

Driver's License (563) 422-3798
Motor Vehicle (563) 422-3798
Property Tax (563) 422-3787
Fax (563) 422-3855

FAYETTE COUNTY TREASURER

Kyle Jacobsen
114 N Vine Street – PO Box 273
West Union, IA 52175

www.iowatreasurers.org
www.fayettecountyiowa.org
treasurer@co.fayette.ia.us
kjacobsen@co.fayette.ia.us

May 1, 2010

Prospective Tax Sale Bidders:

Please find enclosed a bidder registration packet. This packet contains the Bidder Registration Form, an Agent Authorization Form, the Terms and Conditions Governing the 2010 Tax Sale and a copy of the IRS Form W-9. Bidders must register each year to participate in the annual tax sale.

TAX SALE TIME & DATE: 10:00 AM on Monday, June 21, 2010.

TAX SALE LOCATION: The sale will be held in the Dance Pavilion located on the Fayette County Fairgrounds, 504 South Vine Street, West Union, Iowa.

NON-REFUNDABLE REGISTRATION FEE: \$10.00

Please complete the necessary forms and return them to our office by June 11, 2010, if possible.

- Bidder Registration Form
- IRS Form W-9
- Bidder/Agent Authorization Form (if applicable)
- Iowa Secretary of State's Certificate of Existence (if applicable)
- Copy of Trade Name Statement recorded in Fayette County (if applicable)

The delinquent tax list will be published in the *Fayette Leader* in early June. To request a copy of the published list directly from the newspaper please contact them at (563) 426-5591. A computer file of the delinquent tax list should be available through our office around May 24.

Should you have any questions please contact our office.

Sincerely,

Kyle Jacobsen

Kyle Jacobsen

NOTICE TO TAX SALE BIDDERS OF THE TERMS AND CONDITIONS GOVERNING THE 2010 FAYETTE COUNTY TAX SALE

The annual tax sale will be held on Monday, June 21, 2010, beginning at 10:00 a.m. for as long as bidders are present or until all parcels have been offered for sale. The sale will be held at the Dance Pavilion building on the Fayette County Fairgrounds. The Fairgrounds is located at 504 South Vine Street, West Union, Iowa. If some parcels remain unsold, the tax sale will be adjourned until 10:00 a.m. on Monday, August 9, 2010. Any required adjourned tax sale will be held at the Fayette County Treasurer's Office. A list of parcels with delinquent taxes will be published once in the *Fayette Leader* newspaper. A PDF file of the delinquent tax list will be available electronically in late May. Detailed information (assessed value, address, etc.) on the parcels can be found on the Fayette County website (www.fayettecountyiowa.org) under the GIS/Property Information link.

REGISTRATION

All bidders must register with the Treasurer's Office prior to the tax sale – preferably by June 11. Each registered bidder may attend or have an authorized representative attend the sale to place a bid. One person will not be allowed to bid for more than one registered bidder. All bidders and authorized agents must be at least 18 years of age on the day of the sale – proof of age and identity may be required. Bidders should be prepared to show a valid driver's license or other form of identification if requested. Bids can be submitted by mail if the bidder cannot attend in person, however bids made in person will be given preference. Contact the Treasurer's Office for more details on submitting bids by mail.

A non-refundable bidder registration fee of \$10.00 will be collected by the County to help offset the costs of the tax sale per Section 446.16 of the Code of Iowa. The bidder registration fee will not be assessed against the county or any municipality. The registration fee is valid for the June 2010 sale plus any required adjourned sale. Payment is required at the time of registration. The fee is not refundable for any reason nor is it recoverable through the redemption process.

Important – To be authorized to register to bid or to bid at a tax sale or to own a tax sale certificate, a person, other than 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 (Certificate of Existence) or a verified statement meeting the requirements of Chapter 547 (Trade Names) of the Iowa Code on file with the county recorder of the county in which the person wishes to register to bid or to bid at tax sale or of the county where the property that is the subject of the tax sale certificate is located. Everyone, other than an individual, is required to show proof of satisfying this requirement when submitting their bidder registration forms.

Potential bidders may consult with legal counsel to determine their right to bid or hold a tax sale certificate of purchase. Among others, parties eligible to redeem a parcel from tax sale or that hold a recorded interest in a parcel are prohibited from bidding or purchasing the parcel at the tax sale. Potential bidders may also want to consult their tax advisor regarding any income tax ramifications of purchasing a tax sale certificate. The Treasurer's Office does not provide legal advice.

