

HUMBOLDT COUNTY TREASURER

Humboldt County Treasurer's Office
Jana Bratland, Treasurer
203 Main St, PO Box 100
Dakota City, IA 50529
Phone: 515-332-1681
Fax: 515-332-7194

TO: Prospective Tax Sale Certificate Purchasers

RE: 2016 Humboldt County Tax Sale

The following information is regarding the 2016 Humboldt County Tax Sale that will be held at 9:00 a.m. on Monday, June 20, 2016. The site will be the Magistrate Court Room located in the basement of the Humboldt County Courthouse at 203 Main Street, Dakota City, Iowa.

Registration must be received by Thursday, June 16, 2016 at 4:30 p.m. The following documents are required to register for the tax sale:

- \$10 Nonrefundable Registration Fee
- Tax Sale Bidder Registration Form
- W-9 Form
- Authorization to Represent Bidder (if applicable)
- Copy of 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 Humboldt County Recorder (see note below)

Paper copies of the official tax sale publication will be available at the Treasurer's Office for a \$25 fee or the official publication will be printed June 9, 2016 in the Humboldt Independent, 512 Sumner Ave, Humboldt, IA 50548 (phone: 515-332-2514). Also, on June 9, 2016 a tax sale bidder report will be available online at www.humboldtcountyia.org/office/treasurer or www.iowatreasurers.org.

Jana Bratland
Humboldt County Treasurer

Please note: During the 2009 Iowa legislative session, House File 256 was signed into law and will affect the registration process for some tax sale bidders. In order to comply with this new legislation, a bidder, that is not an individual, must have a federal tax identification number and provide proof of filing a designation of agent for service of process with the Iowa Secretary of State or proof of filing a verified statement of trade name, satisfying the requirements of Iowa Code Chapter 547, with the Humboldt County Recorder.

**JANA BRATLAND
HUMBOLDT COUNTY TREASURER**

203 Main St, PO Box 100
Dakota City, IA 50529
515-332-1681

**NOTICE TO 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 Humboldt County Treasurer on the third Monday of June at 9:00 a.m. Adjourned Tax Sale will be re-convened any business day there are bidders present and there are parcels still available for sale. Except for the business days between July 1st, the beginning of the new fiscal year, and until the new fiscal year taxes have been certified.

The following information is provided to assist you in purchasing delinquent taxes at tax sale or in obtaining an assignment of a tax sale certificate, either from an individual or from Humboldt County:

Please note: During the 2009 Iowa Legislative Session, House File 256 was signed into law and will affect the registration process for some tax sale bidders. In order to comply with this new legislation, a bidder, that is not an individual, must have a federal tax identification number and provide proof of filing a designation of agent for service of process with the Iowa Secretary of State or proof of filing a verified statement of trade name, satisfying the requirements of Iowa Code Chapter 547, with the Humboldt County Recorder.

1. All prospective bidders must register prior to the tax sale through the Humboldt County Treasurer's Office. You must be registered by 4:30 p.m. on Thursday, June 16, 2016. There is a \$10.00 non-refundable registration fee. You may, through written notice to the Treasurer, designate an appointee to bid for you in your absence. You may also submit a written bid if you cannot attend; however, if other bids on the same parcel are received, the tax sale certificate will be issued to a 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 the parcel will be awarded the certificate. In cases of a tie mailed bid, the mailed bid with the earliest postmark will be awarded the certificate. If those are also the same, the random number selection method will be used to determine the successful bidder.

When more than one person offers to pay the total amount due, the person that designates the smallest percentage of the parcel for the total amount due will obtain the tax sale certificate. For example: Party "A" bids the total amount due for a 100% interest in the parcel. Party "B" bids the total amount due for a 90% interest in the parcel, etc. The percentage designated gives the tax sale certificate holder, upon the issuance of a treasurer's deed, an undivided interest in the parcel, based on the percent bid, with the owner of record. Bids for less than one percent interest will not be accepted. In cases of a tie bid, for example five bids at 1%, the successful bidder will be selected by a random number selection method.

A tax sale buyer, who has properly registered, is allowed to purchase tax sale certificates under his name or bidding number only. All bidders/buyers must be at least 18 years old before the tax sale date.

A tax sale certificate of purchase and/or a treasurer's deed can be set aside by the courts if it is determined that the tax sale purchaser was ineligible to bid at the tax sale. The general rule is that a tax sale purchaser should never have an interest or lien in the parcel offered for sale. You should consult with your legal counsel to determine your right to bid and become a tax sale purchaser.

