

Senate Study Bill 3098 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON McCOY)

A BILL FOR

1 An Act relating to service of notice by mail for holders of a
2 property tax sale certificate of purchase.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 447.9, subsections 1 and 2, Code 2011,
2 are amended to read as follows:

3 1. After one year and nine months from the date of sale,
4 or after nine months from the date of a sale made under
5 section 446.18, or after three months from the date of a sale
6 made under section 446.19A or 446.19B, the holder of the
7 certificate of purchase may cause to be served upon the person
8 in possession of the parcel, and also upon the person in whose
9 name the parcel is taxed, a notice signed by the certificate
10 holder or the certificate holder's agent or attorney, stating
11 the date of sale, the description of the parcel sold, the name
12 of the purchaser, and that the right of redemption will expire
13 and a deed for the parcel be made unless redemption is made
14 within ninety days from the completed service of the notice.
15 The notice shall be served by both regular mail and certified
16 mail to the person's last known address and such service is
17 deemed completed when the notice ~~by certified mail~~ is deposited
18 in the mail and postmarked for delivery. The ninety-day
19 redemption period begins as provided in section 447.12. When
20 the notice is given by a county as a holder of a certificate
21 of purchase the notice shall be signed by the county treasurer
22 or the county attorney, and when given by a city, it shall
23 be signed by the city officer designated by resolution of
24 the council. When the notice is given by the Iowa finance
25 authority or a city or county agency holding the parcel as
26 part of an Iowa homesteading project, it shall be signed on
27 behalf of the agency or authority by one of its officers, as
28 authorized in rules of the agency or authority.

29 2. Service of the notice shall be made by both regular mail
30 and certified mail on any mortgagee having a lien upon the
31 parcel, a vendor of the parcel under a recorded contract of
32 sale, a lessor who has a recorded lease or recorded memorandum
33 of a lease, and any other person who has an interest of record,
34 at the person's last known address. The notice shall be served
35 on any city where the parcel is situated. Notice shall not be

1 served after the filing of the affidavit required by section
2 447.12. Only those persons who are required to be served the
3 notice of expiration as provided in this section or who have
4 acquired an interest in or possession of the parcel subsequent
5 to the filing of the notice of expiration of the right of
6 redemption are eligible to redeem a parcel from tax sale.
7 Service of the notice is deemed completed when the notice is
8 deposited in the mail and postmarked for delivery.

9

EXPLANATION

10 This bill relates to the manner in which a holder of a
11 property tax sale certificate of purchase provides certain
12 notices under Code chapter 447 (tax redemption) following a
13 tax sale. The bill requires that service of the notice of
14 expiration of right of redemption made on specified lienholders
15 and interest holders be made by both regular mail and certified
16 mail and specifies when service of such notice is deemed
17 completed.

18 Certified mail means a mail service provided by the United
19 States postal service where the post office provides the mailer
20 with a receipt to prove mailing.

21 Pursuant to Code section 447.14, the law in effect at the
22 time of tax sale governs redemption.