20 a county as a holder of a certificate of purchase the notice
21 shall be signed by the county treasurer, and when given by a
22 city, it shall be signed by the city officer designated by
23 resolution of the council. When the notice is given by the
24 Iowa housing finance authority or a city or county agency
25 holding the property as part of an Iowa homesteading project,
26 it shall be signed on behalf of the agency or authority by one
27 of its officers, as authorized in rules of the agency or
28 authority. Service of the notice shall also be made by
29 certified mail on any mortgagee ~~or assignee of record, whether~~
30 ~~resident or nonresident of the county, if the mortgagee's or~~
31 ~~assignee's address is disclosed by the recorded instrument or~~
32 ~~by a certificate showing the address of the mortgagee or~~
33 ~~assignee duly filed with the recorder, or having a lien upon~~
34 the real estate, a vendor of the real estate under a recorded
35 contract of sale, a lessor who has a recorded lease or

1 memorandum of a recorded lease, and any other person who has
2 an interest of record, at the person's last known address, and
3 on the state of Iowa in case of an old-age assistance lien by
4 service upon the state department of human services. The
5 notice shall also be served on any city where the real estate
6 is situated.

7 Sec. 7. Section 447.10, Code 1985, is amended by striking
8 the section and inserting in lieu thereof the following:

9 447.10 SERVICE BY PUBLICATION.

10 If notice in accordance with section 447.9 cannot be served
11 upon a person entitled to notice in the manner prescribed in
12 that section, then the holder of the certificate of purchase
13 shall cause the required notice to be published once in an
14 official newspaper in the county. If service is made by
15 publication, the affidavit required by section 447.12 shall
16 state the reason why service in accordance with section 447.9
17 could not be made. Service of notice by publication shall be
18 deemed complete on the day of the publication.

19 Sec. 8. Section 447.13, Code 1985, is amended to read as
20 follows:

21 447.13 COST -- FEE -- REPORT.

22 The cost of a record search and the cost of serving the
23 notice and-affidavit-of-publication, including the cost of
24 mailing certified mail notices and the cost of publication
25 under section 447.10 if publication is required, shall be
26 added to the amount necessary to redeem. The fee for serving
27 personal service of the notice shall be the same as for
28 service of an original notice, including copy fee and mileage.
29 The treasurer shall file the proof of service and statement of
30 costs and enter it on the sale book against the proper tract
31 of real estate. The holder of the certificate of sale or the
32 holder's agent may shall report in writing to the county
33 treasurer the amount of authorized costs incurred in-giving
34 the-notice, and the treasurer shall enter it in the sale book.
35 A redemption is not complete until the costs are paid. If the

1 property is held by a city or county, a city or county agency,
2 or the Iowa housing finance authority, for use in an Iowa
3 homesteading project, whether or not the property is the
4 subject of a conditional conveyance granted under the project,
5 the costs incurred for repairs and rehabilitation work
6 required and undertaken in order to make the property meet
7 applicable building or housing code standards shall be added
8 to the amount necessary to redeem, and a redemption is not
9 complete until the costs are paid.

10 Sec. 9. NEW SECTION. 589.24A DEFECT IN TAX SALE
11 PROCEEDING.

12 An action shall not be commenced after July 1, 1987, which
13 asserts a claim against any real estate sold at a tax sale,
14 based upon any defect in the tax sale proceeding, including
15 the inadequacy of the notice of tax sale or the inadequacy of
16 the notice of the expiration of the redemption period, where
17 the tax sale was made prior to July 1, 1986.

18 EXPLANATION

19 This bill revises provisions governing notice and proce-
20 dures in tax sales and redemptions. Service by mail is pro-
21 vided to all parties having an interest in the property.

22 The bill provides that a tax sale made prior to July 1,
23 1986 cannot be challenged in court after July 1, 1987, for any
24 defect in the notice or other procedures.

25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 2455

H-5486

1 Amend House File 2455 as follows:

2 1. Page 2, by inserting after line 6 the
3 following:

4 "Sec. ____ . Section 445.8, subsections 2 and 3,
5 Code 1985, are amended to read as follows:

6 2. The treasurer shall cause to be compiled a list
7 of all delinquent personal property taxes for the
8 current assessment year, as shown by the delinquent
9 personal property tax list. ~~Such~~ The list shall show
10 the amount of the taxes delinquent when the amount of
11 the tax is more than five dollars and the amount of
12 penalty, interest, and costs thereon, the name of the
13 owner, if known, or the person, if any, to whom it is
14 taxed, and shall be published in ~~some~~ an official
15 newspaper in the county ~~once-each-week-for-two~~
16 ~~consecutive-weeks, the-last-of~~ which publication shall
17 be not more than two weeks before the third Monday in
18 June, and by immediately posting a copy of the first
19 publication thereof at the door of the courthouse, ~~if~~
20 ~~there-be-one, if-not, at-the-door-of-the-place-where~~
21 ~~the-last-term-of-district-court-was-held.~~ The
22 ~~provisions-of-sections~~ Sections 446.10 and 446.11
23 ~~shall-prevail-in-connection-with~~ apply to the
24 publication of ~~such~~ the notice. The treasurer shall
25 obtain a copy of the notice as published, and a
26 certificate of the publication thereof from the
27 printer or publisher, and file it in the office of the
28 auditor.

29 3. The treasurer shall, within ten days following
30 the ~~final~~ publication of ~~such~~ the notice, issue a
31 distress warrant in the form as prescribed in section
32 445.7. The publication of delinquent personal
33 property tax lists shall include a notice that, unless
34 ~~such~~ the delinquent personal property taxes are paid
35 within ten days of the date of ~~final~~ publication of
36 the notice, a distress warrant will be issued for the
37 collection ~~thereof~~ of the delinquent taxes."