2. Parcels with delinquent taxes are offered for sale by property owner name and in sequence by taxing district, as reflected in the annual tax sale publication. All parcels shown in the publication are offered for sale except those that (1) have been paid subsequent to the publication; (2) those withheld due to bankruptcy laws prohibiting the sale. It is imperative that you be prepared for the sale. The tax sale may consist of two or three sessions. Regular sale items will be offered in the first session, public bidder items will be offered during the second session and public nuisance items will be offered during the third session. You need to know the item within each district and the corresponding legal description upon which you intend to bid.
3. Payment is required at the time of the purchase or at the conclusion of the sale. **A separate payment is required for each buyer number.** The amount collected will include all delinquent taxes, special assessments, interest, special assessment collection fees, publishing costs, and a certificate fee for each certificate issued to you.

Payment with proper identification must be in the form of a personal check, money order, or any form of guaranteed funds for the exact amount of the purchase. Two party checks will not be accepted for payment. Failure to make payment at the end of the sale will result in those parcels being re-offered at the next sale. In this instance, you will be prohibited from again bidding on these parcels.

4. Please allow up to 15 days to receive a copy of your certificates. This allows the Treasurer's staff time to complete posting of records, editing certificates, and balancing the proceeds received from the tax sale. Originals will be retained by the Treasurer.
5. A W-9 form must be completed and signed at the time of registration. This information is required to issue an accurate 1099-INT form with the appropriate social security number or taxpayer identification number.

After the end of the calendar year, the Treasurer will issue a 1099-INT form to you and to the Internal Revenue Service if the accumulative interest paid to you during the calendar year is equal to or exceeds \$600.00. You will use this information when filing your Federal and State Income Tax returns.

6. The tax sale certificate of purchase does not convey title to the purchaser. The title holder of record or other interested party retains the right to redeem within a specified period of time, depending on the type of tax sale. If the sale remains unredeemed after the statutory period has expired, the purchaser may begin proceedings to obtain a Tax Deed to the parcel.

Service is not completed until the certificate holder files the 90-day affidavit with the Treasurer. A redemption is not valid unless received by the Treasurer prior to the close of business on the ninetieth day from the date of completed service.

REGULAR TAX SALE

The 90-day Notice of Right of Redemption may be issued after one year and nine months from the date of the sale.

PUBLIC BIDDER TAX SALE

The 90-day Notice of Right of Redemption may be issued nine months from the date of sale.

PUBLIC NUISANCE TAX SALE

To be eligible to bid on parcels under this section Iowa Code 446.19B, a prospective bidder shall enter into a rehabilitation agreement with the county, or with the city, if the property is located within a city, to demonstrate the intent to rehabilitate the property for use as housing if the property is not redeemed. The percentage interest that may be purchased in a parcel offered for sale under this section shall not be less than 100%.

The 90-day Notice of Right of Redemption may be issued after 3 months from the date of sale. After one year has elapsed from the time of any tax sale under this section and the certificate holder has not filed an affidavit of service of notice of expiration of right of redemption, the county treasurer shall cancel the sale from the county system.

FAILURE TO OBTAIN DEED – CANCELLATION OF SALE

After three years have elapsed from the time of the Tax Sale, if action has not been completed which qualifies the holder of the certificate to obtain a deed, the Treasurer will cancel the tax sale certificate.

7. A tax sale purchaser may pay subsequent taxes and special assessments on the same parcel on which he/she holds the tax sale certificate. Taxes for a subsequent year may be paid beginning one month and fourteen days following the date from which an installment becomes delinquent. The purchaser must inform the Treasurer's Office of the subsequent payment so it is paid and recorded properly as an addition to the sale. Only items due in the current fiscal year or prior year(s) may be paid on a "sub-list". Special assessments due in future years cannot be paid until the fiscal year in which they become delinquent. Sub-list payments not properly reported may be treated as voluntary payments and may be omitted from redemption calculations.

Recorded sub-list payments will accrue interest at the rate of 2% per month from the month of payment to the month of redemption. Subsequent tax payments received after 12:00 p.m. on 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.

