



## Plymouth County Treasurer

Shelly Sitzmann

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### **NOTICE TO TAX SALE PURCHASERS OF THE TERMS AND CONDITIONS GOVERNING THE ANNUAL TAX SALE OF JUNE 15, 2020 AND ADJOURNMENTS OR ASSIGNMENTS THEREOF**

The Annual Tax Sale is held by the Plymouth County Treasurer on the third Monday in June at 10:00 a.m. for as long as purchasers are present. Adjourned Tax Sale will be reconvened any day there are bidders present and there are parcels still available for sale.

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:

#### 1. **PRE-REGISTER**

All prospective bidders must pre-register by 5:00 p.m. on Thursday, June 11, 2020, before the tax sale, to be eligible to bid at the tax sale on Monday, June 15, 2020. The Treasurer's Office must receive the properly completed forms listed below with the registration fee of \$25.00 by 5:00 p.m. on Thursday, June 11, 2020 for the bidder to be considered registered. A pre-registered bidder may pick up his/her bidder card at the Treasurer's Office between 8:00 a.m. and 10:00 a.m. on Monday, June 15, 2020. All bidders/authorized bidders/buyers/assignees must be 18 years of age or older as of June 15, 2020 and be prepared to provide proof of valid age and identity (i.e. driver's license or birth certificate).

#### 2. **PRE-REGISTRATION FORMS TO BE PROPERLY COMPLETED**

**a.** A **Bidder Registration** form must be signed and completed for each tax sale year. A bidder, if not an individual, must have 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 Plymouth County Recorder.

**b.** An **Authorization to Represent Bidder** form must be filled out if you designate a personal representative to bid for you in your absence. An individual can be the personal representative for up to 20 bidders, with investor groups being limited to no more than 20 bidders.

Each bidder must pay the non-refundable registration fee of \$25.

**c.** A **W-9** must be completed so that we may issue an accurate 1099-INT statement with appropriate social security number or tax payer federal identification number.

*Electronic devices such as cellular phones, pagers, tape recorders are to be turned off during the sale. A violation of this may result in the disqualification of the bidder.*

#### 3. **BIDDING AT THE TAX SALE**

A delinquent tax list will be published on or about June 5, 2020, in the Le Mars Daily Sentinel. A computer printout of all delinquent taxes may be purchased from the Plymouth County Treasurer for \$25 after June 3. Several of the taxes appearing on the delinquent tax list may be paid by the time of the tax sale. Delinquent taxes will be offered for sale by sequence 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 parcel (or sequence) number(s) within each district in which you intend to bid. 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. You or the party that 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 was ineligible to bid at tax sale. The general rule is that a tax sale purchaser may not 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.

*The county treasurer is not an attorney and has no duty or responsibility to act on your behalf.*

#### 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 \$30.00 service fee will be added for each check returned. **A separate payment is required for each buyer number.** Two-party checks will not be accepted for payment. Please allow seven (7) to ten (10) days to receive your certificate copy. This allows the Treasurer's staff time to complete posting of records, balancing the proceeds received from the tax sale, and editing of certificates. Original copies of the tax sale certificates will be kept in the Treasurer's office. **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, the purchaser may begin proceedings to obtain a tax deed to the parcel during the time period specified in the Iowa Code. It is the responsibility of the purchaser to know when this time begins.

#### 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 (real estate taxes that come due following the tax sale) 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. Payments must be received in the month of calculation. Postmarks will not be honored.

**d.** 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. Costs cannot be filed with the County Treasurer prior to the filing of the “90-Day Notice of Expiration of Right of Redemption” affidavit.

Upon surrender of the tax sale certificate of a redeemed parcel, in guaranteed funds, either in person, by mail, or online at [www.iowatreasurers.org](http://www.iowatreasurers.org), the treasurer’s office will issue a check for the redemption amount. The purchaser will receive a copy of the redemption certificate to be retained for income tax purposes.

At the end of the calendar year, the county treasurer will issue a 1099-INT form to each certificate holder earning cumulative interest equal to or in excess of \$600.00 during the calendar year. This information will also be submitted to the Internal Revenue Service.

#### **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 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. 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 he did not want to pay. Subsequent tax payments must be received by 5:00 p.m. of the last business day of the month in order to accrue interest for that month. Postmarks cannot be accepted.

