



## Delinquent Tax Certificate Sale

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2018 Tax Sale Information.docx

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Dear Potential Delinquent Tax Certificate Sale Participant:

THANK YOU for your interest in the 2018 Delinquent Tax Certificate Sale.

**This summary is provided for your convenience only. The Annual Delinquent Tax Certificate Sale is governed by Chapter 140 Revised Statutes of Missouri (RSMo.), which is the final authority. Collectors are not responsible to verify COMPLIANCE of procedures.**

This is not a mortgage foreclosure sale; we sell Tax Liens on Properties for Taxes due. Only our most delinquent parcels are sold without the ability for redemption.

You should make yourself aware of some of the Missouri laws which govern your rights and responsibilities as a purchaser of property at a Delinquent Tax Certificate Sale. You may wish to consult an attorney before making a bid.

Your County Library has a set of statute books from which you can learn more about tax sale law. The statutes are also available over the internet at the following address: [www.moga.mo.gov](http://www.moga.mo.gov). You also may obtain from us the Missouri State Tax Commission Chapter 140 Tax Sale Procedure Manual that might be of help to you at a \$5.00 charge, or also available over the internet at the following address: <https://stc.mo.gov/wp-content/uploads/sites/5/2017/08/2017-Collectors-Tax-Sale-Manual.pdf>.

The Collector makes no warranty on the title generated by issuance of a Collector's Deed. Failure to lawfully follow all tax sale guidelines and procedures found in Chapter 140, in the Missouri State Statutes, may eventually result in the purchaser's loss of all interest in the purchased property and may leave said purchaser liable for civil damages or criminal charges.

**Finally, the Collector and his/her staff will not be able to help you understand nor interpret the laws. The Collector and his/her staff are not attorneys and state statutes prohibit practicing law without a license. For interpretation of the law, consult an attorney.**

*Please be aware that the Collector's office will only accept payment from successful bidders in the form of Cashier's Check, Personal Check, Cash, Money Order or credit cards. (Fees Applicable).*

**Thank you again for your interest.**

Sincerely yours,

Rod Richardet, Perry County Collector

## **2018 DELINQUENT TAX CERTIFICATE SALE INFORMATION**

***The Perry County Delinquent Tax Certificate Sale is held annually on the fourth Monday in August, commencing at 10:00 a.m.***

***The Tax Sale will be held at the Perry County Administration Building, located at 321 N. Main St. Perryville, MO***

The tax sale list will be published in a local newspaper (lowest bid) for three consecutive weeks at least 15 days prior to the sale date. Each parcel offered for sale is individually identified by advertised sale number, parcel number, owner of record, legal description and amount of taxes and costs of Tax Sale due. This list will also be available online at <http://perrycountymo.us/74/County-Collector>. Be sure to research very carefully the properties that you plan to bid on. There are properties that may have Federal or State Liens, deeds of trust, mechanics or other private liens, judgments, easements, etc. Properties may have hazardous conditions, or are considered Common Area. It is up to the buyer to research the property fully and understand how those conditions may impact the purchase.

Non tax sale liens or other obligations on the property may not be extinguished at the time of the auction, or during any applicable redemption period. We strongly advise you to consult an attorney about liens and/ or deeds of trusts, etc.. All lands are subject to all validly recorded covenants or easements of record or in use.

### **Frequently Asked Questions**

#### **1. What are some reasons properties are foreclosed for back taxes?**

- a. Owner dies without heirs.
- b. Owner dies and heirs fail to coordinate the entire payment of taxes, collectively and in whole.
- c. Delinquent taxpayer fails to notify the Collector's office of a change of address.
- d. Delinquent taxpayer nearing foreclosure due to mortgage delinquency and stops paying property taxes as well.
- e. Property owners divorce or have other dispute that causes neither of them to pay property taxes.
- f. Mortgage Company fails to pay delinquent taxes.

