

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5640

FISCAL
NOTE

By Delegate Green

[Introduced February 17, 2026; referred to the
Committee on Government Organization then the
Judiciary]

1 A BILL to amend and reenact §11A-3-52, §11A-3-54, §11A-3-55, §11A-3-56, §11A-3-59, and
 2 §11A-4-4 of the Code of West Virginia, 1931, as amended; and to amend said code by
 3 adding three new sections, designated §11A-3-54a, §11A-3-54b, and §11A-3-54c; relating
 4 to tax-delinquent property; preserving existing protections for owner-occupied property;
 5 strengthening notice requirements for non-owner-occupied property; eliminating
 6 redemption for non-owner-occupied property; limiting remedies for failure of notice;
 7 requiring independent title examinations; and providing for prospective application.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 3. SALE OF TAX LIENS AND NONENTERED, ESCHEATED AND WASTE
 AND UNAPPROPRIATED LANDS.**

§ 11A-3-52. Duties of purchaser to secure a deed.

1 (a) Within 120 days following the approval of the sale by the Auditor pursuant to §11A-3-51
 2 of this code, the purchaser, his or her heirs or assigns, in order to secure a deed for the real estate
 3 purchased, shall:

4 (1) ~~Prepare a list of those to be served with notice to redeem and request the Auditor to~~
 5 ~~prepare and serve the notice as provided in §11A-3-54 and §11A-3-55 of this code~~ Request the
 6 Auditor to cause an independent title examination to be performed and a list to be prepared of
 7 those persons entitled to notice under §11A-3-55 of this code, and request the Auditor to prepare
 8 and serve notice as provided in §11A-3-54, §11A-3-54a, and §11A-3-55 of this code, as applicable:
 9 Provided, That the independent title examination and list preparation required by this subdivision
 10 shall be performed by an attorney or title examiner selected or assigned by the Auditor from
 11 among those approved under subsection (f) of this section, and neither the purchaser nor any
 12 assignee may select, direct, supervise, or control the examiner.

13 (2) When the real property subject to the tax lien was classified as Class II property,
 14 provide the Auditor with the actual mailing address of the property that is subject to the tax lien or

15 liens purchased; ~~and~~

16 (3) Deposit, or offer to deposit, with the Auditor a sum sufficient to cover the costs of
17 preparing and serving the notice; and

18 (4) Provide the Auditor with a sworn certification identifying the person or firm performing
19 the title examination and affirming compliance with subsection (f) of this section.

20 (b) If the purchaser fails to fulfill the requirements set forth in subsection (a) of this section,
21 the purchaser shall lose all the benefits of his or her purchase.

22 (c) After the requirements of subsection (a) of this section have been satisfied, the Auditor
23 shall issue a notice to redeem as required by §11A-3-54 and §11A-3-55 of this code.

24 (d) If the person requesting preparation and service of the notice is an assignee of the
25 purchaser, he or she shall, at the time of the request, file with the Auditor a written assignment to
26 him or her of the purchaser's rights, executed, acknowledged, and certified in the manner required
27 to make a valid deed.

28 (e) Whenever a purchaser has failed to comply with the notice requirements set forth in
29 subsection (a) of this section, the purchaser may receive an additional 60 days from the expiration
30 of the time period set forth in subsection (a) of this section to comply with the notice requirements
31 set forth in subsection (a) of this section if the purchaser files with the Auditor a request in writing
32 for the extension within 30 days following the expiration of the time period set forth in subsection
33 (a) of this section and makes payment by U. S. currency, cashier's check, certified check, or
34 money order in the amount of \$100 or 10 percent of the total amount paid on the day of sale set
35 forth in §11A-3-45 of this code, whichever is greater. The fee for issuing the certificate of extension
36 shall be \$25 made payable to the Auditor. The Auditor may grant the purchaser or his or her heirs
37 or assigns an extension of time, not to exceed 30 days, in which to comply with the requirements of
38 subsection (a) of this section.

