

ORDINANCE NO. 2022-2-8

An ordinance establishing method, rules, and procedures for the annual Tax Sale.

WHEREAS, Sevier County is required to conduct annual tax sales to collect delinquent taxes; and

WHEREAS, a uniform procedure and written policies will facilitate the sales;

BE IT HEREBY ORDAINED BY THE BOARD OF SEVIER COUNTY COMMISSIONERS that:

SECTION 1: An ordinance amending method, rules, and procedures for the annual Tax Sale.

1.01. Purpose

In order to facilitate the sale of the properties certified for the annual real property tax sale and to provide for a consistency of procedure. When, pursuant to Utah Code Annotated, Title 59, the County Auditor conducts the annual real property tax sale, the sale shall be conducted in accordance with the provisions of state law and this ordinance.

1.02. Redemption Rights

Property may be redeemed on behalf of the record owner by any person at any time prior to the beginning of the Tax Sale. Only Cash or Certified funds will be accepted in payment. Paying the delinquent amount does not grant ownership to the individual(s) or party(s) paying all delinquent taxes, interest, penalties and administrative costs. This only removes the property from the Tax Sale.

1.03. Bidder Registration Procedures

The Sevier County Tax Sale auction will be conducted via an internet website only. Each bidder shall pre-register with the online company. The name of the auction company will be indicated on the County website. Bid deposits may be necessary to register as a bidder. This process must be completed no later than the date and time indicated.

The County nor the online auction company can or will be held responsible for late or misdirected bid deposits, proxy bids, or any other transmission, mailing, email, or other correspondence necessary to participate in the bid.

1.04. Prohibition of Collusive Bidding

Collusive bidding is prohibited. Collusive bidding is defined as any agreement or understanding reached by two (2) or more parties that changes the bids the parties would otherwise offer absent

the agreement or understanding. The County Clerk/Auditor and/or the Board of County Commissioners have the right to reject any bid deemed collusive.

1.05. Conflict of Interest Prohibitions

Every County official or employee who purchases or has a substantial interest in any business entity which purchases property at the tax sale must disclose said interest in a sworn statement filed with the County Commission and a copy of which provided to the County Attorney's Office, and their immediate supervisor. These disclosures are public information and shall be available to the public for inspection.

No official or employee may have a personal investment in a business entity which will create a substantial conflict between his private interests and his public duties related to the tax sale.

1.06. Criteria for Accepting or Rejecting Bids

All bidding shall be conducted through the online company conducting the tax sale for the County. Bidding will advance in increments of a minimum of \$100 or as indicated on each parcel listed for sale with the minimum acceptable bid starting at the total amount of taxes, penalties, interest and administrative fees owed on the parcel.

All bids shall be considered conditional, whether or not the bid is contested, until reviewed and accepted by the Board of County Commissioners acting at a regularly scheduled Commission meeting. The County reserves the right to reject any and/or all bids.

1.07. Criteria for granting bidder preference

There shall be no preference given to any bidder. Bidders who make a bona fide bid in the highest amount for a property become the successful bidder of the property auction.

1.08. Criteria for striking properties to the County

Once the County Clerk/Auditor has offered for sale all properties on the tax sale list, all remaining properties that did not receive a minimum bid shall be struck off and become property of Sevier County

Upon any final bid being rejected, the parcel may be offered to a bidder who offered the second highest bid in the amount of that bid. If the second highest bidder rejects the offer, the property shall be struck off to the County

1.09. Payment methods and Procedures.

All bids are an irrevocable offer to purchase the property in question. A bidder is legally and financially responsible for all properties bid upon. Payment in full by certified check/money order or wire transfer will be required no later than five (5) business days after the Tax Sale closes. No personal checks shall be accepted. No financing is available. Other payment methods may be accepted depending on the online auction company's rules.

Premiums charged by the online auction company may be associated with the sale of properties. This amount will be added to the winning bid and will be included in the total purchase price paid by the Buyer to the online auction company. If the payment policy is not adhered to, the successful bidder will be considered in default. Any bid deposits will be forfeited to the County and the successful bidder will be banned from future sales. The County reserves the right to pursue all available legal remedies against a non-paying bidder.

1.10. Contesting bids.

Any person wishing to contest any action taken in conjunction with the annual real property tax sale must file a written protest with the Board of County Commissioners of Sevier County within ten (10) days after the date of the annual real property tax sale. The Board of County Commissioners will not grant hearings for purposes of contesting a bid or sale, but will instead render a decision based upon all information following a review of submissions. The Board 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.

1.11. Sale Ratification.

All bids accepted by the County Clerk/Auditor at the annual real property tax sale shall be submitted to the Board of County Commissioners for ratification. Any bid not ratified shall be deemed rejected and the bid amount paid shall be refunded to the bidder. Upon ratification of the tax sale, the County Clerk/Auditor shall prepare the tax deeds and deliver said deeds to the County Recorder. (The fee for recording shall be included in the administrative costs of the sale.) One deed, and only one deed, will be issued to the successful bidder on each parcel sold.

1.12. Disclaimers by the County with respect to Sale procedures and Actions.

Properties sold during the annual real property tax sale shall be conveyed by Tax Deed. This form of deed is not a warranty deed. Any property sold pursuant to the Tax Sale is without guarantee or warranty whatsoever as to title conveyed, existence, correctness of ownership, size, boundaries, location, condition, structures or lack of structures upon the land, liens, titles, whether property is in compliance with zoning ordinances, mining and reclamation regulations, building codes, buildable, developable, or habitable, or any other matter or thing whatsoever. 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 thereon, the availability, validity, or existence of water rights associated with any of the properties sold during the tax sale, not as to the purchaser's right of possession of the property. It is the bidder's responsibility to determine the liabilities, including other liens and encumbrances that exist on each property before and after the sale. Properties are sold 'as is', and the County is not liable in any way whatsoever for damages sustained to property purchased from the time of the sale until the recordation of the Tax Deed to a purchaser.

1.13. Miscellaneous Procedures.

- a. Any property listed may be subject to a rollback tax under the provisions of "THE FARMLAND ASSESSMENT ACT", Utah Code Section 59-2-501 thru 59-2-515.
- b. The County Clerk/Auditor shall have the right and authority to remove any parcel of property from the annual real property tax sale for any reason at any time before or

during the sale. Disclosure will be made of all properties withdrawn from the sale for reasons other than redemption during a regular County Commission meeting.

- c. All individuals and entities participating in the annual real property tax sale shall be subject to the Sevier County tax sale procedures enumerated herein, together with all additional instructions of the online auction company

SECTION 2: REPEALER

The provisions of this ordinance shall amend the prior tax sale ordinance.

SECTION 3: EFFECTIVE DATE

This ordinance shall take effect and be enforced from and after its passage, publication and posting according to law, but no less than fifteen days after passage.

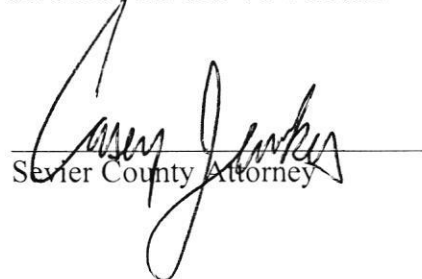
PASSED BY the Sevier County Board of Commissioners on the 28th day of February, 2022.


Commission Chairman
Sevier County

ATTEST:


Sevier County Clerk

APPROVED AS TO FORM:


Sevier County Attorney