Representative R. Curt Webb proposes the following substitute bill:

ASSESSMENT AREA FORECLOSURE AMENDMENTS
2016 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: R. Curt Webb
Senate Sponsor: Curtis S. Bramble
LONG TITLE
General Description:
This bill amends foreclosure provisions in the Assessment Area Act.
Highlighted Provisions:
This bill:
 modifies the methods by which a local entity may enforce an assessment lien; and
 makes technical and conforming changes.
Money Appropriated in this Bill:
None
Other Special Clauses:
None
Utah Code Sections Affected:
AMENDS:
11-42-502, as enacted by Laws of Utah 2007, Chapter 329
ENACTS:
11-42-502.1, Utah Code Annotated 1953

1st Sub. (Buff) H.B. 17

01-26-16 1:19 PM

 local entity may sell the property on which the assessment has been levied for the amount due plus interest, penalties, and costs, in the manner provided: (a) by resolution or ordinance of the local entity; (b) in Title 59, Chapter 2, Part 13, Collection of Taxes, for the sale of property for delinquent general property taxes; or (c) in Title 57, Chapter 1, Conveyances, as though the property were the subject of a trust deed in favor of the local entity. [(2)] (<u>3</u>) Except as [modified by] otherwise provided in this chapter, each tax sale under Subsection [(1)] (<u>2)</u>(b) shall be governed by Title 59, Chapter 2, Part 13, Collection o Taxes, to the same extent as if the sale were for the sale of property for delinquent general property taxes. [(3)] (<u>4</u>) (a) In a foreclosure under Subsection [(1)] (<u>2)</u>(c): (i) the local entity may bid at the sale; (ii) the local entity's governing body shall designate a trustee satisfying the requirements of Section 57-1-21; (iii) each trustee designated under Subsection [(3)] (<u>4</u>)(a)(ii) has a power of sale wit respect to the property that is the subject of the delinquent assessment lien; 	26	11-42-502. Enforcement of an assessment lien Pre-May 10, 2016, procedure.
1111211212121212121222231212231212231231231231313131232333341555555555555555555555555555555555555555 <td< th=""><td>27</td><td>(1) The provisions of this section apply to any property that is:</td></td<>	27	(1) The provisions of this section apply to any property that is:
30assessment or an installment of an assessment that is not paid when due; or31(b) located within the boundaries of an assessment area for which the local entity32issued an assessment bond or a refunding assessment bond:33(i) before May 10, 2016;34(ii) that has not reached final maturity; and35(iii) is not refinanced on or after May 10, 2016.36[(+)] (2) If an assessment or an installment of an assessment is not paid when due, th37local entity may sell the property on which the assessment has been levied for the amount due38(a) by resolution or ordinance of the local entity;40(b) in Title 59, Chapter 2, Part 13, Collection of Taxes, for the sale of property for41delinquent general property taxes; or42(c) in Title 57, Chapter 1, Conveyances, as though the property were the subject of a43trust deed in favor of the local entity.44[(2)] (3) Except as [modified by] otherwise provided in this chapter, each tax sale45under Subsection [(+)] (2)(b) shall be governed by Title 59, Chapter 2, Part 13, Collection o46Taxes, to the same extent as if the sale were for the sale of property for delinquent general47property taxes.48[(+)] (4) (a) In a foreclosure under Subsection [(+)] (2)(c):49(i) the local entity may bid at the sale;41(ii) the local entity may bid at the sale;42(iii) the local entity soverning body shall designate a trustee satisfying the44requirements of Section 57-1-21;45(iii) each trustee designated un	28	(a) (i) located within the boundaries of an assessment area; and
31 (b) located within the boundaries of an assessment area for which the local entity 32 issued an assessment bond or a refunding assessment bond: 33 (i) before May 10, 2016; 34 (ii) that has not reached final maturity; and 35 (iii) is not refinanced on or after May 10, 2016. 36 [(++)] (2) If an assessment or an installment of an assessment is not paid when due, th 37 local entity may sell the property on which the assessment has been levied for the amount due 38 (a) by resolution or ordinance of the local entity; 40 (b) in Title 59, Chapter 2, Part 13, Collection of Taxes, for the sale of property for 41 delinquent general property taxes; or 42 (c) in Title 57, Chapter 1, Conveyances, as though the property were the subject of a 43 trust deed in favor of the local entity. 44 [(22)] (3) Except as [modified by] otherwise provided in this chapter, each tax sale 45 under Subsection [(+)] (2)(b) shall be governed by Title 59, Chapter 2, Part 13, Collection o 46 [(3)] (4) (a) In a foreclosure under Subsection [(+)] (2)(c): 47 property taxes. 48 [(3)] (4) (a) In a foreclosure under Subsection [(+)] (2)(c): 49 (i) the local entity may bid at the sale;	29	(ii) the subject of a foreclosure procedure initiated before May 10, 2016, for an
