
**THE PENNSYLVANIA
REAL ESTATE TAX SALE LAW
ACT 542 OF 1947,
AS AMENDED THROUGH THE
1999-2000 LEGISLATIVE SESSION**



**COMMENTARY
BY THE
LOCAL GOVERNMENT COMMISSION
OF THE
PENNSYLVANIA GENERAL ASSEMBLY
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This booklet is an updated revision of the April 1995 publication also entitled, The Pennsylvania Real Estate Tax Law. It was prepared by Patrick F. Kielty, Esq., Legal Counsel to the Local Government Commission, with editorial review and assistance from Virgil F. Puskarich, Executive Director, and other members of the Local Government Commission staff. Karen S. Bear, Commission Secretary, provided essential clerical assistance.

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DISCLAIMER

This booklet is not intended to constitute either an official legislative history or a definitive interpretation of the Real Estate Tax Sale Law. Moreover, the text of this law (Act 542 of 1947, as amended through the end of the 1999-2000 Legislative Session) is provided herein solely for the reader's convenience. It is not intended to be an official restatement of the contents of the Real Estate Tax Sale Law and may not reflect the current state of the law. Court rulings, later amendatory statutes, and various other factors must be considered when interpreting any law. To this extent, the Local Government Commission issues a specific disclaimer. To insure an up-to-date reading and interpretation of the law, a full and complete examination of both the most current official version of Act 542 of 1947, as amended, as well as relevant case law, should be undertaken by a competent solicitor or private attorney, as circumstances warrant.

NOTICES

References To The Real Estate Tax Sale Law (RETSL)

The subject matter of this booklet is the act of July 7, 1947 (P.L.1368, No.542), as amended, known as the Real Estate Tax Sale Law. Because of the numerous references that, of necessity, are made to the Real Estate Tax Sale Law in this publication and in order to avoid cumbersome repetition, the acronym, RETSL, will be used throughout this publication when referring to the Real Estate Tax Sale Law.

Additional Copies

For additional copies of the enclosed publication, The Pennsylvania Real Estate Tax Law (January 2001), please contact your state Senator or Representative or visit the Local Government Commission website at www.lgc.state.pa.us.

INTRODUCTION

The purpose of this act is to provide a fair and efficient means for local governments in Pennsylvania to secure the collection of delinquent taxes, the Local Government Commission and others supported the introduction of Act 542 of 1947, the Real Estate Tax Sale Law (RETSL). The Local Government Commission's endorsement of this act reflected a desire to give effect to the recommendations made, in 1945, by the Tax Advisory Committee to the Joint State Government Commission. This Advisory Committee recommend the enactment of "... legislation ... to govern the sale of property for delinquent taxes so that title, freed from liens and encumbrances, may be transferred to the purchasers of properties sold at county treasurers' sales."

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INTRODUCTION

Prior to 1947, the procedures available for the collection of liens for delinquent real estate taxes, the tax return laws, and the questionable validity of titles to properties conveyed by county treasurers' sales were among the various factors that contributed to the problem of uncollected taxes. Bids at the treasurers' sales were often insufficient to cover the claims against properties, and many properties exposed to sale were taken over by counties. The result was that not only were delinquent taxes uncollected, but these properties also were removed from the active tax rolls. Thus, taxing districts faced a reduced assessed valuation and lowered tax revenues. In addition, those who paid their real estate taxes in a timely fashion bore the burden of the uncollected taxes.

In order to provide a fair and efficient means for local governments in Pennsylvania to secure the collection of delinquent taxes, the Local Government Commission and others¹ supported the introduction of Act 542 of 1947, the Real Estate Tax Sale Law (RETSL). The Local Government Commission's endorsement of this act reflected a desire to give effect to the recommendations made, in 1945, by the Tax Advisory Committee to the Joint State Government Commission. This Advisory Committee recommend the enactment of "... legislation ... to govern the sale of property for delinquent taxes so that title, freed from liens and encumbrances, may be transferred to the purchasers of properties sold at county treasurers' sales."

The immediate result of the RETSL was to consolidate all delinquent real estate tax claims into one agency as a convenience to local officials, property owners, prospective purchasers, and title searchers. This greatly helped to eliminate the accumulation of delinquent taxes and the revival of liens permitted by prior lien laws.² The county treasurers' and city treasurers' sales were replaced by a single sale procedure under the Tax Claim Bureau and the two-year

1 The early efforts of the Local Government Commission in 1947 were supplemented by the cooperation of the Legislative Reference Bureau, the Pennsylvania Economy League staff, and county and local officials experienced in tax claim and tax sale procedures.

2 The law completely repeals the Return Act of 1931 and it also repeals those sections of the Municipal Claim and Tax Lien Law of 1923 that provide for the filing of liens for unpaid real estate taxes in the office of the prothonotary and the provisions for the sale of unseated lands.

redemption period after tax sale was eliminated.³ Moreover, the RETSL provided a means of conveying better title to a purchaser at tax sale.

Since its enactment in 1947, the mandatory coverage of the RETSL has been gradually extended to nearly all counties and taxing districts in the Commonwealth. The current exceptions are Philadelphia (county, city, schools), Allegheny County (including its political subdivisions), and the City of Scranton (including its school district). Given the broad application of the RETSL, the Local Government Commission has prepared this revised edition of its earlier booklets and hopes that it will provide, like its predecessors, clarification and insight into Act 542 of 1947 and its subsequent amendments, along with a simple-to-read summary and presentation of the law's provisions.

The RETSL was designed to benefit local governments in the accelerated collection of delinquent real estate taxes without causing undue hardship on the delinquent property owner. To the extent that the RETSL reduces the amount of delinquent real estate taxes as a percentage of the market value of taxable property, it increases the total tax yield and also serves to reduce the share of total taxes borne by those who promptly pay their taxes.

The provisions for a divestiture of liens and encumbrances and those for conveying a clear title are designed to attract purchasers to tax sales. Thus, by transferring non-taxpaying properties into the hands of responsible taxpayers and onto the current tax rolls, a delinquent tax liability is converted into tax revenue.

³ An owner is allowed to file objections or exceptions to the sale within 30 days following the "confirmation nisi" of the consolidated return of the upset sale made by the bureau to the court. Also, under provisions of Act No. 394 of 1945, P.L. 1050 (The Local Tax Collection Law), and of Act No. 542 of 1947 (The Real Estate Tax Sale Law), and subsequent amendments, a property owner has at least two years from the date on which the tax was first due before any property can be sold for unpaid taxes.

BRIEF COMMENTARY ON AMENDMENTS TO THE REAL ESTATE TAX SALE LAW

A number of amendments were made to the RETSL after its enactment in 1947. Act 81 of 1986 made very significant revisions and effected many progressive changes to the RETSL. Of course, the RETSL has been amended numerous times both before and after the 1986 revision. What follows is a brief commentary on some of the noteworthy amendments made to the RETSL from 1980 through the legislative session of the General Assembly ending November 30, 2000.⁴

Two amendatory bills were enacted in 1980. Act 70 of 1980 permitted any unclaimed balance remaining after a sale to be paid in a prorated manner to the involved taxing districts rather than being escheated to the State. Also in 1980 Act 98 changed the basic philosophy of certain provisions of the RETSL by greatly strengthening the due process provisions relating to notification to the property owner of the potential sale of his property and of the actual sale itself. A "limited right of redemption" after the sale was included whereby the original owner could challenge the sale on procedural grounds.

Additional legislation -- Act 92 of 1984 and Act 76 of 1985 -- not only clarified the continuing exemption of Allegheny County from the provisions of the RETSL, but also provided for a limited extension of the period for discharge of a tax claim for real estate taxes under certain conditions of economic hardship (unemployment) and/or serious injury or illness. This latter provision expired on December 31, 1985, but was reenacted, retroactively, on several occasions, with minor variations, until it was made a permanent feature of the law by Act 76 of 1993.

Also, a series of court decisions in the early 1980s caused severe problems relative to the divestiture of liens under certain conditions at the upset sale. As a temporary solution, Act 79 of 1984 eliminated the divestiture provision at the upset sale, pending the outcome of the study of the RETSL being made by the Local Government Commission that culminated in Act 81 of 1986.

⁴ A complete listing of all acts amending the RETSL, as well as the sections affected, from 1980 through 2000 is provided in the last section of this publication. (See Table of Contents.)

Because of court decisions in the early 1980s that resulted in escalating expenses for the Tax Claim Bureaus, and the obvious wisdom of reviewing the 35-year history of the law with its numerous amendments, the Local Government Commission had created a Task Force in 1983 to study the strengths and weaknesses of the existing law. During the course of this review, the Task Force determined that there was a need to: (1) update and modernize existing procedures; (2) consider and control the costs of administering the program; (3) examine and more adequately protect the constitutional guarantees of the property owner; (4) develop a method of returning unmarketable properties acquired by counties to the tax rolls; (5) eliminate obsolete or contradictory language; and (6) eliminate, as far as possible, language or conditions which created unnecessary hardship or would precipitate an undue amount of litigation. A bill reflecting the findings of the Task Force was introduced into the House in late 1984, then reintroduced in 1985, and passed and signed into law as Act 81 of 1986, effective August 4, 1986.

Act 81 of 1986 amended the RETSL in a variety of ways. It removed much obsolete language and also provisions relating to the gradual inclusion of various governments under the act. In addition, the act clarified contradictory and confusing provisions and time sequences; improved or added definitions; made numerous substantive changes; strengthened due process and other constitutional provisions; and simplified and amended Article VII to clearly denote county responsibility for certain unsold delinquent property.

Act 63 of 1989 and Act 27 of 1991 temporarily continued the option to extend the discharge for tax claims due to illness or hardship and specified that required notices identify any right to apply for this extended discharge period. Act 76 of 1993 made this option and its corollary notice provisions a permanent feature of the law.

In an effort to protect income-qualified senior citizens who own and reside in their homes, Act 220 of 1990 authorized the county commissioners to enact legislation to allow an extension of the discharge period, a deferral of payment, and other relief.

Act 61 of 1990 clarified the method and priorities of distributing money collected by a tax claim bureau to taxing districts.

The most recent amendments to the RETSL occurred with the enactment of Acts 5, 69, and 133 in 1998, and Act 82 of 2000. The changes to the RETSL made by these acts include the following:

The definition of a "taxing district" was amended to clarify that home rule, optional plan, and optional charter municipalities are included within the coverage

of the act, excepting, of course, Philadelphia, Allegheny County and the municipalities therein, and the City of Scranton. Also, a definition of "delinquent" was added providing that, for purposes of the RETSL, taxes for all taxing districts shall be considered delinquent on December 31 of each year.

With regard to discharging tax claims and removing them from exposure to sale, the right to discharge has been extended to "disinterested parties" in addition to the owner and interested parties, such as lien holders. Also, a taxing district may agree to discharge the claim for an amount less than the total amount of taxes and related costs due; and, even where this lesser amount is accepted from either an interested or disinterested party, a certificate of discharge may be filed in the prothonotary's office as a judgment against the owner of the property for the entire amount due to the taxing district. Further, the person for whose benefit the judgment is entered also may bring suit, within six years after the taxes first became due, against the owner personally in an action of assumpsit for the amount of the tax due and related attorney fees, court costs, and reasonable collection fees. This discharge procedure does not prevent a tax claim bureau from retaining its five percent commission on money collected and the interest earned on money held by it. With regard to the discharge of a tax claim, the county is authorized to give the right of first refusal to the local redevelopment authority, municipality, or its designated agent.

Several sections in Article VI (Sale of Property) also were amended.

A landlord whose apartment license is revoked, pursuant to a municipal ordinance, cannot purchase property at a real estate tax sale. Other provisions related to this prohibition include the following: (1) parties bidding at a tax sale must certify that they are not acting for a "barred" landlord; (2) at least 48 hours prior to actual sale, a municipality with a landlord license ordinance must submit to the county tax claim bureau the list of names of those landlords who have had their licenses revoked; (3) a municipal landlord license ordinance must provide due process notice and appeal opportunities to a landlord whose license is revoked; (4) if the revocation is based on violations of a building, safety, or property maintenance code, the landlord must be given the opportunity to make repairs, and any municipal revocation of a landlord's license shall be temporary until municipal code violations are corrected; and (5) municipalities with landlord license ordinances must amend their ordinances to comply with these provisions. Subsections 601(d) and 601(e).

In accordance with the amendment to Section 618 (Repurchase by Owner), an owner of property not only is denied the right to purchase his property at a judicial or private tax sale, but also is prohibited from purchasing from the repository for unsold property.

New Sections 619 and 619.1 were added to provide that, during the 20 days following any tax sale, a person who is a successful bidder is required to provide certification that the person is not delinquent in paying real estate taxes to any of the taxing districts where the property is located, and that the person has no municipal utility bills that are more than one year outstanding. Also, a deed is not to be delivered to a purchaser at a judicial sale sooner than 20 days after the sale (but must be delivered within 45 days of the sale). Moreover, within 15 days of a judicial sale, a municipality may petition the court of common pleas to prohibit the delivery of a deed to a property that is within the municipality and is sold at a judicial sale, if the municipality can prove by a preponderance of evidence that the purchaser has over the preceding three years exhibited a course of conduct which demonstrates that the purchaser (1) permitted an uncorrected housing code violation to continue unabated after being convicted of such violation and (2) subsequently permitted that property to pose a threat to health, safety, or property either because of a failure to maintain it in a reasonable manner or because of its continued use in an unsafe, illegal, or unsanitary manner.

Also, as a result of an amendment to Section 627, the tax claim bureau may not accept an offer of any price on property held in repository for unsold property (without court approval and published notice of sale) without the written consent of all the taxing districts where the property is located; but this consent may not be unreasonably withheld.

DISCUSSION OF THE REAL ESTATE TAX SALE LAW

GENERAL PROVISIONS

With the current *Exceptions*, as noted below, Act No. 542 of 1947, as amended (RETSL), amends, revises, and consolidates the laws relating to all delinquent real estate taxes in Pennsylvania. Provisions are made for the lien and return of unpaid taxes, the entering of claims, and a procedure for the sale of properties. A Tax Claim Bureau is created in each county to act as agent for all of the taxing districts in that county.

Exceptions. The following taxing districts are not included in or subject to the provisions of this law:

Philadelphia:	county, city, and schools.
County of Allegheny:	county and all political subdivisions within the county.
Scranton:	city and schools.

Definitions. For purposes of clarity, the definitions in Section 102 should be clearly understood. Among the terms defined are: "property," "claim," "absolute," "taxes," "owner," "owner-occupant," "actual sale," and "discharge of tax claim period." Definitions of "taxing district" and "delinquent" have been amended and added, respectively. A "taxing district" now specifically encompasses home rule, optional plan, and optional charter municipalities, subject to the overall exceptions of Philadelphia, Allegheny County and municipalities therein, and the City of Scranton. Moreover, for purposes of the RETSL, taxes for all taxing districts shall be considered "delinquent" on December 31 of each year.

TAX CLAIM BUREAU

Establishment. A Tax Claim Bureau is created in each county of the second A through eighth class; and it is under the control of the county commissioners in each county. (Section 201.)

Bureau director and personnel. The county commissioners of each county have direct supervision and control over the Bureau, with authority to appoint a Director and other necessary employees to administer the affairs of the Bureau. The salary board establishes the number and compensation of employees,

including the compensation of the Director. The county commissioners may assign county employees or the county treasurer to act as Director or to other duties. All Bureau employees are paid from county funds. (Section 202(a).)

The county solicitor, as legal advisor to the Bureau, may appoint assistants when approved by the salary board. (Section 202(b).)

Bonds for employees. The Director and employees of the Bureau may be required to file performance bonds. The commissioners determine the amount of the bond and the county pays the costs of any such bonds. (Section 203.)

ADMINISTRATIVE POWERS AND DUTIES

Collection of taxes. The Bureau collects delinquent real estate taxes, gives receipts therefor, and makes distribution of the monies received. (Section 204(a).)

Once a return has been made to the Bureau, no taxing district or tax collector is authorized to collect any delinquent taxes. Nevertheless, if an unauthorized collection is made by a taxing district or tax collector after delinquent taxes are returned to the Bureau, all costs, charges, fees, commissions, and interest that the Bureau would have retained (had it collected the delinquent real estate taxes) should be paid to the Bureau. (Section 204(b).)

Accounting and disbursements. The county commissioners, the county controller, if any, and the county treasurer are to agree upon and establish a system of accounting and distribution. The Bureau is to maintain a separate account for each property, with all transactions being itemized. (Section 205(a and b).)

As to moneys received by the Bureau, if a taxing district has advanced costs, fees, or expenses, the Bureau repays these amounts. The Bureau takes a five percent commission on other money collected and retains any interest earned on money it has held. (Section 205(c).)

Generally, the remaining balance of money collected is to be distributed to the taxing districts at least once every three months in proportion to the taxes due each taxing district. (Section 205(c.1).) However, money derived from a tax sale, after making the deductions authorized by Section 205(c), is distributed by the Bureau in the manner and according to the priority set forth in Section 205(d).

Prior to actual distribution, the Bureau must submit the distribution list to the court for confirmation, with copies to all those receiving distributions. The

court either confirms the list or resolves any disputes, and the distribution is effected. (Section 205(c).)

If any balance due to the owner of the property remains unclaimed after three years, it is distributed to the respective taxing districts on a pro-rata basis as detailed. The county retains interest earned on this money. (Section 205(f).)

Costs of operating the Bureau. The county is initially responsible for the expense of operating the Bureau. In addition to paying the salaries and the costs of bonds for officers and employees, the county also pays all mailing and advertising costs and other costs incident to the management of designated properties. All such expenses must be paid from the county treasury. Whenever costs, fees, or expenses are recovered, they are deposited with the county treasurer for the use of the county. (Section 206.)

Cost reimbursement. To reimburse the county for the expense of operating the Bureau, the Bureau, after the return of delinquent taxes has been made, is entitled to five percent of the amount collected on behalf of each taxing district, including five percent of the amount of any unauthorized collections not made by the Bureau. The Bureau retains, for the use of the county, the reimbursement fee and any interest earned under Section 205. The five percent fee is in addition to any recovery of costs, fees, and expenses provided for in Section 206. Reasonable charges for specified types of services and actual postage are authorized to be charged against delinquent properties to enable the Bureau to recover some of its operating costs. (Section 207.)

Bureau as agent; lien certificate. The Bureau is designated the agent of any taxing district in the prosecution and collection of claims and in the management and disposition of property held by the Bureau as trustee. (Section 208.)

Upon request, the Bureau is required to issue a lien certificate showing the taxes due on any property. A fee of five dollars is charged for each certificate. This fee is for the use of the county. (Section 208.)

TAX LIENS - RETURNS - CLAIMS

Taxes as first lien. All taxes lawfully levied on any property are declared to be a first lien on that property. These tax liens have priority of payment from the proceeds of any sale held under the provisions of this law, subject to the costs of the sale and subject also to tax liens of the Commonwealth that are given priority by Section 205. Tax liens have priority over a mortgage, judgment, or other lien. (Section 301.)

If taxes levied against a property are not paid to the taxing district and are returned to the bureau, a claim to recover the taxes is filed by the Bureau against the property on behalf of the taxing district to which the tax is payable. (Section 302.)

Except for property that is exempt by law from taxation, all property is subject to claims for taxes, including all property the owner of which is unknown and has been unknown for a period of not less than five years. (Section 303.)

Divestiture by sale. An upset sale of any property divests all tax liens and municipal claims of record, provided the amount of the purchase money at the sale is at least equal to the sum of the following: the amount of any tax liens of the Commonwealth that have priority under Section 205; the amount of all taxes and municipal claims certified to the Bureau under Section 605; and the costs of the sale. (Section 304.)

Joint owners. When a property is owned by joint tenants or tenants in common, a taxing district may file a claim against the interest of the owner(s) who have not paid their proportionate share of the taxes. The Bureau is authorized to release the interest of any joint tenant or tenant in common upon payment of the proportionate share of the taxes and costs.

If more than one person owns a property and the interest of one owner is exempt from taxation, a claim may be filed against the interests of those owners subject to taxation in the same manner as any other property. A claim is filed against the estate, title, and interest of the owner or owners subject to the lien. (Section 305.)

Returns and claims defined. The procedure for making returns and the filing of claims for unpaid taxes should be noted.

"Return" vs. "claim". The annual list prepared by a local tax collector that itemizes properties on which taxes have not been paid, which list is returned to the Bureau, is the "return" of taxes. The "claim," as defined in Section 102, is the entry in an official Tax Claim Bureau docket of taxes, costs, etc., due on a property that has been "returned."

