INDIANA SUPREME COURT

Twin Lakes Regional Sewer District v. Steven E. Hruska, Virginia Hanna

21 N.E.3d 91 (Ind. 2014) · No. No. 08S02-1402-MI-78 · Decided December 4, 2014

SUMMARY

The Indiana Supreme Court held that the lien-foreclosure prohibition in Indiana Code section 13-26-14-4 does not apply when a regional sewer district seeks to collect unpaid sewer charges through a tax sale rather than foreclosure. The court reversed the trial court’s removal of the landowners’ properties from the tax-sale list and remanded for further proceedings.

CASE DETAILS

COURT	Indiana Supreme Court
WRITING FOR THE COURT	Dickson, Justice; Rush, Chief Justice; Rucker, Justice; David, Justice; Massa, Justice
JURISDICTION	Indiana
DECIDED	December 4, 2014
DOCKET	No. 08S02-1402-MI-78
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Twin Lakes Regional Sewer District appealed the Carroll Circuit Court's judgment removing the landowners' properties from the list of properties subject to tax sale. The Indiana Supreme Court granted transfer from the Indiana Court of Appeals.
PRECEDENTIAL VALUE	Published Indiana Supreme Court opinion
PARTIES	Twin Lakes Regional Sewer District v. Steven E. Hruska, Virginia Hanna, Carroll County, Indiana, by and through the Carroll County Auditor

TOPICS

tax collection · statutory interpretation · municipal law · real estate

PRACTICE AREAS

municipal law · tax law · real estate

QUESTIONS PRESENTED

1. Whether Indiana Code section 13-26-14-4's prohibition on lien foreclosure applies when a regional sewer district seeks to collect unpaid sewer charges through a tax sale.

HOLDINGS

1. The lien-foreclosure prohibition in Indiana Code section 13-26-14-4 does not apply to collection of regional sewer district sewer liens by tax sale.

KEY QUOTATIONS

> *"As we hold today in Ray, the lien foreclosure prohibition of Indiana Code section 13-26-14-4, governing the collection of regional sewer district sewer liens, does not apply to collection by tax sale."* (at 2)

> *"Here, because the District employed the tax sale method rather than seeking collection of the landowners' unpaid sewer bills and penalties through foreclosure, the lien foreclosure prohibition clause does not apply."* (at 2)

FACTUAL BACKGROUND

Steven E. Hruska and Virginia Hanna owned properties with unpaid regional sewer district bills and penalties. The Twin Lakes Regional Sewer District sought to collect the amounts through a tax sale rather than through lien foreclosure. The trial court removed the properties from the tax-sale list based on its interpretation of Indiana Code section 13-26-14-4.

PROCEDURAL HISTORY

The Carroll Circuit Court granted Steven E. Hruska and Virginia Hanna's requests to remove their properties from the 2012 tax-sale list. The District appealed, and the Indiana Court of Appeals issued a decision in Twin Lakes Regional Sewer District v. Hruska, 993 N.E.2d 635 (Ind. Ct. App. 2013). The Indiana Supreme Court accepted transfer, reversed the trial court, and remanded for further proceedings consistent with its opinion.

DISPOSITION

```
reversed_and_remanded
```

REMAND INSTRUCTIONS

Remanded for further proceedings consistent with the opinion.

CASES CITED

- Twin Lakes Regional Sewer District v. Hruska, 993 N.E.2d 635, 637–38 (Ind. Ct. App. 2013)
- Twin Lakes v. Ray, 08S04-1402-MI-97, __ N.E.3d __ (Ind. 2014)

Retrieved from lawtools.ai · https://lawtools.ai/cases/state/indiana-indiana-supreme-court/2014/twin-lakes-regional-sewer-district-v-steven-e-hruska-yj6951ae