32issued an assessment bond or a refunding assessment bond:33(i) before May 10, 2016;34(ii) that has not reached final maturity; and35(iii) is not refinanced on or after May 10, 2016.36[(++)] (2) If an assessment or an installment of an assessment is not paid when due, th37local entity may sell the property on which the assessment has been levied for the amount due38plus interest, penalties, and costs, in the manner provided:39(a) by resolution or ordinance of the local entity;40(b) in Title 59, Chapter 2, Part 13, Collection of Taxes, for the sale of property for41delinquent general property taxes; or42(c) in Title 57, Chapter 1, Conveyances, as though the property were the subject of a43trust deed in favor of the local entity.44[(2)] (3) Except as [modified by] otherwise provided in this chapter, each tax sale45under Subsection [(++)] (2)(b) shall be governed by Title 59, Chapter 2, Part 13, Collection o46Taxes, to the same extent as if the sale were for the sale of property for delinquent general47property taxes.48[(++)] (4) (a) In a foreclosure under Subsection [(++)] (2)(c):49(i) the local entity's governing body shall designate a trustee satisfying the51requirements of Section 57-1-21;52(ii) heach trustee designated under Subsection [(+)] (4)(a)(ii) has a power of sale wit53respect to the property that is the subject of the delinquent assessment lien;54have been conveyed to the trustee, in trust, for the sole purpose of per	30	assessment or an installment of an assessment that is not paid when due; or
 (i) before May 10, 2016; (ii) that has not reached final maturity; and (iii) is not refinanced on or after May 10, 2016. [(+)] (2) If an assessment or an installment of an assessment is not paid when due, th local entity may sell the property on which the assessment has been levied for the amount due plus interest, penalties, and costs, in the manner provided: (a) by resolution or ordinance of the local entity; (b) in Title 59, Chapter 2, Part 13, Collection of Taxes, for the sale of property for delinquent general property taxes; or (c) in Title 57, Chapter 1, Conveyances, as though the property were the subject of a trust deed in favor of the local entity. [(2)] (3) Except as [modified by] otherwise provided in this chapter, each tax sale under Subsection [(+)] (2)(b) shall be governed by Title 59, Chapter 2, Part 13, Collection o Taxes, to the same extent as if the sale were for the sale of property for delinquent general property taxes. [(3)] (4) (a) In a foreclosure under Subsection [(+)] (2)(c): (ii) the local entity may bid at the sale; (iii) the local entity's governing body shall designate a trustee satisfying the respect to the property that is the subject of the delinquent assessment lien; (iv) the property that is the subject of the delinquent assessment lien is considered to have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to 	31	(b) located within the boundaries of an assessment area for which the local entity
 (ii) that has not reached final maturity; and (iii) is not refinanced on or after May 10, 2016. [(+)] (2) If an assessment or an installment of an assessment is not paid when due, th local entity may sell the property on which the assessment has been levied for the amount due plus interest, penalties, and costs, in the manner provided: (a) by resolution or ordinance of the local entity; (b) in Title 59, Chapter 2, Part 13, Collection of Taxes, for the sale of property for delinquent general property taxes; or (c) in Title 57, Chapter 1, Conveyances, as though the property were the subject of a trust deed in favor of the local entity. [(2)] (3) Except as [modified by] otherwise provided in this chapter, each tax sale under Subsection [(+)] (2)(b) shall be governed by Title 59, Chapter 2, Part 13, Collection of Taxes, to the same extent as if the sale were for the sale of property for delinquent general property taxes. [(3)] (4) (a) In a foreclosure under Subsection [(+)] (2)(c): (i) the local entity may bid at the sale; (ii) the local entity's governing body shall designate a trustee satisfying the requirements of Section 57-1-21; (iii) each trustee designated under Subsection [(-)] (4)(a)(ii) has a power of sale with respect to the property that is the subject of the delinquent assessment lien; (iv) the property that is the subject of the delinquent assessment lien is considered to have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to a sole of the delinquent assessment lien is considered to have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to a sole of the delinquent assessment lien is considered to have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to a sole of the delinquent assessment lien is considered to have been conveyed to the trustee, in trust, for the sol	32	issued an assessment bond or a refunding assessment bond:
