

TO PURCHASERS OF TAX SALE CERTIFICATES

Marion County Tax Sale
Commencing October 7, 2010

TAX SALE CERTIFICATES

Tax certificates are prepared by the Marion County Auditor. You will be notified by mail when they are available, approximately four weeks following the sale. The purchaser **MUST** present the tax sale receipt and a photo ID when claiming the certificates at the Auditor's Office in the City-County Building, Suite 841. **PLEASE NOTE THAT THE TAX CERTIFICATE DOES NOT CONFER OWNERSHIP OF THE PROPERTY, AND THE PURCHASER DOES NOT RECEIVE TITLE TO THE PROPERTY UNTIL A TAX DEED IS ISSUED WHICH, IS APPROXIMATELY TWO TO THREE MONTHS AFTER THE DEED IS REQUESTED. THE PURCHASER WILL NOT BE ENTITLED TO A TAX DEED IF HE/SHE DOES NOT PRESENT THE TAX CERTIFICATE ALONG WITH PROOF OF SUBSEQUENT PAYMENT OF TAXES TO THE AUDITOR IN ORDER TO ALLOW A PETITION FOR TAX DEEDS TO BE FILED WITHIN SIX (6) MONTHS FOLLOWING THE EXPIRATION OF THE REDEMPTION PERIOD.**

OUR OFFICE NEEDS APPROXIMATELY ONE (1) WEEK TO PREPARE THE PETITION AND COMPLETE THE PETITION MAILING. BECAUSE INDIANA LAW REQUIRES THE AUDITOR TO FILE PETITIONS FOR TAX DEEDS NO LATER THAN SIX (6) MONTHS FOLLOWING THE EXPIRATION OF THE REDEMPTION PERIOD, PURCHASERS MUST SUBMIT REQUESTS FOR DEEDS TO OUR OFFICE NO LATER THAN ONE (1) WEEK BEFORE THE END OF THIS SIX (6) MONTH PERIOD.

THE PURCHASERS' INTEREST IN THE PROPERTY

Interest is limited to a lien on the purchased property until: 1) the property is redeemed; 2) a tax deed is issued (which is approximately two to three months after the deed has been requested); or 3) a maximum of six months after the redemption period expires – whichever occurs first. **IF THE PURCHASER FAILS TO REQUEST A DEED IN ORDER TO ALLOW THE AUDITOR TO FILE ITS PETITION FOR TAX DEEDS WITHIN SIX (6) MONTHS FOLLOWING THE EXPIRATION OF THE REDEMPTION PERIOD, THE PURCHASER'S LIEN EXPIRES.**

PURCHASERS' INTEREST IF PROPERTY IS NOT REDEEMED

The Auditor will obtain a title search and provide the post-sale notifications. The Auditor will also petition the court for the tax deed: 1) After the expiration of the redemption period (which is one year from the date of sale for "A" items, and one hundred twenty days for "C" items. You start the process on the 366th day or the 121st day); 2) upon receipt of the tax certificate and proof of subsequent tax payments; and 3) at least three months after the issuance of the post-sale notice by the Auditor. The court will issue an order if the court finds that the following conditions exist:

- (1) The time for redemption has expired.
- (2) The tract or real property has not been redeemed.
- (3) All taxes and special assessments, penalties, and costs have been paid.
- (4) The notices required by law have been given by the Auditor.
- (5) All the provisions of law entitling the purchaser or the purchaser's assignee to a tax deed must be satisfied.

To receive a tax deed, the purchaser must present the tax certificate to the Auditor's Office, being sure that the Auditor has the purchaser's and/or assignee's correct phone number, post office address, and federal I.D. number or social security number. If tax statements are to be sent to a different address and/or person, that information must also be listed on the tax certificate. Deed requests are processed every other month. In order to have your deed as soon as possible, you will need to have your certificate turned in and subsequent taxes paid by the end of the month. (See the "Payment of Subsequent Property Taxes" section.) You will receive, in the mail, your deed and instructions on recording your document. (Please be advised that Indiana law requires fees to be paid when recording the deed with the Recorder's Office. These fees will be listed on the instruction page)

A tax deed grants the purchaser fee-simple title, free and clear of all liens and encumbrances, except those liens granted priority under federal law and the lien of the State or a political subdivision for taxes and special assessments which accrue subsequent to the sale. However, the title is subject to all easements, covenants, declarations, and other deed restrictions and laws governing land use, including all zoning restrictions and liens and encumbrances created or suffered by the purchaser at the tax sale. In addition, the purchaser may initiate an action

to quiet title to the property. Any appeal from the order to issue the tax deed must be filed in the Marion Circuit Court not later than sixty (60) days after the date of the court's order to issue the tax deed.

