

No. 59

AN ACT

SB 67

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 of 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," increasing the fee for a title search and further regulating sales of property.

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

Section 1. Section 610, act of July 7, 1947 (P. L. 1368), known as the "Real Estate Tax Sale Law," is amended to read:

Section 610. Proceedings When Upset Price Not Bid.—In cases where the upset price shall not be bid at any such sale, the property shall not be sold at that time and the sale shall be continued from month to month, for not more than three (3) months, without further advertising, and the bureau shall, sometime within one (1) year from the date of such sale, *or within eighteen (18) months of the effective date of this amending act, whichever is later*, file its petition in the court of common pleas of the county setting forth the tax claim upon which the property was exposed for sale, that neither the owner, his heirs or legal representatives or any lien creditor, his heirs, assigns or legal representatives or other person interested has redeemed the property, that the property was exposed to public sale and the date of such sale, that before exposing the property to public sale the bureau fixed an upset price, as herein provided, and that it was unable to obtain a bid sufficient to pay said upset price. Upon the presentation of such petition, accompanied with searches, showing the state of the record and the ownership of the property and all tax and municipal claims, liens, mortgages and ground rents against the same, the court shall grant a rule upon all parties thus shown to be interested to appear and show cause why

a decree should not be made that said property be sold, freed and cleared of their respective claims, liens, mortgages and ground rents. The rule shall be made returnable in not more than thirty (30) days from the date the petition was presented.

Section 2. Section 612 of the act, amended November 19, 1959 (P. L. 1513), is amended to read:

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 **[twenty-five dollars (\$25)]** *fifty dollars (\$50)* 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.

Section 3. Section 616 of the act is amended to read:

Section 616. When Bureau Shall Petition Court for Public Sale to Divest All Liens.—The bureau may, on its own motion, during or after the aforesaid continuance of the prior sale, after receiving the consent of all taxing districts having any tax claims or tax judgments against said

property, and shall, on the written directions of such taxing districts, file its petition in the court of common pleas for an order to sell the property at public sale, free and discharged from all tax and municipal claims, mortgages, liens, charges and estates of whatsoever kind in the manner hereinbefore provided. If within the period of ten (10) months after the date of said prior sale, the said petition has not been filed or the property sold at private sale, the bureau shall, within the next immediately following two (2) months, ***or within eighteen (18) months of the effective date of this amending act, whichever is later,*** file its petition as aforesaid and sell the property at the time and place prescribed in the order of court if such order is made.

Section 4. Section 703 of the act, amended May 16, 1951 (P. L. 308) and January 18, 1952 (P. L. 2098), is amended to read:

Section 703. Such Properties to be Sold Under Provisions of Article VI.—(a) All properties so turned over to the bureau which have not been sold at private sale, as hereinbefore provided, with the exception of such properties leased to a previous owner or other member of his family dwelling therein and receiving, or within the preceding sixty (60) days having received, assistance from any public agency, ***[shall be sold by the bureau at public sale held not later than the first day of June, one thousand nine hundred fifty-two, or at a public sale held not later than three years after this act has been accepted by such taxing district. Such sales shall be made if requested by the county commissioners, taxing district or trustee, which delivered possession thereof to the bureau, in the same manner as if said property was being sold at a first sale on a tax claim as provided in Articles III and VI, and if no such request is made,]*** may be sold at public sale by the bureau upon written request of any taxing authorities having any tax claims or tax judgments against the property. Such sale shall be made at the time specified in the request ***or within eighteen (18) months of the effective date of this amending act, whichever is later,*** and in the same manner as if the property was being sold at a first sale on a tax claim, as provided in Articles III and VI, except that it shall be a simple public sale with no upset price, and shall divest only the lien of tax claims and tax judgments. The purchaser of any such property shall be given a deed, executed and acknowledged as hereinbefore provided, which shall convey title free, clear and discharged of all tax claims and tax judgments, whether or not returned, filed or entered as provided by this or any other act. The notices to be given of such sale, as required in Article VI, shall state that there is no upset price and that the sale shall divest only the lien of taxes and tax judgments.

(b) In lieu of the public sale provided for in the preceding subsection, or if such sale is held but the property is not sold due to the absence of any bid, the bureau, upon written request of any such interested taxing authorities, may sell such property upon petition to court for an order to sell clear and free of all claims, liens, mortgages and estates in the same

manner with like proceedings and with like effect as if said properties had been first exposed to public sale as provided in Article VI but not sold because of insufficient bid. The sale of properties turned over to the bureau under the provisions of this article shall, except as herein otherwise provided, be subject to all the provisions of Article VI in so far as they may be applicable, and when sold at public sale by order of court, as above provided, such properties shall be sold free and discharged from all tax and municipal claims, mortgages, liens, charges and estates whatsoever.

Section 5. This act shall take effect immediately.

APPROVED—The 10th day of July, A. D. 1969.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 59.



Joseph P. Kelly
Secretary of the Commonwealth.