35(iii) is not refinanced on or after May 10, 2016.36 $[(+)]$ (2) If an assessment or an installment of an assessment is not paid when due, th37local entity may sell the property on which the assessment has been levied for the amount due38plus interest, penalties, and costs, in the manner provided:39(a) by resolution or ordinance of the local entity;40(b) in Title 59, Chapter 2, Part 13, Collection of Taxes, for the sale of property for41delinquent general property taxes; or42(c) in Title 57, Chapter 1, Conveyances, as though the property were the subject of a43trust deed in favor of the local entity.44[(2)] (3) Except as [modified by] otherwise provided in this chapter, each tax sale45under Subsection [(+)] (2)(b) shall be governed by Title 59, Chapter 2, Part 13, Collection o46Taxes, to the same extent as if the sale were for the sale of property for delinquent general47property taxes.48[(+)] (4) (a) In a foreclosure under Subsection [(+)] (2)(c):49(i) the local entity may bid at the sale;50(ii) the local entity's governing body shall designate a trustee satisfying the51requirements of Section 57-1-21;52(iii) each trustee designated under Subsection [(+)] (4)(a)(ii) has a power of sale with53respect to the property that is the subject of the delinquent assessment lien;54have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to	33	(i) before May 10, 2016;
36 $[(+)]$ (2) If an assessment or an installment of an assessment is not paid when due, th37local entity may sell the property on which the assessment has been levied for the amount du38plus interest, penalties, and costs, in the manner provided:39(a) by resolution or ordinance of the local entity;40(b) in Title 59, Chapter 2, Part 13, Collection of Taxes, for the sale of property for41delinquent general property taxes; or42(c) in Title 57, Chapter 1, Conveyances, as though the property were the subject of a43trust deed in favor of the local entity.44[(2)] (3) Except as [modified by] otherwise provided in this chapter, each tax sale45under Subsection [(+)] (2)(b) shall be governed by Title 59, Chapter 2, Part 13, Collection o46Taxes, to the same extent as if the sale were for the sale of property for delinquent general47property taxes.48[(+)] (4) (a) In a foreclosure under Subsection [(+)] (2)(c):49(i) the local entity's governing body shall designate a trustee satisfying the51requirements of Section 57-1-21;52(ii) each trustee designated under Subsection [(+)] (4)(a)(ii) has a power of sale with53respect to the property that is the subject of the delinquent assessment lien;54iv) the property that is the subject of the delinquent assessment lien;55have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to	34	(ii) that has not reached final maturity; and
 local entity may sell the property on which the assessment has been levied for the amount due plus interest, penalties, and costs, in the manner provided: (a) by resolution or ordinance of the local entity; (b) in Title 59, Chapter 2, Part 13, Collection of Taxes, for the sale of property for delinquent general property taxes; or (c) in Title 57, Chapter 1, Conveyances, as though the property were the subject of a trust deed in favor of the local entity. [(2)] (3) Except as [modified by] otherwise provided in this chapter, each tax sale under Subsection [(1)] (2)(b) shall be governed by Title 59, Chapter 2, Part 13, Collection o Taxes, to the same extent as if the sale were for the sale of property for delinquent general property taxes. [(3)] (4) (a) In a foreclosure under Subsection [(1)] (2)(c): (i) the local entity's governing body shall designate a trustee satisfying the requirements of Section 57-1-21; (ii) each truste designated under Subsection [(3)] (4)(a)(ii) has a power of sale wit respect to the property that is the subject of the delinquent assessment lien; (iv) the property that is the subject of the delinquent assessment lien is considered to have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to a sole of the delinquent assessment lien is considered to have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to a sole of the delinquent assessment lien is considered to have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to a sole of provide to the trustee to a sole purpose of permitting the trustee to a sole of provide to the trustee to a sole purpose of permitting the trustee to	35	(iii) is not refinanced on or after May 10, 2016.
