
CHAPTER 9 PROCESSING TAX WARRANTS

CONTACT:

James Walker

jwalker@courts.state.in.us

Direct: 317-234-5562

30 S. Meridian St., Suite 500

Indianapolis, IN 46204

Main: 317-232-2542

Fax: 317-233-6586

Tax warrants are liens against property, filed by the DOR for unpaid taxes (income or otherwise), filed in the county or counties where the taxpayer owns property. Tax Sales are different and occur when a property owner has been delinquent on his property taxes for three periods (1.5 years). The processing of tax sales is discussed in a separate chapter.

[IC 6-8.1-8-2](#) establishes the authority and process for the DOR to record tax warrants with the Circuit Court Clerk. The DOR, under certain parameters, may issue a tax warrant for the amount of unpaid tax, interest, penalties, collection fee, sheriff's costs, clerk's costs, and other fees, including a collection fee. The warrant must be filed with the Clerk within five (5) days after the DOR issues the warrant.

When processed in paper form, tax warrants are mailed by the DOR to the Clerks who then hand write the information in the judgment book and mail back filing information to the DOR. The DOR also sends a check for \$3 for each tax warrant mailed. The Clerks shall enter in the judgment book

- the name of the person owing the tax,
- the amount of the tax, interest, penalties, collection fee, sheriff's costs, clerk's costs and other fees.
- The date the warrant was filed with the Clerk.

When the entry is made, the total amount of the tax warrant becomes a judgment against the person owning the tax. The judgment creates a lien in favor of the state that attaches to the person's interest in all property within the county.

When the tax is paid, a Satisfaction of Lien is mailed to the Clerk who then combines the satisfaction with the old tax warrant in the Judgment book and records the Satisfaction. If the DOR determines that the filing of a warrant was in error, the department shall mail a release of judgment to the taxpayer and the Clerk of each county where the warrant was filed.

Because a tax warrant is a lien against property, the judgment is simply being recorded by the DOR with the Circuit Court Clerk. The Clerk shall assign a CB case type to the tax warrants and receive the \$3 filing fee for each warrant recorded. If the taxpayer contests the judgment, the CB case shall be assigned an MI case type for court

proceedings. If the time for enforcement of a judgment expires, under IC 6-8.1-8-2(f), the Clerk shall assign the warrants collectively to an MI case type for court proceedings to dispose of the outstanding judgments.

e-Tax Warrant Application

The Judicial Technology and Automation Committee and the Department of Revenue (DOR) have collaborated to create a Tax Warrant interface that allows Clerks to seamlessly process tax warrants electronically, reducing data entry, making the records searchable and ensuring timely, accurate records. The e-Tax Warrant application is free of charge to the counties and is available through INCite.

Using the [e-Tax Warrant application](#) the DOR provides an electronic file with tax warrants to be processed by the Clerks. INCite creates an electronic judgment book record of the filing, assigning the CB case type for the warrants. The filing information is sent back to the DOR electronically so staff there can send the \$3 per filing payment to the Clerks. The Clerks then reconcile the payments with the filings. When the taxes are paid to the DOR, the satisfaction is electronically recorded against the original judgment. If the judgment is challenged or the time for enforcement has expired, the CB case is assigned an MI case type for court proceedings.

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