

teacher by the board of which he was a member by a vote of at least two-thirds of all other members of the board and shall be entitled to receive such pay for his services as a teacher as the board of school directors may lawfully determine.

Section 2. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 16th day of November, A. D. 1959.

DAVID L. LAWRENCE

No. 531

AN ACT

Amending the act of July 7, 1947 (P. L. 1368), entitled "An act amending, revising and consolidating the laws relating to delinquent county, city, except for the first and second class and second class A, borough, town, township, school district, except of the first class and school districts within cities of the second class A, and institution district taxes, providing when, how and upon what property, and to what extent liens shall be allowed for such taxes, the return and entering of claims therefor; the collection and adjudication of such claims, sales of real property, including seated and unseated lands, subject to the lien of such tax claims; the disposition of the proceeds thereof, including State taxes and municipal claims recovered and the redemption of property; providing for the discharge and divestiture by certain tax sales of all estates in property and of mortgages and liens on such property, and the proceedings therefor; creating a Tax Claim Bureau in each county, except a county of the first class, to act as agent for taxing districts; defining its powers and duties, including sales of property, the management of property taken in sequestration, and the management, sale and disposition of property heretofore sold to the county commissioners, taxing districts and trustees at tax sales; providing a method for the service of process and notices; imposing duties on taxing districts and their officers and on tax collectors, and certain expenses on counties and for their reimbursement by taxing districts; and repealing existing laws," further providing for methods of notification, changing the date of tax sales, limiting agreements to stay sales, and increasing costs allowed relative to sales.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Real Estate Tax Sale Law.

Section 1. Subsection (a) of section 308, act of July 7, 1947 (P. L. 1368), known as the "Real Estate Tax Sale Law," amended May 6, 1955 (P. L. 40), is amended to read:

Subsection (a), section 308, act of July 7, 1947, P. L. 1368, amended May 6, 1955, P. L. 40, further amended.

Section 308. Notice of Filing of Returns and Entry of Claim.—(a) Not later than the thirty-first day of July of each year, or for the first year a county operates under this act, not later than the thirty-first day of October, the bureau shall give notice of the return of

said taxes and the entry of such claim to each delinquent taxable, by United States registered mail or *United States certified mail*, return receipt requested, postage prepaid, addressed to the owner personally at his last known post office [address. If no post office address of the owner is known, or if a notice mailed to an owner at such last known post office address is not delivered to him in person or to a member of his immediate family by the postal authorities, then notice, as herein provided, shall immediately be posted] *address and by posting* on the property affected. Each mailed and posted notice shall, (1) show all the information shown on the claim entered, (2) state that if payment of the amount due the several taxing districts for said taxes is not made to the bureau on or before the thirty-first day of December next following, in cases where the notice was mailed prior to August first, or that if payment is not made on or before March thirty-first, in cases where the notice was mailed on or after August first, or no exceptions thereto filed, the said claim shall become absolute, (3) state that on July first of the year in which such notice is given or if the notice was mailed after July thirty-first, that on the first day of the month (naming it) in which the notice was mailed the one (1) year period of redemption shall commence or has commenced to run, and that if redemption is not made during that period as provided by this act, the property shall be sold at judicial sale and there shall be no further redemption after such sale.

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Subsection (a),
section 601 of
the act,
reenacted and
amended July
13, 1953, P. L.
439, further
amended.

Section 2. Subsection (a) of section 601 of the act, reenacted and amended July 13, 1953 (P. L. 439), is amended to read:

Section 601. Date of Sale.—(a) Commencing on the second Monday of [July] *September* of each year or for the first year any county is operating under the provisions of this act, at the bureau's discretion, commencing on the second Monday of October, or on any day to which a sale may be adjourned, or readjourned, such adjournment not to be for a longer period than sixty (60) days, or any day to which a sale may be continued, the bureau shall sell such property (except where the property is essential to the business of quasi-public corporations), or where held by the bureau under article seven as agent for the various taxing districts, the premises remain occupied by one or more persons in the family of the previous owner who are, or within the sixty (60) days immediately preceding were, receiving assistance from a public agency, against which a tax claim has become absolute, and the period of redemption has expired

(without the property having been redeemed), or against which a tax judgment has heretofore been entered under any other law, which judgment has not been satisfied and on which a sale has not been stayed by agreement, in the manner hereinafter provided, and where the property subject to the claim or judgment is not or no longer remains in possession of the sequestrator. The bureau may for convenience and because of the number of properties involved, schedule sales of property in various taxing districts or wards thereof on different dates, but all sales, except as herein otherwise provided, shall be held by the bureau by the end of the said calendar year. Taxing districts shall notify the bureau of tax judgments which have, prior to the effective date of this act, been entered under any other law in order that properties subject to the lien of such judgments may be included in the sale.

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Section 3. Section 602 of the act, amended May 10, 1951 (P. L. 258), is amended to read :

Section 602 of the act, amended May 10, 1951, P. L. 258, further amended.