39 (f) The Auditor shall each month draw his or her warrant upon the treasury payable to the
40 county board of education of each county for payment received by him or her for the extension of

41 the time period set forth in subsection (e) of this section for property located within each such
42 county. Independent title examination; prohibited persons. –

43 (1) The title examination and list preparation required by this section shall be performed by
44 an attorney or title examiner approved by the Auditor.

45 (2) The purchaser, any assignee, or any affiliated person may not perform, supervise,
46 direct, derive compensation from, or have a financial interest in the title examination or list
47 preparation for property purchased by that purchaser or affiliated person.

48 (3) "Affiliated person" means a spouse, parent, child, sibling, grandparent, grandchild, or
49 any entity in which the purchaser holds a direct or indirect ownership interest, or any entity that is
50 owned or controlled, in whole or in part, by the purchaser.

51 (4) The Auditor may require that the purchaser deposit, with the request under subsection
52 (a) of this section, the anticipated reasonable cost of the independent title examination and list
53 preparation, and the Auditor may pay the approved examiner directly from such deposit upon
54 receipt of an invoice or receipt, subject to the limitations applicable to owner-occupied property
55 under §11A-3-56 of this code.

§11A-3-54. Notice to redeem.

1 Whenever the provisions of §11A-3-52 of this code have been complied with, the Auditor
2 shall thereupon prepare a notice in form or effect as follows:

3 To _____

4 You will take notice that _____, the purchaser (or _____, the assignee, heir, or
5 devisee of _____, the purchaser) of the following real estate, _____, (here describe
6 the real estate sold) located in _____, (here name the city, town, or village in which the real
7 estate is situated or, if not within a city, town, or village, give the district and a general description)
8 which was _____ (here put whether the property was returned delinquent or non-entered) in
9 the name of _____, and was sold by the Auditor at the sale for delinquent taxes (or
10 nonentry) on the ___ day of _____, 20 ___, has requested that you be notified that a deed

11 for such real estate shall be made on or after the ___ day of _____, 20 ___, as provided by
12 law, unless before that day you redeem such real estate. The amount you shall have to pay to
13 redeem on the ___ day of _____, 20___ shall be as follows:

14 Amount equal to the taxes, interest, and charges due on the date of sale, with interest to
15 _____ \$ _____

16 Amount of taxes paid on the property, since the sale, with interest to _____
17 \$ _____

18 Amount paid for ~~title examination and preparation of list of those to be served, and for~~
19 ~~preparation and service of the notice with interest to~~ an independent title examination and
20 preparation of list of those to be served, supported by receipts, with no interest allowed, not to
21 exceed \$300 in the aggregate _____ \$ _____

22 Amount paid for other statutory costs (describe) _____ \$ _____

23 Total \$ _____

24 You may redeem at any time before _____ by paying the above total less any
25 unearned interest.

26 If the above real estate is your primary residence, you may petition the Auditor to redeem
27 the real estate in not more than three incremental payments that equal the total amount required to
28 redeem the real estate prior to the issuance of the deed described above.

29 Given under my hand this ___ day of _____, 20 ___.

30 Auditor

31 _____ County,

32 State of West Virginia

33 For preparing this notice, the Auditor shall receive a fee of \$10 for the original and two
34 dollars for each copy required. Any costs which must be expended in addition thereto for
35 publication, or service of such notice in the manner provided for serving process commencing a
36 civil action, or for service of process by certified mail, shall be charged by the Auditor. All costs

37 provided by this section shall be included as redemption costs and included in the notice described
38 herein.

39 This section applies only to owner-occupied property as defined in §11A-3-54b of this
40 code.

§11A-3-54a. Enhanced notice; non-owner-occupied property; no redemption.

1 (a) Applicability. – This section applies to any real estate sold by the Auditor that does not
2 qualify as owner-occupied property under §11A-3-54b of this code.

