

SENATE BILL No. 193

By Committee on Assessment and Taxation

2-3

9 AN ACT concerning property taxation; relating to foreclosure sales of
10 real estate; mortgagees; amending K.S.A. 2004 Supp. 79-2804g and
11 79-2804h and repealing the existing sections.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2004 Supp. 79-2804g is hereby amended to read
15 as follows: 79-2804g. (a) Whenever any tract, lot or piece of real estate is
16 offered for sale at public auction pursuant to K.S.A. 79-2804, and amend-
17 ments thereto, such tract, lot or piece of real estate shall not be sold,
18 either directly or indirectly, to:

19 (1) Any person having a statutory right to redeem such real estate
20 prior to such sale, pursuant to the provisions of K.S.A. 79-2803, and
21 amendments thereto, except that this paragraph (1) shall not prohibit sale
22 to any person or such person's assignee who held an interest in such real
23 estate as mortgagee of record at the time of the sale, *if such person or*
24 *such person's assignee bids in, at a minimum, the full amount of delin-*
25 *quent taxes, special assessments, interest, costs and penalties;*

26 (2) any parent, grandparent, child, grandchild, spouse, sibling, trustee
27 or trust beneficiary who held an interest in a tract as owner or holder of
28 the record title or who held an interest at any time when any tax consti-
29 tuting part of the county's judgment became due; or

30 (3) with respect to a title holding corporation, any current or former
31 stockholder, current officer or director, or any person having a relation-
32 ship enumerated in paragraph (2) to such stockholder, officer or director.

33 (b) If any such real estate is acquired by a county pursuant to K.S.A.
34 79-2804, and amendments thereto, and, at the end of six months from
35 and after confirmation of such sale to the county, such real estate is ad-
36 vertised for sale at public auction, as provided in K.S.A. 79-2804f, and
37 amendments thereto, such real estate shall not be sold, either prior to or
38 at such auction, to any person having a statutory right to redeem such
39 real estate, under the provisions of K.S.A. 79-2803, and amendments
40 thereto, for an amount less than the original judgment lien and interest
41 thereon, plus the costs, charges and expenses of the proceedings and sale,
42 as set forth in the execution and order of sale issued pursuant to K.S.A.
43 79-2804, and amendments thereto.

1 (c) If any tract, lot or piece of real estate purchased at public auction
2 pursuant to K.S.A. 79-2804, and amendments thereto, is transferred, sold,
3 given or otherwise conveyed to any person who had a statutory right to
4 redeem such real estate prior to such sale pursuant to K.S.A. 79-2803,
5 and amendments thereto, within 10 years of the date of the public auc-
6 tion, such person shall be liable for an amount equal to the original judg-
7 ment lien and interest thereon from the date of the public auction, except
8 that this subsection shall not apply to any person or such person's assignee
9 who held an interest in such real estate as mortgagee of record at the
10 time of the sale, *if such person or such person's assignee purchased the*
11 *property at sale by bidding in, at a minimum, the full amount of delin-*
12 *quent taxes, special assessments, interest, costs and penalties.*

13 (d) The provisions of this section shall apply to the sale or conveyance
14 of any real estate by a county land bank established pursuant to K.S.A.
15 2004 Supp. 19-26,104, and amendments thereto.

16 Sec. 2. K.S.A. 2004 Supp. 79-2804h is hereby amended to read as
17 follows: 79-2804h. No sale of real estate as provided for in article 28 of
18 chapter 79 of the Kansas Statutes Annotated, and amendments thereto,
19 shall be confirmed as provided for in K.S.A. 79-2804, and amendments
20 thereto, until the purchaser at the sale files with the clerk of the court,
21 an affidavit stating that the purchase of the real estate was not made,
22 either directly or indirectly, for any person having the statutory right to
23 redeem, other than any person or such person's assignee who held an
24 interest in such real estate as mortgagee of record at the time of the sale,
25 *if such person or such person's assignee bids in, at a minimum, the full*
26 *amount of delinquent taxes, special assessments, interest, costs and*
27 *penalties.*

28 Sec. 3. K.S.A. 2004 Supp. 79-2804g and 79-2804h are hereby
29 repealed.

30 Sec. 4. This act shall take effect and be in force from and after its
31 publication in the statute book.