

Procedures for 2024 Tax Sale Bidders

Si es necesario, por favor haga traducir este paquete, es muy importante.

1. If you have **delinquent taxes due** you will **NOT** be allowed to bid at the tax sale.
2. Fill out and return **Bidder Registration Card**.
3. After registration has been entered, your name will be called and a bidder's card will be given to you.
4. If you are a successful bidder, a **Bid Verification** and **Receipt Form** will be printed at the **conclusion of sale**.
5. You **MUST** sign the form prior to leaving the room.
6. Payment or proof of payment (EFTs) must be received by the Treasurer along with **Form W-9, NO LATER THAN 2:00 p.m. the day of sale.**

:::::Please be advised:::::

7. IC 6-1.1-24-8 A purchaser who **fails** to **pay** the bid shall pay a **penalty** of **25%** of the amount of the bid and the tax sale **certificate** will be **VOID**. The County **Prosecuting Attorney** will initiate action against the bidder.

Kosciusko County

Property Tax Sale Buyer Information

The following information is provided as a public service to the purchaser of Tax Sale Property. This bulletin is not to be considered a legal authority. The purchaser is responsible for compliance with applicable statutory requirements.

**October 29, 2024
10:00 A.M.**

Old Courtroom, 3rd Floor, Courthouse

Warsaw, Indiana

If you are interested in bidding on the tax sale for an Indiana county, you may register online at <https://sriservices.com/>. This registration is good for all counties that SRI services. You need to register only once for all counties. If you do not have access to a computer with internet service you may register the morning of the sale.

Kosciusko County Auditor
100 W Center St Room 220
Warsaw, IN 46580

Attention Tax Sale Buyer:

The following are a few items that we would like for you to be aware of concerning our tax sale.

- A 30 day waiting period has been put in place between the day of sale and the day when 137B's can be reported with costs.
- Kosciusko County has all of our tax sale, GIS and other information on the web please visit www.kcgov.com. For an updated list of all tax sale properties visit www.sriservices.com.
- The cause number for the "Judgment and Order of Sale" and "Order Establishing Schedule of Fees" is the same. The number is 43C01-2410-TS-104.
- Payments must be cash, certified funds or wire transfers. Include form W-9 with payment. If you have any questions about the form of payments please talk to the Treasurer **PRIOR** to the sale.

Thank you for your interest in the 2024 tax sale and please feel free to contact us if you have any questions or need any other information concerning this matter.

Thank you,

Becky Dye
Tax Sale Deputy

Office hours are Monday thru Friday from 8:00 a.m. to 4:30 p.m.
Phone: (574) 372-2326 Fax: (574) 372-2469
Email: bdye@kosciusko.in.gov

TAX SALE PROCEDURE

1. Fill-out the Bidder Registration Card. (Please Print)
 2. Return Registration Card to sale staff.
 3. After the registrations have been entered, your name will be called and a bidders card will be given to you prior to the start of the sale.
 4. Use your Bidder Registration Card to signal your bid. When your bid has been accepted, show your Bidder Registration Card number to the auctioneer.
 5. After your bid is accepted or at the conclusion of the sale, a Bid Verification and Receipt Form will be printed. A representative will deliver the form to you for your Signature. After you have signed the form, it will be taken to the Treasurer's Office and held until you pay the amount bid.
 6. When you have completed your bidding, go to the Treasurer's Office to pay your bid amount(s). Give the Treasurer a completed Form W-9. The Treasurer will give you a receipt and a Tax Sale Certificate signed by the Auditor and Treasurer.
- * If you are interested in obtaining a list of properties that will be offered for sale, this is found at www.sriservices.com
- * If you are interested in properties for sale in multiple counties you can view those at www.sriservices.com

(SEE DISCLAIMER ON COVER PAGE)