Content of returns. Returns must include the name and address of the owner as they appear on the tax duplicate and the amount of all unpaid taxes, costs, penalties, and interest due through the last day of the month in which the return is made to the Bureau. (Section 306(a).)

Abatement act taxes. Where a property owner is paying delinquent taxes under the provisions of any abatement act, no return of a balance unpaid can be made unless there is a default in payment. In such cases, the lien is preserved, and the balance of unpaid tax can be returned in the next yearly return. (Section 306(b).)

Filing returns. The receiver or collector of taxes for a taxing district is required to return to the Bureau a typewritten list, on a form provided by or acceptable to the county, of all properties for which any taxes remain unpaid and which were levied in the calendar year immediately preceding. This return must be accompanied by a signed affidavit affirming that the return is correct and complete. (Section 306(a).) (See Section 309 for claims.)

The returns must be made to the Tax Claim Bureau on or before the last day of April, but no earlier than the first day of January, in the year immediately following the year in which the tax was levied. (Section 306(a).)

The county commissioners, by resolution, may establish a specific return date between January 1 and April 30 when the collector must make the return, but such date must be uniform within the county for all taxes returnable under this Act. (Section 306(c).)

Comment: Compare the "return" under Section 306 of the RETSL with "settlement" under Section 26 of the Local Tax Collection Law. The "return" of delinquent taxes under RETSL, Section 306 can be made by tax collectors to the county tax claim bureau any time from January 1 to April 30, unless the commissioners select a fixed return date between January 1 to April 30 on which all returns are to be made. The "settlement date" for tax collectors under Section 26 of the Local Tax Collection Law is established as January 15.

Chargeable interest. Interest at the rate of nine percent shall be charged on all taxes returned to the Bureau, beginning on the first day of the month following the date of return. (Section 306(a) and (c).)

Claim dockets. Every return made to the Bureau, every claim, and the results of every proceeding on the claim, under the provisions of this law, must be properly docketed and indexed to continue the lien of the unpaid tax. (Section 315.)

Entry in claim docket. All claims for taxes returned to the Bureau must be entered in suitable dockets. (Section 307(a).)

Not later than June 30 of each year, the Bureau is required to make up a claim for each property for which taxes have been returned. The claim must include the unpaid taxes of all taxing districts, shown separately, as found in the returns of each district. After the claim for each property is completed, it is entered in a claim docket. The Bureau is permitted to include more than one year's taxes in a single claim. (Section 307(b).) (Section 309.)

Claim docket information. Each claim entered in the claim docket must include:

- (a) The name of the taxing district.
- (b) The name of the owner of the property against which the claim is filed, unless the name of the owner of the property has been unknown for five or more years.
- (c) A description of the property sufficient to identify it.
- (d) The year or years for which the tax was levied; the amount of tax for each year returned; and the interest and penalties due at the time of filing.
- (e) Information that the property was posted or that the owner had been given the required legal notice of the return of the tax, that the claim was entered, and that the claim would become absolute if no exceptions were filed. (Section 309.)

Notice of return and entry of claim. By July 31 of each year, the Bureau must give notice for each delinquent taxable property that taxes thereon have been returned and a claim entered. The notice is to be sent by United States registered or certified mail, return receipt requested, postage prepaid, and addressed to the owner(s) at the same address listed on the form returned by the tax collector. In the event of joint ownership, tenants in common, or husband and wife as tenants by the entireties, only one notice is required to be sent to one post office address. If the post office address is unknown or the postal authorities do not deliver a notice, the notice is posted on the property affected. However, no posting is necessary if the property owner has entered into an agreement with the Bureau to pay the delinquent taxes. If the owner of the property is unknown and has been unknown for a period of not less than five years, such notice shall be given only by posting on the property affected. (Section 308(a).)

Notice so given shall constitute proper service on the owner. (Section 308(b).)

Notice requirements. Each mailed or posted notice must include the following:

- (a) All the information shown on the claim entered. (Section 308(a).)

- (b) Advice that if payment of claim is not made to the Bureau, and exceptions are not filed on or before the 31st day of December next following, the claim shall become absolute as defined in Section 102. (Section 308(a).)
- (c) Advice that, if full payment of the claim for taxes is not made during a one-year discharge period commencing July 1 of the year in which notice is given, the property will be advertised and exposed to sale pursuant to provisions of the RETSL. Furthermore, no redemption of the property is possible after the actual sale. (Section 308(a).) Notices, whether mailed or posted, also shall disclose that the owner of any owner-occupied realty may apply, in accordance with Sections 502.1 and 503.1, for up to 12 additional months to discharge the tax claim. (Section 308(a.1).)
- (d) A warning, in 10-point type, of an impending sale, which shall include advice as to provisions for avoiding advertising of the property for sale and telephone numbers of the Tax Claim Bureau and the county lawyer referral service. (Section 308(b).)

Cost of notice. The costs of mailed and posted notices provided in Section 308(a) are charged as part of the proceedings and must be paid by the owner. (Section 308(c).)

Property included in claim. The property described in the tax claim includes the whole property against which the tax was levied. Where a tax is levied on separate properties as one estate, the taxing district shall apportion the tax ratably on the separate properties before the claim is entered in the claim docket. The Bureau is authorized to apportion such taxes. Payment can then be made on any portion. (Section 310.)

Claim absolute. If a tax claim is not paid or no exceptions are filed, the claim becomes absolute on the first day of January following the sending of the notice. (Section 311.) This means that the validity of the claim can thereafter be set aside only for reasons of payment or defective notice of return and entry of claim as set forth in Section 314(e). For definition of "absolute," see Section 102.

Status of liens; suit in assumpsit. Any claim for taxes returned to the Bureau within the time limit required in this law remains a lien until the claim is paid or the Bureau sells the property. When a tax collector fails to make a tax return to the Bureau as required, the lien is lost. Notwithstanding that a lien may be lost under these provisions, a taxing district still may seek to recover the taxes by action in assumpsit at any time within six years after the tax first became due. (Section 312.)

Substitution of defendants. A person with an interest in the property as an owner can be substituted, upon notice by the taxing district, as a defendant any time before a claim becomes absolute. (Section 313.)

Procedure to challenge claim. The Bureau may reduce or set aside any claim if the claim is found to be invalid because of payment of the tax to the proper agent of a taxing district or is invalid for other reasons which could not have been raised by an appeal as provided by law. (Section 314(a).)

A defendant to a claim may file exceptions with the Bureau before the claim becomes absolute. The Bureau gives notice to the taxing district and holds a hearing, after which the exceptions may or may not be allowed. The defendant is granted an appeal to the court. The procedure therein is prescribed. (Section 314(b), (c), (d), and (f).)

Only allegations that the tax was paid or that the notice of the return or entry of the claim was defective may be relied upon to challenge a claim absolute. (Section 314(e).)

Satisfaction of claim. When a claim is stricken off, reduced, or satisfied by payment, or the Bureau sells the property covered by the claim, the docket and index should be so noted to authenticate the transaction. (Section 315.)

SEQUESTRATION

If a county uses sequestration of rents or profits from a property to recover taxes, this law authorizes the Bureau to act as sequestrator after a claim becomes absolute. (Sections 401-406.)

However, where the sequestrator feels that the revenue yield is not sufficient to continue in possession of the property, he shall return the property, with the permission of the court, to the owner and the property shall then be sold as prescribed by this Act. (Section 405.)

DISCHARGE OF TAX CLAIM BEFORE SALE

Discharge. After a claim has been filed with the Bureau, a discharge of tax claim may be accomplished any time prior to the actual sale of the property. Discharge of tax claim consists of payment of all outstanding taxes entered on the claim, accrued taxes that have been returned and remain unpaid, interest due on such taxes, and record costs.

If the discharge of tax claim is made prior to July 1 of the year following the notice of claim, the property shall not be advertised for or be exposed to sale; however, if the payment to discharge claim is made after July 1, but prior to actual sale, the name of the owner and property may be listed on the advertisement for sale, but the property shall not be sold.

Any owner, his heirs, or legal representatives, or any lien creditor, his heirs, assigns, or legal representative, or other person, now including "disinterested parties" in addition to interested parties, such as lien holders, may discharge the tax claim on a property for the benefit of the owner by paying all of the claims, interest, and costs. A taxing district, however, may agree to discharge the claim for an amount less than the total amount of taxes and related costs due. Upon receipt of payment which discharges tax claims, the Bureau shall issue a written acknowledgement of receipt and a certificate of discharge and enter satisfaction on the record. (Section 501(a), (a.1).)

The county now is authorized to give the right of first refusal for the discharge of a tax claim to the local redevelopment authority, municipality, or its agent. (Section 501((a).) When a lien creditor discharges a tax claim on a property for the benefit of the owner, the Bureau issues a certificate to the person making payment. The certificate should give a brief description of the property and the amount paid. This certificate may be entered in the office of the prothonotary as a judgment against the owner of the property for the entire amount due to the taxing district, even where a lesser amount is accepted from either an interested or disinterested party. The lien of this judgment has priority over all other liens against the property to the same extent as the taxes involved in the discharge. Further, the person for whose benefit the judgment is entered also may, within six years after the taxes first became due, bring suit personally against the owner in an action of assumpsit for the amount of the tax due and related attorney fees, court costs, and reasonable collection fees. (Section 501(b)(b.1).)

A discharge must be made before actual sale. No redemption is permitted after a sale. (Section 501(c).)

This discharge procedure does not prevent a tax claim bureau from retaining its five percent commission on money collected and interest earned on money held by it. (Section 501(d).)

Also, if a person holding a judgment certificate institutes a sale of property, provision is made for the priority in the distribution of the proceeds of the sale in those situations in which "...the proceeds of the sale are less than the amount of the judgment certificate and any municipal or other claim with liens on the

property that are coequal or senior to the lien of the person holding the judgment certificate." (Section 501(e).)

Option to extend period for discharge of tax claims. Section 502.1 provides that the county commissioners may, by ordinance, extend the period for the discharge of tax claims up to twelve months, provided that certain conditions are met. These conditions are set forth in Section 503.1 and limit the extension to cases where the tax claims constitute a severe hardship to the taxpayer, or to cases where there are extenuating circumstances (e.g., illness or unemployment) beyond the taxpayer's control. The extension applies only to owner-occupants who are permanent residents of the Commonwealth, with only one owner-occupied property per taxpayer being eligible. (Sections 502.1 and 503.1.)

Comment: At the time this option was made permanent, the earlier provisions (former Sections 502, 503, 505, and 506) that had authorized the option during a temporary, limited period were repealed.

Optional extension or deferral for the elderly. Section 504 authorizes the county commissioners to enact legislation allowing the Tax Claim Bureau to determine whether realty subject to a tax claim is owned and occupied solely by a person or persons 65 years old or older. In that case, if household income is within the parameters required for a rebate under the Senior Citizen Rebate and Assistance Act, then the commissioners may adopt an ordinance to grant: (1) an extension of the discharge period up to three months, (2) a deferral of payment -- so long as the realty is owned and occupied by a qualified person, (3) an opportunity to sell the property on the market after two appraisals in order to preserve equity that could be lost at a regular tax sale, or (4) other authorized measures which are consistent with Section 2(b)(ii) of Article VIII of the Constitution of Pennsylvania and which do not jeopardize the ultimate receipt of taxes. Interest on taxes deferred under Section 504 shall be payable at the same rate as is authorized in Section 306, which is currently nine percent per annum.

SALE OF PROPERTY

This Act provides for annual sales of properties returned to the Bureau for unpaid taxes after the tax claim has become absolute, and the period for discharge of the tax claim has expired. Properties may be sold either at upset sale, private sale, or judicial sale. Properties under the control of a sequestrator, or on which a sale has been stayed by agreements, are exempt from sale while these agreements are in force. (Article VI.)

UPSET SALE

Annual sale and prerequisites. Upset sales of properties are to be scheduled no earlier than the second Monday of September or later than the last day of September of each year. These sales may be adjourned, readjourned, or continued. For convenience, the Bureau may schedule sales in various taxing districts or wards on different dates, if deemed advisable. In any event, sales are to be held before the end of the calendar year. (Section 601(a).)

Property shall be put up for sale only if the tax claim has become absolute; but a sale will not occur if there has been a discharge from tax claim (Section 501) or if the property was removed or stayed from sale. Property may not be sold if it is in possession of a sequestrator. (Section 601(a)(1).)

Owner-occupied properties (as defined in Section 102) may not be put up for sale until at least 10 days after personal notification by the sheriff or designee, and a written proof of service noting the person served, the date and place of service, and a copy of the notice served is provided to the Bureau. If personal notification cannot be served in 25 days, the Bureau may petition the court to waive this requirement. (Section 601(a)(3).)

Also, property shall not be exposed to sale, if it is essential to the business of a quasi-public corporation (Section 601(a)(2)), if the delinquent taxes are being paid under any law abating penalties, etc., unless there has been a default in payment (Section 601(b)), or if taxing authorities have petitioned the court to stay the sale (Section 601(c)).

Special provision is made to prevent a landlord from being a purchaser at a tax sale, if the landlord's apartment license is revoked pursuant to a municipal ordinance. (Sections 601(d) and 601(e).)

Notice of sale. At least 30 days prior to the scheduled sale, the Bureau shall place a prescribed advertisement in two newspapers of general circulation in the area and once in a court designated legal journal (Section 602 (a through d)). In addition, a designated warning notice is to be sent to each owner by United States certified mail, restricted delivery, return receipt requested, postage prepaid. If any owner fails to return the receipt, such owner must be notified a second time by first class mail, proof of mailing, at his last known address at least 10 days before the scheduled sale. (Section 602(e)(1)(2).)

In addition, each property scheduled for sale must be posted at least 10 days prior to the scheduled sale date. (Section 602(e)(3).)

See below, "*Safeguard notification efforts.*" (Section 607.1.)

Contents of notice. All notices must state that the sale of the property may be stayed, at the Bureau's option, if an agreement to pay the taxes in installments is reached with the Bureau (Sections 602(f) and 603) and, excepting the newspaper and legal notices, must contain the wording as provided in Section 602(g).

"Silent" Commonwealth tax liens. When property of a corporation, limited partnership, or joint-stock association is advertised for sale, the Bureau must, at least 30 days prior to an upset sale, forward to the Department of Revenue by certified mail (return receipt requested) on a form supplied by the Department, a list (and other specified information) of all such properties advertised for upset sale.

At least 7 days prior to the sale, as verified by the postmark, the Department of Revenue must forward to the Bureau by certified mail (return receipt) a written notice, which sets forth the amount of all tax claims that should be included in the upset price of the property. The Bureau, if no list has been received by the day of sale, must call a telephone number designated by the Department of Revenue to determine if this list had been mailed. If mailed by the Department but not yet received, the Bureau may either reschedule the sale or announce prior to the sale that the property will be sold subject to the Commonwealth's tax lien. If the Department has failed to send any information, the Bureau shall have authority to sell the property divested of all Commonwealth claims and liens, notwithstanding the provisions of Section 609 or any other law. (Section 602(h).)

Removal from or stay of sale options. As discussed below, a property may be removed from sale, or the sale may be stayed, at any time prior to the actual sale of the property, at the option of the Bureau. Furthermore, the Bureau is prohibited from entering a new installment agreement to stay a sale within three years of any default on a previous installment agreement. (Section 603.)

Removal from sale. Prior to the actual sale, a property may be removed from the sale by remittance of a single payment, in full, of all taxes that have become absolute and all charges and interest due on those taxes to the time of payment. This payment merely removes the property from immediate sale; it does not protect the property from exposure to a subsequent sale for delinquent taxes that have been returned but have not yet become absolute (Section 603) and is not a discharge of tax claims as set forth in Section 501.

Comment: Compare "payment" under Section 603 with a "discharge of tax claims" as set forth in Section 501.

Stay of sale. An agreement to pay a claim on an installment basis can stay a sale. Initially, payment must be at least 25 percent of the total of all tax claims and tax judgments entered against the property and the interest and cost due on the taxes returned to date. Although the Bureau may negotiate terms of an agreement, the first installment must, at a minimum, equal the aforementioned 25 percent figure. Moreover, there may be permitted no more than three additional installment payments and the final payment must be within one year.

If there is a default in the installment agreement, the amount paid shall be applied against the oldest delinquent tax accounts first. If sufficient payment has been made to discharge all absolute tax claims, with interest and costs, the property shall not be sold; but this does not mean that the property may not subsequently be exposed to sale for all taxes returned that are delinquent but not yet absolute. If, upon default, payment has not been sufficient to discharge all absolute tax claims with interest and costs, the property shall be sold at either the next scheduled upset sale or at a special upset sale, either of which must be held at least 90 days after such default. (Section 603.)

Upset sale price. The Bureau shall determine and advertise the sale price that must be realized to sell a property at upset sale. The upset sale price shall include: tax liens of the Commonwealth; all tax claims, whether or not absolute, or judgments and interest thereon, including unpaid taxes levied for the current year; municipal claims; and the record costs and the costs of the sale. Taxing districts and municipal authorities must certify to the Bureau, by August 30 of the year of the sale, the amount of their claims. If a municipal claim that becomes a claim against the property prior to August 1 of the year of the scheduled sale is not included in the certified report, it will be divested by the sale. (Section 605.)

Conditions relating to upset sale. The Bureau may not sell property at any upset sale for less than the previously determined upset price; no upset sale may be continued beyond the end of the calendar year and no property may be sold at private or judicial sale unless first exposed, but not sold, at upset sale. (Section 605.)

Payment of purchase price. The purchaser at a sale is to pay the entire amount of the purchase price on the date of the sale, not later than one hour before the close of business or at such other time on said date as designated by the Bureau. Failure to pay voids the sale, and the property may be put up at the same sale for new bids or may be re-exposed to sale at any continuation or adjournment of the sale. (Section 606.)

Notice of actual sale to owner. Within 30 days after the actual sale, the Bureau must notify the owner(s) by United States certified mail, restricted delivery, return receipt requested, postage prepaid, that his property has been

sold. The prescribed notice must indicate the owner(s) may challenge the sale not later than 30 days after the court has confirmed (nisi) the consolidated return made to it by the Bureau. In addition, the Bureau must also include the phone numbers of both the Tax Claim Bureau and the county lawyer referral service. (Section 607 (a.1).)

Consolidated return to court. Within 60 days of the sale, the Bureau must furnish the court of common pleas with a complete record of the sale. The court, if satisfied that the sale has been properly conducted, shall, within 30 days after the presentation of the consolidated return, issue a confirmation nisi. At this point, the owner has 30 days to challenge the sale. (Sections 607(a) and 607 (a.1).)

Published notice of confirmation nisi. The Bureau must also, within 10 days of the confirmation nisi by the court, advertise the fact of the confirmation nisi in both a newspaper and legal journal, and that an owner or lien creditor may file exceptions thereto within 30 days after the date of confirmation nisi. (Section 607(b).)

Confirmation absolute. If no exceptions or objections are filed within 30 days of the confirmation nisi, a decree confirming the sale absolutely shall be entered as of course by the prothonotary. (Section 607(c).)

If objections or exceptions are filed within the prescribed time and concern only the legality of the manner in which the Bureau conducted the proceedings with respect to the sale, the court may either overrule them and enter a decree of absolute confirmation or sustain them and order the sale to be set aside. (Section 607 (d through g).)

Safeguard notification efforts. If the notification of an impending upset sale (under Section 602) or of an actual sale (under Section 607) has not been acknowledged as required by law, the Bureau must make additional efforts to determine and notify the owner or entities whose property interest appears to be significantly affected by the sale. These efforts must include a search of telephone directories and county row office and tax assessment records and must be fully documented and retained in the pertinent file. The sale may then be confirmed or rescheduled, as appropriate. (Section 607.1.)

Transfer of title. After the court has confirmed the sale and after the purchaser has paid the amount of his bid, the Bureau prepares a deed in fee simple. The deed is in the name of the Bureau as the trustee grantor and is executed and acknowledged before the prothonotary; notation is made on the Bureau's record and the deed is recorded at the purchaser's expense. (Section 608.)

Nondivestiture of liens. Recorded liens, mortgages, or other obligations and claims, including Commonwealth tax liens, if not included in the upset price, are not divested by the upset sale. "Silent" Commonwealth liens, however, even if not included in the upset price as provided in Section 602(h), are divested. (Section 609.)