3 (b) No redemption. – Notwithstanding any other provision of this code, no right of
4 redemption exists for real estate subject to this section, and no repurchase, buy-back period, or
5 equitable extension of time to redeem shall apply.

6 (c) Required notice. – Prior to issuance of a tax deed, the Auditor shall provide notice using
7 all of the following methods:

8 (1) Certified mail, return receipt requested.

9 (2) First-class mail to the same address;

10 (3) Posting of notice on the property at least 45 days prior to deed issuance;

11 (4) Publication as required by §11A-3-55 of this code; and

12 (5) If certified mail is returned undelivered, at least one additional method reasonably
13 calculated to provide actual notice.

14 (d) Affidavit of compliance. – The Auditor shall execute and record an affidavit detailing all
15 notice efforts made under this section. Substantial compliance with this section shall constitute
16 compliance with the notice requirements of this code; *Provided*, That nothing in this subsection
17 limits constitutional due process requirements.

18 (e) Deed issuance. – The Auditor may issue a deed not earlier than 45 days after the last
19 date on which notice is completed under this section.

§11A-3-54b. Owner-occupied property; administrative determination.

1 (a) "Owner-occupied property" means real property that, at the time of the Auditor's sale, is

2 used as the primary residence of an owner of record, a surviving spouse of an owner of record, or
3 a person holding a present possessory interest under a recorded instrument.

4 (b) Owner-occupied status shall be determined administratively by the Auditor based on
5 objective indicators, without the need for an evidentiary hearing.

6 (c) Evidence may include, but is not limited to: homestead exemption records, voter
7 registration address, driver's license address, utility usage, or other reliable governmental or
8 commercial records.

9 (d) The Auditor's determination is presumed correct unless rebutted by clear and
10 convincing evidence.

§11A-3-54c. Prospective application.

1 (a) The amendments to §11A-3-52, §11A-3-54, §11A-3-56, §11A-3-59, and §11A-4-4 of
2 this code, and the enactment of §11A-3-54a and §11A-3-54b of this code, as provided by this act,
3 apply only to tax sales conducted on or after January 1, 2027.

4 (b) Any tax sale conducted prior to January 1, 2027, and any right of redemption, notice, or
5 remedy arising from such sale, shall be governed by the law in effect on the date of such sale.

§11A-3-55. Service of notice to redeem.

1 ~~(a) As soon as the Auditor has prepared the notice provided for in §11A-3-54 of this code,~~
2 ~~he or she shall cause it to be served upon all persons named on the list generated by the~~
3 ~~purchaser pursuant to the provisions of §11A-3-52 of this code. Such notice shall be mailed and, if~~
4 ~~necessary, published at least 45 days prior to the first day a deed may be issued following the~~
5 ~~Auditor's sale.~~

6 ~~(b) The notice shall be served upon all such persons residing or found in the state in the~~
7 ~~manner provided for serving process commencing a civil action or by certified mail, return receipt~~
8 ~~requested, or other types of delivery service courier that provide a receipt. The notice shall be~~
9 ~~served on or before the 30th day following the request for such notice.~~

10 ~~(c) The notice shall be served upon persons not residing or found in the state by certified~~

11 ~~mail, return receipt requested, or in the manner provided for serving process commencing a civil~~
12 ~~action or other types of delivery service courier that provide a receipt. The notice shall be served~~
13 ~~on or before the 30 days following the request for the notice.~~

14 ~~(d) If the address of a person is unknown to the purchaser and cannot be discovered by~~
15 ~~due diligence on the part of the purchaser, the notice shall be served by publication as a Class III-0~~
16 ~~legal advertisement in compliance with the provisions of §59-3-1 et seq. of this code and the~~
17 ~~publication area for the publication shall be the county in which the real property is located. If~~
18 ~~service by publication is necessary, publication shall be commenced within 60 days following the~~
19 ~~request for the notice, and a copy of the notice shall, at the same time, be sent pursuant to~~
20 ~~subsection (b) or (c) of this section, to the last known address of the person to be served. The~~
21 ~~return of service of the notice and the affidavit of publication, if any, shall be in the manner provided~~
22 ~~for process generally and shall be filed and preserved by the State Auditor in his or her office,~~
23 ~~together with any return receipts for notices sent by certified mail.~~

