

ASSEMBLY BILL NO. 200—ASSEMBLYMEN HETTRICK, PERKINS,
PARKS, KNECHT, ANGLE, ARBERRY, BEERS, BROWN,
BUCKLEY, CHOWNING, CHRISTENSEN, CONKLIN, GEDDES,
GOICOECHEA, GRADY, GRIFFIN, KOIVISTO, MARVEL,
MCCLEARY, OCEGUERA, SHERER AND WEBER

FEBRUARY 26, 2003

JOINT SPONSOR: SENATOR CEGAVSKE

Referred to Committee on Taxation

SUMMARY—Provides for sale of tax lien against parcels of real
property. (BDR 32-204)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to taxation; authorizing a county to sell tax liens
against parcels of real property located within the county
under certain circumstances; requiring the county
treasurer to issue a certificate of purchase for each tax lien
sold; authorizing the purchaser of a tax lien to commence
an action for the collection of the delinquent taxes,
penalties, interest and costs; providing for the delivery of
a deed to a parcel of real property which is the subject of
a tax lien to the purchaser of that lien under certain
circumstances; and providing other matters properly
relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:



* A B 2 0 0 *

1 **Section 1.** Chapter 361 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 13, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 13, inclusive, of this act,*
5 *unless the context otherwise requires, "tax lien" means a*
6 *perpetual lien which remains against a parcel of real property*
7 *until the taxes assessed against that parcel for 1 year and any*
8 *penalties, interest and costs which may accrue thereon are paid.*

9 **Sec. 3. 1.** *Except as otherwise provided in this section, a*
10 *county may, in lieu of the remedies for the collection of delinquent*
11 *taxes set forth in NRS 361.5648 to 361.730, inclusive, sell a tax*
12 *lien against a parcel of real property whose taxes are delinquent*
13 *pursuant to the provisions of sections 2 to 13, inclusive, of this act.*

14 **2.** *A county may not sell a tax lien to a government,*
15 *governmental agency or political subdivision of a government.*

16 **Sec. 4. 1.** *Before a county may offer for sale tax liens*
17 *against parcels of real property located within the county, the*
18 *board of county commissioners of that county must adopt by*
19 *resolution a procedure for the sale and transfer of tax liens by the*
20 *county treasurer.*

21 **2.** *The procedure must include:*

22 **(a)** *The requirements for notice of the sale of the tax lien. The*
23 *notice must include:*

24 **(1)** *The date, time and location of the sale; and*

25 **(2)** *An indication of all other tax liens against that property*
26 *that have been previously sold.*

27 **(b)** *The manner in which:*

28 **(1)** *A tax lien is selected for sale;*

29 **(2)** *The price to purchase a tax lien is determined; and*

30 **(3)** *The holder of a certificate of purchase issued pursuant*
31 *to section 6 of this act may collect the delinquent taxes, interest,*
32 *penalties and costs on the parcel of real property which is the*
33 *subject of the tax lien.*

34 **Sec. 5. 1.** *The board of county commissioners may direct*
35 *the county treasurer to sell a tax lien against a parcel of real*
36 *property after the first Monday in June after the taxes on that*
37 *parcel become delinquent if:*

38 **(a)** *The parcel is on the secured roll;*

39 **(b)** *The taxes on the parcel are delinquent pursuant to the*
40 *provisions of NRS 361.483;*

41 **(c)** *The tax receiver has given notice of the delinquency*
42 *pursuant to NRS 361.5648; and*

43 **(d)** *The price for the tax lien established by the board is at least*
44 *equal to the amount of the taxes which are delinquent for the*
45 *parcel.*



