

**Black Hawk County Treasurer
Courthouse
316 E. Fifth St.
Waterloo, IA 50703
Telephone: 319-833-3013
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2019 TAX SALE

The annual Black Hawk County Tax Sale will be held Monday, June 17, 2019 in the conference room located in the basement of the court house at the address listed above. The sale will begin at 8:00 A.M. and end at 3:30 P.M. each day until all delinquent taxes have been offered for sale. Any Regular Tax Sale delinquencies that are offered at the annual Tax Sale but remain unsold will be offered at an Adjourned Tax Sale which will be held in the Treasurer's office, Room #140 of the Courthouse, beginning at 8:00 A.M. on the third Monday of each month until all delinquencies have been sold.

The fully completed bidder registration and IRS W-9 form, with original signatures, plus all other required documents, must be received by the Treasurer's office by 4:00 p.m., Friday, June 7, 2019.

A **\$100.00** (US currency) per bidder registration fee must accompany the registration documents.

**** Please note the underlined changes from last year's registration.**

All delinquencies as of May 1, 2019 will be published in the Waterloo-Cedar Falls Courier on or about June 4, 2019. Periodic updates of the delinquencies along with the bidder registration documents and tax sale terms and conditions can be found at www.co.black-hawk.ia.us, Treasurer's Department.

Should any additional information be required, please do not hesitate to contact the Treasurer's office at 319-833-3013.

Black Hawk County Treasurer

TERMS AND CONDITIONS GOVERNING THE ANNUAL TAX SALE OF JUNE 17, 2019 AND ADJOURNMENTS OR ASSIGNMENTS THEREOF

1. BIDDER REGISTRATION

Below is a list of forms available for each bidder that plans to register for the tax sale. A bidder registration and IRS W-9 are required for all bidders to complete. Utilize the other forms as needed depending on whether sending an agent to represent you at the tax sale or setting up an EFT for redemption monies.

To conserve paper, please follow:

- a. **Bidder Registration:** If multiple entities being registered, fill out one bidder registration form with first entity information and attach a list of additional entities to that registration.
- b. **IRS W-9:** a new W-9 for each entity registered
- c. **Registration of Authorized Agent:** If multiple entities being registered are using the same authorized agent, fill out one registration of authorized agent and attach a list of additional entities to that registration
- d. **Authorization to change Registered Agent:** Only use this form if there is a change of registered Agent. Only need one completed.
- e. **Authorization Agreement for Electronic Funds Transfer For US deposits only;** if we have an electronic funds agreement on file in our office from the previous tax sales and there are no changes, you do not need to complete form again.

The bidder registration document, W-9 and authorized agent form (if needed), with original signatures, must be completed and received by the Treasurer's office by 4:00 p.m. on, Monday, June 7, 2019 in order to be eligible to participate in the annual 2019 Tax Sale. A per bidder registration fee of \$100.00 must accompany the completed registration documents.

Each registered bidder must have an individual Social Security or Federal ID number.

If a bidder is registering as other than an individual utilizing a social security number, a copy of proof of existence on file with the Iowa Secretary of State or a verified statement meeting the requirements of Iowa Code Chapter 547 (Trade Names) on file with the Black Hawk County Recorder must be attached to the bidder registration. **If you had registered an entity or entities for the Annual Tax sale in the past years in Black Hawk and there has been no change, you do not need to re-submit another copy of the proof of existence from the Iowa Secretary of State.** Only if you are registering a new entity or entities for the first time do you need this verification. Any questions on this please call the office, 319 833-3013.

Each bidder must properly complete the Registration of Authorized Agent form if the registered bidder is not personally bidding for the duration of the tax sale. A change of authorized agent prior to or during the tax sale will necessitate the completion of the Authorization to Change Registered Agent form.

Only those persons defined as an individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity are authorized to register to bid at the tax sale or to own a tax sale certificate by purchase, assignment, or otherwise.

An ACH credit for redemption monies must be set up by completing an Authorization Agreement for Electronic Funds Transfer form. (If you have one on file with the BHC Treasurer and there are no changes, do not need to fill out again.) This will allow the Treasurer's office to have funds credited directly to your account to prevent time and cost of mailing a check.

All bidders, designated representatives and assignees must be 18 years of age as of June 17, 2019. Valid proof of age will be required.