#### **8. ASSIGNMENT OF A TAX SALE CERTIFICATE**

The tax sale certificate of purchase may be assigned by endorsement of the certificate, payment to the County Treasurer 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 EXPIRATION OF RIGHT OF REDEMPTION” AFFIDAVIT**

Service is completed when the certificate holder files the “90-Day Notice of Expiration 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 Expiration 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 “90-Day Notice of Expiration 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 “90-Day Notice of Expiration 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 Expiration 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 Expiration 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 return the certificate of purchase and remit the appropriated deed issuance fee (\$25) and recording fee (variable) to the Plymouth County Treasurer within 90 calendar days after the redemption period expires. Upon receipt of the deed issuance and recording fees, the Treasurer will record the deed with the Plymouth County Recorder prior to delivering the deed to the purchaser. The Treasurer is required by statute to cancel the certificate of purchase for any tax sale certificate holder who fails to comply. The tax sale purchaser is not entitled to a refund.

*To further protect new ownership under a tax deed, the new owner may file an affidavit set forth in the Iowa Code Section 448.15. If this affidavit has been recorded, after 120 days has expired, all persons shall thereafter be forever barred and stopped from having or claiming any right, title, or interest in the parcel adverse to the tax sale deed.*

#### 11. **ERRONEOUS TAX SALE OR ASSIGNMENT**

If it is determined that any item was erroneously sold, the certificate of purchase will be canceled. The certificate holder will return the certificate of purchase, and the Plymouth 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 certificate holder will return the certificate of purchase, and the Plymouth 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. **ABANDONED PARCEL LAW OR VACANT LOTS**

Iowa law permits a county or city to purchase or to require an assignment of a tax sale certificate for an abandoned property or vacant lot. The county or city is required to file a verified statement of abandonment with the County Treasurer. (See Iowa Code 446.19A)

This document has been prepared to provide general information and guidelines relative to tax sales and tax sale redemptions. It is not an all-inclusive listing of statutory requirement, 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 of this document is determined to be contrary to the law, the remaining provision shall remain in full force and effect.

*Iowa Code Chapters 446, 447, and 448 as amended are pertinent chapters to Tax Sales, Tax Redemption, and Tax Deeds. The Iowa Code is available online at [www.legis.state.ia.us](http://www.legis.state.ia.us).*

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

You may call the Plymouth County Treasurer’s Office (712)546-7056 to obtain additional information.

Shelly Sitzmann, Plymouth County Treasurer



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## **TAX SALE BIDDER REGISTRATION**

**JUNE 15, 2020 Annual Tax Sale and Subsequent Adjournments or Assignments thereof**

**All registrations must be in the Treasurer's office by 5:00 pm on Thursday, June 11, 2020.  
NO REGISTRATION ACCEPTED THE DAY OF THE TAX SALE.**

The undersigned does hereby register as bidder at the annual tax sale on June 15, 2020, and subsequent adjournments or assignments thereof, and does hereby acknowledge receipt of a copy of the Notice To Tax Sale Purchasers of the Terms and Conditions Governing the Tax Sale, and does further hereby acknowledge and agree that by placing a bid at the Tax Sale and subsequent adjournments, that the undersigned will comply with and be bound by the aforementioned tax sale terms and conditions.

Said Notice to Tax Sale Purchasers of the Terms and Conditions Governing the Tax Sale is based on the Code of Iowa and amendatory acts thereof.

(PLEASE PRINT OR TYPE)

NAME: \_\_\_\_\_

All tax sale certificates of purchase and tax sale deeds will be issued in the name as written above.

SS# or FED ID#: \_\_\_\_\_

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

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

Telephone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_

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

**By signing this registration form, I agree that all the information I have provided on this form is true and correct; 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 Plymouth County Recorder.**

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_



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**AUTHORIZATION TO REPRESENT BIDDER**

Please print or type the following information and return by 5:00pm June 11, 2020.

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

Authorize \_\_\_\_\_  
(Print authorized agent's name)

**To act as my agent/personal representative at the Plymouth County tax sale to be held June 15, 2020 and adjourned sales thereof.**

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

\_\_\_\_\_  
Date

\* \* \* \* \*

Subscribed and sworn to me on this \_\_\_\_\_ day of \_\_\_\_\_, 2020

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