

No. 1986-81

AN ACT

HB 943

Amending the act of July 7, 1947 (P.L.1368, No.542), entitled, as amended, "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 counties of the first and second 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," adding and amending definitions; further providing for the creation of bureaus in counties, for appointment and compensation of personnel, for the bonding of certain personnel and for accounting and distribution; increasing certain costs and fees; further providing for tax liens, filings, adjudications and collection; providing for discharge of tax claims; imposing additional notification requirements; further providing for sale and purchase of property; and making editorial changes.

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

Section 1. Section 102 of the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, amended May 20, 1949 (P.L.1602, No.484), January 18, 1952 (1951 P.L.2098, No.595), September 23, 1961 (P.L.1609, No.680), July 10, 1980 (P.L.417, No.98) and September 26, 1981 (P.L.274, No.92), is amended to read:

Section 102. Definitions.—As used in this act, the following words shall be construed as herein defined, unless the context clearly indicates otherwise:

"Absolute," the perfection of a claim for taxes under section 311, after which the validity of the claim may not be challenged.

"Actual sale," payment of the full amount of money agreed to be paid as the sale price by the successful bidder or purchaser at upset sale under sections 605 through 609.

"Bureau," the Tax Claim Bureau created by this act in the several counties.

"Claim," a claim entered in a claim docket by the bureau to recover the taxes returned by the various taxing districts against a certain property.

“County,” a county of the second A, third, fourth, fifth, sixth, seventh or eighth class, including counties of these classes which have adopted or may adopt home rule charters under the act of April 13, 1972 (P.L.184, No.62), known as the “Home Rule Charter and Optional Plans Law.”

“County commissioner,” includes the equivalent official in home rule counties.

“Director,” the director of the Tax Claim Bureau [of the several counties].

“Discharge of tax claim period,” the period of time between entry of claim and actual sale of property.

“Owner,” the person in whose name the property is last registered, if registered according to law, or, if not registered according to law, the person whose name last appears as an owner of record on any deed or instrument of conveyance recorded in the county office designated for recording and in all other cases means any person in open, peaceable and notorious possession of the property, as apparent owner or owners thereof, or the reputed owner or owners thereof, in the neighborhood of such property; as to property having been turned over to the bureau under Article VII by any county, “owner” shall mean the county.

“Owner Occupant,” the owner of [all] a property which has improvements constructed thereon and for which the annual tax bill is mailed to [the] an owner residing at the same address as that of the property.

“Property,” real property which shall include a mobilehome or house trailer permanently attached to land or connected with water, gas, electricity or sewage facilities, subject to a tax lien or against which a claim is being or has been filed as a lien. “Property,” includes both seated and unseated lands.

“Taxes,” [any county except counties of the first and second class, city except of the first or second class or second class A, borough, incorporated town, township, school district, except of the first class or school district within a city of the second class A, or institution district taxes, and interest and penalties due thereon, except where interest and penalties have been abated by provisions of law, if the owner pays his delinquent taxes on the instalment plan, in which case interest and penalties shall be included as may be provided by the act abating the penalties and interest if there has been a default by the owner in the payment of any instalment of taxes] all taxes, with added interest and penalties, levied by a taxing district upon real property, including improvements. Whenever interest and penalties have been abated by a statute which provides for payment of delinquent taxes on an instalment basis, interest and penalties shall be included in the event of a default as prescribed by the abatement statute.

“Taxing District,” any county [except counties of the first and second class], city [except a city of the first or second class or second class A], borough, incorporated town, township, school district[, except a school district of the first class, or a school district within a city of the second class A,] or institution district[: Provided, however, That this act shall not be construed to require any city of the third class, or any school district within a city

of the third class, to collect its delinquent taxes on property under and in accordance with the provisions of this act, if the city or the school district shall notify the Tax Claim Bureau, in writing, on or before the first day of May, 1948 that, pursuant to a resolution of the city council, the city or the board of directors of the school district has resolved that returns of property will not be made under the provisions of this act but that its delinquent taxes will be collected by the filing of liens in the office of the prothonotary, or by sale of such property at a city treasurer's sale under existing laws. Any such city and any such school district in any county having adopted the system provided by this act may, in any year notify the Tax Claim Bureau on or before the first day of May of the year that pursuant to a resolution of the city council, or of the board of directors, the city or school district, as the case may be, has resolved to collect its delinquent taxes on property under and in accordance with the provisions of this act, and thereafter the city's or school district's delinquent taxes shall be collected only under and in accordance with the provisions of this act: Provided, further, That any county of the fourth class which has not previously held a tax sale pursuant to this act may, by resolution adopted by its commissioners, be exempt from collecting its delinquent taxes pursuant to the provisions of this act: Provided, however, That this exemption shall only be available for a three year period immediately following January 1, 1976 and the county commissioners shall by resolution, provide for the collection of delinquent taxes during this interim.] *except counties of the first and second class and cities, boroughs, incorporated towns, townships, school districts or institution districts therein and cities of the second class A and school districts therein.*

Section 2. Sections 201, 202 and 203 of the act, amended September 26, 1981 (P.L.274, No.92), are amended to read:

Section 201. Creation of Bureaus.—A Tax Claim Bureau is hereby created in each [of the counties hereinafter enumerated as follows:

(a) In counties of the second A, third, fourth, fifth, sixth, seventh and eighth classes] *county* in the office of the county commissioners.

Section 202. Appointment and Compensation of Personnel.—

(a) In [counties of the second A, third, fourth, fifth, sixth, seventh and eighth classes] *each county*, the county commissioners shall have direct supervision and control of the bureau, and shall have power to appoint a director and such employes and assistants as may be necessary to properly administer the affairs of the bureau, but the number and compensation of such employes, including the compensation of the director, shall be fixed by the salary board of the county in those counties where there is a salary board, and in all other counties by the county commissioners. Such compensation shall be paid by the county from county funds.

County employes or the county treasurer may be assigned by the county commissioners to act as the director or to other duties in the bureau.

(b) The county solicitor shall be the legal advisor and counsel to the bureau. The solicitor may appoint such assistant solicitors at such salaries as shall be allowed by the salary board.

Section 203. Bonds.—The county commissioners of each county [of the second A, third, fourth, fifth, sixth, seventh and eighth classes] shall have power to require the director of the bureau [of the county] and such employes and assistants of the bureau, as may by them be designated, to give bonds to the Commonwealth for the use of the taxing districts, whose delinquent real estate tax claims are administered through such bureau, and for the use of any other person having a claim by reason of any act of such director, employes or assistants in such penal sum as the county commissioners shall fix, conditioned for the faithful performance of the duties of their office or public position and a strict accounting and [payment over] *distribution* of all moneys collected or received by them under the provisions of this act. The cost of such bonds shall be paid by the county.

Section 3. Section 204 of the act, amended January 18, 1952 (1951 P.L.2098, No.595), is amended to read:

Section 204. County Bureau to Collect Taxes.—

(a) Each county bureau shall receive and collect such taxes and give proper receipt therefor when payment is offered, and to make distribution of the moneys received [therefor] as provided by this act.

(b) (1) *All taxes for which returns have been made to the bureau shall be payable only to the bureau and shall not be payable to or be accepted by any taxing district or tax collector.*

(2) *In the event that any such taxes are received or accepted by any taxing district contrary to the provisions of this section, the taxing district shall be liable to the bureau for, and the bureau shall deduct from any distribution to which the taxing district is entitled under section 205, all charges, fees, costs, commission and interest to which the bureau would otherwise have been entitled under the act if payment had been made directly to the bureau.*

Section 4. Section 205 of the act, amended June 22, 1980 (P.L.247, No.70), is amended to read:

Section 205. System of Accounting and [Payment Over] *Distribution*.—

(a) In each county bureau a system of accounting and [payment over] *distribution* of all moneys collected or received under the provisions of this act shall be established in the bureau as may be determined by the county commissioners, the county controller, if any, and county treasurer.

[All taxes and municipal claims recovered in full by the bureau under the provisions of this act, whether by payment by the owner before sale, payment by a purchaser who has bid the upset price at a sale, by redemption or through sequestration shall be paid over to the taxing districts entitled thereto. In all other cases, including net moneys received through sequestration or from the management or through public or private sale of property, the moneys received shall be paid over, first, to the respective taxing districts in proportion to the taxes due them; second, the municipal claims against such property due any taxing district; third, mortgages and other liens in order of their priority; and fourth, except in cases of property purchased by a taxing district prior to the effective date of this act and turned over to the bureau for sale, the balance remaining shall be paid to the owner of the property sold. Such payments shall in all cases be less the percentage to

which the county is entitled in accordance with this act: Provided, however, That where by the sale or redemption of property, tax liens of the Commonwealth are recovered, payment shall first be made of the tax liens of the Commonwealth to the State Treasurer through the Department of Revenue, and in the case of the public or private sale of property by the bureau after the continuance of a former sale, because of insufficient bid, the purchase price received shall first be applied to the satisfaction of the tax liens of the Commonwealth and shall be paid over in like manner.

Moneys recovered on account of costs, fees and expenses advanced by the county or any other taxing district shall be repaid to the taxing district making the advance. Whenever no claim for payment of any balance due the owner of the property is presented by or on behalf of the owner within a period of three years of the date of the sale, the balance of the proceeds shall be distributed to the respective taxing districts pro rata based on the millage imposed by the respective taxing districts as of the year such property was sold. Interest earned by the proceeds of the sale during the three-year holding period shall revert to the county.

