

# Forfeited Land/Auditor Sales

(ORC Section 5723)

Every tract of land foreclosed for delinquent taxes (5721.18) or a tax lien (323.25) that has been properly offered for sale on two separate occasions, not less than two weeks apart and not sold shall be forfeited to the state (5723.01) and the County Auditor will offer it for sale to the highest bidder (5723.05 & 5723.06). If any parcel is offered for sale under this section of the revised code and remains unsold, the auditor may, at any time prior to the next sale, again advertise and again offer it for sale (5723.07). An outline of the procedure follows:

## Prior to Auditor's Sale:

1. Once the property is offered and not sold pursuant to the Ohio Revised Code, the political subdivisions in which the property is located are notified by the court that the properties did not sell. If ten (10) days pass and no petition has been filed for forfeiture to a subdivision, then the county prosecuting attorney certifies to the court that the property is forfeited to the State of Ohio (5723.01). In order to do this, the following information must be obtained:
  - a. Last recorded title holder
  - b. The two sales dates
  - c. Description of the property.
2. The forfeited property is exempted from taxation from the date of the forfeiture to the state until sold. The proportion of taxes between these two dates will be remitted by the county auditor (5723.02).
3. The auditor fixes the date for the Auditor's Sale of Forfeited Lands and advertises them once a week for two consecutive weeks prior to the sale (5723.05). The ads must contain specific verbiage according to ORC.
4. The owner may pay taxes and costs and redeem any time prior to time of the sale.
5. Within 10 days of compiling the Forfeited List, the Auditor must forward it to ODNR. They may select parcels "situated within the boundaries of any legally established state forest or park purchase area". ODNR may give written notice to the auditor prior to sales date indicating the director's intention to purchase forfeited land for the state. Such notice is a legal minimum bid and if no bid is received that covers the lesser of the auditor's market value or the total taxes, costs, etc. (5721.16(A)(1)(2)), the land is deemed sold to the state for no consideration and ODNR shall record the deed.

## Day of Auditor's Sale:

1. There will be two sales held the day of the auction, immediately following each other. You must register to participate in the auction. The Auditor's Sale will commence at 11:00 a.m. The parcels are offered to the highest bidder, beginning with the first tract contained in the list. Parcels are offered separately and in their entirety. This is **Sale #1** and the minimum starting bid (5721.16(A)(1)(2)) must be the lesser of the Auditor's fair market value or the total of all costs, taxes, and charges.

2. **Any parcels not sold in Sale#1 are immediately offered in Sale #2.** Sale #2 begins at the top of the list and offers the parcels separately and in their entirety. This time the minimum bid is the best price obtainable. We recommend you talk with your own legal counsel prior to purchase in regards to unexpected expenses.
3. Tracts may be offered multiple times at a same sale until sold or may adjourn the sale from day to day until all tracts listed in the notice are sold.
4. Unsold parcels may be re-advertised and sold at the next official Auditor's Sale. This adds to the costs.
5. **Parcels may NOT be sold to:**
  - a. Any person delinquent on real property taxes in the State of Ohio.
  - b. For less than total amount of taxes, assessments, penalties, interest, and costs if the highest bidder is the owner of record or a member of their immediate family prior to the judgment of foreclosure or forfeiture. (Immediate family is described by this statute as spouse who resides in the same household and children.)
6. The Auditor issues a Certificate of Sale to the successful bidder (5723.12), collects the non-refundable down payment (ten percent (10%) of the total due or a \$300.00 minimum bid, (whichever is greater), buyer's premium of ten percent (10%) of successful bid due the day of the sale to auctioneer, (Kaufman Auctions LLC), the fees to transfer (Recording fee, Transfer Fee(s) and Auditor Deed preparation fee) and the bidder signs certifications (5723.06) that he/she owes no delinquent property taxes and that he/she is unrelated to previous owner. A non-refundable deposit on the full bid price (plus additional charges for deed fees, recording fees, and transfer fees) must be paid at the sale for all properties. We will accept personal checks unless otherwise indicated. Any checks that are dishonored (bounced checks) will be sent to the Guernsey County Prosecutor. If not paid in full on the date of the sale, the bidder must, **within 10 days from the sale**, produce and return to the auditor the Certificate of Sale along with any bid balance due. The purchaser becomes the owner on the date our office executes the deed and deed is recorded. The Auditor's Office will *only* prepare a deed in the name of the Successful Bidder unless an Assignment of Bid is presented.
7. If a person being a winning bidder of a parcel and, after the auction is closed, refuses to accept the parcel, any amount paid above the required down payment or minimum bid will be refunded, but the down payment or minimum bid is not refundable. If a person refuses to accept the parcel, he or she will no longer be an eligible bidder for future Auditor's Sales.
8. The Back-up Bidder's information will be taken at the same time as the purchaser's information. If the purchaser fails to meet their final payment due date, the back-up bidder will have ten (10) business days to bring the money for the same purchase price as the original purchaser's bid. If the back-up bidder declines to purchase the property, it will go back into the system and be offered at our next scheduled sale. If the auditor discovers within three years after the sale date that the buyer is connected to the owner of record prior to the judgment of foreclosure or forfeiture, the difference between sale price and what was owed on the parcel will be added to the tax bill within thirty (30) days from discovery and due the next billing cycle.
9. If foreclosed upon under ORC 5721.14, any remaining delinquent taxes, assessments, charges, penalties, interests and costs due after sale shall be remitted (5723.06 (C)) for all prior tax years except: If the parcel is sold for the total amount estimated by the treasurer for all taxes, assessments, costs, etc. and it is found that the purchase price exceeds the actual costs, the overpayment is refunded to the buyer; if the estimate is less than the actual costs, the underpayment is billed on the next real estate tax billing cycle (5723.06 (D)). This normally does not apply as Guernsey County generally does not foreclose under this section.
10. All liens are eliminated, except for the real estate tax liens. If there is a Federal lien, the Federal Government has "Right of Redemption" and may re-take the property for a period of up to one

