

**Tax Lien Sale
Assignments
Redemptions
Tax Deed Process**

Acknowledgements:

The material for this handbook was gleaned from a 1999 handbook created for the Treasurers and Clerk & Recorders by attorney Bob Throssell, handouts created by Paulette DeHart at Lewis & Clark County and a teaching manual created by a number of treasurers under the direction of Betty Romo, Treasurer of Roosevelt County.

I greatly appreciate that they allowed me to use their material to create a document that we can work from. When combining large numbers of documents and updating them to comply with current law, there are bound to be errors. Those are mine in their entirety.

The intent of this document is to help everyone understand the tax lien/deed process and to find ways that it can be clarified and improved. It is not intended to be a handbook to guide the Treasurer's official work and, indeed, omits many of those details.

Ronda

Ronda Wiggers Consulting

3208 2nd Avenue South

Great Falls, MT 59405

(406) 727-5659

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Overview:

Delinquent taxes on Real Property are a lien on the property. This lien is offered for sale at a Tax Lien Sale in July following the year for which the taxes are owed. i.e. The tax lien for 2014 taxes is sold at a Tax Lien Sale in July of 2015. If no one purchases the lien at the Tax Lien Sale, the County is considered the purchaser. The purchaser of the lien, whether it is the County or a third party, may then assign the lien to another person via the Assignment Process. The owner of the property or the parties of record may redeem the property at any time during the Redemption Period. If the property is not redeemed, a Tax Deed is issued to the assignee of the lien.

County Commissioner Duties Prior to Tax Lien or Assignment Sales

Commission Process:

Working with the County Treasurer and Clerk & Recorder, the Commissioners must establish fees for the list of delinquent tax payers, tax lien sale certificates and tax lien sale assignments. Do this formally by Resolution, keeping in mind the requirements and limits set out in law. Costs for Tax Deed preparation are established in statute under MCA 15-18-211.

Applicable MCA:

15-17-121. Definitions.

(2) (a) "**Cost**" means the cost incurred by the county as a result of a taxpayer's failure to pay taxes when due. It includes but is not limited to any actual out-of-pocket expenses incurred by the county plus the administrative cost of:

- (i) preparing the list of delinquent taxes;
- (ii) preparing the notice of pending tax lien sale;
- (iii) conducting the tax lien sale;
- (iv) assigning the county's interest in a tax lien to a third party;
- (v) identifying interested persons entitled to notice of the pending issuance of a tax deed;
- (vi) notifying interested persons;
- (vii) issuing the tax deed; and
- (viii) any other administrative task associated with accounting for or collecting delinquent taxes.

(b) The term includes costs that are required by law and incurred by the purchaser of a property tax lien other than the county. The county treasurer may require the purchaser of the property tax lien to provide receipts or may allow the purchaser of the property tax lien to provide a notarized affidavit of costs to the county treasurer upon issuance of a tax lien sale certificate as required in [15-17-212](#) and notification that a tax deed may be issued as required by [15-18-212](#) and [15-18-216](#). A county treasurer may at any time require a purchaser who provided an affidavit of costs to submit the receipted costs upon which the affidavit was based.

(c) The term does not include interest for payments for the following:

- (i) postage for certified mailings and certified mailings with return receipt requested;
- (ii) a title search, to the extent necessary to identify interested persons entitled to notice of the pending issuance of a tax deed;
- (iii) publishing costs for required publications; and
- (iv) filing costs for proof of notice.

15-18-211. Tax deed -- fee. (1) Except as provided in subsection (3), if the property tax lien is not redeemed in the time allowed under [15-18-111](#), the county treasurer shall grant the purchaser a tax deed for the property. The deed must contain the same information as is required in a tax lien sale certificate under [15-17-212](#), except the description of the property must be the full legal description, and a statement that the property tax lien was not redeemed during the redemption period provided in [15-18-111](#).

(2) (a) Except as provided in subsection (2)(b), the county treasurer shall charge the purchaser **\$25 plus all actual costs** incurred by the county in giving the notice or assisting another purchaser or assignee in giving the notice required in [15-18-212](#) for making the deed, which fee must be deposited in the county general fund.

(b) If the purchaser is the county, no fee may be charged for making the deed.

(c) Reasonable costs incurred by the county in searching the county records to identify persons entitled to notice are considered part of the actual costs of the notice provided in subsection (2)(a).

(3) If the purchaser is the county and no assignment has been made, the county treasurer may not issue a tax deed to the county unless the board of county commissioners, by resolution, directs the county treasurer to issue a tax deed.

(4) Deeds issued to purchasers must be recorded by the county clerk as provided in Title 7, chapter 4, part 26, except that when the county is the purchaser and subsequent tax deed holder, the county clerk may not charge a fee for recording the deed.

2-6-1006. Public information requests -- fees. (1) A person may request public information from a public agency. A public agency shall make the means of requesting public information accessible to all persons.

(2) Upon receiving a request for public information, a public agency shall respond in a timely manner to the requesting person by:

(a) making the public information maintained by the public agency available for inspection and copying by the requesting person; or

(b) providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees that may be charged pursuant to subsection (3).