38 2. Page 4, line 4, by striking the words
39 "Headings and other" and inserting the following:
40 "~~Headings-and-other~~".

41 3. Page 4, by striking lines 5 and 6 and
42 inserting the following: "~~matter-shall-be-compensated~~
43 ~~for-as-provided-in-section-618-11.~~ The amount paid
44 ~~therefor~~ shall be collected as a part of".

45 4. Page 4, line 7, by striking the word "to".

46 5. By renumbering as necessary.

H-5486 FILED MARCH 20, 1986 BY ROSENBERG of Story

(Adopted as amended by 5503 3/21/86 (p. 957))

HOUSE FILE 2455

H-5503

Amend amendment H-5486 to House File 2455 as
follows:

3 1. Page 1, line 18, by striking the word "first"
4 and inserting the following: "first".

H-5503 FILED MARCH 21, 1986

BY OLLIE of Clinton

ADOPTED (p. 957)

HOUSE FILE 2455

H-5355

- 1 Amend House File 2455 as follows:
2 1. Page 4, lines 2 and 3, by striking the words
3 "~~one dollar~~ four dollars" and inserting the following:
4 "one dollar".

H-5355 FILED MARCH 14, 1986 BY O'KANE of Woodbury

H/D 3/21 (p. 957)

HOUSE FILE 2455

H-5356

- 1 Amend House File 2455 as follows:
2 1. Page 4, by adding after line 7 the following:
3 "If the taxes are paid before the date of sale, the
4 amount paid for publication shall be included as a
5 part of the costs of collecting the taxes."

H-5356 FILED MARCH 17, 1986 BY SPEAR of Lee

Adopted 3/21 (p. 957)

HOUSE FILE 2455

H-5475

- 1 Amend House File 2455 as follows:
2 1. By striking page 3, line 34 through page 4,
3 line 7, and inserting the following:
4 "Sec. 4. Section 446.10, Code 1985, is amended by
5 striking the section and inserting in lieu thereof the
6 following:
7 446.10 COSTS.
8 The compensation for publication provided in
9 section 446.9, subsection 2, shall not exceed four
10 dollars for each description and shall be paid by the
11 county. The amounts paid for publication shall be
12 collected as part of the costs of sale and paid into
13 the county treasury."

H-5475 FILED MARCH 19, 1986 BY ROSENBERG of Story

H/D 3/21 (p. 957)

Sen. Judiciary 3/25 Amend (5454) 3/26 (p. 906)
" Appropriation 4/7

HOUSE FILE 2455
BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(As Amended and Passed by the House March 21, 1986)

Passed House, Date 4-10-86 (p. 1374) Passed Senate, Date 4-2-86 (p. 1000)
Vote: Ayes 91 Nays 4 Vote: Ayes 44 Nays 2
Approved April 28, 1986 (p. 1856)

A BILL FOR

- 1 An Act relating to tax sales and redemptions, by revising
- 2 provisions governing notice and other procedures.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2455

S-5459

- 1 Amend House File 2455 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 3, line 15, by striking the word "five"
- 4 and inserting the word "ten".
- 5 2. Page 3, line 32, by striking the word "five"
- 6 and inserting the word "ten".

S-5459 Filed March 26, 1986

BY COMM. ON JUDICIARY, DOYLE, CHAIR

Adopted 4/2 (p. 999)

H-5705

- 1 Amend House File 2455 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 3, line 15, by striking the word "five"
- 4 and inserting the word "ten".
- 5 2. Page 3, line 32, by striking the word "five"
- 6 and inserting the word "ten".

H-5705 FILED APRIL 4, 1986

RECEIVED FROM THE SENATE

House concurs 4/10 (p. 1373)

1 Section 1. Section 135D.24, subsection 1, Code Supplement
2 1985, is amended to read as follows:

3 1. The semiannual tax is due and payable to the county
4 treasurer semiannually on January 1 and July 1 in each year;
5 and. It is delinquent April 1 and October 1 in each year, at
6 which time a penalty of one percent shall be added each month
7 until paid except that the limitation in section 445.20
8 applies. Both semiannual payments of taxes may be paid at one
9 time if so desired. A mobile home put to use at any time
10 after January 1 or July 1 is subject to the taxes prorated for
11 the remaining unexpired months of the tax period. Taxes
12 prorated on or after April 1 are due July 1 and must be paid
13 at the same time and in the same manner as the September
14 payment of property taxes. Taxes prorated on or after October
15 1 are due January 1 and must be paid at the same time and in
16 the same manner as the March payment of property taxes. The
17 semiannual tax periods for mobile home tax are January 1
18 through June 30 and July 1 through December 31. ~~On May 1 of~~
19 ~~each year, the county treasurer shall send, by mail, a~~
20 ~~statement to each delinquent mobile home taxpayer to notify~~
21 ~~the taxpayer that the mobile home will be offered at the next~~
22 ~~annual tax sale for nonpayment of one or more semiannual tax~~
23 ~~payments. If taxes are not paid, the treasurer shall send a~~
24 ~~statement of delinquent taxes as part of the notice of tax~~
25 ~~sale as provided in section 446.9.~~

26 Sec. 2. Section 445.1, Code 1985, is amended to read as
27 follows:

28 445.1 DUTY OF TREASURER.

29 The treasurer, after making the entry provided in section
30 445.10, shall proceed to collect the taxes, and the list shall
31 be is the treasurer's authority and justification against any
32 illegality in the proceedings prior to receiving the list; ~~and~~
33 the. The treasurer is shall also authorized ~~and required to~~
34 collect, as far as practicable, the taxes remaining unpaid on
35 the tax books or other records approved by the state auditor

1 of previous years, ~~the treasurer's efforts to that end to~~
2 ~~include the sending by mail of a statement to each delinquent~~
3 ~~taxpayer not later than May 1 of each fiscal year.~~ If the
4 taxes are not paid, the treasurer shall send a statement of
5 delinquent taxes as part of the notice of tax sale as provided
6 in section 446.9.

