

# Public Auction

## General Information

The purpose of the Public Auction or Tax Sale is to collect the unpaid taxes and to convey the tax defaulted property to another owner. These properties are subject to the Tax Collector's Power to Sell because the property taxes have not been paid for five or more years. The parties of interest for the listed properties have until 5:00 p.m. Pacific on Tuesday, March 15, 2022 the day prior to the tax sale to redeem their defaulted taxes and remove their property from the Public Auction. Parties of interest for properties on the public auction may contact our office at (209) 468-2133. There is no extended right of redemption in the State of California.

Properties at the Public Auction are offered on an "as is" basis. Purchasers are advised to read the information provided and investigate each property you are interested in bidding on.

Date & Time:	March 16, 2022 8:00 a.m. Pacific to March 17, 2022 12:00 p.m. Pacific
Location:	Bid4Assets.com (more information coming soon)
Contact Us:	(209) 468-2133 or <a href="mailto:tax@sjgov.org">tax@sjgov.org</a>

## Registration

To participate in the Tax Sale, bidders must first create an account on Bid4Assets. Registration is free, but a deposit of \$5,000 (plus \$35 non-refundable Bid4Assets processing fee) is required to bid. All prospective bidders must fill out their vesting information before they are allowed to access the deposit instructions. Your deposit by certified check or wire must be received by Bid4Assets no later than 1:00 p.m. Pacific on Tuesday, March 8, 2022. Please make your deposit well in advance of the auction in order to ensure your eligibility to bid. All bidders must be at least 18 years of age. For registration and bidding questions, please contact Bid4Assets at (877) 427-7387 or [customerservice@bid4assets.com](mailto:customerservice@bid4assets.com).

## Property Inspection

Research and investigate the property before you bid. Properties at a Tax Sale are offered on an "as is" basis. The County does not assume any responsibility, implied or otherwise,

that the properties are in compliance with zoning ordinances or conform to building codes and permits. The County is not liable for known or unknown conditions of the property, including, but not limited to, contamination or errors in the Assessor's records pertaining to improvement of the property. Refer to Section 3692.3 of the California Revenue and Taxation Code regarding property conditions sold at a Tax Sale.

Tax Sales are a buyer beware sale. It is the responsibility of the interested bidder to research the parcels they are interested in purchasing before they buy (i.e. Recorder's Office, Planning Department, and Environmental Health Department). Refer to Section 3712 of the California Revenue and Taxation Code regarding liens and encumbrances on a property sold at a Tax Sale.

## Parcel Maps

Parcel maps are available for inspection and/or purchase prior to the Public Auction in the Assessor's Office. Parcel maps are also available on the Assessor's website.

## Combination of Parcels

Properties grouped in a lot are offered together. Should one property within a lot be redeemed and the taxes on the remaining property or properties within the lot remain outstanding, the remaining property or properties will be offered at the Public Auction. The minimum bid for the lot is the combined minimum bids for each parcel in the lot.

## Mobile Homes

If a parcel offered for sale has a mobile home on it, the sale is for the real property only and does not include the mobile home. Mobile homes are considered personal property, unless they are on a permanent foundation.

## Code Violation

Code Violations may be currently outstanding on the property being offered for sale. The sale of the property through the Public Auction does not postpone or affect any enforcement procedures to bring the property into code compliance.

## Contaminated Parcels

Parcels offered for sale may contain hazardous wastes, toxic substances, or other substances regulated by federal, state, and local agencies. The County does not assume any responsibility, implied or otherwise, that the parcels are in compliance with federal, state, or local laws governing such substances. The County does not assume any responsibility, implied or otherwise, for any costs or liability of any kind imposed upon or voluntarily assumed by a purchaser or any other owner to remediate, clean up, or otherwise bring into compliance according to federal, state, or local environmental laws on any parcel purchased. The Tax Collector shall not have any duty to investigate the

status of any parcel with regard to contamination by environmentally hazardous materials. Known contaminated properties are announced at the Tax Sale prior to being offered.

## Encumbrances (Liens on Property)

The following is a copy of the Section 3712 of the Revenue and Taxation Code. Title Conveyed. This section informs you of any encumbrances that are not satisfied at the time of your purchase.

Current secured property taxes for 2021-22 are not included in the minimum bid amount. It is the successful bidder's responsibility to see that the taxes are paid timely Chapter 7, 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:

- Any lien for installments of taxes and special assessments, that installments will become payable upon the secured roll after the time of the sale.
- The lien for taxes or assessments or other rights of any taxing agency that does not consent to the sale under this chapter.
- 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.
- 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 restrictions of record.
- 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.
- 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.
- 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.
- 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.

## Bidding

Bidding will be in increments of \$100 or higher until the parcel is sold to the highest bidder. No bid will be accepted for less than the minimum bid amount.

The Assessor's parcel number, situs, legal description, and minimum bid will be displayed for each item.

## Successful Bid

At the end of an auction in which you are the winning bidder, Bid4Assets will send you a notification alerting you via email and your Bid4Assets message center that you have won the auction.

All sales are final. Legal action will be taken if any successful bid is not settled. The bidder's deposit will be forfeited if settlement is not completed by the payment deadline and bidder will be banned from future Tax Sales.

## Payment in Full

Successful bidders must settle their purchase with Bid4Assets with certified check or wire. The payment deadline is 1:00 p.m. Pacific on Thursday, March 24, 2022. A Documentary Transfer Tax will be collected in addition to the amount of the bid at the rate of \$0.55 per \$500 of the sales price. A \$35 administrative fee per parcel purchased will be charged by Bid4Assets.

## Refunds

If you are not the winning bidder on the auction, your deposit will automatically be refunded within 10 business days of the close of the auction. Check or wire deposits are refunded by check to the name and address provided in your Bid4Assets profile.

## Tax Deed

Bid4Assets will send successful bidders a notification alerting you via email and your Bid4Assets message center. Once you have received this notification, you will have the option to utilize Bid4Assets' Deed Wizard tool to finalize the tax deed vesting information.

A tax deed will be issued to the purchaser within 60 days of the Public Auction. Should title to the property purchased be recorded incorrectly due to the purchaser the County will not be responsible to correct the title.

## Title Insurance

The former assessee or any lien holder has one year from the date of recording of the tax deed to challenge the validity of the Tax Sale (Section 177 and 3725 of the Revenue and Taxation Code). During this one-year challenge period, it may not be possible to obtain a guaranty of clear title from a title company. Title companies may not issue their policy of title insurance on property that was purchased through tax-defaulted Public Auction, unless a quiet title action has been successfully pursued in the courts, or in lieu thereof, quit claim deeds are acquired from the former assessee or every lien holder. To learn more about quiet title actions, you may consult with an attorney experienced in real estate transactions.

If you have any questions concerning redemption, the proposed sale of the property, or your right to claim excess proceeds, call the Redemption Section Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. Pacific at (209) 468-2133.

## Excess Proceeds

If a property is not redeemed, and it is sold, the former owners of the property have the right to claim proceeds remaining after the tax and assessment liens and the costs of sale are satisfied. To claim the excess proceeds, you must be a "party of interest" as defined by Section 4675 of the Revenue and Taxation Code.

A claim for excess proceeds must be filed within ONE YEAR after the Tax Collector's deed to the purchaser is recorded. The law protects parties of interest by requiring that any assignment to another person of the right to claim excess proceeds can be made only by means of a dated, written document. The document must specifically state that the right to claim excess proceeds is being assigned and that each party to the transaction has informed the other of the value of the right being assigned.

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