

**2009 TAX SALE GUIDELINES
CLAY COUNTY, MISSOURI
AUGUST 24, 2009**

THIS IS NOT A MORTGAGE FORECLOSURE SALE; WE SELL TAX LIENS ON PROPERTIES FOR TAXES DUE. ONLY OUR MOST DELINQUENT PARCELS ARE SOLD WITHOUT ABILITY FOR REDEMPTION.

FOR MORTGAGE FORECLOSURES CONTACT, EITHER THE LAW FIRM OR THE TRUSTEE HOLDING THE SALE OR THE MORTGAGE HOLDER. UNFORTUNATELY, THE COUNTY DOES NOT HAVE A LIST OF PROPERTIES THAT ARE IN FORECLOSURE.

Please review all applicable Mo State Statutes, with particular emphasis on Chapter 140: www.moga.mo.gov. Statutes can also be researched at a Missouri public library. You may wish to consult an attorney before making a bid. This summary is provided for your convenience only. It is the responsibility of the tax sale bidders to understand the state statutes. We do not have an obligation to instruct, teach, or answer legal questions. **There have been many changes from past years. Please be sure to read the following carefully.**

The Collector makes no warranty on the title generated by issuance of a Collector's Deed. 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 purchased property and may leave said purchaser liable for civil damages or criminal charges.

This office does not administer foreclosures. In most cases, you will be bidding on an interest in the property, not owning the property outright until the end of the redemption period.

All county offices can be accessed online at www.claycogov.com. Go to County Government-County Offices-then the office you wish to research. Collector, Assessor, & Recorder of Deeds.

The website for Missouri State Statutes is www.moga.mo.gov.

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Be sure to research very carefully the properties you bid on. There are some properties in Clay County with Federal Liens, Tax Liens, and Hazardous Conditions. It is up to the buyer to research the property fully and understand how those conditions may impact your purchase.

Non tax sale liens or other obligations on the property are not extinguished at the time of the auction, or during any redemption period. We advise you to consult your attorney about liens and/or deeds of trusts, etc.

All lands and lots with 2 or more years of delinquent taxes at the time of the sale may be offered at public auction. No delinquent taxpayers may bid except on their own properties. If you bid on your property you will pay at least the amount of taxes due including interest, penalties and other fees.

The tax sale is held annually on the 4th Monday in August, commencing at 10:00 AM at the Clay County Administration Building (1 Courthouse Square) in the 3rd floor Commission Hearing Room. Sign in begins at 9:00 AM. The sale will start promptly at 10:00 AM.

REGISTRATION AND TAX SALE LIST

Registration may be done online at www.claycogov.com or through the Collector's office. We will be reviewing the property you own to verify that there are no delinquent taxes due.

Buyers must register at least one week before the sale by completing the registration form; an affidavit will be signed on the day of the sale during check in. Submitting a false affidavit or registration may invalidate the tax sale purchase.

A list of properties will be published in a local paper for three consecutive weeks prior to the auction. Each parcel offered for sale is individually identified by advertised item number, parcel number, owner of record, legal description (as provided by the Assessor's office) and amount of taxes due. This list will also be available online at www.claycogov.com.

TAX SALE

During the Tax Sale, the Collector will act as Auctioneer proceeding through the list in the same order as listed in the newspaper publication. Buyers must be present to bid. Out-of-state bidders must follow State Statute 140.190 and file the correct affidavits at least one week before the sale.

The only forms of payment accepted are cash, cashier checks, or personal checks accompanied by a Letter of Credit. Refunds on the unused amount of a Cashier Check will be refunded within a few days. A series of smaller Cashier Checks will reduce the amount of refund necessary. Letters of Credit must be from the bank on which the paying check is drawn, and guarantee that a specific account number will have available a set amount of funds and that a stop payment will not be placed on the check written. Letters of Credit must be approved no later than one week before the sale.

The total purchase price must be paid **immediately** at the close of the auction. **There is no time available after the sale to make arrangements for payment or await arrival of a check.** Payments on bids will not be taken until the end of the auction. The winning bidder receives a receipt identifying the parcel and bid price paid at the auction.

If the winning bid amount is not paid, a penalty of 25% of the bid amount plus attorney's fees may be assessed to the bidder.

Certificates of purchase may be assigned to a third party. The assignee must be a resident of Missouri and cannot owe any delinquent taxes. Please make arrangements with our office. A recording fee will be charged.

Non tax sale liens or other obligations on the property are not extinguished at the time of the auction, or during any redemption period. We advise you to consult your attorney about liens and/or deeds of trusts, etc.

REDEMPTION PERIODS

Each parcel is classified under a specific publication. The number of times the property has been offered at previous tax sales determines the publication category it is listed under. Each has unique characteristics that are listed below. Parcels are listed in numerical order, first by publication type and then by City.

First and Second Publication

1. Bidding starts at the amount of taxes due (this may include city taxes or assessments and will be notated in the listing).
2. Have a one-year redemption period.

