



2003 ASSEMBLY BILL 544

September 30, 2003 - Introduced by Representatives BIES, AINSWORTH, GRONEMUS, HINES, HONADEL, KESTELL, KRAWCZYK, F. LASEE, MUSSER, NASS, OTT, OWENS, TAYLOR and OLSEN, cosponsored by Senators A. LASEE, LASSA and REYNOLDS. Referred to Committee on Urban and Local Affairs.

- 1 **AN ACT to amend** 75.36 (2m) (intro.) of the statutes; **relating to:** the distribution
2 of proceeds from the sale of certain property acquired by county tax deed.

Analysis by the Legislative Reference Bureau

Under current law, if a person does not pay the tax that is due on the person's real property before September 1, the county treasurer must issue a tax certificate to the county that relates to the property. The issuance of a tax certificate begins the redemption period during which the person may retain the person's property by paying the delinquent taxes. In most cases, the redemption period is two years. If the property owner does not pay the delinquent taxes before the redemption period expires, the county may acquire the property by taking a tax deed on the property, by commencing an action to foreclose the tax certificate, or by commencing an action to foreclose a tax lien on the property.

Also under current law, if a county acquires real property that was the former owner's homestead at any time during the five years previous to the county acquiring the property by taking a tax deed, the county must send written notice to the former owner that the former owner may be entitled to a share of the proceeds of a future sale of the property. To be eligible to receive a share of the proceeds, current law requires the former owner to submit a written request for payment of the proceeds within 60 days after receiving the county's written notice. If the former owner fails to send in the required request for payment within the specified period of time, the former owner forfeits all claim to those proceeds.

Under this bill, the county is required to send to the former owner the share of the proceeds to which the former owner is entitled.

