

No. 31

AN ACT

HB 44

Giving city councils of second class A cities authority to provide for a fund for the care of aged widows of former policemen or firemen.

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

Section 1. In addition to the authority which cities of the second class A now have to provide by ordinance for a fund for the care, maintenance and relief of aged, retired, disabled, or injured policemen or firemen and the families of such as may be injured or killed in the service, authority is now given for such cities to provide by ordinance for a fund for aged widows of former policemen or firemen who were retired on pension at the time of their death.

Section 2. This act shall take effect immediately.

APPROVED—The 28th day of June, A. D. 1967.

RAYMOND P. SHAFER

No. 32

AN ACT

HB 141

Authorizing and empowering city treasurers of cities of the second class A to sell at public sale, lands or real estate upon which the taxes, assessed and levied by the city, are delinquent and unpaid; fixing the interests of all taxing authorities where such lands are purchased by the city; providing for the distribution of moneys received as income from or resale of such lands; and providing for a method of reselling such lands purchased, by the city, or by the city at any sale for the non-payment of taxes, free and clear of all mortgages, ground rents, interest in or claims against said lands; authorizing an agreement between cities of the second class A purchasing property at treasurer's sales and all other taxing authorities having an interest in such lands with respect to the distribution of rents, income and the proceeds of the resale of such lands.

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

Section 1. In addition to the remedies now provided by law for the collection of delinquent city taxes, the city treasurers of cities of the second class A of this Commonwealth are hereby authorized and empowered to sell at public sale, in the manner hereinafter provided,

property upon which the taxes, assessed and levied, have not been paid and have become delinquent. Such sales shall be made on the first Monday in June in the year succeeding the year in which the respective taxes are assessed and levied, or on any day to which such sale may be adjourned, or on any first Monday of June in any succeeding year.

Section 2. Where the respective treasurer has not already in his hands, the duplicates of said taxes or certificates or schedules thereof, it shall be the duty of any receiver or collector of taxes, or other person having such delinquent taxes in his hands, to certify to the said city treasurer schedules of all unpaid taxes, with description of the property assessed, and it shall be the duty of the city treasurer to advertise for sale all the lands upon which it appears the taxes have not been paid as shown by the duplicates in his hands, or by the returns, or schedules certified to him as aforesaid. Said advertisement shall be made once a week for three successive weeks prior to the day of sale in at least two newspapers of general circulation, and in the legal newspaper printed and published in the respective city. The treasurer shall also cause to be posted or tacked in a conspicuous place on each parcel or lot of land, advertised for sale, at least ten days prior to the day of sale, a notice stating that said lands will be sold by said treasurer for delinquent taxes on a certain day and time and at a certain place within the city, for which posting of notice he shall receive and tax as costs one dollar (\$1). No sale shall be valid where the taxes have been paid prior to said advertisement or where the taxes and costs have been paid after advertisement and before sale.

Section 3. The lands sold under this act may be redeemed by the owner or by any one interested in said lands, at any time within one year after such sale, by the payment to the city treasurer of the full amount which the purchaser paid to said treasurer for taxes and costs and ten percent in addition thereto, and when the sale has been made for less than the taxes and costs, the party redeeming shall pay to said treasurer the balance of taxes and costs which were not made by the sale of the said property. In case there are any city taxes levied, either before or after the said sale, which remain unpaid, the person redeeming shall pay the same and all penalties, interest and lien costs thereon, and in case the purchaser has paid any taxes, of any kind whatsoever, assessed and levied against said property, the same shall be reimbursed to said purchaser before any redemption shall take effect. The said treasurer shall keep in his office a book or schedule in which he shall enter all the sales made by him, giving a description of each property sold, the name of the person as the owner thereof, as the same appears upon the duplicate or has been returned to him, the time of sale and the price at which sold, together with the cost. Each respective city shall have the right to bid at any such sale, the amount of taxes and costs and, if necessary, purchase such lands.