**TAX LIEN PURCHASER
INFORMATION**

***(see attached Indiana County Tax Sale Lien Buyer
Handout revised 2017)***

1. Submit a successful bid for an amount equal to or greater than the minimum sale price indicated on the sale list and advertised in the newspaper entered against the property. Deliver the full amount of your bid in cash or other certified funds accepted by the County Treasurer.
2. Receive a signed receipt of payment from the County Treasurer for the amount bid.
3. Receive a signed Tax Sale Certificate including the property identification number, legal description, owner's name(s), purchaser's name, the amount for which the lien was sold (amount paid in taxes, penalties, fees and surplus), date of sale, the date the purchaser is first entitled to request a deed to the property (earliest date is one (1) year from date of sale.), minimum bid amount, cause number under which the judgment was obtained, and the street address of the property.
4. Not later than six (6) months after the date of the County Tax Sale, the purchasers must send a Notice of Sale to the owner and any person with a substantial interest in the property. The Notice must include all the information required in IC 6-1.1-25-4.5. **Lien buyers are strongly encouraged to hire an attorney to assist them in meeting these statutory notice requirements.**

The Tax Sale Certificate does not convey ownership to the property. Ownership will be conveyed through a Tax Deed issued by the County Auditor pursuant to the statutory requirements.

*It is recommended that the Tax Buyer initiate a Title Search on the subject property to identify the legal owner and any persons with a substantial interest of public record prior to sending this notice by certified mail. If the property is redeemed, the Owner will be required to reimburse you for your actual paid title search expenses, not exceeding the amount established by the County, if you file a form 137B with the Auditor **prior to the redemption date.***

5. Present a verified petition to the court that issued the original judgment for delinquent taxes and penalties on the property asking the Court to order the County Auditor to issue a Tax Deed if the property is not redeemed from the sale by the redemption period expiration date. (For additional information, see IC 6-1.1-25.4.6).

6. During the period between the tax sale date and the expiration of the redemption period and prior to the issuance of a deed, the buyer may pay all taxes, assessments, penalties and costs due for the property. Immediately upon paying for any additional costs, etc., report the payment to the County Auditor's Office with the receipts to record them. These costs must be filed on a Form 137B. **You may not be reimbursed unless you follow this procedure.** Any costs incurred for notification and title search will not be reimbursed for any amount exceeding that set forth by the County.
7. Present the Court with proof that the time for redemption has expired. Also provide copies of all notices given to the owner and any person with a substantial interest in the property including supporting documents. (postal certified mail receipts, etc.)
8. Present the Court with evidence of payment of all taxes, assessments, penalties and costs, both at sale and subsequent thereto, and the evidence of compliance with statutory requirements as the Court may require.
9. Present the Court with a copy of the Tax Sale Certificate.
10. Receive Court Order directing County Auditor to prepare tax deed.
11. Present the Court Order and Tax Sale Certificate to the County Auditor and receive tax deed for the property within 30 days.

(SEE DISCLAIMER ON COVER PAGE)

IF THE OWNER REDEEMS THE PROPERTY

The property may be redeemed at any time prior to one year from the sale date. When a tax sale property is redeemed, the Auditor will notify the purchaser and ask that the Tax Sale Certificate be delivered to the Auditor's office as soon as possible.

Within four weeks of the date the Tax Sale Certificate is received by the Auditor, the purchaser will receive a refund equal to 110% of the minimum sale price and 5% per annum of the amount by which the purchase price exceeds the minimum sale price, if redeemed within the first six months from date of sale; or 115% of the minimum sale price plus 5% per annum of the amount by which the purchase price exceeds the minimum sale price if redeemed more than six months from the date of sale.

In addition to the amounts stated above, the buyer will receive a refund for all taxes and special assessments on the property paid by the buyer subsequent to the sale plus five percent (5%) per annum interest on those taxes and special assessments.

An entry reflecting all transactions related to the Tax Sale of each property will be recorded on the Indiana Tax Sale Record (Indiana Board of Accounts Form 137).

(SEE DISCLAIMER ON COVER PAGE)

***PENALTIES FOR FAILURE TO COMPLY
WITH TAX SALE STATUTES***

1. **Failure to Pay Amount Bid.**

If you fail to pay the County Treasurer in cash or certified funds, the full amount bid for the subject property by the deadline established by the County Treasurer on the date of the Tax Sale, your bid will be canceled and you will be subject to a penalty equal to twenty-five percent (25%) of the total amount bid.

