

APPENDIX

APPENDIX

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APPENDIX A

**IN THE
INDIANA SUPREME COURT**

**Supreme Court Case No. 23S-TP-00090
Court of Appeals Case No. 22A-TP-01113
Trial Court Case No. 48C03-2112-TP-000757**

[Filed January 11, 2024]

In re the 2020 Madison County Tax Sale)
)
James A. Crowe, et al.,)
Appellants,)
)
v.)
)
Savvy IN, LLC,)
Appellee.)

Order

Appellants' Petition for Rehearing is hereby
DENIED.

Done at Indianapolis, Indiana, on 1/11/2024.

/s/ Loretta H. Rush
Loretta H. Rush
Chief Justice of Indiana

All Justices concur.

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APPENDIX B

[SEAL]

**IN THE
INDIANA SUPREME COURT**

Supreme Court Case No. 23S-TP-00090

[Filed October 11, 2023]

In Re the 2020 Madison County Tax Sale;)
James A. Crowe and Phyllis Lynn Crowe,)
<i>Appellants (Interested Parties below),</i>)
)
–v–)
)
Savvy IN, LLC,)
<i>Appellee (Petitioner below).</i>)

Argued: June 6, 2023 | Decided: October 11, 2023

Appeal from the Madison Circuit Court
No. 48C03-2112-TP-757

The Honorable Andrew R. Hopper, Judge,
and The Honorable Christopher A. Cage,
Master Commissioner

On Petition to Transfer from the
Indiana Court of Appeals
No. 22A-TP-1113

Opinion by Justice Massa

Chief Justice Rush and Justices Slaughter, Goff, and Molter concur.

Massa, Justice

Savvy IN, LLC challenges the Court of Appeals' decision granting James and Phyllis Crowe additional time to redeem their properties. Savvy IN argues their certified and first-class mailed notice letters, which notified the Crowes that the company purchased their properties at a tax sale, satisfy the minimum requirements under the Fourteenth Amendment's Due Process Clause and Indiana law. Because we find Savvy IN's notice letters met these minimum requirements, we affirm the trial court's denial of the Crowes' Indiana Trial Rule 60(B)(6) motion.

Facts and Procedural History

In 1997, James and Phyllis Crowe (collectively, "the Crowes") acquired title to three parcels of land ("Properties"), where the couple has resided since 1998. In 2019, the Crowes received notice that their Properties were sold in a tax sale due to the failure to pay their 2018 property taxes. The Crowes admitted they received the required constitutional and statutory notices informing them they had a right to redeem their Properties. Phyllis went to the Madison County Auditor's Office and paid the redemption amount. She believed this payment covered all taxes due for 2018 and 2019, but the payment only covered the 2018 delinquent taxes.

In September 2020, Madison County again certified the Properties for a tax sale due to delinquent 2019 property taxes. Under Indiana Code section 6-1.1-24-

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4(b), Madison County mailed notice of the 2020 Tax Sale to the Crowes' mailing address by certified mail, return receipt requested, and first-class mail, informing them of the tax sale and their opportunity to redeem their Properties. This time, the Crowes did not redeem their Properties and the trial court ordered the Properties to be sold.

That October, Savvy IN purchased the Properties at the tax sale. On February 10, 2021, as required by Indiana Code section 6-1.1-25-4.5(d), Savvy IN notified the Crowes by certified mail, return receipts requested, that their Properties had been purchased at the tax sale and they had until October 5, 2021, to redeem them. The certified mail receipts note the date of delivery occurred on "2-17" with "HVHR2C79" or "HVHR2C-19" in the signature line. The return receipts do not appear to be signed by either of the Crowes.¹ Savvy IN also mailed a copy of notice to the

¹ Typically, when certified letters include a return receipt request, the receiving customer signs for the parcel and the return receipt is mailed back to the sender. *About: Domestic Return Receipt*, U.S. Postal Serv., https://about.usps.com/publications/pub370/pub370_v10_revision_012016_tech_005.htm, archived at <https://perma.cc/FMS7-YNKX> (last visited Oct. 10, 2023). In March 2020, the United States Postal Service adjusted operations in response to the COVID-19 pandemic. *USPS Coronavirus Updates for Residential Customers*, U.S. Postal Serv., <https://about.usps.com/who/profile/history/pdf/delivering-during-covid-19.pdf>, archived at <https://perma.cc/XAE3-Z2Y5> (last visited Oct. 10, 2023). To avoid close contact during the pandemic, USPS modified its procedure. *Id.* Instead of signing for the certified mail, the customer held up some form of identification, such as a driver's license, to the window and the carrier entered the customer's first initial and last name on their handheld delivery device or hardcopy

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Crowes via first-class United States mail. Neither the certified mail nor the first-class mail was returned to Savvy IN, and Savvy IN did not take further action to notify the Crowes.

October 5 came and went without redemption. Savvy IN petitioned the trial court under Indiana Code section 6-1.1-25-4.6 to direct the county auditor to issue tax deeds for the Properties and mailed notice of the verified petition to the Crowes via certified mail, return receipt requested and a copy of the notice via first-class mail. The certified mail receipt states the notice letter was delivered on “12-13-[indecipherable year],” with lines drawn through the signatory’s name and the signature line accompanied by an indecipherable signature. The return receipts do not appear to be signed by either of the Crowes. Neither the certified mail nor the first-class mail was returned to Savvy IN, and Savvy IN did not take further action to notify the Crowes. The Crowes did not object to the petition within thirty days, so the trial court granted Savvy IN’s petition, and the county auditor issued the tax deeds not long after that.

On February 10, 2022, the Crowes moved for relief from the judgment under Indiana Trial Rule 60(B)(6) claiming they did not receive any notice letters, thus rendering the judgment and tax deeds void. At a hearing, the Crowes testified they did not receive any

certified receipts. *Id.* Additionally, instead of a customer’s signature, the mail carrier printed their own initials, route number, and the notation C19. *Id.* The mail carrier would then leave the mail in the mailbox or by the customer’s door. *Id.*

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of the notice letters from the County or Savvy IN regarding the Properties' delinquent taxes and the 2020 tax sale.

The trial court denied the Crowes' motion on April 22, 2022, and the Crowes appealed. In a published opinion, the Court of Appeals acknowledged the importance of notice, but declined to engage in an actual due process analysis applicable to the Crowes' claims. Instead, the panel reversed on equitable grounds affording the Crowes an extra thirty days to redeem their Properties. *In re 2020 Madison Cnty. Tax Sale*, 200 N.E.3d 929, 935 (Ind. Ct. App. 2022).

Savvy IN petitioned for transfer, which we granted, thus vacating the Court of Appeals' opinion. Ind. Appellate Rule 58(A).

Standard of Review

Indiana Trial Rule 60(B) is one way for a property owner to challenge the sale of their property as void because they did not receive adequate notice. *See Diversified Invs., LLC v. U.S. Bank, NA*, 838 N.E.2d 536, 544–45 (Ind. Ct. App. 2005), *trans. denied*. A trial court determines whether the judgment is void or valid. *See Menard, Inc. v. Lane*, 68 N.E.3d 1106, 1109 (Ind. Ct. App. 2017), *modified on reh'g*, 86 N.E.3d 228 (Ind. Ct. App. 2017), *trans. denied*. If a trial court finds the judgment void, then the judgment cannot be enforced, but if the judgment is valid, then the Trial Rule 60(B) motion must be denied. *Id.* (quoting *Anderson v. Wayne Post 64, Am. Legion Corp.*, 4 N.E.3d 1200, 1205 (Ind. Ct. App. 2014), *trans. denied*). A denial of a motion for relief from judgment is reviewed for abuse of discretion.

Citimortgage, Inc. v. Barabas, 975 N.E.2d 805, 812 (Ind. 2012). A trial court abuses its discretion when its denial is “clearly against the logic and effect of the facts” and inferences supporting the judgment for relief. *Id.* (quoting *McCullough v. Archbold Ladder Co.*, 605 N.E.2d 175, 180 (Ind. 1993)). “On a motion for relief from judgment, the burden is on the movant to demonstrate that relief is both necessary and just.” *Darling v. Martin*, 827 N.E.2d 1199, 1202 (Ind. App. 2005) (quoting *G.B. v. State*, 715 N.E.2d 951, 953 (Ind. Ct. App. 1999)), *reh’g denied*.

Discussion and Decision

When a property owner fails to pay property taxes, a county may sell the property to recover the delinquency. Ind. Code §§ 6-1.1-24-1 to -14. But before the county may deprive the owner of his land, it must give notice “in a manner that satisfies due process requirements of the United States Constitution.” *Lamasco Redevelopment, LLC v. Henry Cnty.*, 80 N.E.3d 257, 260 (Ind. Ct. App. 2017) (citing *Lindsay v. Neher*, 988 N.E.2d 1207, 1209 (Ind. Ct. App. 2013)), *aff’d on reh’g*, 84 N.E.3d 1243 (Ind. Ct. App. 2017), *trans. granted*, 98 N.E.3d 71 (Ind. 2018), *trans denied*, 97 N.E.3d 606 (Ind. 2018). The court must “ensure the basic requirements of due process are met in a particular case.” *Ind. Land Tr. Co. v. XL Inv. Properties, LLC*, 155 N.E.3d 1177, 1182 (Ind. 2020).

