

**Debbie Lynn**  
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## **Prospective Tax Sale Bidders**

### **2015 Clarke County Tax Sale**

The enclosed packet contains information regarding the 2015 tax sale Rules and Regulations for the Clarke County Tax Sale.

The 2015 tax sale will be held on June 15, 2015 at the Clarke County Courthouse and will begin promptly at 9:00 am. The Clarke County Treasurer's office will open at 8:00 a.m., at which time pre-registered bidders may check in and pick up their bidder number. The sale normally lasts about one hour.

Registration must be completed and filed by 4:30 pm on Wednesday, June 10, 2015. There is a \$25.00 registration fee, which must accompany the registration documents. You will find the necessary forms to register for the tax sale included in this packet. The 2015 Tax Sale information is also listed at [www.iowatreasurers.org](http://www.iowatreasurers.org) (Clarke County)

All delinquent parcels will be published in the Osceola Sentinel-Tribune, June 4, 2015. Our office will have a computer printout of the publication or this can be sent via email. For a copy of the list call 641-342-3311 or email your request to [clarketr@iowatelecom.net](mailto:clarketr@iowatelecom.net). There is a \$10.00 charge per copy.

*Debbie Lynn*  
**Clarke County Treasurer**

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**TERMS AND CONDITIONS GOVERNING THE ANNUAL TAX SALE  
OF JUNE 15, 2015**

**AND ADJOURNMENTS OF ASSIGNMENTS THEREOF**

The 2015 annual tax sale will be held at the Clarke County Courthouse on Monday June 15, 2015. The tax sale will begin promptly at 9:00 a.m. and will continue until every parcel has been offered for sale. The sale will then be adjourned daily until May 31, 2016.

**1. Registering for the Tax Sale**

**Registration and Bidder Authorization fees are nonrefundable.**

- The registration fee per bidder and authorized bidder is **\$25.00**.
- The registration fee includes bidding at the June 2015 tax sale and all associated adjourned tax sales.
- All bidders/or authorized bidders/buyers/assignees must be 18 years of age or older as of June 15, 2015. Proof of valid age, i.e., driver's license or birth certificate may be required by the Treasurer's office.
- One authorized agent may represent a maximum of **four** bidders.
- Each tax sale main investor, business entity (including affiliates and subsidiaries), interested party, group, association, investment club, etc. will be limited to a maximum of **20** bidder numbers.

**To pre-register for the tax sale:**

A bidder must pre-register by 4:30 pm on June 10, 2015 to be eligible to bid at the tax sale on Monday, June 15, 2015. The Treasurer's office must receive the properly completed forms listed below with the **registration fee of \$25.00 by 4:30 p.m. on Wednesday, June 10, 2015** for the bidder to be considered registered. Please mail registration forms to:

**DEBBIE LYNN  
CLARKE COUNTY TREASURER  
P.O. Box 157  
OSCEOLA, IA 50213**

**The Bidder must properly complete the following forms:**

**1. Bidder Registration Form**

Must be signed and completed for each tax sale year.

**2. W-9**

This W-9 form must be completed to issue an accurate 1099-INT statement with appropriate social security number or taxpayer identification number

**3. Authorization to Represent Bidder**

A registrant may, through a completed 'Authorization to Represent Bidder' form filed with the County Treasurer, designate one agent to bid on his or her behalf during the 2015 annual and adjourned tax sales. **The 'Authorization to Represent Bidder' form must be signed by the same individual who signed the 'Registration of Tax Sale Buyer or Assignee', and 'W-9' forms.** Errors, omissions, or misrepresentations by a tax sale bidder may disqualify the bidder from the sale and all certificates purchased by the disqualified bidder during the sale may be canceled and re-offered to other properly registered bidders.

**4. To be authorized to register to bid or to bid at a tax sale in Iowa a person other than an individual, must have a federal tax ID number AND either a designation of agent for service of process on file with the Iowa Secretary of State or a verified statement from the county Recorder where the sale will be held.**

A pre-registered bidder may pick up his/her bidder card at the Treasurer's office between 8:00 am and 9:00 am on Monday, June 15, 2015.

**2. Electronic Devices Prohibited**

Cellular phones, pagers, tape recorders, camcorders, and other audible electronic devices are to be turned off during the sale. Laptop or notebook computers are allowed only if they are operated from battery packs. A violation in the use of electronic devices may result in the disqualification of the bidder.