- 1 2. *The county treasurer may sell a tax lien separately or in*
- 2 *combination with other tax liens in accordance with the procedure*
- 3 *adopted by the board of county commissioners pursuant to section*
- 4 *4 of this act.*
- 5 3. *Each tax lien must relate to the taxes assessed against the*
- 6 *parcel for 1 year.*
- 7 4. *The county treasurer may sell a tax lien which relates to*
- 8 *the taxes assessed against the parcel for any year of assessment if*
- 9 *those taxes are delinquent pursuant to the provisions of*
- 10 *NRS 361.483.*
- 11 5. *If two or more parcels are assessed as a single parcel, one*
- 12 *tax lien may be sold for that single parcel.*
- 13 6. *A tax lien must be purchased in cash or by certified check*
- 14 *or money order.*
- 15 7. *If a tax lien which the board of county commissioners*
- 16 *directs the county treasurer to offer for sale is not sold at the sale*
- 17 *conducted by the county treasurer, the county may collect the*
- 18 *delinquent taxes pursuant to the remedies for the collection of*
- 19 *delinquent taxes set forth in NRS 361.5648 to 361.730, inclusive.*
- 20 **Sec. 6. 1.** *The county treasurer shall issue a certificate of*
- 21 *purchase to each purchaser of a tax lien.*
- 22 2. *The holder of a certificate of purchase is entitled to*
- 23 *receive:*
- 24 (a) *The amount of the taxes which are delinquent for the year*
- 25 *those taxes are assessed against the parcel of real property which*
- 26 *is the subject of the tax lien and any penalties, interest and costs*
- 27 *imposed pursuant to the provisions of this chapter; and*
- 28 (b) *Interest on the amount described in paragraph (a) which*
- 29 *accrues at a rate established by the board of county*
- 30 *commissioners, from the date the county treasurer sells the tax*
- 31 *lien. The rate of interest established by the board may not be less*
- 32 *than 15 percent per annum or more than 30 percent per annum.*
- 33 3. *Each certificate of purchase must include:*
- 34 (a) *A description of the parcel of real property which is the*
- 35 *subject of the tax lien;*
- 36 (b) *The year the taxes which are delinquent were assessed on*
- 37 *the parcel;*
- 38 (c) *The amount the county treasurer received for the tax lien;*
- 39 (d) *The amount of the delinquent taxes owed on the parcel and*
- 40 *any penalties, interest and costs imposed pursuant to the*
- 41 *provisions of this chapter; and*
- 42 (e) *A statement that the amount indicated on the certificate*
- 43 *pursuant to paragraph (d) bears interest at the rate established by*
- 44 *the board of county commissioners, from the date the county*
- 45 *treasurer sells the tax lien.*



- 1 4. *The holder of a certificate of purchase may transfer the*
2 *certificate to another person by signing the certificate before a*
3 *notary public. A certificate of purchase may not be transferred to a*
4 *government, governmental agency or political subdivision of a*
5 *government. The transferee must submit the certificate to the*
6 *county treasurer for entry of the transfer in the record of sales of*
7 *tax liens maintained by the county treasurer pursuant to section 7*
8 *of this act.*
- 9 5. *Notwithstanding the provisions of NRS 104.9109, a*
10 *security interest in a certificate of purchase may be created and*
11 *perfected in the manner provided for general tangibles set forth in*
12 *NRS 104.9101 to 104.9709, inclusive.*
- 13 **Sec. 7.** *The county treasurer shall prepare and maintain a*
14 *record of each tax lien he sells pursuant to the provisions of*
15 *sections 2 to 13, inclusive, of this act. The record must include:*
- 16 1. *The date of the sale of the tax lien;*
17 2. *A description of the parcel of real property which is the*
18 *subject of the tax lien;*
19 3. *The year the taxes which are delinquent were assessed on*
20 *the parcel;*
21 4. *The name of the owner of the parcel, if known;*
22 5. *The name and address of the original purchaser of the tax*
23 *lien;*
24 6. *The amount of the delinquent taxes owed on the parcel and*
25 *any penalties, interest and costs imposed pursuant to the*
26 *provisions of this chapter on the date the county treasurer sells the*
27 *tax lien;*
28 7. *The name and address of any person to whom the*
29 *certificate of purchase is transferred and the date of the transfer;*
30 8. *The name of the person who redeems the tax lien, the date*
31 *of that redemption and the amount paid to redeem the tax lien;*
32 9. *The date of any judgment entered pursuant to NRS*
33 *361.700; and*
34 10. *The date on which any deed to the parcel of real property*
35 *which is the subject of the tax lien is delivered to the holder of the*
36 *certificate of purchase pursuant to section 13 of this act.*
- 37 **Sec. 8.** *If the holder of a certificate of purchase requests the*
38 *county treasurer to issue a duplicate certificate, the holder must*
39 *submit to the county treasurer a notarized affidavit which attests*
40 *that the certificate was lost or destroyed. The county treasurer*
41 *shall, upon receipt of the affidavit, issue to the holder an exact*
42 *duplicate of the certificate of purchase.*
- 43 **Sec. 9.** 1. *If a tax lien against a parcel of real property has*
44 *been sold in the year immediately preceding the date that taxes on*
45 *that parcel again become delinquent pursuant to NRS 361.483, the*



1 county treasurer shall send a notice by certified mail to the holder
2 of the certificate of purchase who is listed in the record
3 maintained by the county treasurer. The holder may, within 90
4 days after he receives the notice, purchase from the county
5 treasurer a tax lien against the parcel for the current year of
6 assessment pursuant to the provisions of section 6 of this act.

