

**TERMS AND CONDITIONS GOVERNING THE ANNUAL
TAX SALE OF JUNE 19, 2023
AND ADJOURNMENTS OR ASSIGNMENTS THEREOF**
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Lea A Voss, Treasurer

Terms and conditions of the 2023 June Tax Sale:

Please read carefully as some of the terms have changed.

The 2022 annual tax sale will be held by the Pottawattamie County Treasurer at the Pottawattamie County Courthouse 227 S 6th St Council Bluffs, IA 51501, on **Monday, June 19, 2023**. This year again the sale will be at **online at www.iowataxauction.com, or www.iowatreasurers.org**. The tax sale will begin promptly at **9:00 a.m.** and will continue until every parcel has been offered for sale. The sale will close at 10:30 a.m.

Important Information to be implemented for the 2023 tax sale includes but is not limited to the following:

1. **Eligible to bid at the Pottawattamie County Tax Sale, all tax sale bidders must complete the following steps:**
2. Register online at www.iowatreasurers.org. No mailed or emailed registrations will be accepted.
3. Registration will begin Monday, May 22, 2023, and end Thursday, June 15, 2023. All steps in the registration process must be completed by 11:59 p.m. on June 15, 2022.
4. Pay a non-refundable \$50.00 registration fee via E-check.
5. Complete the online W-9.
6. A Tax Sale Certificate of Purchase and/or a Treasurer's Deed can be set aside by the courts if it is determined that the tax sale purchaser was ineligible to bid at the tax sale. The general rule is a tax sale purchaser should never have an interest or lien in the parcel offered for sale. You should consult with legal counsel to determine your right to bid and become a tax sale purchaser.
7. If the bidder is an entity, not an individual, the entity must have federal tax identification number and either a designation of agent for service of process on file with the Iowa Secretary of State or a verified statement of trade name on file with the Pottawattamie County Recorder. Contact the Secretary of State by phone at (515) 281-5204 or the Pottawattamie County Recorder by phone at (712) 328-5612.

All bidders/buyers/assignees must be 18 years of age or older as of June 19, 2023.

A W-9 form must be completed electronically by the registration deadline. This information is required to issue an accurate 1099-INT form to each certificate holder earning cumulative interest equal to or more than \$600.00 during the calendar year. This information will also be submitted to the Internal Revenue Service and may be needed when filing your Federal and State Income Tax returns.

8. The Delinquent Tax List for Pottawattamie County will be published the week of June 1st in the following newspaper:
The Daily Nonpareil
535 W Bdwy #300
Council Bluffs, IA 51501
9. All parcels shown in the publication are offered for sale except those that (1) have been paid after the publication; (2) those withheld due to bankruptcy laws prohibiting the sale.

Bids can be uploaded prior to the start of the sale but will not be applied until the sale opens at 9:00 a.m. on Monday, June 19, 2023. The auction site can be accessed by going to www.iowataxauction.com. All parcels will be listed in the order they were published. The delinquent taxes on each parcel will be offered for sale to all bidders beginning with a 100% undivided interest. "Bid Downs" will range in whole percentage points from 99% to 1%.

When the sale closes at 10:30 a.m., a tax sale certificate for each parcel will be awarded to the bidder that designates the smallest percentage for the total amount due. If two or more bidders have placed an equal bid and the bids are the smallest percentage offered, the website will use a random selection process to select the successful bidder.

All bids must be in good faith. All bids placed, whether intentional or not, are the responsibility of the bidder and may not be withdrawn.

10. Successful bidders will receive an invoice when the sale is closed. **An ACH debit for the total amount due will automatically initiate from the account designated for the payment of registration fees.** The total amount due will include all delinquent taxes, special assessments, interest, special assessment collection fees, publishing costs, and a certificate fee in the amount of \$20.00 for each certificate purchased.

If a tax sale bidder's payment is not honored, the bidder will have 3 business days following notification from the Treasurer to repay with **GUARANTEED FUNDS** or the tax sale certificate(s) purchased will be cancelled. A \$30.00 service fee will be assessed on any payments returned due to insufficient funds. The County Treasurer reserves the right to require guaranteed funds for any future payments from the tax sale bidder.

11. Please allow 7 to 15 days to receive your certificate copies. This allows the Treasurer's staff time to complete posting of records, editing of certificates, and balancing of the proceeds received from the tax sale.

The tax sale certificate is assignable by endorsement and entry in the county system in the office of the County Treasurer from which the certificate was issued. For each assignment transaction, the Treasurer shall charge the assignee an assignment fee of \$100.00 to be deposited to the county general fund. The assignment fee shall not be added to the amount necessary to redeem.