7 Sec. 3. Section 445.8, subsections 2 and 3, Code 1985, are
8 amended to read as follows:

9 2. The treasurer shall cause to be compiled a list of all
10 delinquent personal property taxes for the current assessment
11 year, as shown by the delinquent personal property tax list.
12 Such The list shall show the amount of the taxes delinquent
13 when the amount of the tax is more than five dollars and the
14 amount of penalty, interest, and costs thereon, the name of
15 the owner, if known, or the person, if any, to whom it is
16 taxed, and shall be published in some an official newspaper in
17 the county once each week for two consecutive weeks, the last
18 of which publication shall be not more than two weeks before
19 the third Monday in June, and by immediately posting a copy of
20 the first publication thereof at the door of the courthouse
21 if there be one, if not, at the door of the place where the
22 last term of district court was held. The provisions of
23 sections Sections 446.10 and 446.11 shall prevail in
24 connection with apply to the publication of such the notice.
25 The treasurer shall obtain a copy of the notice as published,
26 and a certificate of the publication thereof from the printer
27 or publisher, and file it in the office of the auditor.

28 3. The treasurer shall, within ten days following the
29 final publication of such the notice, issue a distress warrant
30 in the form as prescribed in section 445.7. The publication
31 of delinquent personal property tax lists shall include a
32 notice that, unless such the delinquent personal property
33 taxes are paid within ten days of the date of final
34 publication of the notice, a distress warrant will be issued
35 for the collection thereof of the delinquent taxes.

1 Sec. 4. Section 446.9, Code 1985, is amended by striking
2 the section and inserting in lieu thereof the following:

3 446.9 NOTICE OF SALE -- SERVICE -- PUBLICATION.

4 1. A notice of the time and place of the annual tax sale
5 shall be served upon the person in whose name the real estate
6 subject to sale is taxed. The treasurer shall serve the
7 notice by sending it by regular first class mail to the
8 person's last known address not later than May 1 of each
9 fiscal year. The notice shall contain a description of the
10 real estate to be sold which is clear, concise, and sufficient
11 to distinguish the real estate to be sold from all other
12 parcels. It shall also contain the amount of delinquent
13 taxes, both regular and special, for which the real estate is
14 liable each year, the amount of the penalty, interest, and
15 five dollars representing costs, all to be incorporated as a
16 single sum. The notice shall contain a statement that, after
17 the sale, if the real estate is not redeemed within the period
18 provided in chapter 447, the right to redeem expires and a
19 deed may be issued.

20 2. Publication of the time and place of the annual tax
21 sale shall be made once by the treasurer in an official
22 newspaper in the county at least one week, but not more than
23 three weeks, before the day of sale. The publication shall
24 contain a description of the real estate to be sold that is
25 clear, concise, and sufficient to distinguish the real estate
26 to be sold from all other parcels. All items offered for sale
27 pursuant to section 446.18 may be indicated by an "s" or by an
28 asterisk. The publication shall also contain the name of the
29 person in whose name the real estate to be sold is taxed, the
30 amount of delinquent taxes, both regular and special, for
31 which the real estate is liable for each year, the amount of
32 the penalty, interest, and five dollars representing costs,
33 all to be incorporated as a single sum. The publication shall
34 contain a statement that, after the sale, if the real estate
35 is not redeemed within the period provided in chapter 447, the

1 right to redeem expires and a deed may be issued.

2 3. In addition to the notice required by subsection 1 and
3 the publication required by subsection 2, the treasurer shall
4 send, at least one week, but not more than three weeks, before
5 the day of sale, a notice of sale in the form prescribed by
6 subsection 1, by regular first class mail, to any mortgagee
7 having a lien upon the real estate, a vendor of the real
8 estate under a recorded contract of sale, a lessor who has a
9 recorded lease or memorandum of a recorded lease, and to any
10 other person who has an interest of record in the real estate,
11 if the mortgagee, vendor, lessor, or other person having an
12 interest of record has done both of the following:

13 a. Has requested, on a form prescribed by the treasurer,
14 that notice of sale be sent to the person.

15 b. Has filed the request form with the treasurer at least
16 one month prior to the date of sale, together with a fee of
17 twenty-five dollars.

18 The request for notice is valid for a period of five years
19 from the date of filing with the treasurer. The request for
20 notice may be renewed for additional periods of five years by
21 the procedure specified in this subsection.

22 4. Notice required by subsections 1 and 3 shall be deemed
23 made and completed when the notice is enclosed in a sealed
24 envelope with the proper postage on the envelope, addressed to
25 the person entitled to receive it at the person's last known
26 mailing address, and is deposited in a mail receptacle
27 provided by the United States postal service.

28 Sec. 5. Section 446.10, Code 1985, is amended to read as
29 follows:

30 446.10 COSTS.

31 The compensation for such publication shall not exceed one
32 dollar four dollars for each description separately described
33 parcel, and shall be paid by the county. Headings-and-other
34 matter-shall-be-compensated-for-as-provided-in-section-6+8-11-

*35 The amount paid therefor shall be collected as a part of the

1 costs of sale and paid into the county treasury. If the taxes
2 are paid before the date of sale, the amount paid for
3 publication shall be included as a part of the costs of
4 collecting the taxes.

5 Sec. 6. Section 446.12, Code 1985, is amended to read as
6 follows:

7 446.12 CERTIFICATE OF PUBLICATION.

