



HARDIN COUNTY

Treasurer's Office

Machel Eichmeier | Treasurer
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To: Prospective Tax Sale Certificate Purchasers

Re: 2019 Hardin County Tax Sale

The enclosed packet contains information regarding the 2019 tax sale and our tax sale procedures.

The 2019 tax sale will be held Monday, June 17th, 2019 in the conference room of the basement level of the courthouse and will **begin promptly at 9:00 am**. All pre-registered purchasers/bidders must be checked in with the tax sale clerk to receive their bidder number from 8:15 a.m. to 8:45 a.m. The sale normally last about two to three hours.

NO Pets Allowed and Cell Phones must be off!!!!

Registration must be completed by 4:30 p.m. on Tuesday, June 11, 2019. There is a **\$25 (nonrefundable) registration fee** which must accompany the registration documents for each purchaser. Each registered bidder must pay the registration fee. **We do not accept credit card payments.** Our conference room has limited seating. You may authorize one person to represent as many tax sale purchasers as you feel they can manage. We will not however slow or stop the sale if they can't keep up with the pace of the sale. I will first accept registration from all the purchasers that were registered last year and if there is room I will accept additional purchasers. Please return your registration soon.

Upon receipt of the registration form and payment I will e-mail the tax sale list to you at no additional charge. If you do not have an e-mail address I can mail a list to you, however if mailed there will be additional charges. The condensed version which is published in the newspaper is \$20.00. The detailed version which shows the breakdown of each type of tax/special assessments and the individual amounts due is \$40.00.

All delinquent parcels will be published in the Ackley World Journal, Ackley, IA on June 5, 2019.

Electronic devices will be prohibited during the tax sale. This includes cellular phones, pagers, tape recorders, camcorders, and other audible electronic devices are to be turned off during the 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/purchaser.

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NOTICE TO TAX SALE PURCHASER OF THE TERMS AND CONDITIONS GOVERNING THE TAX SALE

The 2019 annual tax sale will be held by the Hardin County Treasurer in the conference room on the lower level of the courthouse on **Monday, June 17, 2019 at 9:00 A.M.** for as long as purchasers are present. The annual tax sale is then adjourned to 10:00 A.M. on the third Monday, July 15, 2019.

The following information is provided to assist you in purchasing delinquent taxes at tax sale:

1) All prospective bidders must register on or before Tuesday, June 11, 2019 prior to the tax sale. All bidders/buyers/assignees must be age 18 years or older as of June 17, 2019. The County Treasurer may require valid proof of age; i.e., driver's license or birth certificate. You may, through written notice to the treasurer, designate an appointee to bid for you in your absence. **A \$25.00 registration fee (nonrefundable) is required for each bidder number assigned. Iowa Law House File 256 see attached copy with this packet.**

Each parcel will be offered for sale to all bidders beginning with a 100% undivided interest selected by a random process. **"Bid downs" will range in whole percentage points from 99% to 1%.** When more than one person offers to pay the total amount due, the person that designates the smallest percentage of undivided interest of the parcel for the total amount due will obtain the tax sale certificate. **In case of a tie bid, the successful bidder will be selected by a random process.**

For example: Party 'a' bids the total amount due for a 100 percent interest in the parcel. Party 'b' bids the total amount due for a 90 percent interest in the parcel, etc. The percentage designated gives the tax sale certificate holder, upon the issuance of a treasurer's tax sale deed, an undivided interest in the parcel with the owner(s) of record. Bids for less than 1 percent interest will not be accepted.

A tax sale bidder, who has properly registered, is allowed to purchase tax sale certificates under multiple buyer name/numbers, but may only bid for one buyer at any given time.

(Note: "Properly registered" means that the name(s) on the buyer registration form and corresponding W-9 form **must be identical** and that the taxpayers' identification number furnished on the W-9 form must be for the name shown.)

Certificates purchased under a specific buyer name/number may not be transferred to any other buyer name/number. (See section 12 for assignments.)

A tax sale certificate of purchase and/or a treasurer's deed can be set aside by the courts if it is determined the tax sale purchaser was ineligible to bid at tax sale. The general rule is a tax sale purchaser should never 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.

2) Parcels with delinquent taxes are offered for sale by numerical sequence by taxing district. You need to know the sequence number(s) within each district and the corresponding legal description(s) upon which you intend to bid.

The treasurer's office can help you obtain this information in the days prior to the sale by issuing a delinquent tax sale list for a fee of \$20 condensed version, \$40 office copy detailed version, or you may obtain a copy of the tax sale list that is published June 5, 2019 in the Ackley World Journal, Ackley, IA. Also, a listing will be on our web site at www.hardincountyia.gov or **I will email a list for no charge with paid registration fee.**

3) Payment is required at the time of purchase. The amount collected will include all delinquent taxes, drainage, special assessments, interest, publishing costs, and a certificate fee for each certificate issued. Payment, with proper identification, must be in the form of a personal check, money order, or any form of guaranteed funds for the exact amount of the purchase. IRA checks will not be accepted unless issued for the exact amount of the purchase. Two-party checks will not be accepted for payment.