BIDDING

Parcels will be offered for sale to eligible bidders beginning with a 100% undivided interest. Bidders may bid downward a percentage of undivided interest from 99% to 1% in whole percentage increments. For example, Bidder 1 offers to pay the total amount due for 90% undivided interest. Bidder 2 then offers a bid of 80%. At this point Bidder 1 has three options; A) offer a lower percentage, B) offer a matching percentage, or C) drop out of the bidding. If Bidder 1 offers a matching percentage, a random selection process will be used to determine the successful bidder from all interested bidders.

The “bid down” procedure affects the potential ownership interest. If the successful bidder obtains a tax sale deed, it will reflect the 80% undivided interest with the original property owner maintaining a 20% undivided interest.

In the event that multiple bidders offer the same percentage and no other bidders are willing to offer a lower percentage, a random process will be used to determine the successful bidder. If the random process is used and the bidder who made the final bid in the “bid down” process is selected, that bidder must purchase the certificate. A tax sale can be set aside if it is determined that a group of bidders agree not to compete with each other and one of them becomes the tax sale certificate holder.

PURCHASING

A Tax Sale Certificate of Purchase will be issued and mailed to the successful bidder. The purchaser in addition to the published amount of delinquent taxes will pay a \$20.00 certificate fee for each parcel. The “bid down” process has no affect on the amount to be paid – the “bid down” affects only the potential ownership interest. Payment must be made the day of the sale. **A separate payment is required for each bidder.** All checks must be written for the exact amount of purchase; two party checks will not be accepted. The Tax Sale Certificate does not convey title to the purchaser. The titleholder of record or other interested party retains the right to redeem within a specified period of time. If the sale remains unredeemed after the statutory period, the purchaser may begin proceedings to obtain a tax sale deed.

At the conclusion of the sale, a summary of purchases will be printed for each successful bidder. Bidders should review this summary and inform the personnel in charge of the sale of any errors or omissions before making payment. The Treasurer’s office personnel will resolve any discrepancies.

In the event the purchaser’s check does not clear their bank account, the purchaser will have five (5) days following notification from the Treasurer to repay with guaranteed funds or the certificates will be canceled. An additional fee will be added for each returned check. Any future payments may also be required to be made in guaranteed funds. If the returned check is not repaid within the five days, the certificates will be canceled and the parcels will be offered at the next adjourned tax sale. The original purchaser will not be allowed to purchase the same parcels at an adjourned tax sale. The Treasurer reserves the right to disqualify the bidder from future sales.

ASSIGNMENT OF CERTIFICATES

Ownership of a tax sale certificate of purchase can be transferred to another party. The original owner needs to complete the assignment portion of the certificate. The certificate along with payment of \$100.00 for the assignment fee needs to be returned to the Treasurer's Office. The Treasurer's Office will then record the assignment information in the county system and return the certificate to the assignee. The assignee should have a completed W-9 form on file with the Treasurer's Office. A certificate cannot be assigned to anyone who has the right to redeem. The assignment fee is not recoverable at the time of redemption. Any correction on a tax sale certificate that is necessitated due to incorrect information submitted on the bidder registration forms will be considered an assignment and subject to the \$100.00 assignment fee.

SUBSEQUENT TAXES

A tax sale certificate holder may pay subsequent taxes and special assessments on the parcel listed on the certificate fourteen days following the date of delinquency (normally October 15 & April 15 – this can change if the normal delinquency date falls on a weekend or holiday). The certificate holder is responsible for obtaining tax information on the parcel. Requests for subsequent tax information must include the certificate number or the parcel ID number. When making payment, the certificate holder must indicate the payment is for subsequent taxes and include the tax sale certificate number. Failure to do so may result in the amount not being included in the amount necessary to redeem and considered as a payment made on behalf of the property owner.

90-DAY NOTICE OF RIGHT OF REDEMPTION

For parcels sold during the Regular Tax Sale, the 90-Day Notice of Right to Redemption may be served one year and nine months from the date of sale. For parcels sold during the Public Bidder Sale, the notice may be served nine months from the date of sale. The notice needs to be served on all parties with a recorded interest in the property, anyone in possession, and the City in which the parcel is located. In addition to these parties, notice may be required to be served to other parties to be in compliance with the law. Service must be compliant with the law in effect at the time of the sale. Service is completed when the certificate holder files the Affidavit of Service with the Treasurer's Office. Certain costs incurred by the certificate holder in preparing and or serving the 90-Day Notice may be filed with the affidavit and will be added to the amount necessary to redeem. While attorney fees can not be added to the redemption amount, it may be prudent to contact one with questions on the tax sale process. The Treasurer's Office does not provide legal advice.

FAILURE TO FILE

The Affidavit of Service of the 90-Day Notice of Right of Redemption, which may qualify the certificate holder to obtain a tax sale deed, needs to be filed with the Treasurer's Office within three years of the date of sale. If not filed within this time, the tax sale will be canceled and the certificate holder will not be entitled to a refund.

