

WINNEBAGO COUNTY TREASURER

Julie Swenson

126 S Clark St, STE 4 Forest City, IA 50436

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www.iowatreasurers.org

E-Mail: julie.swenson@winnebagoountyiowa.gov

May 2017

To: 2017 Prospective Tax Sale Bidder
RE: 2017 Annual Tax Sale

You have expressed interest in the Winnebago County Tax Sale (annual or adjourned). The annual sale will be held Monday, June 19, 2017 beginning at 10:00 a.m. in the boardroom of the Winnebago County Courthouse. Attached is pertinent information: a registration bidder form, W-9 form (found at separate link), Iowa code requirements regarding certificate of existence/designation of agent, and notice of terms and conditions of the tax sale (see attached Iowa Code 446.16). Please read these carefully and return the bidder form and W-9 form to our office prior to the annual sale if you intend to bid at the tax sale. Also, we must receive your current proof of filing with the Secretary of State or County Recorder if you are not an individual. This copy must be included in your packet that is returned to us. All completed registration forms must be received in our office by Wednesday, June 14, 2017 in order for you to attend our sale. Bidders who have not turned in their complete registration forms by this date will be ineligible to bid. The non-refundable registration fee to bid at tax sale is \$30.00 per registration which is due at the time of registration.

The official publication will be available in the Buffalo Center Tribune, on June 7, 2017. If you require a delinquent list of property taxes sent to you, we will send the newspaper copy published in the Buffalo Center Tribune, June 7, 2017. 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 the list at the Treasurer's office or you may make your own arrangements with the Buffalo Center Tribune, 124 N Main St, Buffalo Center, IA 50424 Phone 641-562-2606, or email your request to julie.swenson@winnebagoountyiowa.gov. An updated list will be provided to each bidder at the time of the sale.

If you have any other questions, please contact us at your earliest convenience.

Sincerely,
Julie Swenson
Winnebago County Treasurer

2017 TAX SALE REGISTRATION INFORMATION

WINNEBAGO COUNTY, IOWA

The documents necessary to register for the tax sale are:

1. Bidder Registration Form

2. W-9

3. Authorization to Represent Bidder – 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 2017 annual and adjourned tax sales. The authorization form must be signed by the same individual who signed the “Registration of Tax Sale Buyer or Assignee, and W-9 forms. **New legislation passed in 2009 (HF265) requires us to receive proof of filing with the Secretary of State OR county recorder if you are not an individual.** Errors, omissions, or misrepresentation 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 cancelled and re-offered to other properly registered bidders. (HF265 and forms at end of document.)

4. Fee of \$30.00 per bidder must be paid.

Please check in at the Treasurer’s Office on Tax Sale Day, you will need to leave a blank check to receive your bidder number.

All bidders/buyers or assignees must be the age of 18 or older by the date of the tax sale.

Proof of valid age, i.e., driver’s license or birth certificate will be required by the Treasurers’ Office.

All prospective bidders must register by 4:00 p.m. Wednesday, June 14, 2017.

JULIE SWENSON
WINNEBAGO COUNTY TREASURER
126 S Clark St, STE 4
Forest City, IA 50436
641.585.2322

**NOTICE TO TAX SALE PURCHASERS OF THE TERMS AND CONDITIONS
GOVERNING THE ANNUAL TAX SALE OF JUNE 19, 2017 AND
ADJOURNMENTS OR ASSIGNMENTS THEREOF**

The 2017 annual tax sale will be held by the Winnebago County Treasurer in the Board of Supervisors Office, Winnebago County Court House on the third Monday of June as long as purchasers are present. The tax sale will begin at 10:00 a.m. and will continue until all parcels are offered for sale. If any properties remain unsold, this tax sale will be adjourned until the third Monday in July and each month thereafter.

The following information is provided to assist you in purchasing delinquent tax during the tax sale, or obtaining an assignment of a tax sale certificate. Please be prepared for the sale, and know the parcels in which you are interested in.

BIDDER REGISTRATION

All prospective bidders must register prior to the tax sale on forms provided by the Winnebago County Treasurer. A bidder may represent only one entity likewise an entity may be represented by only one bidder. You may, through written notice to the County Treasurer, designate an appointee to bid for you in your absence. This also must be done by 4:00 p.m. on Wednesday, June 14, 2017. All bidders must be age 18 years or older. The Treasurer will require proof of age. No children are permitted.

No mail, phone, e-mail or fax bids will be accepted.

A W-9 form must be completed at registration. This information is required for a 1099-INT to be issued with the proper social security number or taxpayer identification number. Faxed forms will not be accepted. Prior years' registrations are not valid for this sale.

You or the party you represent may **not** be entitled to bid at tax sale 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 should never have an interest or lien in the parcel offered for sale.

Please consult legal counsel to determine your right to bid and become a tax sale purchaser.