The bureau shall keep an accurate account of all moneys received by it under the provisions of this act and a separate account for each property.

All payments, out of moneys recovered, shall be made by the bureau at stated intervals, but not less frequently than once every three (3) months.]

(b) The bureau shall keep an accurate account of all money recovered and received by it under this act and maintain a separate account for each property.

(c) Money received on account of costs, fees and expenses advanced by any taxing district shall be repaid to the taxing district making the advance. Other money collected under this act shall be subject, first, to a commission of five per centum (5%) of all money collected to be retained by the bureau to offset costs of the administration of this act. Interest earned on money held by the bureau prior to distribution shall also be retained by the bureau for administrative costs.

(d) It shall then be the duty of the bureau to distribute the entire remaining balance of money collected against each account at least once every three (3) months in the following manner and according to the following priority:

(1) First, to the Commonwealth, by payment to the State Treasurer through the Department of Revenue, for satisfaction of tax liens of the Commonwealth only if the total amount of such liens or such portion thereof have been included in the purchase price and paid by the purchaser or the property is sold at judicial sale pursuant to this act.

(2) Second, to the respective taxing districts in proportion to the taxes due them.

(3) Third, to taxing districts or municipal authorities for satisfaction of municipal claims.

(4) Fourth, to mortgagees and other lien holders, in order of their priority, for satisfaction of mortgages and liens as they may appear of record, whether or not discharged by the sale.

(5) *Fifth, to the owner of the property.*

(e) *Prior to the actual distribution required by this section, the bureau shall petition the court of common pleas for a confirmation of distribution. The petition shall set forth a proposed schedule of distribution for each account and shall request the court to issue a rule to show cause on each distributee why the court should not confirm the distribution as proposed. The rule to show cause and a copy of the petition shall be served upon each distributee by first class mail, with proof of mailing to the last residence or place of business of the distributee known to the bureau. If the rule to show cause is not returned by any distributee on or before the time set for its return, the court shall forthwith confirm the distribution absolutely. If any distributee makes a return of the rule within the time set by the court, the court shall forthwith hear any objections and exceptions to the proposed distribution and thereafter adjust the schedule of distribution as it deems just and equitable according to law and confirm the distribution absolutely as adjusted. An absolute confirmation of distribution by the court shall be final and nonappealable with respect to all distributees listed in the petition.*

(f) *Whenever no claim for payment of any balance due the owner of the property is presented by or on behalf of the owner within a period of three (3) years of the date of the sale, the balance of the proceeds shall be distributed to the respective taxing districts pro rata based on the millage imposed by the respective taxing districts as of the year such property was sold. Interest earned by the proceeds of the sale during this three-year period shall be retained by the county.*

Section 5. Section 207 of the act, amended September 27, 1973 (P.L.264, No.74), is amended to read:

Section 207. Reimbursement of County; Charges.—(a) In order to reimburse the county for the actual costs and expenses of operating the bureau created by this act, the county shall receive and retain out of all moneys collected or received under the provisions of this act, five per centum (5%) thereof, which percentage shall be deducted by the bureau before paying over moneys to the respective taxing districts entitled thereto, **and**. *This percentage and interest earned under section 205 shall be paid into the county treasury for the use of the county. The reimbursement herein provided for shall be in addition to the costs, fees and expenses advanced by the county, which, upon recovery, are payable to the county as provided by the preceding section of this act.*

(b) In addition to the five per centum (5%) authorized by subsection (a), and the reimbursement as therein provided, maximum charges for the following or similar type services are authorized:

- | | |
|-----------------------------------|------------------|
| (1) Entry of Claim, includes..... | [\$5.00] \$10.00 |
| (i) audit lien sheets | |
| (ii) enter on property card | |
| (iii) enter in docket | |
| (iv) enter in index | |
| (v) type notice of return | |

- (vi) mail notice of return
- (2) Satisfaction of Claim, includes..... \$5.00
 - (i) prepare receipt
 - (ii) satisfy docket
 - (iii) satisfy index
 - (iv) post property card
 - (v) enter on daily distribution sheet
- (3) Preparation of Sale, includes..... **[\$5.00] \$15.00**
 - (i) prepare cost sheet
 - (ii) type notice of sale
 - (iii) mail notice of sale
 - (iv) prepare advertising copy
- (4) **[Title Search] Review of Records**, includes..... **[\$7.00] \$10.00**
 - (i) check assessment records
 - (ii) check Recorder of Deeds
 - (iii) check Register of Wills
- (5) Preparation of Deed..... **[\$15.00] \$25.00**
- (6) **[Redemption by Lien Creditor] Discharge of Tax Claim**, Section 501 [(b)]..... \$5.00
- (6.1) Removal from Sale, Section 603**..... \$5.00
- (7) **[Quarterly Payment] Agreement to Stay Sale, Section 603**..... **[\$5.00] \$15.00**
- (8) Postage**..... *Actual cost*

It is the intent of this act to authorize the bureau to charge the costs of its operation against the properties for which a delinquent return is made on an equitable and pro-rata basis in so far as is possible. The charge made for each service shall bear a reasonable relationship to the service rendered.

Section 6. Section 208 of the act, amended May 6, 1955 (P.L.40, No.15), is amended to read:

Section 208. Agent of Taxing Districts; Lien Certificates.—The bureau and the director thereof shall, in the administration of this act, be the agent of the taxing districts whose tax claims are returned to the bureau for collection and prosecution under the provisions of this act, and in the management and disposition of property in accordance with the provisions of this act.

The bureau shall, upon request of any person, furnish **[to him]** a lien certificate showing the taxes due on any property as shown by its records. A fee of **[two dollars (\$2)] not more than five dollars (\$5)** shall be charged for any such certificate **[for the use of] and shall be payable to** the county.

Section 7. Section 301 of the act, amended September 27, 1973 (P.L.264, No.74), is amended to read:

Section 301. Taxes, a First Lien.—All taxes which may hereafter be lawfully levied on property in this Commonwealth by any taxing district, and all taxes heretofore lawfully levied by any taxing district on any property, the lien of which has not been lost under existing laws (whether or not a claim has been filed, or return thereof has been made to the county commissioners) shall be and are hereby declared to be a first lien on said property. Such liens shall have priority to and be fully paid and satisfied out of the proceeds of

any **[public]** sale of said property held under the provisions of this act before any mortgage, *ground rent*, obligation, judgment claim, lien or estate with which the said property may have or shall become charged, or for which it may become liable, save and except only the costs of the sale and of the proceedings upon which it is made, and *such* tax liens **[in favor]** of the Commonwealth of Pennsylvania, **[which shall have]** *given* priority **[to such tax liens]** *of payment by section 205 of this act.*

Section 8. Section 302 of the act is amended to read:

Section 302. **[Who Entitled to] Lien [for Taxes] Entitlement.**—The lien for taxes shall exist in favor of[,] *the taxing district to which the tax is payable* and the claim therefor shall be filed against[,] the property taxed **[on behalf of the taxing district to which the tax is payable].**

Section 9. Section 303 of the act, amended September 15, 1961 (P.L.1334, No.589), is amended to read:

Section 303. Property Subject to **[and] or Exempt from Claim.**—All property, by whomsoever owned and for whatsoever purpose used, and all property the owner of which is unknown and has been unknown for a period of not less than **[ten] five** years, shall be subject to claims for taxes, except such property **[as] which** is exempt by law from taxation, **[or as] or which** is not made subject to taxation by law.

Section 10. Section 304 of the act, amended September 27, 1973 (P.L.264, No.74), is amended to read:

Section 304. Tax Liens and Municipal Claims Divested by Sale.—The lien of all taxes and municipal claims now or hereafter imposed, levied or assessed against any property *and included in the upset price* shall be divested by any **[public] upset** sale of such property under the provisions of this act, if the amount of the purchase money shall be at least equal to the amount of **[prior]** tax liens of the Commonwealth *having priority under section 205*, the amount of all taxes **[and municipal claims]** due on such property, *the amount of all municipal claims certified to the bureau under section 605* and costs of sale.

[It is hereby made the duty of the bureau and of any other officer having claims or judgments for taxes and municipal claims for collection against any property, advertised to be sold at public sale under the provisions of this act, to give notice to the officer or person selling any such property of the amount of tax liens of the Commonwealth, and of the amount of all taxes and municipal claims against the same, and the bureau selling such property shall, through the county treasurer, pay out the proceeds arising from such sale in the order of their priority, first, the costs of sale and the proceedings upon which it is made; second, the tax liens of the Commonwealth; third, taxes and costs due thereon; fourth, municipal claims and costs due thereon; fifth lien holders in the order of their priority; and sixth, any balance remaining to the real owner at the time of sale.]

Section 11. Section 306 of the act, amended September 27, 1973 (P.L.264, No.74) and April 6, 1981 (P.L.7, No.3), is amended to read:

Section 306. Return of Property and Delinquent Taxes; Interest; Settlements by Tax Collectors.—

(a) It shall be the duty of each receiver or collector of any county, city, borough, town, township, school district or institution district taxes[,] to make a return to the [county] bureau on or before the [first Monday of May] last day of April of each year, *but no earlier than the first day of January of that year. The return shall be typewritten on a form provided by or acceptable to the county and shall include* a list of all properties against which taxes were levied, the whole or any part of which were due and payable in the calendar year immediately preceding *and* which remain unpaid, giving the description of each such property[,] as it appears in the tax duplicate, *and the name and address of the owner as it appears in the tax duplicate*, together with the amount of such unpaid taxes, penalties and interest due to but not including the first [Monday of May of the year of] *day of the month following the return. Such return shall be accompanied by a signed affidavit that the return is correct and complete.* Interest shall be charged on taxes so returned from and after *but not before* the first [Monday of May of the year of] *day of the month following the return. Interest shall be charged* at the rate of [six per centum (6%)] *nine per centum (9%)* per annum.

