

Chapter 3.65 - TAX SALE PROCEDURES

Sections:

3.65.010 - Authority and purpose.

In accordance with the authority granted by Utah Code Annotated Section 59-2-1331 and to facilitate the sale of properties certified for Final Tax Sale and provide consistency of procedure, when, pursuant to Utah Code Annotated Section 59-2-1351.1, the county auditor conducts the final tax sale, the sale shall be conducted in accordance with this part and Chapter 3.66, where applicable.

(Ord. 1473 (part), 2001: Ord. 1339A § 1 (part), 1996)

3.65.020 - Bidder registration procedures.

- A. At the time specified in the Notice of Final Tax Sale as prescribed under Section 59-2-1351 of the Utah Code Annotated (1953), as amended, the county auditor shall offer for sale and sell all such real estate for which an acceptable bid is made.
- B. Any party wishing to bid on property offered for sale must register in advance and may be required to submit a written, sealed first bid accompanied by certified funds for an amount of not less than the tax, penalty, interest and costs as determined by the county treasurer. In the event that more than one bid is received prior to the time of sale of the property, the property will be offered and, upon completion of the bidding, will be awarded to the successful bidder. Certified funds must be deposited with the county treasurer in the amount equal to the bid price at the time the bid is accepted.
 - 1. If a bidder is the record owner of the property, or an agent of the record owner, or a contract buyer, no competitive bidding will be permitted. An agent shall include a personal representative or administrator, mortgage holder or trustee under a trust deed. In the event that a bid is made by such person, the property will be redeemed in the name of the record owner.

(Ord. 1473 (part), 2001: Ord. 1339A § 1 (part), 1996)

3.65.030 - Redemption rights and procedures.

- A. Property certified for sale may be redeemed on behalf of the record owner by any person at any time prior to the final tax sale.
- B. A person redeeming property must pay to the county treasurer all delinquent taxes, interest, penalties and administrative costs that have accrued on the property.
- C. If two or more persons own a piece of property on which a delinquency exists, any owner may redeem the owner's interest in the property upon payment of that portion of the taxes, interest, penalties and administrative costs which the owner's interest bears to the whole, as determined by the council.
- D. If any property is redeemed, the county treasurer shall make the proper entry in the record of tax sales filed in the treasurer's office and issue a certificate of redemption, which is prima facie evidence of the redemption, and may be recorded in the office of the county recorder without acknowledgment.
- E. Where the record owner is deceased, the property may be redeemed by and all documents issued in the name of the personal representative or administrator of the estate. If the estate of the deceased owner has not yet been probated, the delinquent taxes may be paid in the name of the deceased record owner. No redemption certificate will be issued until a personal representative or administrator for the estate has been appointed.

(Ord. 1473 (part), 2001: Ord. 1339A § 1 (part), 1996)

3.65.040 - Prohibition of collusive bidding.

Collusive bidding is prohibited. Collusive bidding is defined as any agreement or understanding reached by two or more parties that changes the bids the parties would otherwise offer absent the agreement or understanding.

(Ord. 1339A § 1 (part), 1996)

3.65.050 - Conflict of interest prohibitions and disclosure requirements.

- A. No officer or employee of any county office connected with the tax sale may bid on or benefit from the purchase of property offered for sale, directly or indirectly, except where the officer or employee is the record owner, an heir or personal representative of a deceased record owner or an abutting property owner.
- B. When an officer or employee of an office involved in the conduct of the tax sales knows that a relative or business associate desires to participate in the tax sale, the officer or employee shall make complete written disclosure of the relationship prior to the sale.

(Ord. 1473 (part), 2001: Ord. 1339A § 1 (part), 1996)

3.65.060 - Criteria for accepting or rejecting bids.

- A. At Final Tax Sale, only the highest bid amount for the entire parcel of property may be accepted. A bid may not be accepted for an amount which is insufficient to pay the taxes, penalties, interest and administrative costs.
- B. The council may find that none of the bids are acceptable.

(Ord. 1766, § II, 4-22-2014; Ord. 1473 (part), 2001: Ord. 1339A § 1 (part), 1996)

3.65.070 - Criteria for granting bidder preference.

Parcels meeting the following criteria shall be sold without competitive bidding as an entire parcel only:

- A. The parcel that has been determined not to be an economically viable unit of property to other than a preferential interest based upon consideration of such characteristics as size, shape, access, zoning, or other factors that may affect the economic value and use of the parcel.
- B. A non-preference sale of the parcel would create a nuisance and/or cloud upon an existing interest in the property and could unreasonably diminish the value of such an interest.
- C. Priority of Preference.
 - 1. First priority is given to any possessory interest;
 - 2. If no possessory interest exists, priority is given to abutting property owners;
 - 3. If there is a conflict between two or more possessory interests or two or more abutting property owners, the auditor may direct that the property be bid as between the two conflicting possessory interests.