All registered bidders will be issued a numbered bidder card prior to the commencement of the annual Tax Sale. Bidders may call for their cards in the Treasurer's office, Courthouse Room #140, at 7:30 A.M., Monday, June 17, 2019.

2. ELECTRONIC DEVICES PROHIBITED

Cellular phones, pagers, tape recorders, camcorders and other audible electronic devices are to be turned off during the sale. Laptop or notebook computers are allowed only if they are operated from battery packs.

3. BIDDING

All properties with one year, or less, of delinquent taxes and/or special assessments will have those delinquencies plus interest, fees and costs, offered for sale in parcel number order at the Regular Tax Sale. Real estate delinquencies will be offered first with mobile home delinquencies to follow.

All delinquent taxes and/or special assessments that have been previously offered for one year and remain unsold for want of bidders will be offered in parcel number order at the Public Bidder Tax Sale. Real estate delinquencies will be offered first with mobile home delinquencies following. Should there be no private sector bid; the Treasurer is required to purchase the Public Bidder Tax Sale delinquencies on behalf of the County.

All delinquent taxes and/or special assessments upon property for which a city within Black Hawk County has declared by affidavit to be abandoned or a public nuisance shall be offered at the Public Nuisance Tax Sale. The delinquencies will be sold to the certifying city. In order for a private buyer to bid at the Public Nuisance Tax Sale, an executed rehabilitation agreement with the city must be in place and a copy of this agreement provided to the Treasurer's office by 4:00 p.m, Monday, June 3, 2019.

Tax Sale delinquencies must be sold for the exact amount of delinquent taxes and/or special assessments plus interest, fees and costs. In no case will a lesser or greater bid amount be accepted. Should there be more than one person interested in purchasing the taxes for the same property; the bid for the lesser interest in the property will be the successful bid. For example, when two people are interested in purchasing delinquent taxes in the amount of \$1,000.00 for the same property, the bid must be exactly \$1,000.00 but the bidder may take an 80% interest in the property rather than a 100% interest for that amount. Further, if two or more bidders have placed an equal bid and the bids are the smallest percentage offered with a minimum of 1% acceptable, the Treasurer's representative who is conducting the Tax Sale will use a random selection process to determine the successful bidder.

Upon entering the Courtroom, a staff member from the Treasurer's office will direct the bidders to the seats provided. Each parcel will be announced by item

number, in parcel number order. To bid, the bidder card must be raised above head level so that it can be readily seen by those conducting the tax sale.

If more than one bidder is interested in purchasing the delinquent taxes for the same property, the bid down of interest is to be made verbally in increments of ten percent and then increments of one percent when ten percent has been reached. One percent is the minimum acceptable bid. If the bid down of interest has reached a stalemate, a random selection process will be used to determine the successful bidder. The bidder selected by the random selection process must promptly accept by verbally indicating "sold" or refuse by saying "pass". Failure to immediately respond or to not respond at a volume level that can be heard by those conducting the sale will be considered a "pass" and the random selection process will be run again to select another bidder.

4. PURCHASE OF TAX SALE CERTIFICATES

At the close of each day's sale, or upon a bidder's purchase completion, a report of each private buyer's purchases will be printed in the Treasurer's office. Private buyers will be directed after the tax sale to wait in the lobby outside the Treasurer's office entrance located on the first floor and will be called into the office once their report has been printed. The private buyer is required to reconcile the County report with his or her records, and upon reconciliation, sign, date and return the report to the Treasurer's office staff member. There will be two reports printed, one copy of the signed report will be retained by the Treasurer's office; the second copy will be given to the private buyer at tax sale. Failure to return a signed report each day of participation will cause the previously purchased delinquencies to be re-offered for sale. Any discrepancies are to be immediately researched and resolved.

Full payment is due at the close of the Tax Sale or upon a bidder's purchase completion. The amount collected will include all delinquent taxes, special assessments, interest, fees, costs and a \$20.00 certificate fee for each Certificate of Purchase at Tax Sale issued. Payment must be made in U.S. funds and in the form of a personal or business check, money order or any form of guaranteed funds for the exact amount of the purchase.

If a tax sale buyer's check fails to be honored by the bank upon which it is drawn, the buyer will have five business days following notification by the Treasurer's office to repay with guaranteed funds or the Certificates of Purchase at Tax Sale will be canceled. A \$30.00 service fee will be collected for each dishonored check.