(b) [The first return made by a tax collector under the provisions of this act shall also include all taxes for any year or years preceding the year provided for by this section, if the lien of such taxes has continued under existing law, but a claim for such taxes has not been reduced to judgment; and for such purpose, the lien of such taxes shall be further continued for the purpose of making return of such taxes, and the making of the claim therefor absolute under the provisions of this act.

(c) No taxes shall be returned by any tax collector where the owner is paying his delinquent taxes under the provisions of any act of Assembly abating penalties, interest and costs, unless there has been a default in payment by the owner, in which case or at any time when a yearly return is being made after any such default, return shall be made of the balance due as fixed by the act of Assembly abating penalties, interest and costs, or either. The lien of all such taxes shall be continued for the purpose of making a return thereof and collecting the same under the provisions of this act.

[(d) The taxing district shall have power to require its tax collector to adjust his duplicate from time to time, as may be required by the taxing district, and to finally settle and adjust the tax duplicate in his possession within such time as will enable him to make the return, herein provided for, within the time required. All laws providing for the adjustment and settlement of duplicates prior to the time fixed by the taxing districts, as herein provided, are hereby repealed insofar as they apply to the time fixed for the settlement of duplicates.]

(c) *The county commissioners, by resolution, may establish and fix a return date, other than the return date prescribed in subsection (a), on or before which tax collectors must make the return to the bureau required by this section. No return shall be made or return date established before the first day of January following the year when taxes first become due and payable as specified on the tax notice, and no return date shall be established which is later than the last day of April immediately following the year in*

which the taxes became due. The single return date established and fixed by said resolution shall be uniform within the county for all taxes returnable under the provisions of this act. Whenever the resolution establishes and fixes a return date, interest shall be charged on taxes so returned from and after the first day of the month immediately following the month in which the return is required. Interest shall be charged at the rate of nine per centum (9%) per annum.

Section 12. Section 307 of the act, amended May 20, 1949 (P.L.1602, No.484) and July 13, 1953 (P.L.439, No.98), is amended to read:

Section 307. **Filing Claims; Testing Validity of Old Claims; Joinder of Claims of Taxing Districts].—(a)** Claims for taxes against property so returned must be entered by the bureau in the office thereof in suitable dockets.

(b) **[Claims for taxes due on property returned to the county commissioners and certified to the county treasurer for tax sale purposes under existing law must, if no sale on such claims has been held, be transferred to the bureau from the office of the county treasurer on or before the first Monday of May, one thousand nine hundred forty-eight. And where a taxing district shall hereafter become subject to the provisions of this act, such transfer shall be made on or before the first day of June of the year the taxing district becomes so subject. In cases where an owner is paying taxes under the provisions of any act of Assembly abating penalties, interest and costs, or either, the claims must likewise be transferred, as herein provided, but no costs involved in such transfer shall be chargeable to the owner so long as he is not in default in his payments. Such costs shall be payable by the county except where there is a default.**

(c) **Before the bureau makes any transfer of tax claims from the office of the county treasurer and enters the same in the proper dockets, the director shall examine such returns and determine, in writing, those claims, if any, the liens of which, in his opinion, have been lost, or the returns of which are invalid on their face, and which cannot be corrected. The director shall file his findings in the office of the bureau, and copies thereof shall be furnished to any taxing district having an interest in any claims determined by the director to have been lost or invalid. The director shall, within ten (10) days after such filing, give notice once a week for two (2) consecutive weeks in two (2) newspapers of general circulation, if so many are published in the county, and in the legal journal, if any, designated by the court for the publication of legal notices, (1) of the date of his filing of such findings, (2) where a copy of the findings may be secured, and (3) that any taxing district, having objection to the findings, may file exceptions with the bureau within fifteen (15) days from the date of the filing of the findings. If, after hearing thereon, the exceptions are disallowed by the bureau, the taxing district may, within fifteen (15) days thereafter, appeal by petition to the court of common pleas, specifically setting forth the findings to which objection is made, the reasons therefor and the refusal of the bureau to sustain their exceptions. Upon the filing of the petition in open court, the court shall order the petition and the findings of the director and any other petitions filed, docketed to the same**

number, and shall fix a day for hearing the petitions, of which such notice shall be given to all parties interested, as the court may direct. After hearing, the court shall enter its order either affirming, modifying or reversing the findings of the director as to it shall appear just and proper. The claims, held, lost or invalid by the findings of the director, where there has been no appeal; or after affirmation or modification of such findings by the court; or in the opinion of the court reversing the findings of the director, shall not thereafter be further proceeded with. The decisions of the court shall be final.

(d) Not later than the thirtieth day of June, each year, [or for the first year in which any county operates under the provisions of this act, not later than the thirtieth day of September,] the bureau shall make up from the tax returns received from the taxing districts, as aforesaid, a claim for each property returned, which shall contain the unpaid taxes against such property, which are due all taxing districts as found in the various returns. Such claims shall be entered by the bureau in a suitable claim docket and may be in the form of written or typewritten lists. A claim shall cover the unpaid taxes due all taxing districts, but the amount due each taxing district shall nevertheless be shown separately. A number of years' taxes of different kinds may be included in one claim. Any claims shall be amendable by leave of the bureau upon notice to the defendant as the bureau may require.

Section 13. Section 308 of the act, amended July 10, 1980 (P.L.417, No.98) and reenacted November 6, 1985 (P.L.305, No.76), is amended to read:

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, or whenever, heretofore, any claims have been returned to and a claim entered with the tax claim bureau and the same has not been pursued to sale as provided for by the act of Assembly, then within six (6) months after the effective date of this act,] the bureau shall give *only one* notice of the return of said taxes and the entry of such claim [to] *in one envelope* for each delinquent taxable *property*, by United States registered mail or United States certified mail, return receipt requested, postage prepaid, addressed to the [owner personally] *owners* at [his last known post office] *the same address listed on the form returned by the tax collector for taxes that are delinquent. In the case of property owned by joint tenants, tenants in common, or husband and wife as tenants by the entirety, the bureau may give the notice required by this section by forwarding only one notice addressed to such joint tenants, tenants in common or husband and wife at the same post office address.* If the owner of the property is unknown and has been unknown for a period of not less than [ten] *five* years, such notice shall be given only by posting on the property affected. 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] by the postal authorities, then notice as herein provided shall [immediately] be posted on the property affected. *If the property owner has entered into an agreement with the bureau for the*

payment of the delinquent taxes, the posting is not necessary. 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 of the following year, in cases where the notice was mailed on or after August first, or]** and no exceptions thereto *are* 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]** a one (1) year period **[of redemption] for discharge of tax claim** shall commence or has commenced to run, and that if **[redemption] full payment of taxes** is not made during that period as provided by this act, the property shall be **[sold pursuant to the provisions of] advertised for and exposed to sale under** this act, **[and] (4) state that** there shall be no **[further] redemption after [such] the actual sale and [(4)] (5) state that** the owner of any owner-occupied real estate can apply for an extension of the **[redemption] period for discharge of tax claim** for up to twelve (12) additional months under and subject to the provisions of sections 502 and 503 of this act.

(b) **[In the case of claim for taxes, filed in the office of the prothonotary, which have not been heretofore reduced to judgment, where the lien of such claim has not been lost, the respective taxing districts shall return to the bureau on or before the first Monday of May, one thousand nine hundred forty-eight, or on or before the first Monday of June of any year in which any city of the third class or any county shall elect to collect its delinquent taxes in accordance with this act, a complete list of such claims and the properties against which the same are filed, and the bureau shall give such owners the same notice as above provided or shall post such notice on the property.**

(c) Notice given in the manner provided by this section shall constitute proper service on the owner. A statement in the claim entered that due notice of the same was given shall be conclusive evidence that notice was given as required by law. The notice given in the manner provided by this section shall contain the following provision which shall be conspicuously placed upon said notice and set in at least 10-point type in a box as follows:

WARNING

“IF YOU FAIL TO PAY THIS TAX CLAIM OR FAIL TO TAKE LEGAL ACTION TO CHALLENGE THIS TAX CLAIM, YOUR PROPERTY WILL BE SOLD WITHOUT YOUR CONSENT AS PAYMENT FOR THESE TAXES. YOUR PROPERTY MAY BE SOLD FOR A SMALL FRACTION OF ITS FAIR MARKET VALUE. IF YOU PAY THIS TAX CLAIM BEFORE JULY 1, 19 , YOUR PROPERTY WILL NOT BE SOLD. IF YOU PAY THIS CLAIM AFTER JULY 1, 19 , BUT BEFORE ACTUAL SALE, YOUR PROPERTY WILL NOT BE SOLD BUT WILL BE LISTED ON ADVERTISEMENTS FOR SUCH SALE. IF YOU HAVE ANY QUESTIONS, PLEASE CALL YOUR ATTORNEY, THE TAX

CLAIM BUREAU AT THE FOLLOWING TELEPHONE NUMBER _____, OR THE [LEGAL AID] COUNTY LAWYER REFERRAL SERVICE [AT THE FOLLOWING TELEPHONE NUMBER _____].”

