

# Carolyn A. Wilson

**Delaware County Treasurer**

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Barb Robinson, Driver's License Deputy

**To: Tax Sale Certificate Investors**

**RE: 2016 Annual Tax Sale**

Enclosed you will find information regarding the 2016 annual tax sale and any adjourned sales. The annual tax sale will begin at 8:00 a.m. on Monday, June 20, 2016. Room permitting, the sale will be held in the Board of Supervisors Office located in the Court House.

In order to bid at the Delaware County Tax Sale on Monday, June 20, 2016, the following forms must be completed, signed, and returned to this office by Friday, June 10, 2016 at 4:00 p.m. **No registrations will be accepted after June 10, 2016.**

Form 1: Register of Bidder

Form W-9: Request for Taxpayer Identification Number and Certification

Form 2: Authorization to Represent Bidder (**Only if using an agent**)

***By signing the Annual Bidder Registration form, I certify that the bidder, if not an individual, has a federal tax identification number and a copy of either a designation of agent for service of process on file with the Secretary of State or a verified statement of trade name on file with the Delaware County Recorder.***

**There will be a \$20.00, non-refundable, registration fee due for each tax ID or social security number used. There is a \$20.00 non-refundable fee for any agent or representative of you or your company. Please remit said fee along with your registration documents.**

The official publication of the Delaware County tax sale list will appear in the June 8, 2016 edition of the Manchester Press.

If you contemplate bidding at the 2016 tax sale, please review the information in this packet describing the terms and conditions of the 2016 annual tax sale. A detailed list of unpaid parcels will be available on our website, [www.co.delaware.ia.us](http://www.co.delaware.ia.us). **Please check in at the counter, on tax sale day, in order to receive your bidder number.** If you have any questions please don't hesitate to contact this office.

Carolyn A. Wilson  
Delaware County Treasurer

## **NOTICE TO TAX SALE PURCHASERS OF TERMS AND CONDITIONS GOVERNING THE ANNUAL TAX SALE OF DELAWARE COUNTY, IOWA CAROLYN A WILSON, COUNTY TREASURER**

The annual Tax Sale is held on the third Monday of June, at 8:00 a.m., in the Delaware County Courthouse. The sale will continue as long as bidders are present, and will be adjourned on a daily basis as long as parcels are available for sale. A non-refundable registration fee of \$20.00 will be charged. There will be a \$20.00 non-refundable fee for anyone representing you at the tax sale. Paid registrations must be in the Delaware County Treasurer's Office by Friday, June 10, 2016. Registration will not be allowed the morning of the annual tax sale.

**Please be prepared for the sale, and know the parcels in which you are interested.**

(1) **All prospective bidders must register prior to the tax sale in the Tax Department of the Treasurer's Office.** There is a \$20.00 non-refundable registration fee. In order to be eligible to bid at this tax sale you must have filed a bidder registration form and W-9 with my office prior to this sale. You may obtain a W-9 by going to [www.irs.gov/pub/irs-pdf/fw9.pdf](http://www.irs.gov/pub/irs-pdf/fw9.pdf) or [co.delaware.ia.us](http://co.delaware.ia.us) on the Treasurer's page.

You must complete the W-9, which provides name, address, and information needed to file with the Internal Revenue Service. If you earn over \$600.00 in a year in interest, a 1099-MISC will be filed with the IRS, and a copy sent to you. You may not receive a 1099-MISC for interest earned under \$600.00 annually.

Bidders, or their Authorized Agent, must be present at the sale. There is a \$20.00 non-refundable fee for agents bidding for you. Bids by mail, phone or other means will not be accepted. You are required to file an Authorization to Represent Bidder form if someone else is bidding on your behalf.

Errors, omissions, or misrepresentations by a tax sale bidder may disqualify the bidder from the sale. A bidder may be disqualified from the sale if they are not properly registered as set forth in this document or is without proper authorization. In these instances, all certificates purchased by the disqualified bidder during the sale may be canceled and re-offered to other properly registered bidders. A registered bidder may be disqualified from the tax sale if discovery is made of an unauthorized agent bidding for a registered bidder.

