

REAL ESTATE TAX SALE LAW

Act of Jul. 7, 1947, P.L. 1368, No. 542

Cl. 53

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:

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)

"Delinquent property owner," a person, whose taxes on the subject property are delinquent and 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 a deed or instrument of conveyance recorded in the county office designated for recording. In all other cases, the term means a person in open, peaceable and notorious possession of property as apparent owner or reputed owner of the property. (Def. added June 19, 2018, P.L.239, No.38)

"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.

"Posted" or "posting," the following:

(1) In the case of property containing assessed improvements, affixing notices as required by this act:

(i) To a portion of an improvement situated to be reasonably conspicuous to both the owner and the general public.

(ii) To a stake secured on or adjacent to the property, within approximately twenty-five (25) feet of any entrance to the property in a manner situated to be reasonably conspicuous to both the owner and the general public, in cases in which subclause (i) does not apply.

(iii) Adjacent to the property line, on a stake secured on or adjacent to the property in a manner reasonably conspicuous to the owner and the general public in cases in which subclauses (i) and (ii) do not apply.

(2) In the case of property containing no assessed improvements, affixing notices as required by this act:

(i) To a stake secured on or adjacent to the property, within approximately twenty-five (25) feet of any entrance to the property in a manner situated to be reasonably conspicuous to both the owner and the general public.

(ii) Adjacent to the property line, on a stake secured on or adjacent to the property in a manner reasonably conspicuous to the owner and the general public in cases in which subclause (i) does not apply.

(3) In the event that a reasonably conspicuous location in accordance with clause (1) or (2) is not available, placing any alternative, similarly durable notification of proceedings under this act at a location on or near the property and reasonably conspicuous to the owner and the general public.

(Def. added Dec. 20, 2015, P.L.487, No.85)

"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 38 of 2018, which added the def. of "delinquent property owner," provided that Act 38 shall apply to sales conducted on or after the effective date of section 4.

Compiler's Note: Section 2 of Act 85 of 2105, which added the def. of "posted" or "posting," provided that the addition of the definition of "posted" or "posting" shall not be construed to affect the posting of property prior to the effective date of section 2.

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.--Except as otherwise provided in section 201.1, a Tax Claim Bureau is hereby created in each county in the office of the county commissioners.

(201 amended Mar. 22, 2002, P.L.205, No. 16)

Section 201.1. Alternative Collection of Taxes.--(a) In lieu of or in addition to creating a bureau, counties are authorized to provide by ordinance for the appointment and compensation of such agents, clerks, collectors and other assistants and employes, either under existing departments, in private sector entities or otherwise as may be deemed necessary, for the collection and distribution of taxes under this act. Any alternative collection method shall be subject to all of the notices, time frames, enumerated fees and protections for property owners contained in this act. Two or more counties may enter into a joint agreement under 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation) to provide for the alternative collection of taxes under this section.((a) amended Nov. 29, 2004, P.L.1328, No.168)

(b) The requirement of section 203 to furnish bonds, provisions of this act relating to accounting and distribution of moneys and other provisions relating to operation of a bureau shall apply to an alternative collection system established under this section.

(201.1 added Mar. 22, 2002, P.L.205, No.16)

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, employes 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.--(a) 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.

(b) Notwithstanding subsection (a), a local taxing district, including a municipal authority or a school district if acting pursuant to paragraph (6), may accept the donation of a property that is subject to a claim for taxes under this act. A local taxing district shall provide written notice to all other local taxing districts or their designees under paragraph (5) of a donation proposed by the owner of the property. A donation under this subsection shall not be accepted less than thirty (30) days after notice to all other local taxing districts which have a claim for taxes on the subject property under this act. A donation under this subsection shall divest all liens against the property possessed by the local taxing district accepting the donation, and all other local tax liens recorded prior to the date of donation, except as provided in this subsection.

