

## A GUIDE TO TAX DEEDS

### **1. What are tax deed sales?**

Tax Deed Sales deal with the selling of property to the highest bidder at a public auction in order to recover delinquent property taxes. A tax deed sale occurs after an owner of a Tax Certificate applies to the Tax Collector for a Tax Deed after the Tax Certificate has been held for the statutory period of twenty-two [22] months from date of delinquency.

### **2. Who conducts the sale?**

A deputy clerk employed by the Clerk of the Circuit Court conducts the sale or public auction in accordance with Florida Statute 197.502[5].

### **3. When and where are these tax deed sales held?**

Tax Deed Sales are held as scheduled and noticed at 11:00 a.m. on the front steps of the Liberty County Courthouse facing Hwy 20. The Courthouse is located at 10818 NW SR 20, Bristol, Florida. Call (850) 643-2215 for verification before attending.

### **4. Are the tax deed sales advertised in a local newspaper?**

Yes, the tax deed sales are advertised in the legal advertisements section of the Calhoun-Liberty Journal. The Clerk of the Circuit Court is required by Florida Statutes to advertise each sale once a week for four consecutive weeks prior to the public auction. *In addition, the Clerk's office posts notices of upcoming tax deed auctions on the Internet at the following address: [www.libertyclerk.com](http://www.libertyclerk.com).*

### **5. How can I find out if there are any liens or encumbrances on a property coming up for tax deed sale?**

An ownership and encumbrance report is provided in the file maintained on each property to be sold at a tax deed sale. The files are available for the public to review in the Clerk's Office of the Liberty County Courthouse.

### **6. What liens or encumbrances survive against a property after it is sold at a tax deed sale?**

Governmental liens and judgments survive the issuance of a tax deed and are satisfied to the fullest extent possible with any overbid monies from the sale. Governmental liens not satisfied in full survive the issuance of a tax deed.

### **7. How long does the property owner have to "redeem" the property?**

The property owner may redeem the property until the time the successful bidder renders payment AND a tax deed is recorded or issued. All current and delinquent taxes and other costs associated with the tax deed sale must be paid in full to the Liberty County Tax Collector by cash, cashier's check or money order.

### **8. Does a tax deed sale provide a marketable title?**

Generally, when any lands are sold for the nonpayment of taxes, the title may not be a marketable title. If you are the successful bidder, you may need to file a "quiet title" civil lawsuit to clear the title to the property. You may wish to research or seek legal advice on any property for which you are considering bidding before the tax deed sale.

### **9. If I am the successful bidder at a tax deed sale, am I entitled to immediate possession of the property after a tax deed has been issued to me?**

Yes, according to Florida Statute 197.562, the grantee of any tax deed shall be entitled to the immediate possession of the lands described in the deed upon payment of successful bid amount.

### **10. What are some things that I should know before the sale?**

There is no pre-registration required in order to participate in the bidding. Potential bidders MAY post security (bank guarantee, letter of credit or cashier's check) with the Clerk's office prior to the auction to cover any personal/business check(s) used in payment of the bid amount(s) at the auction. You or a representative must be physically present at the sale to bid on the property. You should research the properties before you bid. It is very important to understand what you are purchasing at the sale and whether there may be any liens on the property. If no security is posted, a non-refundable \$200 cash deposit is required for each successful bid.

### **11. What action must I take if I am the successful bidder at the sale?**

If the approved security was posted earlier, the tax deed will be completed and notarized before moving on to the next parcel so the successful bidder may record the tax deed as soon as possible. Otherwise, the successful bidder is required to submit a non-refundable \$200 cash deposit immediately after being declared the successful bidder at the sale, and report to the Clerk's Office, of the Liberty County Courthouse within 24 hours of the sale to pay:

- 1) the bid amount less the \$200 cash deposit and
- 2) documentary stamps and recording fees.

The bid amount must be in the form of cash, cashier's check or money order payable to the Clerk of the Circuit Court. You will be asked to provide to the deputy clerk the

name(s) in which you wish the tax deed to be issued. Remember that the property owner can redeem the property at the Tax Collector's office until the time full payment is made by the successful bidder AND a tax deed is recorded. Once the successful bidder records the tax deed, the property cannot be redeemed.

**12. What if I am the successful bidder and fail to return payment within 24 hours?**

According to Florida Statute 197.542(1), the Clerk may refuse to recognize the bid of any person who has previously bid and refused, for any reason, to honor such bid. In other words, you would not be allowed to bid at any future tax deed sales in this county for a period of 12 months from the time you defaulted on your bid. The property would be re-advertised and offered for sale no later than 30 days from the date the sale was canceled. All costs of the sale will be paid from the cash deposit with any remaining funds applied toward the opening bid.

**13. What happens if a property receives no bids?**

Properties for which no bids are received at the auction are placed on a "Lands Available for Taxes" list. Florida Statute 197.502 states that the County may, at any time within the first 90 days from the day the property is placed on the list, purchase the property. After the ninety-day period is over, anyone can purchase the property. Interest continues to accrue on the opening bid amount through the month of a sale of land purchased from this list. Also, documentary stamps and recording/indexing fees must be paid.

**14. What if I need additional information regarding a tax deed sale?**

The Property Appraiser's office can provide you with information on any structural improvements on the property. Their office is located in the Liberty County Courthouse and their phone number is (850) 643-2279. Additional information is provided in the tax deed file, which is located in the Clerk's Office. The laws governing tax deed sales can be found in Chapter 197 of the Florida Statutes. The rules of the Florida Department of Revenue regarding tax deed sales can be found in their administrative code beginning at 12D-13.030.

**15. Where can I find information regarding the sale of "tax certificates"?**

Tax certificate information can be obtained from the Tax Collector's office located in the Liberty County Courthouse and their phone number is (850) 643-2442.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Clerk's Office, Liberty County Courthouse, 10811 NW SR 20., Bristol, FL 32321, (850) 643-2215; if you are hearing or voice impaired, call 1-800-955-8771.

**Tax Deeds**

Liberty County Courthouse

10811 NW SR 20

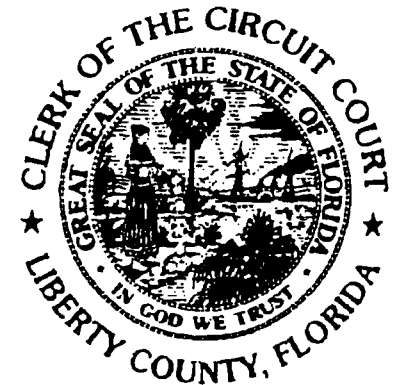
Bristol, FL 32321

(850) 643-2215

Please visit our home page at

<http://www.libertyclerk.com>

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