24 ~~(e) In addition to the other notice requirements set forth in this section, if the real property~~
25 ~~subject to the tax lien was classified as Class II property at the time of the assessment, at the same~~
26 ~~time the Auditor issues the required notices by certified mail, the Auditor shall forward a copy of the~~
27 ~~notice sent to the delinquent taxpayer by first class mail, or in the manner provided for serving~~
28 ~~process commencing a civil action, addressed to "Occupant", to the physical mailing address for~~
29 ~~the subject property. The physical mailing address for the subject property shall be supplied by the~~
30 ~~purchaser of the property, pursuant to the provisions of §11A-3-52 of this code. Where the mail is~~
31 ~~not deliverable to an address at the physical location of the subject property, the copy of the notice~~
32 ~~shall be sent to any other mailing address that exists to which the notice would be delivered to an~~
33 ~~occupant of the subject property.~~

34 The notice to redeem required by §11A-3-54 of this code shall be served by the Auditor
35 upon each person entitled to notice as their interest appears of record.

36 The Auditor shall cause a copy of the notice to redeem to be served upon each person

37 appearing on the list of those to be served prepared pursuant to §11A-3-52 of this code, in the
38 manner provided by law for the service of process commencing a civil action, or by certified mail,
39 return receipt requested, addressed to the last known address of such person.

40 If service of the notice cannot be made by personal service or by certified mail, return
41 receipt requested, because the address of such person is unknown or service by certified mail is
42 returned undelivered, the Auditor shall cause the notice to be published as a Class III-0 legal
43 advertisement in compliance with the provisions of §59-3-1 et seq. of this code. The publication
44 shall be made in a newspaper of general circulation published in the county in which the real
45 estate is located.

46 The publication shall be made once a week for three successive weeks, and the first
47 publication shall be made at least 30 days prior to the date specified in the notice as the last day to
48 redeem.

49 In addition to the publication, the Auditor shall mail a copy of the notice by first-class mail to
50 the last known address of each person entitled to notice.

51 The return of service, return receipt, affidavit of publication, and any other proof of notice
52 shall be filed and retained by the Auditor as part of the permanent record of the tax sale.

53 Failure to serve the notice to redeem upon any person entitled thereto shall not invalidate
54 the sale or deed except as otherwise provided in §11A-4-4 of this code.

55 Nothing in this section shall be construed to require actual notice to any person whose
56 identity or address is not reasonably ascertainable after the exercise of due diligence.

57 For real estate subject to §11A-3-54a of this code, the notice requirements, methods, and
58 timing set forth in §11A-3-54a shall control. This section applies to such real estate only to the
59 extent not inconsistent with §11A-3-54a.

**§11A-3-56. Redemption from purchase; receipt; list of redemptions; lien; lien of person
redeeming interest of another; record.**

1 (a) After the sale of any tax lien on any real estate pursuant to §11A-3-45 or §11A-3-48 of

2 this code, the owner of, or any other person who was entitled to pay the taxes on any real estate for
3 which a tax lien thereon was purchased whose interest is not subject to separate assessment, or
4 any person having a lien on such real estate, or on an undivided interest therein, may redeem at
5 any time before a tax deed is issued therefor. In order to redeem, he or she must pay to the Auditor
6 the following amounts:

7 (1) An amount equal to the taxes, interest, and charges due on the date of the sale, with
8 interest thereon at the rate of one percent per month from the date of sale;

9 (2) All other taxes thereon, which have since been paid by the purchaser, or his or her
10 heirs, with interest at the rate of one percent per month from the date of payment;

