

Introduced by

Senators Elkin, Larson

Representatives Devlin, Dockter, Lefor, Louser

1 A BILL for an Act to amend and reenact sections 57-28-10, 57-28-11, 57-28-17, and 57-28-18 of  
2 the North Dakota Century Code, relating to permitting reappraisal of property acquired by a  
3 county by tax deed.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 57-28-10 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **57-28-10. Appraisal for annual sale - Reappraisal - Minimum sale price.**

- 8 1. All property acquired by the county by tax deed must be appraised by the board of  
9 county commissioners at least thirty days before the annual sale under this chapter. If  
10 the county continues to retain the property acquired by tax deed after the initial  
11 appraisal is conducted and the annual sale is held, the board may reappraise the  
12 value of the property at any time deemed necessary by the board. The reappraisal of  
13 the property must be completed at least thirty days before a subsequent annual sale  
14 under this chapter.
- 15 2. The appraised price must be sufficient to cover all taxes, special assessments,  
16 homestead credit for special assessments, penalties, interest, and costs which were  
17 due against the property at the time of the service of the notice of foreclosure of tax  
18 lien, plus an amount equal to the estimated taxes and special assessments for the  
19 current assessment year. If the fair market value of the property is more than the total  
20 amount due against the property, the minimum sale price of the property must be at  
21 least equal to the total amount due against the property. If the fair market value of the  
22 property is less than the total amount due against the property, the board shall fix a fair  
23 minimum sale price for the property.

1       **SECTION 2. AMENDMENT.** Section 57-28-11 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **57-28-11. Hearing on appraisal or reappraisal.**

4       After ~~making the an~~ appraisal or reappraisal of property acquired by tax deed, the board of  
5 county commissioners shall set a date for hearing objections to the minimum sale price  
6 determined. At least ten days before the hearing, the county auditor shall mail to the auditor of  
7 any city, or the clerk of the board of supervisors of any township, in which appraised property is  
8 located a written notice stating the time when objections to the established minimum sale price  
9 will be heard. Any member or representative of the governing body of any taxing district may  
10 appear at the hearing with reference to the fair market value of appraised property, and the  
11 board may make appropriate changes in the minimum sale price of property.

12       **SECTION 3. AMENDMENT.** Section 57-28-17 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14       **57-28-17. Sale between annual sales.**

15       1. Any property not sold at the annual November sale may be sold by the county auditor  
16 at private sale before the next annual November sale for not less than the property's  
17 minimum sale price, taking into account the most recent appraisal approved by the  
18 board of county commissioners. A parcel of real estate against which an unpaid  
19 special assessment continues as a lien under section 57-28-09 may be sold by the  
20 county auditor free of the lien if the governing body of the city in which the property is  
21 located finds that the sum of the minimum sale price and the unpaid special  
22 assessment exceeds the market value of the property. If the governing body of the city  
23 makes this finding, it may cancel all or part of the special assessment lien against the  
24 property to reduce the lien to an amount which, when added to the minimum sale  
25 price, will be equal to the market value of the property. The action of the governing  
26 body shall be certified by the city auditor or clerk to the county auditor. The county  
27 auditor may then sell the property at private sale before the next annual November  
28 sale for not less than the resulting amount. The purchaser acquires the property free  
29 from any part of any lien for special assessment which was canceled by the governing  
30 body of the city, and the county auditor shall remove from the record any canceled  
31 special assessments.

1        2. Notwithstanding the provisions of this section or other provisions of law, any property  
2                    acquired by the county which is subject to a special assessment lien for improvements  
3                    made by a city may be sold to that city for cash at any price agreed upon by the board  
4                    of county commissioners and the governing body of the city.

5        **SECTION 4. AMENDMENT.** Section 57-28-18 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7        **57-28-18. Terms of private sale and distribution of proceeds.**

8        1. Any private sale of real property made between the annual November sales must be  
9                    made upon the same terms and conditions as a sale may be made at the November  
10                    sale, unless the board of county commissioners has had the property reappraised and  
11                    has consented, by majority, to value the property at the reappraised price, the property  
12                    must be sold for not less than the property's minimum sale price, taking into account  
13                    the most recent appraisal approved by the board. The sale of farmland acquired by the  
14                    county by tax deed is subject to any existing lease of the property for the year of the  
15                    sale. If the farmland is to be sold by private sale to any person other than the former  
16                    owner or other interested person, a deed or contract for deed may not be delivered to  
17                    the purchaser until thirty days after service by certified mail upon the former owner or  
18                    other interested party of the pending sale, the date when the sale will become final,  
19                    and the amount required to repurchase the property. For the purposes of this section,  
20                    "other interested party" means the executor, administrator, parent, spouse, or child of  
21                    the former owner who has notified the county auditor in writing of that status, the  
22                    address at which service may be made, and that the person should be notified of the  
23                    expiration of the period of repurchase in connection with any private sale of the  
24                    property.

25        2. In case of the sale, contract for sale, or repurchase by the former owner of tax deed  
26                    property during January, the property must be assessed and taxed for that year, and  
27                    the purchaser or repurchaser is entitled to the rental and landlord's share of crops on  
28                    the property for the year. In case of the sale, contract for sale, or repurchase by the  
29                    former owner of tax deed land after January, the property ~~must~~may not be assessed  
30                    and taxed for that year, and the county is entitled to the rental and landlord's share of  
31                    the crops on the property for the year. The proceeds realized from a sale between

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- 1            annual November sales must be apportioned in the same manner as the proceeds of
- 2            the annual November sale.