**3. Bidding at the Tax Sale**

Parcels with delinquent taxes will be offered for sale by item number, by taxing district, as reflected in the tax sale publication. **It is the bidder's responsibility to be prepared for the sale and to know the item number(s) within each district in which you intend to bid.** Regular real estate, mobile homes, and public bidder items will be offered by item number. I will acknowledge public bidder items.

Each parcel will be offered for sale beginning with an opening bid of 100% undivided interest. After the item has been announced an active bidder may bid downward his/her percentage of undivided interest. **Bid downs will range in whole percentage points from 99% to 1%. When it is determined that there are no further bids and the bid is a tie, the successful bidder will be selected by a random drawing.** The bidder selected by random drawing must immediately accept the purchase of the item by announcing "Sold" or refuse by announcing "Pass", in which case another bidder will be randomly selected.

A tax sale can be set aside in a situation where a combination of bidders agree not to compete with each other in a bid-down process and one of them becomes the tax sale purchaser.

One authorized agent may represent a maximum of **four** bidders.

#### 4. Purchasing Tax Sale Certificates

Payment is required at the conclusion of the sale. The amount collected will include all delinquent taxes, special assessments, interest, special assessment collection fees, rates or charges, publishing costs, and a \$20.00 certificate fee for each certificate issued. If a tax sale buyer's payment does not clear for any reason, i.e., non-sufficient funds, account closed, etc., the tax sale certificate will be canceled and a \$20.00 service fee will be added for each check returned. **Please leave your signed blank check payable to the Clarke County Treasurer at the registration window when you pick up your bidder number the morning of the sale.**

Please allow 5 days to receive the **stamped copy** of your certificate (s). **It is the purchaser's responsibility to verify that the tax sale certificates and redemption copies received are correct for the parcels purchased.**

The tax sale certificate of purchase does not convey title to the purchaser. The titleholder of record or other interested parties retain the right to redeem within the specified period of time, depending on the type of tax sale. If the certificate remains unredeemed after this period has expired, the purchaser may begin proceedings to obtain a tax deed to the parcel. (Refer to section: '90 Day Notice of Right of Redemption' Affidavit.)

#### 5. Notification to Titleholder of Tax Sale

The County Treasurer is required to notify the titleholder of record within fifteen days from the date of sale that the published item was sold at the tax sale.

#### 6. Reimbursement of Tax Sale Redemption

A redeemed tax sale will include the following:

- a. The original tax sale amount, including the \$20.00 certificate fee paid by the purchaser at the time of sale.
- b. Interest in the amount of 2% per month, beginning with the month of sale, calculated against the amount, for which the item was sold, including the amount

- paid for the certificate of purchase. Each fraction of a month is counted as a whole month.
- c. Subsequent tax payments paid by the purchaser and added to the amount of sale, with interest in the amount of 2% per month, beginning with the month the subsequent payment is posted to the county system. Each fraction of a month is counted as a whole month.
  - d. Valid costs incurred by the certificate holder of record and posted to the county system for action taken toward obtaining a tax deed. Costs not filed with the treasurer before redemption shall not be collected. Valid costs are defined in 447.13, Code of Iowa as amended and include the cost of a record search, serving the notice and cost of publication. A record search must be performed by an abstractor who participates in the title guaranty program or an attorney licensed to practice law in the state of Iowa. The amount of the cost of the record search that may be added to the amount necessary to redeem shall not exceed three hundred dollars. Attorney fees are not authorized costs. By statute (447.12), costs cannot be filed with the county treasurer prior to the filing of the *'90 Day Notice of Right of Redemption'* affidavit with the county treasurer.

**The Treasurer's office will retain the purchaser's original certificate (s). The purchaser will receive a stamped copy of their certificate (s).** The Treasurer's office will issue a check for the redemption amount. The purchaser will receive a check directly or by mail with a copy of the redemption certificate reflecting the total amount of the redemption. Buyers should retain the redemption certificate for income tax purposes.

In the event you have been reimbursed for redemption and the taxpayer's check does not clear the taxpayer's bank account, you will be required to return the funds to the treasurer upon notification. We will cancel the redemption. The tax sale will be reinstated as of the original sale date.

