# Notice to Tax Sale Purchasers of the Terms and Conditions Governing Tax Sale

 The 2017 annual tax sale will be held Monday, June 19, 2017 at 8:30 AM in the Osceola County Treasurer’s Office.

**Adjourned Tax Sales** - The annual tax sale is adjourned to 8:30 AM each day until all parcels have been sold.

**Registering for the Tax Sale** - All prospective bidders must register by noon on Friday, June 16, 2017. Registration requirements include: Registration of Tax Sale Buyer, W9 and Authorization to Represent Bidder (if applicable). A W9 is required in order to issue an accurate 1099-INT form with the appropriate social security number or taxpayer identification number. All bidders must be at least 18 years of age. Bidders may be required to provide proof of age/identity (driver’s license or birth certificate). **There is a $25 non-refundable registration fee which must** **accompany the registration documents.**

**New law requirement effective for 2009 and later Tax Sales**: Bidders, other than individuals, (such as corporations, partnerships and trusts) must have a federal identification number and either a designation of agent for service of process (Certificate of Existence) on file with the Secretary of State or a verified statement meeting the requirements of Iowa Code Chapter 547 on file with the Osceola County Recorder. Proof of this filing must be submitted to our office along with your pre-registration papers.

You or the party for which you represent may not be entitled to bid at tax sale and become a tax sale purchaser by reason of having a vested interest in the parcel. 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 or assignee was ineligible to bid at tax sale. The general rule is that a tax sale purchaser should never have an interest or lien in the parcel offered for sale. If you have a question about your eligibility, please consult with your legal counsel to determine your right to bid and become a tax sale purchaser.

**Bidding at the Sale** – Parcels with delinquent taxes are offered for sale by legal description in alphabetical sequence by district. It is imperative that you be prepared for the sale. You need to know the parcel(s) within each district and the corresponding legal description(s) upon which you intend to bid. Each parcel will be offered for sale to all bidders beginning with an opening bid of 100% undivided interest. Bidders may bid downward a percentage of undivided interest.

“Bid-downs” will range in whole percentage points from 99% to 1%. 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 an item for the smallest percentage of undivided interest of the parcel. This practice is prohibited and violation may disqualify a bidder from the sale. When it is determined there are no further bids and the bid is a tie, a bidder will be chosen by random selection.

Osceola County will not accept mailed bids for the tax sale and effective with the 2010 Tax Sale, will no longer accept mail bids for the adjourned tax sale.

**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, drainage assessments, interest, special assessments and drainage assessment collection fees, service fees, and a $20.00 certificate fee for each certificate issued to you.

Payment must be in US funds and in the form of a personal check, business check, money order, or any form of guaranteed funds for the exact amount of the purchase. A separate payment method is required for each buyer. Two party checks will not be accepted. If a tax sale buyer’s check does not clear his/her bank account, i.e., non-sufficient funds, account closed, etc., the buyer will have five business days following notification from the Treasurer to repay with guaranteed funds or the tax sale certificate(s) will be canceled. If repaid with guaranteed funds, a $30.00 service fee will be assessed for each check returned unpaid.

Please allow up to seven (7) business days to receive your certificate(s). This will allow our office time to complete posting of records, editing of certificates, and balancing the proceeds received from the tax sale. It is the purchaser’s responsibility to verify that the tax sale certificate(s) received are correct for the parcels purchased.

**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 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. **SEE** ’90 Day Notice of Right of Redemption Affidavit’.

**Notification to Titleholder of Tax Sale** – The County Treasurer is required to notify the titleholder of record within fifteen (15) days from the date of sale that the published item was sold at tax sale.

**Assignment of Tax Sale Certificate** - The tax sale certificate of purchase is assignable by endorsement of the certificate and is not valid until posted to the county’s system by the Treasurer. A certificate cannot be assigned to a person, other than a municipality, who has redemption rights. The assignment fee is $100.00, or $10.00 in the case of an assignment by an estate, payable to the Osceola County Treasurer. The assignment fee for a county-held certificate is $10.00. When a buyer requests the Treasurer's Office to record a change, other than the mailing address or telephone number, it is considered an assignment and the $100 assignment fee will be charged. This includes a change in the buyer's name, buyer's social security or federal identification number. Failure to provide the correct social security or federal identification number will result in a charge of $100 for each certificate requiring correction.

**Payment of Subsequent Taxes** – A tax sale purchaser may pay subsequent delinquent tax, drainage and special assessments, including rates or charges, on the same parcel(s) on which s/he holds the tax sale certificate. Taxes for a subsequent year may be paid beginning 45 days following the day from which an installment becomes delinquent. Only items delinquent in the current fiscal year or a prior year may be paid. Drainage assessments, special assessments, rates or charges due in future years cannot be paid until the fiscal year in which they become delinquent. Subsequent payments, identified with a parcel number or tax sale certificate number, must be received in the treasurer’s office by the last day of the month (postmark will not be honored).

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.iowatreasurer.org](http://www.iowatreasurer.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 sale 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 $0.75 for each parcel paid.

