



VAN BUREN COUNTY TREASURER

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***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 2016 tax sale will be held June 20, 2016 by the Van Buren County Treasurer in the Van Buren Courthouse and will begin at 9:00 am. Bidders will place their bids online. The auction site can be accessed at www.iowataxauction.com. The annual sale is then adjourned to 10 a.m., monthly the third Monday until all parcels are sold or May 1, 2017.

The following information is provided to assist in the purchase of delinquent taxes during the tax sale or in obtaining an assignment of a Tax Sale Certificate of Purchase, either from a private certificate holder or Van Buren County

Please read carefully as some of the terms and conditions may have changed.

REGISTRATION

All prospective bidders for the annual sale can begin registering Monday, May, 16, 2016 and must be registered by 11:59 am., Thursday, June 16, 2016 online at www.iowataxauction.com. By completing a bidder registration and W9 you are affirming that you will abide by our tax sale rules. (Only online registrations will be accepted.)

A non-refundable registration fee of \$45.00 per registration via an electronic check must accompany the online registration documents. Bidders who have not submitted their registration and fee by this date will be ineligible to bid.

Those people using a federal tax identification number must self-certify a Certificate of Existence from the Iowa Secretary of State or have a trade name meeting the requirements of Iowa Code Chapter 547 on file with the Van Buren County Recorder.

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 Treasurer's Deed can be set aside by the courts if it is determined that the 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. Prospective bidders should consult with legal counsel to determine their right to become a certificate holder, either through bid or assignment.

All bidders/buyers must be 18 years or older as of June 20, 2016. The Treasurer may require proof of age.

It is the bidder's responsibility to be prepared for the sale and to know the parcel within each district in which you intend to bid.

Sale of Delinquent Taxes-Bidding at the Tax Sale

Bids will be submitted online beginning at 9:00 a.m. on Monday June 20, 2016. The auction site can be accessed by going to www.iowataxauction.com. 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 that parcel(s) within each taxing district upon which to bid. Bidders are advised to research the parcel(s), prior to the day of the tax sale, to determine whether the property would be of sufficient use or value should a deed be obtained. You may research property information online at www.vanburencountyia.org.

Each delinquent tax parcel will be offered for sale beginning with an opening bid of 100% undivided interest. Bid downs will range in whole percentage points from 99% to 1%. When the batch closes and the bid is a tie, the successful bidder will be selected by using a random selection process.

All bids must be in good faith. All bids placed, whether intentional or not, are the responsibility of the bidder and may not be withdrawn.

In the event a bidder purchases a parcel for which they already hold a previous certificate, the payment will be added as a subsequent payment to the existing certificate. Since the bidder should not bid on such a parcel to begin with, the certificate fee will not be refunded.

Purchasing Tax Sale Certificates

Bidders will receive an invoice at the conclusion of each batch with a link to the payment website. Payment is required by 2:00 p.m. the day 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. Payment must be in the form of an electronic check. 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. Should a bidder not make full payment by the payment deadline, they will not be awarded any certificates. After payment is made, no refunds will be issued (**ALL sales are final**).

Please allow 7-10 days to receive your certificate(s). At the time certificates are mailed or picked up, 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 '90 Day Notice of Right of Redemption' Affidavit)

If it is determined that any parcel was erroneously sold, the Tax Sale Certificate of Purchase will be cancelled. This includes parcels for which online payments are received before 8:00 a.m. the day of sale. The certificate holder shall return the Tax Sale Certificate of Purchase and the County Treasurer will reimburse the principal amount of the investment. The County Treasurer will not pay interest.

If the original Tax Sale Certificate of Purchase has been lost or destroyed, a duplicate can be obtain at a cost of \$20.00. An affidavit for Lost Destroyed Tax Sale Certificate of Purchase must be completed.

For each parcel sold, the treasurer is required to notify the titleholder of record within 15 days from the date of sale that the parcel was sold at tax sale.

Reimbursement of Tax Sale Redemption

Except for certificate held be county, redemption is not valid unless receive by the treasurer prior to the sale that the parcel was sold at tax sale.

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 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 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 recode 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), cost cannot be filed with the county treasurer prior to the filling of the '90 Day Notice of Right Redemption' affidavit with the county treasurer.

The buyer is responsible for checking redemptions for which she/he holds the certificate of purchase.

Upon redemption of a tax sale certificate, the treasurer's office will issue a check for the redemption amount. The original certificate of purchase must be surrendered to the county treasurer's office. If the original certificate of purchase has been lost or destroyed, a duplicate can be obtained from the Van Buren Treasurer's office at a cost \$20.00.

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 return the Tax Certificate to you and 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.

Payment of Subsequent Taxes

A tax sale purchaser may pay subsequent taxes and special assessment 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 14 days following the day from which an installment becomes delinquent. The purchaser is responsible for requesting receipts after they are issued. Only items due in the current fiscal year or prior may be paid as subsequent taxes. Special assessments due in future years cannot be paid until the fiscal year in which they become due. Subsequent payments bear the same interest rate, 2%, as the original tax sale and interest will accrue from the month of payment to the month redemption.

