IC 4-11-2

Chapter 2. Release of Certain Mortgages to State or State Trust Funds

IC 4-11-2-1

Loans of state funds; release of mortgages; evidence of payment

Sec. 1. (a) In all cases where lands in this state have been mortgaged to the state of Indiana, or to trustees or to custodians of the funds hereinafter named, or to the officers having had control and management prior to January 1, 1900, to secure the loans of the Indianapolis funds, the bank tax fund, the treasury fund, the congressional fund, the saline fund, the sinking fund, the state surplus revenue fund, the county surplus fund, the state university fund, the college fund, the seminary fund, the permanent endowment fund and all other state trust funds of this state, except the common school fund, and the loans have been paid and not released, or not legally and properly released of record, or, having been released, the releases have been lost before being recorded in the proper recorder's office, the auditor of state of the state of Indiana is authorized and directed to execute a release of the mortgage under the auditor of state's hand and the seal of the auditor of state's office.

(b) In case evidence of the payment of mortgage debts appears in the records in the office of the auditor of state, or in the office of the treasurer of state, then the release of the mortgage shall be executed without further proof, but if not, then the auditor of state shall require documentary evidence and affidavits or other proof to be filed in the auditor of state's office, which shall establish to the auditor of state's satisfaction the fact of full payment of the mortgage debt, and the auditor of state shall release the mortgage.

(Formerly: Acts 1919, c.28, s.1.) As amended by P.L.215-2016, SEC.72.

IC 4-11-2-2

School fund mortgages; examination of records

Sec. 2. (a) Because there exists in recorder's offices in various counties a large number of school fund mortgages that:

(1) appear unsatisfied of record; and

(2) have been paid;

the county auditor of any county where the mortgaged lands are situated, when requested by the mortgagor or owner of the mortgaged lands, shall examine the ledgers or other records of the county auditor's office and compare the records with the receipts of money for school fund mortgages in the treasurer's office of the county.

(b) If, upon the examination and comparison, and according to all facts that are known to the county auditor, or that come to the county auditor's knowledge, the county auditor finds that a mortgage in the recorder's office of the county that appears unsatisfied of record has been paid, the county auditor shall make an entry of satisfaction upon

the margin of the record in the recorder's office, showing the mortgage as paid.

(c) The mortgagor or owner of the lands shall pay to the county auditor a fee of twenty-five cents ($0.25) for services provided under this section. The mortgagor or owner shall also pay to the recorder the county recorder's fee provided for releasing mortgages.

As added by P.L.2-2006, SEC.4.

IC 4-11-2-3

School fund mortgages; counties; settlement of claim

Sec. 3. If:

(1) a person has purchased and been granted a deed of conveyance to any lands sold for delinquent taxes by the county treasurer of any county;

(2) at the time when the lands were sold, there was an unpaid school fund loan, secured by mortgage, on the lands, and the mortgage was foreclosed by the county after the sale; and

(3) through the foreclosure proceedings, the county acquired title to the lands;

the board of commissioners of the county in which the lands are situated may pay to the person who holds the tax deed to the lands any sum that may be agreed upon, not exceeding the amount that the purchaser paid for the lands at the tax sale, together with an amount equal to any taxes that the purchaser of the lands paid, not including any interest, on the condition that the holder of the tax deed to the lands execute to the board of commissioners of the county a quitclaim deed to the lands. All expenditures authorized under this section shall be paid out of the county general fund without any appropriation being made for the expenditure.

As added by P.L.2-2006, SEC.5.