

Tax Foreclosure Sale

Frequently Asked Questions

This document contains general information regarding the County tax foreclosure legal process. If you have specific questions regarding your property or your legal rights, **YOU SHOULD CONSULT YOUR OWN LAWYER.**

If a named defendant takes no further action, the property identified in the Petition served on such defendant will be sold at a sheriff's sale.

1. What is this lawsuit about?

This is a legal action brought by the Board of County Commissioners of the County in which the property identified in Exhibit A of the Petition is located. It is filed to foreclose real estate property tax liens on the real estate identified.

The Petition identifies each piece of property included in this tax foreclosure action by a Parcel Number and Tax ID #. Listed under each individual parcel are the names of parties who are **owners** or may **have an interest in**, a **lien** on, or **some claim** to the identified property.

Under Kansas law, all these parties must be included as defendants. These parties are entitled to receive notice of the pending tax foreclosure action so that they may protect any interest or claim they have in the property, if any.

2. The Legal Documents (Petition, Summons & Exhibit A)

Each person named in the Petition will receive a **Summons**, a **Petition** and an **Exhibit A** attached at the end of the Petition. The "**Summons**" that accompanies the **Petition** identifies specific parcel numbers for real estate in which public record indicates you may have some interest.

You **may** or **may not** actually have a legal interest in, or a legal claim to, any of the parcels included in this legal action. Even if you do not have an interest in the specific parcel identified on the Summons, you should review all the parcels to insure you do not have an interest in other parcels included in the action.

Attached to the Petition is a document labeled "**Exhibit A**" which provides relevant information concerning each parcel of real estate included in this suit including the following:

- (1) the parcel number
- (2) the Tax ID #
- (3) the legal description for the parcel,
- (4) an approximate street address for the parcel, if available
- (5) information showing the taxes that are delinquent, and
- (6) the owner of record for the parcel as identified on the County tax rolls.

3. How do I avoid Foreclosure and Sale of the Property?

All real estate included in this tax foreclosure action and identified in the Petition and Exhibit A will be sold at a sheriff's sale within 2-6 months after the date the Petition is filed in District Court (the actual filing date is stamped on the top right-hand corner of the Petition).

Parties who either own or hold a mortgage on property included in this action can avoid foreclosure and sale of the property by "redeeming" it by payment of all taxes, fees, and interest due no later than the day before it is scheduled to be sold at sheriff's sale.

The sale date is shown in the Chart on the Tax Sale web page if it's been set. If a date has not been set an estimated time is given.

In order to "redeem" property, a party must pay the "Redemption Costs." These "redemption costs" includes all taxes and costs due and owing on the parcel. These Costs must be paid in full to remove the parcel from the tax foreclosure proceedings and avoid having the parcel sold at sheriff's sale.

The amount of the Redemption Cost for each parcel listed on Exhibit A and is calculated and current as of the date of the filing of the Petition. As interest continues to accrue, these figures may not be accurate. PLEASE CONTACT THE TREASURER FOR THE CURRENT BALANCE DUE

4. How do I pay the Redemption Costs?

To redeem the parcel by paying the taxes and costs due and owing, please call your county's Treasurer's Office. You'll find their phone number in the chart on the Tax Sale web page.

When you call, be prepared to provide the Treasurer's Office the Tax ID# information for your parcel. The Treasurer's Office will provide you with the current amount due for the Redemption Costs.

This amount must be paid **in full** via cash, certified check, cashier's check, money order or credit card to the Treasurer's office. You can find the mailing address for your County Treasurer in the chart on the Tax Sale web page.

At this stage of the proceedings, the County Treasurer's Office may not accept your personal check so be prepared to pay by money order, cash or credit card.

Upon payment **in full** of the Redemption Costs, the parcel will automatically be dropped out of the tax foreclosure action, and no further action is required.

If you make a partial payment, the property will **NOT** be considered redeemed or dropped from the foreclosure action.

Not all counties take partial payments, so please check with the Treasurer's Office before making your partial payment.

IF YOU ARE NOT THE OWNER OF A PARCEL AND YOU PAY THE REDEMPTION COSTS AND PAST DUE TAXES DUE, YOU DO NOT ACQUIRE ANY OWNERSHIP RIGHTS IN THE PROPERTY.

5. What happens if the sale doesn't pay all the taxes owed on the property?

If a parcel of real estate sold at the sheriff's sale does not generate enough sale proceeds to pay the delinquent taxes in full, the County does not have the right to pursue collection of any part of the unpaid taxes against any individual listed as either a defendant or other interested party.

The County can only foreclose the tax liens against a parcel. The County cannot collect any money directly from an individual by enforcing a judgment from this action.

6. What are my redemption rights?

There are no post sale redemption rights in a tax foreclosure sale. Once the real estate involved in the action is sold, you and all other interested parties lose all interests, rights, and claims you may have to the real estate. After the sheriff's sale, no party has a right to redeem the property.

7. Will I be given notice before the sale?

No. You will not receive a notice of the sale date. However, you have a few options.

You can continue to check the Tax Sale web page as sale dates will be posted once they are set.

You may file an answer to the Petition or have your lawyer file an Entry of Appearance in this action to receive information on further notification regarding the sale.

8. Do I have to file an Answer like it says on the Summons?

You do not need to file an answer to redeem the parcel.

If you intend to file an Answer, you **MUST** file it within 21 days of service of the Petition and Summons upon you in order **to preserve any defenses** to the action you may possess.

If you live out-of-state, you have 30 days to file an answer.

Please be advised that having financial difficulties in paying your taxes, or allegations that the underlying real estate is improperly valued, are not defenses to the tax foreclosure action.

9. How is a tax sale held?

For most of the counties we handle, a tax sale is an open auction just like any other auction. They have been held in a Court Room, a community center, a school auditorium and even on the court house lawn. Where they are held is determined by how much space is needed for the anticipated number of bidders.

To date, our only exception to this is Sedgwick County. Sedgwick County's tax sale is held as an on-line auction. You can find more detailed information regarding Sedgwick County's tax sale on their website at <https://www.sedgwickcounty.org/treasurer/tax-foreclosure-auctions/>