JUDICIAL SALE

Petition for judicial sale. When the upset price is not bid, the Bureau may continue the upset sale, but not beyond the end of the year. Once the property has been exposed to upset sale, the Bureau may petition the court to sell the property at judicial sale. Also, a taxing district can direct the Bureau to petition the court to sell the property. The petition must detail the Bureau's efforts to sell at upset price, outline all charges against the property, and state that no removal from, or stay or discharge of, sale has occurred. (Section 610.)

Rule to show cause. If a rule to show cause why a property should not be sold free of encumbrances is granted, it must be served upon owners and all other parties in interest. The rule is to be made returnable 30 days from the date the petition was presented to the court by the Bureau. Also, the procedure for service of the rule before a hearing is prescribed. (Sections 610 and 611.)

Hearing and order of sale. If the court determines after a hearing that all the provisions of the law have been satisfied, it may order the Bureau to sell the property to the highest bidder, free and clear of all encumbrances, except ground rents taxed separately. The court also has the option to specify that, unless designated costs are covered in the sale, the property may be sold only to the county. (Section 612(a).)

The date of the sale is to be fixed by the court in its order. When the petition is presented within three months after the scheduled date of the upset sale, no further advertisement is required. However, when the petition is presented more than three months after the scheduled upset sale, the court shall direct a short advertisement to be published at least 30 days before the date set for the judicial sale. This advertisement is to be run one time in one or two newspapers as prescribed. (Section 612(b).)

In its petition, the Bureau may request the court to fix the place of sale of the property to be sold. (Section 612(c).)

When the purchase price has been paid, the Bureau makes a deed to the purchaser as provided in Section 608. (Section 612(a).)

The following are first paid out of the proceeds of the sale: the costs set forth in the upset price at the prior sale; the additional costs of this sale; and a title search fee. Moreover, the court may order that no sale be made, except to the county, unless a bid equal to these costs is offered. If a sale is held and there is any remainder after payment of these costs, the remainder is distributed as provided in Section 205. (Section 612(a).)

Purchase by county commissioners. Whenever any property is put up for public sale pursuant to Section 612, the county commissioners are authorized (but not required) to bid up to and including one dollar over and above all costs for the property. The title to the property, if purchased by the county commissioners, is an absolute title, free and clear of all encumbrances, except ground rents taxed separately. The costs thereof shall be charged by the county to the various municipalities in proportion to the taxes due them and may be deducted from any tax monies thereafter payable to such districts under the provisions of this Act. The property may be sold, leased, or used by the county. (Section 612.1.)

PRIVATE SALE

When a sale has been continued because the upset price has not been bid, the Bureau may propose to sell a property at private sale at any price approved by the Bureau, even though proceedings to conduct a judicial sale may have commenced. Also, if the Bureau is given written instructions to do so by a taxing district in whose favor a tax claim or tax judgment has been filed, it shall attempt to sell the property at a private sale. Notice of a proposed sale is given to all affected taxing districts and the owner of the property. Notice is to be advertised at least two times in a newspaper of general circulation in the county where the property is located and once in the official legal journal of the county. The advertisement must give full details, including, among other things, the price of the proposed sale. Taxing districts, the owner, other interested parties, and anyone interested in purchasing the property or otherwise interested, if not satisfied that the sale price approved by the Bureau is sufficient, may, within 45 days of the notice of the proposed sale, petition the court to disapprove the sale. The court must give notice of a hearing to each taxing district, the Bureau, the owner, the purchaser, and any petitioners. If the court disapproves the sale, it must fix a minimum price at which the property can be sold and order that, if no private sale can be arranged, the property be sold at public judicial sale (under Section 610). However, if more than one party to the hearing agrees to pay the minimum price, the Bureau must hold an auction-style bid among (only) the parties to the proceedings. (Section 613(a).)

When the Bureau disapproves an offer to purchase a property, any interested taxing district may instruct the Bureau in writing to submit the proposed sale to the court by petition. The owner and interested taxing districts are given a hearing by the court. If the court approves, the sale is consummated as though originally approved by all interested parties. (Section 613(b).)

The Bureau is authorized to accept option money to bind an offer for a private sale. Such money is to be deposited in the county treasury. Provisions are made for credits or refunds in certain cases. (Section 614.)

When the price for the private sale of a property has been finally approved and the purchase price has been paid, the Bureau, as trustee grantor, makes a deed in fee simple to the purchaser. The deed is acknowledged before the prothonotary and conveys title free and clear of all tax claims and tax judgments. (Section 615.)

MANDATORY JUDICIAL SALE

This provision compels exposure to sale. If a property has not been sold at the upset sale and if, within 10 months of the scheduled upset sale, a property has not been sold at a private sale or a judicial sale, the Bureau must file a petition within the following two months to sell the property at judicial sale as provided in Section 610. (Section 616.)

REPOSITORY FOR UNSOLD PROPERTIES

Unsold property repository. Any property remaining unsold at a judicial or private sale, after exposure to an upset sale, is placed in a repository for unsold properties. The Bureau must maintain a list of such properties and make it available to the general public. The Bureau may also publish a list of these properties from time to time. (Section 626.)

Sale from repository. The Bureau may accept an offer of any price on property held in the repository for unsold property (without court approval and published notice of sale) *only if* it has the written consent of all the taxing districts where the property is located; this consent may not be unreasonably withheld. Upon payment of the full agreed-upon price, the Bureau shall convey the property to the purchaser, divested of all claims of whatever kind, in the same manner as if the property was sold at judicial sale, and have the deed recorded at the purchaser's expense. (Section 627.)

Assessment restrictions. Notwithstanding any other laws to the contrary, the price paid for any property that is sold from the repository shall be considered the fair market value of the property for tax assessment purposes. The assessment may not be changed unless: (1) it is changed as part of a general county reassessment; (2) the property is sold as a unit or part of a larger property; or (3) the property is improved. (Section 628.)

Notice of a repository sale. The Bureau must notify all affected taxing districts, the county assessment office, and any affected tax collector of the sale of the property from the repository and advise each one of the restrictions in Section 628. (Section 629.)

Distribution of funds. The Bureau shall distribute all money received from such sale as outlined in Section 205. (Section 630.)

The foregoing provisions make it possible for the Bureau and taxing districts to dispose annually of all properties subject to sale for unpaid taxes and thus eliminate an accumulation of non-taxpaying properties.

MISCELLANEOUS

Correction of errors by petition. When a property has been sold, and there are apparent errors in the description, in the spelling of names, or other obvious errors in the claim, the return to court, the petition, or the tax deed, they may be corrected by petition to the court. The court, after a hearing, may order a correction. (Section 617.)

Repurchase by owner. In accordance with Section 618 (Repurchase by Owner), an owner of property not only is denied the right to purchase his property at a judicial or private tax sale, but also an owner is prohibited from purchasing from the repository for unsold property.

Restrictions. Sections 619 and 619.1 were added to provide that, during the 20 days following any tax sale, a person who is a successful bidder is required to provide certification that the person is not delinquent in paying real estate taxes to any of the taxing districts where the property is located, and that the person has no municipal utility bills that are more than one year outstanding. Also, a deed is not to be delivered to a purchaser at a judicial sale sooner than 20 days after the sale (but must be delivered within 45 days of the sale). Moreover, within 15 days of a judicial sale, a municipality may petition the court of common pleas to prohibit the delivery of a deed to property that is within the municipality and is sold at a judicial sale, if the municipality can prove by a preponderance of evidence that the purchaser has over the preceding three years exhibited a course

of conduct that demonstrates that the purchaser (1) permitted an uncorrected housing code violation to continue unabated after being convicted of such violation and (2) subsequently permitted that property to pose a threat to health, safety, or property either because of a failure to maintain it in a reasonable manner or because of its continued use in an unsafe, illegal, or unsanitary manner.

PROPERTY ACQUIRED BY A TAXING DISTRICT AT TAX SALE PRIOR TO TIME WHEN ACT BECAME EFFECTIVE IN TAXING DISTRICT

This Article contains provisions applicable to the powers, duties, and rights of the county, the Bureau, and taxing districts with regard to any property that was held by the county or other taxing district, having been acquired at a tax sale or a sale on a judgment for a tax claim, prior to the time when Act No. 542 became effective in the taxing district. (Sections 701 through 705.)

REPEALS

Attention is directed to Section 801 of the Real Estate Tax Sale Law, which repeals the laws regulating the sale of unseated lands, the Return Act of 1931, P.L. 280, and the Redemption Act of 1941, P.L. 535. The provisions of Section 802 provide for a general repeal of all acts or parts of acts inconsistent with the RETSL.

It is to be emphasized that the intent of the repeals applies only to the taxing districts operating under the provisions of the Real Estate Tax Sale Law.

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SEQUENCE OF TAX CLAIM BUREAU PROCEDURES

The following outline presents the sequence of action as provided under the Real Estate Tax Sale Law (RETSL), Act 542 of 1947, and amendments. The dates provided, particularly where a month or series of months are identified, are approximate and suggest likely times or intervals when a procedure or occurrence associated with the RETSL may occur. If questions arise concerning the proper timing or sequence of any event, reference should be made to the official text of the law.

NOTE: In accordance with the RETSL's definition of "delinquent," real estate taxes shall be considered delinquent on December 31 of each calendar year for all taxing districts. The following sequence commences immediately thereafter, with "year one," on January 1. (See below.)

YEAR ONE

1. *Between January 1 & April 30:*

It is during this period that a tax claim bureau first receives notice from the tax collector who makes a return to the Bureau listing all delinquent accounts, showing the amount due, including penalties and interest (Section 306(a).)

No return of delinquent taxes is made if the owner is making payments on an agreed-upon schedule unless there has been a default. (Section 306(b).)

Commissioners may establish a date certain (between January 1 and April 30) for the return to be made. Interest at nine percent per annum then starts on the first day of the month following the return. (Section 306(c).)

Comment: Compare a "return" made to the Tax Claim Bureau under the RETSL with the required January 15 "settlement" date under the Local Tax Collection Law.

2. *June 30:*

Date by which the Bureau must make an entry on a claim docket showing the amount due to each taxing district on each property for which a return was made. Detailed information regarding the amount due is required. (Sections 307 and 309.)

3. *July 31:*

Date by which the Bureau must give notice, by United States registered or certified mail, for each delinquent taxable property. If notice cannot be made by mail, then it is required that notice be given by posting the property. (Section 308.)

YEAR TWO

4. *January 1:*

If delinquent taxes are not paid during the year in which they are "returned" to the Bureau, at the beginning of the next year, the claim previously entered by the Bureau becomes absolute.

NOTE: Provisions are made for attacking or setting aside claims (Section 314), for discharging claims (Section 501), and for extending the period for discharging claims in specified circumstances. (Sections 502.1, 503.1 and 504.)

5. *January 21:*

On petition, the court appoints the Bureau as sequestrator. (Section 401.)

6. *August 30:*

By August 30, taxing districts and municipal authorities must certify to the Bureau any municipal claim that becomes a claim prior to August 1 in order to have that municipal claim be included in the upset price; otherwise the claim will be divested. (Section 605.)

NOTE: The approximate upset price must be determined and be included in the sale advertisements. (Section 602.)

7. *August:*

Advertisement must be made at least 30 days prior to the upset sale at least once in two general circulation newspapers and in the county legal journal; the owner is to be notified by return receipt mail. (Sections 602(a) and 602(e)(1).)

8. *August:*

At least 30 days before sale, the Bureau must advise the Department of Revenue of any corporation, limited partnership, or joint stock association on the sale list. If the Bureau has not received a reply before the sale, Revenue must

again be contacted. The sale may be rescheduled if circumstances warrant. (Section 602(h).)

9. *August or September:*

All properties scheduled for tax sale must be posted at least 10 days prior to sale. Also, if a return receipt from a notice mailed in accordance with Section 602(e)(1) is not received, a second notice to the owner must be attempted, by first class mail, at least 10 days before sale. (Sections 602(e)(2) and 602(e)(3).)

10. *August (or later, if the sale is postponed):*

In the case of an owner-occupied property only, at least 10 days before the sale, the owner-occupant must be given personal notice by the sheriff or his designee; the county commissioners may designate an alternate server. If service cannot be made within 25 days of the first request, the Bureau may petition the court to waive the requirement and conduct the sale.

11. *September:*

The sale must be scheduled no earlier than the second Monday or later than September 30. The Bureau may adjourn or continue the sale to no later than December 31. All sales must be held by December 31. (Section 601(a).)

12. *Between September and December:*

The Bureau may discharge the property from the claim, remove the property from sale, or stay the sale of the property on proper action by an owner prior to the actual sale (i.e., actually receiving sale money). If an installment agreement from the previous year is broken, the Bureau proceeds with the sale. (Sections 603 and 501.)

13. *Not later than December:*

Where the property is exposed to an upset sale but not sold because the bid did not equal the upset price, an upset sale may be continued and the Bureau may try to sell the property at a private sale or begin petitioning the court to order a judicial sale of the property. (Section 605.)

14. *December 31:*

An upset sale originally should be scheduled between the second Monday in September and September 30, but may be adjourned or continued to no later than December 31 without a second notice of sale. (Section 601(a).)

YEAR TWO OR YEAR THREE⁵

15. *No later than January of year three:*

The Bureau has 30 days from the actual date of sale to notify the owner of the fact that the property was sold and of his right to file objections no later than 30 days after confirmation nisi by the court. (Section 607(a.1)(1).)

16. *No later than March of year three:*

Within 60 days of the sale, but not before notification has been made to the owner of the property exposed to sale, the Bureau must make a consolidated return to court. The court has up to 30 days to confirm nisi. (Section 607(a).)

17. *No later than March of year three:*

Within 10 days of confirmation nisi by the court, the Bureau must publish notice of the date of confirmation nisi, and advise that objections may be filed within 30 days of the confirmation nisi date. (Section 607(b).)

18. *No later than April of year three:*

Thirty days after the court confirms nisi, provided that no objections have been filed, the prothonotary enters an absolute confirmation and the Bureau supplies and records the deed. (Sections 607(c) and 607(g).)

*****IF UPSET SALE NOT REALIZED*****

19. *Judicial sale, usually after January of year three:*

Anytime after the scheduled upset sale, but by December 31 of year two, unless there has been additional advertising of the continued upset sale, the Bureau is to petition the court to sell the property at a judicial sale free and clear

⁵ In the headings to items 15, 16, 17, and 18, the months noted represent the end of the time frame during which certain steps in the tax sale process are to be completed. However, because the actual date of the sale may be as early as the second Monday in September of year two and because, in many cases, the succeeding phases of the tax sale process can be accomplished without using all of the allotted time, the sale of the property for taxes could be completed in less than two years from the time delinquent taxes are returned to the Tax Claim Bureau.

not only of all tax claims and municipal claims but also free and clear of all liens, mortgages, and other charges on the property as found in the title searches required to be completed on each property. (Section 610.) The court grants a rule on all parties, returnable within 30 days, to show why a decree should not be granted. (Section 611.) The court orders a sale on a court-set date, usually after January of year three, and may require that a successful bid exceed all costs on the property, unless the property is sold to the county. (Section 612(a).) If the petition for a judicial sale is made more than 90 days after the scheduled upset sale, the Bureau must readvertise, albeit in a modified manner, at least 30 days prior to sale. (Section 612(b).) The county commissioners may buy the property for \$1 over costs and may subsequently sell after proper notice and advertising. (Section 612.1.)

*****PRIVATE SALE*****

20. *Any time after a property has been exposed to a public sale at which the bid did not meet the upset price:*

If a property was not sold because of an insufficient bid, the Bureau may agree to and shall, if requested by the taxing district, sell the property privately at any price approved by the Bureau.

At least 10 days prior to the sale, the Bureau must advertise information (notice) regarding the sale. Within 45 days of the notice of the sale, anyone may petition the court to disapprove the sale. The court hears the petition after notifying all interested parties. Afterward, the court approves or disapproves the sale. If the sale is disapproved, the court sets a minimum price and, if no private sale can be arranged, orders a judicial sale. (Section 613(a).)

YEAR THREE

21. *Scheduled sale date + 10 months + 2 months:*

If a property is not sold at the end of the 10th month following the scheduled upset sale, the Bureau has two months to file a petition with the court for a judicial sale. (Section 616.)

22. *Following mandatory judicial sale:*

Any property remaining unsold is put into the repository for unsold property. A list of properties in the unsold property repository must be available

to the general public. Periodically, the Bureau may publish the list. (Section 626.)

With the approval of the taxing districts, the Bureau may accept any price for a property in the repository -- conveyed free and clear not only of all tax claims and municipal claims but also of all liens, mortgages, and other charges on the property, so long as proper notification had previously been given. (Section 627.)

Note: See Assessment provisions. (Section 628.)

After the sale, the Bureau must notify the assessment office, all affected taxing districts, and any affected tax collector of special assessment requirements. (Section 629.)

TEXT OF THE REAL ESTATE TAX SALE LAW

"REAL ESTATE TAX SALE LAW"

Act of 1947, P.L. 1368, No. 542, as amended

AN ACT

Amending, revising and consolidating the laws relating to delinquent county, city, except of the first and second class and second class A, borough, town, township, school district, except of the first class and school districts within cities of the second class A, and institution district taxes, providing when, how and upon what property, and to what extent liens shall be allowed for such taxes, the return and entering of claims therefor; the collection and adjudication of such claims, sales of real property, including seated and unseated lands, subject to the lien of such tax claims; the disposition of the proceeds thereof, including State taxes and municipal claims recovered and the redemption of property; providing for the discharge and divestiture by certain tax sales of all estates in property and of mortgages and liens on such property, and the proceedings therefor; creating a Tax Claim Bureau in each county, except counties of the first and second class, to act as agent for taxing districts; defining its powers and duties, including sales of property, the management of property taken in sequestration, and the management, sale and disposition of property heretofore sold to the county commissioners, taxing districts and trustees at tax sales; providing a method for the service of process and notices; imposing duties on taxing districts and their officers and on tax collectors, and certain expenses on counties and for their reimbursement by taxing districts; and repealing existing laws. (Title amended Sept. 26, 1981, P.L.274, No.92)

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The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

ARTICLE I

SHORT TITLE; DEFINITIONS

Section 101. Short Title.--This act shall be known and may be cited as the "Real Estate Tax Sale Law."

Section 102. Definitions.--As used in this act, the following words shall be construed as herein defined, unless the context clearly indicates otherwise:

"Absolute," the perfection of a claim for taxes under section 311, after which the validity of the claim may not be challenged.

"Actual sale," payment of the full amount of money agreed to be paid as the sale price by the successful bidder or purchaser at upset sale under sections 605 through 609.

"Bureau," the Tax Claim Bureau created by this act in the several counties.

"Claim," a claim entered in a claim docket by the bureau to recover the taxes returned by the various taxing districts against a certain property.

"County," a county of the second A, third, fourth, fifth, sixth, seventh or eighth class, including counties of these classes which have adopted or may adopt home rule charters under the act of April 13, 1972 (P.L.184, No.62), known as the "Home Rule Charter and Optional Plans Law."

"County commissioner," includes the equivalent official in home rule counties.

"Delinquent," taxes shall be considered delinquent on December 31 of each calendar year for all taxing districts. (Def. added Dec. 21, 1998, P.L.1008, No.133)

"Director," the director of the Tax Claim Bureau.

"Discharge of tax claim period," the period of time between entry of claim and actual sale of property.

"Owner," the person in whose name the property is last registered, if registered according to law, or, if not registered according to law, the person whose name last appears

as an owner of record on any deed or instrument of conveyance recorded in the county office designated for recording and in all other cases means any person in open, peaceable and notorious possession of the property, as apparent owner or owners thereof, or the reputed owner or owners thereof, in the neighborhood of such property; as to property having been turned over to the bureau under Article VII by any county, "owner" shall mean the county.

"Owner Occupant," the owner of a property which has improvements constructed thereon and for which the annual tax bill is mailed to an owner residing at the same address as that of the property.

"Property," real property which shall include a mobilehome or house trailer permanently attached to land or connected with water, gas, electricity or sewage facilities, subject to a tax lien or against which a claim is being or has been filed as a lien. "Property," includes both seated and unseated lands.

"Taxes," all taxes, with added interest and penalties, levied by a taxing district upon real property, including improvements. Whenever interest and penalties have been abated by a statute which provides for payment of delinquent taxes on an instalment basis, interest and penalties shall be included in the event of a default as prescribed by the abatement statute.