[(d)] (c) The costs of such mailed and posted notices shall be [taxed as] part of the costs of the proceedings and shall be paid by the owner the same as other costs.

Section 14. Section 309 of the act, amended September 15, 1961 (P.L.1334, No.589), is amended to read:

Section 309. Contents of Claims Entered.—All claims for taxes returned, made up as a claim and entered in the claim docket in the bureau shall set forth:

(a) The names of the taxing districts for which filed,

(b) Except when the owner of the property is unknown and has been unknown for a period of not less than [ten] five years, the name of the owner of the property against which it is filed,

(c) A description of the property against which the claim is filed sufficient to identify the same. A description of the property shall be deemed sufficient if it contains (1) a reference to a record of a deed or other instrument of conveyance which describes the property, or (2) a reference to the number or number and block of the property in a plan, recorded in the office of the recorder of deeds of the county, and the record of such plan, or (3) a reference to the number on any lot and block plan officially adopted by a taxing district, or (4) a statement of the street and number of the property as officially designated by public authorities of a taxing district as of the time the property was assessed, or (5) where the property is not identified by reference to the record of a deed, or other instrument of conveyance, and may not be identified by street and number, or by recorded plan, or by a lot and block plan, a statement of the approximate acreage of the property and the name of at least one (1) owner of adjoining property, if such statement is accompanied by information showing the character of and use to which the property is devoted, as for instance “dwelling and lot,” “vacant lot,” “vacant land” or “hotel, restaurant, apartment house, office building, bank building, manufacturing plant, industrial plant and the lands belonging thereto,” or “farm and the buildings thereon,” or “plant nursery and buildings thereon,” or “forest or woodland,” or “wasteland,” or “coal, oil or other mineral severed from the surface,” etc., or intelligible abbreviations thereof. A variation in the description of the property given in the claim filed from that shown on the assessment for tax purposes shall not constitute an irregularity and shall not invalidate the claim. The aforesaid description shall not be deemed exclusive.

(d) The year or years, period or periods, for which the respective taxes were levied, and the amount of taxes due for each year, or period, and the penalties and interest due thereon at the time of filing.

(e) That due notice of the returns of such taxes, the entry of the claim and that the same would become absolute, if no exceptions were filed, was given to the owner or posted on the property in the manner required by law.

Said claim shall be entered in the office of the bureau in the proper claim docket and be signed by or have stamped thereon a facsimile signature of the director.

Section 15. Section 311 of the act, amended July 13, 1953 (P.L.439, No.98), is amended to read:

Section 311. Claims Become Absolute.—On the first day of January next following the notice hereinbefore prescribed, **[in cases where the notice was mailed prior to August first, or on the first day of April, in cases where the notice was mailed on or after August first,]** if the amount of the tax claim referred to in the notice has not been paid, or no exceptions thereto filed, the claim shall become absolute. Every such claim shall bear interest as hereinbefore provided to the date of payment, or date of sale held under the provisions of this act, except in the case of claims where the owner is paying his taxes under the provisions of any law abating penalties, interests and costs, or either, in which case the claim shall bear no interest and costs, unless there is a default in payment, in which case interest shall run on the amount due on the claim at the time of default, and penalties, interest and costs abated shall be added as provided by the act of Assembly abating the same.

Section 16. Section 312 of the act is amended to read:

Section 312. Lien Lost if Not Returned **[or Transferred]** to Bureau.—Any such claim for taxes, if such taxes were returned to the bureau **[or transferred from the office of the county treasurer to the bureau]** within the time required by this act, shall remain a lien upon said property until fully paid and satisfied, or until said property shall be sold as provided in this act. If a tax is not returned **[or transferred]** to the bureau within the time required by this act, its lien on the property shall be wholly lost. But where a tax has not been returned **[or transferred]** as required by this act, a taxing district may nevertheless proceed, by action in assumpsit, to recover the amount of any taxes due and owing by an owner at any time within six (6) years after the taxes first became due.

Section 17. Section 314 of the act, amended May 20, 1949 (P.L.1602, No.484) and July 13, 1953 (P.L.439, No.98), is amended to read:

Section 314. Proceeding to Attack Validity of Claim.—

(a) Any claim for taxes may, prior to the time it becomes absolute, be set aside or reduced in amount by the bureau **[in] with** which it is filed if the claim is found invalid in whole, or in part, by reason of the fact that the taxes for which the claim was entered were paid in whole, or in part, to a proper officer or agent of the taxing district, or is found invalid, in whole or in part, for any other reason not involving a question which could have been raised by an appeal provided for by law.

Any such claim prior to the time it becomes absolute may be set aside or reduced in amount by the court of common pleas on appeal, as hereinafter provided, for any reason which constitutes a just, sufficient and valid defense to the claim in whole, or in part, except want of notice of the return and entry of the claim by the bureau, or for any dispute in the amount of the claim which involves the amount of the assessed valuation of the property or the validity of the tax levied.

(b) Any defendant in any such claim, at any time before the day fixed for the claim to become absolute under section 311, may file with the bureau exceptions to the claim as entered, or to any part of the claim. The bureau, after giving due notice to the taxing districts interested, shall hold a hearing thereon and either disallow the exceptions or allow the exceptions in whole, or in part, and strike off or reduce the claim in accordance with the evidence produced and the powers of the bureau as hereinbefore prescribed.

If the defendant is aggrieved by the decision of the bureau he may, within fifteen (15) days after notice thereof, appeal by petition to the court of common pleas of the county setting forth the defense he has to the claim, or any part thereof, and the refusal of the bureau to allow his exceptions and strike off or reduce the amount of the claim. Thereupon the court shall grant a rule on the taxing district or districts to show cause why the claim should not be set aside or reduced in amount as prayed for in the petition. The petitioners shall give notice of such proceeding to the bureau.

(c) The issues raised by the petition and the answer thereto by the taxing district or districts shall be tried by the court or a jury.

(d) The petition and the answer or answers thereto, if an issue of fact is raised, shall be endorsed with a statement signed by the party or his attorney in the following form:

“Jury trial demanded,” or

“Jury trial waived.”

The endorsement of “jury trial waived” on both petition and answer or answers shall be deemed a waiver of a trial by jury of every issue in the proceeding.

(e) No taxpayer shall have the right to proceed by petition to the court of common pleas to open a claim absolute under the provisions of this act, except on the ground of payment of the tax involved or failure to receive notice. The remedy provided by this section to contest a tax claim entered shall be deemed exclusive except as herein otherwise provided.

(f) After verdict by the court or the jury, the court shall, by its final order, either affirm or set the claim aside, or reduce the amount of the claim and fix the proper amount thereof in accordance with the verdict, and shall assess the costs of the proceedings as it shall determine. **[Any party aggrieved by the final order entered in the proceeding may appeal to the Superior or Supreme Court as in other cases.]** Upon final order of the court, or upon final disposition thereof[,] upon appeal **[to the Supreme or Superior Court]**, if the entire claim has not been set aside, such return shall become absolute.

Section 18. Section 404 of the act, amended January 18, 1952 (1951 P.L.2098, No.595), is amended to read:

Section 404. Powers of Sequestrator.—A sequestrator shall have power to retain possession of the property, as sequestrator, until all taxes owing to the several taxing districts shall have been collected or paid. He shall have power (a) to lease the property for a period not exceeding one (1) year, with the usual privilege of renewal or termination thereof upon three (3) months' notice, (b) to make such repairs to the property as may be reasonably necessary to restore and maintain it in a tenantable condition, and to carry insur-

ance on such property, (c) to advertise the property for rent, (d) to collect the costs of repairs, advertising and commissions of rental agents from rentals collected or from a redeeming owner, (e) to sell and dispose of growing crops, and (f) to appoint a licensed real estate broker or agent, as agent to collect the rentals of the property, and pay such agents the customary commissions for rent collections. The bureau shall not, in any case, without prior approval of the county commissioners, **[or in case of cities of the first class, the city council,]** incur any expense for the maintenance, repair or alteration of any property in excess of eighty per centum (80%) of the amount of rental to be received from such property within a period of one (1) year under a lease entered into at or before the time such expense is incurred. All commissions, costs and necessary expenses shall be deducted from the rents collected before paying the net balance toward taxes.

Section 19. Section 405 of the act is amended to read:

Section 405. Return of Possession.—Any owner of the property may redeem it from the sequestrator and be again entitled to possession thereof upon payment of the amount of taxes then owing upon the property after the payment of commissions, costs and expenses of the sequestration proceedings. Upon payment of all taxes and costs or the satisfaction of the taxes and costs by collection of rentals, the sequestrator shall transfer possession of the property to the owner, subject to any existing lease given by the sequestrator, which lease shall be assigned to the owner. The sequestrator shall in such cases enter satisfaction on the record of the tax claim.

In any case where it appears to the sequestrator that property taken into possession does not yield any revenue or not sufficient revenue to continue in possession thereof, he may, with the consent of the court, return possession of the property to the owner subject to any existing lease given by the sequestrator, and thereafter such property **[may] shall** be sold at the next sale held at least ninety (90) days after such return of possession in the manner provided by this act.

