

## NEWBERRY COUNTY TAX SALE INFORMATION

Thank you for your interest in the Newberry County Delinquent Property Tax Sale. ***Tax sales and foreclosure sales are two separate actions; the Delinquent Tax Collector's Office does not have anything to do with foreclosure sales.***

The Tax Sales are usually held the 1<sup>st</sup> Monday of November each year and consist of Real Estate and Mobile Homes. The auction takes place in County Council Chambers located in the County Courthouse Annex located at 1309 College Street, Newberry, SC 29108. Registration opens at 9:00 am and continues until the auction begins. A valid driver's license, or state issued photo identification card, will be required to register. You ***must*** be registered as a bidder in order to participate in the bidding at the sale or to acquire bids after the sale is complete.

The County is required by law to offer this property for sale because, for various reasons, the owner(s) has not paid the taxes owed to the County. Newberry County can make no warranty at all about the quality of the title you are purchasing. The law provides a procedure for bringing a law suit to have a Court determine whether or not you have purchased clear title to this property. If you choose to bring such a suit the County will not have any legal obligation to refund to you the amount you paid or any of your legal fees or Court costs.

This is an open bid auction. Pursuant to S.C. Code of Laws Section 12-51-55, I am required to submit a bid, on behalf of the Forfeited Land Commission (FLC), that is equal to the amount of all unpaid taxes, penalties, assessments and costs, including taxes levied for the year in which the redemption period begins. The Forfeited Land Commission is not required to submit bids on property known or reasonably suspected to be contaminated. If property is found to be contaminated after the bid or while the Forfeited Land Commission holds title, the title is voidable at the election of the Commission.

Pay close attention to the information provided by the auctioneer and the Delinquent Tax Collector, as it may be necessary to modify or update information as the sale proceeds. All property advertised might not be sold due to various legal reasons.

***You are bidding on and buying this property "as is" and at your own risk, with no guarantees whatsoever***, and you are advised to completely check out the title to any property and physically visit the property you want to bid on before doing so.

On Life Estate Bids, you are buying **ONLY** the life estate interest of the defaulting taxpayer. Should you gain a Tax Title for a Life Estate property, your "ownership" dies upon the defaulting taxpayer's death and the property is transferred to the remainderman of record.

Terms of sale: **CASH, CASHIER'S CHECK or MONEY ORDER** issued from a recognized financial institution for the amount of your bid. You may pay in full at the time of the sale, or in the event of multiple bids after you have completed your bidding. All payments must be received by 5:00 p.m. on date of sale. You will be issued a separate receipt for your payment on each bid; it is very important that you retain these receipts as you will be required to present your receipt to the Treasurer's office if and/or when the property is redeemed in order to receive a refund of your bid amount plus interest.

On real property, the defaulting taxpayer (or any grantee, mortgagor, or judgment creditor) has the established time from the date of the sale to redeem the property pursuant to S.C. Code of Laws section 12-51-90. If property is redeemed, interest is due on the whole amount of the successful bid based on the month in which it is redeemed. The schedule for interest paid is as follows:

First three months - 3 %  
months four, five & six - 6 %  
months seven, eight & nine - 9 %  
months ten, eleven & twelve - 12 %

***\*\*However, in any redemption, the amount of interest due must not exceed the amount of the bid on the property submitted on behalf of the Forfeited Land Commission pursuant to S.C. Code of Laws section 12-51-55.\*\****

If the property is not redeemed, a deed will be issued as soon as possible after the redemption period expires. Real property is conveyed by virtue of a quitclaim deed transferring whatever interest Newberry County has to convey. Newberry County makes no representation as to title or value of property.

In the event that the County must cancel or void a sale during the twelve month redemption period due to any legal technicalities, interest will be paid to the bidder at the same rate as actually earned by the County on the bid. If no redemption occurs, there will be additional charges for deed preparation and statutory recording fees. When we have finished preparing tax titles, you will receive a letter from our office with amounts due for said fees. Upon receipt of the amounts due, the tax title will be transmitted to the Clerk of Court for recording along with the required fees. A copy of the recorded tax title and receipts for the required fees collected will be forwarded to you, along with a duplicate of the current year's tax notice that you will be given 30 days to pay without the penalties incurred. Persons who refuse to pay these costs and accept the deeds to property they purchased may possibly be barred from bidding at future Delinquent Tax Sales.

The Delinquent Tax Collector's office must be kept fully informed of any change in bidder information. Should you choose to assign your bid to someone else during the redemption period, you must contact our office to fill out the necessary forms. If you are bidding for a company that would receive redemption monies, or subsequent tax titles, please make us aware immediately so that we process any documentation correctly.

### **Assignment of FLC Properties**

The Forfeited Land Commission (FLC) list is a list of the properties that went to Delinquent Tax Sale and did not receive a bid other than the statutorily submitted bid from the Forfeited Land Commission. Anyone interested in acquiring any of these bids may do so.

The reassignment of the bids from the FLC will be done on a first come, first served basis. We will require cash, cashier check or money order for the amount of the opening bid. Since all of the redemption amounts have already been calculated, we will not take any funds over the amount of the opening bid as shown on the list. Please do not call and ask that a property be held until you can submit your funds, as this would not be fair to anyone else who is attempting to purchase a reassignment.

The same rules of redemption will apply as if you were the successful bidder on the date of the sale. The defaulting taxpayer will remain in possession of the property and will have the established time to redeem the property pursuant to S.C. Code of Laws section 12-51-90. The assignment of any bid does not change the redemption amounts or the time in which it can be redeemed. If a property is assigned to you, and then is redeemed the following day, you will still be entitled to the interest due at that time that has been computed based on the Forfeited Land Commission bid.

### **After receiving Tax Title**

A Tax Title or Tax Deed is not a warranty deed, and can be challenged. Banks may not lend money on Tax Titles. We encourage *all* grantees to contact their attorneys to have an Action to Quiet Title performed. Mortgage companies and other lien holders are notified (by law) before the end of the redemption period, and have the right to redeem the property in order to protect their collateral. If they fail to redeem the property, they lose their collateral and the new owner (successful bidder) is not responsible for the mortgage.