(1) A local taxing district which receives a notice of proposed donation may request to participate in negotiations with regard to the donation and extinguishment of all or part of its liens and with regard to proposals to return the property to the tax rolls or to productive public use. A local taxing district which does not respond in writing to the notice within thirty (30) days of receipt of the notice shall waive its right to participate in the donation negotiations, and its lien shall be extinguished. A local taxing district participating in donation negotiations may agree to extinguish all existing liens against the property in exchange for full or partial satisfaction of its claims upon future sale of the property by the local taxing district accepting the donation. Every negotiation shall consider the structure of the property, the market value of the property in its current condition, the best use of the property given the neighborhood and local ordinances and the costs to cure any defects, including defects in title.

(2) A donation under this subsection shall be by deed recorded, and registered where required, with the county recorder of deeds. The deed shall be accompanied by recorded satisfactions of any and all claims for taxes which are extinguished by virtue of the donation. In all instances, the satisfaction from the local taxing district which is accepting ownership of the property pursuant to the donation shall provide for full extinguishment of all claims under this act possessed by it. Satisfactions of liens shall provide that all claims of all local taxing districts in which the property is located are discharged and extinguished, unless terms are otherwise agreed

upon between the owner and the local taxing districts participating in the donation negotiations.

(3) Property that has been donated in accordance with this subsection shall be exempt from claims for taxes from any local taxing district in which it is located during the time that it remains in the ownership of the county, city, borough, incorporated town, school district, township, home rule municipality, optional plan municipality, redevelopment authority or optional charter municipality to which it was donated.

(4) An owner that donates property in accordance with this subsection shall not be personally liable for the amount of claims for taxes exempted or extinguished as a result of the donation.

(5) A local taxing district possessing a claim under this act may designate another local taxing district, or the redevelopment authority in the county in which the property is located, to act as its agent with regard to a donation under this subsection. A single local taxing district or the redevelopment authority may be selected as the agent for all local taxing districts holding a tax claim or lien against the property under this act. In returning the property to the tax rolls or to productive public use, a redevelopment authority may seek the assistance of a community development corporation serving the area where the property is located.

(6) A school district or municipal authority other than a redevelopment authority may participate in the provisions of this subsection only if the school district or municipal authority has designated an agent in accordance with paragraph (5). Nothing in this subsection shall prevent a school district or municipal authority from taking title to a donated property if it is determined during negotiations that the best manner to return the property to productive use is to allow a school district or municipal authority to use the property for purposes directly related to the mission of the district or authority.

(c) If an owner of property that is subject to a claim for taxes wishes to donate the property under subsection (b), the owner must do so prior to receiving a notice of sale as required in section 602.

(d) Nothing in this section shall be construed to require a county, city, borough, incorporated town, township, home rule municipality, optional plan municipality, optional charter municipality, school district or redevelopment authority to accept an offer of property donation.

(e) For the purpose of this section, the phrase "claims for taxes" shall include all penalties, interest and fees assessed against the property.

(303 amended Feb. 21, 2006, P.L.33, No.12)

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 and the owner's last known address, including the zip code 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, 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 Feb. 21, 2006, P.L.33, No.12)

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 and Public Record Lists.--(a) 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.

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.

(b) In addition, the bureau shall maintain as a public record a list of all properties against which taxes were levied, the whole or any part of which were due and payable in a prior year and which remain unpaid. This list shall describe the property and identify its location, provide the name and last known address, including the zip code of the owner of the property, as determined by the knowledge and information possessed by the bureau, the tax collector for the taxing district that made the return and the county office responsible for making assessment and revisions of taxes, and the amount of unpaid taxes, penalties and interest due, for all years other than the current tax year. If taxes on the list are paid or another settlement had been agreed to or if a tax sale of the property is held, this fact shall be noted on the list.

(c) The bureau may report any nonpayment of taxes, including liens, to one or more consumer reporting agencies, as defined by the Fair Credit Reporting Act (Public Law 91-508, 15 U.S.C. § 1681 et seq.).