#### **2. Why do Collectors have to offer property for sale for delinquent taxes?**

When the yearly tax books are delivered to the Collector by the County Clerk, the Collector is charged for the total amount of taxes due and payable. It is the Collector's responsibility to collect the entire amount on those tax books. If taxes are not paid they

are transferred to the delinquent tax book. When they become delinquent for two or more years, by law, the Collector must offer such properties for sale. The Tax Sale is the statutorily prescribed mechanism through which Collectors are obligated to collect delinquent property taxes.

### **3. Who may bid at the Tax Sale?**

- a. Missouri residents who are at least 18 years of age and not currently delinquent on any property taxes (evidenced by a sworn, notarized affidavit stating such, turned into the Collector's office prior to Tax Sale). Note: Property purchases will be invalidated for those either failing to sign such an affidavit, or signing a false affidavit.
- b. Out of State residents may not bid unless they have 1.) filed with the Collector an agreement in accordance with Section 140.190, R.S.Mo., consenting to the jurisdiction of the circuit court of Perry County; and 2.) filed with the Collector's office an appointment of some citizen of Perry County as the agent of the purchaser. Any out of state resident preparing to participate in the tax sale must be registered by Wednesday prior to the sale. Certificates of Purchase and Collector's Deed(s), will be issued under the agent's name. It is the agent's responsibility thereafter to transfer title to the purchaser. Missouri Business Entities that register with the Missouri Secretary of State are not subject to the agent requirement, but the Collector's office should be made aware of bidding in the name of the Business Entity (ies) at the time of registration.
- c. Tax sale registration will be held in the Collector's Office starting the week before said sale. THERE WILL BE NO ONE ALLOWED TO REGISTER THE DAY OF THE SALE.
- d. All bidders must be present to bid.

### **4. What are the bidding procedures?**

- a. During the tax sale, the Collector will act as Auctioneer, or will hire an Auctioneer and proceed through the list in the same order as listed in the newspaper/website publications.
- b. The Collector will give the tract or parcel number as published in the weekly record paper, and announce whether it is a 1st, 2nd or 3rd, offering.
- c. The Collector may also give the property owner's name, the legal description and the amount of total costs pertaining to the said property at their discretion.
- d. The opening bid for any given property must be no less than the total amount of all back taxes, interest, penalties and any additional costs.
- e. Upon the opening bid being received, subsequent bids must be in increments of at least ten dollars.
- f. When bidding ceases, the highest bidder will give his/her name and bidder number. Purchasers consent that they are to pay the total amount of the bid at the conclusion of the tax sale, but no later than 2:00 p.m. The only acceptable forms of payment include: Cashier's Checks, Cash, and/or Credit Cards (fees applicable).

g. If the highest bidder fails to pay the amount of the bid to the Collector by the deadline described in paragraph f above, or if the sale is invalidated as a consequence of purchaser's submission of a false affidavit, the purchaser shall be subject to a penalty of 25% of the amount bid, plus attorney's fees. Moreover, any properties for which bids were received but payment not made by 2:00 P.M. will be offered immediately thereafter to remaining, registered bidders.

## **5. What information should I find out or understand in advance of bidding on a property?**

- a. Location and condition through a physical inspection.
- b. Minimum Bid Amount.
- c. Recorded (and unrecorded) interests such as liens, easements or other encumbrances.
- d. The difficulty in obtaining title insurance or using the property as collateral for a financial loan (without having first prevailed in a Quiet Title action in Circuit Court). Note that most title insurance underwriters place a restriction on the property for thirty years from the date of the issuance of a Collector's Deed.
- e. Expense of a Quiet Title action.
- f. Miscellaneous other parties claiming an interest in the property.
- g. Environmental or other site contamination that may not be disclosed through public record.
- h. Risk of emplacing permanent structures on a site that has not been through a Quiet Title action.