Section 20. The heading of Article V of the act is amended to read:

ARTICLE V
[REDEMPTION OF PROPERTY]
DISCHARGE OF TAX CLAIM BEFORE SALE

Section 21. Section 501 of the act, amended July 10, 1975 (P.L.41, No.22), is amended to read:

Section 501. **[Redemption of Property From Effects] Discharge of Tax Claims.—**

(a) Any owner, his heirs or legal representatives, or any lien creditor, his heirs, assigns or legal representative, or other person interested, if such other person has a duly executed power of attorney from the owner, his heirs or assigns or legal representative or any of them empowering such person to make payment may**[, within one (1) year after the first day of July of the year in which the claim was filed and notice given, if the notice was mailed prior to August first, or within one year from the first day of the month in which the notice was mailed, if mailed on or after August first, redeem such] cause**

the discharge of tax claims and liens entered against the property for the benefit of the owner by payment to the bureau of the amount of the aforesaid claim and interest thereon, the amount of any other tax claim or tax judgment due on such property and interest thereon, and the amount of all accrued taxes which have been returned and remain unpaid, the record costs, including pro rata costs of the notice or notices given in connection with the returns or claims. If, prior to July 1 of the year following the notice of claim, payment is made in an amount equal to the sum of:

(1) outstanding taxes entered on notice of claim and interest due on those taxes;

(2) the amount of all accrued taxes which have been returned and remain unpaid; and

(3) the record costs;

then the subject property shall be removed from exposure to sale and shall not be listed in any advertisement relating to sale of property for delinquent taxes. If payment is made after July 1 of the year following the notice of claim, but before the actual sale of the property, the property shall not be sold, but the property and name of owner may appear in an advertisement relating to the sale of property for delinquent taxes.

[The] Upon receipt of payment or upon certification to the bureau that payment of all taxes and other charges otherwise payable to the bureau under this act has been made to a taxing district, the bureau shall [receive and receipt for said payments, and shall make distribution thereof to the taxing districts entitled thereto. The bureau shall forthwith acknowledge the receipt of the redemption moneys by entering] issue written acknowledgement of receipt and a certificate of discharge and shall enter satisfaction on the record [of the claim in the office of the bureau which shall be signed by the director]. All payments received shall be distributed to the taxing district entitled thereto not less than once every three (3) months.

(b) When any property is [so redeemed] discharged from tax claim by payment by a lien creditor, or his heirs, assigns or legal representatives, or by any person interested for the benefit of the owner, the [bureau shall issue to the person redeeming such property a certificate, stating the fact of such redemption, a brief description of the property redeemed, and the amount of the redemption money paid, which] certificate shall be issued to the person making the payment and shall state the fact of the discharge, a brief description of the property discharged and the amount of the discharge payment. This certificate may be entered in the office of the prothonotary [of the county] as a judgment against the owner of the property for the amount stated therein. The lien of any such judgment shall have priority over all other liens against such property in the same manner and to the same extent as the taxes involved in the [redemption] discharge.

(c) There shall be no redemption of any property after the actual sale thereof.

Section 22. Sections 502 and 503 of the act, reenacted and amended November 6, 1985 (P.L.305, No.76), are amended to read:

Section 502. Option of County to Extend **[Redemption]** Period *for Discharge of Tax Claim*.—A county may at the option of its commissioners enact legislation extending the **[real estate tax redemption]** period *for discharge of tax claim for real estate taxes* for taxpayers for up to twelve (12) additional months.

Section 503. Extension of **[Redemption]** Period *for Discharge of Tax Claim*.—(a) If the county commissioners of the county enact legislation pursuant to section 502, then the county commissioners, acting through the county tax claim bureau determine that a tax claim or tax claims constitute severe hardship to the taxpayer and that extenuating circumstances beyond the taxpayer's control have caused the tax claim or claims to be filed or remain unpaid and there is a reasonable probability that the taxpayer will be able to meet the indebtedness if granted an extension of the **[redemption]** period *for discharge of tax claim* for up to twelve (12) additional months, they shall have the authority in the event of an application for extension submitted by the taxpayer to:

(1) Extend the **[redemption]** period *for discharge of tax claim* for owner-occupied real estate for up to twelve (12) additional months: Provided, That the taxpayer enters into an equitable apportioned payment schedule consistent therewith.

(2) Abate, suspend, continue or stay the tax sale proceedings pending with respect to such owner-occupied residential real estate.

(b) The payment schedule authorized under subsection (a) shall permit the taxpayer to make payment of the amount due in at least four (4) separate payments, spaced at least thirty (30) days apart, and shall require the initial payment to be not more than twenty-five per centum (25%) of the total indebtedness calculated to be due under such schedule. However, the provisions of this subsection and of section 603 notwithstanding, the county commissioners may, in their discretion, in special hardship cases, establish payment schedules specifically suited to the capabilities of the particular affected taxpayer.

(c) The application for extension authorized in clause (1) of subsection (a) shall be made in such form as shall be provided by the bureau. Within thirty (30) days of receipt of such an application, the director of the bureau shall either allow or disallow such an extension. If such an extension is allowed, the bureau shall set the length of such extension. Any taxpayer aggrieved by the decision of the bureau may, within fifteen (15) days after notice thereof, appeal to the county court of common pleas for de novo review of the application.

(d) For the purpose of this section the phrase "extenuating circumstances" means:

(1) Serious physical illness or injury or a combination of such illness or injury with a state of prolonged unemployment if: (i) the taxpayer is a permanent resident of the Commonwealth, (ii) the illness or injury, or combination thereof, occurred or persisted during any of the tax years for which the delinquent taxes were assessed or during the year immediately preceding any such delinquency, and (iii) the illness or injury, or combination thereof, has

been a substantial cause of the taxpayer's failure to pay any such delinquent tax or taxes to the date of application for relief under this section.

(2) Unemployment if: (i) the taxpayer is a permanent resident of the Commonwealth, (ii) the unemployment occurred or persisted during any of the tax years for which the delinquent taxes were assessed or during the year immediately preceding any such delinquency, and (iii) the unemployment has been a substantial cause of the taxpayer's failure to pay any such delinquent tax or taxes to the date of application for relief under this section.

(e) For the purpose of this section an extension of the [redemption] period *for discharge of tax claim* shall only apply to one (1) owner-occupied property per taxpayer.

Section 23. The act is amended by adding before section 601 a subarticle heading to read:

(a) Upset Sale.

Section 24. Section 601 of the act, amended May 20, 1949 (P.L.1579, No.477), May 20, 1949 (P.L.1602, No.484) and July 10, 1980 (P.L.417, No.98), is amended to read:

Section 601. Date of Sale.—(a) [Commencing on] *The bureau shall schedule the date of the sale no earlier than the second Monday of 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, and for the first sale conducted under this act by a bureau, where claims have been validated in accordance with the provisions of this act, at the bureau's discretion, commencing on the second Monday of October, following the expiration of the redemption period, or on any day to which a] and before October 1, and the sale may be adjourned, [or] read-journed[, such adjournment not to be for a longer period than sixty (60) days, or any day to which a sale may be] or continued[, the]. *No additional notice of sale is required when the sale is adjourned, readjourned or continued if the sale is held by the end of the calendar year. The bureau may, for convenience and because of the number of properties involved, schedule sales of property in various taxing districts or wards on different dates. Except as otherwise provided in this article, all sales shall be held by the bureau by the end of the calendar year.**

(1) *The bureau shall sell [such] the 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.*

Owner occupied property shall not be sold until at least ten (10) days after the owner occupant as defined in section 102 is personally notified of the sale by the sheriff or his designee; but, if personal notice cannot be served within twenty-five (25) days, the bureau may petition the court of common pleas to waive the requirement of personal notice for good cause shown.] if all of the following are met:

(i) A tax claim has become absolute.

(ii) The property has not been discharged from the tax claim nor removed from sale under section 603; or a tax judgment has been entered against the property prior to January 1, 1948, and is unsatisfied, and a sale of the property has not been stayed by agreement under this article.

(iii) The property is not in the possession of the sequesterator.

(2) Property that is essential to the business of a quasi-public corporation shall not be sold.

(3) No owner-occupied property may be sold unless the bureau has given the owner occupant written notice of such sale at least ten (10) days prior to the date of actual sale by personal service by the sheriff or his deputy or person deputized by the sheriff for this purpose unless the county commissioners, by resolution, appoint a person or persons to make all personal services required by this clause. The sheriff or his deputy shall make a return of service to the bureau, or the persons appointed by the county commissioners in lieu of the sheriff or his deputy shall file with the bureau written proof of service, setting forth the name of the person served, the date and time and place of service, and attach a copy of the notice which was served. If such personal notice cannot be served within twenty-five (25) days of the request by the bureau to make such personal service, the bureau may petition the court of common pleas to waive the requirement of personal notice for good cause shown. Personal service of notice on one of the owners shall be deemed personal service on all owners. [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 be subject to the lien of such judgments may be included in the sale.]

(b) No property shall be exposed to sale where the delinquent taxes involved in a claim are being paid by the owner under any law abating penalties, interests and costs, or either, unless there has been a default by the owner in payment, in which case the sale of the property shall be proceeded with, as herein provided, at the time fixed for the next scheduled sale, occurring at least ninety (90) days after such default.

(c) The taxing authorities of the county and of any political subdivision in the county may jointly petition the court of common pleas of the county to stay the sale of property in any political subdivision held under the provisions of this section. The petition shall set forth the reasons for such stay. If, in the opinion of the court, after hearing, there are sufficient reasons for

such stay, the court shall have jurisdiction and power to enter an order staying such sale for any period not exceeding one year from the time fixed for such sale under subsection (a) of this section. In case of any such stay of sale, the properties in such political subdivision shall be sold in accordance with the provisions of this section on the date of the next annual sale.