Failure to make payment at the end of the sale will result in those parcels being re-offered at the beginning of the next sale. In this instance, you will be prohibited from bidding again on these parcels. Depending on the number of parcels



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you have successfully bid upon, you may be required to leave a blank check. The treasurer's office will contact you with the total dollar amount before the check is deposited.

4) Please allow 10 to 15 days to receive your certificate(s) or copies.

5) A W-9 form must be completed and signed at the time of purchase. This information is needed so we can issue an accurate 1099-INT form to you and to the Internal Revenue Service, if the accumulative interest paid to you during the calendar year exceeds \$600.00.

6) 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 with a specified period of time, depending on the type of tax sale.

7) '90 Day Notice of Right of Redemption' Affidavit of Service. Service is completed when the certificate holder files the 90 day affidavit of service with the treasurer.

The tax sale redemption is not valid unless received by the treasurer prior to the close of business on the ninetieth day from the date of completed service or as allowed by law. 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 right of Redemption may be issued after one year and nine months from the date of sale. **(Parcels eligible for regular tax sale have been advertised only once.)**

b) PUBLIC BIDDER SALE

The 90-day Notice of right of Redemption may be issued nine months from the date of sale. **(Parcels eligible for public bidder tax sale have been advertised twice.)**

c) FAILURE TO OBTAIN DEED- CANCELLATION OF SALE

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 shall cancel the tax sale. The tax sale purchaser is not entitled to a refund.

8) Tax Sale Deed

The tax sale certificate holder is required to request a tax sale deed to be issued to them and remit the appropriate deed issuance fee and recording fee to the County Treasurer within ninety 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 with this paragraph.

The deed issuance fee is \$25. 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. After the tax sale deed is issued and recorded, the new owner of record should record a 120 day affidavit to quiet the title (Iowa Code 448.15).

9) A tax sale purchaser may pay subsequent taxes and special assessments on the same parcel on which he/she holds the tax sale certificate. Payment may be made by a check drawn off their bank account in the same name(s) as listed on the tax sale certificate, or by money order or cashier's check. You may also pay online by registering, however additional fees will apply. If you choose to use this service contact the office prior to making any payments online. Only items due in the current fiscal year may be paid on a "sub-list." Special assessments due in the future years cannot be paid until the fiscal year in which they become due.

Subsequent payments may be made on the delinquent half tax payment one month and 14 days after the date of delinquency (i.e. November 15 and May 15). Postmarks will not be accepted for payment of subsequent taxes. Upon payment of subsequent taxes, inform the tax department of the subsequent payment so it is paid and recorded properly as an addition to the sale. Sub-list payments not properly reported will be treated as voluntary payments and will be omitted from redemption calculations.

Recorded sub-list payments will accrue interest at the rate of 2% per month from the month of payment to the month of redemption. Subsequent tax payments received after 12:00 P.M. of the last business day of the month may not be posted



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until the first business day of the following month and will accrue interest from the month the payment is posted. Subsequent tax list available from Treasurer, additional fee may be required, or amounts available on line at www.iowatreasurers.org.

10) Reimbursement of Tax Sale Redemption:

- a) **Reimbursement** will be made of the original tax sale amount including the 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.
- c) **Subsequent tax** payments paid by the purchaser and added to the amount of the tax sale certificate, with interest in the amount of 2% per month. Each fraction of a month is counted as a whole month.
- d) **Valid costs** incurred and recorded on a tax sale certificate for action taken toward obtaining a tax deed. Costs not filed with the treasurer before redemption shall not be collected by the treasurer but may be recovered through a court action against the parcel owner by the certificate holder. Valid costs are defined in 447.13, Code of Iowa. Iowa Code (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.)

11) Our office will notify you when a certificate has been redeemed.

Upon surrender of the tax sale certificate of a redeemed parcel, the treasurer's office will issue a check for the redemption amount. You will receive a copy of the redemption certificate, which has a breakdown of the total amount of the redemption, to be retained for income tax purposes. When a tax sale certificate is redeemed prior to or on December 31 of each year, and payment has not been received by you, the amount redeemed will be reported on the 1099-interest form for the year in which the certificate is redeemed.

If the original certificate of purchase has been lost or destroyed, a duplicate can be obtained from the treasurer's office at a cost of \$20.00.

12) Assignment of a tax sale certificate. The tax sale certificate of purchase is assigned by the endorsement of the certificate, payment by the assignee of a \$100 assignment fee (not reimbursable), and forwarding the certificate to the County Treasurer for recording in the county system. An assignment is not considered valid until recorded on the county system by the Treasurer.

