

IC 34-30-26

Chapter 26. Real Property Suspected to Be Vacant or Abandoned

IC 34-30-26-1

"Creditor"

Sec. 1. (a) As used in this chapter, "creditor" means a person:

(1) that regularly engages in Indiana in the extension of mortgages that are subject to a credit service charge or loan finance charge, as applicable, or are payable by written agreement in more than four (4) installments (not including a down payment); and

(2) to whom the obligation arising from a mortgage is initially payable, either on the face of the note or contract, or by agreement if there is not a note or contract.

(b) The term includes the following:

(1) A mortgage servicer.

(2) An agent of a creditor.

As added by P.L.170-2011, SEC.15.

IC 34-30-26-2

"Enforcement authority"

Sec. 2. As used in this chapter, "enforcement authority" has the meaning set forth in IC 36-7-9-2.

As added by P.L.170-2011, SEC.15.

IC 34-30-26-3

"Owner"

Sec. 3. As used in this chapter, "owner", with respect to real property, has the meaning set forth in IC 36-7-36-4.

As added by P.L.170-2011, SEC.15.

IC 34-30-26-4

"Vacant or abandoned" real property

Sec. 4. For purposes of this chapter, real property is "vacant or abandoned" if it qualifies, or would potentially qualify, as either:

(1) a vacant structure under IC 36-7-36-6; or

(2) an abandoned structure under IC 36-7-36-1.

As added by P.L.170-2011, SEC.15.

IC 34-30-26-5

Limited authorization to enter suspected vacant or abandoned real property; limited immunity

Sec. 5. (a) Except as provided in subsection (d), a person who is not the owner of real property or who is a creditor, and who suspects that the property may be vacant or abandoned, may enter upon the premises of the real property to do the following:

(1) Without entering any structure located on the real property, visually inspect the real property to determine whether the real property may be vacant or abandoned.

- (2) Perform any of the following actions:
 - (A) Secure the real property.
 - (B) Remove trash or debris from the grounds of the real property.
 - (C) Landscape, maintain, or mow the grounds of the real property.
 - (D) Remove or paint over graffiti on the real property.
- (b) A person who:
 - (1) enters upon the premises of real property to visually inspect the property, as permitted under subsection (a)(1); and
 - (2) after inspecting the real property, determines that the real property may be vacant or abandoned;may notify the appropriate enforcement authority of the suspected vacant or abandoned status of the property and request that the enforcement authority inspect the property to determine whether the property is in fact vacant or abandoned.
- (c) A person that enters upon the premises of real property as permitted under this section:
 - (1) is immune from civil liability for an act or omission related to the entry or to any action described in subsection (a)(2), unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct; and
 - (2) shall be held harmless from and against all claims of civil or criminal trespass.
- (d) In the case of real property that is subject to a mortgage, the creditor in the mortgage transaction may not enter upon the premises of the real property under subsection (a) if entry is barred by an automatic stay issued by a bankruptcy court.

As added by P.L.170-2011, SEC.15. Amended by P.L.203-2013, SEC.24.

IC 34-30-26-6

Tax sale certificate holders and applicants for tax deeds not considered owners

Sec. 6. For purposes of this chapter, a tax sale certificate holder or an applicant for a tax deed who performs an act described in section 5 of this chapter with respect to the real property for which the person holds the tax sale certificate or has applied for the tax deed, is not considered to be the owner of that real property if:

- (1) the only connection the person has to the property is the tax sale certificate or the fact that the person has applied for a tax deed; and
- (2) the only consideration the person receives for the act is the possibility of receiving a tax deed to the property in the future.

As added by P.L.170-2011, SEC.15.