Here, Savvy IN argues that it provided sufficient notice, and that the appellate opinion below departs from both this Court’s decision in *Indiana Land Trust Company v. XL Investment Properties, LLC*, 155 N.E.3d 1177 (Ind. 2020), and the United States Supreme

Court's decision in *Jones v. Flowers*, 547 U.S. 220 (2006). We agree and find Savvy IN complied with federal due process and state statutory requirements and thus affirm the trial court's denial of the Crowes' Trial Rule 60(B)(6) motion.

I. Savvy IN's notices to the Crowes satisfy due process.

First, we review whether Savvy IN satisfied constitutional due process. Before the tax sale of delinquent property by the county, the Fourteenth Amendment's Due Process Clause requires that "notice reasonably calculated" be given to the property owners, informing them of the pending tax sale because they should have a chance to object. *Mennonite Bd. of Missions v. Adams*, 462 U.S. 791, 795 (1983) (quoting *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950)). The United States Supreme Court and this Court have outlined how notice can satisfy this constitutional threshold.

Relevant here are two U.S. Supreme Court cases that demonstrate the notice the Due Process Clause requires. In the first case, *Mennonite Board of Missions v. Adams*, Elkhart County, Indiana posted notice of tax delinquency and mailed notice to the owner, but the County did **not** mail a notice letter regarding the pending tax sale to the mortgagee, an interested party. 462 U.S. at 794. In concluding that mailing a letter of notice satisfies due process, the Court explained, "[n]otice by mail or other means as certain to ensure actual notice is a minimum constitutional precondition to a proceeding which will adversely affect the liberty or property interests of **any** party, whether unlettered

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or well versed in commercial practice, if its name and address are reasonably ascertainable.” *Id.* at 800 (emphasis in original).

In the second case, *Jones v. Flowers*, the Supreme Court considered whether (and what) “additional” steps a person must take to provide reasonable notice when a mailed notice letter is returned undelivered. 547 U.S. 220, 223 (2006). After certifying the property as delinquent, the Arkansas Commissioner of state lands mailed Jones, who had since moved elsewhere and had not updated his address with the tax collector, a notice letter at the property’s address, but the letter was returned as “unclaimed.” *Id.* at 224. Flowers eventually bought the property, and Jones filed suit alleging inadequate notice resulted in the unlawful sale of his property without due process. *Id.* The Supreme Court opined that due process requires taking “additional reasonable steps” to provide notice when a notice letter is returned undelivered or unclaimed, *id.* at 225, so interested parties can object to the threatened action, *see id.* at 226. In determining whether notice has been reasonably calculated, the Court requires a “balancing” of government and individual interests. *Id.* at 229 (citing *Mullane*, 339 U.S. at 314). The Supreme Court refused to mandate what type of notice the government should adopt, but noted each case should individually assess the feasibility of taking reasonable steps, such as sending notice via regular mail or posting notice on the property’s door. *Id.* at 234–35.

Like the Supreme Court, we too have reviewed due process notice requirements in three helpful cases. In *Marion County Auditor v. Sawmill Creek, LLC*,

Sawmill Creek purchased property, but documents listed the purchaser as “Saw Creek Investments, L.L.C.,” instead of “Sawmill Creek, LLC[.]” 964 N.E.2d 213, 214 (Ind. 2012). After the company moved, a notice of the address change referenced Sawmill, but not Saw Creek, so the property’s mailing address was not updated in the County’s database. *Id.* at 215. Taxes became delinquent and notice was sent via certified mail to the original mailing address and returned as undeliverable. *Id.* The auditor then published notice of the property’s sale in the newspaper, on a website, and on a list posted outside the county clerk’s office. *Id.* Sawmill Creek moved to set aside the tax sale, alleging the “provide[d] notice of the pending sale of its property violated the constitutional due process requirement articulated by the U.S. Supreme Court in *Jones v. Flowers*.” *Id.* at 217. After examining whether the auditor acted “as one desirous of actually informing[.]” *id.* at 219, we concluded the auditor satisfied the *Flowers* due-process requirements because once the auditor learned that the notice was not delivered, the auditor published notice in additional ways **and** searched for a better mailing address, *id.* at 220–22.

The second case, *M & M Investment Group, LLC v. Ahlemeyer Farms, Inc.*, involved a mortgagee who did not receive required pre-sale notice of the tax sale from the county’s auditor but did receive required notice from the buyer regarding the completed sale and its intention to seek a tax deed. 994 N.E.2d 1108, 1111 (Ind. 2013). We reviewed Indiana’s tax sale statutes and determined that notice requirements are different depending on the class of interest at stake and “[e]ach class of interest merits its own analysis.” *Id.* at 1118.

Lastly, in *Indiana Land Trust v. XL Investment Properties, LLC*, we reviewed whether a county auditor’s “simultaneous” certified mail and first-class mailing of notice letters qualified as reasonably calculated notice under the Due Process Clause of the Fourteenth Amendment. 155 N.E.3d at 1179. The certified mail was returned undeliverable, but the first-class mail was never returned, which “indicated to the Auditor that the mail was received by the intended recipient.” *Id.* at 1189. Because the certified mail was returned undeliverable and other tools to find the owner proved unhelpful, the county auditor published notice in the local newspaper. *Id.* at 1181. The property was sold. *Id.* We held that the county auditor was not merely going through the motions but actually tried to inform the owner of the impending tax sale, given the additional steps taken after the certified mail was returned undelivered. *Id.* at 1189. The Court explained the county auditor was not required to take even further steps to provide notice because the first-class mail was not returned, suggesting it was received, distinguishing the case from *Sawmill Creek*, where the auditor sent notice by “first-class mail after a certified letter was returned as undeliverable.” *Id.* (citing 964 N.E.2d at 219–20). The Court further explained the approach in *Sawmill Creek* was “unreasonable” because of “the auditor’s new knowledge that the certified letter was not deliverable at the listed address.” *Id.* Had both the first-class mail and certified mail been returned as undeliverable, then the auditor might have had to take reasonable additional steps. *Id.* But because “the Constitution does not require more than the actions taken in this case[,]” the Court would

not “require more than the threshold requirements of due process[.]” *Id.* (citing *Jones*, 547 U.S. at 238).

“[T]o assess the adequacy of a particular form of notice, a Court must balance the interest of the State against the individual interest sought to be protected by the Fourteenth Amendment.” *Id.* at 1184 (citing *Jones*, 547 U.S. at 229). “This balancing of interests depends on the class of interest at stake.” *Id.* at 1187 (citing *M & M Inv. Grp.*, 994 N.E.2d at 1118). In our evaluation, we look to “the adequacy of notice afforded” to the Crowes “before the county sought to extinguish its interest in the property.” *Id.* This evaluation involves an examination of every relevant fact to determine whether Savvy IN acted “as one desirous of actually informing” the Crowes of the tax sale. *See Sawmill Creek*, 964 N.E.2d at 218–19. “[W]hen mailed notice of a tax sale is returned unclaimed, the State must take additional reasonable steps to attempt to provide notice to the property owner before selling his property, if it is practicable to do so.” *Jones*, 547 U.S. at 225. Yet additional reasonable steps will only be triggered if the certified and first-class mailings are returned as undelivered. *Land Trust*, 155 N.E.3d at 1189. The serving party is not constitutionally required to speculate whether service was sufficient without evidence that each mailing was undeliverable. *Id.*

Our present case requires a balancing of interests between two private parties, *see Jones*, 547 U.S. at 229 (citing *Mullane*, 339 U.S. at 314), one party seeking to obtain property purchased through a tax sale and one party seeking to keep their property, which was delinquent in taxes. *See M & M Inv. Grp.*, 994 N.E.2d

at 1118 (“Each class of interest merits its own analysis.”). We do not conduct an inquiry into whether the Crowes **actually received the notice** they claim not to have received, but instead inquire whether Savvy IN acted “as one desirous of actually informing” the Crowes that their property was sold at the tax sale and the tax deeds had issued. *See Sawmill Creek*, 964 N.E.2d at 219; *see also Mennonite Bd. of Missions*, 462 U.S. at 800 (explaining that “[n]otice by mail or other means as certain to ensure actual notice” to any interested party who would be adversely affected by a proceeding is a “minimum constitutional precondition” to such a proceeding).

