



Frequently Asked Questions about Public Auction of Tax Defaulted Property via the Internet

1) What is tax defaulted property with Notice of Power to Sell?

Under California law, after a period of five years from the first year of tax default, the Treasurer Tax Collector records a Notice of Power to Sell Tax Defaulted Property in the County of El Dorado Recorder's Office. Once this document is recorded, the Treasurer Tax Collector may sell the tax defaulted property at public auction.

2) Why does the County sell tax defaulted properties?

The primary purpose of a tax sale is to collect taxes that have not been paid for at least five years and transfer the property into the hands of a party that will pay the taxes. If the property is sold, lienholders and the former owner may claim proceeds in excess of the taxes and costs of the sale.

3) What laws govern the sale of tax defaulted property in California?

Public auctions are conducted pursuant to the California Revenue and Taxation Code, Part 6, and can be accessed via the Internet by visiting <http://www.leginfo.ca.gov/calaw.htm>.

4) How is the minimum bid on a tax sale property determined?

The minimum price at which property may be offered for sale, pursuant to Revenue and Taxation Code §3698.5(a), is an amount not less than the total amount necessary to redeem, plus costs.

5) When does the right to redeem a tax defaulted property cease?

The right to pay the property taxes in full to avoid the sale of the property ceases at the close of business, 5:00 p.m. Pacific Standard Time (PST) on the last business day prior to the tax sale. In the State of California there is no extended right of redemption beyond this date and time.

6) Can I obtain title to the property by paying the delinquent taxes?

No. Legal title can only be obtained by becoming the successful bidder at the county tax sale and the Treasurer Tax Collector recording a tax deed to the purchaser.

7) Does the County guarantee the property?

NO. BE AN INFORMED BIDDER – ALL PROPERTIES ARE SOLD “AS IS.”

Prospective bidders are urged to examine the title, location and desirability of the properties available to their own satisfaction prior to the sale. The County makes no guarantee, expressed or implied, relative to the title, location or condition of the properties for sale. In addition, the County assumes no responsibility, expressed or implied that the properties are in compliance with zoning ordinances, mining and reclamation regulations; conform to building codes and permits, and/or any other applicable regulations or permits. No government entity is liable for damages sustained to property purchase at public auction, including from the time of the sale until the recordation of the tax deed to the purchaser.

8) Are contaminated/possible contaminated properties identified?

Yes, if the Treasurer Tax Collector is aware of such properties. When we become aware of properties on our tax sale list that we know or suspect to be contaminated, we will identify these properties along with supplying the agency’s name and address where all available information may be reviewed. **DO NOT** bid on these types of properties unless you understand the issues related to contaminated properties. Prior to bidding, you should contact your attorney regarding any purchases of contaminated properties.

9) What kind of title do I get?

The deed you receive from the Treasurer Tax Collector is a tax deed; it conveys to you whatever right, title, and interest the former owner had in the property. Nothing more is conveyed to you.

10) Do liens or encumbrances on a tax defaulted property transfer to the new owner after purchase of the property at a tax sale?

Per Revenue and Taxation Code §3712:

- 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 of any kind, including prescriptive, 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 restriction 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.
- 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.

11) How can I obtain Plat maps?

To obtain plat/parcel maps please contact the County of El Dorado's Recorder Clerk's Office at 360 Fair Lane, Placerville, CA 95667. The County Surveyor provides a link to search G.I.S. maps at www.gemp.edcgov.us/gotnet. Please view the tutorial video for detailed instructions on how to view maps on your computer. The County Surveyor's plat maps and map books can determine the geographical location of a particular property; exact boundary lines of a property can be determined only by a survey of the property undertaken at the purchaser's expense.

12) How can I determine what use I can make of a tax sale property before I purchase it?

No expressed or implied warranty is given with respect to the parcels and they are sold "AS IS". Bidders are responsible for knowing what they are purchasing. The County of El Dorado Planning Department can provide information regarding zoning, general plan designation, water source and if a permitted structure is located on a particular property. Recorded easements on a particular property can be obtained by reviewing the records located in the Recorder's Office.

13) How can I register as a bidder for the online auction?

Bid4Assets.com will begin registering bidders on **September 27, 2013**.

For more information and instructions on how to register for the online auction go to www.bid4assets.com or call 1-877-427-7387. You may bid by fax if you do not have access to the Internet. There are computers available for public use at the county library located at 345 Fair Lane, Placerville, CA. A bid deposit of one thousand dollars (\$1,000.00) will be required before placing a bid on any parcel. Bidders are advised to arrange for their deposits early to ensure funds are cleared prior to auction start. The Treasurer Tax Collector's office does **not** register bidders nor accept bids. All questions should be directed to www.bid4assets.com.

14) How does the bidding process work?

All parcels are assigned an Auction ID number. Minimum bids will be as stated per parcel and each raise will be in increments of at least \$100.00 until the close of the auction on the stated date and time. For a more detailed explanation of the bidding process, please go to www.bid4assets.com and view the help tutorial videos.

An auto bid can save you time and money. An auto bid authorizes Bid4assets to bid \$100.00 above any competing bid, up to, but not exceeding the maximum dollar amount that you are willing to pay. In other words, your bid will automatically increase **ONLY** as other bidders participate, up to the amount you specify as your maximum bid. This enables you to continually bid without having to constantly monitor the auction.

15) How can a successful bidder pay for a property at tax sale?

Successful bidders must pay by cashier's check, money order or a wire transfer. All payments must be received by 5:00 p.m. Pacific Standard Time (PST) three (3) business days after the sale closes. In addition to the final bid, the documentary transfer tax (\$0.55 per \$500.00 of the purchase price) is added, and Bid4Assets collects fees for each parcel: \$35.00 per parcel processing fee and a \$35.00 per winning bidder fee will also be required by the successful bidder.

16) How soon can I take possession of a property after purchase at the tax sale?

The successful bidder may generally take possession of a property after confirming that the tax deed to the purchaser has been recorded by the county. Any parties of interest have one year from the date of recording of the tax deed to the purchaser to contest the validity of the sale.

17) What happens to property that does not sell at the tax sale?

The owner's right to redeem the property revives if not sold. Any parcels remaining unsold may be reoffered at a new sale within 90 days of the original sale date, pursuant to Revenue and Taxation Code §3692(e).

18) What happens if I am the successful bidder but decide that I don't want the property after all?

Be sure that you want the property before you bid. ALL SALES ARE FINAL AND THERE ARE ABSOLUTELY NO REFUNDS. In the event of a default, appropriate legal action against the bidder will be pursued.

Failure to consummate the sale within the specified time period shall result in the forfeiture of any deposit made and all rights that the purchaser may have had with respect to the property. Failure to consummate the sale will also bar the bidder from participating in future tax sales for this county, and possibly other counties. See Revenue and Taxation code §3456 <http://www.boe.ca.gov/lawguides/property/current/ptlg/rt/3456.html>.

19) How can I get more information?

Information on each timeshare parcel will be available on www.bid4assets.com. Please check the Treasurer Tax Collector's website <http://www.edcgov.us/TaxCollector> for general information or call 530-621-5800 for assistance.

Please note:

- + In order to ask the most informed questions, please review this document in its entirety prior to contacting the County.***
- + It is the bidder's responsibility to perform due diligence including to have researched title prior to bidding on a property.***
- + All properties are sold "As Is." Caveat Emptor-Buyer Beware.***