

**HANCOCK COUNTY TREASURER'S OFFICE  
DEBORAH ENGSTLER, TREASURER  
855 STATE STREET  
GARNER, IOWA 50438  
(641) 923-3122**

May 2016

**TO: 2016 Prospective Tax Sale Bidder  
RE: 2016 Annual Tax Sale**

**You have expressed interest in the 2016 Hancock County Tax Sale. The annual sale will be held Monday, June 20, 2016 beginning at 10:00 a.m. Attached is pertinent information: Notice of Terms and Conditions of the Tax Sale, Registration Bidder form, Authorization to Represent Bidder form, [W-9](#) form and Iowa legislation HF256. Please read these carefully and return the bidder form, authorization to represent bidder, W-9 form and registration fee to our office prior to the annual sale if you intend to bid at the tax sale. All registration forms must be received in our office by Monday, June 13, 2016 in order for you to bid at sale. Bidders who have not turned in their registration form by this date will be ineligible to bid. There is a bidder registration fee of \$25.00.**

**If you request a delinquent list of property taxes sent to you, we will send the newspaper copy published in the Garner Leader June 8th, 2016. There will be a \$10.00 charge for this service. Please send this with your request. We will also have it posted on our website free of charge. Keep in mind that these are subject to change as owners pay. You may also look at this list at the Treasurer's office or you may make your own arrangements with The Leader, 365 State Street, Garner, IA 50438, Phone 641-923-2684.**

**If you have any other questions, please feel free to contact us.**

**Sincerely,  
Deborah Engstler  
Hancock County Treasurer**

# HANCOCK COUNTY TREASURER

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## NOTICE TO 2016 TAX SALE PURCHASERS OF THE TERMS AND CONDITIONS GOVERNING THE ANNUAL TAX SALE OF JUNE 20, 2016, AND ADJOURNMENTS OR ASSIGNMENTS THEREOF

The annual tax sale is held by the Hancock County Treasurer on the third Monday in June at 10:00 a.m. at the Hancock County Courthouse for as long as purchasers are present. The annual sale is then adjourned to 8:00 a.m. daily until all parcels are sold.

The following information is provided to assist you in purchasing delinquent taxes during the tax sale, or in obtaining an assignment of a tax sale certificate, either from a private certificate holder or from Hancock County:

### 1. Registering for the Tax Sale

The 'Registration of Tax Sale Buyer or Assignee' Form must be properly completed and returned to the Treasurer's Office prior to the tax sale along with the \$25.00 fee.

All registrants must complete and sign a [W-9](#) form. This information is required to issue an accurate 1099-INT form with the appropriate social security number or taxpayer identification number.

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 annual and adjourned tax sales. Each 'Registration of Tax Sale Buyer or Assignee' form, 'W-9' form, and 'Authorization to Represent Bidder' form will be reviewed for completion and accuracy. 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.

All bidders/buyers/assignees must be 18 years of age or older as of June 20, 2016. The County Treasurer may require valid proof of age; i.e., driver's license or birth certificate.

### 2. Bidding at the Tax Sale

Parcels with delinquent taxes are offered for sale by taxing district in alphabetical sequence, by item number, as reflected in the official tax sale publication. It is the bidder's responsibility to be prepared for the sale and to know the parcel(s) within each district for the corresponding legal description(s) upon which he/she intends to bid. The

Tax Department of the Hancock County Treasurer's Office can help a bidder obtain this information in the days prior to the sale.

Each parcel will be offered for sale to all bidders beginning with an opening bid of 100% undivided interest. The bidder selected at random must immediately accept the purchase of the parcel by announcing "sold" or refuse the parcel by announcing "pass", in which case another bidder will be randomly selected. If there is not a tie bid, the sale will be awarded to the lone active bidder. A response of "sold" to the Treasurer results in an obligation on the part of the bidder to pay for the certificate after the sale. The percentage designated gives the tax sale certificate holder, upon the issuance of a Treasurer's deed, an undivided interest in the parcel with the owner(s) of record.

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. Such fraudulent collusion prevents selling a parcel for the smallest percentage of undivided interest of the parcel. This practice is prohibited at the Hancock County Tax Sale and violation may disqualify a bidder from the sale.