REDEMPTION OF CERTIFICATES

If the Tax Sale is redeemed, the certificate holder will receive the amount paid at the time of purchase, including the \$20.00 certificate fee, interest in the amount of 2% per month (each fraction of a month will be considered a whole month), and any subsequent tax payments properly made, with interest at 2% per month. The Tax Sale Certificate must be returned to our office to receive the redemption amount. If the Affidavit of Service of the 90-Day Notice of Redemption has been filed, appropriately filed costs will also be collected and returned to the certificate holder.

OBTAINING TAX SALE DEED

Once the Affidavit of Service has been filed with the Treasurer's Office, the titleholder or other party of interest has an additional 90 days to redeem. If redemption is not made within this 90-day period, the right to redeem expires and a tax sale deed will be issued. The certificate holder must return the original tax sale certificate along with a payment for the cost of the deed. The Treasurer's Office will require the certificate holder to also send a separate payment for costs of recording the tax sale deed. The Treasurer's Office will then record the document before giving it to the certificate holder.

Once the right to redeem expires, the certificate holder has 90 days to return the certificate of purchase along with the appropriate fees to obtain the tax sale deed. Failure to do so will result in the cancellation of the tax sale. The certificate holder will not be entitled to a refund.

GENERAL INFORMATION

If it is determined that a parcel was sold in error, the certificate holder will return the certificate of purchase to the Treasurer's Office. The Treasurer's Office will reimburse only the original amount paid. No interest will be paid.

Electronic devices such as cell phones, tape recorders, camcorders, or other devices should be turned off during the sale. Computers may be used provided they are powered by battery packs. Any attempt to capture and record audio and/or video of the sale or any portion thereof without consent is prohibited. Anyone deemed to be disrupting the sale in any manner may be subject to disqualification, removal from the premises, banned from future sales and/or other consequences.

A bidder requesting special accommodations under the "Americans with Disabilities Act" should contact the Treasurer's Office as soon as possible. Requests should be submitted in writing. Proof of disability may also be required.

This document provides general information regarding the tax sale process. It is not to be considered legal advice. Bidders may consult with legal counsel to determine legal rights and remedies concerning the tax sale process. Tax Sales are governed by Chapter 446 of the Code of Iowa. The Treasurer reserves the right to reject any or all bids and to waive irregularities, which appear to be in the best interest of the County. Announcements made the day of the sale will supersede these guidelines. The doctrine of "Buyer Beware" applies to the tax sale. Any questions potential bidders have concerning the tax sale process or the properties involved should be resolved before the day of the sale.

Fayette County, Iowa

2010 Tax Sale Bidder Registration Form

The undersigned does hereby register as a bidder for the annual Fayette County tax sale and any subsequent adjournments thereof. By signing this registration form, I agree that all of the information I have provided herein is true and correct and that I (and if applicable, my authorized agent) will abide by the laws, terms and conditions governing this tax sale. Any Tax Sale Certificates and/or Tax Sale Deeds will be issued in the name of the Bidder Name shown below.

Bidder Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

County: _____

Telephone: _____ Fax: _____

E-mail Address: _____

Social Security Number: _____ Federal ID #: _____

If the bidder shown on this registration form is a person other than an individual, I certify there is a designation of agent for service of process on file with the Iowa Secretary of State's Office or there is a verified statement meeting the requirements of Chapter 547 on file with the Fayette County Recorder. I understand that I am required to submit proof of this information along with this form.

Bidder's Signature: _____

(If bidder is a company, the signature and title of a company officer is required)

Printed Name of
Company Officer & Title: _____

Fayette County Treasurer, PO Box 273, West Union, Iowa 52175
Telephone: (563) 422-3787 Fax: (563) 422-3855 Email: treasurer@co.fayette.ia.us

For Office Use Only: CRSOS _____ BN _____ PD _____

Fayette County Tax Sale 2010 Bidder/Agent Authorization Form

An Authorized Agent is an individual, other than yourself, whom you are authorizing to act as your agent or personal representative during the June tax sale and any adjournments thereof. Each agent is limited to representing one bidder.

I/We _____,
(Print bidder name as it appears on the Bidder Registration Form)

authorize _____,
(Print the name of the Authorized Agent)

to act as my/our agent or personal representative at the Fayette County Tax Sale held on June 21, 2010 and any adjourned sales unless a new Bidder/Agent Authorization Form is filed. Authorized agents must be at least 18 years old on the day of the sale.

Bidder's Signature (name as it appears on registration form)

If bidder is a company, the signature and title of a company officer is also required.

By: _____ Title: _____

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

Signature of Notary