Section 602. Notice of Sale.—Prior to any scheduled sale the bureau shall give notice thereof, once a week for three (3) consecutive weeks in two (2) newspapers of general circulation in the county, if so many are published therein, and once in the legal journal, if any, designated by the court for the publication of legal notices. Such notice shall set forth (a) the purposes of such sale, (b) the time of such sale, (c) the place of such sale, (d) the terms of the sale including the approximate upset price, (e) the descriptions of the properties to be sold as stated in the claims entered, each description commencing with

“
Name of Owner
..... ”
description

The description may be given in intelligible abbreviations.

Such published notice shall be addressed to the “owners of properties described in this notice and to all persons having tax liens, tax judgments or municipal claims against such properties.”

In addition to such publications, *similar* notice of the sale shall also be given by the bureau, *at least ten (10) days before the date of the sale*, by United States registered mail, *personal addressee only*, return receipt requested, postage prepaid, to each owner as defined by this act [at least ten (10) days before the date of sale, addressed to his last known post office address, or if no

post office address is known, or if the notice addressed to the owner is not delivered to the owner by the postal authorities, such notice shall be posted] *and by posting* on the property.

The published notice, the mail notice and the posted notice shall each state that the sale of any property may, at the option of the bureau, be stayed if the owner thereof or any lien creditor of the owner on or before the date of sale enters into an agreement with the bureau to pay the taxes in instalments, in the manner provided by this act, and the agreement entered into.

In case the property of any corporation, limited partnership or joint-stock association is advertised for sale, the bureau shall give to the Department of Revenue the notice required by section one thousand four hundred two of the Fiscal Code of the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 343).

No sale shall be defeated and no title to property sold shall be invalidated because of proof that mail notice as herein required was not received by the owner, provided such notice was given as prescribed by this section.

The costs of such advertisement and notices shall be taxed as part of the costs of such proceedings and shall be paid by the owner the same as other costs.

Section 603 of
the act,
amended.

Section 4. Section 603 of the act is amended to read :

Section 603. Agreements to Stay Sale.—Any owner or lien creditor of the owner may, at the option of the bureau, prior to the date of any *first* scheduled sale, enter into an agreement, in writing, with the bureau to stay the sale of the property upon the payment of twenty-five per centum (25%) of the amount due on all tax claims and tax judgments filed or entered against such property and the interest on the taxes returned to date, as provided by this act, and agreeing therein to pay the balance of said claims and judgments and the interest thereon in not more than three (3) instalments (the last instalment to include all costs due), all within one (1) year of the date of said agreement, the agreement to specify the dates on or before which each instalment shall be paid, and the amount of each instalment and the costs. So long as said agreement is being fully complied with by the taxpayer, the sale of the property covered by the agreement shall be stayed. But in case of default in such agreement by the owner or lien creditor, the bureau, after written notice of such default given by United States mail, postage prepaid, to the owner or lien creditor at the address stated in the agreement, shall proceed with the sale of such property in the manner herein provided at the next scheduled

sale of property to be held at least ninety (90) days after such default.

Section 5. Section 612 of the act, amended May 16, 1951 (P. L. 308), is amended to read:

Section 612 of
the act, amended
May 16, 1951,
P. L. 308,
further amended.*

Section 612. Hearing and Order.—If upon hearing, the court is satisfied that service of the rule has been made upon the parties named in the rule, in the manner provided by this act, and that the facts stated in the petition are true, it shall order and decree that said property be sold at a subsequent day to be fixed by the court, freed and cleared of all tax and municipal claims, mortgages, liens, charges and estates of whatsoever kind to the highest bidder, and that the purchaser at such sale shall take and thereafter have an absolute title to the property sold free and clear of all tax and municipal claims, mortgages, liens, charges and estates of whatsoever kind, except ground rents, separately taxed. Out of the proceeds of such sale shall be paid the costs set forth in the upset price at the prior sale, and the additional costs incurred relative to this sale, including the fee for title search, not to exceed [fifteen dollars (\$15)] *twenty-five dollars (\$25)* and the court order may specify that no sale shall be made except to the county unless a bid equal to such costs is offered. The remainder of said proceeds shall be distributed by the county treasurer as hereinbefore provided. After the purchaser shall have paid over the purchase price, the bureau shall make and deliver a deed in the manner hereinbefore provided. When aforesaid petition for sale is presented within three (3) months after the date of the former sale, the court, on its order, shall direct that no further advertisement is required. In cases where said petition is presented after the three (3) month period has expired, the court shall, in its order fixing a subsequent sale, direct that the readvertisement of such sale need not be published three (3) consecutive weeks, nor include a list and description of the lands to be sold, but need only be advertised by one (1) insertion in one (1) or two (2) newspapers as hereinbefore provided for such advertisements, at least thirty (30) days prior to the sale, and include the purpose, the time, the place and the terms of such sale with a reference to the prior advertisement.

In any such petition for sale, the bureau may, if it deems the same advantageous, request the court to fix the place of sale at the property to be sold, and if the court is convinced the taxing districts interested will be benefited thereby, it shall order the sale to be held on the property to be sold.

APPROVED—The 19th day of November, A. D. 1959.

DAVID L. LAWRENCE