2. **Failure to Give Post-Sale Statutory Notices.**

If you fail to give notice as required by IC 6-1.1-25-4.5, you will not be entitled to a return of the purchase price or any portion of the purchase price of the tax sale certificate. The penalties for failure to give the notice required by IC 6-1.1-25-4.6 are described at IC 6-1.1-25-4.6(d)

3. **Failure to Petition Court**

If you fail to file the verified petition (for tax deed) described in IC 6-1.1-25-4-.6 **within three (3) months after the expiration of the period of redemption**, your lien against the property terminates.

(SEE DISCLAIMER ON COVER PAGE)

STATE OF INDIANA)
)
COUNTY OF KOSCIUSKO)
)

IN THE CIRCUIT COURT

CAUSE NO. 43001-2410-TS-104

JUDGMENT AND ORDER OF SALE

The Joint Applicants, the Auditor and Treasurer of Kosciusko County, Indiana, having filed that certain Joint Application for Judgment and Order of Sale, pursuant to IC 6-1.1-24-1, *et seq.*, having prepared, compared and corrected a list of real property in Kosciusko County on which:

- A. Any property taxes or special assessments certified to the county auditor for collection by the county treasurer from the prior year's spring installment or before are delinquent as determined under IC 6-1.1-37-10; and
- B. Any unpaid costs are due, under section 2(c) of IC 6-1.1-24 from a prior tax sale, having subscribed that certain Joint Affidavit of the truth and accuracy of said list as provided by statute, and the Court, having reviewed the Application and materials in support thereof, hereby GRANTS said Application.

The Court, after being first duly advised now FINDS that:

- 1. Notice has been given of the intended application for judgment against these tracts or items of real property;
- 2. No sufficient defense has been made to show why judgment should not be entered against these tracts or items of real property for delinquent taxes;
- 3. Special assessments, taxes, penalties and costs due on them are to this date unpaid; and
- 4. No properties were certified to the Auditor as "not suitable for tax sale" under IC 6-1.1-24-1.7 and therefore the Court makes no determination pursuant to IC 6-1.1-24-4.7(j).

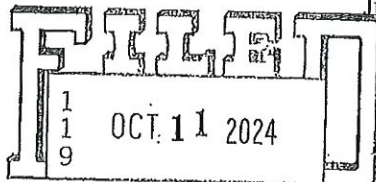
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment is hereby entered against the listed tracts or items of real property (attached hereto) in favor of the State of Indiana for the amount of taxes, special assessments, penalties and costs due severally on them; and it is ORDERED that the several tracts or items of real property be sold as the law directs. Payments for taxes, special assessments, penalties and costs made after this judgment, but before the sale, shall reduce the judgment accordingly.

Dated: 11th day of October, 2024

Michael W Reed

Judge, Kosciusko County Circuit Court

DISTRIBUTION:



Ann Jorpy
CLERK, KOSCIUSKO CIRCUIT & SUPERIOR COURTS

STATE OF INDIANA)
)
COUNTY OF KOSCIUSKO)
)

IN THE CIRCUIT COURT
CAUSE NO. 43601-2410-TS-104

ORDER ESTABLISHING SCHEDULE OF FEES

The Petitioner, the Kosciusko County Auditor, having filed that certain Petition to Establish Schedule of Fees, pursuant to IC 6-1.1-25-2.5, and the Court having reviewed said Petition and materials in support thereof, hereby grants said Petition.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the following schedule of reasonable and customary fees is hereby established, to be reimbursed for the actual cost incurred, but not to exceed the stated amount, to the purchaser at the tax sale upon redemption, when supported by receipts or other similar documentation presented to the Auditor:

- a. Attorneys' fees and cost of giving notice under IC 6-1.1-25-4.5:

Not to exceed \$ 500.00

- b. Costs of a title search or of examining and updating the abstract for the tract or item of real property:

