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HOUSE BILL NO. 214

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on February 8, 2006)

(Patron Prior to Substitute—Delegate Tata)

A BILL to provide authority for the issuance of deeds for real property purchased at treasurers' sales pursuant to the provisions of former §§ 58-1029 through 58-1117 of the Code of Virginia.

Whereas, under the provisions of former §§ 58-1029 through 58-1117 of the Code of Virginia, real property as to which local property taxes were delinquent could be sold to satisfy such delinquent taxes at a "treasurer's sale" convened by the city or county treasurer annually in December; and

Whereas, pursuant to these provisions, the purchaser of property at a treasurer's sale was required to pay the delinquent taxes, and further to continue to pay future real estate taxes on the property as they came due for a period of years established by law; and

Whereas, upon payment of both the delinquent taxes and the annual real property taxes for the requisite period of years, the purchaser would become eligible to make application to the circuit court of the city or county to receive a deed, thereby conveying to him clear title to the property, subject to certain limited redemption rights of the owners of the tax-delinquent property prior to the treasurer's sale; and

Whereas, in 1973, the General Assembly repealed the statutory provisions establishing this procedure for the sale of tax-delinquent property, substituting for it the process of judicial sale of tax-delinquent property now codified in Article 4 of Chapter 39 of Title 58.1 of the Code of Virginia; and

Whereas, at the time of the repeal of the prior procedures for treasurers' sales, the General Assembly provided a savings provision in former § 58-1117.11 of the Code of Virginia to make clear the entitlement of persons who had purchased properties at treasurers' sales prior to June 1, 1973, to obtain deeds for the properties they had purchased under the prior procedures, notwithstanding the repeal of the former statutes; and

Whereas, in 1984, during the recodification of Title 58 of the Code of Virginia, the savings provision in former § 58-1117.11 of the Code of Virginia was repealed because it was considered "obsolete" according to the recodification report; and

Whereas, there remain a number of persons in various counties and cities of the Commonwealth who purchased properties at treasurers' sales in good faith, paid the taxes due with respect to such properties, and have not yet received deeds to the properties purchased; and

Whereas, but for the repeal of § 58-1117.11 of the Code of Virginia, such persons would have a clear statutory entitlement to obtain deeds to the properties they purchased; and

Whereas, the General Assembly passed, during its 2005 Session, a relief bill, Chapter 10 of the Acts of Assembly of 2005, to provide a clear legal right for one such purchaser of one parcel to obtain a deed, but it has become clear that there are other purchasers similarly situated; and

Whereas, it is appropriate to provide a general legal right for such purchasers to obtain the deeds to which they were entitled under prior law and would to this day remain entitled, but for the inadvertent repeal of the savings provision contained in former § 58-1117.11; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. *§ 1. Any person who, prior to June 1, 1973, purchased real property under the provisions of former §§ 58-1029 through 58-1117 of the Code of Virginia, regarding the disposition and sale of delinquent lands, and has not received a deed for the property so purchased, may institute a proceeding in the circuit court of the county or city within which such real property is located to obtain a deed to such property in accordance with the provisions of former § 58-1027 or former §§ 58-1029 through 58-1117.*

§ 2. *The provisions of this act shall apply to those parcels of real property described generally as follows:*

a. Parcels in Northumberland County:

(1) *Tax parcel number 27-(1)-52, consisting of approximately 9.25 acres lying within the Fairfield District and described generally as forested land, titled in the name of the Estate of Hiram D. Bee and purchased by Walter S. Lingeback at a treasurer's sale held on December 13, 1971;*

(2) *Tax parcel number 38-(1)-95, consisting of approximately one acre lying within the Fairfield District and described generally as lying on Cockrells Creek, titled in the name of John T. Brooks and purchased by Walter S. Lingeback at a treasurer's sale held on December 13, 1971;*

(3) *Tax parcel number 37-(1)-53, consisting of approximately 9.19 acres lying within the Fairfield District and described generally as lying on Warehouse Creek, titled in the name of the Estate of John P. Crowther and purchased by Walter S. Lingeback at a treasurer's sale held on December 13, 1971;*

(4) *Tax parcel number 37-(1)-242, consisting of approximately six acres lying with the Fairfield*

60 District and described generally as lying between Lilian and Fairport, titled in the name of Ada Forrest
61 et al. and purchased by Walter S. Lingeback at a treasurer's sale held on December 13, 1971;

62 (5) Tax parcel number 27-(1)-77, consisting of approximately eight acres lying within the Fairfield's
63 District and described generally as lying near Morris Store, titled in the name of Moses Nutt and
64 purchased by Walter S. Lingeback at a treasurer's sale held on December 13, 1971;