7 2. If the holder of a certificate of purchase fails to purchase
8 the tax lien for the current year pursuant to subsection 1:

9 (a) The county may collect the delinquent taxes pursuant to
10 the remedies set forth in NRS 361.5648 to 361.730, inclusive; or

11 (b) The county treasurer may sell the tax lien to another
12 person if the county treasurer is directed to do so by the board of
13 county commissioners.

14 Sec. 10. 1. Any tax lien sold pursuant to the provisions of
15 sections 2 to 13, inclusive, of this act may be redeemed by any of
16 the following persons, as their interests in the parcel of real
17 property which is the subject of the tax lien may appear of record:

18 (a) The owner of the parcel of real property.

19 (b) The beneficiary under a deed of trust.

20 (c) The mortgagee under a mortgage.

21 (d) The person to whom the property was assessed.

22 (e) The person who holds a contract to purchase the property
23 before its conveyance to the county treasurer.

24 (f) The successor in interest of any person specified in this
25 subsection.

26 2. A person who redeems a tax lien must pay to the county
27 treasurer the amount stated on the certificate of purchase of the
28 tax lien including interest at the rate stated on the certificate and
29 any fees paid by the holder of the certificate of purchase to the
30 county treasurer.

31 3. If the person who redeems the tax lien has been served
32 with a summons pursuant to NRS 361.670, he must pay the costs
33 incurred by the holder of the certificate to commence the action.

34 4. The county treasurer shall issue a certificate of redemption
35 to each person who redeems a tax lien pursuant to this section.

36 5. A certificate of redemption issued pursuant to subsection 4
37 must include:

38 (a) A description of the parcel of real property which is the
39 subject of the tax lien;

40 (b) The date the tax lien is redeemed;

41 (c) The name and address of the person who redeems the tax
42 lien; and

43 (d) The amount paid to redeem the tax lien.



1 6. *The county treasurer shall record the information set forth*
2 *in subsection 5 in the record he maintains pursuant to section 7 of*
3 *this act.*

4 7. *A certificate of redemption may be recorded in the office of*
5 *the county recorder.*

6 **Sec. 11.** *1. The county treasurer shall, within 10 days after*
7 *a tax lien is redeemed pursuant to section 10 of this act, mail a*
8 *certified copy of the certificate of redemption to the holder of the*
9 *certificate of purchase of the tax lien.*

10 2. *The county treasurer shall pay to the holder of the*
11 *certificate of purchase the amount indicated on the certificate*
12 *pursuant to section 6 of this act at the time the holder presents the*
13 *certificate for payment.*

14 **Sec. 12.** *If a tax lien is not redeemed pursuant to section 10*
15 *of this act within 2 years after it is sold, the holder of the*
16 *certificate of purchase may:*

17 1. *Commence an action for the collection of the delinquent*
18 *taxes, penalties, interest and costs pursuant to NRS 361.645 to*
19 *361.715, inclusive; or*

20 2. *File a written request with the county treasurer to receive a*
21 *deed to the parcel of real property which is the subject of the tax*
22 *lien.*

23 **Sec. 13.** *1. Upon receiving a written request from the*
24 *holder of a certificate of purchase to receive a deed to the parcel of*
25 *real property which is the subject of the tax lien, the county*
26 *treasurer shall cause notice of the request to be provided.*

27 2. *Notice of the request must be:*

28 (a) *Posted in at least three public places in the county,*
29 *including one at the courthouse and one on the parcel of real*
30 *property, not less than 20 days before such a deed is delivered to*
31 *the holder of the certificate of purchase or, in lieu of such a*
32 *posting, by publication of the notice for not less than 20 days in a*
33 *newspaper published within the county; and*

34 (b) *Mailed by certified mail, return receipt requested, not less*
35 *than 90 days before such a deed is delivered to the holder of the*
36 *certificate of purchase, to the owner of the parcel as shown on the*
37 *tax roll and to any person or governmental entity that appears in*
38 *the records of the county to have a lien or other interest in the*
39 *property. If the receipt is returned unsigned, the county treasurer*
40 *shall make a reasonable attempt to locate and notify the owner or*
41 *other person or governmental entity before delivering such a deed.*

