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## **S.F. No. 440 – Real Property Ownership and Tax-Forfeited Land (as amended by SCS0440A-2)**

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### **Overview**

**S.F. 440** expands current law protections for property in foreclosure to tax-forfeited property, common interest communities, and contracts for deed. This bill also makes changes to the process of issuing and recording a state deed for tax-forfeited property; increases the statute of limitations for an action from four to six years; and makes several conforming and clarifying changes. This bill is effective July 1, 2021.

### **Summary**

**Section 1. Receipts for payments; certification by county auditor.** Makes conforming changes.

**Sec. 2. Conveyance of deed upon certification.** Requires the commissioner of revenue to issue a quitclaim deed to the property owner of record at the time of the expiration of the redemption period. Provides that the deed must name the record owner's estate as a grantee if the sale is made to a personal representative, heir, or devisee of the record owner and the record owner is deceased by the end of the expiration of the redemption period or at the time of the certification of payment. Provides that the record owner's estate has not been opened in a probate proceeding when the state deed is executed and that the state deed is deemed an effective conveyance upon the opening of the estate.

**Sec. 3. Assignment of installment contract.** Requires the state deed to name the assignee as the grantee if the owner at the time of the expiration of the redemption period assigns an installment contract to repurchase and the assignment is registered or recorded.

**Sec. 4. Recordation of deed; default.** Requires that a quitclaim deed issued under **section 282.302** (see **sec. 2**) be electronically recorded or sent to the county auditor who must record it before forwarding it to the grantee. Provides that failure to make a payment will constitute default and the sale will be subject to cancellation.

**Sec. 5. Definitions.** Makes clarifying and conforming changes to various definitions. Removes certain specific references to foreclosures. Expands scope of definitions by adding references to tax forfeiture, contracts for deed, and common interest communities. Creates definitions for “association of apartment owners,” “common interest community,” and “master association.”

**Sec. 6. to 9.** Makes conforming changes.

**Sec. 10. Remedies.** Makes conforming changes. Increases the statute of limitations from four to six years.

**Sec. 11. Owner.** Replaces “foreclosed homeowner” with “owner.”

**Sec. 12. Property reconveyance.** Replaces “foreclosure reconveyance” with “property reconveyance.”

**Sec. 13. Equity purchaser.** Replaces “foreclosure purchases” with “equity purchaser.”

**Sec. 14. Resale.** Makes a conforming change.

**Sec. 15. Covered residence.** Replaces “residence in foreclosure” with “covered residence.”

**Sec. 16 to 26.** Makes conforming changes.