

Jackson County Treasurer
201 W Platt St
Maquoketa ,Iowa 52060

TERMS AND CONDITIONS GOVERNING THE ANNUAL TAX SALE
AND ADJOURNMENTS OR ASSIGNMENTS

The annual tax sale is held at the Jackson County Treasurer's office on the third Monday in June at 9:00a.m. for as long as purchasers are present. The annual tax sale is then adjourned to 9:00a.m. on the third Monday of every month, except for the months of September and March, when no adjourned sale will be held. If the third Monday falls on a legal holiday observed by the county, the sale for that month will be held on the fourth Monday.

The following information is provided to assist you in purchasing delinquent taxes at the annual tax sale or in obtaining an assignment of tax sale certificate.

1. Registering for the Tax Sale

Registration Fee Schedule:

Registration and bidder authorization fees are non-refundable.

The registration fee for a bidder who registers is \$35.00.

The fee for authorizing an agent to bid for a registrant is \$15.00

The registration fee and authorized bidder fee includes bidding at the annual tax sale and all associated adjourned tax sales.

The bidder must properly complete the following forms:

- a. Registration of Tax Sale Bidder or Assignee- A registered bidder must complete and sign a Registration of Tax Sale Bidder or Assignee form each tax sale year.
- b. W-9 – A registered bidder must complete and sign a W-9 form if it is not currently on file in the Treasurer's Office. This information is required to issue an accurate 1099-INT statement with the appropriate social security number or taxpayer identification number. **NOTE: (although a "properly registered" tax bidder may purchase tax sale certificates under multiple names, the bidder may only use ONE bidder number and federal identification number AT A TIME.**
- c. Authorization to Represent Bidder- A registrant must complete and sign the

Authorization to Represent Bidder form if the bidder will not be representing him/herself at the tax sale. A bidder may designate one agent to bid on his or her behalf during the annual and adjourned tax sales. The fee for authorizing an agent to bid for a registrant is \$15.00. An employee of the Jackson County Treasurer's can not notarize this form.

d. New Legislative Conditions:

House file #256 relating to Bidders at a property tax sale and owners of tax sale certificates. Section 1. Section 446.16 Code 2009 is amended by adding the following new subsection:

Only those persons as defined in Section 4.1 are authorized to register to bid or to bid at the tax sale or to own a tax sale certificate by purchase, assignment, or otherwise. To be authorized to register to bid or to bid at a tax sale or to own a tax sale certificate, a **PERSON**, other than an individual, must have a federal tax identification number and either a designation of agent for service of process on file with the secretary of state or a verified statement meeting the requirements of Chapter 547 on file with the county recorder of the county in which the person wishes to register to bid or to bid at the tax sale or of the county where the property that is the subject of the tax sale certificate is located. This act , being of immediate importance, takes effect upon enactment and applies to tax sales held on or after June 1, 2009

Pre-register for the annual tax sale:

A bidder must pre-register for the annual tax sale. The bidder must complete the following steps to pre-register for the annual tax sale.

- a. Submit properly completed and signed forms: Registration of Tax Sale Bidder or Assignee, W-9, and Authorization to Represent Bidder.
- b. Submit the Registration fee of **\$35.00 this amount is not refundable.**
- c. Submit the Authorization to Represent Bidder fee for \$15.00, if applicable.
- d. Registration forms must be in the Treasurer's office before the Friday of the sale.**

Please address mailed/delivered registration forms to:
Jackson County Treasurer's Office
201 W Platt St
Maquoketa , Iowa 52060

If not pre-registering for the annual tax sale:

The staff at the Jackson County Treasurer's Office will **NOT** accept registration at .the office the day of the sale.

Bidder Cards

The Treasurer's Office will provide the registered bidders with their bidder cards on the morning of the sale. Office opens at 8:30 a.m..

Proof of age and Identity

All bidders/buyers/assignees must be 18 years or older as of the current tax sale date. The Treasurer may request valid proof of age such as a valid driver's license or a birth certificate.