8 The treasurer shall obtain a copy of the notice of sale,
9 with a certificate of ~~the~~ its publication thereof, from the
10 printer or publisher, and file it in the office of the
11 auditor, which certificate shall be substantially in the
12 following form:

13 I, A B, publisher (or printer) of the
14, a newspaper printed and published in the
15 county of and state of Iowa, do-hereby certify that
16 the foregoing notice and list were published in said that
17 ~~newspaper once-in-each-week-for-two-consecutive-weeks,~~
18 ~~the last-of-which-publications-was-made~~ on the day of
19, ~~A+B~~, and that copies of each number
20 issue of said the paper in which said the notice and list were
21 published were delivered by carrier or transmitted by mail to
22 each of the subscribers to said the paper, ~~according-to-the~~
23 ~~accustomed-mode-of-business-in-this-office.~~

24 A B
25 Signature of publisher (or printer)

26 State of Iowa, ss.
27 County.

28 The above certificate of publication was subscribed and
29 sworn to before me by the above named A B
30, who is personally known to me to be the identical
31 person described therein in the certificate, on the
32 day of, ~~A+B~~

33
34 Auditor County, Iowa.

35 Sec. 7. Section 447.9, Code 1985, is amended to read as

1 follows:

2 447.9 NOTICE OF EXPIRATION OF RIGHT OF REDEMPTION.

3 After two years and nine months from the date of sale, or
4 after nine months from the date of a sale made under the
5 ~~provisions of~~ section 446.18, 446.38 or 446.39, the holder of
6 the certificate of purchase may cause to be served upon the
7 person in possession of the real estate, and also upon the
8 person in whose name the real estate is taxed, ~~if the person~~
9 ~~resides in the county where the land is situated,~~ in the
10 manner provided for the service of original notices, a notice
11 signed by the certificate holder or the certificate holder's
12 agent or attorney, stating the date of sale, the description
13 of the property sold, the name of the purchaser, and that the
14 right of redemption will expire and a deed for the land be
15 made unless redemption is made within ninety days from the
16 completed service of the notice. When the notice is given by
17 a county as a holder of a certificate of purchase the notice
18 shall be signed by the county treasurer, and when given by a
19 city, it shall be signed by the city officer designated by
20 resolution of the council. When the notice is given by the
21 Iowa housing finance authority or a city or county agency
22 holding the property as part of an Iowa homesteading project,
23 it shall be signed on behalf of the agency or authority by one
24 of its officers, as authorized in rules of the agency or
25 authority. Service of the notice shall also be made by
26 certified mail on any mortgagee ~~or assignee of record,~~ whether
27 ~~resident or nonresident of the county,~~ ~~if the mortgagee's or~~
28 ~~assignee's address is disclosed by the recorded instrument or~~
29 ~~by a certificate showing the address of the mortgagee or~~
30 ~~assignee duly filed with the recorder, or having a lien upon~~
31 the real estate, a vendor of the real estate under a recorded
32 contract of sale, a lessor who has a recorded lease or
33 memorandum of a recorded lease, and any other person who has
34 an interest of record, at the person's last known address, and
35 on the state of Iowa in case of an old-age assistance lien by

1 service upon the state department of human services. The
2 notice shall also be served on any city where the real estate
3 is situated.

4 Sec. 8. Section 447.10, Code 1985, is amended by striking
5 the section and inserting in lieu thereof the following:

6 447.10 SERVICE BY PUBLICATION.

7 If notice in accordance with section 447.9 cannot be served
8 upon a person entitled to notice in the manner prescribed in
9 that section, then the holder of the certificate of purchase
10 shall cause the required notice to be published once in an
11 official newspaper in the county. If service is made by
12 publication, the affidavit required by section 447.12 shall
13 state the reason why service in accordance with section 447.9
14 could not be made. Service of notice by publication shall be
15 deemed complete on the day of the publication.

16 Sec. 9. Section 447.13, Code 1985, is amended to read as
17 follows:

18 447.13 COST -- FEE -- REPORT.

19 The cost of a record search and the cost of serving the
20 notice and-affidavit-of-publication, including the cost of
21 mailing certified mail notices and the cost of publication
22 under section 447.10 if publication is required, shall be
23 added to the amount necessary to redeem. The fee for ~~serving~~
24 personal service of the notice shall be the same as for
25 service of an original notice, including copy fee and mileage.
26 The treasurer shall file the proof of service and statement of
27 costs and enter it on the sale book against the proper tract
28 of real estate. The holder of the certificate of sale or the
29 holder's agent ~~may~~ shall report in writing to the county
30 treasurer the amount of authorized costs incurred ~~in-giving~~
31 ~~the-notice,~~ and the treasurer shall enter it in the sale book.
32 A redemption is not complete until the costs are paid. If the
33 property is held by a city or county, a city or county agency,
34 or the Iowa housing finance authority, for use in an Iowa
35 homesteading project, whether or not the property is the

1 subject of a conditional conveyance granted under the project,
2 the costs incurred for repairs and rehabilitation work
3 required and undertaken in order to make the property meet
4 applicable building or housing code standards shall be added
5 to the amount necessary to redeem, and a redemption is not
6 complete until the costs are paid.

7 Sec. 10. NEW SECTION. 589.24A DEFECT IN TAX SALE
8 PROCEEDING.

9 An action shall not be commenced after July 1, 1987, which
10 asserts a claim against any real estate sold at a tax sale,
11 based upon any defect in the tax sale proceeding, including
12 the inadequacy of the notice of tax sale or the inadequacy of
13 the notice of the expiration of the redemption period, where
14 the tax sale was made prior to July 1, 1986.

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HSB 782

Study Bill 782

Judiciary & Law Enforcement

Judiciary and Law Enforcement: Rosenberg, Chair: Jay and McIntee.