"Taxing District," any county, city, borough, incorporated town, township, home rule municipality, optional plan municipality, optional charter municipality, school district, institution district or any similar general purpose unit of government which may be created or authorized by statute except counties of the first and second class and cities, boroughs, incorporated towns, townships, home rule municipalities, optional plan municipalities, optional charter municipalities, school districts or institution districts therein and cities of the second class A and school districts therein. (Def. amended June 18, 1998, P.L.501, No.69)

(102 amended July 3, 1986, P.L.351, No.81)

Compiler's Note: Section 4 of Act 133 of 1998, which amended the def. of "delinquent," provided that Act 18 shall apply to all sales conducted on or after the effective date of Act 133.

ARTICLE II

TAX CLAIM BUREAU

Section 201. Creation of Bureaus.--A Tax Claim Bureau is hereby created in each county in the office of the county commissioners.

(201 amended July 3, 1986, P.L.351, No.81)

Section 202. Appointment and Compensation of Personnel.--

(a) In each county, the county commissioners shall have direct supervision and control of the bureau, and shall have power to appoint a director and such employes and assistants as may be necessary to properly administer the affairs of the bureau, but the number and compensation of such employes, including the compensation of the director, shall be fixed by the salary board of the county in those counties where there is a salary board, and in all other counties by the county commissioners. Such compensation shall be paid by the county from county funds.

County employes or the county treasurer may be assigned by the county commissioners to act as the director or to other duties in the bureau.

(b) The county solicitor shall be the legal advisor and counsel to the bureau. The solicitor may appoint such assistant solicitors at such salaries as shall be allowed by the salary board.

(202 amended July 3, 1986, P.L.351, No.81)

Section 203. Bonds.--The county commissioners of each county shall have power to require the director of the bureau and such employes and assistants of the bureau, as may by them be designated, to give bonds to the Commonwealth for the use of the taxing districts, whose delinquent real estate tax claims are administered through such bureau, and for the use of any other person having a claim by reason of any act of such director, employes or assistants in such penal sum as the county commissioners shall fix, conditioned for the faithful performance of the duties of their office or public position and a strict accounting and distribution of all moneys collected or received by them under the provisions of this act. The cost of such bonds shall be paid by the county.

(203 amended July 3, 1986, P.L.351, No.81)

Section 204. County Bureau to Collect Taxes.--

(a) Each county bureau shall receive and collect such taxes and give proper receipt therefor when payment is offered, and to make distribution of the moneys received as provided by this act.

(b) (1) All taxes for which returns have been made to the bureau shall be payable only to the bureau and shall not be payable to or be accepted by any taxing district or tax collector.

(2) In the event that any such taxes are received or

accepted by any taxing district contrary to the provisions of this section, the taxing district shall be liable to the bureau for, and the bureau shall deduct from any distribution to which the taxing district is entitled under section 205, all charges, fees, costs, commission and interest to which the bureau would otherwise have been entitled under the act if payment had been made directly to the bureau.

(204 amended July 3, 1986, P.L.351, No.81)

Section 205. System of Accounting and Distribution.--

(a) In each county bureau a system of accounting and distribution of all moneys collected or received under the provisions of this act shall be established in the bureau as may be determined by the county commissioners, the county controller, if any, and county treasurer.

(b) The bureau shall keep an accurate account of all money recovered and received by it under this act and maintain a separate account for each property.

(c) Money received on account of costs, fees and expenses advanced by any taxing district shall be repaid to the taxing district making the advance. Other money collected under this act shall be subject, first, to a commission of five per centum (5%) of all money collected to be retained by the bureau to offset costs of the administration of this act. Interest earned on money held by the bureau prior to distribution shall also be retained by the bureau for administrative costs.

(c.1) It shall then be the duty of the bureau to distribute the entire remaining balance of the moneys collected, except moneys collected through any tax sale under the provisions of this act, to the taxing districts at least once every three (3) months in proportion to the taxes due each taxing district.

(d) It shall be the duty of the bureau to distribute all moneys collected as the result of any tax sale conducted under the provisions of this act, less the deductions authorized by subsection (c), in the following manner and according to the following priority:

(1) First, to the Commonwealth, by payment to the State Treasurer through the Department of Revenue, for satisfaction of tax liens of the Commonwealth only if the total amount of such liens or such portion thereof have been included in the purchase price and paid by the purchaser or the property is sold at judicial sale pursuant to this act.

(2) Second, to the respective taxing districts in proportion to the taxes due them.

(3) Third, to taxing districts or municipal authorities for

satisfaction of municipal claims.

(4) Fourth, to mortgagees and other lien holders, in order of their priority, for satisfaction of mortgages and liens as they may appear of record, whether or not discharged by the sale.

(5) Fifth, to the owner of the property.

(e) Prior to the actual distribution required by subsection (d), the bureau shall petition the court of common pleas for a confirmation of distribution. The petition shall set forth a proposed schedule of distribution for each account and shall request the court to issue a rule to show cause on each distributee why the court should not confirm the distribution as proposed. The rule to show cause and a copy of the petition shall be served by first class mail upon each distributee and upon the purchaser, with proof of mailing to the last residence or place of business of the distributee known to the bureau and to the purchaser at the address given to the bureau. If the rule to show cause is not returned by any distributee or purchaser on or before the time set for its return, the court shall forthwith confirm the distribution absolutely. If any distributee or purchaser makes a return of the rule within the time set by the court, the court shall forthwith hear any objections and exceptions to the proposed distribution and thereafter adjust the schedule of distribution as it deems just and equitable according to law and confirm the distribution absolutely as adjusted. An absolute confirmation of distribution by the court shall be final and nonappealable with respect to all distributees listed in the petition.

(f) Whenever no claim for payment of any balance due the owner of the property is presented by or on behalf of the owner within a period of three (3) years of the date of the sale, the balance of the proceeds shall be distributed to the respective taxing districts pro rata based on the millage imposed by the respective taxing districts as of the year such property was sold. Interest earned by the proceeds of the sale during this three-year period shall be retained by the county.

(205 amended June 29, 1990, P.L.260, No.61)

Section 206. Costs, Fees and Expenses.--The county shall be liable, or initially liable for all costs, fees and expenses which shall be required to be paid to administer the affairs of the bureau and of this act, including but not limited to, costs of mailing and advertising notices, fees for the entry of claims, and proceedings thereon, and all other proceedings required by this act, except where otherwise provided by this

act, the costs of repairs and alteration to, and insurance on property in sequestration or management, commissions to rental agents, advertising for rent, title searches and salaries and compensation, and the costs of bonds of officers, employees and agents of the bureau, and rental of offices, furniture, equipment, material and supplies for the use of the bureau.

All such costs, fees and expenses shall be paid as other expenses of the county are paid from appropriations made by the county, and not otherwise, and when any of such costs, fees and expenses are recovered they shall be deposited in the treasury of the county for the use of the county.

Section 207. Reimbursement of County; Charges.--(a) In order to reimburse the county for the actual costs and expenses of operating the bureau created by this act, the county shall receive and retain out of all moneys collected or received under the provisions of this act, five per centum (5%) thereof, which percentage shall be deducted by the bureau before paying over moneys to the respective taxing districts entitled thereto. This percentage and interest earned under section 205 shall be paid into the county treasury for the use of the county. The reimbursement herein provided for shall be in addition to the costs, fees and expenses advanced by the county, which, upon recovery, are payable to the county as provided by the preceding section of this act.

(b) In addition to the five per centum (5%) authorized by subsection (a), and the reimbursement as therein provided, maximum charges for the following or similar type services are authorized:

- (1) Entry of Claim, includes \$10.00
 - (i) audit lien sheets
 - (ii) enter on property card
 - (iii) enter in docket
 - (iv) enter in index
 - (v) type notice of return
 - (vi) mail notice of return
- (2) Satisfaction of Claim, includes \$5.00
 - (i) prepare receipt
 - (ii) satisfy docket
 - (iii) satisfy index
 - (iv) post property card
 - (v) enter on daily distribution sheet
- (3) Preparation of Sale, includes \$15.00
 - (i) prepare cost sheet
 - (ii) type notice of sale

- (iii) mail notice of sale
- (iv) prepare advertising copy
- (4) Review of Records, includes \$10.00
 - (i) check assessment records
 - (ii) check Recorder of Deeds
 - (iii) check Register of Wills
- (5) Preparation of Deed \$25.00
- (6) Discharge of Tax Claim, Section 501 \$5.00
- (6.1) Removal from Sale, Section 603 \$5.00
- (7) Agreement to Stay Sale, Section 603 \$15.00
- (8) Postage Actual cost

It is the intent of this act to authorize the bureau to charge the costs of its operation against the properties for which a delinquent return is made on an equitable and pro-rata basis in so far as is possible. The charge made for each service shall bear a reasonable relationship to the service rendered.

(207 amended July 3, 1986, P.L.351, No.81)

Section 208. Agent of Taxing Districts; Lien Certificates.-- The bureau and the director thereof shall, in the administration of this act, be the agent of the taxing districts whose tax claims are returned to the bureau for collection and prosecution under the provisions of this act, and in the management and disposition of property in accordance with the provisions of this act.

The bureau shall, upon request of any person, furnish a lien certificate showing the taxes due on any property as shown by its records. A fee of not more than five dollars (\$5) shall be charged for any such certificate and shall be payable to the county.

(208 amended July 3, 1986, P.L.351, No.81)

ARTICLE III

LIEN OF TAXES; FILING OF TAX RETURNS; ADJUDICATION

Section 301. Taxes, a First Lien.--All taxes which may hereafter be lawfully levied on property in this Commonwealth by any taxing district, and all taxes heretofore lawfully levied by any taxing district on any property, the lien of which has not been lost under existing laws (whether or not a claim has been filed, or return thereof has been made to the county commissioners) shall be and are hereby declared to be a first lien on said property. Such liens shall have priority to and be fully paid and satisfied out of the proceeds of any sale of said property held under the provisions of this act before any mortgage, ground rent, obligation, judgment claim, lien or estate with which the said property may have or shall become

charged, or for which it may become liable, save and except only the costs of the sale and of the proceedings upon which it is made, and such tax liens of the Commonwealth of Pennsylvania given priority of payment by section 205 of this act.

(301 amended July 3, 1986, P.L.351, No.81)

Section 302. Lien Entitlement.--The lien for taxes shall exist in favor of the taxing district to which the tax is payable and the claim therefor shall be filed against the property taxed.

(302 amended July 3, 1986, P.L.351, No.81)

Section 303. Property Subject to or Exempt from Claim.--All property, by whomsoever owned and for whatsoever purpose used, and all property the owner of which is unknown and has been unknown for a period of not less than five years, shall be subject to claims for taxes, except such property which is exempt by law from taxation or which is not made subject to taxation by law.

(303 amended July 3, 1986, P.L.351, No.81)

Section 304. Tax Liens and Municipal Claims Divested by Sale.--The lien of all taxes and municipal claims now or hereafter imposed, levied or assessed against any property and included in the upset price shall be divested by any upset sale of such property under the provisions of this act, if the amount of the purchase money shall be at least equal to the amount of tax liens of the Commonwealth having priority under section 205, the amount of all taxes due on such property, the amount of all municipal claims certified to the bureau under section 605 and costs of sale.

(304 amended July 3, 1986, P.L.351, No.81)

Section 305. Claims Against Property Owned by Joint Tenants and Tenants in Common.--When any property is owned by joint tenants or tenants in common, and any such tenant has paid his proportionate amount of taxes due thereon, any taxing district may cause to be filed a claim for the unpaid taxes against the estate, title and interest of the owners who have not paid their proportionate share of the taxes. Whenever a claim for taxes shall have been filed against property owned by joint tenants or tenants in common, the bureau shall release the estate, title and interest of any joint tenant or tenant in common from said claim, upon payment by said joint tenant or tenant in common of his proportionate share of the taxes included therein with proportionate costs. When any property is owned by more than one owner, or part owner, and the estate and title of any owner, or part owner, is either exempt from taxation or has not been made

subject by law to taxation, the estate or title of such owner or owners as may not be exempt from taxation, or as has been made subject thereto, shall be subject to taxes in the same manner as any other property liable to assessment for taxes, the claim being filed against all the estate, title and interest of the owner or owners subject to the lien.

Section 306. Return of Property and Delinquent Taxes; Interest; Settlements by Tax Collectors.--

(a) It shall be the duty of each receiver or collector of any county, city, borough, town, township, school district or institution district taxes to make a return to the bureau on or before the last day of April of each year, but no earlier than the first day of January of that year. The return shall be typewritten on a form provided by or acceptable to the county and shall include a list of all properties against which taxes were levied, the whole or any part of which were due and payable in the calendar year immediately preceding and which remain unpaid, giving the description of each such property as it appears in the tax duplicate, and the name and address of the owner as it appears in the tax duplicate, together with the amount of such unpaid taxes, penalties and interest due to but not including the first day of the month following the return. Such return shall be accompanied by a signed affidavit that the return is correct and complete. Interest shall be charged on taxes so returned from and after but not before the first day of the month following the return. Interest shall be charged at the rate of nine per centum (9%) per annum.

(b) No taxes shall be returned by any tax collector where the owner is paying his delinquent taxes under the provisions of any act of Assembly abating penalties, interest and costs, unless there has been a default in payment by the owner, in which case or at any time when a yearly return is being made after any such default, return shall be made of the balance due as fixed by the act of Assembly abating penalties, interest and costs, or either. The lien of all such taxes shall be continued for the purpose of making a return thereof and collecting the same under the provisions of this act.

(c) The county commissioners, by resolution, may establish and fix a return date, other than the return date prescribed in subsection (a), on or before which tax collectors must make the return to the bureau required by this section. No return shall be made or return date established before the first day of January following the year when taxes first become due and payable as specified on the tax notice, and no return date shall

be established which is later than the last day of April immediately following the year in which the taxes became due. The single return date established and fixed by said resolution shall be uniform within the county for all taxes returnable under the provisions of this act. Whenever the resolution establishes and fixes a return date, interest shall be charged on taxes so returned from and after the first day of the month immediately following the month in which the return is required. Interest shall be charged at the rate of nine per centum (9%) per annum.

(306 amended July 3, 1986, P.L.351, No.81)

Section 307. Filing Claims.--(a) Claims for taxes against property so returned must be entered by the bureau in the office thereof in suitable dockets.

(b) Not later than the thirtieth day of June, each year, the bureau shall make up from the tax returns received from the taxing districts, as aforesaid, a claim for each property returned, which shall contain the unpaid taxes against such property, which are due all taxing districts as found in the various returns. Such claims shall be entered by the bureau in a suitable claim docket and may be in the form of written or typewritten lists. A claim shall cover the unpaid taxes due all taxing districts, but the amount due each taxing district shall nevertheless be shown separately. A number of years' taxes of different kinds may be included in one claim. Any claims shall be amendable by leave of the bureau upon notice to the defendant as the bureau may require.

(307 amended July 3, 1986, P.L.351, No.81)

Section 308. Notice of Filing of Returns and Entry of Claim.--(a) Not later than the thirty-first day of July of each year, the bureau shall give only one notice of the return of said taxes and the entry of such claim in one envelope for each delinquent taxable property, by United States registered mail or United States certified mail, return receipt requested, postage prepaid, addressed to the owners at the same address listed on the form returned by the tax collector for taxes that are delinquent. In the case of property owned by joint tenants, tenants in common, or husband and wife as tenants by the entirety, the bureau may give the notice required by this section by forwarding only one notice addressed to such joint tenants, tenants in common or husband and wife at the same post office address. If the owner of the property is unknown and has been unknown for a period of not less than five years, such notice shall be given only by posting on the property affected.

If no post office address of the owner is known or if a notice mailed to an owner at such last known post office address is not delivered by the postal authorities, then notice as herein provided shall be posted on the property affected. If the property owner has entered into an agreement with the bureau for the payment of the delinquent taxes, the posting is not necessary. Each mailed and posted notice shall, (1) show all the information shown on the claim entered, (2) state that if payment of the amount due the several taxing districts for said taxes is not made to the bureau on or before the thirty-first day of December next following, and no exceptions thereto are filed, the said claim shall become absolute, (3) state that on July first of the year in which such notice is given a one (1) year period for discharge of tax claim shall commence or has commenced to run, and that if full payment of taxes is not made during that period as provided by this act, the property shall be advertised for and exposed to sale under this act, and (4) state that there shall be no redemption after the actual sale.

(a.1) In addition to the requirements of subsection (a)(1), (2), (3) and (4), each mailed and posted notice shall state that the owner of any owner-occupied real estate can apply for an extension of the period for discharge of tax claim for up to twelve (12) additional months under and subject to the provisions of sections 502.1 and 503.1.

(b) Notice given in the manner provided by this section shall constitute proper service on the owner. A statement in the claim entered that due notice of the same was given shall be conclusive evidence that notice was given as required by law. The notice given in the manner provided by this section shall contain the following provision which shall be conspicuously placed upon said notice and set in at least 10-point type in a box as follows:

WARNING

"IF YOU FAIL TO PAY THIS TAX CLAIM OR FAIL TO TAKE LEGAL ACTION TO CHALLENGE THIS TAX CLAIM, YOUR PROPERTY WILL BE SOLD WITHOUT YOUR CONSENT AS PAYMENT FOR THESE TAXES. YOUR PROPERTY MAY BE SOLD FOR A SMALL FRACTION OF ITS FAIR MARKET VALUE. IF YOU PAY THIS TAX CLAIM BEFORE JULY 1, 19 , YOUR PROPERTY WILL NOT BE SOLD. IF YOU PAY THIS CLAIM AFTER JULY 1, 19 , BUT BEFORE ACTUAL SALE, YOUR PROPERTY WILL NOT BE SOLD BUT WILL

BE LISTED ON ADVERTISEMENTS FOR SUCH SALE. IF YOU HAVE ANY QUESTIONS, PLEASE CALL YOUR ATTORNEY, THE TAX CLAIM BUREAU AT THE FOLLOWING TELEPHONE NUMBER _____, OR THE COUNTY LAWYER REFERRAL SERVICE."

(c) The costs of such mailed and posted notices shall be part of the costs of the proceedings and shall be paid by the owner the same as other costs.

(308 amended Dec. 22, 1993, P.L.525, No.76)

Section 309. Contents of Claims Entered.--All claims for taxes returned, made up as a claim and entered in the claim docket in the bureau shall set forth:

(a) The names of the taxing districts for which filed,

(b) Except when the owner of the property is unknown and has been unknown for a period of not less than five years, the name of the owner of the property against which it is filed,

(c) A description of the property against which the claim is filed sufficient to identify the same. A description of the property shall be deemed sufficient if it contains (1) a reference to a record of a deed or other instrument of conveyance which describes the property, or (2) a reference to the number or number and block of the property in a plan, recorded in the office of the recorder of deeds of the county, and the record of such plan, or (3) a reference to the number on any lot and block plan officially adopted by a taxing district, or (4) a statement of the street and number of the property as officially designated by public authorities of a taxing district as of the time the property was assessed, or (5) where the property is not identified by reference to the record of a deed, or other instrument of conveyance, and may not be identified by street and number, or by recorded plan, or by a lot and block plan, a statement of the approximate acreage of the property and the name of at least one (1) owner of adjoining property, if such statement is accompanied by information showing the character of and use to which the property is devoted, as for instance "dwelling and lot," "vacant lot," "vacant land" or "hotel, restaurant, apartment house, office building, bank building, manufacturing plant, industrial plant and the lands belonging thereto," or "farm and the buildings thereon," or "plant nursery and buildings thereon," or "forest or woodland," or "wasteland," or "coal, oil or other mineral severed from the surface," etc., or intelligible abbreviations thereof. A variation in the description of the property given in the claim

filed from that shown on the assessment for tax purposes shall not constitute an irregularity and shall not invalidate the claim. The aforesaid description shall not be deemed exclusive.

(d) The year or years, period or periods, for which the respective taxes were levied, and the amount of taxes due for each year, or period, and the penalties and interest due thereon at the time of filing.

(e) That due notice of the returns of such taxes, the entry of the claim and that the same would become absolute, if no exceptions were filed, was given to the owner or posted on the property in the manner required by law.

Said claim shall be entered in the office of the bureau in the proper claim docket and be signed by or have stamped thereon a facsimile signature of the director.