If a wire transfer is requested as the payment method, instructions will be provided by the Treasurer's office staff member. The wire transfer funds must

be received by 2:00 P.M. central time on the day following the final purchase at Tax Sale.

5. CERTIFICATE OF PURCHASE AT TAX SALE

A Certificate of Purchase at Tax Sale will be issued to the successful bidder. The Certificate will be mailed to the private buyer by the Treasurer's office following the conclusion of the Tax Sale.

Should an original Certificate of Purchase at Tax Sale be lost or destroyed, the private buyer must notify the Treasurer's office who will prepare an Affidavit of Loss to be completed by the private buyer. The Treasurer's office will prepare a replacement Certificate of Purchase at Tax Sale at a fee of \$20.00 per replacement certificate.

6. ASSIGNMENT OF THE CERTIFICATE OF PURCHASE AT TAX SALE

The Certificate of Purchase at Tax Sale, whether held by a private buyer or the County, is assignable by endorsement of the certificate and entry in the Treasurer's Tax Sale System. For each private buyer to private buyer assignment transaction, the Treasurer charges an assignee a fee of \$100.00, or \$10.00 in the case of an assignment by an estate. The fee for a County to private buyer assignment is \$10.00 per certificate. The assignment transaction fee is not added to the amount necessary to redeem. A copy of the Certificate of Purchase at Tax Sale with an original signature endorsement should be forwarded to the Treasurer's office along with the appropriate fee in order to properly accomplish an assignment. This assignment would need to be in our office with appropriate fees prior to the 90th day if a 90 day affidavit is on file.

No trading of parcels between private buyers will be allowed. An official assignment of a Certificate of Purchase at Tax Sale is required.

7. SUBSEQUENT TAXES AND/OR SPECIAL ASSESSMENTS

Because each tax year stands on its own, a tax bill for the 2019-2020 taxes and special assessments will be mailed in August to the person in whose name the parcel is taxed. In addition, a statement for Tax Sale subsequent taxes and special assessments will be mailed to the holder of the Certificate of Purchase at Tax Sale. Taxes and special assessments for a subsequent year may be paid by the private buyer at tax sale beginning one month and fourteen days following the date from which an installment or assessment becomes delinquent. The first tax installment and special assessments become delinquent October 1 unless the last day of September is a Saturday or Sunday and in that case the amount due becomes delinquent the second business day of October. The second tax

installment becomes delinquent April 1 unless the last day of March is a Saturday or Sunday and in that case the amount due becomes delinquent the second business day of April. Subsequent payments must be received in the Treasurer's office by noon of the last business day of the month to allow adequate processing time. Otherwise, interest for the succeeding month will be collected from the tax lien holder. A postmark will not be used to calculate interest or to determine whether interest shall accrue on the subsequent payment. Any unpaid subsequent taxes and assessments will be advertised and offered at the 2020 Tax Sale.

8. REDEMPTION

A tax sale redemption will include the following: the original tax sale amount, including the certificate fee paid at the time of the Tax Sale; interest of 2 percent per month calculated against the original tax sale amount with each fraction of a month being counted as a whole month; subsequent taxes and/or special assessments paid by the tax sale purchaser and added to the amount of the sale with interest of 2 percent per month calculated from the date of payment with each fraction of a month being counted as a whole month; statutorily allowable costs incurred for action taken toward obtaining a tax sale deed that are recorded with the filing of the completed affidavit of service in the Treasurer's office prior to redemption. All interest is rounded to the nearest whole dollar.

Guaranteed funds only are accepted as payment for redemptions by the Treasurer's office. E-mail notification will be sent by the Treasurer's office to the private buyer if a parcel is redeemed. The private buyer at tax sale must forward the original Certificate of Purchase at Tax Sale to the Treasurer's office. A redemption check will then be mailed to the private buyer at tax sale or processed through as an ACH credit.

An ACH credit for redemption monies can be set by completing an Authorization Agreement for Electronic Funds Transfer form. This will allow the Treasurer's office to have funds credited directly to your US deposits only account to prevent time and cost of mailing a check.