HF 2455

HOUSE FILE 2455
BY (PROPOSED COMMITTEE ON
JUDICIARY AND LAW
ENFORCEMENT BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to tax sales and redemptions, by revising
2 provisions governing notice and other procedures.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. Section 135D.24, subsection 1, Code Supplement
2 1985, is amended to read as follows:

3 1. The semiannual tax is due and payable to the county
4 treasurer semiannually on January 1 and July 1 in each year,
5 and. It is delinquent April 1 and October 1 in each year, at
6 which time a penalty of one percent shall be added each month
7 until paid except that the limitation in section 445.20
8 applies. Both semiannual payments of taxes may be paid at one
9 time if so desired. A mobile home put to use at any time
10 after January 1 or July 1 is subject to the taxes prorated for
11 the remaining unexpired months of the tax period. Taxes
12 prorated on or after April 1 are due July 1 and must be paid
13 at the same time and in the same manner as the September
14 payment of property taxes. Taxes prorated on or after October
15 1 are due January 1 and must be paid at the same time and in
16 the same manner as the March payment of property taxes. The
17 semiannual tax periods for mobile home tax are January 1
18 through June 30 and July 1 through December 31. On-May-1-of
19 each-year, the county treasurer shall send, by mail, a
20 statement to each delinquent mobile home taxpayer to notify
21 the taxpayer that the mobile home will be offered at the next
22 annual tax sale for nonpayment of one or more semiannual tax
23 payments. If taxes are not paid, the treasurer shall send a
24 statement of delinquent taxes as part of the notice of tax
25 sale as provided in section 446.9.

26 Sec. 2. Section 445.1, Code 1985, is amended to read as
27 follows:

28 445.1 DUTY OF TREASURER.

29 The treasurer, after making the entry provided in section
30 445.10, shall proceed to collect the taxes, and the list shall
31 be is the treasurer's authority and justification against any
32 illegality in the proceedings prior to receiving the list, ~~and~~
33 the. The treasurer is shall also authorized ~~and required to~~
34 collect, as far as practicable, the taxes remaining unpaid on
35 the tax books or other records approved by the state auditor

1 of previous years, ~~the treasurer's efforts to that end to~~
2 ~~include the sending by mail of a statement to each delinquent~~
3 ~~taxpayer not later than May 1 of each fiscal year. If the~~
4 taxes are not paid, the treasurer shall send a statement of
5 delinquent taxes as part of the notice of tax sale as provided
6 in section 446.9.

7 Sec. 3. Section 446.9, Code 1985, is amended by striking
8 the section and inserting in lieu thereof the following:

9 446.9 NOTICE OF SALE -- SERVICE -- PUBLICATION.

10 1. A notice of the time and place of the annual tax sale
11 shall be served upon the person in whose name the real estate
12 subject to sale is taxed. The treasurer shall serve the
13 notice by sending it by regular first class mail to the
14 person's last known address not later than May 1 of each
15 fiscal year. The notice shall contain a description of the
16 real estate to be sold which is clear, concise, and sufficient
17 to distinguish the real estate to be sold from all other
18 parcels. It shall also contain the amount of delinquent
19 taxes, both regular and special, for which the real estate is
20 liable each year, the amount of the penalty, interest, and
21 five dollars representing costs, all to be incorporated as a
22 single sum. The notice shall contain a statement that, after
23 the sale, if the real estate is not redeemed within the period
24 provided in chapter 447, the right to redeem expires and a
25 deed may be issued.

26 2. Publication of the time and place of the annual tax
27 sale shall be made once by the treasurer in an official
28 newspaper in the county at least one week, but not more than
29 three weeks, before the day of sale. The publication shall
30 contain a description of the real estate to be sold that is
31 clear, concise, and sufficient to distinguish the real estate
32 to be sold from all other parcels. All items offered for sale
33 pursuant to section 446.18 may be indicated by an "s" or by an
34 asterisk. The publication shall also contain the name of the
35 person in whose name the real estate to be sold is taxed, the

1 amount of delinquent taxes, both regular and special, for
2 which the real estate is liable for each year, the amount of
3 the penalty, interest, and five dollars representing costs,
4 all to be incorporated as a single sum. The publication shall
5 contain a statement that, after the sale, if the real estate
6 is not redeemed within the period provided in chapter 447, the
7 right to redeem expires and a deed may be issued.

8 3. In addition to the notice required by subsection 1 and
9 the publication required by subsection 2, the treasurer shall
10 send, at least one week, but not more than three weeks, before
11 the day of sale, a notice of sale in the form prescribed by
12 subsection 1, by regular first class mail, to any mortgagee
13 having a lien upon the real estate, a vendor of the real
14 estate under a recorded contract of sale, a lessor who has a
15 recorded lease or memorandum of a recorded lease, and to any
16 other person who has an interest of record in the real estate,
17 if the mortgagee, vendor, lessor, or other person having an
18 interest of record has done both of the following:

19 a. Has requested, on a form prescribed by the treasurer,
20 that notice of sale be sent to the person.

21 b. Has filed the request form with the treasurer at least
22 one month prior to the date of sale, together with a fee of
23 twenty-five dollars.

24 The request for notice is valid for a period of five years
25 from the date of filing with the treasurer. The request for
26 notice may be renewed for additional periods of five years by
27 the procedure specified in this subsection.

28 4. Notice required by subsections 1 and 3 shall be deemed
29 made and completed when the notice is enclosed in a sealed
30 envelope with the proper postage on the envelope, addressed to
31 the person entitled to receive it at the person's last known
32 mailing address, and is deposited in a mail receptacle
33 provided by the United States postal service.

34 Sec. 4. Section 446.10, Code 1985, is amended to read as
35 follows:

1 446.10 COSTS.

2 The compensation for such publication shall not exceed one
3 dollar four dollars for each description separately described
4 parcel, and shall be paid by the county. Headings and other
5 matter shall be compensated for as provided in section 618.11.
6 The amount paid therefor shall be ~~collected-as-a-part-of~~ added
7 to the costs of sale and paid into the county treasury.