2. Bidding at the Tax Sale

Parcels with delinquent taxes are offered for sale in numerical sequence within each taxing district, as reflected in the official tax sale publication. The tax sale consists of two sessions. Public bidder real estate and public bidder mobile homes are offered in the first session. Regular real estate and mobile homes are offered during the second session.

Bidder numbers will be entered into the tax sale program prior to the start of the sale for those bidders who have pre-registered. Each bidder should check in at the Treasurer's Office the day of the sale to pick up their bidder card.

Each item will be offered for sale to all bidders considered "Active" by the auctioneer, beginning with an opening bid of 100% undivided interest. (Note: "Active" means the bidder has properly registered and the bidder number is available for selection by the random selection software program used by the auctioneer.) After the auctioneer 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%.

When the auctioneer determines that there are no further bids and the bid is a tie, a bidder will be chosen by the random selection program. The bidder selected at random must immediately accept the purchase of the item by announcing "yes", or refuse the item buy announcing "pass", in which case another bidder will be randomly selected. If there is not a tie bid, the sale will be awarded to the lone active bidder. The response of "yes" to the auctioneer results in an obligation on the part of the bidder to pay for the certificate/s at the end of the sale.

Although a "properly registered" tax bidder may purchase tax sale certificates under multiple names, the bidder may only use one bidder number and federal identification number at a time. (Note: "Properly registered" means the name(s) on the bidder's registration form, corresponding W-9, and Authorization to Represent Bidder form are **identical** and the taxpayer's identification number furnished on the W-9 form is for the name as registered.

You or the party you represent may not be entitled to bid at the tax sale and become a tax sale purchaser by reason of having a vested interest in the parcel. If the auctioneer or any other person is aware that someone is bidding on property that they have a vested interest, that bidder will be asked to leave the sale. Any purchases that were made prior will be voided. A tax sale certificate

of Purchase and/or Treasurer's Deed can be set aside by the courts if it is determined that the purchaser was ineligible to bid at the tax sale. The general rule is that a tax sale purchaser should never have an interest in the parcel offered for sale. You should consult with your legal counsel to determine your right to bid and become a tax sale purchaser.

3. Purchasing Tax Sale Certificates

Payment is required at the conclusion of the day's sale or at the time a buyer leaves if earlier than at the conclusion of the day's sale. The amount collected will include all delinquent taxes and special assessments, interest, special collection fees, publishing costs, and a \$20.00 certificate fee for each certificate to be issued.

Payment must be in the form of a personal check, money order, any form of guaranteed funds, or cash. Two party checks will not be accepted for payment. If payment does not clear for any reason such as non sufficient funds, account closed, stop payment, etc. the tax sale certificate(s) will be cancelled, and a \$50.00 surcharge will be collected. If not paid, you will be banned from participating in future tax sales.

Please allow 7 to 15 business days to receive purchased certificate(s). This allows the Treasurer's staff time to complete posting of records, editing of certificates, balancing the proceeds received from the tax sale, and preparing each buyer's certificates for mailing. It is the buyers' responsibility to verify that the tax sale certificates received are correct for the parcels purchased.

Each tax sale certificate issued for the June tax sale will have a certificate number on the first line printed in the upper right-hand corner. The certificate number identifies the year of the corresponding annual June tax sale and a sequentially assigned certificate number. For example, a tax sale certificate issued in June 2003 may have a certificate number of 2003-03001.

The tax sale certificate of purchase does not convey title to the buyer. The title holder of record or other interested party retains the right to redeem within the statutory period, depending on the type of tax sale. If the sale remains unredeemed after the statutory period, the buyer may begin action to obtain a tax sale deed (refer to under (90 Day Notice of Right of Redemption' Affidavit).

4. Notification to Titleholder of Tax Sale

The County Treasurer is required to notify the titleholder of recorder within fifteen days from the date of sale that the published item was sold at the tax sale.

5. Reimbursement of a Tax Sale Redemption

A redeemed tax sale will include the following:

- a. The original tax sale amount, including the \$20.00 certificate fee paid by the buyer at the time of the sale.
- b. Interest in the amount of 2% per month, beginning with the month of the sale to the month of redemption, calculated against the amount for which the item

was sold, including the \$20.00 certificate purchase fee. Each fraction of a month will count as a whole month.

