

In the
Indiana Supreme Court



Cause No. 94S00-1701-MS-5

Order Amending Rules of Trial Procedure

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, the Indiana Rules of Trial Procedure, Trial Rules 4.1(B) and 69(A) are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

...

Rule 4.1. Summons: Service on individuals

(A) In General. Service may be made upon an individual, or an individual acting in a representative capacity, by:

- (1) Sending a copy of the summons and complaint by registered or certified mail or other public means by which a written acknowledgment or receipt may be requested and obtained to his residence, place of business or employment with return receipt requested and returned showing receipt of the letter; or
- (2) Delivering a copy of the summons and complaint to him personally; or
- (3) Leaving a copy of the summons and complaint at his dwelling house or usual place of abode; or
- (4) Serving his agent as provided by rule, statute or valid agreement.

(B) Copy Service to Be Followed With mail. Whenever service is made under subsection (3) or (4) of subdivision (A), the person making the service also shall send by first class mail, a copy of the summons ~~without~~ and the complaint to the last known address of the person being served, and this fact shall be shown upon the return.

Rule 69. Execution, proceedings supplemental to execution, foreclosure sales

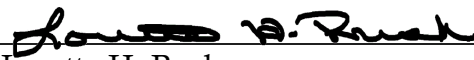
(A) Execution sales. Process to enforce a judgment or a decree for the payment of money shall be by writ of execution, unless the court directs otherwise and except as provided herein. Notwithstanding any statute to the contrary, real estate shall not be sold until the elapse of six [6] months from the time the judgment or execution thereon becomes a lien upon the property.

~~Except for any requirement of appraisal and that the property sell for two thirds (2/3) or more of its appraised value, †~~The sale of real estate shall be conducted under the same rules and the same procedures applicable to foreclosure of mortgages, including subdivision (C) of this rule, without right of redemption after the sale but subject to the judgment debtor's right to care for and remove crops growing at the time the lien attached as in the case of mortgage foreclosure. Unless otherwise ordered by the court, the sheriff or person conducting the sale of any property upon execution shall not be required to offer it for sale in any particular order, in parcels, or first offer rents and profits and shall be required to sell real and personal property separately pursuant to the law applicable. Execution upon any property shall not suspend the right and duty to levy upon other property.

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These amendments shall take effect upon January 1, 2018.

Done at Indianapolis, Indiana, on 7/31/2017 .



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.