BID SELECTION

All parcels will be offered or sold in the manner they were published. All parcels shown in the publication are offered for sale except those that have been paid subsequent to the publication, or those withheld due to bankruptcy laws prohibiting the sale. When more than one person offers to pay the total amount due, the person, who 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 90% interest in the parcel, etc. Bids for less than 1% will not be accepted. A random selection process will be used in the case of tie bids. If you have made the final bid in the bid down process and your number is drawn, you must purchase the certificate. The tax sale certificate is issued for the percentage designated. If a tax sale deed is issued, it will be for the designated percentage undivided interest in the parcel with the owner(s) of record.

TAX SALE

The tax sale listing will be read as it appears in the newspaper; the parcel number with dollar amount. Those paid in full by 9:00 a.m. June 19, 2017 at the Treasurer's Office will not be read. 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.**

Payment is required at the time of purchase or at the conclusion of the sale. The payment amount shall include all delinquent taxes, special assessments, interest, publishing costs, and a \$20.00 certificate fee for each certificate. Payment must be in the form of a personal check, money order, any form of guaranteed funds, or cash. Two party checks will not be accepted. **A separate payment is required for each bidder number.**

Please allow 7 to 10 days to receive your receipt(s). This time may be required for Treasurer's staff to complete posting of records, editing of certificates and balancing the proceeds of the tax sale. Original tax sale certificates will be retained by the Treasurer.

The county treasurer shall notify the owner on record that the parcel was sold at tax sale.

The tax sale certificate of purchase is assignable by endorsement of the certificate and entry in the treasurer's tax sale register. The delinquent tax lien transfers with the tax sale certificate. The fee for assignment is \$100.00 to be deposited to the county general fund. It is the purchaser's responsibility to verify that the tax sale certificates and redemption copies received are correct for the parcels purchased.

At the end of the calendar year, the treasurer will issue a 1099-INT to you and to the Internal Revenue Service if the cumulative interest paid to you during the

calendar year is equal to or exceeds \$600.00. This information is required when filing your Federal and State Income Tax.

SUBSEQUENT TAXES

A tax sale purchaser may pay subsequent taxes and special assessments, including rates or charges, on the same parcel(s) on which she/he 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 (i.e. November 15 and May 15). The purchaser is responsible for requesting receipts after they are issued. Special assessments, rates or charges 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 of redemption. Subsequent payments may be paid online. To register online to pay the subsequent taxes, go to our website at www.iowatreasurers.org.

If mailing in the subsequent taxes or paying in the office that you identify your payment as a subsequent tax so it is recorded as such.

The Treasurer's Office will not refund the payment if the tax sale certificate holder later decides that she/he did not want to pay. Subsequent tax payments must be received by 4:30 p.m. of the last business day of the month in order to accrue interest for that month. Postmarks cannot be accepted.

REDEMPTION

The tax sale certificate of purchase does not convey title to the purchaser. The title holder of record or other interested parties retain the right to redeem within a specified period of time, depending on the type of 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, calculated against the original tax sale amount. Each fraction of a month is counted as a whole month. Minimum is \$1.00.
- C. Subsequent tax payments paid by the purchaser and added to the amount of the sale, with interest at the rate of 2% per month from the date of payment. Each fraction of a month is counted as a whole month. Minimum is \$1.00.
- D. Cost of publication under Iowa Code 447.13 if publication is required, will be added to the amount necessary to redeem. Costs not filed with the treasurer before redemption shall not be collected by the treasurer, but may be recovered through a court action by the certificate holder against the parcel owner. 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.

Upon redemption, the treasurer will issue a check for the certificate of redemption, with a breakdown of the total redemption amount.

In the event you have been reimbursed for a certificate of redemption and the redeemer's check does not clear the bank, you will be required to return the funds received to the Winnebago County Treasurer. The tax sale certificate of purchase will be returned to you and redemption canceled. The tax sale will be reinstated as of the original sale date with any subsequent redemption calculated according to the law in effect at the time of the sale.

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

To inquire about redemptions we encourage you to contact our office at:

Phone: 641-585-2322

Fax: 641-585-1059

Mail: 126 S Clark St, STE 4, Forest City, IA 50436

Email: julie.swenson@winnebagoountyiowa.gov

'90 Day Notice of Right of Redemption' Affidavit

Service is completed when the certificate holder files the '90 Day Notice of Right of Redemption' 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 the interested parties. Service must be compliant with the law in effect at the time of the tax sales.

(A) Regular Tax Sale – the 90-day Notice of Expiration of Right of Redemption may be issued one year and nine months from the date of sale.

(B) Public Bidder Sale – The 90-day Notice of Expiration of Right of Redemption may be issued nine months from the date of sale.

