

**ADAIR COUNTY IOWA
OFFICE OF COUNTY TREASURER**

400 PUBLIC SQUARE, SUITE 2

GREENFIELD, IOWA 50849

Phone: 641-743-2312

Fax: 641-743-2272

E-mail: treas@adaircountyiowa.org

Brenda L Wallace, Treasurer
Marilee L Kerber, Deputy Treasurer

May 1, 2023

To: 2023 Prospective Tax Sale Bidders

From: Brenda L Wallace, Adair County Treasurer

Re: 2023 Annual Tax Sale

Enclosed is information regarding the 2023 annual tax sale. The Adair County Annual Tax Sale will begin at 9:30 a.m. on Monday, June 19, 2023 in the Greenfield City Hall Meeting Room, 202 S 1st St, Greenfield, Iowa (one and half blocks south of the square).

If you plan on bidding at the sale, please read the information in the “Terms and Conditions Governing the Annual Tax Sale of June 19, 2023, and Adjournments or Assignments Thereof.” The information also includes a “Bidder or Assignees Registration Form” and an “Authorization to Represent Bidder Form.” The W-9 Form is available at the website: www.irs.gov/pub/irs-pdf/fw9.pdf.

Registration forms must be properly completed and returned to this office prior to 4:30 p.m. on June 14, 2023, to be eligible for the sale. The non-refundable registration fee for the 2023 annual sale is \$25.00 per registration. A separate check is required for each registration.

The official tax sale publication will be available the week of June 8, 2023. A copy of the delinquent list will be published in the *Adair News*. The Treasurer’s Office will have a computer printout of the delinquent real estate parcels available for a cost of \$10.00 plus \$2.50 postage.

If you have questions, please call our office at 641-743-2312.

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OFFICE OF COUNTY TREASURER**

400 Public Square, Suite 2
Greenfield, Iowa 50849
Phone: 641-743-2312
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**TERMS AND CONDITIONS GOVERNING THE ANNUAL TAX SALE OF
JUNE 19, 2023, AND ADJOURNMENTS OR ASSIGNMENTS THEREOF**

****Please read carefully as some of the terms have changed.**

The 2023 annual tax sale will be held in the Greenfield City Hall Meeting Room, 202 S 1st St, Greenfield, Iowa on Monday, June 19, 2023. The tax sale will begin promptly at 9:30 a.m. and will continue as long as there are bidders present or until every parcel has been offered for sale. The sale will then be adjourned until 8:00 a.m. on Monday, June 26, 2023, and then at 8:00 a.m. on each successive day that the Treasurer's Office is open until all parcels are sold.

1. REGISTERING FOR THE TAX SALE

- The registration fee per bidder is **\$25.00**.
- The registration fee includes bidding at the June 2023 tax sale and all associated adjourned tax sales.
- All bidders/buyers/assignees must be 18 years of age or older as of June 19, 2023. The Treasurer may require proof of valid age, i.e., driver's license or birth certificate.
- Registration fees are nonrefundable.
- A bidder can register only once.
- An individual can be the agent for up to 6 registered bidders for one company.

To register for the tax sale:

A bidder must register by **4:30 p.m., Wednesday, June 14, 2023**, to be eligible to bid at the tax sale. The Treasurer's Office must receive the properly completed forms listed below with the **registration fee of \$25.00** for the bidder to be considered registered. Please mail registration forms to:

**BRENDA L WALLACE
ADAIR COUNTY TREASURER
400 PUBLIC SQUARE, SUITE 2
GREENFIELD, IA 50849**

A registered bidder may pick up his or her bidder card at the Treasurers' Office between 8:00 a.m. and 8:45 a.m. on Monday, June 19, 2023 or at the sale location after 8:45 a.m.

The Bidder must properly complete the following forms:

1. **Tax Sale Bidder Registration** must be signed and completed for each tax sale year.
2. **W-9 Form** must be completed and filed each tax sale year. The bidder name on the W-9 Form must be identical to the name on the original government document assigning a FEIN or SS number to the bidder. W-9 Form is available at www.irs.gov/pub/irs-pdf/fw9.pdf.
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 represent her or him during the 2023 annual and adjourned tax sales. An individual can be the agent for up to six registered bidders.

The ‘Authorization to Represent Bidder’ form must be signed by the same individual who signed the ‘Tax Sale Bidder Registration’, 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 misrepresentations 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 canceled and re-offered to other properly registered bidders.

2. ELECTRONIC DEVICES PROHIBITED

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

3. BIDDING AT THE TAX SALE

Parcels with delinquent taxes will be offered for sale by item number as given in the tax sale publication. **It is the bidder's responsibility and the bidder's agent's responsibility to be prepared for the sale and to know the item numbers on which he or she intends to bid.** Regular real estate and public bidder items will be offered by item number in sequence. Public bidder items will be announced as such.