## **6. Do I become the Owner of the property immediately after being issued a Certificate of Purchase? (Bidders Rights)**

- a. NO! You Did Not Buy the Property, You Bought a Tax Lien a. In 1 st , 2 nd and 3 rd offering tax sales; you are not purchasing the property at the time of sale. You are only purchasing a tax lien, documented through a COP.
- b. Accordingly, you have no ownership rights. If you attempt to take possession of the property, you could be charged with trespassing.
- c. At the conclusion of the sale, and through the one-year anniversary date of the same, you are required to perform a number of procedural tasks to apply for a Collectors Deed. Those requirements are described in Chapter 140, R.S.Mo.
- d. Until such time that a Collector's Deed has been issued to you, you cannot 1.) make improvements to the property; 2.) destroy or tear down any existing structures, fences or any other improvement regardless of the condition; rent or lease the property to another person, or use the property for the production of income; etc. e. Outside of the procedural obligations required to obtain a Collector's Deed, all subsequent County and City Taxes and/or Special Assessments must be also be paid. Such subsequent tax bills will be

directed to the purchaser. Note that you should notify the Collector's office should your mailing address change. Subsequent paid items will be included in the Redemption price, but only if the receipts are on file when the redemption occurs.

**7. How long does a Publicly Recorded Interest Holder (including the owner) have to redeem the property?**

- a. For first or second offerings, the redemption period is one year from the date of the tax sale. For third offerings, the redemption period is 90 days from the date notification letters are sent to any party(ies) holding a publicly recorded interest in the property (subject to other procedural requirements discussed further in #9, below).
- b. Any party with a publicly recorded interest in the property could include (for example, the property owner, lien holder, lessor, deed of trust holder, etc.).

**8. If my property was sold through a Tax Sale, how do I redeem it?**

- a. Inquire of the Collector's office the redemption amount and follow the Collector's instructions.
- b. The only acceptable forms of payment to redeem the property are: cash, cashier's check, money orders or credit/debit cards. (processing fees will apply when using credit/debit cards)
- c. The redeemer will be charged all costs incurred by the purchaser authorized by statute (not limited to title search costs, recorders fees, costs associated to the mailing of notice, etc.), in addition to interest at the rate of 10% per year on back tax and penalty amount only, and 8% interest on all County taxes paid by the purchaser for property taxes thereafter. Note: Redemption does not change ownership of the property.

**9. What must be completed prior to the Collector issuing a Collector's Deed at the expiration of the redemption period?**

- a. For first and second offerings, the purchaser will need to complete the following requirements:
  - (1.) Obtain a title search by a licensed attorney or licensed title company prior to the issuance of a deed. No reimbursement will be made for title search or notifications unless such costs are incurred after March 1st following the date of purchase.
  - (2.) At least ninety days prior to the date when a purchaser is authorized to acquire the deed, the purchaser shall notify the owner of record and any person who holds a publically recorded interest upon the said real estate of said person's right to redeem the property. Notice shall be sent by both first class mail and certified mail return receipt requested, as per Chapter140.405, R.S.Mo..
  - (3.) Meet all other requirements of Chapter 140, R.S.Mo.
  - (4.) Present copies of documents proscribed in Chapter 140, R.S.Mo. To the Collector's office along with a sworn affidavit that all Chapter 140, R.S.Mo. Requirements have been accomplished within the timeframes proscribed by Missouri law. Note: The COP is one

document that must be surrendered to the Collector upon either 1.) property redemption; or 2.) the issuance of a Collector's Deed. Hence, it is important to safeguard this document.

b. For third offerings, the requirement of the title search and notification letters is the same. However, the title search must be completed and notification letters sent within 45 days of the tax sale. The redemption period will be calculated as 90 days from the date notification letters are sent to any party(ies) holding a publicly recorded interest in the property.

**All the Collector is selling is the property for back taxes.**

**We are not responsible for any other liens. (Lake Assessments, Demolition Fees, Mortgages, Paving Bills, Sewer Bills, etc.)**

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**If You Have Any Questions Contact Us At:**

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