 plus interest, penalties, and costs, in the manner provided: (a) by resolution or ordinance of the local entity; (b) in Title 59, Chapter 2, Part 13, Collection of Taxes, for the sale of property for delinquent general property taxes; or (c) in Title 57, Chapter 1, Conveyances, as though the property were the subject of a trust deed in favor of the local entity. [(2)] (3) Except as [modified by] otherwise provided in this chapter, each tax sale under Subsection [(+)] (2)(b) shall be governed by Title 59, Chapter 2, Part 13, Collection o Taxes, to the same extent as if the sale were for the sale of property for delinquent general property taxes. [(3)] (4) (a) In a foreclosure under Subsection [(+)] (2)(c): (i) the local entity may bid at the sale; (ii) the local entity's governing body shall designate a trustee satisfying the requirements of Section 57-1-21; (iii) each trustee designated under Subsection [(3)] (4)(a)(ii) has a power of sale wit respect to the property that is the subject of the delinquent assessment lien; (iv) the property that is the subject of the delinquent assessment lien is considered to 	36	[(1)] (2) If an assessment or an installment of an assessment is not paid when due, the
 (a) by resolution or ordinance of the local entity; (b) in Title 59, Chapter 2, Part 13, Collection of Taxes, for the sale of property for delinquent general property taxes; or (c) in Title 57, Chapter 1, Conveyances, as though the property were the subject of a trust deed in favor of the local entity. [(2)] (<u>3</u>) Except as [modified by] otherwise provided in this chapter, each tax sale under Subsection [(1)] (<u>2)</u>(b) shall be governed by Title 59, Chapter 2, Part 13, Collection o Taxes, to the same extent as if the sale were for the sale of property for delinquent general property taxes. [(3)] (<u>4</u>) (a) In a foreclosure under Subsection [(1)] (<u>2</u>)(c): (i) the local entity may bid at the sale; (ii) the local entity's governing body shall designate a trustee satisfying the requirements of Section 57-1-21; (iii) each trustee designated under Subsection [(3)] (<u>4</u>)(a)(ii) has a power of sale wit respect to the property that is the subject of the delinquent assessment lien; (iv) the property that is the subject of the delinquent assessment lien is considered to have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to 	37	local entity may sell the property on which the assessment has been levied for the amount due
 (b) in Title 59, Chapter 2, Part 13, Collection of Taxes, for the sale of property for delinquent general property taxes; or (c) in Title 57, Chapter 1, Conveyances, as though the property were the subject of a trust deed in favor of the local entity. [(2)] (3) Except as [modified by] otherwise provided in this chapter, each tax sale under Subsection [(1)] (2)(b) shall be governed by Title 59, Chapter 2, Part 13, Collection o Taxes, to the same extent as if the sale were for the sale of property for delinquent general property taxes. [(3)] (<u>4)</u> (a) In a foreclosure under Subsection [(1)] (<u>2)</u>(c): (i) the local entity may bid at the sale; (ii) the local entity's governing body shall designate a trustee satisfying the requirements of Section 57-1-21; (iii) each trustee designated under Subsection [(3)] (<u>4)</u>(a)(ii) has a power of sale wit respect to the property that is the subject of the delinquent assessment lien; (iv) the property that is the subject of the delinquent assessment lien is considered to 	38	plus interest, penalties, and costs, in the manner provided:
 delinquent general property taxes; or (c) in Title 57, Chapter 1, Conveyances, as though the property were the subject of a trust deed in favor of the local entity. [(2)] (3) Except as [modified by] otherwise provided in this chapter, each tax sale under Subsection [(1)] (2)(b) shall be governed by Title 59, Chapter 2, Part 13, Collection o Taxes, to the same extent as if the sale were for the sale of property for delinquent general property taxes. [(3)] (4) (a) In a foreclosure under Subsection [(1)] (2)(c): (i) the local entity may bid at the sale; (ii) the local entity's governing body shall designate a trustee satisfying the requirements of Section 57-1-21; (iii) each trustee designated under Subsection [(3)] (4)(a)(ii) has a power of sale wit respect to the property that is the subject of the delinquent assessment lien; (iv) the property that is the subject of the delinquent assessment lien is considered to have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to 	39	(a) by resolution or ordinance of the local entity;