42 3. *The notice must include:*

43 (a) *A statement that a deed to the parcel has been applied for;*

44 (b) *The name of the holder of the certificate of purchase who*
45 *applied for the deed;*



- 1 (c) *A description of the parcel of real property which is the*
- 2 *subject of the tax lien;*
- 3 (d) *The date on which the tax lien was sold;*
- 4 (e) *A list of the persons who may redeem the tax lien pursuant*
- 5 *to section 10 of this act; and*
- 6 (f) *The last date on which the tax lien may be redeemed.*
- 7 4. *The cost of providing the notice required by this section*
- 8 *must be paid by the person who redeems the tax lien or, if the tax*
- 9 *lien is not redeemed, by the holder of the certificate of purchase.*
- 10 5. *If the tax lien is not redeemed before the date stated in the*
- 11 *notice, the county treasurer shall make, execute and deliver to the*
- 12 *holder of the certificate of purchase a deed to the parcel of real*
- 13 *property which is the subject of the tax lien. Before delivering the*
- 14 *deed, the county treasurer shall record the deed in the office of the*
- 15 *county recorder. If the deed is not so recorded, the deed and all*
- 16 *proceedings relating thereto are void as against any subsequent*
- 17 *purchaser in good faith and for a valuable consideration of the*
- 18 *parcel of real property, or any portion thereof, when his*
- 19 *conveyance is first recorded.*
- 20 6. *If tax liens are sold to two or more persons against the*
- 21 *same parcel of real property pursuant to section 9 of this act:*
- 22 (a) *The first tax lien sold has priority over all subsequent tax*
- 23 *liens sold against the property.*
- 24 (b) *Any deed delivered pursuant to this section is subject to all*
- 25 *other tax liens sold against the property.*
- 26 **Sec. 14.** NRS 361.5648 is hereby amended to read as follows:
- 27 361.5648 1. Within 30 days after the first Monday in March
- 28 of each year, with respect to each property on which the tax is
- 29 delinquent, the tax receiver of the county shall mail notice of the
- 30 delinquency by first-class mail to:
- 31 (a) The owner or owners of the property;
- 32 (b) The person or persons listed as the taxpayer or taxpayers on
- 33 the tax rolls, at their last known addresses, if the names and
- 34 addresses are known; and
- 35 (c) Each holder of a recorded security interest if the holder has
- 36 made a request in writing to the tax receiver for the notice, which
- 37 identifies the secured property by the parcel number assigned to it in
- 38 accordance with the provisions of NRS 361.189.
- 39 2. The notice of delinquency must state:
- 40 (a) The name of the owner of the property, if known.
- 41 (b) The description of the property on which the taxes are a lien.
- 42 (c) The amount of the taxes due on the property and the
- 43 penalties and costs as provided by law.
- 44 (d) That if the amount is not paid by the taxpayer or his
- 45 successor in interest ~~[, the]~~ :



1 (1) *The* tax receiver will, at 5 p.m. on the first Monday in
2 June of the current year, issue to the county treasurer, as trustee for
3 the State and county, a certificate authorizing him to hold the
4 property, subject to redemption within 2 years after the date of the
5 issuance of the certificate, by payment of the taxes and accruing
6 taxes, penalties and costs, together with interest on the taxes at the
7 rate of 10 percent per annum from the date due until paid as
8 provided by law, except as otherwise provided in NRS 360.232 and
9 360.320, and that redemption may be made in accordance with the
10 provisions of chapter 21 of NRS in regard to real property sold
11 under execution.

12 (2) *And the property is a parcel of real property, a tax lien*
13 *may be sold against the parcel pursuant to the provisions of*
14 *sections 2 to 13, inclusive, of this act, if the board of county*
15 *commissioners so directs.*

16 3. Within 30 days after mailing the original notice of
17 delinquency, the tax receiver shall issue his personal affidavit to the
18 board of county commissioners affirming that due notice has been
19 mailed with respect to each parcel. The affidavit must recite the
20 number of letters mailed, the number of letters returned and the
21 number of letters finally determined to be undeliverable. Until the
22 period of redemption has expired, the tax receiver shall maintain
23 detailed records which contain such information as the Department
24 may prescribe in support of his affidavit.