(309 amended July 3, 1986, P.L.351, No.81)

Section 310. Property Included in Claims.--The property described in tax claims shall include the whole property against which the tax was levied. In all cases where a tax is levied on separate and distinct properties as one estate, the taxing district shall, upon request before a claim therefor is entered in the claim docket, apportion the same rateably upon the separate and distinct properties. The bureau to which any such tax has been returned, on proof that the properties were separate and distinct at the time the tax was levied, shall apportion the charge against such properties. When apportioned they shall be treated and considered in all respects as if separate and distinct claims had been entered. Payment and satisfaction of any one portion may be made without prejudice to the claim as against the rest.

Section 311. Claims Become Absolute.--On the first day of January next following the notice hereinbefore prescribed, if the amount of the tax claim referred to in the notice has not been paid, or no exceptions thereto filed, the claim shall become absolute. Every such claim shall bear interest as hereinbefore provided to the date of payment, or date of sale held under the provisions of this act, except in the case of claims where the owner is paying his taxes under the provisions of any law abating penalties, interests and costs, or either, in which case the claim shall bear no interest and costs, unless there is a default in payment, in which case interest shall run on the amount due on the claim at the time of default, and penalties, interest and costs abated shall be added as provided by the act of Assembly abating the same.

(311 amended July 3, 1986, P.L.351, No.81)

Section 312. Lien Lost if Not Returned to Bureau.--Any such claim for taxes, if such taxes were returned to the bureau within the time required by this act, shall remain a lien upon said property until fully paid and satisfied, or until said property shall be sold as provided in this act. If a tax is not returned to the bureau within the time required by this act, its lien on the property shall be wholly lost. But where a tax has not been returned as required by this act, a taxing district may nevertheless proceed, by action in assumpsit, to recover the amount of any taxes due and owing by an owner at any time within six (6) years after the taxes first became due.

(312 amended July 3, 1986, P.L.351, No.81)

Section 313. Substitution of Defendants.--Any taxing district may before or after return of a claim to the bureau, but before such claim shall become absolute on its own motion, strike off the name of any defendant in any claim filed, and may substitute as a defendant any person who may have an interest in the property as owner, or who is the personal representative of an owner who has died, but such substitution shall always be without prejudice to any intervening rights, and in such cases notice of the proposed substitution shall first be given by the taxing district to all parties in interest.

Section 314. Proceeding to Attack Validity of Claim.--

(a) Any claim for taxes may, prior to the time it becomes absolute, be set aside or reduced in amount by the bureau with which it is filed if the claim is found invalid in whole, or in part, by reason of the fact that the taxes for which the claim was entered were paid in whole, or in part, to a proper officer or agent of the taxing district, or is found invalid, in whole or in part, for any other reason not involving a question which could have been raised by an appeal provided for by law.

Any such claim prior to the time it becomes absolute may be set aside or reduced in amount by the court of common pleas on appeal, as hereinafter provided, for any reason which constitutes a just, sufficient and valid defense to the claim in whole, or in part, except want of notice of the return and entry of the claim by the bureau, or for any dispute in the amount of the claim which involves the amount of the assessed valuation of the property or the validity of the tax levied.

(b) Any defendant in any such claim, at any time before the day fixed for the claim to become absolute under section 311, may file with the bureau exceptions to the claim as entered, or to any part of the claim. The bureau, after giving due notice to the taxing districts interested, shall hold a hearing thereon

and either disallow the exceptions or allow the exceptions in whole, or in part, and strike off or reduce the claim in accordance with the evidence produced and the powers of the bureau as hereinbefore prescribed.

If the defendant is aggrieved by the decision of the bureau he may, within fifteen (15) days after notice thereof, appeal by petition to the court of common pleas of the county setting forth the defense he has to the claim, or any part thereof, and the refusal of the bureau to allow his exceptions and strike off or reduce the amount of the claim. Thereupon the court shall grant a rule on the taxing district or districts to show cause why the claim should not be set aside or reduced in amount as prayed for in the petition. The petitioners shall give notice of such proceeding to the bureau.

(c) The issues raised by the petition and the answer thereto by the taxing district or districts shall be tried by the court or a jury.

(d) The petition and the answer or answers thereto, if an issue of fact is raised, shall be endorsed with a statement signed by the party or his attorney in the following form:

"Jury trial demanded," or

"Jury trial waived."

The endorsement of "jury trial waived" on both petition and answer or answers shall be deemed a waiver of a trial by jury of every issue in the proceeding.

(e) No taxpayer shall have the right to proceed by petition to the court of common pleas to open a claim absolute under the provisions of this act, except on the ground of payment of the tax involved or failure to receive notice. The remedy provided by this section to contest a tax claim entered shall be deemed exclusive except as herein otherwise provided.

(f) After verdict by the court or the jury, the court shall, by its final order, either affirm or set the claim aside, or reduce the amount of the claim and fix the proper amount thereof in accordance with the verdict, and shall assess the costs of the proceedings as it shall determine. Upon final order of the court, or upon final disposition thereof upon appeal, if the entire claim has not been set aside, such return shall become absolute.

(314 amended July 3, 1986, P.L.351, No.81)

Section 315. Claims; Dockets; Satisfaction.--Every return made to and every claim made up by the bureau and the result of every proceeding thereon, entered in accordance with this act, shall be docketed in appropriate dockets in the office of the

bureau suitably indexed and when so entered shall continue the lien of the tax against the property charged with the tax. (par. amended Sept. 27, 1973, P.L.264, No.74)

When a claim is stricken off or reduced or satisfied by payment or a sale has been held of the property covered by the claim, the director shall cause a note thereof to be made on such docket and index and shall authenticate the same.

ARTICLE IV SEQUESTRATION

Section 401. Petition for Sequestrator.--After the expiration of twenty (20) days from the time the claim becomes absolute, except in cases where the property is essential to the business of a quasi-public corporation, the court shall, on the petition of the bureau, appoint it as sequestrator of the rents, issues and profits of the property bound by the claim.

Section 402. Authority for Petition.--The bureau may present any such petition on its own motion, and shall do so at the request, in writing, of any taxing districts.

Section 403. Procedure to Obtain Possession.--If either the owner against whom the claim is entered, being in possession of the property sequestered, or the party in possession, refuses to pay a fair rent to the sequestrator, the court shall, upon the petition filed, grant a rule on the property owner or party in possession to show cause why possession of the property should not be delivered to the sequestrator. The petition and rule shall be served on the owner or party in possession in such manner and within such time as the court may direct. If the rule is made absolute, the court shall award a writ in the nature of a writ of habere facias possessionem directed to the owner or party in possession, commanding him to deliver possession to the sequestrator within fifteen (15) days thereafter, unless such property is occupied by the owner and his family for a home, in which case he shall be commanded to deliver possession within thirty (30) days thereafter: Provided, That if one or more persons in the family of the owner occupying the property as a home are receiving assistance from any public agency, the bureau, as sequestrator, may elect to lease the property, under the provisions of section four hundred four of this act, to the owner or other member of his family dwelling therein, for as long as the sequestrator is paid monthly a sum at least equal, but not limited to, such portion of the assistance grant as the Department of Public Assistance provides for the payment of taxes, insurance and necessary repairs, and for sixty (60) days after the removal of said persons from the public assistance

rolls.

(403 amended May 20, 1949, P.L.1579, No.477)

Section 404. Powers of Sequestrator.--A sequestrator shall have power to retain possession of the property, as sequestrator, until all taxes owing to the several taxing districts shall have been collected or paid. He shall have power (a) to lease the property for a period not exceeding one (1) year, with the usual privilege of renewal or termination thereof upon three (3) months' notice, (b) to make such repairs to the property as may be reasonably necessary to restore and maintain it in a tenantable condition, and to carry insurance on such property, (c) to advertise the property for rent, (d) to collect the costs of repairs, advertising and commissions of rental agents from rentals collected or from a redeeming owner, (e) to sell and dispose of growing crops, and (f) to appoint a licensed real estate broker or agent, as agent to collect the rentals of the property, and pay such agents the customary commissions for rent collections. The bureau shall not, in any case, without prior approval of the county commissioners, incur any expense for the maintenance, repair or alteration of any property in excess of eighty per centum (80%) of the amount of rental to be received from such property within a period of one (1) year under a lease entered into at or before the time such expense is incurred. All commissions, costs and necessary expenses shall be deducted from the rents collected before paying the net balance toward taxes.

(404 amended July 3, 1986, P.L.351, No.81)

Section 405. Return of Possession.--Any owner of the property may redeem it from the sequestrator and be again entitled to possession thereof upon payment of the amount of taxes then owing upon the property after the payment of commissions, costs and expenses of the sequestration proceedings. Upon payment of all taxes and costs or the satisfaction of the taxes and costs by collection of rentals, the sequestrator shall transfer possession of the property to the owner, subject to any existing lease given by the sequestrator, which lease shall be assigned to the owner. The sequestrator shall in such cases enter satisfaction on the record of the tax claim.

In any case where it appears to the sequestrator that property taken into possession does not yield any revenue or not sufficient revenue to continue in possession thereof, he may, with the consent of the court, return possession of the property to the owner subject to any existing lease given by the

sequestrator, and thereafter such property shall be sold at the next sale held at least ninety (90) days after such return of possession in the manner provided by this act.

(405 amended July 3, 1986, P.L.351, No.81)

Section 406. General Powers and Remedies of Sequestrator.--Sequestrators appointed under this act shall have and exercise all the powers, and shall be entitled to use all remedies conferred by law upon sequestrators in other proceedings so far as applicable.

ARTICLE V

DISCHARGE OF TAX CLAIM BEFORE SALE

(Hdg. amended July 3, 1986, P.L.351, No.81)

Section 501. Discharge of Tax Claims.--

(a) Any owner, his heirs or legal representatives, or any lien creditor, his heirs, assigns or legal representative, or other interested person or, with the approval of the lienholding political subdivision, disinterested person may cause the discharge of tax claims and liens entered against the property by payment to the bureau of the amount of the aforesaid claim and interest thereon, the amount of any other tax claim or tax judgment due on such property and interest thereon, and the amount of all accrued taxes which have been returned and remain unpaid, the record costs, including pro rata costs of the notice or notices given in connection with the returns or claims calculated under paragraph (1), (2) or (3). The county may give the right of first refusal for discharge of tax claims under this section to the local redevelopment authority, municipality or its designated agent. The subject property shall be removed from exposure to sale and shall not be listed in any advertisement relating to sale of property for delinquent taxes if, prior to July 1 of the year following the notice of claim, payment is made in any of the following amounts:

(1) An amount equal to the sum of:

- (i) the outstanding taxes entered on notice of claim and interest due on those taxes;
- (ii) the amount of any other tax claim on or tax judgment against such property and interest on that claim or judgment;
- (iii) the amount of all accrued taxes which have been returned and remain unpaid; and
- (iv) the record costs, including pro rata costs of notice given in connection with returns and claims.

(2) An amount less than the total amount due under paragraph (1) if the political subdivision agrees to accept that amount. If payment is made after July 1 of the year following the notice

of claim, but before the actual sale of the property, the property shall not be sold, but the property and name of owner may appear in an advertisement relating to the sale of property for delinquent taxes.

(3) With respect to two (2) or more claims or judgments transferred by a political subdivision to a person, an amount less than the aggregate amount due for such claims or judgments under paragraph (1) if the political subdivision agrees to accept that amount.

(a.1) Upon receipt of payment or upon certification to the bureau that payment of all taxes and other charges otherwise payable to the bureau under this act has been made to a taxing district, the bureau shall issue written acknowledgement of receipt and a certificate of discharge and shall enter satisfaction on the record. All payments received shall be distributed to the taxing district entitled thereto not less than once every three (3) months.

(b) When any property is discharged from tax claim by payment by a lien creditor, or his heirs, assigns or legal representatives, or by any person, whether interested or disinterested, the certificate shall be issued to the person making the payment and shall state the fact of the discharge, a brief description of the property discharged and the amount of the discharge payment. This certificate may be entered in the office of the prothonotary as a judgment against the owner of the property for the entire amount due to the political subdivision, regardless of whether the property was discharged from tax claim by payment under subsection (a)(1), (2) or (3). The lien of any such judgment shall have priority over all other liens against such property in the same manner and to the same extent as the taxes involved in the discharge.

(b.1) In addition to any other remedy provided by law, a certificate under subsection (b) enables the person for whose benefit judgment was entered to proceed by action in assumpsit and recover the amount of tax due by an owner and to recover related attorney fees and court costs and reasonable collection costs related thereto. An action under this subsection must be commenced within six (6) years after the taxes first became due.

(c) There shall be no redemption of any property after the actual sale thereof.

(d) Nothing in this section shall preclude the bureau from retaining the five per centum (5%) commission on all money collected by the bureau and any interest earned on money held by the bureau as provided in section 205(c).

(e) If any interested or disinterested person holding a judgment certificate sells real or personal property subject to a judgment certificate at a judicial or a private sale and the proceeds of the sale are less than the amount of the judgment certificate and any municipal or other claim with liens on the property that are coequal or senior to the lien of the person holding the judgment certificate, the proceeds of the sale shall be distributed in the following order of priority:

(1) first to the costs of enforcement and sale, including attorney fees or commissions, incurred by the person holding the judgment certificate in enforcing its rights against the property;

(2) to any and all claims senior in priority to that of the holder of the judgment certificate in proportion to such claims; and

(3) the balance to all municipal claims coequal in lien priority with the judgment certificate, including the claim to which the judgment certificate relates, in proportion to such claims.

(501 amended October 18, 2000, P.L.609, No.82)

Compiler's Note: Section 4 of Act 133 of 1998, which amended section 501, provided that Act 18 shall apply to all sales conducted on or after the effective date of Act 133.

Section 502. Option of County to Extend Period for Discharge of Tax Claim.--(502 repealed Dec. 22, 1993, P.L.525, No.76)

Section 502.1. Option of County to Extend Period for Discharge of Tax Claim.--A county may at the option of its commissioners enact legislation extending the period for discharge of tax claim for real estate taxes for taxpayers for up to twelve (12) additional months.

(502.1 added Dec. 22, 1993, P.L.525, No.76)

Section 503. Extension of Period for Discharge of Tax Claim.--(503 repealed Dec. 22, 1993, P.L.525, No.76)

Section 503.1. Extension of Period for Discharge of Tax Claim.--(a) If the county commissioners of the county enact legislation pursuant to section 502.1, then the county commissioners, acting through the county tax claim bureau determine that a tax claim or tax claims constitute severe hardship to the taxpayer and that extenuating circumstances beyond the taxpayer's control have caused the tax claim or claims to be filed or remain unpaid and there is a reasonable probability that the taxpayer will be able to meet the indebtedness if granted an extension of the period for discharge

of tax claim for up to twelve (12) additional months, they shall have the authority in the event of an application for extension submitted by the taxpayer to:

(1) Extend the period for discharge of tax claim for owner-occupied real estate for up to twelve (12) additional months: Provided, That the taxpayer enters into an equitable apportioned payment schedule consistent therewith.

(2) Abate, suspend, continue or stay the tax sale proceedings pending with respect to the owner-occupied residential real estate.

(b) The payment schedule authorized under subsection (a) shall permit the taxpayer to make payment of the amount due in at least four (4) separate payments, spaced at least thirty (30) days apart, and shall require the initial payment to be not more than twenty-five per centum (25%) of the total indebtedness calculated to be due under the schedule. However, the provisions of this subsection and of section 603 notwithstanding, the county commissioners may, in their discretion, in special hardship cases, establish payment schedules specifically suited to the capabilities of the particular affected taxpayer.

(c) The application for extension authorized in clause (1) of subsection (a) shall be made in a form as shall be provided by the bureau. Within thirty (30) days of receipt of the application, the director of the bureau shall either allow or disallow the extension. If the extension is allowed, the bureau shall set the length of the extension. Any taxpayer aggrieved by the decision of the bureau may, within fifteen (15) days after notice thereof, appeal to the county court of common pleas for de novo review of the application.

(d) For the purpose of this section, the phrase "extenuating circumstances" means:

(1) Serious physical illness or injury or a combination of the illness or injury with a state of prolonged unemployment if:

- (i) the taxpayer is a permanent resident of the Commonwealth,
- (ii) the illness or injury, or combination thereof, occurred or persisted during any of the tax years for which the delinquent taxes were assessed or during the year immediately preceding any such delinquency, and (iii) the illness or injury, or combination thereof, has been a substantial cause of the taxpayer's failure to pay any such delinquent tax or taxes to the date of application for relief under this section.

(2) Unemployment if: (i) the taxpayer is a permanent resident of the Commonwealth, (ii) the unemployment occurred or persisted during any of the tax years for which the delinquent

taxes were assessed or during the year immediately preceding any such delinquency, and (iii) the unemployment has been a substantial cause of the taxpayer's failure to pay any such delinquent tax or taxes to the date of application for relief under this section.

(e) For the purpose of this section, an extension of the period for discharge of tax claim shall only apply to one (1) owner-occupied property per taxpayer.

(503.1 added Dec. 22, 1993, P.L.525, No.76)

Section 504. Extension for Elderly.--(a) The county commissioners may enact legislation which provides that, if the county commissioners, acting through the bureau, determine or have reason to believe that a tax claim or tax claims relate to residential real estate which is owned and occupied solely by a person sixty-five (65) years of age or older or is owned and occupied jointly by persons all of whom are sixty-five (65) years of age or older and there is a possibility that such owner is not fully informed as to the tax claim or claims and the effect of the impending sale, or otherwise needs assistance to prevent the property from going to sale, the period for discharge of the tax claim or claims may be extended or payment of the tax claim or claims may be deferred to a later time. To be eligible for a deferral of tax, an applicant's household income must be equal to or less than the maximum household income necessary to qualify for a property tax or rent rebate under the act of March 11, 1971 (P.L.104, No.3), known as the "Senior Citizens Rebate and Assistance Act."

(b) Legislation enacted as authorized by subsection (a) may authorize the bureau, either through its own action or in cooperation with the Area Agency on Aging or any other organization, group or individuals, to examine documents of record, require documentation of household income, conduct inquiries or take any other action to determine if the owner of the property to which the tax claim relates is sixty-five (65) years of age or older. If it is determined that the owner is sixty-five (65) years of age or older, meets the income requirements of subsection (a) and otherwise qualifies for special consideration under this section, such legislation may authorize any of the following insofar as such action will not ultimately result in loss to the bureau or the taxing district:

(1) Extend the period for discharge of the tax claim or claims for up to three (3) additional months if it appears to the bureau that suitable arrangement for payment of the tax claim or claims can be made within that period.

(2) If it is determined that the owner desires to continue to reside in the residence and cannot afford to pay the tax claim or claims and continue to live in a comfortable lifestyle, stay the tax sale and defer payment of the tax claim or claims until such time as title to the property is transferred or the owner is no longer the sole occupant of the property. Any such tax deferral program shall include requirements relating to the income limitations set forth in subsection (a), value of the property, owner's equity in the property, insurance of the property and other requirements deemed necessary for entitlement to the deferral and for protection of the tax claim or claims. All taxes so deferred shall constitute a prior lien on the property in favor of the taxing district and shall attach as of the date and in the same manner and shall be collected as other liens for taxes, but the taxes shall be due and payable only when title to the property is transferred or the eligible owner is no longer the sole occupant.

(3) If it is determined that the owner does not desire to continue to reside in the residence, or that a deferral of tax pursuant to paragraph (2) would jeopardize ultimate recovery of the tax claim or claims in full, and it appears that the owner has equity in the residence which would be lost at a regular tax sale, a special sale of the residence can be arranged. At least two independent appraisals of the residence shall be obtained, and the residence shall be placed on the market at a price midway between such appraisals for a period not to exceed eleven (11) months from the date the property was initially scheduled for sale. If the property is sold within that period, the proceeds shall be distributed in the priority stated in section 205(d) and confirmed as provided in section 205(e). Cost of the appraisals and seller's costs of the sale shall be borne by the owner. If the property is not sold within that period, the property shall be sold at the next regularly scheduled tax sale, and costs incurred shall be recouped by the bureau at the sale.

(c) All taxes that are deferred under this act shall bear simple interest from the date they become due and payable until the date they are paid. The interest rate per annum for each calendar year shall be the rate established by section 306 of this act.

(d) The procedures set forth in this section are not intended to be exclusive, but are intended to express the intent of the General Assembly to permit county commissioners to enact whatever legislation they may deem beneficial to senior citizens to prevent them from losing their residences, or losing equity

in their residences, as a result of unpaid real estate taxes, to the extent that such measures may be enacted pursuant to section 2(b)(ii) of Article VIII of the Constitution of Pennsylvania, but subject to the condition that such legislation does not jeopardize the ultimate receipt in full of taxes imposed by the taxing districts.