8 Sec. 5. Section 446.12, Code 1985, is amended to read as
9 follows:

10 446.12 CERTIFICATE OF PUBLICATION.

11 The treasurer shall obtain a copy of the notice of sale,
12 with a certificate of the its publication thereof, from the
13 printer or publisher, and file it in the office of the
14 auditor, which certificate shall be substantially in the
15 following form:

16 I, A B, publisher (or printer) of the
17, a newspaper printed and published in the
18 county of and state of Iowa, do-hereby certify that
19 the foregoing notice and list were published in said that
20 ~~newspaper once-in-each-week-for-two-consecutive-weeks-the~~
21 ~~last-of-which-publications-was-made~~ on the day of
22, A-B-, and that copies of each number
23 issue of said the paper in which said the notice and list were
24 published were delivered by carrier or transmitted by mail to
25 each of the subscribers to said the paper-~~according-to-the~~
26 ~~accustomed-mode-of-business-in-this-office.~~

27 A B
28 Signature of publisher (or printer)

29 State of Iowa, ss.
30 County.

31 The above certificate of publication was subscribed and
32 sworn to before me by the above named A B
33, who is personally known to me to be the identical
34 person described therein in the certificate, on the
35 day of, A-B-

1
2 Auditor County, Iowa.

3 Sec. 6. Section 447.9, Code 1985, is amended to read as
4 follows:

5 447.9 NOTICE OF EXPIRATION OF RIGHT OF REDEMPTION.

6 After two years and nine months from the date of sale, or
7 after nine months from the date of a sale made under the
8 provisions of section 446.18, 446.38 or 446.39, the holder of
9 the certificate of purchase may cause to be served upon the
10 person in possession of the real estate, and also upon the
11 person in whose name the real estate is taxed, ~~if the person~~
12 ~~resides in the county where the land is situated,~~ in the
13 manner provided for the service of original notices, a notice
14 signed by the certificate holder or the certificate holder's
15 agent or attorney, stating the date of sale, the description
16 of the property sold, the name of the purchaser, and that the
17 right of redemption will expire and a deed for the land be
18 made unless redemption is made within ninety days from the
19 completed service of the notice. When the notice is given by
20 a county as a holder of a certificate of purchase the notice
21 shall be signed by the county treasurer, and when given by a
22 city, it shall be signed by the city officer designated by
23 resolution of the council. When the notice is given by the
24 Iowa housing finance authority or a city or county agency
25 holding the property as part of an Iowa homesteading project,
26 it shall be signed on behalf of the agency or authority by one
27 of its officers, as authorized in rules of the agency or
28 authority. Service of the notice shall also be made by
29 certified mail on any mortgagee ~~or assignee of record,~~ whether
30 ~~resident or nonresident of the county, if the mortgagee's or~~
31 ~~assignee's address is disclosed by the recorded instrument or~~
32 ~~by a certificate showing the address of the mortgagee or~~
33 ~~assignee duly filed with the recorder, or~~ having a lien upon
34 the real estate, a vendor of the real estate under a recorded
35 contract of sale, a lessor who has a recorded lease or

1 memorandum of a recorded lease, and any other person who has
2 an interest of record, at the person's last known address, and
3 on the state of Iowa in case of an old-age assistance lien by
4 service upon the state department of human services. The
5 notice shall also be served on any city where the real estate
6 is situated.

7 Sec. 7. Section 447.10, Code 1985, is amended by striking
8 the section and inserting in lieu thereof the following:

9 447.10 SERVICE BY PUBLICATION.

10 If notice in accordance with section 447.9 cannot be served
11 upon a person entitled to notice in the manner prescribed in
12 that section, then the holder of the certificate of purchase
13 shall cause the required notice to be published once in an
14 official newspaper in the county. If service is made by
15 publication, the affidavit required by section 447.12 shall
16 state the reason why service in accordance with section 447.9
17 could not be made. Service of notice by publication shall be
18 deemed complete on the day of the publication.

19 Sec. 8. Section 447.13, Code 1985, is amended to read as
20 follows:

21 447.13 COST -- FEE -- REPORT.

22 The cost of a record search and the cost of serving the
23 notice and-affidavit-of-publication, including the cost of
24 mailing certified mail notices and the cost of publication
25 under section 447.10 if publication is required, shall be
26 added to the amount necessary to redeem. The fee for serving
27 personal service of the notice shall be the same as for
28 service of an original notice, including copy fee and mileage.
29 The treasurer shall file the proof of service and statement of
30 costs and enter it on the sale book against the proper tract
31 of real estate. The holder of the certificate of sale or the
32 holder's agent ~~may~~ shall report in writing to the county
33 treasurer the amount of authorized costs incurred ~~in-giving~~
34 ~~the-notice~~, and the treasurer shall enter it in the sale book.
35 A redemption is not complete until the costs are paid. If the

1 property is held by a city or county, a city or county agency,
2 or the Iowa housing finance authority, for use in an Iowa
3 homesteading project, whether or not the property is the
4 subject of a conditional conveyance granted under the project,
5 the costs incurred for repairs and rehabilitation work
6 required and undertaken in order to make the property meet
7 applicable building or housing code standards shall be added
8 to the amount necessary to redeem, and a redemption is not
9 complete until the costs are paid.

10 Sec. 9. NEW SECTION. 589.24A DEFECT IN TAX SALE
11 PROCEEDING.

12 An action shall not be commenced after July 1, 1987, which
13 asserts a claim against any real estate sold at a tax sale,
14 based upon any defect in the tax sale proceeding, including
15 the inadequacy of the notice of tax sale or the inadequacy of
16 the notice of the expiration of the redemption period, where
17 the tax sale was made prior to July 1, 1986.

18 EXPLANATION

19 This bill revises provisions governing notice and proce-
20 dures in tax sales and redemptions. Service by mail is pro-
21 vided to all parties having an interest in the property.

