

Tax Deed Process - Overview
(Idaho Code Sections 63-1003 - 63-1011)

About Real Property Tax Delinquencies (63-1003):

- Any delinquency on real property taxes constitutes a perpetual lien against the property in favor of the county for all taxes, late charges and interest. The lien stands until all delinquent amounts owing are paid in full.
- Property tax delinquency takes a top priority over all other liens ("..a first and prior perpetual lien")
- Tax Lien Certificates are NOT sold in the State of Idaho. Some states "sell" tax lien certificates to parties willing to pay the tax delinquency - Idaho does not. We do not provide information to investors regarding the laws and practices of other states regarding tax delinquencies.
- "Redemption" of the lien(s) occurs when the delinquent property taxes are paid in full.

The Tax Deed Process:

On January 1st the Treasurer's Office orders a listing of all three-year real property delinquencies and begins working to identify, notify and warn the owner and all "parties in interest" that Bannock County will take tax deed to the parcel if the delinquency is not paid.

The Taxpayer must pay the third year delinquency in full to stop the Tax Deed Process. Partial payments will be accepted and applied at any time but will not stop the Tax Deed action unless the third year delinquency is paid in full.

Soon after January 1st as possible, the date for hearing is set. The Tax Deed Hearing is held in June. As soon as the hearing is scheduled the Tax Deed Calendar is created, working backward from the hearing date. The Tax Deed Calendar includes the following events (Idaho Code reference in italics indicates statutory requirement - other steps are policies of the Bannock County Treasurer's Office which satisfy statutory requirements of notification and due diligence).

Letter Warning of "Pending Issue" Date (At least 2 months prior to Pending Issue)

- Guaranteed funds - cash, cashier's check or wire transfer required to stop notice of pending issue.
- **PENDING ISSUE FEE IS ATTACHED.** The law allows the Treasurer's office to attach this fee to recover the costs of the tax deed process so that other taxpayers are not required to bear this burden.
NOTICE OF PENDING ISSUE OF TAX DEED mailed to owner and interested parties. (63-1005(2a) ...such service of notice to be made no more than (5) five months nor less than (2) months before the time set for the tax deed to issue;)

- Title searches/reports ordered. (as soon as possible after pending issue fee is attached).
- Guaranteed funds-cash, cashier's check or wire transfer required to avoid publication of the owner's name in Idaho State Journal as having property pending issue of Tax Deed. (5 days prior to Publication).
TAX DEED NAMES, ADDRESSES, PROPERTY DESCRIPTION IS PUBLISHED IN THE IDAHO STATE JOURNAL (1 day a week for 4 weeks). (63-1005(2b) ...such publication must be made at least once a week for four (4) consecutive weeks, the last publication of which is to be no more than two (2) months nor less than fourteen (14) days before the time set for the tax deed to issue). The cost of publication will be added based on the number of parcels that Are advertised.
Title search updates ordered if necessary to identify any changes since original report provided.
- Guaranteed funds-cash, cashier's check or wire transfer required to redeem the delinquency and stop Tax Deed action. Absolutely no personal or business checks accepted during this period. (10 days before the hearings.)
- DEADLINE FOR RECORDING OF AFFIDAVIT OF COMPLIANCE (63-1005 (8-9), At least (5) five days before the tax deed shall issue the county treasurer shall make an affidavit of compliance stating that he or she has complied with the conditions of issuance of notice of pending issue...such affidavit shall be delivered to the county recorder to be by such officer entered on the records of his/her office...)
- TAX DEED HEARING. (63-1005)
- Tax Deeds prepared and recorded.

Tax Deed Calendar-Delinquent Taxes

March	<u>Pending Issue</u> mailed to interested parties (Certified)...”no more than 5 months no less than 2 months before the time set for the tax deed to issue.” (63-1005 [2a])
April	<u>Last day</u> to pay with check or money order to avoid publication
April May	<u>Tax Deed</u> names, addresses, property descriptions are published in the Idaho State Journal (1 day a week for 4 weeks 63-1005 [2b])
May	<u>Record Affidavit of Compliance</u> at the Bannock County Recorder’s office (63-1005)
June	<u>Tax Deed Hearing</u> -10:00 AM Commissioners Conference Room (63-1006) Payments can be accepted until time of hearing with time of hearing with cash or cashier’s check.