

2016 DELINQUENT TAX CERTIFICATE SALE INFORMATION

General Information

1. The County Delinquent Tax Certificate Sale (hereinafter, "Tax Sale") is held annually on the fourth Monday in August (this year, August 22, 2016), commencing at 10:00 a.m. (hereinafter, "sale date"). The Tax Sale is held at the Scott County Courthouse Building.
2. The Tax Sale list of properties will be published in a newspaper of general circulation (Republic Monitor) for three consecutive weeks, one insertion weekly, before the sale. The last insertion to be at least 15 days prior to the sale date. Each parcel offered for sale will be individually identified and advertised by tract number, parcel number, owner of record, legal description and the amount of taxes, penalties and costs of the Tax Sale due. This list will also be available online, and maintained at the Collector's discretion, at www.scottcocollector.com
3. Significant due diligence ahead of bidding is highly encouraged. Properties may be encumbered by federal liens, state liens, deeds of trust, mechanics or other private liens, judgments, easements, etc. Further, properties may have hazardous conditions upon them, be considered common area, etc. Further, all lands are subject to all publicly recorded covenants or easements of record. It is up to the purchaser to research the property fully and understand how those conditions may impact the purchase, and we highly encourage seeking the advice of an attorney before considering bidding.
4. Non Tax Sale liens or other obligations on the property may not be extinguished at the time of the Tax Sale, or during the applicable redemption period.

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 stops paying property taxes as well.
 - e. Delinquent taxpayer gets behind on other taxes (i.e. income taxes) and significant lien is placed against the property.
 - f. Property initially purchased by the delinquent taxpayer to establish residency and upon such establishment of residency, delinquent taxpayer acquiesces to property tax foreclosure.
 - g. Property owners divorce or have other dispute that causes neither of them to pay property taxes.
 - h. Mortgage Company fails to update their address and property taxes remain unpaid.

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 Scott County; and 2.) filed with the Collector's office an appointment of some citizen of Scott County as the agent of the purchaser. Any out of state resident preparing to participate in the tax sale must be registered by the Wednesday prior to the sale (this year, August 22, 2016). COPs and upon foreclosure, a Collector's Deed(s), will be issued under in 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) ahead of such bids being made.
- c. Tax sale registration will be held in the Collector's Office starting the week before said sale. Bidder affidavits shall be notarized and submitted to the Collector's office in advance of the sale. Note: Many financial institutions have notary publics available to the public.
- d. **Purchasers must be present to bid.** A copy of the forms will be on our website, or picked up in person.

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, 3rd, or subsequent 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 five dollars.
- f. When bidding ceases, the highest bidder will give his/her name and mailing address. Purchasers consent that they are to pay the total amount of the bid at the conclusion of the tax sale, but no later than 4:00 p.m. The only acceptable forms of payment include: Cashier's Checks, Personal Checks (at the Collector's discretion), Cash, and/or Credit Cards (fees applicable). Note: Some Missouri Counties do not accept Personal Checks or Credit Cards.
- g. If the highest bidder fails to pay the amount 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 4:00 P.M. will be offered immediately thereafter to remaining, registered bidders.

5. What Sort of Information Should I Find Out or otherwise 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 COP? (Bidders Rights)

NO! You Did Not Buy the Property, You Bought a Tax Lien

- a. In 1st, 2nd and 3rd 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. In fact, should 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. Per a 2012 Missouri Supreme Court Case styled *Sneil, LLC v.*

Tybe Learning Ctr., Inc., you could lose all interest in the property if you fail to adhere to the procedural requirements of 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 (including, for example, the property owner, lien holder, lessor, deed of trust holder, etc.).

8. If I lost my Property 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: cashier's check, personal check (at the Collector's discretion), cash or money orders.
- 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/posting 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 and City 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 Chapter 140.405, 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 notifications letters sent within 45 days of the tax sale (October 6, 2016). 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.

10. How are Properties Offered more than Three Times Treated?

Purchasers may enter an offer to the Collector for post-third year offerings at any time. It is within the discretion of the Collector to accept such offer and/or require title search be performed. There is no redemption period on post-third year offerings/County Trustee sales.

Disclaimer: This summary is provided for your convenience only. Tax Sales are governed by Chapter 140, R.S.Mo. and all bidders are encouraged to read all laws pertaining to tax sales. Collectors are not responsible to verify COMPLIANCE of procedures, and you are highly encouraged to seek legal guidance before engaging in tax sale activities.

If You Have Any Questions Contact Us At:

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