year after the original foreclosure was filed. If this occurs, the buyer will receive only the amount he paid at the Auditor's sale as reimbursement and no more, regardless of improvements done after the purchase.

11. **Notice:** Entering the property without the permission of owner(s) or occupant(s) is a violation of the Ohio Revised Code Section 2911.21, punishable by up to thirty (30) days in jail and/or a fine of \$250.00. Furthermore, physically removing any property of the occupant(s) without a court order, even after receiving the deed may result a civil or criminal liability
12. **Notice:** All prospective bidders are hereby put on notice that one or more of the properties that are being offered for sale at this Auditor Forfeited Land Sale is a contaminated site and may be the subject of an Ohio Environmental Protection Agency order. Any person(s) who take title to such property may incur liability therefrom and must comply with Ohio Law in the clean-up of said property.
13. **Notice:** All sales come with the all sales come with the cautionary “**As-Is**” “**Where-is**” and “**Buyer Beware**” labels. **Parcels are not available for tour or inspection before the Auditor’s Sale.** The Guernsey County Auditor has no keys for access to any building and gives no warranty or guarantee on any building or property, nor is the Guernsey County Auditor responsible for the condition of the buildings or property. Properties are subject to easements, restrictions, reservations and zoning regulations of record. The Guernsey County Auditor cannot give any warranty of title, additionally, the Auditor does not give any representation regarding possession, eviction, prior inspection, scheduled demolition, health code violations, federal tax liens, removal of personal property or any other matters.
14. **Finalization of sale** - Full and final payments must be made within ten (10) business days from the date of sale. No extension of time will be granted. If payment is not made in full on the 10th business day, the Successful Bidder will forfeit 10% down payment or minimum bid paid and the parcel(s) will be offered to the Back-up Bidder for the same price. Back-up Bidders will then be given ten (10) business days to pay in full.
15. Property sold at the forfeited land sale will not transfer to the Successful Bidder until the deed is delivered to the Guernsey County Recorder. This process will take thirty (30) days after the sale date. As stated above, the Successful Bidder cannot enter the property, alter it, or remove anything from the property until ownership is finalized by the deed being recorded at the Guernsey County Recorder Office.
16. **Successful Bidder is a company** - include business filing documents validating the company’s status with the Secretary of State. Appropriate screen prints from the Secretary of State website will suffice.
17. Sales are conducted based solely upon the permanent parcel number of the property. The accuracy/inaccuracy of addresses provided in the county records may be addressed at the Guernsey County Map Department. The entire legal description of the property will not be read at the auction due to the length of it.

Respectfully,

Tony Brown  
Guernsey County Auditor