PURCHASERS' INTEREST IF PROPERTY IS REDEEMED

Any person may redeem the property at any time before the redemption period expires. When tax sale property is redeemed, the Auditor will notify the purchaser and request the tax certificate. Once the tax certificate is received we will process the refund of the purchase price, including any overbid, plus interest at the rate of ten percent (10%) on the minimum amount due if redeemed within six (6) months from date of sale; or at the rate of fifteen (15%) on the minimum amount due if redeemed from six (6) months to one (1) year from sale. In addition, the total amount required for redemption includes any other actual costs plus ten percent (10%) per annum on the amount by which the purchase price exceeds the minimum amount due.

The Auditor will also refund to the purchaser any subsequent taxes paid **ONLY IF THE PAYMENT HAS BEEN RECORDED WITH THE AUDITOR'S OFFICE PRIOR TO THE REDEMPTION**, plus ten percent (10%) per annum. Upon receipt of the tax certificate, the Auditor will begin the refund process and a refund check will be mailed to the purchaser within four to six weeks. Also, the purchaser will be required to fill out a Form W-9 so that the Auditor may issue tax form 1099-INT showing yearly interest for tax purposes.

NOTICE: The Auditor has obtained the consent of the Internal Revenue Service to conduct the tax sale, but the Internal Revenue Service (IRS) may claim a right of redemption different than that provided under Indiana law. For additional information, contact the IRS at (317) 226-6707.

PAYMENT OF SUBSEQUENT PROPERTY TAXES

In order to receive a deed, a purchaser must pay subsequent property taxes and special assessments on the tax sale property. Check with the Auditor's Office prior to requesting deed so that we can let you know if your tax payment must include the fall taxes. (Depending on when you request the deed, and when the deed would be issued would determine what taxes must be paid in order to request deed.)

Tax bills are available in the Treasurer's Office during the redemption period for tax sale buyers to pay subsequent taxes on properties that they have purchased through the tax sale. You can also find the amounts due from the treasurer's website. Making a payment prior to the deadline would ensure that you would not be charged a 10% penalty on unpaid taxes after the May 10th & November 10th tax payment deadlines. **PRIOR TO MAKING TAX PAYMENTS, IT IS YOUR RESPONSIBILITY TO CHECK WITH THE AUDITOR'S OFFICE TO VERIFY THAT THE PROPERTY HAS NOT BEEN REDEEMED. IF YOU MAKE A SUBSEQUENT TAX PAYMENT ON A REDEEMED PROPERTY, WE WILL NOT ISSUE YOU A REFUND.** Any time subsequent property taxes are paid by the purchaser, the purchaser **MUST** present the paid tax receipt to the Auditor's Office, Real Estate Department, City-County Building, Suite 841, for recording of the payment in the tax sale register. **IF THE PAYMENT IS NOT RECORDED, THE PURCHASER WILL NOT RECEIVE A REFUND FOR THIS AMOUNT IN THE EVENT THE PROPERTY IS REDEEMED.**

PURCHASERS' INTEREST IF SALE IS INVALID

If before the entry of an order for execution of a tax deed or the issuance of a tax deed, it is found that the sale is invalid, the purchaser is not entitled to a tax deed, but shall be entitled to a refund from the Auditor of the purchase money and any taxes/special assessments paid subsequent to the sale, plus six percent (6%) interest.

If it is found that the tax deed is invalid pursuant to IC 6-1.1-25-12, the purchaser is entitled to a lien on the property in the amount of the purchase price, any taxes or special assessments paid subsequent to sale, and any amount due the purchaser as an occupying claimant, plus interest at ten percent (10%).

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