Third Publication

1. Have no set minimum bid; no bids under \$5.00, please.
2. Have a 90 day redemption period.
3. You may also be required to pay any delinquent city taxes or special assessments before the deed is issued. These will be paid directly to the city. A copy of the receipt should be given to the Collector's Office.

Fourth Publication

1. Have no set minimum bid; no bids under \$5.00, please.
2. Have no redemption period.
3. You may also be required to pay any delinquent city taxes or special assessments before the deed is issued. These will be paid directly to the city. A copy of the receipt should be given to the Collector's Office.

The original property owner may redeem their property at any time during the given redemption period and until 90 days after the filing of the affidavit.

The Collector will issue and mail a Tax Sale Certificate of Purchase to the purchaser. If a deed from the Fourth Publication list is purchased, the purchaser will be notified when it is ready. Arrangements should be made with the Collector to have the deed recorded. **Ownership of the parcel will not change until it is recorded.**

Interest on Tax Certificates is paid at 10% annually on the amount of delinquent taxes only, not on any overbid. Subsequent taxes paid earn 8% annually.

All City & County Taxes and/or Assessments must be paid before a deed will be issued.

Some title companies may require a "Quieted Title" before issuing a title policy to the land. See State Statute 140.410.

IF YOU PURCHASE A TAX CERTIFICATE

1. You will be expected to pay all Delinquent City Taxes and/or special assessments if not included in the tax sale bid. All subsequent tax bills will come to you and should be paid; you may risk your rights otherwise. See State Statute 140.440. Please be sure to notify us of any address or phone number changes.

2. Supply the Collector's office with copies of any city or county taxes paid after the sale. **They will be included in the redemption price, but only if the receipts are on file when the redemption occurs.** Please bring in the payments or mail them (attn: Susan Avery) with a note attached asking that a copy of the receipt be put in the tax sale file. This will ensure that you are listed as the payer and that the receipts will be put in the certificate file. Mail payments or correspondence Clay County Collector Attn: Susan Avery, One Courthouse Square, Liberty, MO 64068. They may also be faxed to Susan at 816-407-3201, or emailed to savery@claycogov.com.

3. Follow procedures set out for tax sales in the Missouri Revised Statutes regarding requirements to collect your deed. You will need to send certified letters to anyone who holds a financial interest in the property. This includes current owners, their possible beneficiaries if deceased, mortgage or Deed of Trust holders and lienholders, etc. See Statute 140.405 for proper wording of these letters.

To Claim a Deed from a Tax Sale Certificate sold on the First, Second, or Third Publication.

1. Review statutes in Chapter 140 of the Missouri State Statutes
2. Bring to the Collector:
 - a) Your copy of the Tax Sale Certificate
 - b) Signed and notarized affidavit stating you have fulfilled your statutory obligations and are ready to claim the deed.
 - c) Receipts from the Certified Letters so we can verify when they were sent and to whom.
 - d) Copies of the Receipts from local taxes/assessments paid, if not already on file. Remember if receipts are not in the file, we cannot charge for them if redeemed.
3. Deeds will be issued 90 days after the Affidavit is presented to the collector, provided that the certified letters were also sent out at that time **and** it is at least one year after the sale date for a first or second publication sale or 90 days after a third publication sale.

4. A final day of redemption allowed will be set when all the above is received. Make arrangements with the Collector's office to get the deed recorded. A fee will be charged by the Recorder's office.

To Claim a Deed from the Fourth Publication

For property purchased on the Fourth publication, with no redemption period, city taxes and any special assessments must be paid up to date before the Deed will be issued. No certified letters are required. A fee will be required to record the deed. You will receive a copy after recording.

If Deeds from any tax sale publication are not claimed and recorded within two years of the sale date all rights and liens you have will cease. Reference State Statute 140.410.

PROPERTY REDEMPTION

Property sold at the Tax Sale may be redeemed on or before the final redemption day in the following manner:

1. Property may be redeemed by the owner of record, or by any person holding a publicly recorded deed of trust, lease, lien, or claim upon the property. Please advise the Collector's office prior to redeeming the property. A payoff amount will be quoted to you and arrangements made to pay in person or to mail the payment.
2. The amount charged for redemption will be the amount bid plus 10% interest per annum on the amount of taxes due, subsequent taxes paid plus 8% interest per annum, Recorder's Fee and Redemption Fees. If paying in person, you will receive a temporary receipt with the Certificate of Redemption to be mailed.
3. Payments must be Cash, Money Order, or Cashier Check; no personal checks will be accepted.
4. If the bid price was less than taxes due, the redemption amount will also include all taxes that were due at the time of the sale.
5. A copy of the Certificate of Redemption will be recorded in the Recorder of Deeds office.

The Collector's office notifies the Certificate of Purchase holder when the property has been redeemed. The Collector will provide a check to the Certificate holder for the redemption amount minus fees. The check could take 3-4 weeks to process.