**Reimbursement of a Tax Sale Redemption** – Except for certificates held by the county, a

redemption is not valid unless received by the treasurer prior to the close of business on the 90th day from the date of completed service. A redeemed certificate will include:

* 1. the original tax sale amount, including the $20.00 tax sale certificate fee paid by the purchaser at the time of the sale,
	2. interest in the amount of 2% per month calculated against the tax sale amount. Each fraction of a month is counted as a whole month.
	3. Subsequent tax payments paid by the purchaser and added to the amount of the sale, with interest in the amount of 2% per month. Each fraction of a month is counted as a whole month.
	4. Valid costs incurred by the certificate holder of record and posted to the county system for action taken toward obtaining a tax sale deed. Costs not posted to the county system before redemption shall not be collected by the County Treasurer. 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.

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

Upon surrender of the tax sale certificate of a redeemed parcel, the Treasurer’s Office will issue a check for the redemption amount. If the original certificate has been lost or destroyed, a duplicate may be obtained from the treasurer’s office at a cost of $20.00.

In the event a buyer has been reimbursed for a redemption and the taxpayer’s check does not clear the taxpayer’s bank account, the buyer will be notified to immediately return the redemption funds. The tax sale certificate will be returned to the buyer and the redemption will be cancelled. 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 the date of repayment.

**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 ‘*Notice of Expiration of Right of Redemption*’ upon persons who have a recorded interest in the property. Redemptions will not be processed unless received by the Treasurer before the close of business on the 90th day from the date of completed service or as allowed by law. If the 90th day falls on a Saturday, Sunday, or holiday, redemption will be accepted on the first business day following the 90th day. Service must be compliant with the law in effect at the time of the tax sale.

1. **Regular Tax Sale** – A tax sale certificate holder may serve a ‘Notice of Expiration of

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 Osceola County. It is Osceola County’s intent to afford all property owners with all of the rights and remedies of the Iowa statutes.

1. **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 Osceola County. It is Osceola County’s intent to afford all property owners with all of the rights and remedies of the Iowa statues.

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.

In the event that an owner of record or a person in whose name the parcel is taxed establishes that such person was not served with notice of expiration of right of redemption in accordance with §447.9, the county treasurer’s deed is void, subject to the provisions of §448.15 and 448.16. If a person entitled to service of notice under §447.9, other than an owner of record or a person in whose name the parcel is taxed, establishes that such person was not served with notice in accordance with §447.9, the deed is not thereby rendered invalid. However, the deed is subject to all of the right and interest of such person not served with notice, as provided in §448.15 and 448.16.

**Tax Sale Deed** – The tax sale certificate holder is required to return the certificate of purchase and remit the appropriate deed issuance and recording fee to the County Treasurer within 90 calendar days after the redemption period expires. The County 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. The recording fee will be determined at the time a deed is requested. Upon receipt of the deed issuance and recording fees, the County Treasurer will record the deed with the Osceola County Recorder prior to delivering the deed to the purchaser. If fees are not paid, deed will expire 90 days after issuance.

**Erroneous Tax Sale or Assignment** – If it is determined that any item was erroneously sold, the certificate of purchase will be cancelled. The certificate holder will return the certificate of purchase and the Osceola 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 cancelled. The certificate holder will return the certificate of purchase, and the Osceola County Treasurer will reimburse the total amount paid by the assignment. Interest from the assignment date to the date of cancellation of the assignment will not be paid.

**Tax Sale Publication** – The delinquent tax list will be published in the Osceola County Gazette-

Tribune June 7, 2017. An official copy may be obtained from the publisher by calling (712)754-2551. A paper copy of the delinquent list may be obtained from the Osceola County Treasurer for $5.00. In addition, the list will be available online at iowatreasurers.org for Osceola County.

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

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

**The doctrine of caveat emptor, ‘buyer beware’, applies to this tax sale**.

# Osceola County, Iowa

**Tax Sale Bidder or Assignee**

**Registration**

**Annual Tax Sale**

The undersigned does hereby register as a bidder at the annual tax sale of June 19, 2017, and subsequent adjournments thereof, and do hereby acknowledge receipt of a copy of the ‘Notice to Tax Sale Purchasers of the Terms and Conditions Governing Tax Sale’, 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 ad-journments, or by obtaining a tax sale assignment, that the undersigned will comply with and be bound by the aforementioned terms and conditions.

 Said ‘Notice to Tax Sale Purchasers of the Terms and Conditions Governing Tax Sale’ is based, in part, on the 2009 Code of Iowa and amendatory acts thereof.

Buyer Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

S.S. or Fed. ID #\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

I (we) agree to the Terms and Conditions governing the annual Tax Sale.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (Date) (Signature)

 **Note**: All tax sale certificates of purchase and tax sale deeds will be issued in the name or names as shown above.

# AUTHORIZATION TO REPRESENT BIDDER

I/we, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, authorize

 Bidder's name as it appears on registration form

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to act as my/our agent/

 Authorized Agent's name

personal representative at the June 19, 2017, tax sale and adjourned sales, thereof.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date Bidder Name

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Signature of Bidder

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Address of Bidder

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 City, State, ZIP

 Subscribed and sworn to me this \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 2016.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Signature of Notary Public