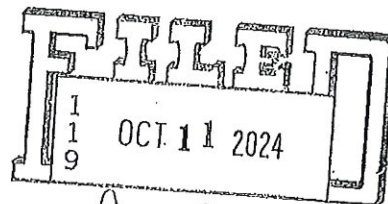
Not to exceed \$ 250.00

Dated: 11th day of October, 2024

Michael W Reed

Judge, Kosciusko County Circuit Court

DISTRIBUTION:



Ann Jorjy
CLERK, KOSCIUSKO CIRCUIT & SUPERIOR COURTS

Indiana Tax Sale:

LIEN

BUYER

HANDOUT



8082 BASH STREET | INDIANAPOLIS, IN 46250
o 800.800.9588 f 317.842.5948
sriservices.com

DISCLAIMER

THIS HANDOUT PROVIDES GENERAL INFORMATION ABOUT INDIANA TAX SALES AND THE STATUTORY OBLIGATIONS OF LIEN BUYERS FOLLOWING A TAX SALE. HOWEVER, LEGAL INFORMATION IS NOT THE SAME AS LEGAL ADVICE, WHICH CONCERNS THE APPLICATION OF THE LAW TO A SPECIFIC SITUATION. THIS HANDOUT IS NOT MEANT TO PROVIDE COMPREHENSIVE GUIDELINES FOR ANY PARTICULAR SITUATION. THE INFORMATION HEREIN IS NOT GUARANTEED TO BE CORRECT, COMPLETE, OR CURRENT. LIEN BUYERS SHOULD NOT ACT OR RELY ON ANY INFORMATION IN THIS HANDOUT WITHOUT SEEKING THE ADVICE OF AN ATTORNEY.

A COUNTY TAX SALE IS A BUYER BEWARE SALE; ALL PROPERTIES/TAX LIENS ARE SOLD "AS IS." PURSUANT TO IC 6-1.1-24-10 THE ONLY WARRANTY PROVIDED BY THE COUNTY IS THAT THE TAXES AND SPECIAL ASSESSMENTS ASSOCIATED WITH THE PROPERTY DESCRIBED IN THE TAX SALE CERTIFICATE WERE DELINQUENT AND UNPAID AT THE TIME OF THE SALE AND THE PROPERTY IS ELIGIBLE FOR SALE, UNDER THIS CHAPTER. THE COUNTY DOES NOT PROVIDE ANY REPRESENTATION, COVENANT OR WARRANTY AS TO THE HABITABILITY, CONDITION OR FITNESS OF THE PROPERTY. THE COUNTY DOES NOT WARRANT THE ACCURACY OF THE LEGAL DESCRIPTION, STREET ADDRESS OR COMMON LOCATION OF THE PROPERTY. THE COUNTY MAKES NO REPRESENTATION, COVENANT OR WARRANTY OF TITLE. A TAX DEED ISSUED TO A PURCHASER IN A COUNTY TAX SALE MAY NOT CONVEY INSURABLE OR MARKETABLE TITLE TO THE PROPERTY. BIDDERS ARE STRONGLY ENCOURAGED TO EXERCISE DUE DILIGENCE IN RESEARCHING PROPERTIES AND OBTAINING THE ADVICE OF LEGAL COUNSEL PRIOR TO PURCHASING TAX LIENS IN A COUNTY TAX SALE.



REGISTRATION AND AUCTION PROCEDURE

If you are interested in obtaining a preliminary list of properties that will be offered in the County Tax Sale prior to the time of the auction, a list will be available on SRI's website at: sriservices.com. Any list made available prior to the time of the auction is only a preliminary list and should not be relied upon as a final list of properties. Any list of properties made available prior to the time of the auction is subject to change without notice. In addition, the minimum bids made available prior to the sale date are subject to change pursuant to Indiana Code. It is the bidder's responsibility to verify the minimum bid amounts on the sale day, prior to bidding.

