

3-YEAR TAX CERTIFICATE SALE: GENERAL INFORMATION

Hickory County property that is **delinquent for three years** will be offered at Back Tax sale:

DATE, TIME & PLACE: 4th Monday in August (August 28, 2023), at 10:00 am, Location: 22126 Hwy 54, Hermitage, MO. (old Dollar General building)

LIST OF PROPERTIES: Published in our local newspaper, The Index, three consecutive weeks as required by law, with last publication being at least 15 days prior to sale date. The Index phone: 417-745-6404. A list may also be found online at Hickorycomo.net on the Collectors page starting **July 24th** on the Collector's content page. We will also have copies available on that date in our office.

TO PARTICIPATE: Every bidder must pre-register and sign an affidavit **before** the day of the sale (Prior to Monday August 28th) stating all taxes are paid. You must be present to bid; a copy of your **driver's license will be required.** You must be resident of Missouri, **OR:** non residents must appoint a COUNTY citizen to act as their agent and for service of process. Additionally, the agent signs an **affidavit** stating that he/she is not delinquent on taxes. After the sale, the certificate of purchase will be issued to the agent who then has the responsibility of conveying the property to the nonresident purchaser.

PROCEDURE: Tax Certificates will be offered for sale in the order they appear in the publication. Opening bid must be no less than the total taxes and cost of sale. Purchaser must make settlement in the Collector's office by **3:00** on the day of the sale. Payment of cash, check or credit cards will be accepted. A convenience fee will be charged if using a credit card. Failure to pay for purchased property will result in a 25% penalty charge plus any prosecuting attorney's fees.

CERTIFICATE OF PURCHASE: Certificate will be recorded by Collector (**\$27.00 recording fee will be collected at time of sale**), and will be mailed to purchaser within 30 days. Purchaser will be given a Tax Sale Register Sheet with the property sale information, along with paid tax receipts.

The Purchaser may assign ownership of Certificate of Purchase by completing the **assignment portion** of the Certificate. The assignee must be a resident of Missouri. Such assignment must be notarized and presented to the Collector's Office to be recorded; a **\$30.00 recording fee** is required. The Deed will then be recorded in assignee's name after requirements to obtain a deed are met.

Certificates of Purchase will bear interest of 10% (1% per month) ONLY on amount of taxes owed; 8 % on subsequent taxes paid. Purchaser will get a tax statement for current taxes in November.

BUYER BEWARE: Please understand that you are NOT purchasing the Real Estate, but you are purchasing a DELINQUENT TAX SALE CERTIFICATE. You have NO RIGHTS of ownership; the owner still owns the property and has ALL RIGHTS to the property. Improvements made by the purchaser prior to one year after the sale dates are not compensable. (Sec 140.360 RSMo Supp 2008) You cannot gain immediate possession of the property. You cannot destroy or tear down any existing structures. None of the forgoing can be done, until such time as a Collectors Deed is issued.

Be sure you know the property you are bidding on: Location? Condition? Is it worth the amount of your bid, including cost of title search and other fees? No Bank or Mortgage Company will lend you money on a Collectors Deed, because you cannot purchase Title Insurance, unless you file suit in Circuit Court to obtain a Quiet Title, which could cost several hundred dollars. Quiet Title actions must be commenced within three years from the time the tax deed was recorded.

Any Tax Sale purchase amount, which resulted in a surplus that is above the delinquent taxes/costs is available for the owner of record/or lien holder at the time of the sale. The surplus amount is deposited in a separate fund and held for three years to claim. If undisputed, the surplus amount may be obtained from the Hickory County Treasurer. Disputed claims are determined at a public hearing before the Hickory County Commission.

REDEMPTION: The owner of record or any person having an interest in the property has ONE (1) year from the day of the sale to redeem the property. NO IMPROVEMENTS are reimbursable during the REDEMPTION PERIOD. You could be held responsible for any damage you might do to property. Purchaser is entitled to possession in ONE year or upon issuance of Collector's Deed.

The Collector's Office notifies the Certificate of Purchase holder when the property has been redeemed. The Certificate of Purchase must be surrendered to the Collector before the holder will be reimbursed the bid amount plus interest.

