

## TAX SALE INFORMATION (March 6, 2017)

The following is subject to change and does not constitute legal advice. We are not attorneys and therefore cannot provide any guidance. It is incumbent that you understand the complexity of this process. If you fail to comply with the statutes governing tax sales, you can lose a lot or all of your money. These are the rules of the sale. You have agreed to these rules by your participation.

### READ CAREFULLY:

Whether you have visited us before or whether you are new, you must read the paragraph on tax sale procedures below.

### MAJOR LAW CHANGE and PROCEDURE CHANGE RECAP:

Bid down-the method of bidding down potential ownership of the property has been eliminated. Therefore, we will proceed in a round robin fashion as we have in the past.

Registration Fees- every entity/person/registrant must pay a non-refundable registration fee of \$25 in order to participate in the sale. We ask that all participants PRE-REGISTER this year.

Tax Sale Fee- the fee to purchase a tax is \$20 per tax certificate and continues to be non-refundable.

Assignment fee/tax deed- fees for either are \$20 each plus notary fee if required.

### LOCATION:

The tax sales will be held in the Plattsmouth Fire Station, 127 N. 5th Street, across from city hall, in Plattsmouth, Nebraska. Parking is available in the City Parking Lot which is located on 4th street south of the courthouse. Please do not park in the spaces around the fire station as those are reserved for the Fire Department and you could be towed.

### REGISTRATION {there is a new statutory \$25 fee per registered entity}

Tax sales are held on the first Monday in March generally starting at 8:00 A.M. in the Plattsmouth Fire Station. The building will be opened at 7:00 A.M. and the sale starts promptly at 8:00 A.M. If you are late you will come in at the end of the pack after the current round is completed. You must present or mail payment for the \$25 registration fee so it arrives prior to the date of the tax sale. We ask that all participants PRE-REGISTER and have their checks in the office by Wednesday, March 1st.

### BIDDER REGISTRATION {See Attachment}

### QUALIFIED BIDDERS:

Bidders must be separate and distinct bidders. This policy is common throughout Nebraska. Each bidder must have a different social security number or federal tax ID number. Also please see **ASSIGNMENTS** later in this document. Each company/entity will receive a separate bidder number.

### NOTICE:

Delinquent taxes are advertised in the Plattsmouth Journal for the first three weeks in February. You may obtain a copy from the newspaper or newsstands. You may also view and print a copy from our website, <http://www.cassne.org>. You may then go to the GIS page to view the properties on the web site.

## THE TAX SALE: PLEASE NOTE THE BID DOWN METHOD HAS BEEN ELIMINATED BY STATUTE:

The sale is conducted in the round robin format used extensively in Nebraska. You will have received a number prior to the sale. After all numbers are distributed the treasurer will pick a number at random. That number will be the first person to be offered the first parcel on the tax sale list. The group generally sets a floor for what type of parcels will be covered during the bidding. For example we have historically not addressed parcels below \$400 in delinquent taxes because the overhead and costs for the buyers are too high to deal with them and therefore we skip them. These parcels will be available after the sale for those interested in lower amounts.

We then go to the first available parcel, in descending Dollar Amounts order, and the first buyer number selected at random) will have the option of purchasing the tax sale for all delinquent back taxes and fees on that parcel. There is a \$20 fee which is non-refundable upon tax sale redemption. If the first bidder chooses not to purchase the parcel then the second bidder (person with the next highest number) has the option and so on. If you pass on your turn you are done for the round of sale until we have gone through all other bidders.

Please note that the dollar amounts in the newspaper do not include all delinquent interest and may include multiple years of back taxes so be prepared to pay more than published. **THERE ARE NO REFUNDES ON PURCHASED TAX CERTIFICATES. IT IS YOUR RESPONSIBILITY TO KNOW WHAT YOU ARE BUYING.**

Cell phones will be OFF or on VIBRATE. If you should have to leave the room to take/make a phone call the tax sale will continue without you. You may therefore miss your turn.

### EXEMPTIONS:

We do not sell tax sales on properties already in tax sale, properties in bankruptcy, properties which are owned by government entities, or on currently recaptured greenbelt taxes. If you buy a tax sale on a parcel which later goes into bankruptcy or is taken over by a government entity you will need to see a lawyer. We generally skip improvements on leased land during the tax sale. You are welcome to buy them. However, very few people want them.

