

No. 157

AN ACT

HB 1054

Amending the act of July 7, 1947 (P.L.1368, No.542), 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," eliminating certain court proceedings and removing the time limitation for private sales of property by the bureau; and validating certain sales.

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

Section 1. Section 610, act of July 7, 1947 (P.L.1368, No.542), known as the "Real Estate Tax Sale Law," amended July 10, 1969 (P.L.146, No.59), 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, *if the property is not thereafter sold by the bureau pursuant to section 613*, 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,] *may, at any time*, 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. Subsection (a) of section 613 of the act is amended to read:

Section 613. Properties Not Sold Because of Insufficient Bid May be Sold at Private Sale.—(a) **[Any time within one (1) year]** *At any time* after any property has been exposed to public sale and such sale is **[continued]** *not sold* because no bid was made equal to the upset price, as hereinbefore provided, *and whether or not proceedings are initiated pursuant to sections 610 through 612.1*, the bureau may, on its own motion, and shall, on the written instructions of any taxing district having any tax claims or tax judgments against said property, agree to sell the property at private sale, at any price approved by the bureau. Notice of the proposed sale, stating the price and the property proposed to be sold, shall be given to each such taxing district and to the owner of the property. The corporate authorities of any taxing district, having any tax claims or tax judgments against the property which is to be sold or the owner may, if not satisfied that the sale price approved by the bureau is sufficient, within fifteen (15) days after notice of the proposed sale, petition the court of common pleas of the county to disapprove the sale. The court shall, in such case, after notice to each such taxing district, the owner, the bureau and the purchaser, hear all interested parties. After such hearing, the court may either confirm or disapprove the sale as to it appears just and proper. If the sale is disapproved, the court shall at the same time fix a price below which such property shall not be sold.

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Section 3. Whenever prior to the effective date of this act the Tax Claim Bureau sold any real property at any private sale which was in conformity in all respects to the requirements of the act of July 7, 1947 (P.L.1368, No.542), known as the “Real Estate Tax Sale Law” except any requirements of sections 610 through 612.1 or the requirement of section 613 of that act, that such sale be made within one (1) year after the property was exposed to public sale and such sale was continued because no bid was made equal to the upset price, all such sales are hereby ratified, confirmed and validated and the title to any such property purchased by any person, and the deed executed and acknowledged to such purchaser, are hereby declared to be as valid as if the entire transaction had been in full conformity with the “Real Estate Tax Sale Law.”

Section 4. This act shall take effect immediately.

APPROVED—The 21st day of December, A. D. 1973.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 157.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style with a large initial "C" and a prominent "T" at the end.

Secretary of the Commonwealth.