(504 added Dec. 20, 1990, P.L.1462, No.220)

Section 505. Option of County to Extend Period for Discharge of Tax Claim.--(505 repealed Dec. 22, 1993, P.L.525, No.76)

Section 506. Extension of Period for Discharge of Tax Claim.--(506 repealed Dec. 22, 1993, P.L.525, No.76)

ARTICLE VI SALE OF PROPERTY

(a) Upset Sale.

(Subarticle hdg. added July 3, 1986, P.L.351, No.81)

Section 601. Date of Sale.--(a) The bureau shall schedule the date of the sale no earlier than the second Monday of September and before October 1, and the sale may be adjourned, readjusted or continued. No additional notice of sale is required when the sale is adjourned, readjusted or continued if the sale is held by the end of the calendar year. The bureau may, for convenience and because of the number of properties involved, schedule sales of property in various taxing districts or wards on different dates. Except as otherwise provided in this article, all sales shall be held by the bureau by the end of the calendar year.

(1) The bureau shall sell the property if all of the following are met:

(i) A tax claim has become absolute.

(ii) The property has not been discharged from the tax claim nor removed from sale under section 603; or a tax judgment has been entered against the property prior to January 1, 1948, and is unsatisfied, and a sale of the property has not been stayed by agreement under this article.

(iii) The property is not in the possession of the sequestrator.

(2) Property that is essential to the business of a quasi-public corporation shall not be sold.

(3) No owner-occupied property may be sold unless the bureau has given the owner occupant written notice of such sale at least ten (10) days prior to the date of actual sale by personal service by the sheriff or his deputy or person deputized by the sheriff for this purpose unless the county commissioners, by resolution, appoint a person or persons to make all personal

services required by this clause. The sheriff or his deputy shall make a return of service to the bureau, or the persons appointed by the county commissioners in lieu of the sheriff or his deputy shall file with the bureau written proof of service, setting forth the name of the person served, the date and time and place of service, and attach a copy of the notice which was served. If such personal notice cannot be served within twenty-five (25) days of the request by the bureau to make such personal service, the bureau may petition the court of common pleas to waive the requirement of personal notice for good cause shown. Personal service of notice on one of the owners shall be deemed personal service on all owners.

(b) No property shall be exposed to sale where the delinquent taxes involved in a claim are being paid by the owner under any law abating penalties, interests and costs, or either, unless there has been a default by the owner in payment, in which case the sale of the property shall be proceeded with, as herein provided, at the time fixed for the next scheduled sale, occurring at least ninety (90) days after such default.

(c) The taxing authorities of the county and of any political subdivision in the county may jointly petition the court of common pleas of the county to stay the sale of property in any political subdivision held under the provisions of this section. The petition shall set forth the reasons for such stay. If, in the opinion of the court, after hearing, there are sufficient reasons for such stay, the court shall have jurisdiction and power to enter an order staying such sale for any period not exceeding one year from the time fixed for such sale under subsection (a) of this section. In case of any such stay of sale, the properties in such political subdivision shall be sold in accordance with the provisions of this section on the date of the next annual sale.

(d) No individual whose landlord license has been revoked in a municipality pursuant to its ordinance may purchase property in the county in which the local municipality is located at a tax sale under this act. Every person bidding for property to be sold at a tax sale under this act must certify that they are not bidding for or acting as an agent for a person who is barred from participating in a sale under this subsection. Pursuant to this subsection, a municipality shall furnish to the county in which such municipality is located, within forty-eight (48) hours in advance of a tax sale, documentation relating to landlord license revocations pursuant to municipal ordinance. ((d) added October 18, 2000, P.L.609, No.82)

(e) Any municipality that issues landlords' licenses must provide to a landlord, prior to revoking such license, notice of the potential revocation. The landlord licensing ordinance must provide the landlord a reasonable opportunity to respond to the notice and an opportunity to appeal any decision made against him. If the landlord is in violation of a local ordinance that deals with building standards, safety or property maintenance, the municipality must also provide the landlord with a reasonable opportunity to comply with the ordinance prior to revocation. A revocation of a landlord's license shall not be permanent. The revocation shall only be until the landlord has corrected the code violations that led to the revocation. However, the landlord's license shall only be reinstated after the building has been inspected and approved by the appropriate official or employe of the licensing municipality. Inspections for reinstatement shall be performed within a reasonable amount of time after the landlord notifies the municipality of any corrected violation. The municipality shall, by ordinance, establish procedures to implement this subsection. Any municipality whose landlord licensing ordinance is contrary to this subsection must revise the ordinance within sixty (60) days of the effective date of this subsection. The notice, response and appeal provisions under this subsection as well as the prohibition on bidding under subsection (d) shall only apply to actions on or after the effective date of this subsection. ((e) added October 18, 2000, P.L.609, No.82)

(601 amended July 3, 1986, P.L.351, No.81)

Section 602. Notice of Sale.--(a) At least thirty (30) days prior to any scheduled sale the bureau shall give notice thereof, not less than once in two (2) newspapers of general circulation in the county, if so many are published therein, and once in the legal journal, if any, designated by the court for the publication of legal notices. Such notice shall set forth (1) the purposes of such sale, (2) the time of such sale, (3) the place of such sale, (4) the terms of the sale including the approximate upset price, (5) the descriptions of the properties to be sold as stated in the claims entered and the name of the owner.

(b) Where the owner is unknown and has been unknown for a period of not less than five years, the name of the owner need not be included in such description.

(c) The description may be given intelligible abbreviations.

(d) Such published notice shall be addressed to the "owners of properties described in this notice and to all persons having

liens, judgments or municipal or other claims against such properties."

(e) In addition to such publications, similar notice of the sale shall also be given by the bureau as follows:

(1) At least thirty (30) days before the date of the sale, by United States certified mail, restricted delivery, return receipt requested, postage prepaid, to each owner as defined by this act.

(2) If return receipt is not received from each owner pursuant to the provisions of clause (1), then, at least ten (10) days before the date of the sale, similar notice of the sale shall be given to each owner who failed to acknowledge the first notice by United States first class mail, proof of mailing, at his last known post office address by virtue of the knowledge and information possessed by the bureau, by the tax collector for the taxing district making the return and by the county office responsible for assessments and revisions of taxes. It shall be the duty of the bureau to determine the last post office address known to said collector and county assessment office.

(3) Each property scheduled for sale shall be posted at least ten (10) days prior to the sale.

(f) The published notice, the mail notice and the posted notice shall each state that the sale of any property may, at the option of the bureau, be stayed if the owner thereof or any lien creditor of the owner on or before the actual sale enters into an agreement with the bureau to pay the taxes in instalments, in the manner provided by this act.

(g) All notices required by this section other than the newspaper notice and notice in the legal journal shall contain the following provision which shall be conspicuously placed upon said notices and set in at least 10-point type in a box as follows:

WARNING
"YOUR PROPERTY IS ABOUT TO BE
SOLD WITHOUT YOUR CONSENT FOR
DELINQUENT TAXES. YOUR PROPERTY MAY BE
SOLD FOR A SMALL FRACTION OF ITS FAIR
MARKET VALUE. IF YOU HAVE ANY
QUESTIONS AS TO WHAT YOU MUST DO IN
ORDER TO SAVE YOUR PROPERTY, PLEASE
CALL YOUR ATTORNEY, THE TAX CLAIM
BUREAU AT THE FOLLOWING TELEPHONE

NUMBER _____, OR THE COUNTY LAWYER
REFERRAL SERVICE."

(h) In case the property of any corporation, limited partnership or joint-stock association is advertised for sale, the bureau shall give to the Department of Revenue, at least thirty (30) days prior to the date of the scheduled sale, notice of the sale by certified mail on a form provided by the Department of Revenue which shall set forth (1) the name and address of the bureau, (2) the date of the sale, (3) the name and address of each corporation, limited partnership or joint-stock association, if any, whose property is scheduled for sale and (4) the total number of corporations, limited partnerships and joint-stock associations whose properties are scheduled for sale. Upon receipt of the notice and at least seven (7) days before the date of sale listed on the notice, the Department of Revenue shall mail to the bureau, by certified mail, a proof of claim for payment of Commonwealth taxes which are accorded priority by section 1401 of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code." The bureau shall include in the upset sale price of each said property the amount of Commonwealth taxes set forth on the proof of claim received from the Department of Revenue. If the bureau complies with the notice of provisions of this section and the Department of Revenue fails to mail to the bureau, at least seven (7) days before the date of sale listed on said notice by verification by the postmark, by certified mail, the proof of claim required by this section, the lien upon said property shall be forever discharged and divested, notwithstanding any other provision of this act or other law to the contrary. If the bureau does not receive a reply from the Department of Revenue prior to the scheduled date of the sale, it shall be the duty of the bureau to contact the department to determine if such reply was mailed. The bureau may then opt to reschedule the sale if circumstances warrant. No owner shall attack the validity of any sale on the basis that the bureau failed to give the notice required by this section.

No sale shall be defeated and no title to property sold shall be invalidated because of proof that mail notice as herein required was not received by the owner, provided such notice was given as prescribed by this section.

(i) The costs of such advertisement and notices shall be added as part of the costs of such proceedings and shall be paid by the owner the same as other costs.

(602 amended July 3, 1986, P.L.351, No.81)

Section 603. Removal from Sale; Agreements to Stay Sale.-- Any owner or lien creditor of the owner may, at the option of the bureau, prior to the actual sale, (1) cause the property to be removed from the sale by payment in full of taxes which have become absolute and of all charges and interest due on these taxes to the time of payment, or (2) enter into an agreement, in writing, with the bureau to stay the sale of the property upon the payment of twenty-five per centum (25%) of the amount due on all tax claims and tax judgments filed or entered against such property and the interest and costs on the taxes returned to date, as provided by this act, and agreeing therein to pay the balance of said claims and judgments and the interest and costs thereon in not more than three (3) instalments all within one (1) year of the date of said agreement, the agreement to specify the dates on or before which each instalment shall be paid, and the amount of each instalment. So long as said agreement is being fully complied with by the taxpayer, the sale of the property covered by the agreement shall be stayed. But in case of default in such agreement by the owner or lien creditor, the bureau, after written notice of such default given by United States mail, postage prepaid, to the owner or lien creditor at the address stated in the agreement, shall apply all payments made against the oldest delinquent taxes and costs, then against the more recent. If sufficient payment has been made to discharge all the taxes and claims which would have caused the property to be put up for sale, the property may not be sold. If sufficient payment has not been received to discharge these taxes and claims, the bureau shall proceed with the sale of such property in the manner herein provided either at the next scheduled upset sale or at a special upset sale, either of which is to be held at least ninety (90) days after such default. If a party to an instalment agreement defaults on the agreement, the bureau shall not enter into a new instalment agreement with that person within three (3) years of the default.

(603 amended July 3, 1986, P.L.351, No.81)

Section 604. Sales of Property of Quasi-Public Corporation.--Where a claim becomes absolute and the property covered thereby is essential to the business of a quasi-public corporation, the bureau shall have the right of execution thereupon, as in cases of judgments, against such corporations. Upon the distribution of any fund realized by a sale of the franchises and the whole or any part of the property and assets of the corporation, the court shall determine the actual value of the property bound by the tax claim and the claim shall be

preferred with other like claims to the extent of the value of the property thus determined.

Section 605. Upset Sale Price.--The bureau shall fix as the upset price to be realized at the sale of any property upon a claim absolute, the sum of (a) the tax liens of the Commonwealth, (b) the amount of the claim absolute and interest thereon on which the sale is being held, (c) the amount of any other tax claim or tax judgment due on such property and interest on the judgment to the date of sale, (d) the amount of all accrued taxes including taxes levied for the current year, whether or not returned, a record of which shall be furnished to the bureau by tax collectors, receivers of taxes and taxing districts, (e) the amount of the municipal claims against the property, and (f) the record costs and costs of sale, including pro rata costs of the publication of notice and costs of mail and posted notices in connection with the return of the claim and mail and posted notices of sale.

It shall be the duty of all taxing districts, and municipal authorities having municipal claims against any such property, to certify, by August 30 of the year of the scheduled sale, the amount thereof to the bureau for the purpose of including the same in the upset price. If a taxing district or municipal authority fails to certify the amount of any municipal claim which has become a claim against the property prior to August 1 of the year of the scheduled sale, the claim shall be divested by the upset sale, notwithstanding any provision of this act to the contrary.

No sale of property shall be made by the bureau unless a bid equal to the upset price is made. If no bid equal to the upset price is received, the sale shall be continued without further advertisement in order to give the bureau a chance to sell the property at private sale, or to petition court for an order to sell the same, freed and discharged of all liens as hereinafter provided. No upset sale may be continued beyond the end of the calendar year, and no property may be sold at private sale or judicial sale unless the property has first been exposed to upset sale and was not sold at upset sale.

(605 amended July 3, 1986, P.L.351, No.81)

Section 606. Payments by Purchasers at Sales.--The purchaser of any property at an upset sale shall pay to the bureau the entire purchase money on the date of the sale, no later than one (1) hour before the close of business or at such other time on said date as designated by the bureau. In case said amount is not so paid, the sale shall be voided and the property shall be

put up again at the same sale, if possible, or at any adjournment, readjournment or continuation of the sale.

(606 amended July 3, 1986, P.L.351, No.81)

Section 607. Bureau's Consolidated Return to Court; Notice; Confirmation; Appeal.--(a) It shall be the duty of the bureau, not later than sixty (60) days after a sale was held, to make a consolidated return to the court of common pleas of the county, wherein it shall set forth, (1) a brief description of each property exposed to sale, (2) the name of the owner in whose name it was assessed, (3) the name of the owner at the time of sale, and to whom notice by mail was given as provided by this act, (4) a reference to the record of the tax claim on which the sale was held, (5) the time when and the newspapers in which the advertisement for sale was made, with a copy of said advertisement, (6) the time of sale, (7) the name of the purchaser, if any, and (8) the price for which each property was sold, or that no bid was made equal to the upset price and the property was not sold. Within thirty (30) days of presentation of the consolidated return, if it shall appear to said court that such sale has been regularly conducted under the provisions of this act, the consolidated return and the sales so made shall be confirmed nisi. No consolidated return shall be made to the court until notice has been given to the owner under subsection (a.1)(1).

(a.1) (1) Notice shall be given by the bureau within thirty (30) days of the actual sale to each owner by United States certified mail, restricted delivery, return receipt requested, postage prepaid, to each owner at his last known post office address as determined in section 602(e)(2) that the property was sold and that the owner may file objections or exceptions with the court relating to the regularity and procedures followed during the sale no later than thirty (30) days after the court has made a confirmation nisi of the consolidated return.

(2) All notices required by this subsection shall contain the following provisions and be in the following form set in at least 10-point type in a box as follows:

WARNING

"YOUR PROPERTY HAS BEEN SOLD AT
A TAX SALE ON _____ FOR THE
COLLECTION FOR DELINQUENT TAXES
INCURRED IN _____.

YOU MAY FILE OBJECTIONS OR
EXCEPTIONS TO THE SALE IMMEDIATELY BUT
NO LATER THAN THIRTY (30) DAYS

FOLLOWING THE CONFIRMATION NISI OF
THE RETURN BY THE COURT.

IF YOU HAVE ANY QUESTIONS PLEASE
CALL YOUR ATTORNEY, THIS TAX CLAIM
BUREAU AT THE FOLLOWING TELEPHONE
NUMBER _____, OR THE COUNTY
LAWYER REFERRAL SERVICE."

(b) The bureau shall, at the expense of the county, within ten (10) days after confirmation nisi of the consolidated return, publish a general notice once in a newspaper of general circulation published in the county, and in the legal journal, if any, designated by rules of court for the publication of legal notices, stating (1) that the consolidated return of the bureau with respect to any such sale for taxes has been presented to the court, (2) giving the date of confirmation nisi and (3) that objections or exceptions thereto may be filed by any owner or lien creditor within thirty (30) days after the court has made a confirmation nisi of the consolidated return or that the return will be confirmed absolutely.

(b.1) If notice is given under subsection (a.1)(2), proof that notice under subsection (a.1)(1) was not received by the owner shall not defeat a sale nor invalidate title to property. If the mailed or published notice required under this section is defective or was served in an untimely manner, the court shall enter an order nunc pro tunc for cause and, upon proof of prejudice, shall grant the owner leave to file objections and exceptions.

(c) In case no objections or exceptions are filed to any such sale within thirty (30) days after the court has made a confirmation nisi, a decree of absolute confirmation shall be entered as of course by the prothonotary.

(d) Any objections or exceptions to such a sale may question the regularity or legality of the proceedings of the bureau in respect to such sale, but may not raise the legality of the taxes on which the sale was held, of the return by the tax collector to the bureau or of the claim entered. In case any objections or exceptions are filed they shall be disposed of according to the practice of the court. If the same are overruled or set aside, a decree of absolute confirmation shall be entered by the court.

(e) If such objections or exceptions are sustained and the court deems the defect not amendable, it shall, by its order or decree, invalidate the sale and order another sale to be held in conformity with this act at such time and under such conditions

as it shall fix.

(g) If no objections or exceptions are filed or if objections or exceptions are finally overruled and the sale confirmed absolutely, the validity of the tax, its return for nonpayment, the entry of the claim, or the making of such claim absolute and the proceedings of the bureau with respect to such sale, shall not thereafter be inquired into judicially in equity or by civil proceedings by the person in whose name such property was sold, by a grantee or assignee, by any lien creditor or by any other person, except with respect to the giving of notice under the act, to the time of holding the sale, or to the time of petitioning the court for an order of sale. There shall be no period of redemption after such sale and the sale shall be deemed to pass a good and valid title to the purchaser, free from any liens or encumbrances whatsoever, except such liens as are hereafter specifically saved, and in all respects as valid and effective as if acquired by a sheriff's deed.

(607 amended July 3, 1986, P.L.351, No.81)

Section 607.1. Additional Notification Efforts.--(a) When any notification of a pending tax sale or a tax sale subject to court confirmation is required to be mailed to any owner, mortgagee, lienholder or other person or entity whose property interests are likely to be significantly affected by such tax sale, and such mailed notification is either returned without the required receipted personal signature of the addressee or under other circumstances raising a significant doubt as to the actual receipt of such notification by the named addressee or is not returned or acknowledged at all, then, before the tax sale can be conducted or confirmed, the bureau must exercise reasonable efforts to discover the whereabouts of such person or entity and notify him. The bureau's efforts shall include, but not necessarily be restricted to, a search of current telephone directories for the county and of the dockets and indices of the county tax assessment offices, recorder of deeds office and prothonotary's office, as well as contacts made to any apparent alternate address or telephone number which may have been written on or in the file pertinent to such property. When such reasonable efforts have been exhausted, regardless of whether or not the notification efforts have been successful, a notation shall be placed in the property file describing the efforts made and the results thereof, and the property may be rescheduled for sale or the sale may be confirmed as provided in this act.

(b) The notification efforts required by subsection (a)

shall be in addition to any other notice requirements imposed by this act.

(607.1 added July 3, 1986, P.L.351, No.81)

Section 608. Deed.--After the court has confirmed the sale and the purchaser has paid the amount of his bid, it shall be the duty of the bureau to make to the said purchaser, his or their heirs or assigns a deed in fee simple for the property sold. Each such deed shall be in the name of the bureau as trustee grantor and shall be executed and duly acknowledged before the prothonotary by the director and a notation of such deed and acknowledgement shall be duly entered on the proper records. The deed shall, before delivery, be recorded in the office for the recording of deeds at the cost of the purchaser.

(608 amended July 3, 1986, P.L.351, No.81)

Section 609. Nondivestiture of Liens.--Every such sale shall convey title to the property under and subject to the lien of every recorded obligation, claim, lien, estate, mortgage, ground rent and Commonwealth tax lien not included in the upset price with which said property may have or shall become charged or for which it may become liable.

(609 amended July 3, 1986, P.L.351, No.81)

(b) Judicial Sale.

