

HB 1186 -- ABANDONED REAL PROPERTY

SPONSOR: Walton Gray

This bill defines "abandonment" and specifies the methods for abandonment of property through notice procedures. Any abandonment must be prospective and must only relieve the person of any and all obligation or legal liability arising out of or pertaining to the maintenance or condition of the land, buildings, real estate, or real property arising after the recording of the notice and must relieve the person of any and all obligation or legal liability arising out of or pertaining to the maintenance or condition of the land, buildings, real estate, or real property on any actions brought by any public taxing, administrative, or regulatory entity, agency, or body that were not commenced before the recording of the notice. Any abandonment must not relieve any person of any personal obligation or liability vesting before the filing of the notice of abandonment, but must relieve the person only of any obligation or liability in rem or running against the land, buildings, real estate, or real property arising out of or pertaining to the maintenance or condition of the land, buildings, real estate, or real property.

Upon abandonment and subject to any liens of record, possession must vest in the order as specified in the bill.

Immediately upon the filing of a notice under these provisions or the entry of a declaratory judgment of abandonment by a court of competent jurisdiction, the recorder of deeds must post a notice of abandonment on the subject land, buildings, real estate, or real property and mail a notice of abandonment to all lienholders of record against the abandoned land, buildings, real estate, or real property; all owners and occupiers of the abandoned land, buildings, real estate, or real property situated in the same block as the abandoned land, buildings, real estate, or real property, including any joint owners, tenants, or occupiers of the abandoned land, buildings, real estate, or real property; and the city and the county, respectively, in which the abandoned land, buildings, real estate, or real property is located. The notice must include a reprint of the these provisions. In addition to paying the cost of recording the notice of abandonment, the abandoning party must pay \$50 to cover the cost of posting and mailing the notices.

Nothing in these provisions must be construed to prevent or prohibit the filing of an action with a court of competent jurisdiction for a declaration of abandonment as provided in these provisions. A declaratory action may be brought by any persons or entities allowed to take possession.