If the certificate holder fails to file the '90 Day Notice of Right of Redemption' affidavit within three years from the date of the tax sale, the County Treasurer shall cancel the certificate. 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 Right of Redemption' affidavit is stayed due to a bankruptcy proceedings. Please contact your legal counsel to determine the impact of the bankruptcy proceedings on tax sale certificates.

TAX SALE DEED

If the tax sale certificate of purchase is not redeemed within the specified period provided in Chapter 447, Code of Iowa, the purchaser may begin proceedings to obtain a tax sale deed to the parcel. The Treasurer is required by statute to cancel the certificate of purchase for any tax sale certificate holder who fails to comply.

Affidavit of Service – the right of redemption shall not expire until 90 days after service is complete. Service is complete only after an affidavit has been filed with the county treasurer showing the making of the service, the manner of service, the time when and the place where service was made, under whose direction the service was made, and costs incurred as provided in section 447.13

The fee for the issuance of a tax sale deed is \$25.00 per parcel. 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 certificate, the tax sale purchaser is not entitled to a refund.

FAILURE TO OBTAIN DEED – CANCELLATION OF SALE

After three years from the time of the sale, if action has not been completed which qualifies the holder of the certificate to obtain deed, the treasurer shall cancel the tax sale certificate.

The treasurer shall cancel the certificate for any tax sale certificate holder who fails to return their certificate of purchase and remit the deed and recording fees to the county treasurer within 90 calendar days after the redemption period expires.

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 be notified by mail, and the Winnebago 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 be notified by mail, and the Winnebago 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.

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)

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. 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. The Winnebago County Treasurer reserves the right to reject any or all bids and to waive irregularities, which appear to be in the best interest of Winnebago County.

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

House File 687 and House File 2269, both becoming effective April 1, 1992 resulted in significant changes to the code. 1997 Iowa Code Chapters 446, 447, and 448 as amended are pertinent chapters to Tax Sales, Tax Redemption, and Tax Deeds. House File 645, passed during the 1997 session of the Iowa Legislature amended various sections of the Iowa Code. The Iowa Code is available online at www.legis.state.ia.us.

This document is effective for taxes sold between June 19, 2017 through June 18, 2018 and all their assignments thereof regardless of the assignment date.

Cellular phones, pagers, tape recorders, camcorders and other audible electronic devices are to be turned off during the Tax Sale. Laptop or notebook computers are allowed only if they are operated from battery packs. A violation in the use of electronic devices may result in the disqualification of the bidder.

You may call the County Treasurer's Office (641)585-2322 to obtain additional information.

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

Julie Swenson
Winnebago County Treasurer

**WINNEBAGO COUNTY, IOWA
REGISTRATION OF TAX SALE BUYER OR ASSIGNEE
JUNE 19, 2017 ANNUAL TAX SALE
AND SUBSEQUENT ADJOURNMENTS OF ASSIGNMENTS THEREOF**

The undersigned does hereby register as a bidder at the annual tax sale of June 19, 2017 and subsequent adjournments or assignments thereof, and do hereby acknowledge receipt of a copy of the *Terms and Conditions Governing the Annual Tax Sale of June 19, 2017, and Adjournments or Assignments Thereof*, and do 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 "*Terms and Conditions Governing the Annual Tax Sale of June 19, 2017*" and *Adjournments or Assignments Thereof* is based, in part, on Chapter 446 in the Code of Iowa and amendatory acts thereof.

(PLEASE PRINT OR TYPE)

Bidder/Company Name _____

Address _____

City: _____ State: _____ Zip: _____

SS # or Fed ID # _____

Telephone : _____ Fax: _____

Email: _____

Date: _____ County & State of Residence _____

Note: Tax sale certificates of purchase, assignments, and tax sale deeds will be issued in the bidder's name as shown above. Any changes that require a reassignment will have an additional \$100.00 charge that is not reimbursable. Please enclose a \$30.00 per bidder registration fee.

The original certificates will be held in our office, and you will receive a copy.

SIGNATURE: _____

Bidder # _____

WINNEBAGO COUNTY TREASURER
Julie Swenson
County Treasurer
126 S Clark St, STE 4
Forest City, IA 50436

Telephone (641)585-2322
Fax Number (641)585-1059

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 the entire sale)

to act as my/our agent/personal representative at the June 19, 2017, tax sale and adjourned sales, thereof. Proof of identification will be required (photo ID)

(Print)Name of Bidder/Company Office Holder (Address)

Signature City, State, Zip Code

(Bidder Taxpayer ID #)

Date: _____

Subscribed and sworn to me this _____ day of _____, 20 _____.

(Seal)

*Signature of Notary

*An employee of the Winnebago County Treasurer's office will not notarize this form. An "authorized agent" is an individual, other than the interested party, who is authorized by the interested party to act as in agent/personal representative for the purpose of bidding at the tax sale.