In February 2021, Savvy IN sent notice letters via certified mail to the Crowes, informing them of their purchase. The certified mail return receipt noted the letter was delivered on “2-17” with “HVHR2C79” or “HVHR2C-19” in the signature line. Savvy IN also mailed a copy of the notice letter to the Crowes via first-class United States mail. And unlike in *Sawmill Creek* and *Land Trust*, the certified mail was not returned undelivered and neither was the first-class mail. *Cf. Sawmill Creek*, 954 N.E.2d at 215; *Land Trust*, 155 N.E.3d at 1181. After the redemption period passed, Savvy IN petitioned for tax deeds to be issued and mailed the notice of the verified petition to the Crowes via certified and first-class mail. The certified mail receipt states the date of delivery was “12–13–[indecipherable year],” with lines drawn through the signatory’s name and signature line accompanied by an indecipherable signature. Neither the certified mail nor the first-class mail was returned to Savvy IN as undelivered. The Crowes did not present contrary

evidence, and since none of the mailed notice letters were returned to Savvy IN marked undeliverable, Savvy IN was not required to take “additional reasonable steps.” *Jones*, 547 U.S. at 234. As we explained in *Land Trust*, absent such evidence, Savvy IN is not constitutionally required to speculate whether notice was sufficient because the mailings indicate actual delivery at the Crowes’ address. 155 N.E.3d at 1189. And because the Constitution does not require further actions when notice letters are not returned undeliverable, *see id.*, Savvy IN’s actions meet the federal constitutional threshold under the Fourteenth Amendment.

II. Savvy IN’s certified and first-class mailed notice letters also satisfy Indiana law.

Having found that Savvy IN’s actions complied with federal due process requirements, we now examine their compliance with Indiana law.

The General Assembly codified tax sale requirements when a real property owner becomes delinquent on property taxes. *See* I.C. § 6-1.1-24 *et seq.* After a tax sale, “the county auditor shall deliver a certificate of sale to the purchaser[.]” I.C. § 6-1.1-24-9(a). The owner has one year to redeem the property. *Id.* §§ 6-1.1-25-1, -4. If the owner fails to redeem the property within the redemption period, the purchaser is entitled to a tax deed. *Id.* § 6-1.1-25-4. But before the issuance of a tax deed, the purchaser must give “the owner of record at the time of the sale,” *id.* § 6-1.1-25-4.5(a), and any interested party “notice by certified mail, return receipt requested,” *id.* § - 4.5(d). The owner of record and any interested party are entitled to

two notices. The first notice must inform the parties of the sale, the redemption period expiration date, and the date on or after a tax deed petition will be filed. *Id.* § -4.5(e). The second notice must inform the parties that the purchaser petitioned for a tax deed. *Id.* § 6-1.1-25-4.6.

Here, Savvy IN presented evidence to the trial court with its petition for a tax deed that it mailed, by certified return receipt requested and first-class mail, the two required notices for each parcel. *Id.* §§ 6-1.1-25-4.5, -4.6. The first notice Savvy IN sent to the Crowes was mailed via certified mail, return receipt requested, notifying the Crowes that the Properties were purchased at the tax sale, the redemption period expired on October 5, 2021, and they intended to petition for a tax deed on or after October 6, 2021. *See id.* § 6-1.1-25-4.5. Savvy IN received the return receipt, which indicated delivery was made on “2-17.” Savvy IN also mailed a copy of the notice to the Crowes via first-class mail. The redemption period came and went without payment, and Savvy petitioned for the tax deeds of the Properties.

The second required statutory notice was sent to the Crowes via certified and first-class mail, notifying them that Savvy IN petitioned the court for the Properties’ tax deeds. *See id.* § 6-1.1-25-4.6. The certified return receipt revealed delivery was made on “12-13-[indecipherable year],” with lines drawn through the signatory’s name and an indecipherable signature. Once again, neither the certified mail nor the first-class mail was returned to Savvy IN as undeliverable. Yet the Crowes argued they did not receive any notices,

rendering the judgment and the tax deeds void. But none of the four mailings, either certified mail or first-class mail, that Savvy IN sent to the Crowes' mailing address were returned marked undeliverable, confirming the notices were delivered and that no additional reasonable steps needed to be taken. *Land Trust*, 155 N.E.3d at 1188 (noting that, if both certified and first-class mail are returned to the sender, then an auditor need only take "an additional reasonable step if practical"). "Failure by an owner to receive or accept the notice required . . . does not affect the validity of the judgment and order." I.C. § 6-1.1-24-4(a).

Conclusion

Savvy IN's mailed notices satisfied the constitutional and statutory requirements, and it is thus entitled to the tax deeds issued by the trial court. The trial court is affirmed.

Rush, C.J., and Slaughter, Goff, and Molter, JJ., concur.

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APPENDIX C

Crowe v. Savvy IN, LLC, 208 N.E.3d 1246 (Table)
(2023)

SUPREME COURT OF INDIANA.

Cause Number 22A-TP-1113

[Filed April 6, 2023]

208 N.E.3d 1246 (Table)
(This disposition is referenced in the
North Eastern Reporter.)

James A. CROWE, et al.

v.

SAVVY IN, LLC, Appellee

April 6, 2023

Cause Number 22A-TP-1113

Brown, J., Altice, J., Tavitas, J.

Opinion

Granted - 23S-TP-90 4/6/23

All Citations

208 N.E.3d 1246 (Table)

APPENDIX D

IN THE COURT OF APPEALS OF INDIANA

Court of Appeals Case No. 22A-TP-1113

[Filed November 30, 2022]

In Re the 2020 Madison County))
Tax Sale))
James A. Crowe and))
Phyllis Lynn Crowe,))
<i>Appellants,</i>))
))
v.))
))
Savvy IN, LLC,))
<i>Appellee.</i>))

Appeal from the Madison Circuit Court

The Honorable Andrew R. Hopper, Judge

Christopher A. Cage, Master Commissioner

Trial Court Cause Nos. 48C03-2112-TP-757

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Brown, Judge.

- [1] Dr. James A. Crowe and Phyllis Lynn Crowe appeal the denial of their motion for relief from judgment following the trial court's order to issue tax deeds. We reverse and remand.

Facts and Procedural History

- [2] The Crowes acquired three parcels of real property consisting of approximately eighty-two acres in Madison County by warranty deed in 1997, built a home on the property, and have resided there since 1998. The property's fair market value is approximately \$2.1 million. On October 5, 2020, Savvy IN, LLC, ("Savvy") purchased the parcels at a tax sale for \$394,994.¹ On December 7, 2021, Savvy filed petitions for orders directing the issuance of tax deeds. The petitions stated that Savvy mailed notice of the tax sale to the Crowes pursuant to Ind. Code § 6-1.1-25-4.5 by certified mail, return receipt requested, on or about February 10, 2021, a copy of the return receipt was attached, it mailed notice of the filing of the petition for a tax deed to the Crowes pursuant to Ind. Code § 6-1.1-25-4.6 by certified mail, return receipt requested, dated December 7, 2021, a copy of the

¹ The tax sale certificates state the parcels were sold for \$52,222, \$250,000, and \$92,772.

certified mail return receipt would be filed as a supplement, and it “sent notice of information contained in” Ind. Code §§ 6-1.1-25-4.5 and -4.6 to the Crowes “via regular mail.” Appellants’ Appendix Volume II at 9-10; Appellee’s Appendix Volume II at 13-14, 25-26. The certified mail return receipts attached to Savvy’s filings were not signed by the Crowes.² In January 2022, the court ordered the Madison County Auditor to issue tax deeds for the parcels, and tax deeds were subsequently issued.

- [3] On February 10, 2022, the Crowes requested relief from judgment pursuant to Ind. Trial Rule 60(B) arguing that they never received notice from Savvy of the tax sale and the redemption period expiration date or that Savvy had filed petitions for tax deeds, the receipts attached to Savvy’s filings show they did not sign the receipts, and they first learned the parcels had

² A copy of a green “certified mail receipt” attached to the petition displays a stamp of February 10, 2021, and an attached return receipt appears to indicate “2-17” in the field for “Date of Delivery” and “HHR2C79” in the fields for “Signature” and “Received by (Printed Name).” Appellants’ Appendix Volume II at 17, 19; Appellee’s Appendix Volume II at 21, 23, 33, 35. A copy of a green “certified mail receipt” attached to Savvy’s supplemental filing displays a stamp of December 8, 2021, and an attached return receipt appears to indicate “12/13/21” in the field for “Date of Delivery,” there are horizontal lines through the fields for “Signature” and “Received by (Printed Name),” and a scribbled indecipherable word appears in the field for “Is delivery address different than Item 1? If YES, enter delivery address below.” Appellants’ Appendix Volume II at 23, 25; Appellee’s Appendix Volume II at 39, 41, 44, 46.

been sold at a tax sale when they received a call from their home equity lender on February 1, 2022. They argued any tax deed issued with respect to the parcels was void due to inadequate notice.