Each parcel will be offered for sale beginning with an opening bid of 100% undivided interest. After the item has been announced, a bidder may bid downward a percentage of undivided interest. **Bid downs will range in whole percentage points from 99% to 1%. The sale will be awarded to the lowest bidder. 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 process.** The bidder selected by the random process 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 agrees not to compete with each other in a bid-down process and one of them becomes the tax sale purchaser.

Written bids and mailed bids will not be accepted. The bidder or agent must be present at the sale or any adjourned sale.

A bidder can have only one individual serve as her or his agent throughout the sale. An individual can not serve as an agent for more than six registered bidders.

4. PURCHASING TAX SALE CERTIFICATES

Payment is required at the end 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. Two-party checks will not be accepted. Failure to pay at the end of the sale will result in those items being re-offered at the next adjourned sale. If a tax sale buyer's check does not clear for any reason, i.e., non-sufficient funds, account closed, etc., the tax sale certificate will be canceled and a \$20.00 service fee will be added for each check returned.

Please allow 15 days to receive your certificates. At the time certificates are mailed or picked up, reimbursement will be included for those parcels from this sale that have been redeemed, in lieu of the tax sale certificate of purchase being sent. **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 after this period has expired, the purchaser may begin proceedings to obtain a tax deed to the parcel. (Refer to section: '90 Day Notice of Right of Redemption' Affidavit.)

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 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.
- d. Valid costs incurred and posted to the county system for action taken toward obtaining a tax sale deed. Costs not filed with the treasurer before redemption shall not be collected. Valid costs are defined in 447.13, Code of Iowa.

THE BUYER IS RESPONSIBLE FOR CHECKING FOR REDEMPTIONS OF HIS OR HER TAX SALE CERTIFICATES.

You may inquire at:

Adair County Treasurers Office

1. Phone: 641-743-2312
2. Fax: 641-743-2272
3. Email: treas@adaircountyiowa.org
4. Mail: 400 Public Square, Suite 2, Greenfield, Iowa 50849

Upon surrender of the tax sale certificate of a redeemed parcel, either in person or by mail, the Treasurer's Office will issue a check for the redemption amount. The purchaser will receive a check directly or by mail with a copy of the redemption certificate reflecting the total amount of the redemption. Buyers should retain the redemption certificate for income tax purposes.

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

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.

7. PAYMENT OF SUBSEQUENT TAXES

A tax sale purchaser may pay subsequent taxes and special assessments, including rates or charges, on the same parcels on which she or he holds tax sale certificates. Subsequent payments may be made on delinquent tax and special assessments after November 14, 2023, for the first half subsequent tax payment and after May 14, 2024 for the second half subsequent tax payment. Special assessments, rates or charges due in future years cannot be paid until the fiscal year in which they become due.

The purchaser must identify subsequent tax payments as such. The Treasurer will not refund the payment if the tax sale certificate holder later decides that he or she did not want to pay. Subsequent tax payments received on or after 4:00 p.m. of the last business day of the month may not be posted until the first business day of the next month and will accrue interest from the month the payment is posted to the county system.

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 from the County Treasurer – Requests for property tax payment information must be in writing. Pursuant to Iowa Code Section 445.5(3), there will be a charge of \$2.00 per parcel for providing property tax payment information.

- 3) Pay Subsequent Taxes Online- Register as a Tax Sale Investor at www.iowatreasurers.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 this service, there will be a charge of \$0.75 for each parcel paid.

8. 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 \$100.00 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 Treasurer. A certificate cannot be assigned to another person, other than a municipality, who has redemption rights.

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 your right to bid and become a tax sale purchaser.

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 purchaser requests a change of tax sale records, other than the mailing address or telephone number, it is considered an assignment and the \$100.00 assignment transaction fee will be charged. Examples are a change in the buyer's name, federal identification number or social security number. Failure to provide the correct federal identification number or social security number will result in a charge of \$100.00 for each certificate requiring correction.

9. '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. Redemption must be received by the Treasurer before the close of business on the ninetieth day from the date of completed service, or the first business day after the ninetieth day if the ninetieth day is a Saturday, Sunday or holiday, 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 'Notice of Right of Redemption' may be served after one year and nine months from the date of sale. **(Regular tax sale parcels have been advertised only once.)**

(b) Public Bidder:

The 'Notice of Right of Redemption' may be issued after nine months from the date of sale. **(Public bidder tax sale parcels have been advertised for the second year.)**

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. In this instance, the tax sale purchaser is not entitled to a refund.

10. TAX SALE DEED

The tax sale certificate holder is required to return the certificate of purchase and remit the appropriated deed issuance fee and recording fee to the County Treasurer within ninety calendar days after the redemption period expires. The Treasurer shall cancel the certificate of purchase for any tax sale certificate holder who fails to comply with this paragraph.

