STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. 29 By: Herbert

AS INTRODUCED

An Act relating to revenue and taxation; amending 68 O.S. 1991, Sections 3129 and 3131, as amended by Section 33, Chapter 278, O.S.L. 1994 (68 O.S. Supp. 1998, Section 3131), which relate to tax sale procedures; providing that county not be liable for certain environmental problems or conditions; modifying fund to which certain monies credited; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 68 O.S. 1991, Section 3129, is amended to read as follows:

Section 3129. ~~(a)~~ A. On the day ~~said~~ real estate is advertised for resale, the county treasurer shall offer same for sale at his or her office between the hours of nine ~~o'clock~~ a.m. and four ~~o'clock~~ p.m. and continue ~~said~~ the sale thereafter from day to day between such hours until all of ~~said~~ the real estate is sold. ~~Said~~ The real estate shall be sold at public auction to the highest bidder for cash.

~~(b)~~ B. All property must be sold for a sum not less than two-thirds of the assessed value of such real estate as fixed for the current fiscal year, or for the total amount of taxes, penalties, interest and costs due on such property, whichever is the lesser; and if there is no bid equal to or greater than the sum so required, the county treasurer shall bid off the same in the name of the county. All property bid off in the name of the county shall be for the amount of all taxes, penalties, interest and costs due

thereon, and the county treasurer shall issue a deed therefor to the board of county commissioners for the use and benefit of the county.

~~(c)~~ C. The county shall not be liable to the state or any taxing district thereof for any part of the amount for which any property may be sold to such county. All property bid off in the name of the county shall be exempt from ad valorem taxation as long as title is held for the county. The county shall not be liable for any environmental problems or conditions on such property which existed on the property prior to the county's ownership of the property.

SECTION 2. AMENDATORY 68 O.S. 1991, Section 3131, as amended by Section 33, Chapter 278, O.S.L. 1994 (68 O.S. Supp. 1998, Section 3131), is amended to read as follows:

Section 3131. ~~(a)~~ A. Within thirty (30) days after ~~such~~ resale of property, the county treasurer shall file in the office of the county clerk a return, and retain a copy thereof in ~~his~~ the county treasurer's office, which shall show ~~each~~ or include, as appropriate:

1. Each tract or parcel of real estate so sold~~, the~~;

2. The date upon which it was resold~~, the~~;

3. The name of the purchaser ~~and the~~;

4. The price paid ~~by him~~ therefor~~, and also a~~;

5. A copy of the notice of such resale with an affidavit of its publication or posting~~, and showing the~~; and

6. The complete minutes of sale, and that the same was adjourned from day to day until the sale was completed~~; and such~~.

Such notice and return shall be presumptive evidence of the regularity, legality and validity of all the official acts leading up to and constituting such resale. Within ~~said~~ such thirty (30) days, the county treasurer shall execute, acknowledge and deliver to the purchaser or ~~his~~ the purchaser's assigns, or to the board of county commissioners where such property has been bid off in the

name of the county, a deed conveying the real estate thus resold. The issuance of such deed shall effect the cancellation and setting aside of all delinquent taxes, assessments, penalties and costs previously assessed or existing against ~~said~~ the real estate, and of all outstanding individual and county tax sale certificates, and shall vest in the grantee an absolute and perfect title in fee simple to ~~said lands~~ the real estate, subject to all claims which the state may have had on ~~said lands~~ the real estate for taxes or other liens or encumbrances~~; and twelve~~ . Twelve (12) months after ~~said~~ the deed shall have been filed for record in the county clerk's office, no action shall be commenced to avoid or set aside ~~said~~ the deed. Provided, that persons under legal disability shall have one year after removal of such disability within which to redeem ~~said~~ the real estate.

~~(b)~~ B. Any number of lots or tracts of land may be included in one deed, for which deed the county treasurer shall collect from the purchaser One Dollar ($1.00) for the first tract, and ten cents ($0.10) for each additional tract included therein. The county treasurer shall also charge and collect from the purchaser at such sale an amount in addition to the bid placed on such real estate, sufficient to pay all expenses incurred by ~~said~~ the county in preparing, listing and advertising the lot or tract purchased by such bidder, which sums shall be credited and paid into the resale property fund hereinafter provided, to be used to defray to that extent the costs of resale.

~~(c)~~ C. When any tract or lot of land sells for more than the taxes, penalties, interest and cost due thereon, the excess shall be held in a separate fund for the prior owner of such land to be withdrawn any time within two (2) years. At the end of two (2) years, if such money has not been withdrawn or collected from the county, it shall be credited to the county ~~sinking~~ resale property fund.

SECTION 3. This act shall become effective November 1, 1999.

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