25 4. A second copy of the notice of delinquency must be sent by
26 certified mail, not less than 60 days before the expiration of the
27 period of redemption as stated in the notice.

28 5. The cost of each mailing must be charged to the delinquent
29 taxpayer.

30 **Sec. 15.** NRS 361.570 is hereby amended to read as follows:

31 361.570 1. Pursuant to the notice given as provided in NRS
32 361.5648 and 361.565 and at the time stated in the notice, the tax
33 receiver shall make out a certificate that describes each property on
34 which delinquent taxes have not been paid. The certificate
35 authorizes the county treasurer, as trustee for the State and county,
36 to hold each property described in the certificate for the period of 2
37 years after the first Monday in June of the year the certificate is
38 dated, unless sooner redeemed.

39 2. The certificate must specify:

40 (a) The amount of delinquency on each property, including the
41 amount and year of assessment;

42 (b) The taxes, and the penalties and costs added thereto, on each
43 property, and that, except as otherwise provided in NRS 360.232
44 and 360.320, interest on the taxes will be added at the rate of 10
45 percent per annum from the date due until paid; and



1 (c) The name of the owner or taxpayer of each property, if
2 known.

3 3. The certificate must state ~~[-and]~~ :

4 (a) *And* it is hereby provided:

5 ~~[(a)]~~ (1) That each property described in the certificate may be
6 redeemed within 2 years after the date of the certificate; and

7 ~~[(b)]~~ (2) That the title to each property not redeemed vests in
8 the county for the benefit of the State and county.

9 (b) *If the property is a parcel of real property, that a tax lien*
10 *may be sold against the parcel pursuant to the provisions of*
11 *sections 2 to 13, inclusive, of this act, if the board of county*
12 *commissioners so directs.*

13 4. Until the expiration of the period of redemption, each
14 property held pursuant to the certificate must be assessed annually
15 to the county treasurer as trustee, and before the owner or his
16 successor redeems the property, he shall also pay the county
17 treasurer holding the certificate any additional taxes assessed and
18 accrued against the property after the date of the certificate, together
19 with interest on the taxes at the rate of 10 percent per annum from
20 the date due until paid, unless otherwise provided in NRS 360.232
21 and 360.320.

22 5. A county treasurer shall take a certificate issued to him
23 pursuant to this section. The county treasurer may cause the
24 certificate to be recorded in the office of the county recorder against
25 each property described in the certificate to provide constructive
26 notice of the amount of delinquent taxes on each property
27 respectively. The certificate reflects the amount of delinquent taxes
28 due on the properties described in the certificate on the date on
29 which the certificate was recorded, and the certificate need not be
30 amended subsequently to indicate the repayment of any of those
31 delinquent taxes. The recording of the certificate does not affect the
32 statutory lien for taxes provided in NRS 361.450.

33 **Sec. 16.** NRS 361.595 is hereby amended to read as follows:

34 361.595 1. Any property held in trust by any county treasurer
35 by virtue of any deed made pursuant to the provisions of this chapter
36 may be sold and conveyed in the manner prescribed in this section
37 and in NRS 361.603 or conveyed without sale as provided in NRS
38 361.604 ~~[-]~~ *and section 13 of this act.*

39 2. If the property is to be sold, the board of county
40 commissioners may make an order, to be entered on the record of its
41 proceedings, directing the county treasurer to sell the property
42 particularly described therein, after giving notice of sale, for a total
43 amount not less than the amount of the taxes, costs, penalties and
44 interest legally chargeable against the property as stated in the order.

45 3. Notice of the sale must be:



1 (a) Posted in at least three public places in the county, including
2 one at the courthouse and one on the property, not less than 20 days
3 before the day of sale or, in lieu of such a posting, by publication of
4 the notice for 20 days in some newspaper published within the
5 county, if the board of county commissioners so directs.

6 (b) Mailed by certified mail, return receipt requested, not less
7 than 90 days before the sale, to the owner of the parcel as shown on
8 the tax roll and to any person or governmental entity that appears in
9 the records of the county to have a lien or other interest in the
10 property. If the receipt is returned unsigned, the county treasurer
11 ~~must~~ shall make a reasonable attempt to locate and notify the
12 owner or other person or governmental entity before the sale.

