

COMMONWEALTH AUTHORIZED TO PURCHASE MORTGAGED PROPERTY

Act of May 29, 1931, P.L. 214, No. 127

Cl. 72

AN ACT

Authorizing the Commonwealth to purchase at judicial sale and thereafter to hold or sell any property upon which it has a mortgage or lien; providing for the payment of the cost of such acquisitions; and making an appropriation.

Section 1. Be it enacted, &c., That at any judicial sale of any property upon which the Commonwealth, or any department, board, or commission thereof, holds a mortgage or has a lien or liens of any nature whatsoever arising out of unpaid taxes, bonus, interest, penalties, or any other public account, the Commonwealth, acting through the Department of Justice, is hereby authorized and empowered to bid in such property, if necessary, for the protection of its interest. Title shall be taken in the name of the Commonwealth.

Section 2. The cost of acquiring property at judicial sale, as provided by this act, shall be defrayed from the fund in the State Treasury into which the moneys secured by the mortgage or lien are payable by law, and for this purpose as much of the moneys in such funds as may be necessary are hereby appropriated.

Section 3. Any property purchased under the provisions of this act shall be held until such time as the department, board, commission, or officer, who or which held the mortgage or was charged with the duty of collecting the money covered by the lien, shall believe it advisable to dispose of the same, except as hereafter provided in this section. Thereupon such department, board, commission, or officer may dispose of the property upon such terms and conditions as he or it may deem advisable and the Department of Justice may approve. It shall be lawful to sell the property for cash or for part cash and a mortgage to run from the purchaser to the Commonwealth. When the terms and conditions of such sale shall have been agreed upon and approved, the Department of Justice is hereby authorized and directed to execute and deliver a deed or other appropriate document conveying or transferring the property. Any such conveyance or transfer shall be free and clear of all liens and encumbrances in favor of the Commonwealth, except the lien of a purchase money mortgage, if any, contemporaneously executed and delivered to the Commonwealth. When property is purchased at said judicial sale in order to protect a lien of the Commonwealth acquired under section four of "The Support Law" the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand forty-five), the Department of Justice is hereby authorized, at its discretion, to execute and deliver a deed, or other appropriate document, conveying or transferring the property to the former owner and judgment debtor, upon payment of the debt, interest and costs due the Commonwealth.

(3 amended May 15, 1945, P.L.568, No.228)

Section 4. It shall be unlawful for any State officer or employe, or any member of the family of such officer or employe, to purchase, directly or indirectly, any property acquired by the Commonwealth at a judicial sale under the provisions of this act.