**By signing the Registration for the Annual Tax Sale, the bidder, if not an individual, certifies they have a federal tax identification number and a copy of either a designation of agent for service of process on file with the Iowa Secretary of State or a verified statement of trade name, meeting the requirements of Chapter 547, on file with the Delaware County Recorder, as per 446.16 of the Code of Iowa.**

(2) The notice of tax sale will appear in the Manchester Press, official newspaper of Delaware County, Iowa, as designated by the Delaware County Board of Supervisors, at least one week, but not more than three weeks prior to the tax sale, as required by Iowa Code 446.9. All properties shown in the publications are offered for sale except those, 1) which have been paid subsequent to publication, 2) are withheld due to bankruptcy laws that prohibit their sale, and 3) cannot be sold because they are owned by a person serving in the military service of the United States of America. Those properties listed in the publication with two asterisks are second year delinquencies at the time of this sale and must be sold for the full amount of taxes, interest, and costs. If no bid is received for these properties, Delaware County will bid for said parcels as per Sec. 446.19 of the Iowa Code.

(3) You, or the party for which you represent, may not be entitled to bid at tax sale, and become a tax sale purchaser by reason of having a vested interest in the property. The general rule is, a tax sale purchaser should never have an interest, or lien, in the property offered at tax sale. All bidders/buyers must be 18 years of age or older. (Valid proof of age may be required; i.e. photo ID)

(4) Every bidder has a number, one number per entity. A registrant is limited to one designated agent per registration for the duration of the sale. Each entity must have a tax ID or Social Security number on file with this office. If a Tax Sale Certificate is assigned to another party a \$100.00 assignment fee will be charged. This office must be notified of the assignment, along with the name of the assignee and the fee for each parcel assigned.

(5) Parcels with delinquent taxes are offered for sale by taxing district, by parcel number, as reflected in the official tax sale publication and the purchased delinquent list. It is the bidder's responsibility to be prepared for the sale and know the parcel number(s) within each district for the corresponding legal description(s) upon which s/he intends to bid.

Each parcel/item will be offered for sale to all "active bidders" by the Treasurer, beginning with 100% undivided interest. After the treasurer announces the next item to be sold, active bidders may bid downward a percentage of undivided interest. "Bid downs" will range in whole percentage points from 99% to 1%. Bids for less than 1% will not be accepted. If a tax sale deed is

issued, the percentage bid will be the percentage of interest in the ownership of the property.

The county treasurer shall use a random selection process to select the bidder to whom a certificate of purchase will be issued. The bidder selected at random must immediately accept the purchase of the parcel by announcing "SOLD", or refuse the parcel/item by announcing "PASS", in which case another bidder will be randomly selected. A response of "SOLD" to the Treasurer results in an obligation on the part of the bidder to pay the tax certificate.

(6) If it is determined any item was erroneously sold, the certificate of purchase will be cancelled. The certificate holder shall return the certificate of purchase and shall be reimbursed the principal amount of the investment. Interest will not be paid.

(7) Payment is required at the time of purchase, or at the conclusion of the tax sale. Payment must be made in U.S. funds. Two party checks will not be accepted. Payment must be in the form of a money order, other form of guaranteed funds, or cash.

The amount collected will include all delinquent taxes and special assessments, interest, special assessment collections fees, costs, and a \$20.00 certificate fee for each certificate issued to you. A blank check is preferred to allow us time to compute the amount you owe, depending on the number of parcels you purchase. You will be called, if you so request, to verify the amount of your check within two days after the day of the tax sale.

Failure to make payment at the end of the sale will result in those parcels being re-offered. In this instance you will be prohibited from again bidding on these parcels. If a tax sale purchaser's check does not clear their bank account, i.e., non-sufficient funds, account closed, etc., the buyer will have five (5) business days following notification from the Treasurer to repay with guaranteed funds, or the tax sale certificate(s) will be canceled. If repaid by guaranteed funds, (cash, cashier's check, or money order) a \$30.00 service fee will be assessed for each check returned unpaid.

Please allow up to July 1 for us to mail your certificates. This gives our staff time to process the paper work and balance the proceeds received at the tax sale. If you misplace the original copy of your certificate a \$20.00 fee will be charged for a duplicate certificate. Original certificates must be returned to this office upon redemption by the property owner.

Iowa law requires we notify the taxpayer within two weeks of the date of the Tax Sale, that their property was sold, and set forth the redemption terms. If a certificate is redeemed prior to our mailing said certificate to you, reimbursement will be included for that parcel, in lieu of the tax sale certificate of purchase being sent. It is the purchaser's responsibility to verify the tax sale certificates and redemption copies received are correct for the parcels purchased.

(8) The tax sale certificate of purchase does not convey title to the purchaser. Legal steps must be taken in order to acquire a deed to the property, based on the percentage of interest you bid at Tax Sale. The titleholder, or other interested party, retains the right to redeem within a specified period of time. If the sale remains unredeemed after this period has expired, the purchaser may begin proceedings to obtain a Tax Deed to the property. The Tax Sale Deed conveys right, title and interest, and that document will be issued following the redemption period after the due process of law has been complied with in full. You are responsible for knowing the law and following through on your purchase.