12. The tax sale certificate of purchase does not convey title to the purchaser. The titleholder of record or other interested party retains the right to redeem within a specified period of time, depending on the type of tax sale. If the tax sale remains unredeemed after this period has expired, the purchaser may begin proceedings to obtain a Tax Deed to the parcel.

REGULAR TAX SALE

The 90-day Notice of Right of Redemption may be issued after one year and nine months from the date of the tax sale. (Parcels eligible for regular tax sale have been advertised only once.)

PUBLIC BIDDER TAX SALE

The 90-day Notice or Right of Redemption may be issued nine months from the date of the tax sale. (Parcels eligible for public bidder tax sale have been advertised for two years and are indicated with an asterisk (*) on the tax sale list.)

FAILURE TO OBTAIN DEED – CANCELLATION OF SALE

After three years, have elapsed from the time of the tax sale, and the holder of a certificate has not filed an affidavit of service under Iowa Code Section 447.12, the Treasurer will cancel the tax sale certificate.

13. The Treasurer is required to notify the titleholder of record of the tax sale acquisition.
14. A tax sale purchaser may pay subsequent taxes and special assessments on the same parcel on which they hold the tax sale certificate. Taxes for a subsequent year maybe paid beginning one month and fourteen days following the date from which an installment becomes delinquent. Payment must be received and recorded in the Treasurer's Office no later than 4:00 p.m. on the last business day of the month in order for interest for that month to accrue. Only items due in the current fiscal year or prior may be paid on a sub-list. Special assessments due in future years cannot be paid until the fiscal year in which they become due. Failure to report sub-list payments will result in their omission from the redemption calculation. Please contact the Pottawattamie County Treasurer's Office for information on paying subsequent taxes.
15. A redemption is not valid unless received by the Treasurer prior to the close of business on the 90th day from the date of completed service (except County held certificates). A redeemed tax sale will include the following:
 - a. The original tax sale amount, including the certificate fee paid by the purchaser at the time of the sale.
 - b. Interest in the amount of 2% per month calculated against the amount, for which the parcel was sold, including the amount paid for the certificate of purchase. Each fraction of a month is counted for the month.

- c. Subsequent tax payments paid by the purchaser and added to the amount of the sale, with interest in the amount of 2% per month. Each fraction of a month is a counted month.
- d. For certificates sold on or after June 1, 2005, the cost of serving the notice, including the cost of serving the notice, including the cost of sending certified mail notices, and the cost of publication under section 447.10, if publication is required, shall be added to the amount necessary to redeem. The cost of record search, not to exceed \$300.00, shall also be added to the amount necessary to redeem if the search is performed by an abstractor who is an active participant in the title guaranty program under section 16.91 or by an attorney licensed to practice law in the State of Iowa. Costs filed with the Treasurer after redemption shall not be collected by the Treasurer. However, the certificate holder may pursue collection through a court action against the parcel owner.
- e. Costs incurred by the tax sale certificate holder may not be filed prior to the filing of the affidavit of service with the Treasurer.

12. The purchaser is responsible for checking parcels on which they hold the certificate of purchase for redemption

Upon redemption of a tax sale certificate, the purchaser will receive a check directly or by mail and a copy of the redemption certificate, with a breakdown of the total amount of redemption. The redemption certificate should be retained for income tax purpose.

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

13. The fee for the issuance of a Treasurer's Tax Sale Deed is \$25.00 per parcel.

14. The certificate of purchase, the \$25.00 Treasurer's Tax Sale Deed issuance fee, and \$17.00 recording fees (payable to Pottawattamie County Recorder) shall be submitted to the Pottawattamie County Treasurer within 90 calendar days after the redemption period expires. The Treasurer shall cancel the certificate for any tax sale certificate holder who fails to comply.

16. If it is determined that 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.

If it is determined that a county held certificate was erroneously assigned, the assignment will be cancelled. The certificate holder shall return the certificate of purchase and shall be reimbursed the total amount paid for the assignment. Interest from the assignment date to the date of cancellation of the certificate will not be paid.

This document has been prepared to provide general information and guidelines relative to tax sales, assignments, and tax sale redemptions. It is not an all-inclusive listing of statutory requirements, procedures or policy, nor is it to be construed as a legal opinion of the statutes governing tax sales. 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 taxes sold between June 19, 2023, and June 16, 2024, and all their assignments.

Iowa Code Chapters 446, 447, and 448 as amended are pertinent chapters to Tax Sales, Tax Redemption, and Tax Deeds. The Iowa Code is available on-line at www.legis.iowa.gov Prospective buyers should consult with legal counsel to determine their legal rights and remedies and to protect their interest as a tax sale buyer.

The parcels on the published list will also be available for review on the auction site. The auction site can be accessed by going to www.iowataxauction.com. You must complete the registration process in order to access the data.

Thank you,
Lea A Voss
Pottawattamie County Treasurer