A certificate cannot be assigned to another bidder, other than a municipality, who is entitled to redeem. The assignor may not assign a certificate of purchase to more than one assignee and upon entry in the Register of Tax Sales it shall vest in the assignee all the right and title of the assignor; except, when a county held certificate is assigned, the assignee has only three years from date of assignment to qualify for a deed. Please contact this office for further information, should you desire to assign a certificate.

To obtain an assignment of a Hardin county held tax sale certificate you must contact our tax department. The terms and conditions set forth in this document apply both to certificates obtained through assignment and for certificates obtained directly through the tax sale.

13) For each parcel sold, the treasurer is required to notify the title holder of record within fifteen days from the date of sale that the parcel was sold at tax sale.

14) The fee for the issuance of a treasurer's tax sale deed is \$25.00 per parcel.

15) If it is determined that any parcel was erroneously sold, the certificate of purchase will be canceled. The certificate holder is required to return the certificate of purchase and will be immediately reimbursed the principal amount of the investment. **Interest will not be paid.**

16) Abandoned parcel law: Iowa law now permits a county or city to purchase parcels offered at the regular tax sale or to require that a certificate be assigned to the county/city if the county/city files a verified statement of abandonment with



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the County Treasurer. Senate File 448, passed by the 1999 session of the Iowa Legislature, provides additional information on this program.

17) Public Nuisance Tax Sale – Iowa Code 446.19B; Hardin County Ordinance No. 2007-41 adopted June 27, 2007 applies to parcels offered for sale 2008 and subsequent years.

18) Bankruptcy - property that is in a bankruptcy after the tax sale, the tax sale holder cannot attempt to acquire a tax sale deed until the bankruptcy is closed. Our office will try to notify you of a bankruptcy if we receive notification.

19) Foreclosure - property that is in a foreclosure, if you should receive a foreclosure notice and you are listed as a lien holder you need to respond to the person(s) sending you the foreclosure notice. Our office is not informed of properties in foreclosure.

General Information

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

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

You may call our tax department at 641-939-8230 to obtain additional information. Please ask for Machel Eichmeier, Treasurer.

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Effective: April 26, 2019
Machel Eichmeier, Hardin County Treasurer



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House File 256

AN ACT

Relating to bidders at a property tax sale and owners of tax sale certificates and including effective and applicability date provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 1 Section 1. Section 446.16, Code 2009, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 4. Only those persons as defined in
1 4 section 4.1 are authorized to register to bid or to bid at the
1 5 tax sale or to own a tax sale certificate by purchase,
1 6 assignment, or otherwise. To be authorized to register to bid
1 7 or to bid at a tax sale or to own a tax sale certificate, a
1 8 person, other than an individual, must have a federal tax
1 9 identification number and either a designation of agent for
1 10 service of process on file with the secretary of state or a
1 11 verified statement meeting the requirements of chapter 547 on
1 12 file with the county recorder of the county in which the
1 13 person wishes to register to bid or to bid at tax sale or of
1 14 the county where the property that is the subject of the tax
1 15 sale certificate is located.

1 16 Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act,
1 17 being deemed of immediate importance, takes effect upon
1 18 enactment and applies to tax sales held on or after June 1,
1 19 2009.

1 20 EXPLANATION

1 21 This bill provides that a bidder at a tax sale for
1 22 delinquent property taxes must meet the statutory definition
1 23 of "person". Code section 4.1, subsection 20, defines
1 24 "person" and includes the following: an individual,
1 25 corporation, limited liability company, business trust,
1 26 estate, trust, partnership or association, or any other legal
1 27 entity. The bill provides that, in order to register to bid
1 28 or to bid at a tax sale or to own a tax sale certificate, a
1 29 person, other than an individual, must have a federal tax
1 30 identification number and either have filed with the secretary
1 31 of state a designation of agent for service of process or have
1 32 filed with the appropriate county recorder a verified
1 33 statement of trade name of a business.

This was signed by Governor Culver on March 13, 2009.



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Registration Check List:

- Does the bidder's name on the W-9 form and Registration of Tax Sale Bidder form, match the name on the Authorization to Represent Bidder form? All names must be identical.
- Have all forms been signed by the same person that signed the Registration of Tax Sale Bidder form? No stamped signatures are accepted. All signatures must be identical.
- We will accept one check for the registration fees for multiple investors, but payment of the tax sale certificates and subsequent taxes must be paid by the individual investor!
- Have you turned in your registration packet and paid your registration fee by the June 11, 2019, deadline?
- By signing the registration form, you agree that all the information provided on the form is true and correct. You understand the requirements of HF256 and have complied with this Iowa law.