- [4] On April 8, 2022, the court held a hearing. Dr. Crowe testified as to the property's fair market value, that he and his wife built a home on and lived on the property, and that they had a home equity loan of approximately \$66,000. He testified that the property had been sold at a tax sale in 2019, that he and Lynn received notices that year informing them the property had been sold and they had a right to redeem the property, and that, in response, Lynn learned the amount they owed and they redeemed the property. He testified, with respect to the October 5, 2020 tax sale, that they did not receive any notices from Savvy regarding its purchase of the property at the tax sale, their right to redeem the property, or that Savvy had filed petitions for tax deeds. He testified that he and Lynn ultimately obtained copies of the certified mail receipts and his signature did not appear on the receipts. He testified that, if they had received the notices, they would have paid the amount required to redeem the property as they had done previously and that they were ready, willing, and able to pay that amount.
- [5] Dr. Crowe further indicated they had trouble receiving mail at their home, his Medicare insurance had been terminated because there

were two consecutive quarters for which they did not receive a bill and did not pay, their mailbox had been vandalized on multiple occasions, and their mailbox was approximately three-eighths of a mile from their front door. When asked whether they receive certified mail, return receipt requested, at their residence, he replied affirmatively, and when asked the last time that occurred, he testified “when we got the notification for the prior tax sale” and that, at that time, the mail carrier drove up their lane to deliver it to their house and obtain their signature. Transcript Volume II at 18. When asked “[d]id anyone from any mail carrier bring to you, to your door in 2020 or 2021 any certified mail return receipt requested to your door,” he answered “[n]o.” *Id.* at 18-19. When asked “[d]id any mail carrier come to your door and knock on your door during that period 2020, 2021,” he answered “[n]o,” and when asked “did any mail carrier come to identify you as the recipient of the returned receipt requested mail,” he again answered “[n]o.” *Id.* at 19. When asked “you did not receive any of these notices,” he answered “[t]hat’s correct.” *Id.* On cross-examination, when asked if the issues with his mail occurred over the prior twenty-three years, he answered affirmatively and that “specifically the issues . . . with my social security and this specific issue was in the last probably two (2) years.” *Id.*

- [6] Lynn Crowe testified that, when the property was sold in 2019, she went to the Auditor’s office, found out how much money they owed,

went to the bank to obtain the funds, and returned to the Auditor's office and paid the amount. When asked "[d]id you understand that was going to bring all of your taxes current and not just pay for the redemption amount," she testified: "That was my understanding." *Id.* at 25-26. She similarly testified that they did not receive any notices with respect to the 2020 tax sale. When asked "did any mail carrier drive up your lane and knock on your door and talk to you," she replied "[n]o," and when asked "[did] any mail carrier identify you and then sign this receipt for you and then tell you he was doing it," she replied "[n]ot that I'm aware of." *Id.* at 26. She indicated she has previously received certified mail returned receipt requested at her door, and when asked "[b]ut nothing for this tax sale," she answered "[t]hat's correct." *Id.* She testified that her signature did not appear on any of the certified mail receipts.

- [7] When asked if she had anything to add regarding their trouble receiving mail or their mailbox, Lynn testified "[w]ell, we did have [a] medical bill from Riverview [H]ospital that we never got but that was all in the same time period when all of this was going on." *Id.* at 29. She indicated that no one from the post office knocked on their door to deliver mail to them during 2020 or 2021 and that no one from the post office came to their door to identify them before delivering mail. When asked "when you had gotten your cashier's check and you pay the Auditor . . . you thought you had paid your 2019

taxes too,” Lynn answered “[y]es, I did.” *Id.* at 30. When asked “[s]o you weren’t expecting any notices from the Auditor about a tax sale,” she testified: “No. I had asked them if we where [sic] everything was all paid up, all our property taxes had been paid, I was told yes. And I understood that we were all, we didn’t owe anymore property taxes and we didn’t get any statements, any property tax statements that year.” *Id.*

- [8] Counsel for the Crowes asked the court to exercise equity in this case and argued “the method used by the mail carrier has reduced the requirements of our tax sale statu[t]es from certified mail return receipt requested notice [to] nothing more than ordinary mail” and “[i]f [a] carrier never receipts the taxpayer, owner, never talks to them, doesn’t get their signature, doesn’t identify them, and then signs a name and a number that is not due process.” *Id.* at 37. The Crowes introduced a “COVID-19 Continuity of Operations Update” by the United States Postal Service (“USPS”) dated March 20, 2020, the court asked the Crowes’ counsel to e-file the exhibit and gave Savvy’s counsel until noon on April 11, 2022, to make any objection, and the chronological case summary shows the Crowes filed the exhibit and Savvy’s counsel did not file an objection. Appellants’ Appendix Volume II at 58. On April 22, 2022, the court denied the Crowes’ motion for relief from judgment.

Discussion

- [9] The Crowes argue that the Indiana Supreme Court recognized the public health emergency relating to the coronavirus in an emergency order, USPS altered its signature requirement for certified mail, return receipt requested, in response to the virus, and the mail carrier did not follow the modified customer signature procedure required by USPS. They also argue that, because Lynn received information from the Auditor’s office which led her to believe that all of the outstanding property taxes had been paid, they did not expect to receive further tax notices. They maintain that, under these circumstances, equity must prevent the injustice of losing their home and request thirty days to redeem their property. Savvy asserts that its notices “were signed for” and “[i]t is irrelevant who signed for these certified notices.” Appellee’s Brief at 17-18. It contends it also mailed the notices to the Crowes by first-class mail and argues that USPS’s altered signature requirements for certified mail did not deprive the Crowes of due process.
- [10] Ind. Trial Rule 60(B) provides in part that, “[o]n motion and upon such terms as are just the court may relieve a party . . . from a judgment . . . for the following reasons: . . . (6) the judgment is void . . . ,” or “(8) any reason justifying relief from the operation of the judgment, other than those reasons set forth in subparagraphs (1), (2), (3), and (4).” A movant

filing a motion for reason (8) must allege a meritorious claim or defense. A motion made under Rule 60(B) is addressed to the equitable discretion of the trial court. *Deutsche Bank Nat. Tr. Co. v. Harris*, 985 N.E.2d 804, 813 (Ind. Ct. App. 2013). We generally review a court’s ruling on a motion for relief from judgment for an abuse of discretion. *Id.* To the extent a motion for relief from judgment alleges a judgment is void, “discretion on the part of the trial court is not employed because either the judgment is void or it is valid.” *See id.* (citation omitted); *see also Cruz v. Cruz*, 186 N.E.3d 152, 154 (Ind. Ct. App. 2022) (our review of a ruling on a motion under Rule 60(B)(6) is *de novo*).

- [11] Ind. Code § 6-1.1-25-4.5 provides that a purchaser is entitled to a tax deed only if the purchaser gives notice of the sale to the owner of record at the time of the sale and any person with a substantial property interest of public record in the real property. The notice must be sent “by certified mail, return receipt requested,” to the property owner at the owner’s last address as indicated in the records of the county auditor. Ind. Code § 6-1.1-25-4.5. “Certified mail” is generally defined as “Mail for which the sender requests proof of delivery in the form of a receipt signed by the addressee” and “The receipt (a green card, which is usu. referred to as such) must be signed before the mail will be delivered. — Also termed *certified mail, return receipt Requested*.” BLACK’S LAW DICTIONARY 1096 (10th ed. 2014). Ind. Code § 6-1.1-25-4.6 provides that

a purchaser shall file a petition with the trial court requesting the court to direct the county auditor to issue a tax deed if the property was not redeemed from the sale and that notice of the filing of the petition shall be given to the same parties as provided in Ind. Code § 6-1.1-25-4.5. A person may, upon appeal, defeat the title conveyed by a tax deed if the notices required by Ind. Code §§ 6-1.1-25-4.5 and -4.6 were not in substantial compliance with the manner prescribed in those sections. Ind. Code § 6-1.1-25-16. **Further, to comply with due process, while actual notice is not required,** a purchaser must provide notice which is reasonably calculated under all the circumstances to inform the interested parties of the pendency of the action and afford them an opportunity to present any objections. *See Ind. Land Tr. Co. v. XL Invest. Props., LLC*, 155 N.E.3d 1177, 1184 (Ind. 2020); *S&C Fin. Grp., LLC v. Khan*, 172 N.E.3d 280, 288 (Ind. Ct. App. 2021), *reh'g denied, trans. denied*. *See also Tax Certificate Invs., Inc. v. Smethers*, 714 N.E.2d 131, 134 (Ind. 1999) (“Notice is constitutionally adequate when ‘the practicalities and peculiarities of the case . . . are reasonably met.’”) (citing *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314-315, 70 S. Ct. 652 (1950)).

- [12] On March 16, 2020, the Indiana Supreme Court issued an order providing that Governor Holcomb had declared a public health emergency in Indiana relating to the 2019 coronavirus,

President Trump had declared a national emergency, and the Centers for Disease Control and Prevention had determined that social distancing was necessary to minimize further spread of the virus. *See* Matter of Admin. Rule 17 Emergency Relief for Indiana Trial Cts. Relating to 2019 Novel Coronavirus (COVID-19), No. 20S-CB-123, 141 N.E.3d 388 (Ind. March 16, 2020). USPS issued a “COVID-19 Continuity of Operations Update” in March 2020 providing:

A number of cases of the Coronavirus Disease 2019 (COVID-19) have recently been confirmed across the country.

The safety and well-being of our employees & customers is our highest priority. To help ensure the health of our employees & customers, we are continuing to follow recommended guidance and strategies from the Centers for Disease Control and Prevention (CDC) and local health departments, and are implementing additional measures to help maintain social distancing.