A bidder may submit a written bid if he/she cannot attend in person; however, if another bid on the same parcel is received from a bidder who is present at the sale, the tax sale certificate will be issued to the bidder who is present. In cases where two or more mailed bids are received and the parcel is not sold to a person present during the sale, the mailed bid for the smallest percentage of undivided interest for the parcel will be awarded the certificate. In cases of a tie mailed bid, the mailed bid with the earliest U.S. Postal Service postmark will be awarded the certificate.

A certificate cannot be sold to a tax sale purchaser who has redemption rights in the parcel, except when is sold to a municipality. A tax sale certificate of purchase and/or a tax sale 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 should never have an interest or lien in the parcel offered for sale. A prospective bidder should consult with legal counsel to determine the right to bid and become a tax sale purchaser.

### **3. Purchasing Tax Sale Certificates**

Payment is required at the time of purchase or 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.

Payment must be in the form of a personal check, business check, money order, any form of guaranteed funds for the exact amount of the purchase. A separate payment is required for each buyer number. Two-party checks will not be accepted for payment.

Please allow up to 10 days to receive purchased certificate(s). This allows the Treasurer's staff time to complete posting of records, editing of certificates, balancing the proceeds received from the tax sale, and preparing each buyer's certificates for mailing. At the time certificates are mailed or picked up, reimbursement will be included for those parcels that have been redeemed from this sale, in lieu of the tax sale certificates of purchase being sent. 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 party retains the right to redeem within the statutory period, depending on the type of tax sale. If the sale remains unredeemed after the statutory period, the purchaser may begin action to obtain a tax sale deed (refer to section 8: '90 Day Notice of Right of Redemption' Affidavit.)

#### **4. 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 parcel was sold at tax sale.

#### **5. Reimbursement of a 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 the sale.
- b) Interest in the amount of 2% per month, beginning with the month of sale, calculated against the amount for which the parcel was sold, including the amount for the certificate of purchase. Each fraction of a month is counted as a whole month.
- c) Subsequent tax payments paid and properly reported by the purchaser as an addition to the sale, with interest in the amount of 2% per month, beginning with the month the subsequent payment is posted to the county system to the month of redemption. Each fraction of a month will count 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 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 Hancock County Treasurer requires a copy of the newspaper publisher's invoice and a statement from the certificate holder substantiating the reason service was made by publication prior to posting publication costs to the amount necessary to redeem to determine whether publication costs are valid. Fees for publication, if publication is required, shall not exceed the customary publication fees for official county publications.

(Note: a redemption does not include the assignment transaction fee paid to the county.)

The buyer is responsible for checking redemptions for which he/she holds the certificate of purchase. You may contact the Tax Department at (641)923-3122 to inquire if redemption funds under a buyers name are available for payment.

Upon surrender of the original tax sale certificate for a redeemed tax sale, either in person or by mail, the Treasurer's Office will issue a check for the redemption amount. The reimbursement will be processed after funds have been guaranteed. The purchaser will receive a check directly or by mail with a copy of the redemption certificate reflecting the total amount of the redemption. We recommend you retain the redemption certificate copy for income tax purposes.

If the original certificate of purchase has been lost or destroyed, a duplicate can be obtained from the Hancock County Treasurer's Office at a cost of \$20.00.

In the event a buyer has been reimbursed for redemption and the taxpayer's check does not clear the taxpayer's bank account, the buyer will be notified by the Treasurer's Office and will be required to immediately return the redemption funds. The Treasurer's Office will return the tax sale certificate to the buyer and cancel the redemption. The tax sale will be reinstated as of the original sale date. A subsequent redemption will be calculated from the original date of the sale to date of repayment.

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. A buyer's tax preparer may need this information when filing Federal and State Income Tax returns.

Upon request from the buyer, the Treasurer can provide a computer printout of a purchaser's outstanding tax sales or a list of redemptions at a charge of \$10.00 per buyer number.