Section 4. It shall be the duty of the purchaser or purchasers at said treasurer's sale, as soon as the property is struck down, to pay

the amount of the purchase money and before delivery of deed, all other city taxes, penalties, interest and lien costs, if such purchase money is insufficient for the payment thereof and also one dollar and fifty cents (\$1.50) for the use of the prothonotary for entering the report of the treasurer and acknowledgment of the treasurer's deed, as hereinafter mentioned, and in case said amount is not forthwith paid after the property is struck down, the sale may be avoided and the property immediately put up again by the said treasurer: Provided, however, That this section shall not apply when the lands are purchased by said city.

Section 5. It shall be the duty of the city treasurer at the first term of a court of common pleas of the proper county succeeding such sale to make a report and return, wherein he shall set forth a brief description of the land or property sold, the name of the person (where known) in which the same is assessed, the amount of tax and the year for which the same is assessed, the time when and the newspapers in which the advertisement for sale was made, with a copy of said advertisement, the time of sale, the name of the purchaser and the price for which each respective property was sold; and upon the presentation of said report or return, if it shall appear to said court that such sale has been regularly conducted under the provisions of this act, the said report and the sale so made shall be confirmed nisi, in case no objections or exceptions are filed to said sale within ten days, a decree of absolute confirmation may be entered, as of course, by the prothonotary. In case any objections or exceptions are filed, they shall be disposed of according to the practice of said courts, and when the same are overruled or set aside, a decree of absolute confirmation shall be entered, as aforesaid, but all objections or exceptions shall be confined to the regularity of the proceedings of said treasurer.

Section 6. After any sale of property or lands for delinquent taxes has been confirmed by the court, as aforesaid, it shall be the duty of the purchaser or purchasers, where the bid exceeds the taxes and costs, as aforesaid, to make and execute to the said treasurer for the use of the persons entitled, a bond for the surplus money that may remain after satisfying and paying all the taxes and costs as aforesaid with warrant of attorney to confess judgment annexed thereto, and it shall be the duty of said treasurer to forthwith file said bond in the office of the prothonotary of the proper county at the number and term where said report and return is filed and the surplus bond filed, as aforesaid, from the time of the date of the deed for property thus sold shall bind, as effectually and in like manner as judgments, the land by said treasurer sold into whose hands or possession soever they may come, and the owner of said lands at the time of sale, their heirs or assigns, or other legal representatives, may, at any time within five years after such sale, cause judgment to be entered in said court upon said bond in the name of said treasurer for the use of said owners, their heirs, assigns or legal representatives, (as the case may be), and in case the moneys mentioned in said bonds,

with legal interest thereon from the time it is demanded, be not paid within three months after such entry, execution may forthwith issue for the recovery thereof.

Section 7. When the purchaser has paid the amount of his bid and all other city taxes, penalties, interest and lien costs, if any, and has given the surplus bond, as above required if necessary, it shall be the duty of the city treasurer to make the said purchaser or purchasers, his or their heirs or assigns, a deed in fee simple for the lands sold as aforesaid, and the said deed or deeds to duly acknowledge in the court of common pleas, and such acknowledgment shall be duly entered and recorded by the prothonotary of said court in the treasurer's deed book, and for such service and the entry of the report of said treasurer, said prothonotary shall receive the sum of one dollar and fifty cents (\$1.50).

Section 8. Where the owner or other person, interested in the land thus sold, shall redeem the same, it shall be the duty of the city treasurer to acknowledge the receipt of the redemption moneys upon the margin of the acknowledgment of the treasurer's deed, as the same is entered and recorded in the prothonotary's office as aforesaid, and thereafter said deed shall be void and of no effect, and thereupon such owner or persons, interested as aforesaid, shall be entitled to have the treasurer's deed delivered up to him, her or them by the purchaser for cancellation. And it shall be the duty of the said treasurer to pay to said purchaser all the moneys he had paid at the time of sale, together with the ten percent penalty thereon, and it shall also be the duty of the said treasurer to enter upon the book of sales, kept by him as hereinbefore provided, an acknowledgment or receipt showing that the owner or party interested redeemed the same therein giving dates of redemption and amount of money received.