Section 25. Section 602 of the act, amended July 10, 1980 (P.L.417, No.98), is amended to read:

Section 602. Notice of Sale.—(a) At least thirty (30) days prior to any scheduled sale the bureau shall give notice thereof, not less than once 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 (1) the purposes of such sale, (2) the time of such sale, (3) the place of such sale, (4) the terms of the sale including the approximate upset price, (5) the descriptions of the properties to be sold as stated in the claims entered[**each description commencing with**

“.....
Name of Owner
.....”
description]

and the name of the owner.

(b) Where the owner is unknown and has been unknown for a period of not less than **[ten] five** years, the name of the owner need not be included in such description.

(c) The description may be given intelligible abbreviations.

(d) 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 *or other* claims against such properties.”

(e) In addition to such publications, similar notice of the sale shall also be given by the bureau as follows:

(1) At least thirty (30) days before the date of the sale, by United States certified mail, **[personal addressee only] restricted delivery**, return receipt requested, postage prepaid, to each owner as defined by this act.

(2) If return receipt is not received from each owner pursuant to the provisions of clause (1), then, at least ten (10) days before the date of the sale, similar notice of the sale shall be given to each owner who failed to acknowledge the first notice by United States **[certified] first class** mail, **[personal addressee only, return receipt requested, postage prepaid,] proof of mailing**, at his last known post office address by virtue of the knowledge and information possessed by the bureau, by the tax collector for the taxing district making the return and by the county office responsible for assessments and revisions of taxes. It shall be the duty of the bureau to determine the last post office address known to said collector and county assessment office.

(3) Each property scheduled for sale shall be posted at least ten (10) days prior to the sale.

(f) 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] *actual* 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].

(g) All notices required by this section other than the newspaper notice and notice in the legal journal shall contain the following provision which shall be conspicuously placed upon said notices and set in at least 10-point type in a box as follows:

WARNING

“YOUR PROPERTY IS ABOUT TO BE SOLD WITHOUT YOUR CONSENT FOR DELINQUENT TAXES. YOUR PROPERTY MAY BE SOLD FOR A SMALL FRACTION OF ITS FAIR MARKET VALUE. IF YOU HAVE ANY QUESTIONS AS TO WHAT YOU MUST DO IN ORDER TO SAVE YOUR PROPERTY, PLEASE CALL YOUR ATTORNEY, THE TAX CLAIM BUREAU AT THE FOLLOWING TELEPHONE NUMBER _____, OR THE [LEGAL AID] COUNTY LAWYER REFERRAL SERVICE [AT THE FOLLOWING TELEPHONE NUMBER _____].”

(h) 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).], *at least thirty (30) days prior to the date of the scheduled sale, notice of the sale by certified mail on a form provided by the Department of Revenue which shall set forth (1) the name and address of the bureau, (2) the date of the sale, (3) the name and address of each corporation, limited partnership or joint-stock association, if any, whose property is scheduled for sale and (4) the total number of corporations, limited partnerships and joint-stock associations whose properties are scheduled for sale. Upon receipt of the notice and at least seven (7) days before the date of sale listed on the notice, the Department of Revenue shall mail to the bureau, by certified mail, a proof of claim for payment of Commonwealth taxes which are accorded priority by section 1401 of the act of April 9, 1929 (P.L.343, No.176), known as “The Fiscal Code.” The bureau shall include in the upset sale price of each said property the amount of Commonwealth taxes set forth on the proof of claim received from the Department of Revenue. If the bureau complies with the notice of provisions of this section and the Department of Revenue fails to mail to the bureau, at least seven (7) days before the date of sale listed on said notice by verification by the postmark, by certified mail, the proof of claim required by this section, the lien upon said property shall be forever discharged and divested, notwithstanding any other provision of this act or other law to the contrary. If the bureau does not receive a reply from the Department of Revenue prior to the scheduled date of the sale, it shall be the duty of the bureau to contact the department to determine if such reply was mailed. The bureau may then opt to reschedule the sale if circumstances warrant. No owner shall attack the validity of any sale on the basis that the bureau failed to give the notice required by this section.*

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.

(i) The costs of such advertisement and notices shall be **[taxed] added** as part of the costs of such proceedings and shall be paid by the owner the same as other costs.

Section 26. Section 603 of the act, amended November 19, 1959 (P.L.1513, No.531), is amended to read:

Section 603. **Removal from Sale; 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] actual sale, (1) cause the property to be removed from the sale by payment in full of taxes which have become absolute and of all charges and interest due on these taxes to the time of payment, or (2)** 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 **and costs** 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 **and costs** 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 **apply all payments made against the oldest delinquent taxes and costs, then against the more recent. If sufficient payment has been made to discharge all the taxes and claims which would have caused the property to be put up for sale, the property may not be sold. If sufficient payment has not been received to discharge these taxes and claims, the bureau shall** proceed with the sale of such property in the manner herein provided **either at the next scheduled upset sale or at a special upset sale [of property], either of which is to be held at least ninety (90) days after such default. If a party to an instalment agreement defaults on the agreement, the bureau shall not enter into a new instalment agreement with that person within three (3) years of the default.**

Section 27. Section 605 of the act, amended August 4, 1961 (P.L.932, No.410), is amended to read:

Section 605. **Upset Sale Price.**—The bureau shall fix as the upset price to be realized at the sale of any property upon a claim absolute, the sum of (a) the tax liens of the Commonwealth, (b) the amount of the claim absolute and interest thereon on which the sale is being held, (c) the amount of any other tax claim or tax judgment due on such property and interest on the judgment to the date of sale, (d) the amount of all accrued taxes including taxes levied for the current year, whether or not returned, a record of which shall be fur-

nished to the bureau by tax collectors, receivers of taxes and taxing districts, (e) the amount of the municipal claims against the property, and (f) the record costs and costs of sale, including *pro rata* costs of the publication of notice and costs of mail and posted notices in connection with the return of the claim and mail and posted notices of sale.

It shall be the duty of all taxing districts, *and municipal authorities* having municipal claims against any such property, to certify, *by August 30 of the year of the scheduled sale*, the amount thereof to the bureau for the purpose of including the same in the upset price. *If a taxing district or municipal authority fails to certify the amount of any municipal claim which has become a claim against the property prior to August 1 of the year of the scheduled sale, the claim shall be divested by the upset sale, notwithstanding any provision of this act to the contrary.*

No sale of property shall be made by the bureau unless a bid equal to the upset price is made[, **and where sufficient is not bid, the sale shall be continued from month to month without further advertisement for not more than three (3) months**]. *If no bid equal to the upset price is received, the sale shall be continued without further advertisement* in order to give the bureau a chance to sell the property at private sale, or to petition court for an order to sell the same, freed and discharged of all liens as hereinafter provided. *No upset sale may be continued beyond the end of the calendar year, and no property may be sold at private sale or judicial sale unless the property has first been exposed to upset sale and was not sold at upset sale.*

Section 28. Section 606 of the act is amended to read:

Section 606. Payments by Purchasers at Sales.—The purchaser of any property at [**any such**] *an upset sale shall*[, **as soon as the property is struck down,**] pay to the bureau the entire purchase money *on the date of the sale, no later than one (1) hour before the close of business or at such other time on said date as designated by the bureau*. In case said amount is not so paid, the sale shall be voided and the property shall be put up again at the same sale, *if possible, or at any adjournment, readjournment or continuation of the sale.*

Section 29. Section 607 of the act, amended May 10, 1951 (P.L.258, No.41) and July 10, 1980 (P.L.417, No.98), is amended to read:

Section 607. Bureau's *Consolidated* Return to Court; Notice; Confirmation; Appeal.—(a) It shall be the duty of the bureau, not later than sixty (60) days after a [**scheduled**] sale was held, to make a consolidated return to the court of common pleas of the county, wherein it shall set forth, (1) a brief description of each property exposed to sale, (2) the name of the owner in whose name it was assessed, (3) the name of the owner at the time of sale, and to whom notice by mail was given as provided by this act, (4) a reference to the record of the tax claim on which the sale was held, (5) the time when and the newspapers in which the advertisement for sale was made, with a copy of said advertisement, (6) the time of sale, (7) the name of the purchaser, if any, and (8) the price for which each property was sold, or that no bid was made equal to the upset price and the property was not sold. [**Upon the**] *Within thirty (30) days of presentation of [said] the consolidated return,*

if it shall appear to said court that such sale has been regularly conducted under the provisions of this act, the [said] *consolidated* return and the sales so made shall be confirmed nisi. *No consolidated return shall be made to the court until notice has been given to the owner under subsection (a.1)(1).*

(a.1) (1) Notice shall be given by the bureau within thirty (30) days of the *actual* sale to each owner by United States certified mail, [personal addressee only] *restricted delivery*, return receipt requested, postage prepaid, to each owner at his last known post office address as determined in section 602(e)(2) that the property was sold and that the owner [has within sixty (60) days from the date of the mailing of the notice to] *may* file objections or exceptions with the court relating to the regularity and procedures followed during the sale *no later than thirty (30) days after the court has made a confirmation nisi of the consolidated return.*

(2) All notices required by this subsection shall contain the following provisions and be in the following form set in at least 10-point type in a box as follows:

WARNING

“YOUR PROPERTY HAS BEEN SOLD AT A TAX SALE ON
FOR THE COLLECTION FOR DELINQUENT TAXES
INCURRED IN _____.