(3) A public agency may charge a fee for fulfilling a public information request. Except where a fee is otherwise provided for by law, **the fee may not exceed the actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fee must be documented.** The fee may include the time required to gather public information. The public agency may require the requesting person to pay the estimated fee prior to identifying and gathering the requested public information.

(4) A public agency is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person.

(5) If a public agency agrees to a request to customize a records request response, the costs of the customization may be included in the fees charged by the agency.

(6) (a) The secretary of state is authorized to charge fees under this section. The fees must be set and deposited in accordance with 2-15-405. The fees must be collected in advance.

(b) The secretary of state may not charge a fee to a member of the legislature or public officer for any search relative to matters pertaining to the duties of the member's office or for a certified copy of any law or resolution passed by the legislature relative to the member's official duties.

EXAMPLES

Sample Resolution

RESOLUTION #2012-13

A RESOLUTION ESTABLISHING FEES FOR REIMBURSEMENT OF COSTS ASSOCIATED WITH TAX LIEN SALES AND TAX DEED PROCEEDINGS

WHEREAS, Montana Code Annotated [MCA] Title 15 Chapters 17 and 18 authorize counties to assess all costs associated with tax lien sale and tax deed proceedings against the property subject to the tax lien; and

WHEREAS, MCA § 15-17-121(2)(a) specifies which costs may be assessed against the tax lien property; and

WHEREAS, MCA § 15-18-211(2) specifies which costs may be assessed against the tax deed property; and

WHEREAS, the Board of County Commissioners desires to establish, as authorized by law, a fee schedule for reimbursement of its costs incurred in the tax lien sale assignment and redemption process, the tax deed proceedings, as well as preparations of tax deeds, quitclaim deeds, deeds of conveyance and realty transfer certificates;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Roosevelt County, Montana, as follows:

- 1. There is hereby established the following fee schedule for reimbursement of the county's costs associated with tax lien sales and tax deed proceedings:

Table with 2 columns: Description and Amount. Rows include Tax Lien Sale Certificate for other than County (\$50.00), Tax Lien Sale Assignment (\$50.00), Tax Deed and Realty Transfer Certificate (\$25.00), Deed of Conveyance and Realty Transfer Certificate (\$25.00), and Quitclaim Deed and Realty Transfer Certificate (\$25.00).

- 2. This resolution supersedes all prior resolutions in conflict herewith.
3. This resolution is effective upon passage and approval.

PASSED AND ADOPTED this 16th day of December, 2011.

BOARD OF COUNTY COMMISSIONERS ROOSEVELT COUNTY, MONTANA

[Signature of Gary MacDonald]

Gary MacDonald, Presiding Officer

[Signature of James Shanks]

James Shanks, Member

[Signature of Duane Nygaard]

Duane Nygaard, Member

ATTEST:

[Signature of Cheryl A Hansen]
Cheryl A Hansen
Clerk and Recorder



392287 Resolution Pages: 1

STATE OF MONTANA ROOSEVELT COUNTY

RECORDED: 12/16/2011 11:50 KOI: Resolution

Cheryl A Hansen CLERK AND RECORDER

FEES: \$0.00

BY: [Signature]

TO: Roosevelt County 400 2nd Ave. S., Wolf Point, MT 59201

2012-13

TAX LIEN SALE

County Treasurer Process:

The tax lien sale process starts when the 2nd half of real estate taxes becomes delinquent. Process the postmarked mail the 1st few days of June. Taxpayers that come to the window are considered delinquent after May 31st and will owe the appropriate penalty and interest.

After processing all mailed payments, send delinquent reminder letters to everyone that has not paid. Include those with previous years' taxes past due. This is for those that didn't see the TAXES DUE AD in May and those that simply forgot about the 2nd half. Use a due date of the last working day of June. *(courtesy letter, not required by law)*

To determine your tax lien sale date start with the last Monday in June. The law requires that the tax lien sale be noticed in the local paper on or before the last Monday in June. It must be published three times and the sale must be held not less than 21 days and not more than 28 days after the first posting.

Once the tax lien sale date has been determined, prepare the notice of pending tax lien sale for the newspaper for the newly delinquent tax year.

In the first few days of July send out an additional delinquent letter to those whose current year taxes are unpaid with a due date of the tax lien sale date. This is to notify the taxpayer that if the current years taxes are not paid before the tax lien sale that they will be auctioned in the tax lien sale. This seems to clear several delinquencies up before the actual tax lien sale. *(courtesy letter, not required by law)*

After posting any delinquent payments, on the morning of the tax lien sale, print out the report listing all delinquencies available for the current year for the public to view as required in 15-17-211.