(315 amended Feb. 21, 2006, P.L.33, No.12)

Section 316. Assignment of Claims.--(a) A taxing district may assign some or all of its portion of the claims, either absolutely or as collateral security, for an amount to be determined by the taxing district and under such terms and conditions upon which the taxing district and the assignee shall agree in writing. For the purpose of this subsection, a claim docketed by the bureau may be divisible so that one taxing district may assign its portion of the claim, but another taxing district may retain its portion. No assignment shall become effective until at least thirty (30) days after the delivery to the bureau of a copy of the resolution authorizing the assignment. Upon such an assignment, the following shall apply:

(1) Upon written notice provided by the taxing district or the assignee, the bureau shall record notice of the assignment on the docket.

(2) Assignment shall not be deemed a discharge or satisfaction of the claim or the taxes giving rise to the claim, and the lien of the assigned claim and taxes giving rise to the claim shall continue in favor of the assignee.

(3) The assignee shall have and enjoy the same rights, privileges and remedies as were held by the taxing district with respect to the assigned claim and the tax giving rise to the claim under the provisions of this act or any other laws

applicable to the collection and enforcement of tax claims, including the right of the taxing district to receive the distribution of moneys collected pursuant to section 205(c.1) and the proceeds of a tax sale pursuant to section 205(d) and (f).

(4) The county may exercise its authority under section 201.1 to provide for the assignee to exercise all of the duties of a bureau in connection with the collection and enforcement of the tax claims assigned or, if the county continues to operate a bureau or has provided under section 201.1 for some other person to perform some or all of the functions of the county, may provide by contract with the assignee for the division or sharing of such duties between the bureau or other person and the assignee with respect to the tax claims assigned.

(5) Assignment shall not affect the five per centum (5%) commission on tax claim collections payable to the bureau under section 205(c) and reimbursement of county charges under section 207(a) unless the taxing district and the bureau agree with respect to any such assignment in writing as follows:

(i) The bureau's five per centum (5%) commission under section 205(c) with respect to such portion shall be paid in part out of the proceeds of assignment of such portion.

(ii) No further commission shall be paid to the bureau with respect to such portion until such time as the assignee shall have received, pursuant to section 205(c.1) or (d), an amount equal to the proceeds of the assignment of such portion paid by the assignee.

(iii) After the assignee has received, pursuant to section 205(c.1) or (d), an amount equal to the proceeds of the assignment of such portion paid by the assignee, the bureau shall be paid the remainder of the bureau's five per centum (5%) commission in such manner and at such times as the taxing district and the bureau shall have agreed in writing.

(6) An owner of property shall have the same rights and defenses under this act and any other laws applicable to the collection and enforcement of tax claims that the owner held against the assignor.

(7) References in this act to a taxing district shall be deemed to be references to the assignee of the taxing district with respect to assigned claims, except for identification of the taxes under section 309 and recordation of taxes and certification of municipal claims under section 605 and except for references to any actions taken by the taxing district before the assignment or to other taxes and claims of the taxing district that have not been so assigned.

(8) With respect to the assigned taxes and claim, the assignee shall be deemed the political subdivision for purposes of section 501 and a taxing authority for purposes of section 612.1 unless otherwise agreed to in writing between the assignee and the taxing districts.

(9) An assignee shall not be deemed a municipality for purposes of section 601(d) and (e), 619 or 619.1.

(b) A claim assigned pursuant to this section may be further assigned, with the subsequent assignee having and enjoying the same rights, privileges and remedies as its assignor. Notice of any subsequent assignment shall be recorded pursuant to subsection (a)(1).

(316 added Nov. 29, 2004, P.L.1328, No.168)

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, readjourned or continued. No additional notice of sale is required when the sale is adjourned, readjourned 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.

(d) The court may fix a common date and place of sale for more than one property to be sold. ((d) added Nov. 29, 2004, P.L.1296, No.161)

(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)

Section 612.2. Combined Judicial Sales.--If the bureau has more than one property on which it was unable to obtain a bid sufficient to pay the upset price, it may, with the approval of the interested taxing districts and in accordance with the requirements of this subarticle, petition for, and the court may authorize, a combined sale of two or more of the properties, to be sold free and clear 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 properties sold free and clear of all tax and municipal claims, mortgages, liens, charges and estates of whatsoever kind, except ground rents, separately taxed.