## **6. 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 he/she holds the tax sale certificate. They may be paid online for a fee charged by GTS. When registering online you **must** contact the treasurer's office. The Treasurer's Office will accept payments for subsequent delinquent tax and special assessments beginning November 15, 2016, for the first half subsequent tax payment and May 15, 2017, for the second half subsequent tax payment. Only items delinquent in the current fiscal year or a prior year may be paid on a "sub-list". Special assessments, rates or charges due in future years cannot be paid until the fiscal year in which they become delinquent.

The tax sale buyer must inform the Treasurer's Office of the subsequent payment so it is properly paid and recorded as an addition to the tax sale. Failure to report sub-list payments will result in their omission from the redemption calculations.

Recorded sub-list payments will accrue interest at the rate of 2% per month, beginning with the month of payment by the certificate holder to the month of redemption. Subsequent tax payments received on or after the last business day of the month may not be posted until the first business day of the next month and will accrue interest from the month the payment is posted to the county system.

Checks for sub-list payments must be completely prepared and remitted by the tax sale certificate holder of record. A separate check is required for each buyer number.

## **7. Assignment of a Tax Sale Certificate**

The tax sale certificate of purchase is assignable by endorsement of the certificate, payment by the assignee of a \$100.00 assignment transaction fee, and forwarding the certificate to the County Treasurer for posting in the county's system. An assignment is not considered valid until posted to the county's system by the Treasurer. A certificate cannot be assigned to another buyer who has redemption rights, except when the assignment is to a municipality. A tax sale certificate of purchase and/or a tax sale deed can be set aside if it is determined that the tax sale purchaser or assignee 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 prospective bidder should consult with legal counsel to determine the right to become a tax sale certificate holder, either through bid or assignment. The assignor may not assign a certificate of purchase to more than one assignee/buyer number. Upon receipt of the \$100.00 assignment transaction fee from the assignee, the Treasurer will make the necessary entries in the county's system. The recorded assignment will vest in the assignee all the rights and title of the assignor; except, when a county-held certificate is assigned, the assignee has three years from the date the assignment is recorded by the Treasurer in the county's system, instead of from the date of the tax sale, to qualify for a tax sale deed.

When a buyer requests the Treasurer record a change, other than the mailing address and telephone number, it is considered an assignment and the \$100.00 assignment transaction fee will be charged. This includes a change in the buyer's name, buyer's number, or federal identification number. Failure to provide the correct federal identification number or social security number will result in a charge of \$100.00 for each certificate purchased. Please contact this office for further information should you desire to assign a certificate.

## **8. '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. A redemption will not be processed unless received by the Treasurer before the close of business on the ninetieth day from the date of completed service or as allowed by law. Service must be compliant with the law in effect at the time of the tax sale. Guaranteed funds will be required once the 90 day notice has been certified.

### **(a) Regular Tax Sale:**

A tax sale certificate holder may serve a 'Notice of Expiration or Right of Redemption' after one year and nine months from the date of sale. Any certificate holder who serves said notice or a similarly worded notice before the expiration of this time period may be barred from future tax sales in Hancock County. It is Hancock County's intent to afford all property owners with all of the rights and remedies of the Iowa statutes.

**(b) Public Bidder Sale:**

A tax sale certificate holder may serve a ‘Notice of Expiration of Right of Redemption’ after nine months from the date of sale. Any certificate holder who serves said notice or a similarly worded notice before the expiration of this time period may be barred from future tax sales in Hancock County. It is Hancock County’s intent to afford all property owners with all of the rights and remedies of the Iowa statutes.

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 will cancel the tax sale. In this instance, the tax sale purchaser is not entitled to a refund.

**9. Tax Sale Deed**

The tax sale certificate holder is required to return the certificate of purchase and 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 with this paragraph.

The deed issuance fee is \$25.00. Tax sale deeds will be issued independently for each tax sale certificate that qualifies for a tax sale deed. A tax sale deed will be issued upon receipt of the tax sale certificate of purchase and payment of a \$25.00 fee, made payable to the Hancock County Treasurer. For recording information, contact the Hancock County Recorder at 641-923-2464.

If the certificate holder fails to request a tax sale deed within ninety calendar days after the redemption period expires, the County Treasurer will cancel the tax sale certificate. In this instance, the tax sale purchaser is not entitled to a refund.