(9) A tax sale purchaser should pay subsequent taxes and special assessments on the same parcel on which they hold the tax sale certificate no sooner than 1 month and 14 days following the date from which an installment becomes delinquent. Purchasers should continue to pay subsequent taxes and add them to the certificate to prevent complications with a second certificate holder. Subsequent tax amounts may be found online. **Tax record searches conducted by the Treasurer, or staff, are subject to a charge of \$2.00 per parcel.** Subsequent taxes may be paid online, additional fees apply. **Please contact our office for further information concerning subsequent payments. No delinquent tax payments of any type will be accepted during the Tax Sale.**

(10) **Redeemed:** A redeemed tax sale will include the following: 1) the original tax sale amount paid by the purchaser at the time of the tax sale. 2) Interest calculated on the sale amount at 2% per month. 3) Subsequent tax payments, paid by the purchaser, and added to the amount of the sale, with appropriate interest calculated from the date of payment to the date of redemption. 4) Valid costs incurred, and recorded on the Tax Sale Register, for action taken toward obtaining a TAX DEED.

(11) It is up to you to determine when tax sale certificates are redeemed. You will need to return the original copy of the tax sale certificate in order to receive your redemption check. For this reason please keep your contact information current with our office. The redemption check will be sent to you along with a copy of the redemption certificate. We recommend you retain this copy for income tax purposes. If for any reason a certificate holder is paid for a redemption that in fact was not redeemed, the certificate holder shall reimburse the Delaware County Treasurer, the full amount that was issued for said redemption.

(12) **90-Day Notice.** It is necessary for you to contact an attorney to make sure the proper legal procedures for the 90-day Notice of Expiration of Right of Redemption is served on all entities required to be served notice. The attorney must then certify to this office the 90-day notices have been served. On the day the Treasurer receives the Affidavit of Service, the 90-day period starts to take effect. This must be done before the 3-year term has expired. If the legal process to a TAX DEED has not been started within three years, of the date of the tax sale, the certificate will be canceled, and your rights will cease.

- (13) **TAX DEED:** The tax sale certificate holder is required to return the original certificate of purchase and remit the \$25.00 tax deed issuance fee, and recording fees to the 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. If the certificate holder fails to complete action to obtain a tax sale deed within the ninety calendar days after the redemption period expires and the Treasurer cancels the tax sale, the tax sale buyer is not entitled to a refund. The recording fee is variable and will be determined at the time a deed is requested. Upon receipt of the tax sale certificate and appropriate fees the Treasurer will record the deed with the Delaware County Recorder prior to delivering the deed to the buyer. The Treasurer will not release the tax sale deed to the certificate holder until it is properly recorded.
- (14) The Treasurer cannot, and will not, be responsible for reminding you to take care of the steps that need to be done. You must be aware of the necessary procedures, and contact an attorney. The Treasurer will help you, but is not an attorney, and has no duty, or responsibility, to act in your behalf.
- (15) Electronic Devices are prohibited. Cell phones, pagers, camcorders, and other audible electronic devices are to be turned off during the sale. A violation in the use of electronic devices may result in the disqualification of the bidder.
- (16) Copies of an updated listing of available parcels will be given to all registered bidders the morning of the Tax Sale along with your assigned bidder number.

This document has been prepared to provide general information and guidelines relative to tax sales, tax sale assignments, tax sale redemptions, and issuance of tax sale deeds. It is not an all-inclusive listing of statutory requirements, procedures, or policy. It is not be construed as a legal opinion of the statutes governing tax sales. The Delaware County Treasurer reserves the right to reject any or all bids and to waive irregularities which appear to be in the best interest of Delaware County. If any provision of this document is determined to be contrary to law, the remaining provision shall remain in full force and effect.

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

**Let the buyer beware!**

Carolyn A. Wilson  
Delaware County Treasurer



**Printed Name**

**Title, if any**

To: Carolyn A. Wilson  
Delaware County Treasurer  
301 E Main St, PO Box 27  
Manchester, IA 52057

**AUTHORIZATION TO REPRESENT BIDDER AT TAX SALE**

I/we, (please type or print clearly) \_\_\_\_\_,  
(Bidder's Name, as it appears on the Registration form)

Authorize (please type or print clearly) \_\_\_\_\_,

to act as my/our agent/personal representative at the 2016 annual tax sale and adjourned sales thereof.  
Proof of identification, photo ID, may be required

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, and Zip Code)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

**This form is required only if an agent will be bidding on your behalf.**