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.

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 County Treasurer will reimburse the principal amount of the investment. The Treasurer will not pay interest.

If it is determined that a county-held certificate was erroneously assigned, the assignment will be canceled. The certificate holder will return the certificate of purchase, and the 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. TAX SALE PUBLICATION

The Treasurer's Office has a computer printout of the delinquent real estate parcels available for a cost of \$10.00 plus \$2.50 postage. Copies can also be e-mailed. A copy of the delinquent list will be published the week of June 08, 2023 in The Adair News.

13. GENERAL INFORMATION

This document has been prepared to provide general information and guidelines relative to tax sales, tax sale assignments, tax sale redemptions, and the issuance of tax sale deeds. It is not an all-inclusive listing of statutory requirements, procedures, or policy. It is not to be construed as a legal opinion of the statutes governing tax sales. The Adair County Treasurer reserves the right to reject any or all bids and to waive irregularities, which appear to be in the best interest of Adair County. A tax sale buyer should consult with legal counsel to determine his/her legal rights and remedies and to protect his/her interest as a tax sale buyer.

The provisions of this document are severable. If any provision of this document is determined to be contrary to law, the remaining provisions shall remain in full force and effect. This

document is effective for items sold between June 20, 2023 and June 14, 2024, and all their assignments, thereof, regardless of the assignment date.

Call the Adair County Treasurer's office (641) 743-2312 to obtain additional information.

Brenda L Wallace
Adair County Treasurer

AUTHORIZATION TO REPRESENT BIDDER

I/We: _____
(Print bidder's name as it appears on the Registration Form)

Authorize: _____
(Print authorized agent's name: Limit 1 name per bidder authorization form)

To act as my/our agent/personal representative at the June 19, 2023 tax sale and adjourned sales, thereof.

Print bidder name, as it appears on the registration form

Required Signature of bidder, as it appears on the registration form Date

Notary

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

*Signature of Notary

*Employees of the Adair County Treasurer's Office will **not** notarize this form.

**ADAIR COUNTY IOWA
BIDDER OR ASSIGNEES REGISTRATION FORM**

June 19, 2023 Annual Tax Sale and Subsequent Adjournments or Assignments thereof

Notice: All registrations must be in the Treasurer’s Office by 4:30 p.m. on Wednesday June 14, 2023.

The undersigned does hereby register as a bidder at the annual tax sale and subsequent adjournments or assignments thereof, and does hereby acknowledge receipt of a copy of the **“Terms and Conditions Governing the Annual Tax Sale of June 19, 2023, and Adjournments or Assignments Thereof.”** The undersigned does further hereby acknowledge and agree that by placing a bid 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 and abide by all Iowa laws pertaining to tax sale proceedings. Said **“Terms and Conditions Governing the Annual Tax Sale of June 19, 2023”, and Adjournments or Assignments Thereof** is based, in part, on the 2011 Code of Iowa and amendatory acts thereof.

The undersigned understands that the county treasurer will not act for her or him in any way, except to provide information as required. The county treasurer does not provide legal counsel. The county treasurer is not the agent of the undersigned.

Please print or type the following information

Bidder Name: _____

SS# or Federal ID# _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ County: _____

Email Address: _____

Signature

Date

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 \$25.00 per bidder registration fee.

House File 256 - Enrolled

PAG LIN

1 1 HOUSE FILE 256
1 2
1 3 AN ACT
1 4 RELATING TO BIDDERS AT A PROPERTY TAX SALE AND OWNERS OF TAX
1 5 SALE CERTIFICATES AND INCLUDING EFFECTIVE AND APPLICABILITY
1 6 DATE PROVISIONS.
1 7
1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 9
1 10 Section 1. Section 446.16, Code 2009, is amended by adding
1 11 the following new subsection:
1 12 NEW SUBSECTION. 4. Only those persons as defined in
1 13 section 4.1 are authorized to register to bid or to bid at the
1 14 tax sale or to own a tax sale certificate by purchase,
1 15 assignment, or otherwise. To be authorized to register to bid
1 16 or to bid at a tax sale or to own a tax sale certificate, a
1 17 person, other than an individual, must have a federal tax
1 18 identification number and either a designation of agent for
1 19 service of process on file with the secretary of state or a
1 20 verified statement meeting the requirements of chapter 547 on
1 21 file with the county recorder of the county in which the
1 22 person wishes to register to bid or to bid at tax sale or of
1 23 the county where the property that is the subject of the tax
1 24 sale certificate is located.
1 25 Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act,
1 26 being deemed of immediate importance, takes effect upon
1 27 enactment and applies to tax sales held on or after June 1,
1 28 2009.
1 29
1 30
This was signed by Governor Culver on March 13, 2009.