

Buying Tax Foreclosure Property on the Courthouse Steps

Pursuant to the Land Tax Collection Law
Sections 141.210 to 141.810 and Sections 141.980 to 141.1015, R.S.Mo.
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The selling of property on the courthouse steps is how city and county governments recover unpaid taxes and assessments when less drastic means have failed.

The five main steps to purchase a property are as follows:

1. Pre-Register (Not less than Ten (10) days prior to the sale)
2. Check County, State, Federal, and City records for additional taxes owed, liens on the property, & dangerous Conditions, etc.
3. View property from the street; confirm legal description
4. Bid at the Court Administrator's auction
5. **Await issuance of a recorded Court Administrator's deed before entering the property**

Here's what you need to know to be an informed buyer:

What is for Sale and When is the Sale

Jackson County holds two delinquent tax sales a year which are conducted by the Jackson County Circuit Court Administrator. One sale is held at the Jackson County Courthouse located at 415 E. 12th Street in Kansas City, MO; and the other at the Eastern Jackson County Courthouse located at 308 W. Kansas in Independence, MO. In general, properties West of I-435 are auctioned at the Jackson County Courthouse in Kansas City and properties East of I-435 are auctioned at the Eastern Jackson County Courthouse in Independence.

The auctions traditionally begin on a Monday in August at 10:00 a.m., but the dates and month can vary. This year a notice of the sale and a description of the properties to be offered are published as an insert in The Daily Record, a local newspaper, for four Fridays prior to each sale. A conspicuous sign is also posted on each property scheduled to be offered at the sale. The sign contains the legal description of the property, the date, time and the location of the sale. A photograph of all properties remaining for sale, improved and vacant, can be found online at www.jacksongov.org.

As a result of these advertisements, many owners pay their delinquent taxes before the sale, some at the very last minute, and those properties are removed from the auction lists. Most sale properties are vacant lots, although a few properties with buildings may be available.

How to Prepare for the Sale

To bid, you must pre-register at least 10 days prior to the sale.

If you are interested in a property, you should first verify that you're buying the parcel you actually intended to purchase. It is easy to make a mistake, particularly with vacant lots. **If you buy the wrong property, you will not be allowed to back out of the sale.** All properties are offered for sale by legal description only and not by the situs (street address).

To verify what you are intending to purchase, print a map of the property from the Jackson County website. The map will show the exact geographic location of the parcel and its relationship to other properties. Then go view the property from the street and compare its location to the map. You should **not** go on or in the property.

Also verify what additional taxes are owed against the property by checking the Jackson County web site. **In addition to the purchase price, you will be responsible for any taxes and assessments that are not included in the judgment.** The purchaser must pay any additional taxes outside the judgment taxes for the year in which the suit was filed. (At least two years, including interest and penalties will more than likely be due.) In instances where the foreclosure sale was delayed, there may be additional foreclosures, judgments, or suits against the property.

Please note that **there may be other taxes owed to a city or other governmental unit** which have not been made a part of the County's records or other legal proceedings, such as mechanic's liens, which may affect the property. These will likely still be owed by the purchaser.

To verify that there is not a Federal Agency (i.e. Internal Revenue Service) lien against the property you wish to purchase, you may use the public computers located in the Department of Records on the 1st floor to run a search; and on Circuit Court computers on the 3rd floor of the Kansas City Courthouse you may search for judgment against the owner of record. **Federal liens are not wiped out by a county tax sale meaning they will likely still be owed by the purchaser.**

If the property you are interested in has a structure on it, you should check the public computers in the Department of Records to determine whether a Certificate of Dangerous Building has been recorded against the property. Also, check with the City government for the area where the property is located to make sure the structure has not been ordered to be torn down or has already been demolished. Such information may affect your desire to purchase the property or how much you are willing to offer at the auction.

You will need to take ample cash or certified funds, payable to the Court Administrator, to buy the property you want. Personal checks, business checks, and lines of credit will **not** be accepted.

What Happens at the Sale

Jackson County tax sales always begin between the hours of 9:00 a.m. and 5:00 p.m. (usually at 10:00 a.m.) and are held for at least three days in a row. Because some owners will be redeeming their properties at the last minute, you can't be positive the property you want will still be available. You will have to wait for the auctioneer to call the property.

Properties will be offered for sale once each day until redeemed by the owner or sold. The auctioneer will read the suit number, the legal description, and the starting bid amount which is the amount of the judgment, less any recent payments made. The starting bid constitutes the minimum acceptable bid, even on properties that may be worth more or less than that amount.

After the Sale

If you buy a property, you will not be issued a deed to the property until the Circuit Court holds a Confirmation Hearing to make sure that no properties were sold for substantially less than their true value as determined by a professional appraiser. The court will accept testimony on the reasonable value of a property from anyone who has a legal interest in the suit. If there is a large variance between the winning bid and the appraised value, the Judge may order the bidder to increase his bid by a specified amount or receive a refund of his purchase price and cancel the sale of the property.

You will be sent a letter informing you of the time and place of the confirmation hearing. Corporations must be represented by an attorney in court. Though not required, it is recommended that you or your legal counsel attend this hearing so that you are aware of any continuances or other issues arising from the sale.

If the court approves the sale and the previous owner does not appeal within 20 days, the *Court Administrator* will record your deed. The County Department of Records will mail your deed to you according to their statutory procedures. It is now *reasonably* safe for you to do with the property as you wish. However, during the statutory period of limitation after the sale and confirmation, a legal challenge could still be raised questioning the procedures the County followed in selling the property to you. In the unlikely event that such a challenge is successful; the property could revert to the original owner and the Court would then order a refund of your purchase price.

There is risk involved in buying a property at a tax sale. You may wish to consult with a private attorney before purchasing a property at a tax foreclosure sale auction. You may also wish to review the statutory provisions set forth in Sections 141.210 to 141.810 and Sections 141.980 to 141.1015, Revised Statutes of Missouri.

IMPORTANT NOTICE regarding Pre-Registration:

In accordance with current Missouri Statutes, all bidders must **pre-register at least 10 days prior to the sale.** Preregistration is required to demonstrate that the bidder does not owe any property taxes to Jackson County, City or other agencies. The bidders must also demonstrate that they have no convictions for the past two years of any municipal building or nuisance violations.

Pre-Registration Forms may be picked up from: Dept. of Civil Process, 1305 Locust, 2nd Floor Community Justice Building, Kansas City, MO 64106, email: DLTEmail@courts.mo.gov, or website: www.16thcircuit.org/civil-process-1