

## PUBLIC AUCTION INFORMATION SHEET

### FREQUENTLY ASKED QUESTIONS AND ANSWERS

1. Q. Why does the County sell tax-defaulted property?  
A. The primary purpose of a tax sale is to collect property taxes that have not been paid by the owner for at least 5 years. Offering the property at tax sale achieves this by either forcing payment of the taxes or selling the property to a new owner.
2. Q. What Laws govern tax sales in California?  
A. Public auctions are conducted pursuant to Section 3691, et seq., California Revenue and Taxation Code.
3. Q. Can I mail in a bid for a property in a public auction?  
A. No. The public auction requires your presence, or that of your representative, to verbally bid upon the property.
4. Q. Can I obtain title to a property available at the tax sale by paying the delinquent taxes thereon prior to the tax sale date?  
A. No. Legal title to a tax-defaulted property subject to the Tax Collector's power to sell can be obtained only by becoming the successful bidder at the County tax sale. Paying taxes on such property will only cause its redemption to the assessed owner.
5. Q. How do I find or see a property I'd like to bid on at the tax sale?  
A. A property's approximate geographic location can be determined by the County Assessor's plat maps. Exact boundary lines can be determined only by a survey of the property. Properties frequently (but not always) will bear a situs (street) address, making it easier to determine the location. **PLEASE NOTE THAT THE COUNTY DOES NOT HAVE POSSESSION OR CONTROL OF THE PROPERTY AND CANNOT GRANT PROSPECTIVE PURCHASERS ACCESS.**
6. Q. How can a bidder pay for property at the tax sale?  
A. **Full payment must be made by cash or cashier's check within one hour after the conclusion of the sale. All cashier's checks must be made payable to the Amador County Tax Collector. PERSONAL CHECKS AND/OR CASHIER'S CHECKS MADE PAYABLE TO THE BIDDER OR TO A THIRD PARTY WILL NOT BE ACCEPTED.** All sales require full payment, which includes the amount of the successful bid and the applicable documentary transfer tax (collected separately).
7. Q. Does the County in any way guarantee the properties offered for sale?  
A. **All properties are sold "as is".** The sale of these properties should not, in any way, be equated to real estate sales by licensed salesmen, brokers, or realtors. Prospective purchasers are advised to examine the title, location and desirability of the properties to their own satisfaction prior to the sale. The County makes no guarantees, express or implied, as to the title, insurability of title, location, size, condition, permitted use of, or right of access to, the properties offered for sale. In addition, the County makes no assurances, implied or otherwise, that the properties are in compliance with zoning ordinances, or Federal, State, and/or local laws governing toxic wastes or hazardous substances, or that they conform to applicable building codes. Section 3692.3, California Revenue and Taxation Code, provides that the State, the County, and employees of both, are not liable for any known or unknown conditions of property sold at tax sale, including, but not limited to, errors in the Assessor's records pertaining to improvement of the property. **All sales are final.**
8. Q. Do liens or encumbrances on a tax-defaulted property transfer to the new owner after purchase of the property at a tax sale?  
A. Section 3712 of the California Revenue and Taxation Code states: "The deed conveys title to the purchaser free of all encumbrances of any kind existing before the sale, except:  
(a) Any lien for installments of taxes and special assessments, that installments will become payable upon the secured roll after the time of the sale.  
(b) The lien for taxes or assessments or other rights of any taxing agency that does not

consent to the sale under this chapter.

(c) Liens for special assessments levied upon the property conveyed that were, at the time of the sale under this chapter, not included in the amount necessary to redeem the tax-defaulted property, and, where a taxing agency that collects its own taxes has consented to the sale under this chapter, not included in the amount required to redeem from sale to the taxing agency.

(d) Easements constituting servitudes upon or burdens to the property; water rights, the record title to which is held separately from the title to the property; and restrictions of record.

(e) Unaccepted, recorded, irrevocable offers of dedication of the property to the public or a public entity for a public purpose, and recorded options of any taxing agency to purchase the property or any interest therein for a public purpose.

