

TAX SALE GENERAL INFORMATION

(For specific information consult your attorney)

A tax lien attaches to the property at its valuation (January 1st; O.C.G.A. 48-2-56). A tax lien against real property is superior to all other liens. The lien is released by paying the tax charged against it. On December 31st (O.C.G.A. 48-3-3) of each year the Tax Commissioner must issue an execution (FiFa.) against all delinquent taxpayers. Executions direct the levying officer to levy on the property. It is the duty of that person to enforce an execution by either collection or levy and sale.

TAX SALE DATE

Tax sales are held each month, generally from April through December. Sales are scheduled on the first Tuesday of any given month on the Courthouse steps at 12:00 Noon. Notice of the sale is published once a week for four weeks immediately preceding the sale in the legal organ (newspaper) for the county, which is presently The Tribune & Georgian. We do not have a mailing list for our tax sales; however, if you are interested in what properties are being sold check our website www.co.camden.ga.us or The Tribune & Georgian.

BIDDING

Tax sale bidding commences with the total of taxes and costs (levy, recording, advertising and commissions) on each parcel, with the property being sold to the highest bidder. If there are no bidders, the County may enter a bid on the property equal to the starting bid.

While the successful bidder receives a tax deed, he has no immediate control over the property. The taxpayer or any other person having a right, title, interest in, or lien upon the property may redeem it at any time within twelve (12) months from the date of the sale by paying the redemption price. The purchaser is not entitled to rents and/or profits arising from the property during the redemption period.

REDEMPTION

The redemption price is the amount paid for the tax deed at the tax sale plus any taxes subsequently paid by the tax deed purchaser plus 20% of that amount for the first year or fraction of a year elapsing between the date of the sale and the date of redemption. After the first year following the conclusion of the tax sale the tax deed purchaser is entitled to an additional 10% for each subsequent year or fraction of a year until redemption.

Twelve months after the date of the sale the purchaser may begin to forever "bar" or "foreclose" the right of redemption by having proper notice served upon the taxpayer, occupant (if any) and upon all persons having recorded any right, title, interest in, or lien on the property in the county where the property is located in accordance with O.C.G.A. 48-4-45 through 48-4-48. Additional fees may be charged for sheriff's service and advertising 20 days after service of notice. Thus a minimum time of one year and forty-five days elapses between acquisition of a tax deed and the right to physical control of the property.

Even though the purchaser receives defeasible title before the redemption period expires, he or she acquires sufficient interest in the property to make a return on the property after January 1st the following year (if still unredeemed) and also to be liable for taxes due on the property the year in which it is sold and subsequent years until redeemed. Current and prior year tax information is available at the Camden County Tax Commissioner's Office.

A Georgia Supreme Court Decision, [Blizzard v. Moniz, 271 Ga. 50, 518 S.E.2d 407 (1999)] has rendered "ripening by prescription" (O.C.G.A. 48-4-48) inapplicable to tax sale purchases in most cases. The Court determined that actual possession of the property is necessary for a tax deed to convey fee simple title to the property absent the process of barring or foreclosing the right of redemption.

It is important to remember that the worth of a tax title is subject to many factors and that all tax sales are administered under the doctrine of caveat emptor ["Let the buyer beware (or take care)"]; to ensure your rights you should consult a knowledgeable real estate attorney.

Glossary of Terms

Ad valorem tax- according to value. A tax that is imposed on the value of property, real or personal.

Alias execution – replacement for lost or destroyed execution.

Calendar week – a block of seven days registered on the calendar beginning with Sunday and ending with Saturday.

Defaulter – a taxpayer whose taxes have not been paid on the date they are due. Same as delinquent taxpayer.

Defendant – the person that is defending or denying; the party whom relief is sought.

Execution – the process and/or form used for levying on and selling enough of a delinquent taxpayer's property to satisfy unpaid taxes.

Execution docket – GED – General Execution Docket –

Fieri facias (Fi-Fa)- Latin – “cause it to be done” a judicial writ directing the sheriff to satisfy a judgment from the debtors property.