11 (3) Such additional expenses as may have been incurred in preparing the list of those to be
12 served with notice to redeem, and for any licensed attorney's title examination incident thereto,
13 ~~with interest at the rate of one percent per month from the date of payment~~, but the amount he or
14 she shall be required to pay, excluding said interest, for such expenses incurred for the
15 preparation of the list of those to be served with notice to redeem required by §11A-3-52 of this
16 code, and for any licensed attorney's title examination incident thereto, shall not exceed \$500
17 \$300. No interest may be charged or collected on the costs described in this subdivision. An
18 attorney may only charge a fee for legal services actually performed and must certify that he or she
19 conducted an examination to determine the list of those to be served required by §11A-3-52 of this
20 code and the amount charged for the costs described in this subdivision shall be supported by
21 receipts or invoices provided to the Auditor;

22 (4) All additional statutory costs paid by the purchaser; and

23 (5) The Auditor's fee and commission as provided by §11A-3-66 of this code. ~~Where the~~
24 ~~Auditor has not received from the purchaser satisfactory proof of the expenses incurred in~~
25 ~~preparing the notice to redeem, or of any licensed attorney's title examination incident thereto, in~~
26 ~~the form of receipts or other evidence thereof, the person redeeming shall pay the Auditor the sum~~
27 ~~of \$500 plus interest thereon at the rate of one percent per month from the date of the sale for~~

28 ~~disposition pursuant to the provisions of §11A-3-57, §11A-3-58, and §11A-3-64 of this code.~~
29 Where the Auditor has not received from the purchaser satisfactory proof of the costs described in
30 subdivision (3) of this subsection, in the form of receipts or invoices or other reliable evidence
31 thereof, the person redeeming shall not be required to pay any amount under subdivision (3) of
32 this subsection. Upon payment to the Auditor of those and any other unpaid statutory charges
33 required by this article, and of any unpaid expenses incurred by the sheriff, the Auditor, and the
34 deputy commissioner in the exercise of their duties pursuant to this article, the Auditor shall
35 prepare an original and five copies of the receipt for payment and shall note on said receipts that
36 the property has been redeemed. The original of such receipt shall be given to the person
37 redeeming. The Auditor shall retain a copy of the receipt and forward one copy each to the sheriff,
38 assessor, and the clerk of the county commission. The clerk shall endorse on the receipt the fact
39 and time of such filing and note the fact of redemption on his or her record of delinquent lands
40 having a right to redeem, may redeem the real estate at any time before a tax deed is issued
41 therefor.

42 This section applies only to owner-occupied property as defined in §11A-3-54b of this
43 code.

44 To redeem, the person redeeming shall pay to the Auditor:

45 (1) The amount paid by the purchaser;

46 (2) Interest thereon;

47 (3) The reasonable and necessary cost of an independent title examination and list
48 preparation, supported by receipts, not to exceed \$300 in the aggregate, with no interest allowed;

49 (4) The actual cost of preparation and service of notice;

50 (5) The Auditor's fee.

51 (b) Any person for reasons of financial hardship may petition the Auditor to redeem his or
52 her primary residence in installments. The petition shall certify to the Auditor that the real estate is
53 the primary residence of the redeeming party. The Auditor may approve a financial hardship plan

54 and it shall be signed by him or her and the party making the request. A copy of the document
55 evidencing such acceptance shall be filed with the clerk of the county commission in which the
56 property is located.

57 (c) Any person who, by reason of the fact that no provision is made for partial redemption of
58 the tax lien on real estate purchased at the public auction or at a subsequent sale, is compelled in
59 order to protect himself or herself to redeem the tax lien on all of such real estate when it belongs,
60 in whole or in part, to some other person, shall have a lien on the interest of such other person for
61 the amount paid to redeem such interest. He or she shall lose his or her right to the lien, however,
62 unless within 30 days after payment he or she shall file with the clerk of the county commission his
63 or her claim in writing against the owner of such interest, together with the receipt provided for in
64 this section. The clerk shall docket the claim on the judgment lien docket in his or her office and
65 properly index the same. Such lien may be enforced as other judgment liens are enforced.