- c. Subsequent tax payments paid and properly reported by the buyer as an addition to the sale, with interest in the amount of 2% per month, beginning with the amount the month the subsequent payment is posted to the county system to the month of redemption. Each fraction of a month will count as a whole month (refer to under: Payment of Subsequent Taxes.)
- d. Valid costs incurred by the certificate holder of record and posted to the county system for action taken toward obtaining a tax sale deed. Costs not posted to the county system before redemption shall not be collected by the County Treasurer.
- e. Attorney fees, abstract or record search fees, and costs of serving/mailling the notice are not authorized costs. Valid costs of publication are defined in S447.10, Code of Iowa.
- f. The Jackson County Treasurer requires a copy of the newspaper publisher's invoice and a statement from certificate holder substantiating the reason service was made by publication prior to posting publication costs to the amount necessary to redeem to determine whether publication costs are valid. Fees for publication, if publication is required, shall not exceed the customary publication fees for official county publications.

By stature (S447.12), costs cannot be filed with the County Treasurer prior to the filing of the "90 Day Notice of Right of Redemption" affidavit with the County Treasurer.
- g. A \$10.00 redemption certificate fee retained by the county. (Note: a redemption does not include the assignment transaction fee paid to the county.)

6. Payment of a redeemed tax sale certificate.

Upon surrender of the tax sale certificate for a redeemed tax sale either in person or by mail, the Jackson County Treasurer's office will issued a Treasurer's check to the buyer less the amount collected for the redemption certificate fee.

If the original certificate of purchase has been lost or destroyed, a duplicate can be obtained from the Jackson County Treasurer at a cost of \$10.00

In the event a buyer has been reimbursed for a redemption and the taxpayer's check does not clear the taxpayer's bank account, the buyer will be notified by the Treasurer's office and will required to immediately return the redemption funds. The Treasurer will return the tax sale certificate to the buyer and cancel the redemption. The tax sale will be reinstated as of the original sale date. A subsequent redemption will be calculated from the original date of sale to the date of repayment.

7. Year End Statement.

At the end of the calendar year, the County Treasurer will issue a 1099-INT form to buyers and file a report with the Internal Revenue Service if the cumulative interest paid to the buyer during the calendar year is \$600 or more. A

buyer's tax preparer may need this information when filing Federal and State Income Tax returns. If a buyer underreports the interest amount received, the Internal Revenue Service will direct the Treasurer to implement a backup withholding procedure at the rate of 31% of the interest collected. If this should occur, the Treasurer reserves the right to ban the buyer and all associated buyers from future tax sales. The Jackson County Treasurer's Office will not provide or calculate year-end interest accruals or bookkeeping services other than to provide a copy of the redemption certificate at the time of reimbursement to the buyer.

8. PAYMENT OF SUBSEQUENT TAXES

A tax sale buyer may pay subsequent delinquent tax and special assessments, including rates or changes, on the same parcel(s) on which s/he holds the tax sale certificate. The Treasurer's Office will accept payments for subsequent delinquent tax and special assessments beginning fourteen days following the date from which an installment becomes delinquent. Only items delinquent in the current fiscal year or a prior year may be paid on a "sub-list". Special assessments, rates or changes due in future years cannot be paid until the fiscal year in which they become delinquent.

Recorded sub-list payment will accrue interest at the rate of 2% per month, beginning with the month the payment is posted to the county system through the month of redemption. No postmarks are allowed on subsequent taxes. Must be in the office on the last day of the month in which you are making payment.

9. ASSIGNMENT OF A TAX SALE CERTIFICATE.

The tax sale certificate of purchase is assignable by endorsement on the certificate, payment by the assignee of a \$100 assignment transaction fee, and submittal of the certificate to the County Treasurer for posting to the county's system. An assignment is not considered valid until posted to the county's system by the Treasurer. A certificate cannot be assigned to another buyer who has redemption rights, except when the assignment is to a municipality. The assignor may not assign a certificate of purchase to more than one assignee/buyer number.

A tax sale certificate of purchase and/or a 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 or lien in the item 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 through assignment.

