

AN ACT

RELATING TO TAXATION; CHANGING THE DEADLINE BY WHICH
DELINQUENT PROPERTY TAXES MAY BE PAID TO AVOID SALE OF
PROPERTY.

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

Section 1. Section 7-38-65 NMSA 1978 (being Laws 1973,
Chapter 258, Section 105, as amended) is amended to read:

"7-38-65. COLLECTION OF DELINQUENT TAXES ON REAL
PROPERTY--SALE OF REAL PROPERTY.--

A. The department may collect delinquent taxes on
real property by selling the real property on which the taxes
have become delinquent. The sale of real property for
delinquent taxes shall be in accordance with the provisions
of the Property Tax Code. Real property may be sold for
delinquent taxes at any time after the expiration of three
years from the first date shown on the tax delinquency list
on which the taxes became delinquent. Real property shall be
offered for sale for delinquent taxes either within four
years after the first date shown on the tax delinquency list
on which the taxes became delinquent or, if the department is
barred by operation of law or by order of a court of
competent jurisdiction from offering the property for sale
for delinquent taxes within four years after the first date
shown on the tax delinquency list on which the taxes became

delinquent, within one year from the time the department determines that it is no longer barred from selling the property, unless:

(1) all delinquent taxes, penalties, interest and costs due are paid no later than one minute before the sale for delinquent taxes commences; or

(2) an installment agreement for payment of all delinquent taxes, penalties, interests and costs due is entered into with the department no later than one minute before the sale for delinquent taxes commences pursuant to Section 7-38-68 NMSA 1978.

B. Failure to offer property for sale within the time prescribed by Subsection A of this section shall not impair the validity or effect of any sale which does take place.

C. The time requirements of this section are subject to the provisions of Section 7-38-83 NMSA 1978."

Section 2. Section 7-38-66 NMSA 1978 (being Laws 1973, Chapter 258, Section 106, as amended) is amended to read:

"7-38-66. SALE OF REAL PROPERTY FOR DELINQUENT TAXES--
NOTICE OF SALE.--

A. At least twenty days but not more than thirty days before the date of the sale for delinquent taxes, the department shall notify by certified mail, return receipt requested, to the address as shown on the most recent

property tax schedule, each property owner whose real property will be sold that the owner's real property will be sold to satisfy delinquent taxes, unless:

(1) all delinquent taxes, penalties, interest and costs due are paid no later than one day before one minute before the sale for delinquent taxes commences; or

(2) an installment agreement for payment of all delinquent taxes, penalties, interest and costs due is entered into with the department by one minute before the sale for delinquent taxes commences in accordance with Section

7-38-68 NMSA 1978.

B. The notice shall also:

(1) state the amount of taxes, penalties, interest and costs due;

(2) state the time and place of the sale;

(3) describe the real property that will be sold; and

(4) contain any other information that the department may require by regulation.

C. At the same time a notice required by Subsection A of this section is sent to the owner of the property, a notice containing the information set out in Subsection B of this section shall also be sent to each person holding a lien or security interest of record in the

property if an address for such person is reasonably ascertainable through a search of the property records of the county in which the property is located.

D. Failure of the department to mail a required notice by certified mail, return receipt requested, shall invalidate the sale; provided, however, that return to the department of the notice of the return receipt shall be deemed adequate notice and shall not invalidate the sale.

E. Proof by the taxpayer that all delinquent taxes, penalties, interest and costs had been paid no later than one day prior to the date of sale shall prevent or invalidate the sale.

F. Proof by the taxpayer that the taxpayer has entered into an installment agreement to pay all delinquent taxes, penalties, interest and costs no later than one day prior to the date of sale as provided in Section 7-38-68 NMSA 1978 and that timely payments under such agreement are being made shall prevent or invalidate the sale.

G. The time requirements of this section are subject to the provisions of Section 7-38-83 NMSA 1978."

Section 3. APPLICABILITY.--The provisions of this act apply to sales of real property for delinquent taxes conducted by the taxation and revenue department on or after July 1, 1999.