 (c) in Title 57, Chapter 1, Conveyances, as though the property were the subject of a trust deed in favor of the local entity. [(2)] (3) Except as [modified by] otherwise provided in this chapter, each tax sale under Subsection [(1)] (2)(b) shall be governed by Title 59, Chapter 2, Part 13, Collection o Taxes, to the same extent as if the sale were for the sale of property for delinquent general property taxes. [(3)] (4) (a) In a foreclosure under Subsection [(1)] (2)(c): (i) the local entity may bid at the sale; (ii) the local entity's governing body shall designate a trustee satisfying the requirements of Section 57-1-21; (iii) each trustee designated under Subsection [(3)] (4)(a)(ii) has a power of sale wit respect to the property that is the subject of the delinquent assessment lien; (iv) the property that is the subject of the delinquent assessment lien is considered to have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to 	40	(b) in Title 59, Chapter 2, Part 13, Collection of Taxes, for the sale of property for
 trust deed in favor of the local entity. [(2)] (3) Except as [modified by] otherwise provided in this chapter, each tax sale under Subsection [(1)] (2)(b) shall be governed by Title 59, Chapter 2, Part 13, Collection o Taxes, to the same extent as if the sale were for the sale of property for delinquent general property taxes. [(3)] (4) (a) In a foreclosure under Subsection [(1)] (2)(c): (i) the local entity may bid at the sale; (ii) the local entity's governing body shall designate a trustee satisfying the requirements of Section 57-1-21; (iii) each trustee designated under Subsection [(3)] (4)(a)(ii) has a power of sale wit respect to the property that is the subject of the delinquent assessment lien; (iv) the property that is the subject of the delinquent assessment lien is considered to have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to 	41	delinquent general property taxes; or
 [(2)] (3) Except as [modified by] otherwise provided in this chapter, each tax sale under Subsection [(1)] (2)(b) shall be governed by Title 59, Chapter 2, Part 13, Collection o Taxes, to the same extent as if the sale were for the sale of property for delinquent general property taxes. [(3)] (4) (a) In a foreclosure under Subsection [(1)] (2)(c): (i) the local entity may bid at the sale; (ii) the local entity's governing body shall designate a trustee satisfying the requirements of Section 57-1-21; (iii) each trustee designated under Subsection [(3)] (4)(a)(ii) has a power of sale with respect to the property that is the subject of the delinquent assessment lien; (iv) the property that is the subject of the delinquent assessment lien is considered to have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to 	42	(c) in Title 57, Chapter 1, Conveyances, as though the property were the subject of a
 under Subsection [(+)] (2)(b) shall be governed by Title 59, Chapter 2, Part 13, Collection o Taxes, to the same extent as if the sale were for the sale of property for delinquent general property taxes. [(3)] (4) (a) In a foreclosure under Subsection [(+)] (2)(c): (i) the local entity may bid at the sale; (ii) the local entity's governing body shall designate a trustee satisfying the requirements of Section 57-1-21; (iii) each trustee designated under Subsection [(3)] (4)(a)(ii) has a power of sale wit respect to the property that is the subject of the delinquent assessment lien; (iv) the property that is the subject of the delinquent assessment lien is considered to have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to 	43	trust deed in favor of the local entity.
