ORDINANCE NO. 17-357

AN ORDINANCE ESTABLISHING THE METHODS, RULES, AND PROCEDURES FOR COUNTY TAX SALES AND ALLOCATING ADMINISTRATIVE COSTS TO DELINQUENT PROPERTIES.

WHEREAS the County Commission is charged under Utah Law with determination of the method of sale of delinquent properties for delinquent taxes; and

WHEREAS the following "METHOD OF SALE" and "DUCHESNE COUNTY TAX SALE RULES", appear to facilitate the objectives of protecting the financial interest of the delinquent owner while meeting the county's need to collect delinquent taxes due; and

WHEREAS the Tax Sale creates costs of administration including advertising, recording, noticing, offering, mailing, etc.;

NOW THEREFORE, the County Legislative Body of Duchesne County ordains as follows:

PUBLIC NOTICE

Notice is hereby given that, unless noticed otherwise, the annual Duchesne County Tax Sale shall be held every year on the third Thursday of the month in the month of May, at 10:00 a.m. in the commission chambers of the Duchesne County Administration Building, 734 North Center, Duchesne City, Duchesne County, Utah. At such time, the Duchesne County Clerk-Auditor, will offer for sale at public auction and sell to the highest bidder for CASH OR CERTIFIED FUNDS pursuant to Utah Code § 59-2-1351 et. seq., the real property as listed by the Duchesne County Treasurer on the Tax Sale Listing pursuant to Utah Code § 59-2-1343 and described herein located in Duchesne County and delinquent and subject to tax sale. A bid for less than the total amount of taxes, interest, penalty and administrative costs, which are a charge upon said real estate, will not be accepted. NO PERSONAL CHECKS WILL BE ACCEPTED IN PAYMENT OF BID.

Notice of an alternative date of sale shall be given in the form pursuant to Utah Code § 59-2-1351. Such tax sale shall proceed pursuant to Utah Code § 59-2-1351 and this Ordinance herein.

METHOD OF SALE

The Board of County Commissioners of Duchesne County has determined the following method of sale best meets the objectives of protecting the financial interests of the delinquent property owner and collecting delinquent property taxes due. The highest bid amount for the entire parcel of property shall be accepted; however, a bid may not be accepted for an amount that is insufficient to pay the taxes, penalties, interest and administrative costs. Any amount received in excess of the taxes, penalties, interest, and administrative costs due to all local governments and any administrative costs by the County shall be treated as surplus property and paid to the State Treasurer pursuant to Utah State Law.

DUCHESNE COUNTY TAX SALE RULES

1. Any person, business, entity, or agent of such business or entity who currently owes property taxes on any real property owned by any person, business, entity, or agent of such business or entity at the time of registration is prohibited from bidding and participating in the tax sale, and shall not solicit another person, business, entity, or agent of such business or entity to bid in their stead for the property. This rule shall not apply to a person, business, entity, or agent of such business or entity who are bidding on their own property that is a tax sale property.
2. Any person, business, entity, or agent of such business or entity must disclose all potential conflicts of interest at the time of registration.
3. Any person, business, entity, or agent of such business or entity who would be in

a position of conflict of interest shall not be permitted to bid for any tax sale properties.

