

2012 Kansas Statutes

79-3412. Levy of executions on property of delinquents. Whenever any person shall be in default for more than 10 days in payment of any taxes, penalties or interest accruing or accrued under the provisions of this act, and no seizure of property of such person has been made under any other provisions of this act, the director shall, unless the director has good reason to the contrary, issue a warrant under the secretary's or the secretary's designee's hand and official seal, directed to the sheriff of any county of the state, commanding the sheriff to levy upon and sell the real and personal property of the taxpayer found within the sheriff's county for the payment of the amount thereof with the added penalties, interest and cost of executing the warrant and to return the warrant to the secretary or the secretary's designee and to pay to the secretary or the secretary's designee the money collected by virtue of it not more than 60 days from the date of the warrant. The sheriff, within five days after the receipt of the warrant, shall file with the clerk of the district court of the county a copy thereof, and thereupon the clerk shall enter in the appearance docket the name of the person specified in the warrant, the amount of the tax or portion of it, interest and penalties for which the warrant is issued and the date such copy is filed and note the taxpayer's name in the general index. No fee shall be charged for either entry. The amount of such warrant so docketed shall thereupon become a lien upon the title to and interest in the real property of the taxpayer against whom it is issued. The sheriff shall proceed in the same manner and with the same effect as prescribed by law with respect to executions issued against property upon judgments of a court of record and shall be entitled to the same fees for services to be collected in the same manner.

The court in which the warrant is docketed shall have jurisdiction over all subsequent proceedings as fully as though a judgment had been rendered in the court. At the discretion of the secretary or the secretary's designee, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the secretary, and in the execution thereof, such officer or employee shall have all the powers conferred by law upon sheriffs, with respect to executions issued against property upon judgments of a court of record, and the subsequent proceedings thereunder shall be the same as provided where the warrant is issued directly to the sheriff. The taxpayer shall have the right to redeem the real estate within a period of 18 months from the date of such sale. If a warrant is returned, unsatisfied in full, the secretary or the secretary's designee shall have the same remedies to enforce the claim for taxes as if the state of Kansas had recovered judgment against the taxpayer for the amount of the tax. No law exempting any goods and chattels, lands and tenements from forced sale under execution shall apply to a levy and sale under any such warrant or upon any execution issued upon any judgment rendered in any action for motor fuel taxes. The secretary or the secretary's designee shall have the right at any time after a warrant has been returned unsatisfied or satisfied only in part, to issue alias warrants until the full amount of the tax is collected.

History: L. 1933, ch. 317, § 12; L. 1939, ch. 330, § 9; L. 1995, ch. 262, § 34; L. 1998, ch. 96, § 5; July 1.