At the end of the calendar year, the county treasurer will issue a 1099-INT form to buyers and to the Internal Revenue Service if the cumulative interest paid to the buyer during the calendar year is \$600 or more. If the interest paid to the buyer is less than \$600, a 1099-INT statement will not be issued but may be requested by calling (641) 342-3311.

## 7. Payment of Subsequent Taxes

A tax sale purchaser may pay subsequent taxes and special assessments, including rates or charges, on the same parcel(s) on which she/he holds the tax sale certificate. Subsequent

payments may be made on delinquent tax and special assessments after November 14, 2015, for the first half subsequent tax payment and after May 14, 2016 for the second half subsequent tax payment. Special assessments, rates or charges due in future years cannot be paid until the fiscal year in which they become due.

The Treasurer's office will not refund the payment if the tax sale certificate holder later decides that she/he did not want to pay. Subsequent tax payments must be received by 4:30 p.m. of the last business day of the month in order to accrue interest for that month. Postmarks cannot be accepted.

Tax sale certificate holders wanting to pay subsequent taxes have three options for obtaining property tax payment information:

- 1) Self Lookup Online – Look up information online at [www.iowatreasurers.org](http://www.iowatreasurers.org). In this case, there will be no charge for the information.
- 2) Request Tax Information from the County Treasurer – Requests for property tax payment information must be in writing. Pursuant to Iowa Code Section 445.5(3), there will be a charge of \$2.00 per parcel for providing property tax payment information.
- 3) Pay Subsequent Taxes Online- Register as a Tax Sale Investor at [www.iowatreasurers.org](http://www.iowatreasurers.org) by selecting “Tax Sale Investor Registration” under the “ONLINE SERVICES” drop-down menu. After the registration process is complete, you will be able to access a list of parcels in all 88 ICTEA participating counties on which you hold tax certificates. You can then select the parcels you want to pay and submit payment by ACH debit. For this service, there will be a charge of \$0.25 for each parcel paid.

## 8. Assignment of a Tax Sale Certificate

The tax sale certificate of purchase is assigned by endorsement of the certificate, payment by the assignee of a \$100 assignment transaction fee, and submittal of the certificate to the County Treasurer for posting in the county system. An assignment is not considered valid until posted to the county system by the Treasurer. A certificate cannot be assigned to another bidder who has redemption rights, other than a municipality. The tax sale certificate of purchase and/or a treasurer's deed can be set aside if it is determined that the tax sale purchaser was ineligible. The general rule is that a tax sale purchaser or assignee should never have an interest or lien in the parcel offered for sale. A bidder should consult with legal counsel to determine the right to bid and become a tax sale buyer through the bid process or through assignment.

## 9. '90 Day Notice of Right of Redemption' Affidavit

Service is completed when the certificate holder files the '90 Day Notice of Right of Redemption' affidavit with the County Treasurer. The certificate holder is responsible for determining the status of a tax sale before serving the “90 Day Notice of Right of Redemption” to interested parties. Service must be compliant with the law in effect at the time of the tax sale.

**(a) Regular Tax Sale:**

The 'Notice of Right of Redemption' may be served after one year and nine months from the date of the sale. **(Parcels eligible for regular tax sale have been advertised only once.)**

**(b) Public Bidder:**

The 'Notice of Right of Redemption' may be issued after nine months from the date of sale. **(Parcels eligible for public bidder tax sale have been advertised for the second year.)**

If the certificate holder fails to file a '90 Day Notice of Right of Redemption' affidavit within three years from the date of the tax sale, the County Treasurer shall cancel the tax sale. In this instance, the tax sale purchaser is not entitled to a refund. This date may be extended if the filing of the "90 Day Notice of Right of Redemption" affidavit is stayed due to bankruptcy proceedings. Please contact your legal counsel to determine the impact of bankruptcy proceedings on tax sale certificates.

## 10. Tax Sale Deed

The tax sale certificate holder is required to remit the appropriate deed issuance fee and recording fee to the County Treasurer within ninety calendar days after the redemption period expires. The Treasurer is required by statute to cancel the certificate of purchase for any tax sale certificate holder who fails to comply.