Section 9. After the period for redemption, as provided for in this act, has expired and the said lands have not been redeemed, it shall be the duty of the city treasurer to certify to the board or boards of assessors, or proper assessing authorities charged with the duty of assessing such real estate for purposes of taxation, that he sold the lands to the grantee named in the deed, and that the period for redemption has expired, and said lands have not been redeemed, and if the said lands have been sold to the city, the aforesaid assessing authorities shall not thereafter return said lands for purposes of taxation, and no taxes shall be levied thereon as long as the property is held and owned by the city. Copies of the aforesaid certification may also be furnished to deed registries or other interested authorities.

Section 10. The interests of all taxing authorities, having taxes or claims against any property sold to any city of the second class A by the city treasurer under the provisions of this act, shall be fixed and determined as of the time of the certification by the city treasurer, as provided for in section nine, and shall remain fixed without the necessity of filing or reviving liens or otherwise preserving such taxes or claims, and shall take priority over all mortgages, ground rents or

claims whatsoever until said taxes or claims are fully paid, or otherwise divested by law, and if the said city received income from the property, it shall distribute any net income first to the cost of the treasurer's sale and the balance to the interested taxing authorities in proportion to their taxes and claims against the property, until such taxes and claims have been liquidated, and thereafter in proportion to their rate of tax levy within the city.

Section 11. If upon a resale by the city of any property purchased by it under this act, either for a sum sufficient to pay all taxes and claims, or for a lesser sum as provided hereinafter, it should be deemed necessary by said city to conduct proceedings, hereinafter set forth, to perfect its tax title acquired at the treasurer's sale, it shall be lawful for the said city to deduct the costs of said proceedings from the sale price, as well as the cost of the original tax sale and the usual commission to a real estate broker, if any, before distribution of the balance; and if the sale price or balance remaining is more than sufficient to pay all taxes and claims, then the sum left, after all taxes and municipal claims have been satisfied, shall be distributed to the interested taxing authorities in proportion to their rate of tax levy upon real estate within the city at the time of resale. If, however, such sum is less than all taxes and municipal claims, such sum shall be distributed to the interested taxing authorities in proportion to their total tax claims against the property regardless of priority of lien, and such taxes and municipal claims shall be considered as fully paid and satisfied.

Section 12. (a) In case of resale of such lands, which have been purchased by the city under this act, or by the city at any sale for the nonpayment of taxes after the period of redemption has expired, it may appear that there are mortgages, ground rents, rights, title, interest in or claims against such lands, which have not been divested by the tax sale, or other defects, or objections to a good and marketable title, the city may present its petition or complaint, with a search of title attached, to the court of common pleas of the county wherein the lands are situate, setting forth (1) the location of the lands by metes and bounds, or if it be in a recorded plan of lots, the plan number of the lot and place of record of the plan, or reference to a former deed of record; (2) the name or names of the former owner or owners, reputed owners, mortgagees, assignees or any other person or persons shown by such title search to have any mortgage, ground rent, right, title, interest in or claim against such land, if any there be; (3) that upon diligent inquiry no person has been found who has or claims to have any mortgage, ground rent, right, title, interest in or claim against said land, unless it be those named in the petition; (4) that the period of redemption has expired and the city has agreed to sell said land, setting forth the sum offered therefor, which may be less than the sum of all taxes and municipal claims against the land; and (5) the sum of all taxes and municipal claims due each taxing authority.

(b) Thereupon a rule shall be granted upon the persons named in the petition, and generally upon all other persons not named in the petition who have or claim to have or may appear to have any mortgage, ground rent, right, title, interest in or claim against said land, to appear within thirty days from service of the rule upon them, and show cause why the title of the petitioner or complainant to said land should not be adjudicated and decreed valid and indefeasible as against all mortgagees, ¹assignees or other persons having any right, title, interest in or claim against said lands whatsoever, and to further show cause why the sale of the said land by the city should not be made free and clear of their respective mortgages, ground rents, interests or claims whatsoever. The rule may be made returnable to such term or return day as may be fixed by the court.