Tax sale certificate holders wishing to obtain property tax information for payment of subsequent taxes may use any of the following options:

- a. Online Lookup – Obtain information online at www.iowatreasurers.org. There is no charge for this access.
 - b. Pay Online – Register as a Tax Sale Investor at www.iowatreasurers.org by selecting Tax Sale then from the drop down menu select Registration or Login. Once your registration is complete, you will be able to select the parcels you wish to pay (in the 88 ICTEA participating counties) on which you hold tax sale certificates. There is a currently a fee for this service.
 - c. Request Tax Information from County Treasurer – Requests for property tax payment information must be in writing. Pursuant to Iowa Code Section 445.5(3), a \$2 per parcel fee is required in advance for this information.
8. A redeemed tax sale will include the following:
- a. The original tax sale amount, including the certificate fee paid by the purchaser at the time of the sale.
 - b. Interest in the amount of 2% per month calculated against the amount for which the parcel 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 properly reported as an addition to the sale, with interest in the amount of 2% per month. Each fraction of a month is counted a whole month.
 - d. Valid costs incurred and recorded on the Tax Sale Register for action taken toward obtaining a Tax Deed. Costs not filed with the Treasurer before redemption shall not be collected by the Treasurer, however, collection may be pursued through a court action against the parcel owner by the certificate holder. By statute, the Treasurer cannot accept costs incurred by the tax sale certificate holder prior to the filing of the 90-day affidavit with the Treasurer. Proof that the costs are valid is required; for example, publication, mailing and title search.
 - e. Costs filed with the county treasurer after the Affidavit of Service is filed will result in the restart of the 90 day redemption period to begin from the date of the filing of the costs.
9. Upon redemption of a tax sale certificate the Treasurer's Office will issue a check for the redemption amount, less any amount collected for the redemption certificate fees. The purchaser will receive a check by mail with a copy of the redemption certificate reflecting the total amount of the redemption and should be retained for income tax purposes.

In the event you have been reimbursed for a 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's Office upon notification. We will return the tax sale certificate to you and cancel the redemption. The tax sale will be reinstated as of the original sale date. A subsequent redemption will be calculated from the date of the sale to the date of repayment.

10. The tax sale certificate of purchase is assignable by endorsement of the original certificate and entry in the Treasurer's Register of Tax Sales. A certificate cannot be assigned to a person, other than a municipality, who is entitled to redeem. Upon entry in the Treasurer's Register of Tax Sales it shall vest in the assignee all the right and title of the assignor. Except when a county held certificate is assigned, the assignee has only three years from date of assignment to qualify for a deed. Please contact this office for further information should you desire to assign a certificate. Assignment fee is \$100.00 per certificate.

To obtain an assignment of a Humboldt County held tax sale certificate you must contact the Humboldt County Treasurer's Office. The terms and conditions set forth in this document apply both to certificates obtained through assignment and for certificates obtained directly through the tax sale. Assignment of a Humboldt County held certificate involves a \$10.00 or \$3.00 cost, depending on date of issue.

11. For each parcel sold, the Treasurer is required to notify the titleholder of record within fifteen days from the date of the sale that the parcel was sold at tax sale.
12. The fee for the issuance of a Treasurer's Tax Sale Deed is \$25.00 per parcel plus filing fees payable to the Humboldt County Recorder. Fees shall be submitted to the county treasurer within 90 calendar days from the redemption period expiration. The county treasurer shall cancel the certificate for any tax sale certificate holder that fails to comply.

Upon receipt of the deed issuance and recording fees, the deed will be filed and delivered to the tax sale certificate holder thereafter.

13. If it is determined that any parcel was erroneously sold, the certificate of purchase will be cancelled. The certificate holder is required to return the certificate of purchase and will be immediately reimbursed the principal amount of the investment. Interest will not be paid.

This document has been prepared to provide general information and guidelines relative to tax sales, assignments and tax sale redemptions. It is not an all-inclusive listing of statutory requirements, procedures or policy, nor is it to be construed as a legal opinion of the statutes governing tax sales.

The provisions of this document are severable. If any provision contained in this document is determined to be contrary to Iowa law, the remaining provisions shall remain in full force and effect. Iowa Code Chapters 446, 447 and 448 as amended are pertinent to Tax Sales, Tax Redemptions and Tax Deeds. The Iowa Code is available online at www.legis.state.ia.us.

To protect your interest as a tax sale buyer and to determine your legal rights and remedies, you should consult with legal counsel.

Jana Bratland
Humboldt County Treasurer

AUTHORIZATION TO REPRESENT BIDDER

Please **print/type** the following information and return by 4:30 p.m., June 16, 2016 to:

Humboldt County Treasurer
203 Main Street
P.O. Box 100
Dakota City, IA 50529

I/We, _____
Tax Sale Investor's name, as it appears on the registration form

authorize _____
Only one name per bidder authorization

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

Tax Sale Investor's Signature

Address

City, State & Zip Code

Date

Subscribed and sworn to me this ____ day of _____, _____.

Signature of Notary