65 (6) Tax parcel number 27-(1)-158, consisting of approximately four acres lying within the Fairfield's
66 District and described generally as lying on Mob Neck Road, titled in the name of David Wesley and
67 purchased by Walter S. Lingeback at a treasurer's sale held on December 13, 1971;

68 (7) Tax parcel number 51-(1)-31, consisting of approximately five acres lying within the Wicomico
69 District and described generally as part of Clifton, titled in the name of Ryland Nutt and purchased by
70 Walter S. Lingeback at a treasurer's sale held on December 13, 1971;

71 (8) Tax parcel number 51-(1)-111, consisting of approximately 6.12 acres lying within the Wicomico
72 District and described generally as part of East Wingville, titled in the name of Daniel Pinckard and
73 purchased by Walter S. Lingeback at a treasurer's sale held on December 13, 1971;

74 (9) Tax parcel number 11-A(1)-270, consisting of approximately 0.11 acre lying within the
75 Heathsville District and described generally as Lot 270, Pine Point Estates, titled in the name of Pine
76 State Development Corporation and purchased by Walter S. Lingeback at a treasurer's sale held on
77 December 15, 1969;

78 (10) Tax parcel number 11-A(1)-272, consisting of approximately 0.11 acre lying within the
79 Heathsville District and described generally as Lot 272, Pine Point Estates, titled in the name of Pine
80 State Development Corporation and purchased by Walter S. Lingeback at a treasurer's sale held on
81 December 15, 1969;

82 (11) Tax parcel number 11-A(1)-274, consisting of approximately 0.11 acre lying within the
83 Heathsville District and described generally as Lot 274, Pine Point Estates, titled in the name of Pine
84 State Development Corporation and purchased by Walter S. Lingeback at a treasurer's sale held on
85 December 15, 1969;

86 (12) Tax parcel number 11-A(1)-223, consisting of approximately 0.11 acre lying within the
87 Heathsville District and described generally as Lot 223, Pine Point Estates, titled in the name of
88 Milburn M. Respass and purchased by Walter S. Lingeback at a treasurer's sale held on December 15,
89 1969;

90 (13) Tax parcel number 11-A(1)-224, consisting of approximately 0.11 acre lying within the
91 Heathsville District and described generally as Lot 224, Pine Point Estates, titled in the name of
92 Milburn M. Respass and purchased by Walter S. Lingeback at a treasurer's sale held on December 15,
93 1969;

94 (14) Tax parcel number 11-A(1)-226, consisting of approximately 0.11 acre lying within the
95 Heathsville District and described generally as Lot 226, Pine Point Estates, titled in the name of
96 Milburn M. Respass and purchased by Walter S. Lingeback at a treasurer's sale held on December 15,
97 1969;

98 (15) Tax parcel number 11-A(1)-229, consisting of approximately 0.11 acre lying within the
99 Heathsville District and described generally as Lot 229, Pine Point Estates, titled in the name of
100 Milburn M. Respass and purchased by Walter S. Lingeback at a treasurer's sale held on December 15,
101 1969;

102 (16) Tax parcel number 37-(1)-250, consisting of approximately three acres lying within the
103 Fairfield's District and described generally as lying on Raisins Creek, titled in the name of Carlos Rock
104 and purchased by Walter S. Lingeback at a treasurer's sale held on December 15, 1969;

105 (17) Tax parcel number 11A-1-214, consisting of approximately 0.15 acre lying within the
106 Heathsville District and described generally as Lot 214, Pine Point Estates, titled in the name of Anne
107 O. Gresham and purchased by Walter S. Lingeback at a treasurer's sale held on December 15, 1969;

108 (18) Tax parcel number 51-1-30, consisting of approximately five acres lying within the Wicomico
109 District and described generally as part of Long Branch, titled in the name of William Nutt and
110 purchased by Walter S. Lingeback at a treasurer's sale held on December 13, 1971;

111 (19) Tax parcel number 45B-3-1-11, consisting of approximately 0.12 acre lying within the Fairfield's
112 District and described generally as Fleeton Beach, 11-1-1, titled in the name of Katherine Davis and
113 purchased by Linwood and Valorie Payne at a treasurer's sale held on December 15, 1969;

114 (20) Tax parcel number 51-1-24, consisting of 5 acres lying within the Wicomico District and
115 described generally as Swamp Land, titled in the name of James S. Carter and purchased by T. W. Byrd
116 at a treasurer's sale held on December 9, 1963.