(c) As to persons domiciled within the county or in any other county of this Commonwealth and whose whereabouts may be ascertained, the rule shall be served and returned as writs of summons are served and returned. As to those persons whose domicile is without the Commonwealth, the petitioner or complainant may have any competent adult serve the defendant personally and file an affidavit to that effect. If a defendant is dead or his identity or whereabouts is unknown and cannot be ascertained, the petitioner or complainant shall file an affidavit to that effect, wherein the affiant may state that the heirs and assigns of a named former owner are unknown, and if the court is satisfied that due inquiry has been made, the rule shall be served by one advertisement in a newspaper of general circulation and the legal newspaper published in the city where the land is situate, or as the court may direct, giving notice to all persons, including those named in the petition, to appear on or before the return day of the rule, and show cause why the title of the city should not be adjudicated and decreed valid and indefeasible as against all mortgages, ground rents, rights, title, interest in or claims against the land whatsoever, and to further show cause why the sale of the said land should not be made by the city, free and clear of all the aforesaid claims whatsoever. Said advertisement shall be made at least thirty days before the return day of said rule and shall be deemed a good and sufficient service of the rule as to all persons whatsoever. Said rule shall also be served personally upon other interested taxing authorities.

Section 13. In case no person shall appear at or before the return day and make answer to said petition and rule, or make objection to the sale of the said land by the city, and the court is satisfied that the proposed sale is proper and to the advantage of all interested taxing authorities, upon affidavit filed by petitioner or complainant that the aforesaid rule to show cause, properly endorsed with notice to plead, has been served, and that the defendant has not filed an answer, and that no person has objected to said sale, it shall enter a decree making said rule absolute and approving such sale, and direct a con-

¹ "assigness" in original.

veyance of such land to the person or persons to whom the city has agreed to sell free and clear of all mortgages, ground rents, rights, title, interest in or claims against said land whatsoever, and the price received ¹ therefor, after deducting all costs of this proceeding and of the original tax sale, as well as the usual commission to a real estate broker, if any, shall be distributed to the respective taxing authorities as hereinbefore provided for.

Section 14. If any person shall appear and make answer or objection to said petition or complaint and rule, and said answer or objection shall contest the adequacy of the price for which the city has agreed to sell said land, the court shall fix a time, within thirty days from the aforesaid return day, for all persons to appear before said court and make offers for said land, and the court may approve such offer, as in its discretion appears to be in the interest of all taxing authorities having claims against the land. If, however, such answer or objection sets up any claim to a mortgage, ground rent, right, title, interest in or claim against said land adverse to the title of the city, the court shall order and decree that such person or persons shall commence proceedings within thirty days to foreclose any mortgage, bring his action in ejectment, or such other proceeding as may be necessary to establish his claim, and failing therein within the time aforesaid, the court shall make said rule absolute, and direct a conveyance of the land as provided in section thirteen hereof. If any person or persons appear at any stage of the proceedings who may appear to the court to have any interest whatsoever in the land and pay all taxes, municipal claims, penalties, interest and costs including all taxes, which would have been levied against said land, had the same not been certified to the assessors and removed from the tax rolls, as well as the costs of this proceeding, the court may direct a conveyance to said person, but no real estate commission shall be paid.

Section 15. All lands heretofore or hereafter purchased by any city of the second class A at a sheriff's sale, treasurer's sale or any sale for the nonpayment of city taxes, and held beyond the period of redemption, may be sold to a purchaser under the terms of sections eleven, twelve, thirteen and fourteen of this act.

Section 16. The act, approved March 30, 1903 (P. L. 106), entitled "An act authorizing and empowering the city treasurers of the several cities of second class and third class of this Commonwealth to sell at public sale all properties upon which the taxes, assessed and levied, are delinquent and remain unpaid," and its amendments, are hereby repealed in so far as they relate to cities of the second class A.

APPROVED—The 28th day of June, A. D. 1967.

RAYMOND P. SHAFER

¹ "therefore" in original.