

HB 539 INTRODUCED BY HOFFMAN, R.
REVISING PROCEDURES FOR TAKING A TAX DEED FOR
DELINQUENT PROPERTY TAXES

1/30	INTRODUCED		
1/30	REFERRED TO TAXATION		
2/10	HEARING		
2/18	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/20	2ND READING PASSED AS AMENDED	91	0
2/23	3RD READING PASSED	98	0
	TRANSMITTED TO SENATE		
3/02	REFERRED TO TAXATION		
3/20	HEARING		
4/06	TABLED IN COMMITTEE		

1 House BILL NO. 539
2 INTRODUCED BY Hoffman

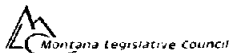
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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PUBLISHED
5 NOTICE OF APPLICATION FOR TAX DEED TO INCLUDE THE NAMES AND
6 ADDRESSES OF PERSONS HAVING AN OWNERSHIP INTEREST IN THE
7 PROPERTY; RESTRICTING THE PROCESS FOR APPLICATION FOR TAX
8 DEED TO PROPERTY HAVING LESS THAN \$100 OF TAXABLE VALUE;
9 REQUIRING PERSONS SEEKING A TAX DEED TO PROPERTY HAVING MORE
10 THAN \$100 OF TAXABLE VALUE TO INITIATE AN ACTION FOR TAX
11 DEED; ELIMINATING THE PROCEDURES FOR CLAIMING A TAX TITLE;
12 AMENDING SECTION 15-18-202, MCA; AND REPEALING SECTION
13 15-18-403, MCA."
14

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 15-18-202, MCA, is amended to read:
17 "15-18-202. Notice of application for tax deed. (1)
18 The Except as provided in subsection (7), the purchaser of
19 property sold for delinquent taxes or his assignee must, at
20 least 60 days previous to the expiration of the time for
21 redemption or at least 60 days before he applies for a deed,
22 serve upon the owner of the property purchased, if known,
23 any purchaser of the property under contract for deed, if
24 known, and upon the person occupying the property, if the
25 said property is occupied, and if the records in the office

1 of the county clerk and recorder show an unreleased mortgage
2 or mortgages upon the property purchased, upon the mortgagee
3 or mortgagees named in said mortgage or mortgages or, if
4 assigned, upon the assignee or assignees of said mortgage or
5 mortgages, a written notice stating that said property or a
6 portion thereof has been sold for delinquent taxes, giving
7 the date of sale, the amount of property sold, the amount
8 for which it was sold, the amount due, and the time when the
9 right of redemption will expire or when the purchaser will
10 apply for a tax deed. The owner of the property or the
11 mortgagee or the assignee of said mortgagee has the right of
12 redemption indefinitely, until such notice has been given
13 and the deed applied for, upon the payment of fees,
14 percentages, penalties, and costs required by law.

15 (2) Notice to any owner, purchaser of property under
16 contract for deed, mortgagee, or assignee of mortgagee shall
17 be given by registered or certified letter addressed to such
18 owner, purchaser, mortgagee, or assignee at the post-office
19 address of said owner, purchaser, mortgagee, or assignee as
20 disclosed by the mortgage records in the office of the
21 county clerk and recorder. In case of unoccupied property or
22 a mining claim, such notice must be by registered or
23 certified mail deposited in the post office, addressed to
24 any known owner residing in or outside of said county, with
25 the postage thereon prepaid, at least 60 days before the



1 expiration of the time for redemption or at least 60 days
2 before the purchaser applies for such tax deed, in addition
3 to notice to the mortgagee or assignee of mortgagee in the
4 manner and as hereby is provided.

5 (3) In all cases where the post-office address of the
6 owner, purchaser, mortgagee, or assignee is unknown, the
7 applicant shall publish once a week for 2 successive weeks
8 in a newspaper published in the county where the property is
9 situated a notice substantially in the following form:

10 Notice of Application for Tax Deed

11 Notice is hereby given that the undersigned will on the
12 day of, 19..., apply to the county treasurer
13 of county for a tax deed to the following described
14 property, to wit:

15 (Describe property)

16 Amount due \$.....

17 Date

18(Applicant)

19 (4) The notice required in subsection (3) must also
20 include the name and address, as shown in the records kept
21 by the county clerk and recorder, of all persons entitled to
22 notice in subsection (1).

23 ~~4~~(5) The first publication of such notice must be
24 made at least 60 days before the date of redemption or
25 application for said deed.

1 ~~5~~(6) In all cases due proof of service of notice in
2 whatever manner given, supported by the affidavit required
3 by law, must be filed immediately with the clerk and
4 recorder of the county in which the property is situated and
5 be kept as a permanent file in his office, and such proof of
6 notice when so filed shall be prima facie evidence of the
7 sufficiency of the notice.

8 (7) A person seeking a tax deed for property the
9 taxable value of which exceeds \$100 on the date of
10 application shall initiate an action for tax deed as
11 provided in Title 15, chapter 18, part 3."