 Taxes, to the same extent as if the sale were for the sale of property for delinquent general property taxes. [(3)] (4) (a) In a foreclosure under Subsection [(1)] (2)(c): (i) the local entity may bid at the sale; (ii) the local entity's governing body shall designate a trustee satisfying the requirements of Section 57-1-21; (iii) each trustee designated under Subsection [(3)] (4)(a)(ii) has a power of sale wit respect to the property that is the subject of the delinquent assessment lien; (iv) the property that is the subject of the delinquent assessment lien is considered to have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to 	44	[(2)] (3) Except as [modified by] otherwise provided in this chapter, each tax sale
 property taxes. [(3)] (4) (a) In a foreclosure under Subsection [(1)] (2)(c): (i) the local entity may bid at the sale; (ii) the local entity's governing body shall designate a trustee satisfying the requirements of Section 57-1-21; (iii) each trustee designated under Subsection [(3)] (4)(a)(ii) has a power of sale wit respect to the property that is the subject of the delinquent assessment lien; (iv) the property that is the subject of the delinquent assessment lien is considered to have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to 	45	under Subsection [(1)] (2)(b) shall be governed by Title 59, Chapter 2, Part 13, Collection of
 [(3)] (4) (a) In a foreclosure under Subsection [(1)] (2)(c): (i) the local entity may bid at the sale; (ii) the local entity's governing body shall designate a trustee satisfying the requirements of Section 57-1-21; (iii) each trustee designated under Subsection [(3)] (4)(a)(ii) has a power of sale wit respect to the property that is the subject of the delinquent assessment lien; (iv) the property that is the subject of the delinquent assessment lien is considered to have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to 	46	Taxes, to the same extent as if the sale were for the sale of property for delinquent general
 (i) the local entity may bid at the sale; (ii) the local entity's governing body shall designate a trustee satisfying the requirements of Section 57-1-21; (iii) each trustee designated under Subsection [(3)] (4)(a)(ii) has a power of sale wit respect to the property that is the subject of the delinquent assessment lien; (iv) the property that is the subject of the delinquent assessment lien is considered to have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to 	47	property taxes.
 (ii) the local entity's governing body shall designate a trustee satisfying the requirements of Section 57-1-21; (iii) each trustee designated under Subsection [(3)] (4)(a)(ii) has a power of sale wit respect to the property that is the subject of the delinquent assessment lien; (iv) the property that is the subject of the delinquent assessment lien is considered to have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to 	48	[(3)] (4) (a) In a foreclosure under Subsection $[(1)]$ (2)(c):
51 requirements of Section 57-1-21; 52 (iii) each trustee designated under Subsection [(3)] (4)(a)(ii) has a power of sale wit 53 respect to the property that is the subject of the delinquent assessment lien; 54 (iv) the property that is the subject of the delinquent assessment lien is considered to 55 have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to	49	(i) the local entity may bid at the sale;
 (iii) each trustee designated under Subsection [(3)] (4)(a)(ii) has a power of sale with respect to the property that is the subject of the delinquent assessment lien; (iv) the property that is the subject of the delinquent assessment lien is considered to have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to 	50	(ii) the local entity's governing body shall designate a trustee satisfying the
respect to the property that is the subject of the delinquent assessment lien; (iv) the property that is the subject of the delinquent assessment lien is considered to have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to	51	requirements of Section 57-1-21;
54 (iv) the property that is the subject of the delinquent assessment lien is considered to 55 have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to	52	(iii) each trustee designated under Subsection $[(3)]$ (4)(a)(ii) has a power of sale with
55 have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to	53	respect to the property that is the subject of the delinquent assessment lien;
	54	(iv) the property that is the subject of the delinquent assessment lien is considered to
56 exercise the trustee's power of sale under Subsection $[(3)]$ (4)(a)(iii);	55	have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to
	56	exercise the trustee's power of sale under Subsection $[(3)]$ (4)(a)(iii);

1st Sub. (Buff) H.B. 17

01-26-16 1:19 PM

57	(v) if no one bids at the sale and pays the local entity the amount due on the
58	assessment, plus interest and costs, the property is considered sold to the local entity for those
59	amounts; and
60	(vi) the local entity's chief financial officer may substitute and appoint one or more
61	successor trustees, as provided in Section 57-1-22.