Grantee – the buyer

Grantor – the seller

In rem – the legal process directed against the property

Legal description – a detailed description of real property

Levy – the process whereby a sheriff or other state official empowered by writ or other judicial directive actually seizes, or otherwise brings within his or her control, a delinquent taxpayer's property.

Lien – a claim, encumbrance, or charge on a taxpayer's property to obtain payment of overdue taxes.

Personal property – in a broad and general sense, everything that is the subject of ownership which is not under the denomination of real estate.

Real property – land and generally whatever is erected on growing upon or affixed to land.

Security deed – a deed pledging property to secure a loan.

Statute of limitations – statutes of the federal government and various states setting maximum time periods during which certain actions can be brought or rights enforced.

Tax deed – the deed given upon the sale of real property made for non-payment of taxes. Sometimes called a sheriff's deed.

Warranty deed – a deed which conveys the title to property whereby the seller (grantor) guarantees the title to be good and unencumbered as stated and agrees to defend and protect the purchaser against any loss that may arise in the future from any defect in the title at the time of conveyance.

Quitclaim – the release of a claim .

Beth Soles

Camden County Tax Commissioner
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Camden County, Georgia

VS.

Tax Bill Year/Number	
Map Number	
Account Number	
Description	
Judgment Date	
Taxes	
Penalty	
Interest Through	
Cost Fi.Fa.	
Administration Fee	
Clerk of Court Fees	
Payments to Date	
Total	
Levy Fi.Fa.	
Commission Sale	
Advertising	
Cost Deed	
Total	

GEORGIA - CAMDEN COUNTY

To all and singular sheriffs, deputy sheriffs and constables of said county;
 You are commanded, that of the goods and chattels, if any be found, otherwise of the lands and tenements of party named above, you make by levy and sale thereof the sum as stated for state, county, city and school tax for the year stated, with interest from due date at 12 percent per annum, penalty where applicable, and other cost that may accrue, and you are hereby required to return this writ to me, With your acting, and doings thereon, and the sums aforesaid within the time prescribed by law Herein fail not.
 Given under my hand this date, _____ Tax Commissioner, Ex-Officio Sheriff _____

GEORGIA - CAMDEN COUNTY, Clerks Office, Superior Court

Entered on Lien Docket this ____ day of _____ 2010 Book _____ Page _____

Clerk of Superior Court, Camden County _____

GEORGIA - CAMDEN COUNTY

Levied the within Fi.Fa. this ____ day of _____ 2010

Levying Officer _____

GEORGIA CAMDEN COUNTY

The within Fi.Fa. having been paid in full, the Clerk of Superior Court of Camden County is hereby authorized and directed to mark same Satisfied and cancelled of record.