One significant measure being implemented is a temporary modification to mail handling procedures for mail that requires customer signatures. We recognize the close proximity and additional handling that occurs when employees must ask customers for a signature and government issued identification when required. To reduce

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health risks, we are temporarily modifying customer signature capture procedures. Effective immediately and until further notice, our employees will follow the temporary process below for signature service items. This process applies to all letter carriers:

- Avoid ringing the doorbell when possible. Knock on the customer's door. Avoid areas that may be frequently touched when knocking.
- While maintaining a safe, appropriate distance, employees will request the customer's first initial and last name.
- For increased safety, employees will ask the customer to step back a safe distance or close the screen door/door so that they may leave the item in the mail receptacle or appropriate location by the customer door.
- If there is no response, employees will follow the normal Notice Left process.
- If there are delivery points on the route where social distancing recommendations are difficult to follow, alternative delivery methods can be explored.

Appellants' Appendix Volume II at 58. In addition, the Crowes state that USPS's website provided: "It should be understood that our carriers are not signing for customers, but instead indicating that they have identified the customer to whom the item is being delivered." Appellants' Brief at 18; *see also* Appellee's Brief at 21 (stating "[t]he altered policies did not eliminate the requirement for signature confirmation; they merely substituted the carrier as the signatory once the recipient's identity and receipt of the mail had been confirmed") (citing Appellants' Brief at 18).

- [13] Here, the Crowes presented testimony that they did not receive notice regarding their right to redeem the property following the 2020 tax sale or Savvy's request for tax deeds and that their signatures did not appear on the certified mail receipts. They further testified that no mail carrier knocked on their door in 2020 or 2021 or identified them as recipients of the return receipt requested mail. We note that the return receipts do not contain the first initial and last name of Dr. Crowe or Lynn and that there was no notation whatsoever relating that a specific individual received the notices. **Thus, it appears that USPS protocol, requiring that the postal carrier ask the addressee's first initial and last name to confirm receipt by the proper recipient, was not followed.** The Crowes also testified that they had not received certain mail at their home during the prior two years, **they would have redeemed the**

property if they had received the notices as they had done previously, and they were not expecting any notices because they believed the taxes had been paid and made current when Lynn visited the Auditor and they did not receive any property tax statements. We also note Dr. Crowe's testimony that the property, which was their residence since 1998, had a fair market value of approximately \$2.1 million and the only debt was a home equity loan of approximately \$66,000, and the tax sale certificates indicate the parcels sold for \$1.7 million less at \$394,994.

[14] **Under these circumstances, equity and due process require** that we reverse the denial of the Crowes' motion for relief from judgment and remand to provide them with thirty days to redeem the parcels.

[15] Reversed and remanded.

Altice, J., and Tavitas, J., concur.

APPENDIX E

**IN THE MADISON COUNTY CIRCUIT COURT
DIV. III 2022 TERM**

**CAUSE NO.
48C03-2112-TP-000757
48C03-2112-TP-000758
48C03-2112-TP-000759**

[Filed April 22, 2022]

STATE OF INDIANA.)
)
SS:)
)
COUNTY OF MADISON)
)
IN THE MATTER OF THE TAX DEED)
SAVVY IN LLC,)
Petitioner,)
)
and)
)
JAMES CROWE AND PHYLLIS CROWE,)
Interested parties.)

**ORDER FOLLOWING HEARING ON
REQUEST TO SET ASIDE TAX DEEDS**

These matters come before the Court for hearing on
James and Phyllis Crowe's Request to Set Aside the

Court's previous orders for Issuance of Tax Deeds. The Court now being duly advised in the premises, issues the following order.

The Court finds that the evidence establishes by a preponderance of the evidence that the statutory procedures and requirements for the issuance of a tax deed have been met, including notices required by law. Despite the Crowes' arguments to the contrary, actual notice or receipt of notice is not required. *Indiana Land Trust Co. v. XL investment Properties*, (Ind.Ct.App. 2020) 155 N.E.3d 1177. Here, the Court is satisfied that compliance with due process requirements was followed.

Accordingly, it is hereby ordered that James and Phyllis Crowes' Request to Set Aside Tax Deed is DENIED.

ALL OF WHICH IS SO ORDERED THIS 4/22/2022
RECOMMENDED FOR APPROVAL:

/s/ Christopher A. Cage

CHRISTOPHER A. CAGE, MASTER COMMISSIONER
MADISON COUNTY CIRCUIT COURT, DIV. III

COMES NOW THE COURT AND ENTERS
JUDGMENT ON THE COMMISSIONER'S FINDINGS
AND RECOMMENDATIONS THIS 4/22/2022

/s/ Andrew Hopper [SEAL]

HONORABLE ANDREW R. HOPPER, JUDGE
MADISON COUNTY CIRCUIT COURT, DIV. III

Notice: RJO/Petitioner/Counsel/Treasurer of Madison
County/Assessor of Madison County

APPENDIX F

**CONSTITUTIONAL AND
STATUTORY PROVISIONS**

United States Constitution

Fifth Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Fourteenth Amendment, Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Indiana Statutes

Ind. Code § 6-1.1-25-4.5

Sec. 4.5. (a) Except as provided in subsection (d), a purchaser or the purchaser's assignee is entitled to a tax deed to the property that was sold only if:

(1) the redemption period specified in section 4(a)(1) of this chapter has expired;

(2) the property has not been redeemed within the period of redemption specified in section 4(a) of this chapter; and

(3) not later than six (6) months after the date of the sale:

(A) the purchaser or the purchaser's assignee; or

(B) in a county where the county auditor and county treasurer have an agreement under section 4.7 of this chapter, the county auditor; gives notice of the sale to the owner of record at the time of the sale and any person with a substantial property interest of public record in the tract or item of real property.

(b) A county executive is entitled to a tax deed to property on which the county executive acquires a lien under IC 6-1.1-24-6 and for which the certificate of sale is not sold under IC 6-1.1-24-6.1 only if:

(1) the redemption period specified in section 4(b) of this chapter has expired;

(2) the property has not been redeemed within the period of redemption specified in section 4(b) of this chapter; and

(3) not later than ninety (90) days after the date the county executive acquires the lien under IC 6-1.1-24-6, the county auditor gives notice of the sale to:

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- (A) the owner of record at the time the lien was acquired; and
- (B) any person with a substantial property interest of public record in the tract or item of real property.
- (c) A purchaser of a certificate of sale under IC 6-1.1-24-6.1 is entitled to a tax deed to the property for which the certificate was sold only if:
 - (1) the redemption period specified in section 4(c) of this chapter has expired;
 - (2) the property has not been redeemed within the period of redemption specified in section 4(c) of this chapter; and
 - (3) not later than ninety (90) days after the date of sale of the certificate of sale under IC 6-1.1-24, the purchaser gives notice of the sale to:
 - (A) the owner of record at the time of the sale; and
 - (B) any person with a substantial property interest of public record in the tract or item of real property.
- (d) The person required to give the notice under subsection (a), (b), or (c) shall give the notice by sending a copy of the notice by certified mail, return receipt requested, to:
 - (1) the owner of record at the time of the:
 - (A) sale of the property;
 - (B) acquisition of the lien on the property under IC 6-1.1-24-6; or
 - (C) sale of the certificate of sale on the property under IC 6-1.1-24; at the last address of the owner for the property, as indicated in the records of the county auditor; and
 - (2) any person with a substantial property interest of public record at the address for the person included in the public record that indicates the interest. However, if the address of the person with a substantial property

interest of public record is not indicated in the public record that created the interest and cannot be located by ordinary means by the person required to give the notice under subsection (a), (b), or (c), the person may give notice by publication in accordance with IC 5-3-1-4 once each week for three (3) consecutive weeks.

(e) The notice that this section requires shall contain at least the following:

(1) A statement that a petition for a tax deed will be filed on or after a specified date.

(2) The date on or after which the petitioner intends to petition for a tax deed to be issued.

(3) A description of the tract or item of real property shown on the certificate of sale.

(4) The date the tract or item of real property was sold at a tax sale.

(5) The name of the:

(A) purchaser or purchaser's assignee;

(B) county executive that acquired the lien on the property under IC 6-1.1-24-6; or

(C) person that purchased the certificate of sale on the property under IC 6-1.1-24.

(6) A statement that any person may redeem the tract or item of real property.

(7) The components of the amount required to redeem the tract or item of real property.

(8) A statement that an entity identified in subdivision (5) is entitled to reimbursement for additional taxes or special assessments on the tract or item of real property that were paid by the entity subsequent to the tax sale, lien acquisition, or purchase of the certificate of sale, and before redemption, plus interest.

(9) A statement that the tract or item of real property has not been redeemed.

(10) A statement that an entity identified in subdivision (5) is entitled to receive a deed for the tract or item of real property if it is not redeemed before the expiration of the period of redemption specified in section 4 of this chapter.

(11) A statement that an entity identified in subdivision (5) is entitled to reimbursement for costs described in section 2(e) of this chapter.

(12) The date of expiration of the period of redemption specified in section 4 of this chapter.

(13) A statement that if the property is not redeemed, the owner of record at the time the tax deed is issued may have a right to the tax sale surplus, if any.

(14) The street address, if any, or a common description of the tract or item of real property.

(15) The key number or parcel number of the tract or item of real property.