13 4. Upon compliance with such an order, the county treasurer
14 shall make, execute and deliver to any purchaser, upon payment to
15 him, as trustee, of a consideration not less than that specified in the
16 order, an absolute deed, discharged of any trust of the property
17 mentioned in the order.

18 5. Before delivering any such deed, the county treasurer shall
19 record the deed at the expense of the purchaser.

20 6. All such deeds, whether issued before, on or after July 1,
21 1955, are primary evidence:

22 (a) Of the regularity of all proceedings relating to the order of
23 the board of county commissioners, the notice of sale and the sale of
24 the property; and

25 (b) That, if the real property was sold to pay taxes on personal
26 property, the real property belonged to the person liable to pay the
27 tax.

28 7. No such deed may be executed and delivered by the county
29 treasurer until he files at the expense of the purchaser, with the clerk
30 of the board of county commissioners, proper affidavits of posting
31 and of publication of the notice of sale, as the case may be, together
32 with his return of sale, verified, showing compliance with the order
33 of the board of county commissioners, which constitutes primary
34 evidence of the facts recited therein.

35 8. If the deed when regularly issued is not recorded in the
36 office of the county recorder, the deed, and all proceedings relating
37 thereto, is void as against any subsequent purchaser in good faith
38 and for a valuable consideration of the same property, or any portion
39 thereof, when his own conveyance is first recorded.

40 9. The board of county commissioners shall provide its clerk
41 with a record book in which must be indexed the name of each
42 purchaser, together with the date of sale, a description of the
43 property sold, a reference to the book and page of the minutes of the
44 board of county commissioners where the order of sale is recorded,
45 and the file number of the affidavits and return.



1 **Sec. 17.** NRS 361.645 is hereby amended to read as follows:
2 361.645 **1.** The delinquent list or a copy thereof certified by
3 the county treasurer showing unpaid taxes against any person or
4 property ~~shall be~~ *is* prima facie evidence in any court *in an action*
5 *commenced by the district attorney pursuant to the provisions of*
6 *this chapter* to prove:

- 7 ~~1.~~ (a) The assessment.
- 8 ~~2.~~ (b) The property assessed.
- 9 ~~3.~~ (c) The delinquency.
- 10 ~~4.~~ (d) The amount of taxes due and unpaid.
- 11 ~~5.~~ (e) That all the forms of law in relation to the assessment
12 and levy of ~~such~~ *those* taxes have been complied with.

13 **2.** *A certificate of purchase of a tax lien issued pursuant to*
14 *sections 2 to 13, inclusive, of this act or a copy thereof which is*
15 *certified by the county treasurer and which indicates the sale of a*
16 *tax lien to collect unpaid taxes on a parcel of real property is*
17 *prima facie evidence in any court in an action commenced by the*
18 *holder of the certificate of purchase to prove:*

- 19 (a) *The assessment.*
- 20 (b) *The property assessed.*
- 21 (c) *The delinquency.*
- 22 (d) *The amount of taxes, penalties, interest and costs due and*
23 *unpaid by the defendant.*
- 24 (e) *That all the forms of law in relation to the assessment and*
25 *levy of those taxes and the sale of the tax lien have been complied*
26 *with.*

27 **Sec. 18.** NRS 361.650 is hereby amended to read as follows:
28 361.650 **1.** Actions authorized by NRS 361.635 ~~shall~~ *must*
29 be commenced in the name of the State of Nevada against the
30 person or persons so delinquent, and against all owners, known or
31 unknown.

32 **2.** ~~Such actions~~ *An action authorized by section 12 of this*
33 *act must be commenced in the name of the holder of the certificate*
34 *of purchase of the tax lien against the person or persons*
35 *delinquent in the payment of the taxes on the parcel of real*
36 *property which is the subject of the tax lien and against all*
37 *owners, known or unknown, of that parcel.*

38 **3.** *Any action described in subsection 1 or 2* may be
39 commenced in the county where the assessment is made, before any
40 court in the county having jurisdiction of the amount thereof . ~~and~~
41 ~~such jurisdiction shall~~ *The jurisdiction must* be determined solely
42 by the amount of delinquent taxes, exclusive of penalties and costs
43 sued for, without regard to the location of the lands or other property
44 as to townships, cities or districts, and without regard to the



1 residence of the person or persons, or owner or owners, known or
2 unknown.