PLEASE NOTE THAT THE MINIMUM BIDS FOR PROPERTIES IN THE COUNTY TAX SALE, UNLESS OTHERWISE STATED BEFORE THE AUCTION, INCLUDE THE PROPERTY TAXES THAT ARE DUE AND PAYABLE IN THE YEAR OF THE SALE, REGARDLESS OF WHETHER THEY ARE DELINQUENT, IN CONTRAST TO THE MINIMUM BIDS FOR COMMISSIONERS' CERTIFICATE SALES HELD UNDER IC 6-1.1-24-6.1.

If you are interested in bidding on properties in this County Tax Sale, you must comply with the following steps (for instructions in the case of an online auction, please visit zeusauction.com):

Pursuant to IC 6-1.1-24-5.1, a business entity that seeks to register to bid in an Indiana County Tax Sale must provide a current year certificate of existence or proof of registration from the Secretary of State to the county treasurer.

1. Review and complete the Bidder Registration Card and sign where indicated. Return your signed Bidder Registration Card to auction staff. If you have pre-registered for the County Tax Sale online, please inform auction staff and turn in the online printout. Please make sure that you submit your Bidder Registration Card or online printout with sufficient time for auction staff to process your registration and issue you a bidder number card prior to the start of the auction. An untimely registration may result in you missing out on the opportunity to bid on some of the properties in the auction.
2. You will be given IRS Form W-9 to complete. Unless otherwise directed, you must sign and turn in a completed form when you pay the amount of your winning bid(s) to the county office indicated in the introduction to the auction.
3. After your Bidder Registration Card has been processed, your name will be called and a bidder number page will be given to you prior the start of the auction.
4. Raise your bidder number page to signal your bid.

After your bid is accepted as the winning bid for a property or at the conclusion of the entire auction, a Bid Verification and Receipt Form will be printed by auction staff. Your name will be called and you will be given this form for signature and verification.

Once you have reviewed and signed the Bid Verification and Receipt Form for the tax lien(s) you purchased, you must pay the total amount of your bid(s) pursuant the terms and conditions discussed in the introduction to the auction. Please remember to pay in a form of funds acceptable to the County and by the deadline discussed in the introduction to the auction. After you have paid the total amount of your bid(s), you will be given a receipt and a tax sale certificate (also referred to as a "certificate of sale") for each lien you purchased during the auction. It is critical that lien buyers safeguard the tax sale certificate(s) they are issued.

PLEASE NOTE THAT EACH COUNTY MAY HAVE ITS OWN PAYMENT TERMS AND PROCEDURES. INQUIRIES REGARDING PAYMENT TERMS PRIOR TO THE AUCTION SHOULD BE DIRECTED TO THE COUNTY TREASURER'S OFFICE.



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POST-AUCTION INFORMATION FOR LIEN BUYERS

PLEASE NOTE THAT THE MINIMUM BIDS FOR PROPERTIES IN THE COUNTY TAX SALE INCLUDE THE PROPERTY TAXES THAT ARE DUE AND PAYABLE IN THE YEAR OF THE SALE, REGARDLESS OF WHETHER THEY ARE DELINQUENT AT THE TIME OF THE SALE.

The tax sale certificate(s) a lien buyer purchased contains: (1) a description of the real property that corresponds to the description used on the notice of sale; (2) the name of the owner of record at the time of the sale; (3) the mailing address of the owner of the real property sold as indicated in the records of the county auditor; (4) the name of the purchaser; (5) the date of sale; (6) the amount for which the real property was sold; (7) the amount of the minimum bid for which the tract or real property was offered at the time of sale; (8) the date when the period of redemption specified in IC 6-1.1-25-4 will expire; (9) the court cause number under which judgment was obtained; and (10) the street address, if any, or common description of the real property. Lien buyers should pay close attention to the dates on their tax sale certificate(s), as they govern their ability to petition the court having jurisdiction over the County Tax Sale to direct the County Auditor to issue them tax deed(s). A tax sale certificate does not convey ownership of property. Until a lien buyer is issued a tax deed for the property pursuant to a court order, a lien buyer does not have any right to take possession of the property.

The period for redemption of real property sold in the County Tax Sale is one (1) year after the date of the sale. Not later than six (6) months after the date of the County Tax Sale, a lien buyer must give notice of the sale (in the method(s) prescribed under IC 6-1.1-25-4.5) to:

- The owner of record at the time of the sale; and
- Any person with a substantial property interest of public record in the tract or real property.