§11A-3-59. Deed to purchaser; record.

1 If the real estate described in the notice is not redeemed within the time specified therein,
2 but in no event prior to 30 days after notices to redeem have been personally served, or an attempt
3 of personal service has been made, or such notices have been mailed or, if necessary, published
4 in accordance with the provisions of §11A-3-55 of this code, following the deputy commissioner's
5 sale, the deputy commissioner shall, upon the request of the purchaser, make and deliver to the
6 person entitled thereto a quitclaim deed for such real estate in form or effect as follows:

7 This deed, made this _____ day of _____, 20____, by and between
8 _____, deputy commissioner of delinquent and nonentered lands of _____
9 County, West Virginia, grantor, and _____, purchaser (or
10 _____ heir, devisee, assignee of _____, purchaser)
11 grantee, witnesseth, that

12 Whereas, in pursuance of the statutes in such case made and provided,
13 _____, deputy commissioner of delinquent and nonentered lands of

14 _____ County, did, on the _____ day of _____, 20____, sell
 15 the real estate hereinafter mentioned and described for the taxes delinquent thereon for the
 16 year(s) 20____, (or as nonentered land for failure of the owner thereof to have the land entered
 17 on the land books for the years _____, or as property escheated to the State of West
 18 Virginia, or as waste or unappropriated property) for the sum of \$_____, that
 19 being the amount of purchase money paid to the deputy commissioner, and _____ (here
 20 insert name of purchaser) did become the purchaser of such real estate, which was returned
 21 delinquent in the name of _____ (or nonentered in the name of, or escheated from the
 22 estate of, or which was discovered as waste or unappropriated property); and

23 Whereas, the deputy commissioner has caused the notice to redeem to be served on all
 24 persons required by law to be served therewith; and

25 Whereas, the real estate so purchased has not been redeemed in the manner provided by
 26 law and the time for redemption set forth in such notice has expired.

27 Now, therefore, the grantor for and in consideration of the premises recited herein, and
 28 pursuant to the provisions of Article 3, Chapter 11A of the West Virginia Code, doth grant unto
 29 _____, grantee, his or her heirs and assigns forever, the real estate so
 30 purchased, situate in the County of _____, bounded and described as follows:
 31 _____ (here insert description of property)

32 Witness the following signature:

33 _____

34 Deputy Commissioner of Delinquent and Nonentered Lands of _____ County

35 Except when ordered as provided in §11A-3-60 of this code, the deputy commissioner shall
 36 execute and deliver a deed within 120 days after the purchaser's right to the deed accrued.

37 For the preparation and execution of the deed and for all the recording required by this
 38 section, a fee of \$50 and the recording expenses shall be charged, to be paid by the grantee upon
 39 delivery of the deed. The deed, when duly acknowledged or proven, shall be recorded by the clerk

40 of the county commission in the deed book in his or her office, together with the assignment from
 41 the purchaser, if one was made, the notice to redeem, the return of service of such notice, the
 42 affidavit of publication, if the notice was served by publication, and any return receipts for notices
 43 sent by certified mail.

44 Upon payment of the final costs and fees required by this article, the purchaser shall have
 45 the right to inspect and perform necessary and reasonable repairs for the preservation of the real
 46 property: *Provided*, That the current occupant has a duty to preserve the property to the best of his
 47 or her ability and control.

48 For real estate subject to §11A-3-54a of this code, the deputy commissioner shall issue a
 49 deed upon receipt from the Auditor of a written certification and recorded affidavit of compliance
 50 with §11A-3-54a of this code, and upon issuance the deed shall be final except as provided in
 51 §11A-4-4(h).

ARTICLE 4. REMEDIES RELATING TO TAX SALES.

§ 11A-4-4. Right to set aside deed when one entitled to notice not notified.

