

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 1. 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 2. 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 - Reappraisal.**

15 1. If the county continues to retain the property acquired by tax deed after the initial
16 appraisal is conducted and the annual sale is held, the board may reappraise the
17 value of the property at any time deemed necessary by the board. The reappraisal of
18 the property must be completed at least thirty days before a subsequent annual sale
19 under this chapter. Any property not sold at the annual November sale may be sold by
20 the county auditor at private sale before the next annual November sale for not less
21 than the property's minimum sale price, ~~taking into account the most recent appraisal~~
22 ~~approved by the board of county commissioners.~~ A parcel of real estate against which
23 an unpaid special assessment continues as a lien under section 57-28-09 may be sold
24 by the county auditor free of the lien if the governing body of the city in which the
25 property is located finds that the sum of the minimum sale price and the unpaid special
26 assessment exceeds the market value of the property. If the governing body of the city
27 makes this finding, it may cancel all or part of the special assessment lien against the
28 property to reduce the lien to an amount which, when added to the minimum sale
29 price, will be equal to the market value of the property. The action of the governing
30 body shall be certified by the city auditor or clerk to the county auditor. The county
31 auditor may then sell the property at private sale before the next annual November

1 sale for not less than the resulting amount. The purchaser acquires the property free
2 from any part of any lien for special assessment which was canceled by the governing
3 body of the city, and the county auditor shall remove from the record any canceled
4 special assessments.

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

9 **SECTION 3. AMENDMENT.** Section 57-28-18 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **57-28-18. Terms of private sale and distribution of proceeds.**

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

29 2. In case of the sale, contract for sale, or repurchase by the former owner of tax deed
30 property during January, the property must be assessed and taxed for that year, and
31 the purchaser or repurchaser is entitled to the rental and landlord's share of crops on

1 the property for the year. In case of the sale, contract for sale, or repurchase by the
2 former owner of tax deed land after January, the property ~~must~~may not be assessed
3 and taxed for that year, and the county is entitled to the rental and landlord's share of
4 the crops on the property for the year. The proceeds realized from a sale between
5 annual November sales must be apportioned in the same manner as the proceeds of
6 the annual November sale.