The legal requirements of this notice are governed by IC 6-1.1-25-4.5. Lien buyers are strongly encouraged to hire an attorney to assist them in meeting these statutory notice requirements. Lien buyers are strongly encouraged to initiate a title search on the subject property to identify the owner(s) of record and persons with a substantial property interest of public record.

If property for which a lien buyer bought a tax sale certificate is redeemed during the redemption period, the lien buyer may be reimbursed for its attorney's fees and costs of giving notice under IC 6-1.1-25-4.5, as well as the cost of a title search. This reimbursement of a lien buyer's actual paid expenses is subject to a maximum amount established by the court having jurisdiction over the sale. The maximum amounts for reimbursement are stated in the introduction to the auction and the Auditor or Treasurer's office will have a copy of the court order setting the maximum amounts for title search and attorneys' fees reimbursement. Please note that lien buyers shall only be entitled to reimbursement if they file a form 137 B with the County Auditor prior to the date that the property is redeemed. Lien buyers must present proof of payment of reimbursable expenses when they file a form 137 B.

PLEASE NOTE THAT THE FORM 137 B MAY NOT BE FILED FOR ATTORNEYS' FEES AND COSTS OF GIVING NOTICE UNDER IC 6-1.1-25-4.5 OR THE COSTS OF A TITLE SEARCH EARLIER THAN THIRTY (30) DAYS AFTER THE DATE OF THE SALE. If the property is not redeemed during the redemption period, a lien buyer will not be entitled to any reimbursement of attorneys' fees, costs of giving notice under IC 6-1.1-25-4.5 or a title search. If the property is redeemed before a lien buyer files a form 137 B, the lien buyer will not be reimbursed.

During the redemption period, lien buyers are strongly encouraged to pay all subsequent taxes and special assessments on the properties for which they bought a tax lien. Indiana law states that one of the requirements necessary for the issuance of a Tax Deed is that all taxes, special assessments, penalties and costs have been paid on the parcel. If a lien buyer pays taxes and special assessments on the property after the sale, the lien buyer must follow the form 137 B process, referenced above, to ensure that the lien buyer



is reimbursed if the property is redeemed. Immediately upon paying any subsequent taxes and special assessments on the property, the lien buyer should provide a receipt to the County Auditor's office and file a form 137 B. If the lien buyer has paid subsequent taxes and special assessments, and properly filed a form 137 B, the lien buyer will be entitled to reimbursement for all such taxes and special assessments plus interest at the rate of five percent 5% per annum, upon redemption. If the property is not redeemed during the redemption period, the lien buyer will not be reimbursed for any subsequent taxes and special assessments. If the property is redeemed before the lien buyer files a form 137 B for subsequent taxes and special assessments, the lien buyer will not be reimbursed.

INFORMATION FOR LIEN BUYERS IN THE EVENT THE PROPERTY IS REDEEMED

PLEASE NOTE THAT THE FORM 137 B MAY NOT BE FILED FOR ATTORNEYS' FEES AND COSTS OF GIVING NOTICE UNDER IC 6-1.1-25-4.5 OR THE COSTS OF A TITLE SEARCH EARLIER THAN THIRTY (30) DAYS AFTER THE DATE OF THE SALE.

Property sold to a lien buyer in the County Tax Sale may be redeemed at any time within one (1) year after the date of the sale. When property is redeemed in connection with the County Tax Sale, the County Auditor will notify the lien buyer and the tax sale certificate must be surrendered to the Auditor's office as soon as possible. An entry reflecting all transactions related to the sale of each property will be recorded on the Indiana Tax Sale Record (Indiana State Board of Accounts Form 137).

