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SENATE BILL NO. 1

Offered January 13, 2010

Prefiled November 16, 2009

A BILL for the relief of Charles L. Kingrea.

Patron—Reynolds

Referred to Committee on Finance

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, Charles L. Kingrea (Mr. Kingrea) in 1970 and 1971 purchased a total of four parcels of real property located in Floyd County at a "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Whereas, in 1973, the General Assembly repealed the statutory provisions establishing this procedure for the sale of tax-delinquent property, substituting for it the process of judicial sale of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 (§ 58.1-3965 et seq.) 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of Title 58 of the Code of Virginia, the savings provision in former § 58-1117.11 of the Code of Virginia was repealed because it was considered "obsolete" according to the recodification report; and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, Mr. Kingrea purchased the four parcels of real property at treasurers' sales in good faith, paid the taxes due with respect to such properties, and has not yet received deeds to the properties purchased; and

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

Whereas, the General Assembly passed, during its 2005 Session and its 2006 Session, relief bills, Chapter 10 of the Acts of Assembly of 2005 and Chapter 588 of the Acts of Assembly of 2006, respectively, to provide a clear legal right for certain purchasers of parcels of real property 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. Charles L. Kingrea who, prior to June 1, 1973, purchased real property as described in § 2 under the provisions of former §§ 58-1029 through 58-1117 of the Code of Virginia, regarding the disposition and sale of delinquent lands, and who has not received any deeds for the properties so purchased, may institute a proceeding in the circuit court of Floyd County within which such real property is located to obtain deeds to such properties 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 located in Floyd County described generally as follows:

a. Tax map number 45-52, consisting of approximately 5 acres lying within the Little River Magisterial District, titled in the name of George O. M. Atkins and purchased by Charles L. Kingrea at a treasurer's sale held on December 13, 1971;

b. Tax map number 7-83, consisting of approximately 12 acres lying within the Locust Grove

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59 *Magisterial District, titled in the name of William T. Howard and purchased by Charles L. Kingrea at a*
60 *treasurer's sale held on December 14, 1970;*
61 *c. Tax map number 31-83, consisting of approximately 8 acres lying within the Little River*
62 *Magisterial District, titled in the name of Creed W. Janney and purchased by Charles L. Kingrea at a*
63 *treasurer's sale held on December 13, 1971; and*
64 *d. Tax map number 77-10, consisting of approximately 28.75 acres lying within the Burks Fork*
65 *Magisterial District, titled in the name of Zeb Nester and purchased by Charles L. Kingrea at a*
66 *treasurer's sale held on December 14, 1970.*
67 **2. That the provisions of this act shall expire on July 1, 2014, but such expiration date shall not**
68 **in any way affect or nullify any court proceeding commenced prior to such date regardless of the**
69 **date of final disposition of such proceeding.**
70 **3. That an emergency exists and this act is in effect from its passage.**