(Subarticle hdg. added July 3, 1986, P.L.351, No.81)

Section 610. Petition for Judicial Sale.--In cases where the upset price shall not be bid at any such sale, the sale shall be continued, but not beyond the end of the calendar year, without further advertising, and the bureau may, at any time during or after the continuance, and shall, immediately at the written direction of a taxing district, file its petition in the court of common pleas of the county to sell the property under sections 612 and 612.1. The bureau shall set forth on the petition (1) the tax claim upon which the property was exposed for sale, (2) that neither the owner, his heirs or legal representatives or any lien creditor, his heirs, assigns or legal representatives or other person interested has caused stay of sale, discharge of tax claim or removal from sale, (3) that the property was exposed to public sale and the date of such sale, (4) that before exposing the property to public sale the bureau fixed an upset price, as herein provided, and (5) that it was unable to obtain a bid sufficient to pay said upset price. Upon the presentation of such petition, accompanied with searches, showing the state of the record and the ownership of the property and all tax and municipal claims, liens, mortgages, ground rents, charges and estates against the same, the court

shall grant a rule upon all parties thus shown to be interested to appear and show cause why a decree should not be made that said property be sold, freed and cleared of their respective tax and municipal claims, liens, mortgages, charges and estates, except separately taxed ground rents. The rule shall be made returnable in not more than thirty (30) days from the date the petition was presented or as otherwise determined by the court.

(610 amended July 3, 1986, P.L.351, No.81)

Section 611. Service of Rule.--Service of the rule shall be made in the same manner as writs of scire facias are served in this Commonwealth. When service cannot be made in the county where the rule was granted, the sheriff of the county shall deputize the sheriff of any other county in this Commonwealth, where service can be made. If service of the rule cannot be made in this Commonwealth, then the rule shall be served on the person named in the rule by the sheriff, by sending him, by registered mail, return receipt requested, postage prepaid, at least fifteen (15) days before the return day of the rule, a true and attested copy thereof, addressed to such person's last known post office address. The sheriff shall attach to his return, the return receipts, and if the person named in the rule has refused to accept the registered mail or cannot be found at his last known address, shall attach evidence thereof. This shall constitute sufficient service under this act.

Section 612. Hearing and Order for Judicial Sale.--

(a) If upon hearing, the court is satisfied that service of the rule has been made upon the parties named in the rule, in the manner provided by this act, and that the facts stated in the petition are true, it shall order and decree that said property be sold at a subsequent day to be fixed by the court, freed and cleared of all tax and municipal claims, mortgages, liens, charges and estates, except separately taxed ground rents, to the highest bidder, and that the purchaser at such sale shall take and thereafter have an absolute title to the property sold free and clear of all tax and municipal claims, mortgages, liens, charges and estates of whatsoever kind, except ground rents, separately taxed. Out of the proceeds of such sale shall be paid the costs set forth in the upset price at the prior sale, and the additional costs incurred relative to this sale, including the fee for title search. The court order may specify that no sale shall be made except to the county unless a bid equal to such costs is offered. The remainder of said proceeds shall be distributed by the office designated by the county commissioners under section 205. After the purchaser

shall have paid over the purchase price, the bureau shall make and deliver a deed in the manner hereinbefore provided.

(b) When aforesaid petition for sale is presented within three (3) months after the date of the scheduled upset sale, the court, in its order, shall direct that no further advertisement is required. In cases where said petition is presented after the three (3) month period has expired, the court shall, in its order fixing a subsequent sale, direct that the readvertisement of such sale need not be published three (3) consecutive weeks, nor include a list and description of the lands to be sold, but need only be advertised by one (1) insertion in one (1) or two (2) newspapers as hereinbefore provided for such advertisements, at least thirty (30) days prior to the sale, and include the purpose, the time, the place and the terms of such sale with a reference to the prior advertisement.

(c) In any such petition for sale, the bureau may, if it deems the same advantageous, request the court to fix the place of sale at the property to be sold, and if the court is convinced the taxing districts interested will be benefited thereby, it shall order the sale to be held on the property to be sold.

(612 amended July 3, 1986, P.L.351, No.81)

Section 612.1. County Commissioners May Bid and Purchase Property; Costs Paid by Taxing Districts.--Whenever any property shall be put up for public sale upon order of court, as provided in section 612, the county commissioners are hereby authorized to bid up to and including one dollar over and above all costs, as prescribed in section 612, for said property at such sale and if the property is sold to them for the county, the county shall take and have an absolute title, free and clear of all tax and municipal claims, mortgages, liens and charges and estates of whatsoever kind, except ground rents, separately taxed in the same manner and to the same extent as a private purchaser would have taken. In such cases, the proportionate share of said costs shall be paid to the county by the respective taxing districts in proportion to the taxes due them on such property. An amount equal to such costs due the county from any taxing district may be deducted from any tax moneys thereafter payable to such district under the provisions of this act. Upon the sale thereafter of such property by the county, the proceeds from the sale shall be distributed to the taxing authorities in proportion to the taxes due them on such property at the time of the last tax sale.

Any property purchased at such sale by the county may

thereafter by the county commissioners be (1) leased to any taxing district to be used for public purposes; (2) used for any suitable public purpose by the county; (3) sold in the same manner as any other real property owned in fee simple by the county; or (4) sold upon petition to the court of common pleas, which shall fix a day not more than thirty (30) days thereafter for a hearing and sale. At least five (5) days notice of such hearing and sale shall be given to all the taxing authorities having an interest therein, and notice shall also be given by publication at least two times, with approximately ten (10) days intervening, in at least one (1) newspaper of general circulation published in the county and the official legal journal of the county, setting forth the location of the property that was acquired at a public tax sale, giving the date and place, the terms of the proposed sale, and that the property will be sold clear and free of all tax and municipal claims, mortgages, liens, charges and estates, except separately taxed ground rents, and the lowest amount which the county is prepared to accept for the sale of the property.

If, after such hearing, the court is satisfied that the proposed sale is proper and to the advantage of the county and the other taxing districts interested, it shall allow any person to offer more than the minimum price fixed by the county, or other price, as the court may find proper, and enter a decree approving such sale and directing a conveyance of such property to the person or persons purchasing the same, upon the payment of the purchase price and all costs of the proceeding. The title conveyed shall be free and clear of all tax and municipal claims, mortgages, liens and charges and estates of whatever kind, except ground rents separately taxed.

(612.1 amended July 3, 1986, P.L.351, No.81)

(c) Private Sale.

(Subarticle hdg. added July 3, 1986, P.L.351, No.81)

Section 613. Properties Not Sold Because of Insufficient Bid May be Sold at Private Sale.--(a) At any time after any property has been exposed to public sale and such property was not sold because no bid was made equal to the upset price, as hereinbefore provided, and whether or not proceedings are initiated pursuant to sections 610 through 612.1, the bureau may, on its own motion, and shall, on the written instructions of any taxing district having any tax claims or tax judgments against said property, agree to sell the property at private sale, at any price approved by the bureau. Notice of the proposed sale, stating the price and the property proposed to be

sold, shall be given to each such taxing district and to the owner of the property. Notice shall also be given by publication at least two (2) times, with approximately ten (10) days intervening between each publication, in at least one (1) newspaper of general circulation published in the county where the property is located and in the official legal journal of that county. The notice by publication shall set forth the location of the property, the date and place of sale, the price and terms of sale, and the provision that the property will be sold free and clear of all tax claims and tax judgments. The corporate authorities of any taxing district having any tax claims or tax judgments against the property which is to be sold, the owner, an interested party, or a person interested in purchasing the property may, if not satisfied that the sale price approved by the bureau is sufficient, within forty-five (45) days after notice of the proposed sale, petition the court of common pleas of the county to disapprove the sale. The court shall, in such case, after notice to each such taxing district, the owner, the bureau, the purchaser and any other person who has joined in the petition, hear all parties. After such hearing, the court may either confirm or disapprove the sale as to it appears just and proper. If the sale is disapproved, the court shall at the same time fix a price below which such property shall not be sold and order that, if no private sale can be arranged, the property be sold at public judicial sale under this act. If more than one party agrees to pay the minimum price set by the court, the court shall direct the bureau to conduct an auction-style bid of the property among the parties to the proceedings. If only one party agrees to pay the minimum price set by the court, the bureau shall sell the property to that party without the necessity of an auction.

(b) When an offer to purchase any such property has been received, and the price has been disapproved by the bureau, the bureau shall, on the written instructions of any interested taxing district, submit by petition the proposed sale to the court of common pleas of the county for approval. The court shall, after affording the owner and each taxing district having any tax claims or tax judgments against the property an opportunity to be heard on such notice, as the court deems appropriate, approve or disapprove the sale. If the court approves the sale, it shall be consummated with like effect as though it had been approved by the bureau and by all taxing districts having said interest.

(613 amended July 3, 1986, P.L.351, No.81)

Section 614. Options.--(a) The bureau shall have the right to accept option money to bind the private sale of any such property at the price offered therefor, which shall be credited to the purchase price when the sale is effected, or be retained for the use of the taxing districts, if the purchase price is not paid over. But if the purchase price is not approved or confirmed, as hereinbefore provided, and the sale is not consummated for that reason, the option money shall be returned to the prospective purchaser.

(b) Before a petition is presented to court for a subsequent sale, as herein provided, the bureau shall have the right to accept option money from any person who agrees to bid a certain agreed price for the property at the sale, and such money shall be credited to the purchase price, if such person purchases the property at the sale at a price not less than the agreed price. If said person does not bid the amount agreed upon, or more, or if the purchase price is not paid over, then the option money shall be retained for the use of the taxing districts. But if the property is sold to any other bidder for a price in excess of the agreed offer, the option money shall be returned to the person having deposited the same.

(c) Such option money shall be deposited in the county treasury.

Section 615. Deeds.--When the price for the private sale of any said property has been finally approved or confirmed, as hereinbefore provided, the bureau shall upon payment over of the purchase price less the option money, if any, make to the purchaser, his or their heirs or assigns, a deed in fee simple for the property sold. Each such deed shall be in the name of the bureau, as trustee grantor and shall be executed and duly acknowledged before the prothonotary by the director. Such deed shall convey title to the purchaser free, clear and discharged of all tax claims and tax judgments, whether or not returned, filed or entered, as provided by this or any other act.

(615 amended Jan. 18, 1952, 1951 P.L.2098, No.595)

(d) Mandatory Judicial Sale.

(Subarticle hdg. added July 3, 1986, P.L.351, No.81)

Section 616. Mandatory Judicial Sale.--If within the period of ten (10) months after the date of the scheduled upset sale, the bureau has not filed a petition for a judicial sale under section 610 or the property has not been sold at private sale, the bureau shall, within the next immediately following two (2) months, file a petition for judicial sale of the property in the manner set forth in section 610.

(616 amended July 3, 1986, P.L.351, No.81)

(e) Miscellaneous.

(Subarticle hdg. added July 3, 1986, P.L.351, No.81)

Section 617. Errors as to Description; Names, etc., May be Amended on Petition.--When a property has been sold under the provisions of this act, and there are errors in the description or in the spelling of any person's name, or other obvious errors in the claim, or in the return to court, or in any petition relative to the proceedings, or in the bureau's tax deed, such error may be amended by a petition to court for a rule on all parties interested to show cause why the records should not be amended and such errors corrected. After hearing on the rule, the court may make such order relative thereto as to it seems just and proper.

(617 amended July 3, 1986, P.L.351, No.81)

Section 618. Repurchase by Owner.--(a) The owner shall have no right to purchase his own property at a judicial sale, a private sale or from the bureau's repository for unsold property under the provisions of this act.

(b) A change of name or business status shall not defeat the purpose of this section.

(c) For the purpose of this section, "owner" means any individual, partner, shareholder, trust, partnership, limited partnership, corporation or any other business association or any trust, partnership, limited partnership, corporation or any other business association that has any individual as part of the business association who had any ownership interest or rights in the property.

(618 amended June 18, 1998, P.L.501, No.69)

Compiler's Note: Section 3 of Act 69 of 1998, which amended section 618, provided that Act 69 shall apply to all sales conducted on or after the effective date of Act 69.

Section 619. Restrictions on Purchases.--(a) Deeds for any property exposed for any sale under subarticle (b) of Article VI shall not be exchanged any sooner than twenty (20) days nor later than forty-five (45) days after any sale held under subarticle (b) of Article VI.

(b) A municipality may, within fifteen (15) days of any sale held under subarticle (b) of Article VI, petition the court of common pleas to prohibit the transfer of any deed for any property exposed for any sale under subarticle (b) of Article VI which is located in that municipality to any purchaser who is proven to meet any of the criteria set forth in the municipality's petition.

(c) (1) The petition of the municipality shall allege that the purchaser has over the last three (3) years preceding the filing of the petition exhibited a course of conduct which demonstrates that a purchaser permitted an uncorrected housing code violation to continue unabated after being convicted of such violation and:

(i) failed to maintain property owned by that purchaser in a reasonable manner such that it posed a threat to health, safety or property; or

(ii) permitted the use of property in an unsafe, illegal or unsanitary manner such that it posed a threat to health, safety or property.

(2) A person who acts as an agent for a purchaser who sought to avoid the limitations placed on the purchase of property by this section shall be subject to the restrictions imposed by this section.

(3) Allegations under this subsection shall be proved by a preponderance of the evidence. In ruling on the petition, a court shall consider whether violations were caused by malicious acts of a current non-owner occupant and the control exercised by a purchaser in regard to his ownership interest or rights with other properties.

(d) A change of name or business status shall not defeat the purpose of this section.

(e) As used in this section:

"Municipality," any county, city, borough, incorporated town, township, home rule municipality, optional plan municipality, optional charter municipality or any similar general purpose unit of government which may be created or authorized by statute.

"Purchaser," any individual, partner, limited or general partner, shareholder, trustee, beneficiary, any other individual with any ownership interest or right in a business association, sole proprietorship, partnership, limited partnership, S or C corporation, limited liability company or corporation, trust, business trust or any other business association.

"Uncorrected housing code violation," any conviction of a violation of the local building, housing, property maintenance or fire code which is not remedied within six (6) months of conviction.

"Violation," any conviction under a building, housing, property maintenance or fire code which posed a threat to health, safety or property, but not a conviction deemed by a court to be de minimis.

(619 added Jan. 29, 1998, P.L.24, No.5)

Compiler's Note: Section 3 of Act 5 of 1998, which added section 619, provided that section 619 shall apply to all sales conducted on or after the effective date of Act 5.

Section 619.1. Additional Restrictions.--(a) Within twenty (20) days following any sale under this act, a successful bidder shall be required to provide certification to the bureau that the person is not delinquent in paying real estate taxes to any of the taxing districts where the property is located and that the person has no municipal utility bills that are more than one year outstanding.

(b) As used in this section, the following terms shall have the following meanings:

"Certification," shall mean proof via receipts of paid real estate taxes and municipal utility bills within the jurisdiction or a notarized affidavit by the bidder evidencing payment of such real estate taxes and municipal utility bills.

"Municipal utility bills," shall mean bills for services provided by a utility which is wholly owned and operated by a municipality or municipal authority. The term shall include, but not be limited to, water, sewer and solid waste disposal utility bills.

"Municipality," refers to any county, city, borough, incorporated town, township, home rule municipality, optional plan municipality, optional charter municipality or any similar general purpose unit of government which may be authorized by statute.

"Person," includes a corporation; partnership; limited liability company; business trust; other association; government entity, other than the Commonwealth; estate; trust; foundation; or natural person.

(619.1 added Dec. 21, 1998, P.L.1008, No.133)

Compiler's Note: Section 4 of Act 133 of 1998, which added section 619.1, provided that Act 18 shall apply to all sales conducted on or after the effective date of Act 133.

(f) Repository for Unsold Property.

(Subarticle hdg. added July 3, 1986, P.L.351, No.81)

Section 625. Purpose.--It is the intent of this subarticle to establish a procedure to minimize the number of properties which the county, through the tax claim bureau, holds because of delinquent tax claims, recognizing that some properties have little or no value except perhaps to a neighboring property owner and that holding such properties constitutes a cost to the

county and bureau.

(625 added July 3, 1986, P.L.351, No.81)

Section 626. Unsold Property Repository.--If, after conducting and exposing a property to a judicial sale under the provisions of this act, whether prior to, at the time of or after the effective date of this amendatory act, any property remains unsold, it shall be placed in a category to be termed "repository for unsold properties." A list of properties in this category shall be maintained by the bureau and shall be available during normal office hours to the general public. From time to time, the bureau may publish a list of these properties in a locally circulating newspaper.

(626 amended June 18, 1998, P.L.501, No.69)

Section 627. Sale of Property in Repository.--(a) The bureau may, with the written consent of all the taxing districts where the property is located, accept an offer of any price for property placed in the "repository for unsold properties" without court approval and published notice of sale. Any taxing district may not unreasonably withhold its consent to the sale of the property.

(b) The property shall be conveyed to the purchaser upon payment of the agreed price, free and clear of all tax and municipal claims, mortgages, liens, and charges and estates of whatsoever kind, except ground rents separately taxed. It shall be the responsibility of the bureau to have the deed recorded at the expense of the purchaser.

(627 amended June 18, 1998, P.L.501, No.69)

Section 628. Assessment Restrictions on Property Sold From Repository.--Notwithstanding any other provisions of the various assessment laws of this Commonwealth, the price for which property is sold under this subarticle of the act only, shall be deemed to be the fair market value of the property for tax assessment purposes. The assessment and the consideration upon which it was made shall not be changed unless any of the following occurs:

(1) It is changed as part of a general county reassessment.

(2) It is sold as an individual parcel or as part of a combined parcel.

(3) It is improved as provided for in the several assessment laws of this Commonwealth.

(628 added July 3, 1986, P.L.351, No.81)

Section 629. Notification of Sale.--The bureau shall notify all affected taxing districts, the county assessment office and any affected tax collector of the sale and of the restriction on

the assessment.

(629 added July 3, 1986, P.L.351, No.81)

Section 630. Distribution of All Moneys Received.--Moneys received under this subarticle shall be distributed as provided for in section 205.

(630 added July 3, 1986, P.L.351, No.81)

ARTICLE VII

PROPERTY PURCHASED BY TAXING DISTRICT PRIOR TO THIS ACT

Section 701. Property Heretofore Purchased by Taxing Districts to be Turned Over to Bureau.--Where the county commissioners, any taxing district or trustee for any taxing districts have, prior to the time when this act became effective in any taxing district, acquired any property at a tax sale or a sale on a judgment for a tax claim, unless such property or interest shall have been resold or used for a public purpose, for which the property might otherwise have been acquired, such commissioners, taxing district or trustees shall deliver possession of such property to the bureau together with all the pertinent information, as to when and how it was acquired, the taxes for which it was offered for sale at the time, the party which purchased it, the known mortgages, liens or estates, if any, not discharged by such sale, and the taxes which would have been levied against such property had it not been purchased by the taxing district. Thereafter all rights and title to the property, held by such taxing district or trustee, shall vest in the county, as trustee, for all taxing districts having the power to levy taxes against such property, if it were privately owned, and the bureau shall become the agent of all taxing districts having an interest in the management and control of such property with the following powers and duties with respect thereto.

(701 amended July 3, 1986, P.L.351, No.81)

Section 702. Powers and Duties of Bureau as Agent.--The property turned over to it, as provided in the preceding section, shall not be subject to redemption and until finally sold, as hereinafter provided, the bureau shall manage and control the property for the trustee county with power, (a) to lease the property for a period not exceeding one (1) year with the usual privilege of renewal on termination thereof upon three (3) months' notice, and any such lease may be on a royalty basis for the purpose of extracting any minerals or oil or the cutting of timber, (b) to make such repairs to the property as may be reasonably necessary to restore and maintain it in a tenable

condition, and to carry insurance on such property, (c) to advertise the property for sale or for rent, (d) to appoint an agent or agents who shall be a licensed real estate broker or agent to collect the rentals, and pay such agents the customary commissions for rent collection, (e) to harvest and sell the crops or produce of the property, (f) to sell any scrap or salvage resulting from repairs or alterations to buildings on the property or from the demolition of buildings no longer safe for occupancy, (g) to recover the cost of advertising, repairs, alterations or demolition of buildings, the harvesting of crops and the commissions of rental agents from the rental or sale of the property or any crops or salvage therefrom, and (h) to sell the property at private sale, to give options thereon and receive option money, and to make deeds for such property when sold in the manner provided by and subject to the provisions of sections 613, 614 and 615 in so far as they may be applicable.

The bureau shall not in any case incur any expense for the maintenance, repair or alteration of any such property in excess of eighty per centum (80%) of the amount of rental to be received for such property within a period of one (1) year, under a lease entered into at or before the time such expense is incurred.