(f) The notice under this section must include not more than one (1) tract or item of real property listed and sold in one (1) description. However, when more than one (1) tract or item of real property is owned by one (1) person, all of the tracts or items of real property that are owned by that person may be included in one (1) notice.

(g) A single notice under this section may be used to notify joint owners of record at the last address of the joint owners for the property sold, as indicated in the records of the county auditor.

(h) The notice required by this section is considered sufficient if the notice is mailed to the address required under subsection (d).

(i) The notice under this section and the notice under section 4.6 of this chapter are not required for persons in possession not shown in the public records.

- (j) If the purchaser fails to:
 - (1) comply with subsection (c)(3); or
 - (2) petition for the issuance of a tax deed within the time permitted under section 4.6(a) of this chapter; the certificate of sale reverts to the county executive and may be retained by the county executive or sold under IC 6-1.1-24-6.1.

Ind. Code § 6-1.1-25-4.6

Sec. 4.6. (a) After the expiration of the redemption period specified in section 4 of this chapter but not later than three (3) months after the expiration of the period of redemption:

- (1) the purchaser, the purchaser's assignee, the county executive, the county executive's assignee, or the purchaser of the certificate of sale under IC 6-1.1-24-6.1 may; or
- (2) in a county where the county auditor and county treasurer have an agreement under section 4.7 of this chapter, the county auditor shall, upon the request of the purchaser or the purchaser's assignee; file a verified petition in accordance with subsection (b) in the same court in which the judgment of sale was entered asking the court to direct the county auditor to issue a tax deed if the real property is not redeemed from the sale. Notice of the filing of this petition shall be given to the same parties as provided in section 4.5 of this chapter, except that, if notice is given by publication, only one (1) publication is required. The notice required by this section is considered sufficient if the notice is sent to the address required by section 4.5(d) of this chapter. Any person owning or having an

interest in the tract or item of real property may file a written objection to the petition with the court not later than thirty (30) days after the date the petition was filed. If a written objection is timely filed, the court shall conduct a hearing on the objection. If there is not a written objection that is timely filed, the court may consider the petition without conducting a hearing.

(b) Unless the county auditor and the county treasurer have entered into an agreement under section 4.7 of this chapter, a verified petition filed under subsection (a) may include the following:

(1) Copies of all notices sent under section 4.5 of this chapter.

(2) Copies of all notices sent under this section.

(3) Copies of all certified mail mailing receipts, return receipts, and returned mailing envelopes for notices sent under section 4.5 of this chapter.

(4) Copies of all certified mail mailing receipts, return receipts, and returned mailing envelopes for notices sent under this section.

(5) Copies or descriptions of the evidence used by the petitioner or the petitioner's assignor to identify the owner and other persons with a substantial property interest of public record in the real property.

(c) If the purchaser or the purchaser's assignee includes the documents described in subsection (b), the issuance of a tax deed constitutes prima facie evidence of the sale referenced in subsection (k).

(d) If a verified petition is brought by the county auditor under an agreement provided for under section 4.7 of this chapter, a tax deed constitutes prima facie evidence of the validity of the sale referenced in subsection (k) upon timely production by the county of

all documents described in subsection (b) in response to a challenge to a tax deed.

(e) If the issuance of a tax deed does not constitute prima facie evidence of the validity of the sale due to the failure to comply with this section, the purchaser or the purchaser's successor has the burden of proving the validity of the sale by a preponderance of the evidence in any subsequent challenge to the sale.

(f) Not later than sixty-one (61) days after the petition is filed under subsection (a), the court shall enter an order directing the county auditor (on the production of the certificate of sale and a copy of the order) to issue to the petitioner a tax deed if the court finds that the following conditions exist:

(1) The time of redemption has expired.

(2) The tract or item of real property has not been redeemed from the sale before the expiration of the period of redemption specified in section 4 of this chapter.

(3) Except with respect to a petition for the issuance of a tax deed under a sale of the certificate of sale on the property under IC 6-1.1-24-6.1 or IC 6-1.1-24-6.8, or with respect to penalties described in section 4(j) of this chapter, all taxes and special assessments, penalties, and costs have been paid.

(4) The notices required by this section and section 4.5 of this chapter have been given.

(5) The petitioner has complied with all the provisions of law entitling the petitioner to a deed.

The county auditor shall execute deeds issued under this subsection in the name of the state under the county auditor's name. If a certificate of sale is lost before the execution of a deed, the county auditor shall

issue a replacement certificate if the county auditor is satisfied that the original certificate existed.

(g) Upon application by the grantee of a valid tax deed in the same court in which the judgment of sale was entered, the court shall enter an order to place the grantee of a valid tax deed in possession of the real estate. The court may enter any orders and grant any relief that is necessary or desirable to place or maintain the grantee of a valid tax deed in possession of the real estate.

(h) Except as provided in subsections (i) and (j), if:

(1) the verified petition referred to in subsection (a) is timely filed; and

(2) the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure of the petitioner under subsection (a) to fulfill the notice requirement of subsection (a); the court shall order the return of the amount, if any, by which the purchase price exceeds the minimum bid on the property under IC 6-1.1-24-5 minus a penalty of twenty-five percent (25%) of that excess. The petitioner is prohibited from participating in any manner in the next succeeding tax sale in the county under IC 6-1.1-24. The county auditor shall deposit penalties paid under this subsection in the county general fund.

(i) Notwithstanding subsection (h), in all cases in which:

(1) the verified petition referred to in subsection (a) is timely filed;

(2) the petitioner under subsection (a) has made a bona fide attempt to comply with the statutory requirements under subsection (f) for the issuance of the tax deed but has failed to comply with these requirements;

(3) the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure to comply with these requirements; and

(4) the purchaser, the purchaser's successors or assignees, or the purchaser of the certificate of sale under IC 6-1.1-24 files a claim with the county auditor for refund not later than thirty (30) days after the entry of the order of the court refusing to direct the county auditor to execute and deliver the tax deed; the county auditor shall not execute the deed but shall refund the purchase money minus a penalty of twenty-five percent (25%) of the purchase money from the county treasury to the purchaser, the purchaser's successors or assignees, or the purchaser of the certificate of sale under IC 6-1.1-24. The county auditor shall deposit penalties paid under this subsection in the county general fund. All the delinquent taxes and special assessments shall then be reinstated and recharged to the tax duplicate and collected in the same manner as if the property had not been offered for sale. The tract or item of real property, if it is then eligible for sale under IC 6-1.1-24, shall be placed on the delinquent list as an initial offering under IC 6-1.1-24.

(j) Notwithstanding subsections (h) and (i), the court shall not order the return of the purchase price or any part of the purchase price if:

(1) the purchaser or the purchaser of the certificate of sale under IC 6-1.1-24 has failed to provide notice or has provided insufficient notice as required by section 4.5 of this chapter; and

(2) the sale is otherwise valid.

(k) A tax deed executed under this section vests in the grantee an estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale except those liens granted priority under federal law, and the lien of the state or a political subdivision for taxes and special assessments that accrue subsequent to the sale. However, the estate is subject to all easements, covenants, declarations, and other deed restrictions and laws governing land use, including all zoning restrictions and liens and encumbrances created or suffered by the purchaser at the tax sale. Except as provided in subsections (b), (c), (d), and (e), the deed is prima facie evidence of:

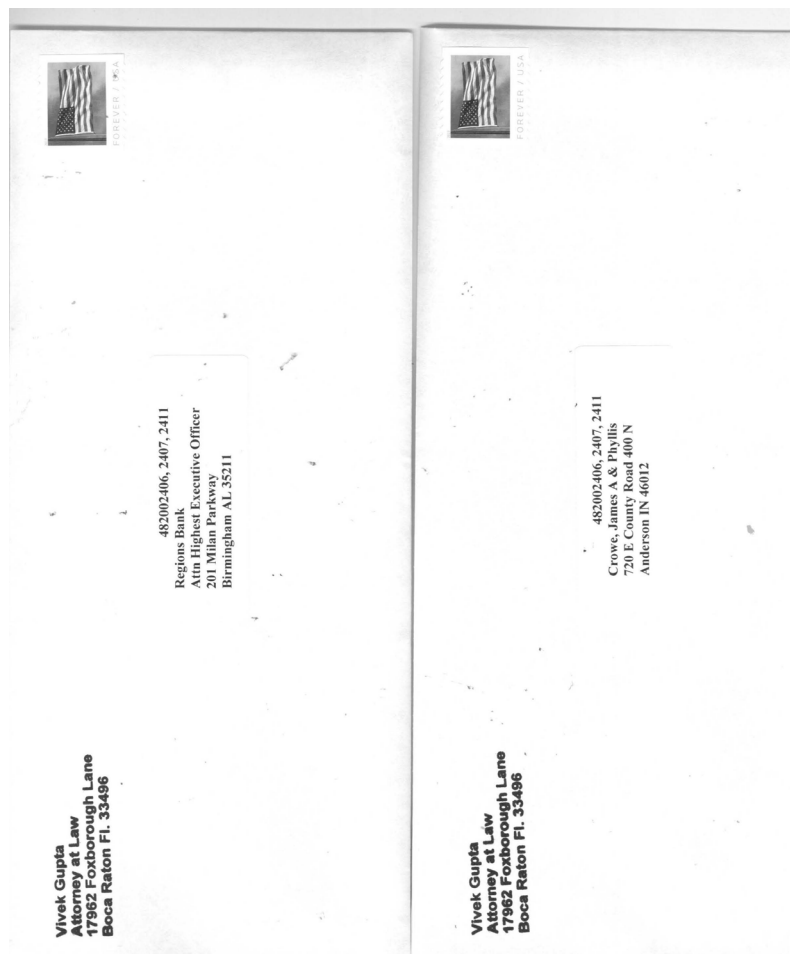
- (1) the regularity of the sale of the real property described in the deed;
- (2) the regularity of all proper proceedings; and
- (3) valid title in fee simple in the grantee of the deed.