22 The bill provides that a tax sale made prior to July 1,
23 1986 cannot be challenged in court after July 1, 1987, for any
24 defect in the notice or other procedures.

25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 2455

AN ACT

RELATING TO TAX SALES AND REDEMPTIONS, BY REVISING PROVISIONS GOVERNING NOTICE AND OTHER PROCEDURES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 135D.24, subsection 1, Code Supplement 1985, is amended to read as follows:

1. The semiannual tax is due and payable to the county treasurer semiannually on January 1 and July 1 in each year; and... is delinquent April 1 and October 1 in each year, at which time a penalty of one percent shall be added each month until paid except that the limitation in section 445.20 applies. Both semiannual payments of taxes may be paid at one time if so desired. A mobile home put to use at any time after January 1 or July 1 is subject to the taxes prorated for the remaining unexpired months of the tax period. Taxes prorated on or after April 1 are due July 1 and must be paid

at the same time and in the same manner as the September payment of property taxes. Taxes prorated on or after October 1 are due January 1 and must be paid at the same time and in the same manner as the March payment of property taxes. The semiannual tax periods for mobile home tax are January 1 through June 30 and July 1 through December 31. ~~On May 1 of each year, the county treasurer shall send, by mail, a statement to each delinquent mobile home taxpayer to notify the taxpayer that the mobile home will be offered at the next annual tax sale for nonpayment of one or more semiannual tax payments. If taxes are not paid, the treasurer shall send a statement of delinquent taxes as part of the notice of tax sale as provided in section 446.9.~~

Sec. 2. Section 445.1, Code 1985, is amended to read as follows:

445.1 DUTY OF TREASURER.

The treasurer, after making the entry provided in section 445.10, shall proceed to collect the taxes, and the list shall be is the treasurer's authority and justification against any illegality in the proceedings prior to receiving the list; and ~~the. The treasurer is shall~~ also authorized and required to collect, as far as practicable, the taxes remaining unpaid on the tax books or other records approved by the state auditor of previous years; ~~the treasurer's efforts to that end to include the sending by mail of a statement to each delinquent taxpayer not later than May 1 of each fiscal year. If the taxes are not paid, the treasurer shall send a statement of delinquent taxes as part of the notice of tax sale as provided in section 446.9.~~

Sec. 3. Section 445.8, subsections 2 and 3, Code 1985, are amended to read as follows:

2. The treasurer shall cause to be compiled a list of all delinquent personal property taxes for the current assessment year, as shown by the delinquent personal property tax list. ~~Sec. 3. The list shall show the amount of the taxes delinquent~~

H.F. 2455

when the amount of the tax is more than five dollars and the amount of penalty, interest, and costs thereon, the name of the owner, if known, or the person, if any, to whom it is taxed, and shall be published in some an official newspaper in the county ~~once each week for two consecutive weeks, the last of which publication shall be not more than two weeks before the third Monday in June, and by immediately posting a copy of the first publication thereof at the door of the courthouse; if there be one; if not, at the door of the place where the last term of district court was held. The provisions of sections Sections 446.10 and 446.11 shall prevail in connection with apply to~~ the publication of such the notice. The treasurer shall obtain a copy of the notice as published, and a certificate of the publication thereof from the printer or publisher, and file it in the office of the auditor.

3. The treasurer shall, within ten days following the ~~final~~ publication of such the notice, issue a distress warrant in the form as prescribed in section 445.7. The publication of delinquent personal property tax lists shall include a notice that, unless such the delinquent personal property taxes are paid within ten days of the date of ~~final~~ publication of the notice, a distress warrant will be issued for the collection thereof of the delinquent taxes.

Sec. 4. Section 446.9, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

446.9 NOTICE OF SALE -- SERVICE -- PUBLICATION.

1. A notice of the time and place of the annual tax sale shall be served upon the person in whose name the real estate subject to sale is taxed. The treasurer shall serve the notice by sending it by regular first class mail to the person's last known address not later than May 1 of each fiscal year. The notice shall contain a description of the real estate to be sold which is clear, concise, and sufficient to distinguish the real estate to be sold from all other parcels. It shall also contain the amount of delinquent

taxes, both regular and special, for which the real estate is liable each year, the amount of the penalty, interest, and ten dollars representing costs, all to be incorporated as a single sum. The notice shall contain a statement that, after the sale, if the real estate is not redeemed within the period provided in chapter 447, the right to redeem expires and a deed may be issued.

2. Publication of the time and place of the annual tax sale shall be made once by the treasurer in an official newspaper in the county at least one week, but not more than three weeks, before the day of sale. The publication shall contain a description of the real estate to be sold that is clear, concise, and sufficient to distinguish the real estate to be sold from all other parcels. All items offered for sale pursuant to section 446.18 may be indicated by an "s" or by an asterisk. The publication shall also contain the name of the person in whose name the real estate to be sold is taxed, the amount of delinquent taxes, both regular and special, for which the real estate is liable for each year, the amount of the penalty, interest, and ten dollars representing costs, all to be incorporated as a single sum. The publication shall contain a statement that, after the sale, if the real estate is not redeemed within the period provided in chapter 447, the right to redeem expires and a deed may be issued.

3. In addition to the notice required by subsection 1 and the publication required by subsection 2, the treasurer shall send, at least one week, but not more than three weeks, before the day of sale, a notice of sale in the form prescribed by subsection 1, by regular first class mail, to any mortgagee having a lien upon the real estate, a vendor of the real estate under a recorded contract of sale, a lessor who has a recorded lease or memorandum of a recorded lease, and to any other person who has an interest of record in the real estate, if the mortgagee, vendor, lessor, or other person having an interest of record has done both of the following:

a. Has requested, on a form prescribed by the treasurer, that notice of sale be sent to the person.

b. Has filed the request form with the treasurer at least one month prior to the date of sale, together with a fee of twenty-five dollars.