(f) Unpaid assessments under the Improvement Bond Act of 1915 (Division 10 [commencing with Section 8500] of the Streets and Highways Code) that are not satisfied as a result of the sale proceeds being applied pursuant to Chapter 1.3 (commencing with Section 4671) of Part 8, or that are being collected through a foreclosure action pursuant to Part 14 (commencing with Section 8830) of Division 10 of the Streets and Highways Code. A sale pursuant to this chapter shall not nullify, eliminate, or reduce the amount of a foreclosure judgment pursuant to Part 14 (commencing with Section 8830) of Division 10 of the Streets and Highways Code.

(g) Any federal Internal Revenue Service liens that, pursuant to provisions of federal law, are not discharged by the sale, even though the tax collector has provided proper notice to the Internal Revenue Service before that date.

(h) Unpaid special taxes under the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 [commencing with Section 53311] of Part 1 of Division 2 of Title 5 of the Government Code) that are not satisfied as a result of the sale proceeds being applied pursuant to Chapter 1.3 (commencing with Section 4671) of Part 8, or that are being collected through a foreclosure action pursuant to Section 53356.1 of the Government Code. A sale pursuant to this chapter shall not nullify, eliminate, or reduce the amount of a foreclosure judgment pursuant to Section 53356.1 of the Government Code.”

A TITLE SEARCH, INITIATED AT THE PROSPECTIVE PURCHASER'S EXPENSE, SHOULD REVEAL ANY RECORDED LIENS OR ENCUMBRANCES ON A PROPERTY IN THE TAX SALE.

Please note that the Tax Collector's Office will not interpret this Code Section for potential bidders/purchasers. Legal interpretations should be requested from a licensed attorney.

9. Q. When does the right to redeem a tax-defaulted property subject to the power to sell cease?  
A. The right to redeem a tax-defaulted property subject to the power to sell ceases at the close of business on the last business day prior to the tax sale.
10. Q. How can I determine what use I can make of a tax sale property before I purchase it?  
A. Consult the planning, building, zoning and sanitation or environmental health departments of any city within which a property lies, or these same departments of the County for a property which lies in an unincorporated area, regarding use of the parcel. Examine the County Recorder's records for any matters which might affect the use of the property. Consult an attorney for a full determination of the property's use.
11. Q. How soon can I take possession of a property after my purchase at the tax sale?  
A. You should consult an attorney. Generally, the successful bidder may take possession of a property after making payment in full at the conclusion of the tax sale AND after the Tax Deed to the purchaser has been recorded. Tax Deeds are normally recorded within two to four weeks after the sale. Bidders/purchasers should be aware that the County does not handle any eviction of any party or parties who are, or may be, occupying property sold at tax sale. Property is sold “as is” and purchasers assume all ownership responsibilities.
12. Q. How is the minimum price on a property offered at a tax sale determined?  
A. State Law dictates that the minimum price on a tax-defaulted parcel offered by the Tax

Collector at public auction shall be no less than the total amount necessary to redeem the property, plus costs. However, in the event a tax-defaulted parcel is offered for sale, and no acceptable bid therefore is received at the stated minimum price, the Tax Collector **may**, in his/her discretion, offer that parcel at the same or next scheduled sale at a price that the Tax Collector deems appropriate, pursuant to the provisions of Section 3698.5, Revenue and Taxation Code.

13. Q. How will title in the deed to the purchaser be vested?  
A. Title is vested in the name of the actual purchaser at the sale. If title is to be vested differently, we require a notarized letter from the party for whom you are acting as an agent, stating the manner in which title is to be vested. Deeds will be recorded within two to four weeks after the sale. The Tax Deeds will later be mailed to purchasers by the County Recorder's Office.
14. Q. Is a tax sale publicly advertised?  
A. Yes. State Law dictates that Notice of a tax sale must be published three times in successive seven-day intervals before the tax sale in a newspaper published in, and of general circulation within, the County.
15. Q. How do I obtain title insurance on property purchased at the tax sale?  
A. Contact your title company regarding the issuance of title insurance on property purchased at tax sale. There is a one-year statute of limitations to bring an action to overturn a tax sale. (See Section 3725, Revenue and Taxation Code). Most title companies will not insure title on property purchased at a tax sale for at least 1 year after the date the tax deed to the property is recorded. **No assurance is made that a purchaser will be able to secure title insurance on property purchased at tax sale.**