YOU [HAVE SIXTY (60) DAYS FROM THE DATE OF MAILING
OF THIS NOTICE TO QUESTION THE RIGHT OF THE BUREAU
TO CONDUCT THE SALE BECAUSE OF A FAILURE ON THE
BUREAU’S PART TO COMPLY WITH THE LAW] *MAY FILE
OBJECTIONS OR EXCEPTIONS TO THE SALE IMMEDIATELY
BUT NO LATER THAN THIRTY (30) DAYS FOLLOWING THE
CONFIRMATION NISI OF THE RETURN BY THE COURT.*

IF YOU HAVE ANY QUESTIONS PLEASE CALL YOUR
ATTORNEY, THIS TAX CLAIM BUREAU AT THE FOLLOWING
TELEPHONE NUMBER _____, OR THE [LEGAL AID]
COUNTY LAWYER REFERRAL SERVICE [AT THE FOLLOWING
TELEPHONE NUMBER _____].”

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

(b) The bureau shall, at the expense of the county, within ten (10) days after confirmation nisi of the *consolidated* return, publish a general notice once in a newspaper of general circulation published in the county, and in the legal journal, if any, designated by rules of court for the publication of legal notices, stating (1) that the *consolidated* return of the bureau with respect to any such sale for taxes has been presented to the court, (2) giving the date of [such presentation,] *confirmation nisi* and (3) that objections or exceptions thereto may be filed by any owner or lien creditor within [sixty (60)] *thirty (30) days after the [date of return, otherwise] court has made a confirmation nisi of the consolidated return or that* the return will be confirmed absolutely.

(b.1) *If notice is given under subsection (a.1)(2), proof that notice under subsection (a.1)(1) was not received by the owner shall not defeat a sale nor invalidate title to property. If the mailed or published notice required under this section is defective or was served in an untimely manner, the court shall enter an order nunc pro tunc for cause and, upon proof of prejudice, shall grant the owner leave to file objections and exceptions.*

(c) In case no objections or exceptions are filed to any such sale within [sixty (60)] *thirty (30)* days after the [date of return] *court has made a confirmation nisi*, a decree of absolute confirmation shall be entered as of course by the prothonotary.

(d) Any objections or exceptions to such a sale may question the regularity or legality of the proceedings of the bureau in respect to such sale, but may not raise the legality of the taxes on which the sale was held, [or] of the return [thereof] *by the tax collector* to the bureau[,] or of the claim entered [therefor]. In case any objections or exceptions are filed they shall be disposed of according to the practice of the court. If the same are overruled or set aside, a decree of absolute confirmation shall be entered by the court.

(e) If such objections or exceptions are sustained and the court deems the defect not amendable, it shall, by its order or decree, invalidate the sale and order another sale to be held in conformity with this act at such time and under such conditions as it shall fix.

(g) If no objections or exceptions are filed[,] or [where] *if* objections or exceptions are finally overruled and the sale confirmed absolutely, the validity of the tax, its return for nonpayment, the entry of the claim, or the making of such claim absolute and the proceedings of the bureau with respect to such sale, [except as to the giving of notice as required by the act, or the time of holding the sale, or of petitioning court for an order of sale] shall not thereafter be inquired into judicially in equity or by civil proceedings by the person in whose name such property was sold, [his or her or theirs, or his, her or their grantees or assigns or] *by a grantee or assignee*, by any lien creditor or *by any* other person [whatever], *except with respect to the giving of notice under the act, to the time of holding the sale, or to the time of petitioning the court for an order of sale.* There shall be no period of redemption after such sale and the sale shall be deemed to pass a good and valid title to the purchaser, free from any liens or encumbrances whatsoever, except such liens as are hereafter specifically saved, and in all respects as valid and effective as if acquired by a sheriff's deed.

Section 30. The act is amended by adding a section to read:

Section 607.1. Additional Notification Efforts.—*(a) When any notification of a pending tax sale or a tax sale subject to court confirmation is required to be mailed to any owner, mortgagee, lienholder or other person or entity whose property interests are likely to be significantly affected by such tax sale, and such mailed notification is either returned without the required receipted personal signature of the addressee or under other circumstances raising a significant doubt as to the actual receipt of such notification by the named addressee or is not returned or acknowledged at all, then, before the tax sale can be conducted or confirmed, the bureau must exercise reasonable*

efforts to discover the whereabouts of such person or entity and notify him. The bureau's efforts shall include, but not necessarily be restricted to, a search of current telephone directories for the county and of the dockets and indices of the county tax assessment offices, recorder of deeds office and prothonotary's office, as well as contacts made to any apparent alternate address or telephone number which may have been written on or in the file pertinent to such property. When such reasonable efforts have been exhausted, regardless of whether or not the notification efforts have been successful, a notation shall be placed in the property file describing the efforts made and the results thereof, and the property may be rescheduled for sale or the sale may be confirmed as provided in this act.

(b) The notification efforts required by subsection (a) shall be in addition to any other notice requirements imposed by this act.

Section 31. Section 608 of the act, amended January 18, 1952 (1951 P.L.2098, No.595), is amended to read:

Section 608. Deed.—**[When]** *After the court has confirmed the sale and the purchaser has paid the amount of his bid, it shall be the duty of the bureau to make to the said purchaser, his or their heirs or assigns a deed in fee simple for the property sold. Each such deed shall be in the name of the bureau as trustee grantor and shall be executed and duly acknowledged before the prothonotary by the director and a notation of such deed and acknowledgement shall be duly entered on the proper records. The deed shall, before delivery, be recorded in the office for the recording of deeds at the cost of the purchaser.*

Section 32. Section 609 of the act, amended June 8, 1984 (P.L.382, No.79), is amended to read:

Section 609. Nondivestiture of Liens.—Every such sale shall convey title to the property under and subject to the lien of every recorded obligation, claim, lien, estate, mortgage **[or]**, ground rent *and Commonwealth tax lien not included in the upset price* with which said property may have or shall become charged or for which it may become liable.

Section 33. The act is amended by adding before section 610 a subarticle heading to read:

(b) Judicial Sale.

Section 34. Section 610 of the act, amended December 21, 1973 (P.L.441, No.157), is amended to read:

Section 610. **[Proceedings When Upset Price Not Bid]** *Petition for Judicial Sale.*—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], but not beyond the end of the calendar year,** without further advertising, and**[, if the property is not thereafter sold by the bureau pursuant to section 613,]** the bureau may, at any time *during or after the continuance, and shall, immediately at the written direction of a taxing district,* file its petition in the court of common pleas of the county **[setting forth]** *to sell the property under sections 612 and 612.1. The bureau shall set forth on the petition (1) the tax*

claim upon which the property was exposed for sale, (2) 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,] *caused stay of sale, discharge of tax claim or removal from sale,* (3) that the property was exposed to public sale and the date of such sale, (4) that before exposing the property to public sale the bureau fixed an upset price, as herein provided, and (5) 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, *charges and estates* 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 *tax and municipal* claims, liens, mortgages, *charges and estates, except separately taxed* ground rents. The rule shall be made returnable in not more than thirty (30) days from the date the petition was presented *or as otherwise determined by the court.*

Section 35. Section 612 of the act, amended July 10, 1969 (P.L.146, No.59), is amended to read:

Section 612. Hearing and Order *for Judicial Sale.*—

(a) 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], *except separately taxed ground rents,* 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 fifty dollars (\$50) and the**]. *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] office designated by the county commissioners under section 205.* After the purchaser shall have paid over the purchase price, the bureau shall make and deliver a deed in the manner hereinbefore provided.

(b) When aforesaid petition for sale is presented within three (3) months after the date of the [former] *scheduled upset* sale, the court, [on] *in* 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.

(c) 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 36. Section 612.1 of the act, reenacted and amended September 27, 1973 (P.L.264, No.74), is amended to read:

Section 612.1. County Commissioners May Bid and Purchase Property; Costs Paid by Taxing Districts.—Whenever any property shall be put up for public sale upon order of court, as provided in section **[six hundred twelve] 612**, the county commissioners are hereby authorized to bid up to and including one dollar over and above all costs, as prescribed in section **[six hundred twelve] 612**, for said property at such sale and if the property is sold to them for the county, the county shall take and have an absolute title, free and clear of all tax and municipal claims, mortgages, liens and charges and estates of whatsoever kind, except ground rents, separately taxed in the same manner and to the same extent as a private purchaser would have taken. In such cases, the proportionate share of said costs shall be paid to the county by the respective taxing districts in proportion to the taxes due them on such property. An amount equal to such costs due the county from any taxing district may be deducted from any tax moneys thereafter payable to such district under the provisions of this act. Upon the sale thereafter of such property by the county, the proceeds from the sale shall be distributed to the taxing authorities in proportion to the taxes due them on such property at the time of the last tax sale.

Any property purchased at such sale by the county may thereafter by the county commissioners be (1) leased to any taxing district to be used for public purposes; (2) used for any suitable public purpose by the county; (3) sold in the same manner as any other real property owned in fee simple by the county; or (4) sold upon petition to the court of common pleas, which shall fix a day not more than thirty (30) days thereafter for a hearing and sale. At least five (5) days notice of such hearing and sale shall be given to all the taxing authorities having an interest therein, and notice shall also be given by publication at least two times, with approximately ten (10) days intervening, in at least one (1) newspaper of general circulation published in the county *and the official legal journal of the county*, setting forth the location of the property that was acquired at a public tax sale, giving the date and place, the terms of the proposed sale, and that the property will be sold clear and free of all *tax and municipal claims, mortgages, liens [and], charges [and estates, except separately taxed ground rents], if any*), and the lowest amount which the county is prepared to accept for the sale of the property.