3 **Sec. 19.** NRS 361.655 is hereby amended to read as follows:
4 361.655 The complaint in ~~the~~ *an* action *brought by the*
5 *district attorney* may be as follows in form:

6
7 IN THE (TITLE OF COURT)

8
9 State of Nevada }
10 v. } COMPLAINT
11 A.B. & Co., and the real estate and }
12 improvements in (describing them). }

13
14 The State of Nevada, by C.D., district attorney of the county of
15, complains of A.B. and also the real estate and
16 improvements (describing them with the same particularity as in
17 actions of ejectment, or actions for the recovery of personal
18 property), and for cause of action says that between July 1, of the
19 year, and January 2, of the year, in the county of,
20 in the State of Nevada, E.F., then and there, being county assessor of
21 the county, did duly assess and put down on an assessment roll all
22 the real and personal property in the county subject to taxation, and
23 that the assessment roll was afterward submitted to the county board
24 of equalization of the county, and was by the board duly equalized
25 as provided by law; that A.B. was then and there the owner of, and
26 that there was duly assessed to him the above-described real estate,
27 improvements upon real estate and certain personal property, and
28 that upon such property there has been duly levied for the fiscal year
29 a state tax of dollars, and a county tax of
30 dollars, amounting in the whole to dollars, all of which is
31 due and unpaid; of which amount dollars was duly
32 assessed and levied against the real estate, and dollars
33 against the improvements aforesaid, and dollars against
34 the personal property.

35 Wherefore, plaintiff prays judgment against A.B. for the sum of
36 dollars (the whole of the tax) and all penalties and costs,
37 and a separate judgment against the real estate and improvements,
38 for the sum of dollars (the tax due on real estate,
39 improvements, and personal property) and all penalties and costs, as
40 provided by law, and for such other judgment as to justice belongs,
41 and for all costs subsequent to the assessment of the taxes, and of
42 this action.



1
2 C.D., District Attorney
3 County of.....

4 **Sec. 20.** NRS 361.670 is hereby amended to read as follows:

5 361.670 The summons so issued ~~{shall}~~ *must* be served by the
6 sheriff, as follows:

7 1. As to the personal defendant, by delivering to and leaving
8 with him a copy of the summons if he is found within the county. If
9 the personal defendant cannot, after diligent search, be found within
10 the county, ~~{then}~~ service may be made upon ~~{such}~~ *that* personal
11 defendant by publishing a notice, substantially in the form described
12 in NRS 361.680 ~~{, in some}~~ *if the action is brought by a district*
13 *attorney, in a* newspaper published in the county, ~~{if there is one,}~~
14 once each week for 3 successive weeks . ~~{, and in case}~~ *If* no
15 newspaper is published in the county ~~{, or in case}~~ *or* a newspaper is
16 published in the county and, from any cause whatever, the
17 proprietor, manager or chief clerk of ~~{such}~~ *that* newspaper refuses
18 to publish the ~~{same-}~~ *notice*, such facts to be shown by affidavit of
19 the officer serving the summons , ~~{, then}~~ the notice prescribed by
20 NRS 361.680 may be posted at the courthouse door of the county in
21 which the suit is commenced for 21 days. No order of court ~~{shall~~
22 ~~be}~~ *is* necessary for such publication or posting, but the sheriff shall
23 publish or post the notice as provided ~~{herein}~~ *in this section* when
24 the personal defendant cannot be found within the county, and shall
25 return the manner of service on the summons.

26 2. As to real estate and improvements thereon, or
27 improvements when assessed to a person other than the owner of the
28 real estate, and as to all owners of or claimants to the same, known
29 or unknown, service of the summons may be made by posting a
30 copy of the summons in ~~{some}~~ *a* public place on the real estate, or
31 improvements, when assessed separately, for 21 days, and also by
32 publishing or posting a notice in the same manner and for the same
33 time as required in cases where the personal defendant cannot be
34 found in the county.

35 **Sec. 21.** NRS 361.680 is hereby amended to read as follows:

36 361.680 ~~{The}~~ *In an action brought by the district attorney,*
37 *the* notice required to be published or posted ~~{shall}~~ *must* be
38 substantially in the following form ~~{}~~ and may include any number
39 of cases in which the return day of the summons ~~{shall-be}~~ *is* the
40 same:

41 }
42 State of Nevada }
43 } DISTRICT ATTORNEY'S OFFICE
44 County of }



NOTICE OF SUITS COMMENCED

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To the following-named defendants, and to all owners of, or claimants to, the real estate and improvements, when assessed separately, hereinafter described, known or unknown.