(612.2 added Nov. 29, 2004, P.L.1296, No.161)

Section 612.3. Additional Costs for Rehabilitation and Maintenance.--(a) Notwithstanding the limitations contained in section 206, in the case of property exposed to upset sale and not sold at upset sale, the bureau may incur, and may recover as costs from proceeds prior to any distribution in a subsequent sale to the extent authorized by this or any other act, the following:

(1) Costs of rehabilitation and maintenance as may be, in the sole discretion of the bureau, reasonably necessary to address safety issues or restore or maintain the property in a salable condition.

(2) Costs of rehabilitation and maintenance necessary to ensure the property is maintained in compliance with property maintenance codes.

(b) This section may not be construed as creating any affirmative duty on the part of the county or bureau to

rehabilitate or maintain property or as imposing any liability on a county or bureau for injuries to persons or property that may occur on property subject to rehabilitation and maintenance under this section.

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Costs of maintenance," costs and expenses for materials and services related to the upkeep or preservation of the condition of the property, including ordinary and necessary repairs.

"Costs of rehabilitation," costs and expenses for construction, stabilization, rehabilitation, demolition and reasonable nonconstruction costs. The term includes environmental remediation, architectural, engineering and legal fees, permits, financing fees and insurance costs. The term does not include construction of new structures.

"Property maintenance codes," municipal ordinances that regulate the maintenance or development of real property. The term includes building codes, housing codes and public safety codes.

(612.3 added Dec. 17, 2015, P.L.448, No.77)

(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.

(a.1) Notwithstanding subsection (a), if a property remains unsold after an upset sale and on the docket of a bureau, the bureau may accept full payment for the property from or on behalf of the owner. Full payment shall include all delinquent taxes returned to the bureau and any costs, penalties and interest due at the time the owner appears to pay the taxes. The bureau may not accept partial payments or enter into an installment agreement with an owner whose property remains unsold after an upset sale. The receipt of full payment pursuant to this subsection shall discharge the tax claims entered against the property. The subject property shall be removed from further exposure to sale, and a note thereof shall be made on the docket and index. ((a.1) added June 19, 2018, P.L.239, No.38)

(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 4 of Act 38 of 2018, which added subsec. (a.1), provided that Act 38 shall apply to sales conducted on or after the effective date of section 4.

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)

(g) Ownership and Maintenance of Property.
(Subart. added June 19, 2018, P.L.239, No.38)

Compiler's Note: Section 4 of Act 38 of 2018, which added Subarticle (g), provided that Act 38 shall apply to sales conducted on or after the effective date of section 4.

Section 641. Limitation on Trusteeship.--(a) A county or bureau shall hold property subject to sale under this act only as trustee for the purpose of exercising only such control over the property as may be necessary or implied in order to convey the property or otherwise further the purposes of this act.

(b) A county or bureau shall not have any civil or criminal liability or have any obligation for maintenance or for nuisance remediation of a tax-delinquent property, regardless of whether the property has been exposed to an upset sale or other sale under this act, unless the county or bureau purchases the property as provided in section 612.1. A trusteeship under this act shall not be considered the care, custody or control of real property under 42 Pa.C.S. § 8542(b)(3) (relating to exceptions to governmental immunity).

(c) Notwithstanding subsection (b), a county or bureau may, at its discretion and subject to section 612.3, rehabilitate and maintain property of which the county or bureau is a trustee without consent of the delinquent property owner. This authorization shall not diminish the responsibility of a delinquent property owner as provided in section 642.

(641 added June 19, 2018, P.L.239, No.38)

Section 642. Ownership Interests and Responsibilities of Delinquent Property Owner.--(a) At the time a property that is tax delinquent is exposed to, but not sold at, an upset sale, legal title to the property shall remain with the delinquent property owner until the bureau transfers the deed as trustee grantor to a purchaser.

(b) Nothing in this act shall be construed to relieve a delinquent property owner of civil or criminal liability or for an obligation for maintenance or for nuisance remediation of the tax-delinquent property to the extent the liability is imposed by law or ordinance.