If, after such hearing, the court is satisfied that the proposed sale is proper and to the advantage of the county and the other taxing districts interested, it shall allow any person to offer more than the minimum price fixed by the county, or other price, as the court may find proper, and enter a decree approving such sale and directing a conveyance of such property to the

person or persons purchasing the same, upon the payment of the purchase price and all costs of the proceeding. The title conveyed shall be free and clear of all tax and municipal claims, mortgages, liens and charges and estates of whatever kind, except ground rents separately taxed.

Section 37. The act is amended by adding before section 613 a subarticle heading to read:

(c) Private Sale.

Section 38. Section 613 of the act, amended September 26, 1981 (P.L.274, No.92), is amended to read:

Section 613. Properties Not Sold Because of Insufficient Bid May be Sold at Private Sale.—(a) At any time after any property has been exposed to public sale and such [sale is] *property was* 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. *Notice shall also be given by publication at least two (2) times, with approximately ten (10) days intervening between each publication, in at least one (1) newspaper of general circulation published in the county where the property is located and in the official legal journal of that county. The notice by publication shall set forth the location of the property, the date and place of sale, the price and terms of sale, and the provision that the property will be sold free and clear of all tax claims and tax judgments.* 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, *an interested party, or a person interested in purchasing the property* may, if not satisfied that the sale price approved by the bureau is sufficient, within forty-five (45) 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 *and any other person who has joined in the petition*, 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 *and order that, if no private sale can be arranged, the property be sold at public judicial sale under this act. If more than one party agrees to pay the minimum price set by the court, the court shall direct the bureau to conduct an auction-style bid of the property among the parties to the proceedings. If only one party agrees to pay the minimum price set by the court, the bureau shall sell the property to that party without the necessity of an auction.*

(b) When an offer to purchase any such property has been received, and the price has been disapproved by the bureau, the bureau shall, on the written instructions[,] of any interested taxing district, submit by petition the

proposed sale to the court of common pleas of the county for approval. The court shall, after affording the owner and each taxing district having any tax claims or tax judgments against the property an opportunity to be heard on such notice, as the court deems appropriate, approve or disapprove the sale. If the court approves the sale, it shall be consummated with like effect as though it had been approved by the bureau and by all taxing districts having said interest.

Section 39. The act is amended by adding before section 616 a subarticle heading to read:

(d) Mandatory Judicial Sale.

Section 40. Section 616 of the act, amended July 10, 1969 (P.L.146, No.59), is amended to read:

Section 616. **[When Bureau Shall Petition Court for Public Sale to Divest All Liens] *Mandatory Judicial Sale.***—[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] *the scheduled upset* sale, the [said petition has not been filed] *bureau has not filed a petition for a judicial sale under section 610* or the property *has not been* 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] *a* petition [as aforesaid and sell the property at the time and place prescribed in the order of court if such order is made] *for judicial sale of the property in the manner set forth in section 610.*

Section 41. The act is amended by adding before section 617 a subarticle heading to read:

(e) Miscellaneous.

Section 42. Section 617 of the act is amended to read:

Section 617. Errors as to Description; Names, etc., May be Amended on Petition.—When a property has been sold [at public sale, as herein provided] *under the provisions of this act*, and there are errors in the description or in the spelling of any person's name, or other obvious errors in the claim, or in the return to court, or in any petition relative to the proceedings, or in the bureau's tax deed, such error may be amended by a petition to court for a rule on all parties interested to show cause why the records should not be amended and such errors corrected. After hearing on the rule, the court may make such order relative thereto as to it seems just and proper.

Section 43. The act is amended by adding a section and a subarticle to read:

Section 618. Repurchase by Owner.—*The owner shall have no right to purchase his own property at either a judicial sale or a private sale conducted under the provisions of this act.*

(f) Repository for Unsold Property.

Section 625. Purpose.—*It is the intent of this subarticle to establish a procedure to minimize the number of properties which the county, through the tax claim bureau, holds because of delinquent tax claims, recognizing that some properties have little or no value except perhaps to a neighboring property owner and that holding such properties constitutes a cost to the county and bureau.*

Section 626. Unsold Property Repository.—*If, after conducting and exposing a property to a judicial sale under the provisions of this act, whether prior to, at the time of or after the effective date of this amendatory act, any property remains unsold, it shall be placed in a category to be termed "repository for unsold properties." A list of properties in this category shall be maintained by the bureau and shall be available during normal office hours to any member of the general public. From time to time, the bureau may publish a list of these properties in a locally circulating newspaper.*

Section 627. Sale of Property in Repository.—*The bureau may accept an offer of any price for property placed in the "repository for unsold properties" without court approval and published notice of sale. The property shall be conveyed to the purchaser upon payment of the agreed price, free and clear of all tax and municipal claims, mortgages, liens, and charges and estates of whatsoever kind, except ground rents separately taxed. It shall be the responsibility of the bureau to have the deed recorded at the expense of the purchaser.*

Section 628. Assessment Restrictions on Property Sold From Repository.—*Notwithstanding any other provisions of the various assessment laws of this Commonwealth, the price for which property is sold under this subarticle of the act only, shall be deemed to be the fair market value of the property for tax assessment purposes. The assessment and the consideration upon which it was made shall not be changed unless any of the following occurs:*

- (1) It is changed as part of a general county reassessment.*
- (2) It is sold as an individual parcel or as part of a combined parcel.*
- (3) It is improved as provided for in the several assessment laws of this Commonwealth.*

Section 629. Notification of Sale.—*The bureau shall notify all affected taxing districts, the county assessment office and any affected tax collector of the sale and of the restriction on the assessment.*

Section 630. Distribution of All Moneys Received.—*Moneys received under this subarticle shall be distributed as provided for in section 205.*

Section 44. Section 701 of the act, amended May 20, 1949 (P.L.1579, No.477) and May 20, 1949 (P.L.1602, No.484), is amended to read:

Section 701. Property Heretofore Purchased by Taxing Districts to be Turned Over to Bureau.—Where the county commissioners, any taxing dis-

trict or trustee for any taxing districts have, **[prior to the effective date of this act or]** prior to the time when this act became effective in any taxing district, acquired any property at a tax sale or a sale on a judgment for a tax claim, unless such property or interest shall have been resold or used for a public purpose, for which the property might otherwise have been acquired, such commissioners, taxing district or trustees shall **[, prior to the first day of January, one thousand nine hundred forty-nine, or within one year after this act becomes effective as to a taxing district, or in cases where the redemption period has not expired, at such time immediately on the expiration thereof, delivered]** deliver possession of such property to the bureau together with all the pertinent information, as to when and how it was acquired, the taxes for which it was offered for sale at the time, the party which purchased it, the **known** mortgages, liens or estates, if any, not discharged by such sale, **[known to the taxing district to be a charge on the property,]** and the taxes which would have been levied against such property had it not been purchased by the taxing district **[, if known to the taxing district, and in such cases as those in which one or more persons in the family of the previous owner now occupy the premises and receive assistance from any public agency, such information as will aid the bureau in determining whether or not to lease the property to the former owner or other member of his family dwelling therein, as hereinafter provided]**. Thereafter all rights and title to the property, held by such taxing district or trustee, shall vest in the county, as trustee, for all taxing districts **[,]** having the power to levy taxes against such property, if it were privately owned, and the bureau shall become the agent of all taxing districts having an interest in the management and control of such property with the following powers and duties with respect thereto.

Section 45. Section 703 of the act, amended July 10, 1969 (P.L.146, No.59), 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,]** 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 **for an upset sale, as provided for in sections 605 through 612.1**, 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 46. The act is amended by adding sections to read:

Section 704. Validation of Title.—*Each property to which the county does not have title under the provisions of this article shall be subject to Article VI unless title to these properties which have been acquired under Article VII shall have been ratified, confirmed and validated in the manner provided by law for the validation of titles by the court of common pleas of the county in which each property is located, upon proof of title to the property. Any titles ratified, confirmed and validated pursuant to this section shall not be challenged or invalidated thereafter by reason of any defect whatsoever in the acquisition or retention thereof, notwithstanding any law or act of Assembly to the contrary.*

Section 705. Duty of County and Bureau; Enforcement Provision.—*With respect to properties to which the county has title under this article, it shall be the duty of the county and of the bureau to perform every fiduciary duty imposed on them by law, including, but not limited to, making a pro rata distribution of rents, profits and issues of the properties to the appropriate taxing districts according to the interest of the taxing districts in the properties and the entitlement of the taxing districts to the rents, profits and issues, and also including, but not limited to, selling properties subject to this article, if the sale is a good faith exercise of the fiduciary duty imposed. A taxing district may enforce the provisions of this section by an action at law or in equity, or as otherwise provided by law.*

Section 47. The portion of the last sentence of section 308(a) which refers to sections 502 and 503, and sections 502 and 503, amended by this amendatory act, shall expire January 1, 1988.

Section 48. This act shall take effect in 30 days.

APPROVED—The 3rd day of July, A. D. 1986.

DICK THORNBURGH