

CHAPTER 283

REFUNDMENT

Sec.		Sec.	
283.01	Refundment of moneys paid at tax sale or on assignment; when allowed	283.07	Taxes paid by mistake on railroad lands
283.02	In case of exemption	283.08	Excess taxes under Laws 1899, Chapter 322
283.03	On judgment; county to be party	283.09	Land erroneously returned as improved; appropriation
283.04	Limitation on right	283.10	Application must be made within two years
283.05	Void taxes paid by mortgagee	283.11	Canceled tax reinstated
283.06	Taxes paid twice		

283.01 REFUNDMENT OF MONEYS PAID AT TAX SALE OR ON ASSIGNMENT; WHEN ALLOWED. Refundment of moneys paid by the purchaser of a parcel of land at a tax sale, or upon assignment of any such parcel bid in for the state at such sale, shall be allowed only when it shall be made to appear:

- (1) That such parcel was exempt from taxation;
- (2) That the taxes for which the parcel was sold had been paid before sale;
- (3) That the assessment of the property or the levy of the tax is void.

[R. L. s. 963] (2177)

283.02 IN CASE OF EXEMPTION. When any such parcel of land shall have been sold to a purchaser or bid in for the state, and at the time the taxes were levied the land was exempt from taxation, the money paid on such sale, or on an assignment by the state, with interest thereon at the rate of seven percent per annum, shall be refunded to such purchaser or assignee, or his assigns or legal representatives. Such refundment shall be made only upon the certificate of the county auditor that the parcel was exempt from taxation at the date of the levy of the taxes, with the approval of the commissioner of taxation endorsed thereon. Before such certificate is made the applicant shall present to the county auditor proofs of such exemption.

[R. L. s. 964; 1909 c. 160 s. 1] (2178)

283.03 ON JUDGMENT; COUNTY TO BE PARTY. When any tax sale is declared void by judgment of court, the judgment shall state for what reason the sale is annulled; and, when any sale has been or shall be so set aside for any of the grounds stated in section 283.01, the money paid by such purchaser, or by the assignee of the state, with interest at the rate of seven percent per annum from the date of such payment, shall be returned to the purchaser or assignee, or the party holding his right, out of the county treasury. In all judicial proceedings for refundment, the county wherein such tax proceedings were had upon which the refundment is asked shall be made a party defendant.

[R. L. s. 965] (2179)

283.04 LIMITATION ON RIGHT. No refundment shall be allowed unless the right thereto has been determined, or the application therefor has been made, and the certificate and approval obtained, within eight years from the date of the tax sale on account of which such refundment is claimed; and no interest shall be allowed on any refundment beyond a period of six months after the right thereto has been determined.

[R. L. s. 966] (2180)

283.05 VOID TAXES PAID BY MORTGAGEE. When money is paid for taxes on land by a person who holds a mortgage thereon, or who in good faith believes himself to be the owner thereof under a mortgage foreclosure afterward declared void, and in an action for the foreclosure or reforeclosure of such mortgage it is adjudged that the assessment of the property or the levy of the taxes was void, the money so paid, with interest from the date of such payment at the rate of seven percent per annum, shall be refunded to such person, his executors, administrators,

or assigns. Such refundment shall be made on the presentation to the county auditor of a certified copy of the final judgment declaring the assessment or levy void, and such land shall thereafter become subject to reassessment for such taxes.

[*R. L. s. 967*] (*2181*)

283.06 TAXES PAID TWICE. When it is made to appear to the county auditor that the taxes upon any parcel of land have been twice paid to the county treasurer, and in all cases when any tax purchaser or other person is entitled under this chapter to refundment, the auditor may draw his warrant upon the county treasurer in favor of the person entitled to any such moneys for the amount to which he is so entitled. All moneys so paid shall be charged to the proper funds.