62	(b) The designation of a trustee under Subsection $[(3)]$ (4)(a)(ii) shall be disclosed in
63	the notice of default that the trustee gives to commence the foreclosure, and need not be stated
64	in a separate instrument.
65	[(4)] (5) (a) The redemption of property that is the subject of a tax sale under
66	Subsection [(1)] (2)(b) is governed by Title 59, Chapter 2, Part 13, Collection of Taxes.
67	(b) The redemption of property that is the subject of a foreclosure proceeding under
68	Subsection [(1)] (2)(c) is governed by Title 57, Chapter 1, Conveyances.
69	[(5)] (a) The remedies [provided for] described in this part for the collection of an
70	assessment and the enforcement of an assessment lien are cumulative.
71	(b) The use of one or more of the remedies [provided for] described in this part [may
72	not be considered to] does not deprive the local entity of any other available remedy or means
73	of collecting the assessment or enforcing the assessment lien.
74	Section 2. Section 11-42-502.1 is enacted to read:
75	<u>11-42-502.1.</u> Enforcement of an assessment lien Post-May 10, 2016, procedure.
76	(1) (a) Except as provided in Subsection (1)(b), the provisions of this section apply to
77	any property that is:
78	(i) located within the boundaries of an assessment area; and
79	(ii) the subject of a foreclosure procedure initiated on or after May 10, 2016, for an
80	assessment or an installment of an assessment that is not paid when due.
81	(b) The provisions of this chapter do not apply to property described in Subsection
82	<u>11-42-502(1)(b).</u>
83	(2) If an assessment or an installment of an assessment is not paid when due, the local
84	entity may sell the property on which the assessment has been levied for the amount due plus
85	interest, penalties, and costs:
86	(a) in the manner provided in Title 59, Chapter 2, Part 13, Collection of Taxes, for the
87	sale of property for delinquent general property taxes; or

1st Sub. (Buff) H.B. 17

88	(b) by judicial foreclosure.
89	(3) Except as otherwise provided in this chapter, each tax sale under Subsection (2)(a)
90	shall be governed by Title 59, Chapter 2, Part 13, Collection of Taxes, to the same extent as if
91	the sale were for the sale of property for delinquent general property taxes.
92	(4) (a) The redemption of property that is the subject of a tax sale under Subsection
93	(2)(a) is governed by Title 59, Chapter 2, Part 13, Collection of Taxes.
94	(b) The redemption of property that is the subject of a judicial foreclosure proceeding
95	under Subsection (2)(b) is governed by Title 78B, Chapter 6, Part 9, Mortgage Foreclosure.
96	(5) (a) The remedies described in this part for the collection of an assessment and the
97	enforcement of an assessment lien are cumulative.
98	(b) The use of one or more of the remedies described in this part does not deprive the
99	local entity of any other available remedy or means of collecting the assessment or enforcing
100	the assessment lien.