TO ACQUIRE A COLLECTOR'S DEED

Refer to: Chapter 140 of the Missouri Revised Statutes at: <http://revisor.mo.gov/main/OneChapter.aspx?chapter=140> for the complete statute requirements that must be fulfilled by ***YOU, the Tax Sale Certificate Holder***. A copy of Chapter 140 Tax sale procedure manual is available for \$5.00 in our office to help you. It can also be found online.

These statutes can change by the time you get ready to apply for your deed. It may be to your benefit to hire an attorney to be sure all requirements have been met. **It is your responsibility to be sure all requirements are met. I am not an attorney and cannot give you legal advice!!**

TITLE SEARCH - Must be done by a licensed Title Company (approx. Cost \$150.00) or attorney **starting after March 1st of the following year**. There are two title companies located in Hermitage that can perform the searches for you.

You the purchaser must:

- Have all County and City Taxes (if applicable) paid before a Collector's Deed can be issued.
- Determine when he/she will request a Collector's Deed.
- Notify the owner ('s) of record and any lien holders of their right to redeem.
- Provide an affidavit that every notice requirement has been met.

90 DAY NOTICE – Stage One: Notice must be given to any lien holder or interested party of record as well as owner of record by both Certified Mail (return receipt requested) as well as regular First Class mail to the last known address. (Sec. 140.405 RSMo. Supp. 2010)

Stage Two: Additional steps are required if both the certified mail return receipt is returned unsigned and the first class mail is returned for any reason except refusal; the purchaser must then attempt additional notice and certify what additional notice was attempted. Additional steps can include sending mail by a different method or posting a notice on the door of the property.

The original **Tax Sale Certificate of Purchase**, along with an **affidavit** specifying that all necessary steps have been completed, must be presented to the Collector, with all receipts, and copies of

notifications sent:

- (1) First Class mail;
- (2) Certified mail notice; return receipt requested.
- (3) Addressed envelopes as they appear immediately before mailing;
- (4) Certified mail receipt as it appeared upon its return; and
- (5) Any returned regular mailed envelopes.

A **\$27.00 recording fee** will be collected for recording the **Collector's Deed**: Make check payable to **Hickory County Recorder**.

Failure to meet the requirements and obtain a **Collector's Deed** within **eighteen months** from date of tax sale results in the **loss of the purchaser's lien on the property**. **You will not be entitled to a refund of any/all expenses incurred and associated with the purchase of the tax sale property**.

The Collector's Office makes **NO GUARANTEES** or warranties or assumes any **LIABILITY**. I am **NOT** an attorney; therefore I cannot give you "LEGAL" advice! Failure to lawfully follow all tax sale guidelines and procedures found in chapter 140, in the Missouri State Statutes, may eventually result in the purchaser's loss of all interest in the property and may leave said purchaser liable for civil damages.

You can search the location of a property in Hickory County online. Go to:

<https://hickorygis.breezemaps.com/web-gis>

You can search by Name, Address or Parcel number. You need to be sure of what you are bidding on.

3-YEAR TAX SALE QUESTIONS & ANSWERS

Q – Why must I wait one year before receiving a deed?

A – Because the owner of record on the day of the sale, or any other persons having an interest in the property, has within one year to redeem it. That is: Any time during the next one year following the day of sale, the owner can come forward and pay the Collector all taxes, interest and penalty, advertising and all related costs. That is called "redeeming the property".

Q – If Someone "Redeems" his/her property, how do I get my money back?

A – If the property is redeemed, the county Collector will collect the money from the Party redeeming the property. You will then receive all the money you paid on the day of the sale, plus interest (interest is only paid on the amount of unpaid taxes and expense of the sale and is NOT paid on the surplus.) Your original Tax Sale Certificate of Purchase must be returned to the Collector before you receive your money.

Q – Does a Back-Tax sale clear the property of all other liens?

A - NO. The only lien that is cleared through the tax sale process is the property tax. The property may also have other liens such as mortgages, income tax liens, judgments, levies, etc. (The mandatory Title Search you will have done later in the year will show any liens, etc.)

Printed 02/16/2023