117 b. Parcels in Sussex County:

118 (1) Tax parcel number 147-A-34, a lot lying in Henry Magisterial District and west of the Atlantic
119 Coast Line Railroad, titled in the name of Mary Eppes and purchased by Alton Owen et al. at a
120 treasurer's sale held on January 12, 1971;

121 (2) Tax parcel number 147-A-48, consisting of one acre lying in Henry Magisterial District and

described generally as lying at Grizzard, titled in the name of Louvenia Best and purchased by C. F. and A. F. Owen at a treasurer's sale held on January 9, 1973;

(3) Tax parcel number 147-A-54, consisting of approximately 1.9 acres lying in Henry Magisterial District and described generally as lying adjacent to property now or formerly titled in the name of Willie Frazier and west of the ACL railroad, titled in the name of Louvenia Frazier and purchased by A. F. and C. F. Owen at treasurer's sale held January 11, 1972;

(4) Tax parcel number 147B1-4-16A, consisting of a lot lying in Henry Magisterial District and described generally as near Virginian Railroad, titled in the name of C. J. Patterson and purchased by A. F. and C. F. Owen at a treasurer's sale held on January 9, 1973;

(5) Tax parcel number 147-A-46, consisting of approximately 1.34 acres lying in Henry Magisterial District and described generally as lying on Atlantic Coast Line Railroad south of Jarratt, titled in the name of the Estate of Singer Woodley, and purchased by C. F. Owen et al., at a treasurer's sale held on January 13, 1970;

(6) Tax parcel number 147-A-33, consisting of a lot lying in Henry Magisterial District, described generally as lying west of the Atlantic Coast Line Railroad, titled in the name of Mary Eppes and purchased by Alton Owen et al. at treasurer's sale held January 12, 1971;

(7) Tax parcel number 66-A-22, consisting of approximately 2 acres lying in Stony Creek Magisterial District, described generally as the J. J. Mitchell property, lying adjacent to property now or formerly titled in the name of R. B. Mitchell, titled in the name of Robert H. Robinson and purchased by Edith G. Lewis at a treasurer's sale held January 13, 1970;

c. Parcels in Prince Edward County:

(1) Tax parcel number 23A4-13-16, described generally as Lot 10, JWW Estate, TM230316, lying within the Town of Farmville, titled in the name of R. N. White and purchased at treasurer's sale by P. F. Gay;

(2) Tax parcel number 23A81411-11, described generally as 12 B-11, TM281111, lying within the Town of Farmville, titled in the name of Bettie Mathews and purchased at treasurer's sale by P. F. Gay.

(3) Tax parcel number 23A5-16-3, described generally as 1-B-10, Serpell, TM300603, lying within the Town of Farmville, titled in the name of Junius Morton and purchased at treasurer's sale by P. F. Gay.

(4) Tax parcel number 23A81915-2, described generally as Lot 8, TM291502, lying within the Town of Farmville, titled in the name of Nannie Morton and purchased at treasurer's sale by P. F. Gay.

(5) Tax parcel number 23A4-17-4, described generally as 128, TJG, TM230704, lying within the Town of Farmville, titled in the name of Elvira Nash and purchased at treasurer's sale by P. F. Gay.

(6) Tax parcel number 23A81911-11, described generally as Pankey, TM291111, lying within the Town of Farmville, titled in the name of Tom Pankey and purchased at treasurer's sale by P. F. Gay.

(7) Tax parcel number 23A4-12-9, described generally as 131, TJG, TM230209, lying within the Town of Farmville, titled in the name of Simon Taylor and purchased at treasurer's sale by P. F. Gay.

(8) Tax parcel number 23A8149-16, described generally as 95, 96, 97, 98 and 123, HAS, TM280916, lying within the Town of Farmville, titled in the name of T. H. W. Ward and purchased at treasurer's sale by P. F. Gay.

(9) Tax parcel number 23A81410-6, described generally as Lot 8, B-10, TM281006, lying within the Town of Farmville, titled in the name of Evelyn Early and purchased at treasurer's sale by Phillip F. Gay.

d. Parcel in King William County:

(1) Tax parcel number 5-18, consisting of approximately one acre lying within the Mangohick Magisterial District and described generally as adjacent to property now or formerly titled in the name of Hill, titled in the name of Andrew Walker and purchased by John A. Walker at a treasurer's sale held in December, 1970.

e. Parcel in Frederick County:

(1) Tax parcel number 44-A-238, consisting of approximately two acres lying within Stonewall District, titled in the name of the Estate of Catherine Shreck and purchased by B. Blair Webber at a treasurer's sale held on December 11, 1967.

2. That the provisions of this act shall expire on July 1, 2010, but such expiration date shall not in any way affect or nullify any court proceeding commenced prior to such date regardless of the date of final disposition of such proceeding.

3. That an emergency exists and this act is in effect from its passage.