

HOUSE BILL NO. 19

Introduced; 01/03/83

Referred to Committee on Taxation: 01/03/83

Hearing: 1/5/83

Report: 01/13/83, Do Not Pass

Bill Killed: 01/14/83

1 HOUSE BILL NO. 19
 2 INTRODUCED BY HARPER
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR PERSONAL
 5 NOTIFICATION BY THE COUNTY TREASURER TO THE RECORD OWNER OF
 6 PROPERTY PRIOR TO A TAX SALE OF THAT PROPERTY; AMENDING
 7 SECTIONS 15-17-101 AND 15-17-102, MCA."
 8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 15-17-101, MCA, is amended to read:
 11 "15-17-101. ~~Publication of notice~~ Notice of tax sales.
 12 (1) On or before the last Monday of June of each year, the
 13 county treasurer must:
 14 (a) publish in the manner and for the time prescribed
 15 in ~~this section~~ subsection (1)(b) a notice specifying:
 16 (i) that at a given time and place (to be
 17 designated in the notice), all property in the county upon
 18 which delinquent taxes are a lien will be sold at public
 19 auction unless prior to said time said delinquent taxes,
 20 together with all interest, penalties, and costs due
 21 thereon, are paid;
 22 (b) ~~(i)~~ a complete delinquent list of all persons and
 23 property in the county now owing taxes, including all city
 24 and town property as to which taxes or taxes and assessments
 25 are delinquent, is on file in the office of the county

1 treasurer and is subject to public inspection and
 2 examination;
 3 (2) ~~(b)~~ The ~~publication must be made~~ publish the notice
 4 once a week for 3 successive weeks in such newspaper
 5 published in the county as the board of county commissioners
 6 directs; ~~or~~ if there is no newspaper published in the
 7 county, then ~~by posting~~ post a copy of the list in three
 8 public places;
 9 (3) ~~(c)~~ The ~~include in the~~ publication must designate
 10 the time and place of sale;
 11 (4) ~~(d)~~ The ~~set the~~ time of sale, which must not be
 12 less than 21 or more than 28 days from the first
 13 publication, and the place, which must be in front of the
 14 county treasurer's office.
 15 (2) In addition to the notice required under
 16 subsection (1), the county treasurer must, on or before the
 17 first Monday in June of each year, make diligent efforts to
 18 notify personally the record owner of each parcel of
 19 property on the delinquent property list that at a given
 20 time and place (to be designated in the notice as determined
 21 under subsection (1)), the property will be sold at public
 22 auction unless prior to that time all delinquent taxes,
 23 together with all interest, penalties, and costs due
 24 thereon, are paid;
 25 (a) by sending notice by registered or certified mail

1 addressed to the owner at the post office address of the
 2 owner as disclosed by the county treasurer's records; or
 3 (b) by personal delivery of written notice to the
 4 owner.

5 (3) If notice cannot be completed under subsection (2)
 6 in spite of diligent efforts by the county treasurer, notice
 7 under subsection (1) is sufficient."

8 Section 2. Section 15-17-102, MCA, is amended to read:

9 "15-17-102. Copy of notice and affidavit to county
 10 clerk and recorder. The county treasurer, as soon as he has
 11 ~~made the publication~~ provided the notice required by
 12 15-17-101, must file with the county clerk and recorder:

13 (1) a copy of the publication published notice, with
 14 an affidavit attached thereto that it is a true copy of the
 15 same; that the publication was made in a newspaper, stating
 16 its name and place of publication and the date of each
 17 appearance; and in case there was no newspaper published in
 18 his county, that notices were put up in three public places,
 19 designating the places therein, which affidavit is prima
 20 facie evidence of all the facts stated therein; and

21 (2) (a) if notice under 15-17-101(2) has been
 22 completed, a copy of the notice, with an affidavit attached
 23 thereto stating that it is a true copy of the same; whether
 24 the notice was made by mail or by personal delivery; and the
 25 date notice was completed; or

1 (b) if notice under 15-17-101(2) has not been
 2 completed, an affidavit detailing the efforts made by the
 3 county treasurer to provide the notice."

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