1 (a) If any person entitled to be notified under the provisions of §11A-3-55 of this code is not
 2 served with the notice as therein required, and does not have actual knowledge that such notice
 3 has been given to others in time to protect his or her interests by redeeming the property, he or
 4 she, his or her heirs and assigns may, before the expiration of two years following the delivery of
 5 the deed, institute a civil action to set aside the deed.

6 (b) Any person instituting a civil action pursuant to this section seeking to set aside a tax
 7 deed shall, as a condition precedent to the court allowing the action to proceed, tender to the clerk
 8 of the court in which the suit is pending the funds necessary to redeem the real estate. The court
 9 shall enter an order directing the clerk to accept the funds of the applicant, and deposit those funds
 10 into an account in the control of the clerk pending the conclusion of the proceeding.

11 (c) In any action brought by a tax sale purchaser or his or her grantee seeking to quiet the
 12 title pursuant to an Auditor's sale, the previous owner and any person entitled to notice or right to

13 redeem shall have the right to assert as a defense to the requested remedy the existence of both a
14 failure of notice of the right to redeem and a failure of the applicant for the deed to have exercised
15 reasonably diligent efforts to provide notice of his or her intention to acquire title to the real estate.
16 It shall be a condition precedent to raising such a defense that he or she has the funds necessary
17 to redeem the real estate should he or she prevail. Upon application by the person instituting such
18 suit, the court shall enter an order directing the defendant to tender funds in the sufficient amount
19 to the clerk for deposit into an account in the clerk's control pending conclusion of the proceeding.
20 Failure to tender the necessary funds within 30 days following the entry of the order requiring the
21 deposit shall entitle the purchaser to a judgment in his or her favor.

22 (d) An answer filed by a purchaser or his or her grantee shall include the amount required
23 for redemption, together with any taxes which have been paid on the property since delivery of the
24 deed, with interest at the rate of 12 percent per annum.

25 (e) No title acquired pursuant to this article shall be set aside in the absence of a showing
26 by clear and convincing evidence that the person who originally acquired such title failed to
27 exercise reasonably diligent efforts to provide notice of his intention to acquire such title to the
28 complaining party or his predecessors in title.

29 (f) Upon a preliminary finding by the court that the deed will be set aside pursuant to this
30 section, such amounts on deposit with the clerk pursuant to this section shall be paid by the clerk
31 to the sheriff within one month of the entry thereof and shall direct the sheriff to pay to the
32 purchaser amounts pursuant to §11A-3-58 of this code. Upon a finding by the court that the deed
33 will not be set aside and with the entry of a judgment dismissing the action with prejudice, the clerk
34 shall return to the plaintiff or other appropriated person whose funds previously tendered, less any
35 accrued costs assessed against such person such funds by the court.

36 (g) Subsections (a) through (f) of this section apply only to owner-occupied property as
37 defined in §11A-3-54b of this code.

38 (h) For non-owner-occupied property subject to §11A-3-54a of this code:

- 39 (1) An action may be brought only within one year after deed issuance and only upon proof,
40 by clear and convincing evidence, of a constitutional failure of notice;
41 (2) Technical defects or harmless errors do not constitute grounds to disturb title;
42 (3) The court may not set aside the deed unless the plaintiff proves the failure of notice
43 probably affected the outcome of the sale;
44 (4) The exclusive remedy is monetary damages; title shall remain vested in the purchaser;
45 and
46 (5) No redemption, repurchase, or recovery of title is permitted.
47 Notwithstanding any other provision of this article, for real estate subject to §11A-3-54a of
48 this code, the remedies provided in subsection (h) of this section are the exclusive judicial
49 remedies available after deed issuance, except to the extent constitutionally required.

NOTE: The purpose of this bill is to provide a tax sale process reform by creating two distinct legal tracks: Owner-occupied property (people actively living in the home) and Non-owner-occupied property (abandoned, rental, speculative, or non-primary residence).

This distinction governs notice, redemption, and post-sale remedies.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.