When a lien buyer surrenders a tax sale certificate upon redemption, the lien buyer will receive a refund equal to one hundred ten percent (110%) of the minimum bid for which the tract or real property was offered at the time of sale, if the tract or item of real property is redeemed not more than six (6) months after the date of sale; or one hundred fifteen percent (115%) of the minimum bid for which the tract or real property was offered at the time of sale, if the tract or item of real property is redeemed more than six (6) months but not more than one (1) year after the date of sale. In addition to the refund of the minimum bid plus the above stated interest, in the case of a redemption, the lien buyer, upon surrendering a tax sale certificate, will receive a refund of the amount by which the purchase price exceeds the minimum bid, if any, on the real property plus five percent (5%) per annum on the amount by which the purchase price exceeds the minimum bid on the property, plus all prior and properly filed 137 B costs, which may include attorneys' fees and costs of giving notice under IC 6-1.1-25-4.5, the cost of a title search and all taxes and special assessments paid by the lien buyer on the redeemed property after the sale (plus interest at the rate of five percent (5%) *per annum* on the subsequent taxes and special assessments paid by the lien buyer). The amount required to redeem property from a tax sale is codified at IC 6-1.1-25-2.

INFORMATION FOR LIEN BUYERS IN THE EVENT THE PROPERTY IS NOT REDEEMED

If the property for which a lien buyer purchased a tax lien at the County Tax Sale is not redeemed during redemption period, the lien buyer must comply with additional statutory requirements (other than the notices provided for at IC 6-1.1-25-4.5) in order to obtain a tax deed. These requirements are codified, generally, at IC 6-1.1-25-4.6. After the expiration of the redemption period but not later than three (3) months after the expiration of the period of redemption, the lien buyer or its assignee may file a verified petition with the court having jurisdiction over the tax sale for an order directing the County Auditor to issue a tax deed to the lien buyer. In addition to the filing of the petition, lien buyers are required to send notice of the petition to the same parties and in the same manner as provided in IC 6-1.1-25-4.5 (note: this section governs the "notice of the sale" discussed previously). Lien buyers are strongly encouraged to hire an attorney to assist them with the legal steps required to obtain a tax deed.



The Court having jurisdiction over the tax sale will direct the County Auditor to issue a tax deed to a lien buyer if the court finds that the following conditions exist: (1) The time of redemption has expired; (2) The tract or real property has not been redeemed from the sale before the expiration of the period of redemption; (3) Except with respect to a petition for the issuance of a tax deed under a sale of the certificate of sale on the property under IC 6-1.1-24-6.1 (commissioners' certificate sales), all taxes and special assessments, penalties, and costs have been paid; (4) The notices required by IC 6-1.1-25-4.5 and IC 6-1.1-25-4.6 have been given; and (5), The petitioner has complied with all the provisions of law entitling the petitioner to a deed.

Lien buyers who receive a court order directing the County Auditor to issue them a tax deed should transmit the court order and the tax sale certificate to the County Auditor. Within a reasonable time period following receipt of the court order and tax sale certificate, the County Auditor will issue a tax deed to the lien buyer.

Please note that the preparation of tax deeds is a very important part of the tax sale process. It may be an option for the lien buyer to have its own legal counsel prepare the deed. In any event, the deed must be prepared in a form substantially similar to the form provided under IC 6-1.1-25-5. The Auditor may refuse to accept, execute and deliver to the lien buyer any deed that does not comply with any applicable statutory requirements.

PENALTIES FOR FAILURE TO COMPLY WITH TAX SALE LAWS

Failure to Pay Bid

A lien buyer who fails to pay the amount bid shall pay a civil penalty of twenty-five percent (25%) of the amount of the bid. The county prosecuting attorney is authorized to initiate an action in the name of the state treasurer to recover the civil penalty.

Failure to Give Post-Sale Statutory Notices

If a lien buyer fails to give notice as required by IC 6-1.1-25-4.5, the lien buyer will not be entitled to a return of the purchase price or any portion of the purchase price of the tax sale certificate. The penalties associated with the court refusing to grant a deed to the purchaser for notice deficits are describe in Indiana Code 6-1.1-25-4.6 (h through j).

Failure to Petition Court

If a lien buyer fails to file the verified petition described in IC 6-1.1-25-4.6 within three (3) months after the expiration of the period of redemption, the lien buyer's lien against the property terminates.