12 NEW SECTION. Section 2. Repealer. Section 15-18-403,
13 MCA, is repealed.

14 NEW SECTION. Section 3. Codification instruction.
15 Section 2 is intended to be codified as an integral part of
16 Title 15, chapter 18, part 2, and the provisions of Title
17 15, chapter 18, apply to section 2.

-End-

APPROVED BY COMMITTEE
ON TAXATION

HOUSE BILL NO. 539
INTRODUCED BY HOFFMAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PUBLISHED NOTICE OF APPLICATION FOR TAX DEED TO INCLUDE THE NAMES AND ADDRESSES OF PERSONS HAVING AN OWNERSHIP INTEREST IN THE PROPERTY; ~~RESTRICTING THE PROCESS FOR APPLICATION FOR TAX DEED TO PROPERTY HAVING LESS THAN \$100 OF TAXABLE VALUE; REQUIRING PERSONS SEEKING A TAX DEED TO PROPERTY HAVING MORE THAN \$100 OF TAXABLE VALUE TO INITIATE AN ACTION FOR TAX DEED; ELIMINATING THE PROCEDURES FOR CLAIMING A TAX TITLE; AND AMENDING SECTION 15-18-202, MCA; AND REPEALING SECTION 15-18-403, MCA."~~

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Section 1. Section 15-18-202, MCA, is amended to read:
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of the county clerk and recorder show an unreleased mortgage or mortgages upon the property purchased, upon the mortgagee or mortgagees named in said mortgage or mortgages or, if assigned, upon the assignee or assignees of said mortgage or mortgages, a written notice stating that said property or a portion thereof has been sold for delinquent taxes, giving the date of sale, the amount of property sold, the amount for which it was sold, the amount due, and the time when the right of redemption will expire or when the purchaser will apply for a tax deed. The owner of the property or the mortgagee or the assignee of said mortgagee has the right of redemption indefinitely, until such notice has been given and the deed applied for, upon the payment of fees, percentages, penalties, and costs required by law.

(2) Notice to any owner, purchaser of property under contract for deed, mortgagee, or assignee of mortgagee shall be given by registered or certified letter addressed to such owner, purchaser, mortgagee, or assignee at the post-office address of said owner, purchaser, mortgagee, or assignee as disclosed by the mortgage records in the office of the county clerk and recorder. In case of unoccupied property or a mining claim, such notice must be by registered or certified mail deposited in the post office, addressed to any known owner residing in or outside of said county, with the postage thereon prepaid, at least 60 days before the



1 expiration of the time for redemption or at least 60 days
2 before the purchaser applies for such tax deed, in addition
3 to notice to the mortgagee or assignee of mortgagee in the
4 manner and as hereby is provided.

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6 owner, purchaser, mortgagee, or assignee is unknown, the
7 applicant shall publish once a week for 2 successive weeks
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20 include the name and address, as shown in the records kept
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22 notice in subsection (1).

23 (5) The first publication of such notice must be
24 made at least 60 days before the date of redemption or
25 application for said deed.

1 (5)(6) In all cases due proof of service of notice in
2 whatever manner given, supported by the affidavit required
3 by law, must be filed immediately with the clerk and
4 recorder of the county in which the property is situated and
5 be kept as a permanent file in his office, and such proof of
6 notice when so filed shall be prima facie evidence of the
7 sufficiency of the notice.

8 ~~(7) A person seeking a tax deed for property the~~
9 ~~taxable value of which exceeds \$100 on the date of~~
10 ~~application shall initiate an action for tax deed as~~
11 ~~provided in Title 15, chapter 10, part 3."~~

12 ~~NEW SECTION, Section 2, Repealer, Section 15-10-403,~~
13 ~~MCA, is repealed.~~

14 ~~NEW SECTION, Section 3, Codification, instruction,~~
15 ~~Section 2 is intended to be codified as an integral part of~~
16 ~~Title 15, chapter 10, part 2, and the provisions of Title~~
17 ~~15, chapter 10, apply to section 2.~~

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 5 NOTICE OF APPLICATION FOR TAX DEED TO INCLUDE THE NAMES AND
 6 ADDRESSES OF PERSONS HAVING AN OWNERSHIP INTEREST IN THE
 7 PROPERTY; ~~RESTRICTING--THE--PROCESS--FOR--APPLICATION--FOR--TAX~~
 8 ~~DEED--TO--PROPERTY--HAVING--LESS--THAN--\$100--OF--TAXABLE--VALUE;~~
 9 ~~REQUIRING--PERSONS--SEEKING--A--TAX--DEED--TO--PROPERTY--HAVING--MORE~~
 10 ~~THAN--\$100--OF--TAXABLE--VALUE--TO--INITIATE--AN--ACTION--FOR--TAX~~
 11 ~~DEED;--ELIMINATING--THE--PROCEDURES--FOR--CLAIMING--A--TAX--TITLE;~~
 12 AND AMENDING SECTION 15-18-202, MCA;--AND--REPEALING--SECTION
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