(l) A tax deed issued under this section is incontestable except by appeal from the order of the court directing the county auditor to issue the tax deed filed not later than sixty (60) days after the date of the court's order.

APPENDIX G

**Returned First Class Mail and
Return Mail Receipts**

Appellants' Appendix, Vol. II of II, page 24

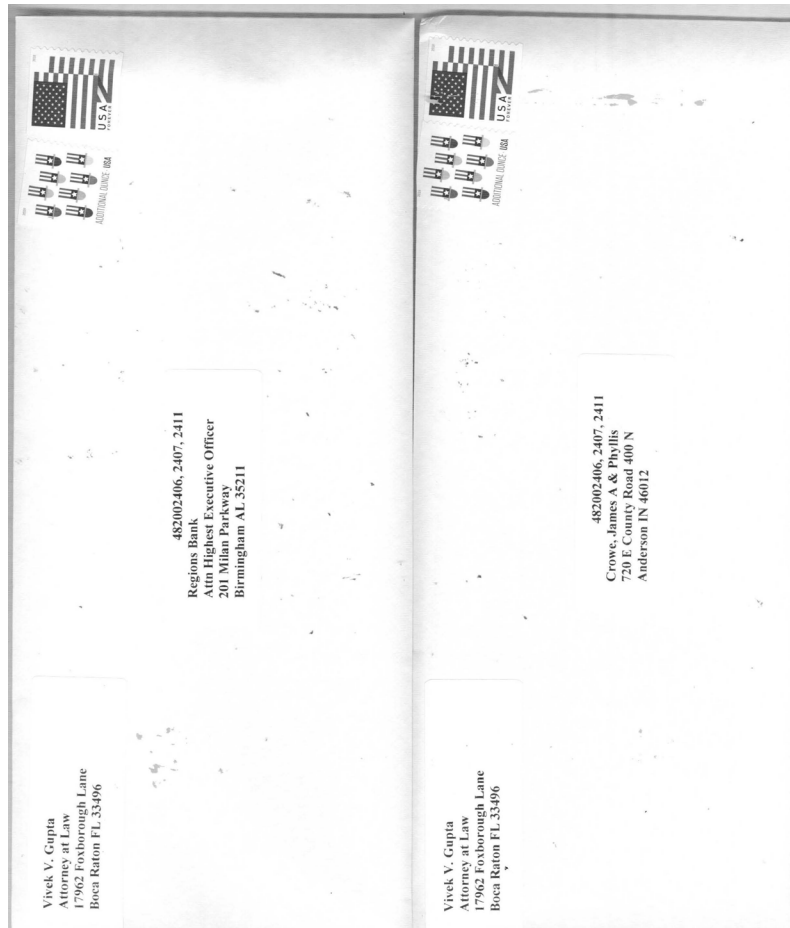


PS Form 3811, July 2020 PSN 7530-02-000-9053

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**Returned First Class Mail and
Return Mail Receipts**

Appellants' Appendix, Vol. II of II, page 18



Appellants' Appendix, Vol. II of II, page 19

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> <i>HM R2 C79</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>HM R2 C79</i> C. Date of Delivery <i>7-11</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>482002406, 2407, 2411</p> <p>Crowe, James A & Phyllis 720 E County Road 400 N Anderson IN 46012</p>			
<p>2. Article Number (Transfer from service label)</p> <p>7019 2970 0000 2025 8871</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> <i>MARK SIMS</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>MARK SIMS</i> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. /</p> <p>482002406, 2407, 2411</p> <p>Regions Bank Attn Highest Executive Officer 201 Milan Parkway Birmingham AL 35211</p>			
<p>2.</p> <p>7019 2970 0000 2025 8888</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	

APPENDIX H

UNITED STATES POSTAL SERVICE
INDUSTRY ALERT

March 20, 2020

**COVID-19 CONTINUITY OF OPERATIONS
UPDATE**

**Customer Signature Service
COVID-19 Response and Prevention**

A number of cases of the Coronavirus Disease 2019 (COVID-19) have recently been confirmed across the country.

The safety and well-being of our employees & customers is our highest priority. To help ensure the health of our employees & customers, we are continuing to follow recommended guidance and strategies from the Centers for Disease Control and Prevention (CDC) and local health departments, and are implementing additional measures to help maintain social distancing.

One significant measure being implemented is a temporary modification to mail handling procedures for mail that requires customer signatures. We recognize the close proximity and additional handling that occurs when employees must ask customers for a signature and government issued identification when required. To reduce health risks, we are temporarily modifying

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customer signature capture procedures. Effective immediately and until further notice, our employees will follow the temporary process below for signature service items. This process applies to all letter carriers:

- Avoid ringing the doorbell when possible. Knock on the customer's door. Avoid areas that may be frequently touched when knocking.
- While maintaining a safe, appropriate distance, employees will request the customer's first initial and last name.
- For increased safety, employees will ask the customer to step back a safe distance or close the screen door/door so that they may leave the item in the mail receptacle or appropriate location by the customer door.
- If there is no response, employees will follow the normal Notice Left process.
- If there are delivery points on the route where social distancing recommendations are difficult to follow, alternative delivery methods can be explored.

Industry and commercial customers can email questions or concerns about COVID-19 and the mail to industryfeedback@usps.gov with COVID-19 in the subject line. Mailers can also sign up for Industry Alerts at industryalert@usps.gov.

For more information, see the [USPS Coronavirus Statement](https://www.usps.com/newsroom) at [about.usps.com/newsroom](https://www.usps.com/newsroom).

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APPENDIX I



Newsroom

Statements

Media Statement –COVID-19

April 2, 2020

The United States Postal Service is proud of the work our more than 600,000 employees play in processing, transporting, and delivering mail and packages for the American public. We provide a vital public service that is a part of this nation's critical infrastructure. The Postal Service has a dedicated Coronavirus Disease 2019 (COVID-19) Command Response leadership team that is focusing on employee and customer safety in conjunction with operational and business continuity during this unprecedented epidemic. We continue to follow the strategies and measures recommended by the Centers for Disease Control and Prevention (CDC) and public health departments. The CDC has information available on its website at <https://www.coronavirus.gov> that provides the latest information about COVID-19.

To reduce health risks for our employees and customers and to safeguard our operational and business continuity, the Postal Service is doing the following:

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- Ensuring millions of masks, gloves and cleaning and sanitizing product are available and distributed to more than 30,000 locations every day through our Postal Service supply chain. We also have opened up local purchasing authorities and sourcing options so that our employees can access additional supplies within the communities they serve. We have expanded our national sourcing of supplies and services to ensure that increasing demands are met.
- Reinforcing workplace behaviors to ensure that contact among our employees and with our customers reflects the best guidance regarding healthy interactions, social distancing, and risk minimization. We have implemented measures at retail facilities and mail processing facilities to ensure appropriate social distancing, including through signage, floor tape, and “cough/sneeze” barriers. We have changed delivery procedures to eliminate the requirement that customers sign our Mobile Delivery Devices for delivery. For increased safety, employees will politely ask the customer to step back a safe distance or close the screen door/door so that they may leave the item in the mail receptacle or appropriate location by the customer door.
- Updated our cleaning policies to ensure that all cleaning occurs in a manner consistent with CDC guidance relating to this pandemic.
- Updated our leave policies to allow liberal use of leave and to therefore give our employees the ability to stay home whenever they feel sick, must provide

dependent care, or any other qualifying factor under the Families First Coronavirus Response Act. We have entered into agreements with our unions to provide 80 hours of paid leave to non-career employees for issues related to COVID-19, and have expanded the definition of sick leave for dependent care for covered employees to deal with the closures of primary and secondary schools across the country.

- Expanded the use of telework for those employees who are able to perform their jobs remotely.
- Issuing a daily cadence of employee talks, articles, videos, and other communications to ensure employees have the latest information and guidance.
- Leveraging localized continuity of operations plans that can be employed in the case of emergencies to help ensure that the nation's postal system continues to function for the American people. With a longstanding history of quickly adapting its operational plans to changing conditions, the Postal Service maintains steady communications with mailers during natural disasters or other events that require emergency responses and advises residential customers and business mailers with regard to postal facility disruptions that may impact delivery in an affected area via its USPS Service Alerts webpage at: <https://about.usps.com/newsroom/service-alerts/>.