9. PROCEEDING TO THE TAKING OF TAX SALE DEED

The Code of Iowa provides that after one year and nine months from the date of purchase at the Regular Tax Sale, nine months from the date of purchase at the Public Bidder Tax Sale, and three months from the date of purchase at the Public Nuisance Tax Sale, the holder of the Certificate of Purchase at Tax Sale may cause the service of a Notice of Expiration of Right of Redemption and Taking of Tax Sale Deed. Notice shall be served upon all parties having an interest of record in the property in the manner prescribed by law. It is strongly recommended that a buyer at tax sale retain the services of an attorney to complete this process.

After the service is completed, the certificate holder must file an affidavit with the Treasurer's office, stating who was served, in what manner they were served and the costs involved. If the tax sale is not redeemed within ninety days from the date of the filing of the affidavit of service, a tax sale deed will be issued by the Treasurer's office to the certificate holder. If an assignment of the certificate is to take place, the request of assignment and fee of \$100.00 for each request would need to be in the office prior to the 91st day of the affidavit. The fee for the issuance of a tax sale deed is \$25.00.

Further, the Treasurer's office is charged with the collection of recording fees from the tax lien holder and the recording of the tax sale deed with the County Recorder prior to the delivery of the deed to the private buyer at tax sale. The tax sale certificate holder must return the original Certificate of Purchase at Tax Sale and remit the appropriate deed issuance and recording fees to the Treasurer's office within ninety calendar days after the redemption period expires. By statute, the Treasurer's office must cancel the certificate for any tax sale certificate holder who fails to comply. In the case of a certificate cancellation, the tax lien holder will not receive a monetary refund from the Treasurer's office. Because recording fees vary, a tax lien holder who intends to take deed to a parcel should telephone the Treasurer's office (319-833-3013) to ascertain the recording fee.

After three years have elapsed from the date of the Regular or Public Bidder Tax Sale, and one year from the date of the Public Nuisance Tax Sale, if action has not been completed which qualifies the holder of the certificate to obtain a tax sale deed, the Treasurer must cancel the tax sale certificate pursuant to the Code of Iowa. No moneys will be refunded by the Treasurer's office to the tax sale certificate holder whose lien is canceled for failure to proceed to the taking of tax sale deed.

10. NON-RESIDENT ALIENS AND FOREIGN BUSINESSES

Tax sale buyers are directed to take notice of legal restrictions regarding ownership of agricultural land by non-resident aliens and foreign businesses as presented in Iowa Code Chapter 9I. Non-resident aliens and foreign businesses are prohibited from bidding on parcels of land classified as 'agricultural'. All certificates purchased by a non-resident alien or foreign business bidder during the sale on agricultural land will be canceled and re-offered to other properly registered bidders. If payment has already been made, the payment, without interest, will be refunded upon cancellation of the tax sale certificate.

Non-resident aliens and foreign businesses must complete a 'W-8BEN' form. The form is used to establish foreign status, claim that such person or business is the beneficial owner of the income for which the form is being furnished. More information and forms can be found at the website: www.irs.org . Bidders should seek legal counsel to determine whether these restrictions or any IRS requirements are applicable to their specific situation

11. GENERAL INFORMATION

When a private buyer purchases at tax sale, the taxes are being purchased, not the property. The holder of the Certificate of Purchase at Tax Sale does not have use of the property until, through due process of law; a tax sale deed is issued.

If taxes or special assessments are erroneously offered for sale and sold, the bid amount will be refunded with no interest earned.

A tax sale can be set aside in a situation where a combination of bidders agrees not to compete with each other in the bid down process and one of them becomes the tax sale buyer. Such fraudulent collusion prevents selling a delinquency for the smallest percentage of undivided interest in the parcel.

Further, a Certificate of Purchase at Tax Sale or tax sale deed can be set aside if it is determined that the tax sale buyer or assignee was ineligible to purchase the Tax Sale Certificate. The general rule is that a tax sale buyer or assignee should never have an interest in the parcel whose delinquencies are offered for sale. A prospective bidder should consult with legal counsel to determine the right to become a tax sale buyer, either through bid or assignment.

This document has been prepared to provide general information and guidelines relative to the tax sale, certificate assignment, redemption and issuance of a tax sale deed. It is not an all inclusive listing of statutory requirements, procedures or policy. It is not 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.

If additional information is required, please call the Black Hawk County Treasurer's office at 319-833-3013. The Treasurer's staff will not respond to questions of law. Questions of this nature must be directed to legal counsel.