The request for notice is valid for a period of five years from the date of filing with the treasurer. The request for notice may be renewed for additional periods of five years by the procedure specified in this subsection.

4. Notice required by subsections 1 and 3 shall be deemed made and completed when the notice is enclosed in a sealed envelope with the proper postage on the envelope, addressed to the person entitled to receive it at the person's last known mailing address, and is deposited in a mail receptacle provided by the United States postal service.

Sec. 5. Section 446.10, Code 1985, is amended to read as follows:

446.10 COSTS.

The compensation for such publication shall not exceed one dollar four dollars for each description separately described parcel, and shall be paid by the county. ~~Headings and other matter shall be compensated for as provided in section 618-11-~~ The amount paid therefor shall be collected as a part of the costs of sale and paid into the county treasury. If the taxes are paid before the date of sale, the amount paid for publication shall be included as a part of the costs of collecting the taxes.

Sec. 6. Section 446.12, Code 1985, is amended to read as follows:

446.12 CERTIFICATE OF PUBLICATION.

The treasurer shall obtain a copy of the notice of sale, with a certificate of the its publication thereof, from the printer or publisher, and file it in the office of the auditor, which certificate shall be substantially in the following form:

I, A B, publisher (or printer) of the a newspaper printed and published in the county of and state of Iowa, do hereby certify that the foregoing notice and list were published in said that newspaper once-in-each-week-for-two-consecutive-weeks, the last-of-which-publications-was-made on the day of, A=B= and that copies of each number issue of said the paper in which said the notice and list were published were delivered by carrier or transmitted by mail to each of the subscribers to said the paper, according-to-the accustomed-mode-of-business-in-this-office.

A B

Signature of publisher (or printer)

State of Iowa, ss.
..... County.

The above certificate of publication was subscribed and sworn to before me by the above named A B, who is personally known to me to be the identical person described therein in the certificate, on the day of, A=B=

.....
Auditor County, Iowa.

Sec. 7. Section 447.9, Code 1985, is amended to read as follows:

447.9 NOTICE OF EXPIRATION OF RIGHT OF REDEMPTION.

After two years and nine months from the date of sale, or after nine months from the date of a sale made under the ~~provisions of section 446.18, 446.38 or 446.39~~, the holder of the certificate of purchase may cause to be served upon the person in possession of the real estate, and also upon the person in whose name the real estate is taxed, ~~if the person resides in the county where the land is situated~~, in the manner provided for the service of original notices, a notice signed by the certificate holder or the certificate holder's agent or attorney, stating the date of sale, the description

of the property sold, the name of the purchaser, and that the right of redemption will expire and a deed for the land be made unless redemption is made within ninety days from the completed service of the notice. When the notice is given by a county as a holder of a certificate of purchase the notice shall be signed by the county treasurer, and when given by a city, it shall be signed by the city officer designated by resolution of the council. When the notice is given by the Iowa housing finance authority or a city or county agency holding the property as part of an Iowa homesteading project, it shall be signed on behalf of the agency or authority by one of its officers, as authorized in rules of the agency or authority. Service of the notice shall also be made by certified mail on any mortgagee ~~or assignee of record, whether resident or nonresident of the county, if the mortgagee's or assignee's address is disclosed by the recorded instrument or by a certificate showing the address of the mortgagee or assignee duly filed with the recorder, or having a lien upon the real estate, a vendor of the real estate under a recorded contract of sale, a lessor who has a recorded lease or memorandum of a recorded lease, and any other person who has an interest of record, at the person's last known address, and~~ on the state of Iowa in case of an old-age assistance lien by service upon the state department of human services. The notice shall also be served on any city where the real estate is situated.

Sec. 8. Section 447.10, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

447.10 SERVICE BY PUBLICATION.

If notice in accordance with section 447.9 cannot be served upon a person entitled to notice in the manner prescribed in that section, then the holder of the certificate of purchase shall cause the required notice to be published once in an official newspaper in the county. If service is made by publication, the affidavit required by section 447.12 shall

state the reason why service in accordance with section 447.9 could not be made. Service of notice by publication shall be deemed complete on the day of the publication.

Sec. 9. Section 447.13, Code 1985, is amended to read as follows:

447.13 COST -- FEE -- REPORT.

The cost of a record search and the cost of serving the notice and affidavit of publication, including the cost of mailing certified mail notices and the cost of publication under section 447.10 if publication is required, shall be added to the amount necessary to redeem. The fee for personal service of the notice shall be the same as for service of an original notice, including copy fee and mileage. The treasurer shall file the proof of service and statement of costs and enter it on the sale book against the proper tract of real estate. The holder of the certificate of sale or the holder's agent may shall report in writing to the county treasurer the amount of authorized costs incurred in giving the notice, and the treasurer shall enter it in the sale book. A redemption is not complete until the costs are paid. If the property is held by a city or county, a city or county agency, or the Iowa housing finance authority, for use in an Iowa homesteading project, whether or not the property is the subject of a conditional conveyance granted under the project, the costs incurred for repairs and rehabilitation work required and undertaken in order to make the property meet applicable building or housing code standards shall be added to the amount necessary to redeem, and a redemption is not complete until the costs are paid.

Sec. 10. NEW SECTION. 589.24A DEFECT IN TAX SALE PROCEEDING.

An action shall not be commenced after July 1, 1987, which asserts a claim against any real estate sold at a tax sale, based upon any defect in the tax sale proceeding, including the inadequacy of the notice of tax sale or the inadequacy of

the notice of the expiration of the redemption period, where the tax sale was made prior to July 1, 1986.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2455, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 28, 1986

TERRY E. BRANSTAD
Governor

H.F. 2455