You are hereby notified that suits have been commenced in (name of court where held) by the State of Nevada, plaintiff, against each of the defendants hereinafter named, and each of the following-described tracts or parcels of land with the improvements thereon, and improvements when separately assessed, and all owners of, or claimants to the same, known or unknown, to recover the tax and delinquency assessed to the defendant against the property, for the fiscal year commencing, and ending, and that a summons has been duly issued in each case; and you are further notified that unless you appear and answer to the complaint filed in such cause, on or before the day of the month of of the year, judgment will be taken against you and the real estate and improvements herein described, for the amount of tax and delinquency specified, and cost of suit.

Tax and delinquency: A.B. (describe real estate and improvements as in summons)
\$.....;
E.F., personal property, assessed at \$.....

.....
C.D., District Attorney
County of.....

Sec. 22. NRS 361.685 is hereby amended to read as follows:

361.685 1. The district attorney *or the holder of a certificate of purchase of a tax lien issued pursuant to sections 2 to 13, inclusive, of this act* shall file in the office of the county recorder a copy of each notice published or posted, with the affidavit of the publisher or foreman in the office, setting forth the date of each publication of the notice in the newspaper in which the ~~same~~ *notice* was published.

2. The officers shall file a copy of the notices posted, with an affidavit of the time and place of posting.

3. Copies so filed or certified copies thereof ~~shall be~~ *are* prima facie evidence of all the facts ~~therein contained, or~~ contained in the *notice or* affidavit, in all courts in the State.

4. The publishers ~~shall be~~ *are* entitled to not more than the legal rate for each case for publishing a notice, including the making of the affidavit.

5. The county recorder ~~shall be~~ *is* entitled to 50 cents for filing each notice of publication, including the affidavit.



1 6. The sums ~~{so allowed shall}~~ *allowed must* be taxed and
2 collected as other costs in the case from the defendant, and in no
3 case ~~{shall}~~ *may* they be charged against or collected from the
4 county or State.

5 **Sec. 23.** NRS 361.695 is hereby amended to read as follows:

6 361.695 The defendant may answer by a verified pleading:

7 1. That the taxes , ~~{and}~~ penalties , *interest and costs* have been
8 paid before suit.

9 2. That the taxes , ~~{with}~~ penalties , *interest* and costs have
10 been paid since suit, or that ~~{such}~~ *the* property is exempt from
11 taxation under the provisions of this chapter.

12 3. Denying all claim, title or interest in the property assessed at
13 the time of the assessment.

14 4. That the land is situate in, and has been assessed in, another
15 county, and the taxes thereon paid.

16 5. ~~{Fraud}~~ *Alleging fraud* in the assessment, or that the
17 assessment is out of proportion to and above the taxable value of the
18 property assessed. ~~{Where}~~ *If* the defense is based upon the ground
19 that the assessment is above the taxable value of the property, the
20 defense is only ~~{effectual}~~ *valid* as to the proportion of the tax based
21 upon ~~{such}~~ *the* excess of valuation , ~~{;}~~ but in no such case may an
22 entire assessment be declared void.

23 6. *If the action is brought by the holder of a certificate of*
24 *purchase of a tax lien issued pursuant to sections 2 to 13,*
25 *inclusive, of this act, that the defendant is the owner of a parcel of*
26 *real property against which a tax lien may not be sold pursuant to*
27 *section 6 of this act.*

28 7. *If the action is brought by the holder of a certificate of*
29 *purchase of a tax lien issued pursuant to sections 2 to 13,*
30 *inclusive, of this act, that the defendant has redeemed the tax lien*
31 *pursuant to section 10 of this act. The defendant shall file the*
32 *certificate of redemption issued pursuant to section 10 of this act*
33 *with his answer.*

34 **Sec. 24.** NRS 541.240 is hereby amended to read as follows:

35 541.240 If the taxes and assessments levied are not paid as
36 ~~{herein provided,}~~ *provided in this section*, then the real property, if
37 not redeemed within the time allowed by law, ~~{shall}~~ *must* be sold
38 and conveyed for the payment of taxes, assessments, interest and
39 penalties in the manner provided ~~{by chapter 361 of}~~ *in* NRS
40 *361.5648 to 361.730, inclusive*, for the sale of real property after
41 default in payment of general taxes.

42 **Sec. 25.** This act becomes effective on July 1, 2003.