### STATUTES NEBRASKA REV STATUTES 77-1801.....

Section 18 of Chapter 77 deals with tax sales and certificates. You may view the chapter at <http://statutes.unicam.state.ne.us/> or some local libraries. You are not purchasing the property. You have no authority over the property or its disposition whatsoever. You are purchasing a tax lien on the property by paying the back taxes. In three years you can take action to foreclose on the property if the tax sale you bought is not redeemed. You will certainly want to see a lawyer. Fees for foreclosure have been quoted to be \$750 and up. During the three years you can pay subsequent delinquent taxes as they become delinquent on May 1 and September 1 of each following year. Do not call us until the third week or later of these months because we will not sell any subsequent taxes until we are done processing all the people paying current taxes.

There are statutory time limits which determine the life of a tax certificate. It is generally three and one-half years. If you don't take action to foreclose within the statutory time limits you will likely LOSE your entire investment. Do not wait until three and one-half years to start your action. Statutory requirements include notification time lines that must be met prior to three and one-half years. We do not provide any notification of these expiring time limits nor do we advise you on how to foreclose on a tax sale or to obtain a tax deed.

### RULES OF THE SALE:

The following are the rules of participation in our tax sale which are designed to protect the taxpayers of Cass County. If we have to make a decision on an issue that is not statutory we will almost always defer to the taxpayer who lives here, owns property here, and is therefore paying taxes here.

Upon completion of purchasing back taxes, or whenever you are finished buying, you will be expected to provide a blank check payable to the Cass County Treasurer. You can also stamp on the back of the check "for deposit only". We will then process your tax sales in a timely fashion and mail you copies of the certificates. We hold the originals here to reduce overhead and protect you from their loss during mailing. A lost certificate requires a bond. Virtually no one will sell you a bond on a tax sale certificate since it is a negotiable document. When we have computed a total purchase amount we will process your check and send it to the bank. We will be happy to fax or call you with your total purchase check amount.

The certificates will be issued in the name that you designated when you registered. After the certificates are produced you will have to pay the \$20 reassignment fee to change certificate ownership name (s) or to actually assign the certificate to someone else.

#### REDEMPTION:

When a tax certificate is redeemed you will be paid a 14% simple interest rate from the date of sale to the date of redemption. Please note the \$20 purchase fee is not reimbursed. Your check will be sent out approximately 10 days after redemption (unless we receive cash payment) when we are sure the redemption check clears the bank.

#### UNPURCHASED PARCELS:

After the sale and after all the paperwork is processed there are usually some delinquent parcels where the delinquent taxes are still not purchased. Individuals will be able to purchase these on private tax sale. Please do not contact us for at least one week after the sale. Be very careful of buying something no one else wanted.

#### ASSIGNMENTS:

There is a \$20 fee for assignments. There will be NO assignments whatsoever the day of the sale. The tax certificates will be issued in the name of the parties claiming to be buying the certificates. Any assignments within 45 days will require a notarized letter directing the assignment, the \$20 fee, and a copy of the cancelled check to the assignor demonstrating that due consideration has been given for the tax certificate. This is being enforced to protect the equitability of the sale for all participants.

#### DEEDS:

There is a \$20 fee to obtain a treasurer's deed. You would be well advised to obtain an attorney's advice if you're using this method of obtaining ownership. There are statutory timelines involved in this process also. Deeds must be filed with the Cass County Register of Deeds. There are additional fees which you will have to pay to get the deed filed.

#### FORECLOSURE ACTION:

We do not provide legal advice on foreclosure actions. However, one of your statutory responsibilities is to notify the treasurer's office if a foreclosure action is filed. Failure to do so could result in you not receiving various foreclosure fees.

#### POST TAX SALE QUESTIONS:

Email us with your after sale questions. Our number one priority in this office is the taxpayers of Cass County.

#### SUBSEQUENT PAYMENTS:

You may pay the subsequent taxes when they become delinquent, although you are not required to do this. Until we have completed the processing of all taxes paid by taxpayers you will not be able to purchase the subsequent delinquent taxes. We do not send you reminders or bills. Please contact us about the third week of May or September to pay subsequent delinquent taxes.