**10. Erroneous Tax Sale or Assignment**

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

If it is determined that a county held certificate was erroneously assigned, the assignment will be canceled. The certificate holder shall return the certificate of purchase, and the Hancock 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.

**11. Abandoned Parcel Law**

Iowa law permits a county or city to purchase parcels offered at the regular tax sale or to require that a certificate be assigned to the county/city if the county/city files a verified statement of abandonment with the County Treasurer (see Iowa Code Section 446.19A).

## **12. Change of Address or Telephone Number**

Buyers are required to notify the Hancock County Treasurer's office of any changes in address or telephone number.

## **13. General Information**

This document has been prepared to provide general information and guidelines relative to the tax sale, a tax sale assignment, tax sale redemption, buyer reimbursement, and the issuance of a tax sale deed. 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 Hancock County Treasurer reserves the right to reject any or all bids and to waive irregularities which appear to be in the best interest of Hancock 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.

Prospective buyers should consult with their tax attorney or tax preparer to determine income tax ramifications that might result from a gain or loss as a result of purchasing a tax sale certificate of purchase.

Call the Hancock Treasurer's Tax Department (641) 923-3122 to obtain additional information.

The provisions of this document are severable. 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 taxes sold between June 15, 2015, and May 31, 2016, and all their assignments, thereof, regardless of the assignment date.

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DEBORAH ENGSTLER  
Hancock County Treasurer

**HANCOCK COUNTY, IOWA  
REGISTRATION OF TAX SALE BUYER OR ASSIGNEE**



**JUNE 20, 2016 ANNUAL TAX SALE  
AND SUBSEQUENT ADJOURNMENTS OF ASSIGNMENTS THEREOF**

The undersigned does hereby register as bidder at the annual tax sale of June 20, 2016, and subsequent adjournments or assignments thereof, and do hereby acknowledge receipt of a copy of the 'NOTICE TO TAX SALE PURCHASERS OF THE TERMS AND CONDITIONS GOVERNING THE ANNUAL TAX SALE OF JUNE 20, 2016, AND ADJOURNMENTS OR ASSIGNMENTS THEREOF', and do further hereby acknowledge and agree that by placing a bid or obtaining a certificate of purchase 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.

Said 'NOTICE OF TAX SALE PURCHASERS OF THE TERMS AND CONDITIONS GOVERNING THE ANNUAL TAX SALE OF JUNE 20, 2016, AND ADJOURNMENTS OR ASSIGNMENTS THEREOF' is based, in part, on the 2001 Code of Iowa and amendatory acts thereof.

(PLEASE PRINT OR TYPE)

Date \_\_\_\_\_

Buyer/Company Name \_\_\_\_\_  
\_\_\_\_\_

S.S.#/Fed.ID \_\_\_\_\_

Buyer Signature \_\_\_\_\_

(If buyer is a company, signature and title of company officer are required)

Street Address \_\_\_\_\_

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

County \_\_\_\_\_

Telephone (\_\_\_\_\_) \_\_\_\_\_

Note: Original tax sale certificates of purchase, assignments, and tax sale deeds will be issued in the buyer's name as shown above. Originals will be held in the Treasurer's office unless requested by the purchaser. Any changes that require a reassignment will have an additional \$100.00 charge that is not reimbursable.

**HANCOCK COUNTY TREASURER**

DEBORAH D. ENGSTLER  
COUNTY TREASURER  
855 STATE STREET  
P O BOX 70  
GARNER IA 50438

Telephone (641)923-3122  
Fax (641)923-4194

**AUTHORIZATION TO REPRESENT BIDDER**

I/we, (please print) \_\_\_\_\_  
(Bidder's Name, as it appears on the Registration form)

authorize (please print) \_\_\_\_\_  
(Only one name per bidder authorization may be entered for entire sale)

to act as my/our agent/personal representative at the June 20, 2016, tax sale and  
adjourned sales, thereof.

\_\_\_\_\_  
(Print) Name of Buyer/Company Office Holder

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, Zip Code)

Date \_\_\_\_\_

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

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