(Ord. 1473 (part), 2001: Ord. 1339A § 1 (part), 1996)

3.65.080 - Sale ratification procedures.

All accepted bids will be submitted to the council for ratification.

(Ord. 1473 (part), 2001: Ord. 1339A § 1 (part), 1996)

3.65.090 - Procedures for recording tax deeds.

- A. Upon payment, the county treasurer will issue a temporary receipt. Within sixty days of the date of the sale and after approval of all sales by the council, the county auditor will issue and record the tax deed, and mail the recorded deed to the name and address listed on the bid sheet and bidder registration form. Deeds issued by the county auditor shall recite the following:
 - 1. The total amount of all the delinquent taxes, penalties, interest and administrative costs which were paid for the execution and delivery of the deed;
 - 2. The year for which the property was assessed, the year the property became delinquent, and the year the property was subject to tax sale;
 - 3. A full description of the property; and
 - 4. The name of the grantee.
- B. When the deed is executed and delivered by the auditor, it shall be prima facie evidence of the regularity of all proceedings subsequent to the date the taxes initially became delinquent and of the conveyance of the property to the grantee in fee simple.
- C. The deed issued by the county auditor under this section shall be recorded by the county recorder.
- D. The fee for the recording shall be included in the administrative costs of the sale.

(Ord. 1473 (part), 2001: Ord. 1339A § 1 (part), 1996)

3.65.100 - Payment methods and procedures.

- A. For redemptions after the date of certification for sale, all amounts must be paid in cash or with funds acceptable to the treasurer. For post-certification redemptions, an administrative fee is added to delinquencies.
- B. Property will be auctioned by class. When property has been bid and sold, purchasers must remit the full amount bid for the purchase in cash or certified funds. In the event that a bidder is unable to produce the total amount at that time, his/her bid shall be considered null and void and the property shall be resold by the county auditor.

(Ord. 1473 (part), 2001: Ord. 1339A § 1 (part), 1996)

3.65.110 - Procedures for contesting bids and sales.

Any person wishing to contest any action taken in conjunction with the tax sale must file a written protest containing all relevant information and arguments with the council within ten days after the date of the tax sale. The council need not grant hearings for purposes of reviewing a contested bid or sale, but may render a decision based upon all information within the possession of the county following a review of submissions. The council may award the property to one of the bidders, reject all bids and order it re-offered for sale, or, upon a finding that it is in the best public interest, withdraw the property from the sale.

(Ord. 1473 (part), 2001: Ord. 1339A § 1 (part), 1996)

3.65.120 - Criteria for striking properties to the county.

- A. Any property offered for sale for which there is no purchaser and which it is not in the public interest to withdraw and recertify to a subsequent sale, shall be struck off to the county by the county auditor, who shall then:
1. Publicly declare substantially as follows: "All property here offered for sale which has not been struck off to a private purchaser is hereby struck off and sold to the County of Salt Lake, and I hereby declare the fee simple title of the property to be vested in the County."
 2. Make an endorsement opposite each of the entries in the delinquency tax sale record described in Section 59-2-1338, Utah Code Annotated, substantially as follows: "The fee simple title in the property described in this entry in the year of _____ sold and conveyed to the County of Salt Lake in payment of general taxes charged to the property"; and
 3. Sign the auditor's name to the record.
- B. The fee simple title shall then vest in the county.

(Ord. 1473 (part), 2001: Ord. 1339A § 1 (part), 1996)

3.65.130 - Procedures for disclosing properties withdrawn from the sale for reasons other than redemption.

The county auditor, with the approval of the council, may withdraw from the sale property having title, description or other deficiencies, or property which is found to be in the best interest of the public to withdraw from sale. Property so withdrawn from such sale may be recertified to a subsequent sale if the cause of the original withdrawal has been remedied. Recertification must be approved or ratified by the council.

(Ord. 1473 (part), 2001: Ord. 1339A § 1 (part), 1996)

3.65.140 - Disclaimers by the county with respect to sale procedures and actions.

Properties sold during the tax sale shall be conveyed by tax deed. This form of deed is not a warranty deed. The county makes no representations as to the title conveyed, nor as to the purchaser's right of possession of the property. Similarly, the county makes no warranties or representations as to whether the property is buildable or developable, nor does the county make any representations regarding whether the property complies with applicable zoning regulations. The county does not warrant or represent that any property purchased during the tax sale is habitable or in any particular condition. The county also makes no warranties or representations regarding the accuracy of the assessment of the property or the accuracy of the description of the real estate or improvements therein.

(Ord. 1339A § 1 (part), 1996)