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HOUSE BILL 180

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO TAXATION; PROVIDING FOR LAND GRANT PARTICIPATION
IN BIDDING ON GRANT LANDS SOLD AT DELINQUENT TAX AUCTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-38-67 NMSA 1978 (being Laws 1973,
Chapter 258, Section 107, as amended) is amended to read:

"7-38-67. REAL PROPERTY SALE REQUIREMENTS. --

A. Real property may not be sold for delinquent
taxes before the expiration of three years from the first date
shown on the tax delinquency list on which the taxes on the
real property became delinquent.

B. Notice of the sale [~~must~~] shall be published in
a newspaper of general circulation within the county where the
real property is located at least once a week for the three
weeks immediately preceding the week of the sale. The notice

underscored material = new
[bracketed material] = delete

1 shall state the time and place of the sale and shall include a
2 description of the real property sufficient to permit its
3 identification and location by potential purchasers.

4 C. Real property shall be sold at public auction
5 either by the department or an auctioneer hired by the
6 department. The auction shall be held in the county where the
7 real property is located at a time and place designated by the
8 department.

9 D. If the real property can be divided so as to
10 enable the department to sell only part of it and pay all
11 delinquent taxes, penalties, interest and costs, the
12 department may, with the consent of the owner, sell only a
13 part of the real property.

14 E. Before the sale, the department shall determine
15 a minimum sale price for the real property. In determining
16 the minimum price, the department shall consider the value of
17 the property owner's interest in the real property, the amount
18 of all delinquent taxes, penalties and interest for which it
19 is being sold and the costs. The minimum price shall not be
20 less than the total of all delinquent taxes, penalties,
21 interest and costs. Real property may not be sold for less
22 than the minimum price unless no offer met the minimum price
23 when it was offered at an earlier public auction. A sale
24 properly made under the authority of and in accordance with
25 the requirements of this section constitutes full payment of

. 134400. 1

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[bracketed material] = delete

1 all delinquent taxes, penalties and interest that are a lien
2 against the property at the time of sale, and the sale
3 extinguishes the lien.

4 F. Payment shall be made in full by the close of
5 the public auction before an offer may be deemed accepted by
6 the department.

7 G. Real property not offered for sale may be
8 offered for sale at a later sale, but the requirements of this
9 section and Section 7-38-66 NMSA 1978 shall be met in
10 connection with each sale.

11 H. A bid made at a public auction by the board of
12 trustees of a community land grant described in Chapter 49
13 NMSA 1978 and functioning under the laws of the state, except
14 for those land grants that have organized as for-profit
15 corporations, shall be considered the highest bid at that
16 public auction and shall entitle the board of trustees to
17 purchase the property for the amount bid if:

18 (1) the property is situated within the
19 boundaries of that land grant as contained in the United
20 States patent to the community land grant;

21 (2) the bid is made in the amount of all past
22 taxes, penalties, interest and costs due on the property; and

23 (3) the board of trustees agrees that if it
24 sells the property within the life of any heir to the land
25 grant living at the time of purchase of the property, all

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1 consideration received shall be paid to the state that is in
2 excess of:

3 (a) what the board of trustees paid for
4 the property; plus

5 (b) the value of all improvements to
6 the property made after purchase by the board of trustees;
7 plus

8 (c) an adjustment for inflation."

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