Upon receipt of the \$100 assignment transaction fee and the endorsed certificate, the assignment will vest in the assignee all the rights and title of the assignor.

When a buyer request the Treasurer record a change, other than the mailing address and telephone number, it is considered an assignment and the \$100 assignment transaction fee will be charged. This includes a change in the buyer's name, or federal identification number. Failure to provide the correct federal

identification number or social security number at the time of purchase will result in a charge of \$100 for each certificate purchased.

10. **“90 Day Notice of Right of Redemption “Affidavit.**

Service is completed when the certificate holder files the “90 Day Notice of right of Redemption” affidavit with the County Treasurer. The certificate holder is responsible for determining the status of a tax sale before serving the “90 Day Notice of Right of Redemption” to interested parties. It is a prohibited practice for the tax sale buyer to serve the “90 Day Notice of Right of Redemption” to individuals if the tax sale has already been redeemed.

Service must be compliant with the law in effect at the time of the tax sale.

a. **Regular Tax Sale:**

A tax sale certificate holder may serve a “Notice of Expiration of Right of Redemption” after one year and nine months from the date of sale.

b. **Public Bidder Sale:**

A tax sale certificate holder may serve a “Notice of Expiration of Right of Redemption” after nine months from the date of sale.

If the certificate holder fails to file a “90 Day Notice of Right of Redemption” Affidavit within three years from the date of the tax sale, the County Treasurer will Cancel the tax sale. In this instance, the tax sale buyer is not entitled to a refund.

11. **COST-FEE-REPORT**

There are 3 different approaches to the costs that may be added to Tax Sale Certificates. For any certificate issued after June 1, 2005, the cost of serving the notice; including the cost of sending certified mail notices, the cost of publication, and the cost of a record search not to exceed \$300, if performed by an abstractor who is an active participant in the title guaranty program under section 16.91, or an attorney licensed to practice law in Iowa, may be added to the amount necessary to redeem from tax sale. On privately held tax sale certificates issued between June 1, 2001 and May 31, 2005, only the cost of publication under Section 447.10 if required; shall be added to the amount necessary to redeem. For all Tax Sale Certificates issued before June 1, 2001 and all county held certificates, the cost of a record search and the cost of serving the notice including the cost of mailing certified mail notices and the cost of publication under Section 447-13—Service by publication, if publication is required, shall be added to the amount necessary to redeem and entered into the county system. Cost may not include attorney’s fees. The fee for personal service of the notice shall be the same as for service of an original notice; including copy fee and mileage. Costs may not be filed prior to the filing of the affidavit. The county treasurer shall file the proof of service and statement of costs and record these costs against the parcel. The holder of the certificate or the holder’s agent shall report in writing to the treasurer the amount of authorized costs incurred and the treasurer shall file the statement. Costs not filed with the treasurer

before a redemption is complete shall not be collected by the treasurer and may be recovered through a court action against the parcel owner by the certificate holder.

12. TAX SALE DEED

The tax sale certificate holder is required to return the certificate of purchase and remit the appropriate deed issuance fee and recording fee to the County Treasurer within ninety calendar days after the redemption 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 ninety calendar days after the redemption period expires and the County Treasurer cancels the tax sale, the tax sale buyer is not entitled to a refund. The deed issuance fee is \$25.00. The recording fee is variable and will be determined at the time a deed is requested. Upon receipt of the deed issuance and recording fees, the Treasurer will record the deed with the County Recorder prior to delivering the deed to the buyer.

12. ERRONEOUS TAX SALE OR ASSIGNMENT

If it is determined that any item was erroneously sold, the certificate of purchase will be canceled. The certificate holder will return the certificate of purchase and the Jackson County Treasurer will reimburse the principal amount of the investment. The Treasurer will not pay interest.

If it is determined that a county-held certificate was erroneously assigned, the assignment will be canceled. The certificate holder will return the certificate of purchase, and the Jackson County Treasurer will reimburse the total amount paid for the assignment. Interest from the assignment date to the date of cancellation of the assignment will not be paid.

