

HB0106S01 compared with HB0106

~~text~~ shows text that was in HB0106 but was deleted in HB0106S01.

inserted text shows text that was not in HB0106 but was inserted into HB0106S01.

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Representative Douglas R. Welton proposes the following substitute bill:

TAX SALE NOTICE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas R. Welton

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to a notice of a tax sale.

Highlighted Provisions:

This bill:

- ▶ as an alternative to certified mail, allows a county auditor to send a notice of a tax sale by any delivery service that includes tracking and delivery confirmation.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

HB0106S01 compared with HB0106

59-2-1351, as last amended by Laws of Utah 2021, Chapter 386

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **59-2-1351** is amended to read:

59-2-1351. Sales by county -- Notice of tax sale -- Entries on record.

(1) (a) Upon receiving the tax sale listing from the county treasurer, the county auditor shall select a date for the tax sale for all real property:

- (i) on which a tax or tax notice charge delinquency exists;
- (ii) that was not previously redeemed; and
- (iii) upon which the period of redemption is expiring in the nearest tax sale.

(b) The county auditor shall conduct the tax sale in May or June of the current year.

(c) The tax sale may occur:

(i) at the front door of the county courthouse in the county where the real property is located; or

(ii) through an electronic process if:

(A) the tax sale occurs in the same format as a tax sale would occur at the front door of the county courthouse except that participation is through an electronic means;

(B) members of the public are able to observe and participate, including making bids and payment arrangements, in the tax sale; and

(C) the county auditor includes information about how the public may access the tax sale through the electronic process with the description of the place of the tax sale in the notice provided in accordance with Subsections (2) and (3).

(2) The county auditor shall provide notice of the tax sale as follows:

(a) send by certified and first class mail, or by first class mail and another shipping service that includes tracking and delivery confirmation, to the last-known recorded owner, the occupant of any improved property, and all other interests of record, as of the preceding March 15, at the last-known addresses; and

(b) publish:

(i) four times in a newspaper published and having general circulation in the county, once in each of four successive weeks immediately preceding the date of sale; and

(ii) in accordance with Section 45-1-101 for four weeks immediately preceding the

HB0106S01 compared with HB0106

date of sale; and

(c) if no newspaper is published in the county, post in five public places in the county, as determined by the auditor, at least 25 but no more than 30 days before the date of sale.

(3) The notice shall be in substantially the following form:

NOTICE OF TAX SALE

Notice is hereby given that on _____(month\day\year), at ___ o'clock __. m., at [the physical or electronic address of the tax sale], I will offer for sale at public auction and sell to the highest bidder for cash, under the provisions of Section 59-2-1351.1, the following described real property located in the county and now delinquent and subject to tax sale. A bid for less than the total amount of taxes, tax notice charges, interest, penalty, and administrative costs which are a charge upon the real estate will not be accepted.

(Here describe the real estate)

IN WITNESS WHEREOF I have hereunto set my hand and official seal on _____(month\day\year).

County Auditor

County

(4) (a) The notice sent [~~by certified mail~~] in accordance with Subsection (2)(a) shall include:

- (i) the name and last-known address of the last-known recorded owner of the property to be sold;
- (ii) the parcel, serial, or account number of the delinquent property; and
- (iii) the legal description of the delinquent property.

(b) The notice published in a newspaper in accordance with Subsection (2)(b) shall include:

- (i) the name and last-known address of the last-known recorded owner of each parcel of property to be sold; and
- (ii) the street address or the parcel, serial, or account number of the delinquent parcels.