The deed issuance fee is \$25. The recording fee is variable and will be determined at the time a deed is requested. Upon receipt of the deed issuance and recording fees, the Treasurer will record the deed with the County Recorder prior to delivering the deed to the purchaser. If the certificate holder fails to request a tax sale deed within ninety calendar days after the redemption period expires, the County Treasurer shall cancel the tax sale, the tax sale purchaser is not entitled to a refund.

## II. Erroneous Tax Sale or Assignment

If it is determined that any item was erroneously sold, the certificate of purchase will be canceled. The Clarke County Treasurer will reimburse the principal amount of the investment. The Treasurer will not pay interest.

If it is determined that a county held tax sale certificate was erroneously assigned, the assignment will be canceled. The Clarke County Treasurer will reimburse the total amount paid for the assignment. Interest from the assignment date to the date of cancellation of the assignment will not be paid.

## 12. Tax Sale Publication

The delinquent list will be published June 4, 2015 in the Osceola Sentinel-Tribune, 111 E. Washington Osceola, IA 50213. Their phone number is 641-342-2131.

## 13. General Information

This document has been prepared to provide general information and guidelines relative to tax sales, tax sale assignments, tax sale redemptions, and the issuance of tax sale deeds. It is not an all-inclusive listing of statutory requirements, procedures, or policy. It is not to be construed as a legal opinion of the statutes governing tax sales. The Clarke County Treasurer reserves the right to reject any or all bids and to waive irregularities, which appear to be in the best interest of Clarke County.

A tax sale buyer should consult with legal counsel to determine his/her legal rights and remedies and to protect his/her interest as a tax sale buyer. If any provision of this document is determined to be contrary to law, the remaining provisions shall remain in full force and effect.

This document is effective for items sold between June 15, 2015 and May 31, 2016, and all assignments, thereof, regardless of the assignment date.

Call the Clarke County Treasurer's office (641) 342-3311 to obtain additional information.

**Debbie Lynn, Clarke County Treasurer**

# Bidder Registration Form

## Clarke County Treasurer

JUNE 15<sup>TH</sup>, 2015  
ANNUAL TAX SALE AND  
SUBSEQUENT  
ADJOURNMENTS OR  
ASSIGNMENTS THEREOF

**Notice:** All registrations must be in the Treasurer's office by 4:30 pm on Wednesday, June 10, 2015. There will be NO registration the day of the sale.

The undersigned does hereby register as a bidder at the annual tax sale and subsequent adjournments or assignments thereof, and do hereby acknowledge receipt of a copy of the "**Terms and Conditions Governing the Annual Tax Sale of June 15, 2015**", and do further hereby acknowledge and agree that by placing a bid at the annual tax sale or subsequent adjournments, or by obtaining a tax sale assignment, that the undersigned will comply with and be bound by the aforementioned terms and conditions. By signing below, I certify that the bidder, if not an individual, has a federal tax identification number and either a designation of agent for service of process on file with the Iowa Secretary of State or a verified statement of trade name on file with the Clarke County Recorder. Said "**Terms and Conditions Governing the Annual Tax Sale of June 15, 2015**", and Adjournments or assignments thereof is based, in part, on the 2014 Code of Iowa and amendatory acts thereof.

**Please print or type the following information**

Bidder Name/Company \_\_\_\_\_

Address: \_\_\_\_\_ SS# or Federal ID# \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ County: \_\_\_\_\_

Email Address: \_\_\_\_\_

Signature

Date

**Note:** Tax sale certificates of purchase, assignments, and tax sale deeds will be issued in the bidder's name as shown above. Any changes that require a reassignment will have an additional \$100.00 charge that is not reimbursable. Please enclose \$25.00 per bidder registration fee.

# Authorization to Represent Bidder

## Clarke County Treasurer

*Please Print*

**I/We:** \_\_\_\_\_  
(Print bidder's name as it appears on the Registration Form)

**Authorize:** \_\_\_\_\_  
(Print authorized agent's name: Limit 1 name per bidder authorization form)

**To act as my/our personal representative at the June 15, 2015 tax sale and adjourned sales, thereof.**

\_\_\_\_\_  
Print Bidder name, as it appears on the registration form

\_\_\_\_\_  
**Required Signature** of Bidder, as it appears on the registration form      Date \_\_\_\_\_

Notary

Subscribed and sworn to me on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
\*Signature of Notary

*Debbie Lynn*

**Clarke County Treasurer**  
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**641-342-3311**