

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 ORC, 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 (5723.01). An example of one of these judgment entries is recorded in OR 418, Page 531. 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. 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.
- 6.

After 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 10:30 a.m. The auditor personally attends the sale and offers the parcels to the highest bidder, beginning with the first tract contained in the list. Parcels are offered separately and in their entirety (no split or combined parcels). 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. The Auditor returns to 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. The Auditor may offer a tract 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 this state

- 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 bidder (5723.12), collects the non-refundable down payment (10% of the total due or \$50, whichever is greater) and the bidder signs certifications (5723.06) that he owes no delinquent property taxes and that he's 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 Wyandot 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 and the fees to transfer (\$45 Auditor Deed fee, \$36 Recorder's fee & \$.50 Transfer Fee). The purchaser becomes the owner on the date our office executes the deed. 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, he or she may request to be allowed to vacate the bid. Any amount paid above the required down payment will be refunded, but the down payment is not refundable. If a person vacates a bid at two or more Auditor's Sales, 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 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 Wyandot County generally does not foreclose under this section.
10. All liens are eliminated except for the real estate tax lien (eliminated as per item #13, above). 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.

As County Auditor, I am committed to operating my office as "being in the business of public service." To help accomplish that goal, I welcome your suggestions.

Proudly Serving The Residents Of Wyandot County,

George W. Kitzler
Wyandot County Auditor