The Postal Service delivers much needed medications and Social Security checks, and we are the leading

delivery service for online purchases. The Postal Service is an essential service for purposes of compliance with state or municipality shelter-in-place orders or other social distancing restrictions. The statute that created the Postal Service begins with the following sentence: “The United States Postal Service shall be operated as a basic and fundamental service provided to the people by the Government of the United States, authorized by the Constitution, created by an Act of Congress, and supported by the people.” 39 U.S.C. §101(a).

Importantly, the CDC (<https://www.cdc.gov/coronavirus/2019-ncov/faq.html>), the World Health Organization (<https://www.who.int/news-room/q-a-detail/q-a-coronaviruses>), as well as the Surgeon General have indicated that there is currently no evidence that COVID-19 is being spread through the mail.

Specifically, according to the World Health Organization, “The likelihood of an infected person contaminating commercial goods is low and the risk of catching the virus that causes COVID-19 from a package that has been moved, travelled, and been exposed to different conditions and temperature is also low.” And according to the CDC, “in general, because of poor survivability of these coronaviruses on surfaces, there is likely very low risk of spread from products or packaging that are shipped over a period of days or weeks at ambient temperatures. Coronaviruses are generally thought to be spread most often by respiratory droplets.” Currently there is no evidence to support transmission of COVID-19 associated with

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imported goods and there have not been any cases of COVID-19 in the United States associated with imported goods.”

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APPENDIX J

UNITED STATES POSTAL SERVICE
INDUSTRY ALERT

May 6, 2022

Customer Signature Service

This Industry Alert supersedes the March 20, 2020, Industry Alert on the customer signature capture process. At that time, many interim measures were taken to reduce health risks during the COVID-19 pandemic. The change in our customer signature capture procedures was implemented on March 19, 2020.

Effective March 31, 2022, this temporary modification to our procedures was rescinded, and all USPS® delivery personnel must capture customers' signatures for special services mail requiring a signature. Customers must sign and accept all special services mail if a signature is required. Agents for businesses and residents can sign unless delivery is restricted to the named recipient. USPS employees can no longer perform the customer signature capture function for the recipient.

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Washington DC 20260*

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APPENDIX K

**Filed: 12/7/2021 1:42 PM
Clerk
Madison County, Indiana**

**48C03-2112-TP-000757
Madison Circuit Court 3**

STATE OF INDIANA)
) SS:
COUNTY OF MADISON)

IN THE MADISON CIRCUIT COURT

CAUSE NO.

PARCEL NUMBER 48-07-30-100-003.000-029

TAX SALE CERTIFICATE 482002411

IN RE: PETITION OF SAVVY IN LLC FOR TAX
DEED

**VERIFIED PETITION FOR ORDER DIRECTING
AUDITOR TO ISSUE TAX DEED**

Comes now, SAVVY IN LLC, by counsel, and being
duly sworn upon his oath in support of this petition
alleges and says:

1. That this petition is filed electronically or by
mail on 12/7/2021 and is being filed pursuant to
I.C. 6-1.1-25-4.6. The Notice of its filing is being
sent to interested parties on or about 12/7/2021
by certified mail.

2. That SAVVY IN LLC is the purchaser of a Certificate of Sale No. 482002411 (Exhibit-A) issued pursuant to Indiana Code 6-1.1-24-9 to SAVVY IN LLC on 10/5/2020 for “NW NE 30-20-8 00017.462A” better described as follows:

Parcel No. 48-07-30-100-003.000-029

SEE ATTACHED EXHIBIT- 1

3. That the time of redemption expired on 10/5/2021 and the filing of this petition is after the expiration of the period for redemption as required by statute and within 3 months of the expiration of the period for redemption.
4. That the real property has not been redeemed from the sale.
5. That all taxes and special assessments, penalties and costs have been paid.
6. That the notices required by law have been given as follows:
 - a. Your petitioner through attorney has mailed notice of the tax sale pursuant to I.C.6-1.1-25-4.5, upon the owner of record and other persons with a substantial interest of public record by certified mail return receipt requested on or about 2/10/2021 as shown on the attached certified mail forms within six (6) months of the date of the tax sale. A copy of the said notice of the tax sale, the certified mail return receipts and returned envelopes are attached to this petition. (Exhibit-B)

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- b. Your petitioner through attorney also sent notice of information contained in I.C. 6-1.1-25-4.5 via regular mail to the owner of record and other persons with a substantial interest of public record.
- c. Your petitioner through attorney has mailed a copy of the notice of filing this petition pursuant to I.C. 6-1.1-25-4.6 upon the owner of record on the date of the tax sale and other persons with a substantial interest of public record by certified mail return receipt requested dated 12/7/2021. A copy of the certified mail receipts and any return receipts will be filed to supplement this petition.
- d. Your petitioner through their attorney also sent notice of information contained in I.C. 6-1.1-25-4.6 via regular mail contemporaneously with the certified mailing.
- e. Petitioner's attorney relied on the attached title search to identify the owner and others persons with a substantial property interest of public record in the real property. (Exhibit-C)
- f. Petitioner's attorney also used www.whitepages.com to verify the addresses of any individuals appearing with an interest in the property if any mailings were returned.
- g. Petitioner's attorney also searched the Indiana Secretary of State for any

corporations appearing with an interest in the property if any mailings were returned.

- h. Petitioner's attorney also used the National Information Center containing information collected by the Federal Reserve System to locate any financial institutions appearing with an interest in the property if any mailings were returned.
- 7. That the petitioner has complied with all the provisions of law entitling the purchaser to a deed.
- 8. That the petition is complying with the provisions of I.C. 6-1.1-25-4.6(b) by attaching required copies and supplementing this petition with copies of the 4.6 notice and mailings.
- 9. Under I.C. § 6-1.1-25-4.6(g), the tax deed ordered by this Court is an estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale, except those liens granted priority under federal law, and liens of the state or any political subdivision thereof, for taxes and special assessments that accrue subsequent to the tax sale.
- 10. Under I.C. § 6-1.1-24-5(e) and I.C. § 6-1.1-24-10, the following taxes and special assessments on the said property were by law to be included and guaranteed by the county treasurer in the sell price at the tax sale, and are to be forgiven: delinquent taxes and special assessments on the property prior to the tax sale; taxes and special

assessments due and payable in the year of the tax sale, regardless of whether they were delinquent; penalties which were due on the delinquencies; amounts for the costs incurred by the county due to the tax sale; any unpaid costs which were due from a prior tax sale; and all other reasonable expenses of collection, including title search expenses, uniform commercial code expenses, and reasonable attorney's fees incurred by the date of the tax sale.

11. Under I.C. §6-1.1-24-7(b), the county treasurer may pay the taxes and special assessments, or both, on the above described subject real property that have become due during the period of redemption from the tax sale surplus held in the name of the taxpayer, if any.

WHEREFORE, Petitioner prays that the court enter an order:

1. Finding that Petitioner has included the documents described in by I.C. 6-1.1-25-4.6(b); and
2. Directing the County Auditor to issue a tax deed to the real property described herein and for such other relief as the Court finds just and proper in the premises.

I affirm under the penalties of perjury that the foregoing representations are true.

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/s/ Vivek V. Gupta

Vivek V. Gupta, (IN# 24029-49)

Attorney for Petitioner

17962 Foxborough Lane

Boca Raton, FL 33496-1321

Tel: 561-487-2742

Fax: 561-487-3287

E-mail: guptaesq@gmail.com

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Filed: 1/17/2022 3:51 PM
Madison County Circuit Court
Madison County, Indiana

STATE OF INDIANA)
 } SS:
COUNTY OF MADISON)

IN THE MADISON CIRCUIT COURT

CAUSE NO. 48C03-2112-TP-000757

PARCEL NO. **48-07-30-100-003.000-029**

TAX SALE CERTIFICATE: 482002411

IN RE: PETITION OF SAVVY IN LLC FOR TAX
DEED

SUPPLEMENT TO VERIFIED PETITION FOR
ORDER DIRECTING AUDITOR TO ISSUE TAX
DEED

Comes now the Petitioner, SAVVY IN LLC, by
counsel, being first duly sworn, states as follows:

1. Pursuant to I.C. 6-1.1-25-4.6, the Petitioner filed a Verified Petition for Order Directing Auditor to Issue Tax Deed with the Court upon the expiration of the redemption period.
2. The Petitioner caused notice to be given to everyone holding the substantial interest in the property, such notice stating the date of expiration of the period of redemption and the date of filing petition for a tax deed by certified mail as well as regular mail.

3. No objections to the Petition have been filed during the allotted thirty (30) day period.
4. Copies of the Notice of Filing of Verified Petition for Order Directing the Auditor to Issue Tax Deed, the certified mail return receipts and all returned envelopes are attached to this application. (Sup Exhibit)

WHEREFORE, Petitioner, SAVVY IN LLC, prays for an order for Order Directing Auditor to Issue Tax Deed, and for all other just and proper relief.

/s/ Vivek V. Gupta

Vivek V. Gupta, (IN# 24029-49)

Attorney for Petitioner

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