(642 added June 19, 2018, P.L.239, No.38)

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 REPEALS AND EFFECTIVE DATE

Section 801. Acts of Assembly Repealed.--The following acts and part of acts are hereby repealed in so far as they apply to taxing districts coming within the provisions of and operating under this act.

The act, approved the third day of April, one thousand eight hundred four (Pamphlet Laws 517), entitled "An act directing the mode of selling unseated lands for taxes."

Section twenty-four of the act, approved the twenty-eighth day of March, one thousand eight hundred fourteen (Pamphlet Laws 352), entitled "An act establishing a fee bill."

The act, approved the thirteenth day of March, one thousand eight hundred fifteen (Pamphlet Laws 177), entitled "An act to amend the act, entitled 'An act directing the mode of selling unseated lands for taxes, and for other purposes.'"

Sections one, two and five of the act, approved the twenty-ninth day of March, one thousand eight hundred twenty-four (Pamphlet Laws 167), entitled "A further supplement to the act, entitled 'An act directing the mode of selling unseated lands for taxes, and for other purposes.'"

Sections five, six and seven of the act, approved the fourteenth day of April, one thousand eight hundred forty (Pamphlet Laws 349), entitled "A supplement to an act, entitled an act to incorporate a Turnpike Road company, passed fourteenth February, eighteen hundred and thirty-eight, and for other purposes."

Section forty-one of the act, approved the twenty-ninth day of April, one thousand eight hundred forty-four (Pamphlet Laws 486), entitled "An act to reduce the state debt, and to incorporate the Pennsylvania canal and railroad company."

Section two of the act, approved the ninth day of March, one thousand eight hundred forty-seven (Pamphlet Laws, two hundred seventy-eight), entitled "An act in relation to the sales of unseated lands in the several counties of this commonwealth," and the amendments thereto.

Section thirty-two of the act, approved the twenty-fifth day of April, one thousand eight hundred fifty (Pamphlet Laws 569), entitled "An act relating to the bail of executrixes; to partition in the orphans' court and common pleas; to colored convicts in Philadelphia; to the limitation of actions against corporations; to actions enforcing the payment of ground rent; to trustees of married women; to appeals from awards of arbitrators by corporations; to hawkers and peddlers in the counties of Butler and Union; to the payment of costs in actions by informers in certain cases; to taxing lands situate in different townships; and in relation to fees of county treasurers of Lycoming, Clinton and Schuylkill; to provide for

recording the accounts of executors, administrators, guardians and auditors' reports; and to amend and alter existing laws relative to the administration of justice in this commonwealth."

The act, approved the fifteenth day of May, one thousand eight hundred seventy-four (Pamphlet Laws 192), entitled "An act to make the redemption money paid by a lien creditor a prior lien on the title of the debtor in the land that is redeemed."

The act, approved the thirteenth day of May, one thousand eight hundred seventy-nine (Pamphlet Laws 55), entitled "An act regulating the right of redemption of seated lands returned to the county commissioners and sold for non-payment of taxes."

The act, approved the eleventh day of June, one thousand eight hundred seventy-nine (Pamphlet Laws 151), entitled "A supplement to an act, entitled 'An act to amend an act directing the mode of selling unseated lands for taxes, and for other purposes,' approved the thirteenth day of March, one thousand eight hundred and fifteen, providing for special sales of such lands, where the same have not been sold by the treasurer at the last regular sales."

The act, approved the eighth day of July, one thousand eight hundred eighty-five (Pamphlet Laws 268), entitled "An act relative to the purchase of lands by county commissioners at sales thereof for arrearages of taxes."

The act, approved the twenty-ninth day of May, one thousand nine hundred thirty-one (Pamphlet Laws 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," and the amendments thereto.

The act, approved the twenty-eighth day of July, one thousand nine hundred forty-one (Pamphlet Laws 535), entitled "An act providing for the redemption of real property purchased by political subdivisions at tax sales upon the payment of the amount charged against the same and costs by installment payments, and prescribing the procedure therefor."

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.