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. In this case, there will be no charge for the information.
- 2) Request Tax Information form the County Treasurer- Request for property tax payment information must be in writing. Pursuant to Iowa Code Section 445.5(3), there will be a charge of \$20.00 per parcel for providing property tax payment information.
- 3) Pay Subsequent Taxes Online- Register as a Tax Investor at 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 the service, there will be a charge of \$0.75 for each parcel paid.

After subsequent tax payments have been received and applied by the County Treasurer's office, the County Treasurer will not refund the payment if the certificate holder later decides that they did not want to pay taxes for a particular parcel.

In no instance will the date of postmark be used to calculate interest or to determine if interest will accrue. The County Treasurer will contact the certificate holder with notification of additional late interest.

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 forwarding the certificate, payment by the assignee of a \$100 assignment transaction fee, and forwarding 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 County Treasurer. The assignment fee will not be reimbursed at the time of redemption. A certificate cannot be assigned to a person, other than a municipality, who has redemption rights. The assignor may not assign a certificate to more than one assignee. 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 recorded assignment will vest in the assignee all the right 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 system, instead of from the date of the tax sale, to qualify for a tax sale deed.

When a certificate holder request the County Treasurer to record a change, other than the mailing address, telephone number, or email address, it is considered an assignment and the \$100.00 assignment fee will be charge. This includes a change in the certificate name or taxpayer identification number. Failure to provide the correct taxpayer identification number or social security number.

'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. 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.

If the Tax Sale Certificate of Purchase remains unredeemed after the statutory period, as shown below, the certificate holder may begin action to obtain a Tax Deed to the parcel. Service must be compliant with law in effect at the time of the tax sale.

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.)*

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

The 90-day Notice of Expiration of Right to Redemption must be served on all parties having an interest in the parcel; and once served, an affidavit with evidence of service must be filed with the County Treasurer.

The 90-day Notice of Expiration of Right to Redemption shall be served by both certified and regular mail service upon the title holder(s) of record and the person(s) in possession at that person's last known address. All other persons having an interest of record, as well as any city where the parcel is situated, shall be served by regular mail to the person's last known address.

The cost of serving the notice, including the cost of mailing notices, and the cost of publication under section 447.10 of the Code of Iowa, if publication is required shall be added to the amount necessary to redeem. The cost of a record search, not to exceed \$300.00, shall also be added to the amount necessary to redeem if the search is performed by an abstractor who is an active participant in the title guaranty program under section 16.91 of the Code of Iowa or by an attorney licensed to practice law in the State of Iowa.

Cost will not be posted or added to the amount necessary to redeem until the County Treasurer receives and affidavit showing proof of service and statement of costs. Service is completed when the certificate holder files the 90-day Notice of Expiration of Right to Redemption affidavit with the County Treasurer.

If the certificate holder fails to file a '90 Day 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. The date may be extended if the filing of the '90 Day Notice 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.

Tax Sale Deed Issuance

The Tax Deed conveys right, title, and interest in the property. Should a parcel not be redeemed within ninety days following the filing of the 90 Day Notice of Expiration or Right of Redemption affidavit pursuant to Iowa law, a Tax Deed will be issued upon the request of the certificate holder. Tax Deeds will be issued independently for each tax Sale Certificate of Purchase that qualifies.

The deed issuance fee is \$25.00. 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. In this instance, the tax sale purchaser is not entitled to a refund.

Failure to Obtain Deed-Cancellation of Sale

After three years have elapsed from the time of tax sale, and the holder of a certificate has not filed an affidavit of service of notice of expiration of right of redemption under section 447.12, the county treasurer shall cancel the sale.

The tax sale certificate holder is required to return the certificate of purchase and remit the appropriate deed issuance fee within 90 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. If the certificate holder fails to complete action to obtain a tax sale deed within ninety calendar days after the redemption period expires the County Treasurer cancels the tax sale certificate, the tax sale buyer is not entitled to a refund.

Tax Sale Publication

All delinquent parcels will be published June 2, 2016 in the Van Buren County Register, 106 Van Buren St, Keosauqua, IA 52565, Ph: 319-293-3197. A computer printout is available from our office or can be viewed online at www.iowatreasurers.org.

This document provides general information only. It is not an all-inclusive listing of statutory requirements, procedures or policy. It is not to be construed as legal opinion of the statute governing tax rules. The Van Buren County Treasurer reserves the right to reject any or all bids and to waive irregularities, which appear to be in the best interest of Van Buren County. To protect your interest as a tax sale buyer and to determine your legal rights and remedies, we recommend that you consult your legal counsel. Announcements made the day of the tax sale, whether annual or adjourned, will take precedence over these printed rules.

This revised list of guidelines replaces any previous guidelines by the office.