

IC 36-11-10

Chapter 10. Liens for Rates and Charges

IC 36-11-10-1

Lien for rates and charges

Sec. 1. The rates and charges made, assessed, or established under this article against:

- (1) a lot;
- (2) a parcel of land; or
- (3) a building;

that is served by the district are a lien against the lot, parcel of land, or building.

As added by P.L.161-2002, SEC.2 and P.L.172-2002, SEC.7.

IC 36-11-10-2

Date lien attaches; precedence of lien; enforcement

Sec. 2. Except as provided in section 5 of this chapter, a lien attaches on the date the rates and charges become sixty (60) days delinquent. The lien:

- (1) is superior to and takes precedence over all other liens except a lien for taxes; and
- (2) shall be enforced under this article.

As added by P.L.161-2002, SEC.2 and P.L.172-2002, SEC.7.

IC 36-11-10-3

Penalty on delinquent rates and charges; civil action for recovery

Sec. 3. If rates and charges are not paid within the time fixed by the governing body, the rates and charges become delinquent, and a penalty of ten percent (10%) of the amount of the rates and charges attaches to the rates and charges. The governing body may recover:

- (1) the amount due;
- (2) the penalty; and
- (3) reasonable attorney's fees;

in a civil action in the name of the district.

As added by P.L.161-2002, SEC.2 and P.L.172-2002, SEC.7.

IC 36-11-10-4

Collection of rates, charges, and penalties

Sec. 4. The rates and charges, together with the penalty, are collectible in the manner provided by this article.

As added by P.L.161-2002, SEC.2 and P.L.172-2002, SEC.7.

IC 36-11-10-5

No enforcement against subsequent owner unless lien recorded before conveyance; billing of rates and charges to seller

Sec. 5. (a) A rate or charge is not enforceable as a lien against a subsequent owner of property unless the lien for the rate or charge was recorded with the county recorder before the conveyance to the

subsequent owner.

(b) If the property is conveyed before the lien can be filed, the officer of the district who is charged with the collection of the rate or charge shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not less than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be expensed as a bad debt loss.

As added by P.L.161-2002, SEC.2 and P.L.172-2002, SEC.7.

IC 36-11-10-6

Release of liens

Sec. 6. (a) The district shall release:

- (1) liens filed with the county recorder after the recorded date of conveyance of the property; and
- (2) delinquent fees incurred by the seller;

upon receipt of a verified demand in writing from the purchaser.

(b) The demand must state the following:

- (1) That the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner.
- (2) That the purchaser has not been paid by the seller for the delinquent fees.

As added by P.L.161-2002, SEC.2 and P.L.172-2002, SEC.7.