[*R. L. s. 968*] (*2182*)

283.07 TAXES PAID BY MISTAKE ON RAILROAD LANDS. When it shall be made to appear to the board of county commissioners of any county that any person has heretofore by mistake paid taxes on real estate of which he believed at the time of such payment that he was the owner, in which real estate he never owned any right, title, or interest, and which real estate had never been sold to any person by such railroad company; but was, at the time of the assessment and payment of such taxes, owned by a railroad company and exempt from taxation, and that such person paid such taxes in good faith, believing that he was the owner of such real estate, the county commissioners shall certify the facts to the state auditor, and he shall, if satisfied, upon consultation with the attorney general, that the facts stated by the petitioner requesting reimbursement are true, authorize the refunding to the person who has paid such taxes the full amount so paid, together with interest thereon from the date of such payment, and thereafter the county auditor shall draw an order, for the sum so authorized to be refunded, on the treasurer of such county, to be countersigned and paid as other county orders. The several funds, state, county, town, city, village, school and other, shall be charged with their several proportions of the amount so refunded.

[*1905 c. 308 s. 1*] (*2183*)

283.08 EXCESS TAXES UNDER LAWS 1899, CHAPTER 322; APPROPRIATION. Whenever it shall be brought to the attention of the state auditor that any tract of land sold for taxes pursuant to the provisions of Laws 1899, Chapter 322, was sold for an amount in excess of the taxes, penalties, and costs lawfully due thereon at the time of such sale and such excess shall have been paid into the state treasury and application and demand shall be made upon the state auditor for the payment of such excess, the state auditor shall investigate such application and, if he shall find the facts therein stated to be true and that such excess was paid into the state treasury, and that the applicant for such excess, or his assign, was the owner of such lands at the time of such tax sale, he shall thereupon draw his warrant upon the state treasurer in favor of the person entitled thereto for the amount of such excess; provided, that before such warrant shall be so drawn the state auditor shall require the applicant to furnish him satisfactory evidence of the applicant's right to such excess.

There is hereby appropriated to the persons entitled to such payments, out of any moneys in the state treasury not otherwise appropriated, such sums as may, from time to time, be necessary to pay the warrants.

[*1911 c 338 s 1; 1959 c 158 s 19*]

283.09 LAND ERRONEOUSLY RETURNED AS IMPROVED; APPROPRIATION. In any case where real estate has been erroneously returned as improved property, but which was not in fact then or since improved, and the amount of the assessed valuation was based wholly or largely upon the value of the supposed improvements and without which improvements the land itself would be of little or no value and would therefore justify an assessment of only a small fractional part of the taxes actually levied and extended, and where such taxes have become delinquent and the land sold and bid in at a regular tax sale by an actual purchaser or bid in by the state for the want of such purchaser and the right of the state thereafter assigned to one in good faith and without actual notice or knowledge of such erroneous assessment, the commissioner of taxation shall have power, upon approved application, as in other cases, presented to him, to grant a refundment of the amount paid by such purchaser or assignee.

There is hereby appropriated to the persons entitled to such refund, from the fund or account in the state treasury to which the money was credited, an amount

sufficient to make the refund and payment.

[1937 c 443 s 1; 1959 c 157 s 9] (2184-1)

283.10 APPLICATION MUST BE MADE WITHIN TWO YEARS. No such refundment shall be granted unless an application therefor shall be duly approved and presented to the commissioner of taxation within two years from the date of such tax certificate or state assignment certificate.

[1937 c. 443 s. 2] (2184-2)

283.11 CANCELED TAX REINSTATED. When a refund is granted under the provisions of sections 283.09 to 283.11 the county auditor shall reinstate such portion of the tax on the land as the value of the land without any improvements bears to the full value of the erroneous assessment. The reinstated tax shall be placed upon the current tax lists in the office of the county treasurer and, if not paid prior to the first Monday in January of the following year, shall be subject to judgment with the delinquent taxes for the current or other years.

[1937 c. 443 s. 3] (2184-3)