4. Duchesne County prohibits collusive bidding. "Collusive bidding" is any type of arrangement, agreement, or practice between two or more parties that in any way alters the bidding which results in an unfair advantage or disadvantage to a party, a bidder or Duchesne County. Anyone participating in collusive bidding shall, subject to an appeal to the legislative body, be banned from bidding at the present and future sales not to exceed five years.
5. A bidder shall register prior to bidding and be given a number for bidding purposes. In the registration, bidder shall properly and clearly identify the correct information and address for use in issuance of deeds. At the time of registration, bidder shall also disclose conflicts of interest as noted in Section 2.
6. "Administrative Costs" in the amount of $310 shall be attached to each listed tax sale property. Administrative costs shall be separate from and in addition to the taxes, penalties, and interest. This rule shall not apply to additional parcels the County has joined together for compliance purposes; in such case, there will only be one Administrative fee charged for the joined parcels.
7. The period to redeem property prior to the closing of the books and the beginning of the tax sale shall end at 5:00 p.m. on the business day immediately preceding the noticed date of sale.
8. The County Clerk-Auditor shall withdraw from the tax sale any properties that have been redeemed prior to the closing of the books at 5:00 p.m. on the business day immediately preceding the noticed day of sale.
9. As a courtesy, the tax sale listing will be posted on our website at www.duchesne.utah.gov. If a payment comes in at 5:00 p.m. the day before the tax sale, it will be posted the following morning on the website. The listing on the website is not the official list, and although every effort is taken to make it as current as possible, Duchesne County is not liable for mistakes, misstatements, inaccurate listings on the website.
10. If the County Clerk-Auditor discovers at any time before the tax sale property is bid upon that because of an irregular or erroneous act or assessment, legal description or amount due, said property should not be sold, the County Clerk-Auditor shall not sell the property. The county legislative body shall cause the tax records to reflect the correction in the following year.
11. If the County Clerk-Auditor, subject to approval by the county legislative body, issues a written finding that it is in the best interest of the public to withdraw a property from the tax sale, the County Clerk-Auditor shall withdraw the property from the sale.
12. Loud whispering, yelling or talking, other than bids, is not allowed so that accurate records may be kept of the proceedings of the sale.
13. The County Clerk-Auditor shall state the amount of taxes, penalties, interest, and administrative costs on the parcel(s) being offered for sale, which shall be the lowest acceptable bid at which bidding will begin.
14. The bidder first recognized by the County Clerk-Auditor shall be the first bid recorded. The next bid recognized shall be the one in effect at that time.
15. Upon receipt of a bid sufficient to pay taxes, penalties, interest and administrative costs on the parcel, higher bids shall be solicited in no less than $100.00 increments. The last bid recorded by the Clerk-Auditor's Office in the highest dollar amount, when the County Clerk-Auditor calls "sold", shall be the bid accepted (if such bid is otherwise acceptable under these rules).
16. The final bid <u>number</u> announced by the County Clerk-Auditor is the official sale, and the previously registered name and address for that number will go on the deed.
17. Pursuant to UCA § 59-2-1351.3, once the County Clerk-Auditor has offered for sale all properties on the tax sale list, all remaining properties that did not receive a bid shall be struck and become property of Duchesne County.
18. Once the County Clerk-Auditor has closed the sale of a particular parcel of property as a result of accepting a bid on a parcel, the successful bidder or purchaser of the property may not unilaterally rescind the bid. The county legislative body, after acceptance of a bid by the County Clerk-Auditor, may

enforce the terms of the bid by obtaining a legal judgment against the purchaser in the amount of the bid, plus interest and attorney's fees.

19. Only cash or certified funds will be accepted in payment for property. Payment shall be made to the County Treasurer on or before two (2) hours after the sale ends on the day of the sale.
20. If the successful bidder does not make proper payment to the County Treasurer prior to two (2) hours after the sale ends on the day of the sale, the next highest bidder shall be offered the opportunity to purchase the property for the amount of their bid, and so on, until a successful bidder is found, or until the minimum acceptable bid is reached. Original successful bidders who fail to pay for the property bid upon shall be liable as set forth in paragraph 19 above and Utah Code § 59-2-1351.1 (6) and, in addition, shall be required to post a $500 (five hundred dollar) bond prior to being allowed to bid in future sales.
21. One deed, and only one deed, will be issued to the successful bidder on each parcel sold.
22. Any person, business, entity, or agent of such business or entity wishing to contest any action taken in connection with the tax sale must present such protest to the Duchesne County Commissioners, in writing, within ten (10) days of the sale.
23. All bids shall be considered conditional, whether or not the bid is contested, until reviewed and accepted by the Board of County Commissioners, acting at a regularly scheduled meeting after the above said (10) day protest waiting period. Once the tax sale has been reviewed by the Board of County Commission, said sale shall be ratified.
24. Upon ratification of the tax sale, the County Clerk-Auditor shall prepare the tax deeds and deliver said deeds to the County Recorder.
25. Upon receiving the tax deeds, the County Recorder shall record all said deeds and then mail the original deeds to the property owners at their previously registered addresses.
26. Any property listed may be subject to a rollback tax under the provisions of "THE FARMLAND ASSESSMENT ACT", Utah Code §§ 59-2-501 thru 59-2-515.
27. The county disclaims all liability with respect to the sale of properties sold at the tax sale. All person, business, entity, or agent of such business or entity who purchase a property sold at the tax sale accept any and all disputes, suits, liabilities, and conflicts.
28. There will not be any bidder preference at the Duchesne County Auditor Tax Sale.

THE BOARD OF DUCHESNE COUNTY COMMISSIONERS

_____
Ron Winterton, Chairman

Attest:

_____
Ken Burdick, Member

_____
Joann Evans
County Clerk/Auditor

_____
Gregory Todd, Member

Passed and Adopted this 6th day of March, 2017 by the Board Of County Commissioners.