13. ABANDONED PARCEL LAW

Iowa law permits a county or city to purchase parcels offered at the regular tax sale or to require that a certificate be assigned to the county/city if the county/city files a verified statement of abandonment with the County Treasurer(see Iowa Code § 446.19A).

14. LOST CERTIFICATE OF PURCHASE

Should a 2005 or prior tax sale certificate be lost or somehow destroyed, the holder may file a statement of loss with the treasurer and receive a duplicate for a fee of \$10.00, which is just as valid as the original. Any certificate after 2005 lost or destroyed, the cost is \$20.00 per certificate. The fees changed on June 1st 2006.

REGISTER OF BIDDERS OR ASSIGNEES

June 20, 2011 ANNUAL TAX SALE
AND SUBSEQUENT ADJOURNMENTS THEREOF

The undersigned do hereby register as bidders at the annual tax sale on June 20, 2011 and subsequent adjournments thereof or assignments therefrom, and do hereby acknowledge receipt of a copy of the “NOTICE TO TAX SALE PURCHASES OF THE TERMS AND CONDITIONS GOVERNING TAX SALES AND ASSIGNMENTS OF THE JUNE 20, 2011 TAX SALE”, and do further hereby acknowledge and agree that by placing a bid at the annual tax sale, subsequent adjournments, or by obtaining a tax sale assignment from Jackson County that the undersigned will comply with and be bound by the aforementioned terms and conditions.

Said “NOTICE TO TAX SALE PURCHASES OF THE TERMS AND CONDITIONS GOVERNING TAX SALES AND ASSIGNMENTS OF THE JUNE 20, 2011 TAX SALE” is based, in part, on the 1993 Code of Iowa and amendatory acts thereof.

Date _____

Name _____

Address _____

County of Residence _____

State of Residence _____

Telephone () _____

Fax Number () _____

EMAIL: _____

Note: All tax sale certificates of purchase, whether through tax sale or by assignment, and tax sale deeds will be issued in the name(s) as shown above

Authorization to Represent Bidder

(Do not complete this form if you are bidding for yourself for the duration of the sale.)

An Authorized Agent is an individual, other than yourself, whom you are authorizing to act as your agent/personal representative. You are limited to one Authorized Agent per bidder number for the June 20, 2011 Tax Sale and adjourned Sales thereof. The fee for authorizing an agent to bid for you is \$15.00 per bidder number.

I/we, (please print the bidder name as it appears on the Registration Form)

Authorize (Please print the name of the Authorized Agent)

to act as my/our agent/personal representative at the June 20, 2011 tax sale and adjourned sales thereof.

Print Bidder Name
(as it appears on the registration form)

Print Company Officer's Name
& Title

Bidder's Signature (as it appears on the Registration form)
If bidder is a company, signature and title of company officer are required.

Subscribed and sworn to me this _____ day of _____, 20_____

Signature of Notary

* Note: An employee of the Jackson County Treasurer's office can not notarized this form.

AFFIDAVIT OF LOST TAX SALE CERTIFICATE

STATE OF IOWA
JACKSON COUNTY

I, _____, being first duly sworn on oath, do dispose and say that I am the holder of the following tax sale certificates of which duplicates are in the hands of the Jackson County Treasurer.

I affirm that I have lost, misplaced or inadvertently destroyed the originals of the following tax sale certificates and ask that duplicates be issued as a replacement thereof.

Tax Sale Certificate Numbers: _____, _____, _____
_____, _____, _____
_____, _____, _____

Witness my hand this _____ day of _____, _____.

Holder of Tax Sale Certificate of Record

ATTEST:

TITLE

Request for Taxpayer Identification Number and Certification

Give form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return)	
Business name, if different from above	
Check appropriate box: <input type="checkbox"/> Individual/ Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other ▶	
<input type="checkbox"/> Exempt from backup withholding	
Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
City, state, and ZIP code	
List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number
+
+
+
or
Employer identification number
+
+
+

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

Sign Here	Signature of U.S. person ▶	Date ▶
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Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

U.S. person. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

For federal tax purposes you are considered a person if you are:

- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or

- Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

Foreign person. If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the recipient has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.