(702 amended May 29, 1956, 1955 P.L.1814, No.603)

Section 703. Such Properties to be Sold Under Provisions of Article VI.--(a) All properties so turned over to the bureau which have not been sold at private sale, as hereinbefore provided, may be sold at public sale by the bureau upon written request of any taxing authorities having any tax claims or tax judgments against the property. Such sale shall be made at the time specified in the request and in the same manner as if the property was being sold at a first sale on a tax claim, as provided in Articles III and VI, except that it shall be a simple public sale with no upset price, and shall divest only the lien of tax claims and tax judgments. The purchaser of any such property shall be given a deed, executed and acknowledged as hereinbefore provided, which shall convey title free, clear and discharged of all tax claims and tax judgments, whether or not returned, filed or entered as provided by this or any other act. The notices to be given of such sale, as required in Article VI for an upset sale, as provided for in sections 605 through 612.1, shall state that there is no upset price and that the sale shall divest only the lien of taxes and tax judgments.

(b) In lieu of the public sale provided for in the preceding subsection, or if such sale is held but the property is not sold

due to the absence of any bid, the bureau, upon written request of any such interested taxing authorities, may sell such property upon petition to court for an order to sell clear and free of all claims, liens, mortgages and estates in the same manner with like proceedings and with like effect as if said properties had been first exposed to public sale as provided in Article VI but not sold because of insufficient bid. The sale of properties turned over to the bureau under the provisions of this article shall, except as herein otherwise provided, be subject to all the provisions of Article VI in so far as they may be applicable, and when sold at public sale by order of court, as above provided, such properties shall be sold free and discharged from all tax and municipal claims, mortgages, liens, charges and estates whatsoever.

(703 amended July 3, 1986, P.L.351, No.81)

Section 704. Validation of Title.--Each property to which the county does not have title under the provisions of this article shall be subject to Article VI unless title to these properties which have been acquired under Article VII shall have been ratified, confirmed and validated in the manner provided by law for the validation of titles by the court of common pleas of the county in which each property is located, upon proof of title to the property. Any titles ratified, confirmed and validated pursuant to this section shall not be challenged or invalidated thereafter by reason of any defect whatsoever in the acquisition or retention thereof, notwithstanding any law or act of Assembly to the contrary.

(704 added July 3, 1986, P.L.351, No.81)

Section 705. Duty of County and Bureau; Enforcement Provision.--With respect to properties to which the county has title under this article, it shall be the duty of the county and of the bureau to perform every fiduciary duty imposed on them by law, including, but not limited to, making a pro rata distribution of rents, profits and issues of the properties to the appropriate taxing districts according to the interest of the taxing districts in the properties and the entitlement of the taxing districts to the rents, profits and issues, and also including, but not limited to, selling properties subject to this article, if the sale is a good faith exercise of the fiduciary duty imposed. A taxing district may enforce the provisions of this section by an action at law or in equity, or as otherwise provided by law.

(705 added July 3, 1986, P.L.351, No.81)

ARTICLE VIII

Section 802. General Repeal.--All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 803. Effective Date.--The provisions of this act shall become effective on the first day of January, one thousand nine hundred forty-eight.

**Chronological Table of Statutes
Laws, Decisions and Rules of Court
Affecting Act 542 of 1947**

Provision Affected	How Affected	By Law, Decision or Rule
1947		
P.L.1368, No.542		
Act	Constitutional Sales validated by this act	381 Pa. 128 (1955)
Act	Constitutional	Dec. 21, 1973, P.L.441, No.157
Title	Amended	404 A.2d 709, Cmwlth (1979)
Art. V hdg.	Amended	Sept. 26, 1981, P.L.274, No.92
Act	Amended	July 3, 1986, P.L.351, No.81
Sec.12	Saved from suspension	R.Civ.P. 3191 (1997)
Sec.102	Applicability	364 Pa. 591 (1951)
Sec.102	Amended	1949, P.L.1602, No.484
Sec.102	Amended	1951, P.L.2098, No.595
Sec.102	Amended	1953, P.L.457, No.109
Sec.102	Amended	1955, P.L.155, No.49
Sec.102	Amended	1961, P.L.1609, No.680
Sec.102 Def. "Taxing District"	Amended	July 3, 1974, P.L.451, No.157
Sec.102 Def. "Taxing District"	Amended	Oct. 21, 1975, P.L.429, No.121
Sec.102 Def. "taxing district"	Amended	Dec. 9, 1977, P.L.274, No.89
Sec.102 Def. "owner occupant"	Added	July 10, 1980, P.L.417, No.98
Sec.102 def. of "taxes" and "taxing district"	Amended	Sept. 26, 1981, P.L.274, No.92
Sec.102 def. "owner"	Unconstitutional in part	470 A.2d 938, Supreme (1984)
Sec.102	Amended	July 3, 1986, P.L.351, No.81
Sec.102 def. of "taxing district"	Amended	June 18, 1998, P.L.501, No.69
Sec.102 def. of "delinquent"	Added	Dec. 21, 1998, P.L.1008, No.133
Sec.201	Amended	1967, P.L.849, No.370
Sec.201	Amended	Sept. 26, 1981, P.L.274, No.92
Sec.201	Amended	July 3, 1986, P.L.351, No.81
Sec.202	Amended	1967, P.L.849, No.370
Sec.202 (a)	Amended	July 3, 1974, P.L.451, No.157

Sec.202	Amended	Sept. 25, 1981, P.L.274, No.92
Sec.202	Amended	July 3, 1986, P.L.351, No.81
Sec.203	Amended	1967, P.L.849, No.370
Sec.203	Amended	Sept. 25, 1981, P.L.274, No.92
Sec.203	Amended	July 3, 1986, P.L.351, No.81
Sec.204	Amended	1951, P.L.2098, No.595
Sec.204	Amended	July 3, 1986, P.L.351, No.81
Sec.205	Amended	1951, P.L.991, No.204
Sec.205	Amended	1951, P.L.2098, No.595
Sec.205	Reenacted & Amended	Sept. 27, 1973, P.L.264, No.74
Sec.205	Amended	June 22, 1980, P.L.247, No.70
Sec.205	Amended	July 3, 1986, P.L.351, No.81
Sec.205	Amended	June 29, 1990, P.L.260, No.61
Sec.207	Amended	1949, P.L.1579, No.477
Sec.207	Amended	1951, P.L.2098, No.595
Sec.207	Amended	1953, P.L.439, No.98
Sec.207	Amended	Sept. 27, 1973, P.L.264, No.74
Sec.207	Amended	July 3, 1986, P.L.351, No.81
Sec.208	Amended	1955, P.L.40, No.15
Sec.208	Amended	July 3, 1986, P.L.351, No.81
Sec.301	Amended	1951, P.L.991, No.204
Sec.301	Amended	Sept. 27, 1973, P.L.264, No.74
Sec.301	Amended	July 3, 1986, P.L.351, No.81
Sec.302	Amended	July 3, 1986, P.L.351, No.81
Sec.303	Amended	1961, P.L.1334, No.589
Sec.303	Amended	July 3, 1986, P.L.351, No.81
Sec.304	Amended	1951, P.L.991, No.204
Sec.304	Amended	1955, P.L.40, No.15
Sec.304	Amended	Sept. 27, 1973, P.L.264, No.74
Sec.304	Amended	July 3, 1986, P.L.351, No.81
Sec.306	Amended	Sept. 27, 1973, P.L.264, No.74
Sec.306 (a)	Amended	July 10, 1980, P.L.417, No.98
Sec.306 (a)	Amended	Apr. 6, 1981, P.L.7, No.3
Sec.306	Amended	July 3, 1986, P.L.351, No.81
Sec.307	Amended	1949, P.L.1602, No.484
Sec.307 (d)	Amended	July 13, 1953, P.L.439, No.98
Sec.307	Amended	July 3, 1986, P.L.351, No.81
Sec.308	Amended	1949, P.L.890, No.242
Sec.308	Amended	1949, P.L.1602, No.484
Sec.308	Amended	1953, P.L.439, No.98
Sec.308	Amended	1953, P.L.457, No.109
Sec.308	Amended	1955, P.L.40, No.15
Sec.308	Amended	1959, P.L.1513, No.531
Sec.308	Amended	1961, P.L.209, No.108
Sec.308	Amended	1961, P.L.930, No.408
Sec.308	Amended	1961, P.L.1334, No.589
Sec.308	Amended	1961, P.L.1609, No.680
Sec.308	Amended	1965, P.L.386, No.201
Sec.308	Amended	July 10, 1980, P.L.417, No.98
Sec.308 (a)	Amended (amend expires 1/1/85)	July 28, 1983, P.L.134, No.36
Sec.308 (a)	Reenacted (308(a) expires 1/1/88)	Nov. 6, 1985, P.L.305, No.76
Sec.308	Amended	July 3, 1986, P.L.351, No.81

Sec.308 (a)	Reenacted (308(a) (5) expires 1/1/91)	Oct. 31, 1989, P.L.587, No.63
Sec.308 (a) amended and (a.1) added	Amended or added	Aug. 5, 1991, P.L.309, No.27
Sec.308	Amended	Dec. 22, 1993, P.L.525, No.76
Sec.309	Amended	1961, P.L.1334, No.589
Sec.309	Amended	July 3, 1986, P.L.351, No.81
Sec.311	Amended	1953, P.L.439, No.98
Sec.311	Amended	July 3, 1986, P.L.351, No.81
Sec.312	Amended	July 3, 1986, P.L.351, No.81
Sec.314	Amended	1949, P.L.1602, No.484
Sec.314	Amended	1953, P.L.439, No.98
Sec.314	Amended	July 3, 1986, P.L.351, No.81
Sec.315 1st par	Amended	Sept. 27, 1973, P.L.264, No.74
Sec.403	Amended	1949, P.L.1579, No.477
Sec.404	Amended	1951, P.L.2098, No.595
Sec.404	Amended	July 3, 1986, P.L.351, No.81
Sec.405	Amended	July 3, 1986, P.L.351, No.81
Sec.501	Amended	1953, P.L.439, No.98
Sec.501 (a)	Amended	July 10, 1975, P.L.41, No.22
Sec.501	Amended	July 3, 1986, P.L.351, No.81
Sec.501	Amended	Jan. 29, 1998, P.L.24, No.5
Sec.501	Amended	Dec. 21, 1998, P.L.1008, No.133
Sec.501	Amended	Oct. 18, 2000, No.82
Sec.502	Added (expires 1/1/85)	July 28, 1983, P.L.134, No.36
Sec.502	Reenacted and amended (502 expires 1/1/88)	Nov. 6, 1985, P.L.305, No.76
Sec.502	Amended	July 3, 1986, P.L.351, No.81
Sec.502	Reenacted	Oct. 31, 1989, P.L.587, No.63
Sec.502	Repealed	Dec. 22, 1993, P.L.525, No.76
Sec.502.1	Added	Dec. 22, 1993, P.L.525, No.76
Sec.503	Added (expires 1/1/85)	July 28, 1983, P.L.134, No.36
Sec.503	Reenacted and amended (503 expires 1/1/88)	Nov. 6, 1985, P.L.305, No.76
Sec.503	Amended	July 3, 1986, P.L.351, No.81
Sec.503	Reenacted	Oct. 31, 1989, P.L.587, No.63
Sec.503	Repealed	Dec. 22, 1993, P.L.525, No.76
Sec.503.1	Added	Dec. 22, 1993, P.L.525, No.76
Sec.504	Added	Dec. 20, 1990, P.L.1462, No.220
Sec.505	Added	Aug. 5, 1991, P.L.309, No.27
Sec.505	Repealed	Dec. 22, 1993, P.L.525, No.76
Sec.506	Added	Aug. 5, 1991, P.L.309, No.27
Sec.506	Repealed	Dec. 22, 1993, P.L.525, No.76
Sec.601	Amended	1949, P.L.1579, No.477
Sec.601	Amended	1949, P.L.1602, No.484
Sec.601	Re-enacted and/or Amended	1953, P.L.439, No.98
Sec.601	Amended	1959, P.L.1513, No.531
Sec.601	Amended	1965, P.L.386, No.201
Sec.601 (a)	Amended	July 10, 1980, P.L.417, No.98
Sec.601 Amended and before Sec. 601 a subart. hdg. (a)		

added	Amended or added	July 3, 1986, P.L.351, No.81
Sec.601 (d)	Amended	Oct. 18, 2000, No.82
Sec.602	Amended	1951, P.L.258, No.41
Sec.602	Amended	1959, P.L.1513, No.531
Sec.602	Amended	1961, P.L.1334, No.589
Sec.602	Applicability	404 Pa. 654 (1963)
Sec.602	Amended	Sept. 27, 1973, P.L.264, No.74
Sec.602	Amended	July 10, 1980, P.L.417, No.98
Sec.602	Unconstitutional in part	470 A.2d 938, Supreme (1984)
Sec.602	Unconstitutional	479 A.2d 940, Supreme (1984)
Sec.602	Unconstitutional	489 A.2d 1334, Supreme (1985)
Sec.602	Amended	July 3, 1986, P.L.351, No.81
Sec.603	Amended	1959, P.L.1513, No.531
Sec.603	Amended	July 3, 1986, P.L.351, No.81
Sec.605	Amended	1961, P.L.932, No.410
Sec.605	Amended	July 3, 1986, P.L.351, No.81
Sec.606	Amended	July 3, 1986, P.L.351, No.81
Sec.607	Amended	1951, P.L.258, No.41
Sec.607 subsec. (f)	Repealed	June 3, 1971, P.L.118, No.6
Sec.607 (a.1)	Added	July 10, 1980, P.L.417, No.98
Sec.607	Amended	July 3, 1986, P.L.351, No.81
Sec.607.1	Added	July 3, 1986, P.L.351, No.81
Sec.608	Amended	1951, P.L.2098, No.595
Sec.608	Amended	July 3, 1986, P.L.351, No.81
Sec.609	Amended	June 8, 1984, P.L.382, No.79
Sec.609	Amended	July 3, 1986, P.L.351, No.81
Sec.610	Amended	1969, P.L.146, No.59
Sec.610	Amended	Dec. 21, 1973, P.L.441, No.157
Sec.610 Amended and before Sec. 610 a subart. hdg. (b)		
added	Amended or added	July 3, 1986, P.L.351, No.81
Sec.612	Amended	1951, P.L.308, No.64
Sec.612	Amended	1959, P.L.1513, No.531
Sec.612	Amended	1969, P.L.146, No.59
Sec.612	Amended	July 3, 1986, P.L.351, No.81
Sec.612.1	Added	1949, P.L.1579, No.477
Sec.612.1	Amended	1951, P.L.308, No.64
Sec.612.1	Amended	1951, P.L.2098, No.595
Sec.612.1	Reenacted & Amended	Sept. 27, 1973, P.L.264, No.74
Sec.612.1	Amended	July 3, 1986, P.L.351, No.81
Sec.613 (a)	Amended	Dec. 21, 1973, P.L.441, No.157
Sec.613 (a)	Amended	Sept. 26, 1981, P.L.274, No.92
Sec.613 Amended and before Sec. 613 a subart. hdg. (c)		
added	Amended or added	July 3, 1986, P.L.351, No.81
Sec.615	Amended	1951, P.L.2098, No.595
Sec.616	Amended	1969, P.L.146, No.59
Sec.616 Amended and before Sec. 616 a subart. hdg. (d)		
added	Amended or added	July 3, 1986, P.L.351, No.81
Sec.617 Amended and before Sec. 617 a subart. hdg. (e)		
added	Amended or added	July 3, 1986, P.L.351, No.81

Sec.618	Added	July 3, 1986, P.L.351, No.81
Sec.618	Amended	June 18, 1998, P.L.501, No.69
Sec.619	Added	Jan. 29, 1998, P.L.24, No.5
Sec.619.1	Added	Dec. 21, 1998, P.L.1008, No.133
Sec.625 and subart. (f)	Added	July 3, 1986, P.L.351, No.81
Sec.626	Added	July 3, 1986, P.L.351, No.81
Sec.626	Amended	June 18, 1998, P.L.501, No.69
Sec.627	Added	July 3, 1986, P.L.351, No.81
Sec.627	Amended	June 18, 1998, P.L.501, No.69
Sec.628	Added	July 3, 1986, P.L.351, No.81
Sec.629	Added	July 3, 1986, P.L.351, No.81
Sec.630	Added	July 3, 1986, P.L.351, No.81
Sec.701	Amended	1949, P.L.1579, No.477
Sec.701	Amended	1949, P.L.1602, No.484
Sec.701	Amended	July 3, 1986, P.L.351, No.81
Sec.702	Amended	1951, P.L.2098, No.595
Sec.702	Amended	1955, P.L.1814, No.603
Sec.703	Amended	1949, P.L.1579, No.477
Sec.703	Amended	1949, P.L.1602, No.484
Sec.703	Amended	1951, P.L.308, No.64
Sec.703	Amended	1951, P.L.2098, No.595
Sec.703	Amended	1969, P.L.146, No.59
Sec.703	Amended	July 3, 1986, P.L.351, No.81
Sec.704	Added	July 3, 1986, P.L.351, No.81
Sec.705	Added	July 3, 1986, P.L.351, No.81

RETSL 1980 through 2000: Amendatory Acts and Sections Amended

1980 Act 70, PL 247	Amended Sec 205
1980 Act 98, PL 417	Added Sec 102 Def. "owner occupant" Amended Sec 306 (a) Amended Sec 308 Amended Sec 601 (a) Amended Sec 602 Added Sec 607 (a.1)
1981 Act 3, PL 7	Amended Sec 306 (a)
1981 Act 92, PL 274	Amended Title Amended Sec 102 def. of "taxes" and "taxing district" Amended Sec 201 Amended Sec 202 Amended Sec 203 Amended Sec 613 (a)
1983 Act 36, PL 134	Amended (amend expires 1/1/85) Sec 308 (a) Added (expires 1/1/85) Sec 502 Added (expires 1/1/85) Sec 503
1984 Act 79, PL 382	Amended Sec 609
1985 Act 76, PL 305	Reenacted (308(a) expires 1/1/88) Sec 308 (a) Reenacted and amended (502 expires 1/1/88) Sec 502 Reenacted and amended (503 expires 1/1/88) Sec 503
1986 Act 81, PL 351	Amended Art. V hdg. Amended Sec 102 Amended Sec 201 Amended Sec 202 Amended Sec 203 Amended Sec 204 Amended Sec 205 Amended Sec 207 Amended Sec 208 Amended Sec 301

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Amended Sec 302
Amended Sec 303
Amended Sec 304
Amended Sec 306
Amended Sec 307
Amended Sec 308
Amended Sec 309
Amended Sec 311
Amended Sec 312
Amended Sec 314
Amended Sec 404
Amended Sec 405
Amended Sec 501
Amended Sec 502
Amended Sec 503
Amended or added Sec 601
Amended and before Sec. 601 a subart. hdg. (a) added
Amended Sec 602
Amended Sec 603
Amended Sec 605
Amended Sec 606
Amended Sec 607
Added Sec 607.1
Amended Sec 608
Amended Sec 609
Amended or added Sec 610
Amended and before Sec. 610 a subart. hdg. (b) added
Amended Sec 612
Amended Sec 612.1
Amended or added Sec 613
Amended and before Sec. 613 a subart. hdg. (c) added
Amended or added Sec 616
Amended and before Sec. 616 subart. hdg. (d) added
Amended or added Sec 617
Amended and before Sec. 617 a subart. hdg. (e) added
Added Sec 618
Added Sec 625 and subart. (f)
Added Sec 626
Added Sec 627
Added Sec 628
Added Sec 629
Added Sec 630
Amended Sec 701
Amended Sec 703
Added Sec 704
Added Sec 705

1989 Act 63, PL 587 Reenacted (308(a)(5) expires 1/1/91) Sec 308 (a)
Reenacted Sec 502
Reenacted Sec 503

1990 Act 61, PL 260 Amended Sec 205

1990 Act 220 PL 1462 Added Sec 504

1991 Act 27, PL 309 Amended or added Sec 308 (a) amended and (a.1) added
Added Sec 505
Added Sec 506

1993 Act 76, PL 525 Amended Sec 308
Repealed Sec 502
Added Sec 502.1
Repealed Sec 503
Added Sec 503.1
Repealed Sec 505
Repealed Sec 506

1998 Act 5, PL 24 Amended Sec 501
Added Sec 619

1998 Act 69, PL 501 Amended Sec 102 def. of "taxing district"
Amended Sec 618
Amended Sec 626
Amended Sec 627

1998 Act 133 PL 1008 Added Sec 102 def. of "delinquent"
Amended Sec 501
Added Sec 619.1

2000 Act 82, PL 609 Amended Sec 501
Amended Sec 601 (d) (e)

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