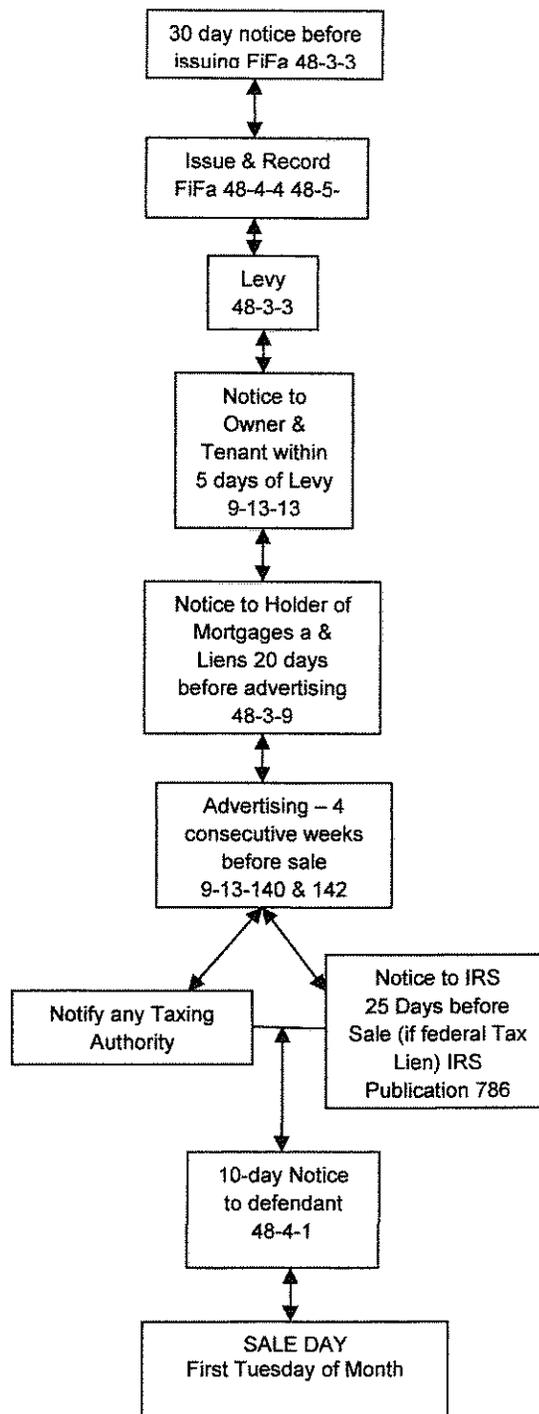
This ____ day of _____, 2010 Tax Commissioner, Camden County _____

GEORGIA - CAMDEN COUNTY, Clerks Office, Superior Court

Filed and satisfied on record this ____ day of _____ 2010 Book _____ Page _____

Clerk of Superior Court, Camden County _____

TAX SALE FLOW CHART



The entire levy procedure is based on giving each taxpayer due process. Due process requires sending required notices and completing information within certain time periods.

SELLING PROCEDURES

1. The sale will be conducted in a manner of a public auction with parcels typically sold as indicated in the advertisement.
2. The property will go to the highest and best bidder. (The bidder refers to the ability for a purchaser to pay for the property).
3. The opening bid will be equal to the taxes due plus cost.
4. Bidding on the property by the county is optional.
5. Payment must be made at the time of the sale. Normally the purchaser has to (4:00 P.M.) to obtain the funds needed to pay for the property.
6. The purchaser must provide the Tax Commissioner with a current picture Identification, and mailing address upon tender of payment. The form of payment should be cash, cashier's check.
7. The purchaser will receive a receipt for the purchase when they pay for the property.
8. The Tax Commissioner will execute a tax deed (after the sale) and will have the deed properly recorded. The deed, along with other pertinent information, will be sent to the purchaser at the address given on the receipt.
9. The purchaser will be responsible for property taxes as they become due. The amount of any tax paid may be added to the redemption price.
10. It is suggested you obtain an attorney to assist with the proceedings after sale.

A definition for Quiet Title.

Title is the sum total of legally recognized rights to the possession and ownership of property. In the case of real property, an action to confirm title, sometimes referred to as an action to "quiet title" may be brought to affirm ownership of the property when others claim an interest in such property. This is often seen in relation to back tax liens or liens or easements (rights of way) on the property.

A quiet title action is filed by a person or entity claiming title to all or a portion of a specific parcel of property and asks for a ruling that plaintiff's title is superior to any interest held or claimed by any of the named defendants. It is a mechanism to cure defects in the title to property, thereby providing assurance to the owner who brings the action, as well as subsequent purchasers, of the status of title and accuracy of the real property records. Reliability of real property records in the U.S. are higher than in most other countries because of quiet title actions, strict recording requirements and the involvement of title insurance companies.

A quiet title action is often brought against both known and unknown parties. Known parties are those having some record interest in title or having possession of the property. Also, unknown parties may be named and served by publication in order to terminate potential claims. Unknown parties are those who may claim an interest in the property derivative of the named parties or as a result of the subject matter of the action.