Treasurer & Clerk & Recorder Process:

The newspaper will prepare their affidavit of publication showing the actual notice that was published in the paper. The notice from the newspaper will show at the bottom the dates it appeared. Complete the notice required in MCA 15-17-123 and attach the notice of publication and file with the Clerk and Recorder. File this with the Clerk & Recorder **immediately following the first publication.**

Applicable MCA:

15-17-121(7) "TAX LIEN SALE" MEANS:

(a) with respect to real property and improvements, **the offering for sale by the county treasurer of a property tax lien representing delinquent taxes, including penalties, interest, and costs;** and

(b) with respect to personal property, the offering for sale by the county treasurer of personal property on which the taxes are delinquent or other personal property on which the delinquent taxes are a lien.

15-17-122. NOTICE OF PENDING TAX LIEN SALE.

(1) The county treasurer shall publish or post a notice of a pending tax lien sale. The notice must include:

(a) the specific time, date, and place an interest in the property on which the taxes are delinquent will be offered for sale;

(b) a statement that the delinquent taxes, including penalties, interest, and costs, are a lien upon the property and that unless the delinquent taxes, penalties, interest, and costs are paid prior to the time of the tax lien sale, the lien will be offered for sale at the time and place specified in subsection (1)(a).

(2) The notice required in subsection (1) must also include a statement that a list of each property on which the taxes are delinquent is on file in the office of the county treasurer and open to inspection. The list must include:

(a) the name and address of the person to whom the delinquent taxes are assessed;

(b) the amounts of the delinquent taxes, all accrued penalties, interest, and other costs; and

(c) a statement that penalties, interest, and costs will be added to delinquent taxes.

(3) The notice must be published once a week for 3 consecutive weeks in the newspaper designated for county printing as provided in 18-7-411. If no newspaper is published in the county, the notice must be posted by the county treasurer in three public places. The notice must be first published or posted on or before the last Monday in June.

(4) Except as provided in 15-17-211(2), the tax lien sale may not be held less than 21 days or more than 28 days from the date of first publication or first day the notice is posted.

(5) The sale must be held at the office of the county treasurer.

(6) Property on which taxes are delinquent but for which proper notification was not made may not be included in the current year's notice and tax lien sale. In the event of improper notification, the tax lien sale may be held on all property properly noticed.

The provisions of this section do not apply to property for which delinquent property taxes have been suspended or canceled under the provisions of Title 15, chapter 24, part 17.

15-17-123. COPY OF NOTICE TO BE FILED WITH COUNTY CLERK -- AFFIDAVIT.

(1) Immediately following publication or posting of the notice required in 15-17-122, the **county treasurer shall file a copy of the notice with the county clerk.** The copy must be accompanied by an affidavit signed by the county treasurer stating:

(a) **the name of the newspaper and its address of publication;** and

(b) **the dates the notice was published.**

(2) If **no newspaper** is published in the county, the affidavit must list the locations and date of the posting required by [15-17-122](#).

The affidavit filed under subsection (1) or (2) is prima facie evidence of all the facts stated therein

15-17-211. CONDUCT OF TAX LIEN SALE.

(1) On the date and at the time and place specified in the notice, the county treasurer shall, except as provided in [15-17-124](#), begin the tax lien sale of all property described in the list required in [15-17-122](#)(2). The tax lien sale must continue until the county treasurer declares it over, but must continue for a period of not less than 1 day. The treasurer is not required to read the list but shall make a copy of the list available for public inspection during regular business hours.

(2) The treasurer may postpone the day of commencing the tax lien sale on a day-to-day basis without publishing a new notice if the sale is held within 3 weeks from the day first fixed.

(3) Property assessed under [15-17-324](#) that has not been sold to a purchaser other than the county may, at the discretion of the county treasurer, be offered for sale at tax lien sales subsequent to the tax lien sale at which it was first offered

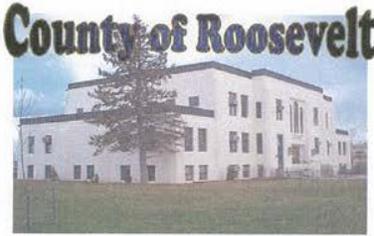
EXAMPLES

Sample June Letter

Betty K. Romo, Treasurer
400 2nd Avenue South Suite 118
Wolf Point MT 59201
406-653-6260

Renee Eggebrecht, Deputy
406-653-6239

David T. Block, Deputy
406-653-6238



Kiyo Ruhd, Clerk
406-653-6259

Jenna Presser, Clerk
406-653-6244

Lindsey Ellison, Clerk
406-653-6232

Fax Line
406-653-6202

June 4, 2015

KOLSKI JOE

215 CUSTER ST
WOLF POINT MT 59201-1618

Tax Payer ID# 504504962

RE: Delinquent Real Estate Property Taxes

Real Estate Property taxes for tax year 2014 are now delinquent. This letter is a reminder that there are delinquent taxes on the property described below. Listed below are the delinquent taxes, penalties and interest by tax year and the total due if paid by June 30, 2015.

Legal Description: Subdiv.-WOP WOLF POINT ORIGINAL TOWNSITE
27N 47E 15 WOLF POINT ORIGINAL
WOLF POINT ORIGINAL
TOWNSITE, LOT 4 BLK 25

Year	Taxes Due	Penalty	Interest	Total Due
2014	593.98	11.89	20.46	626.33
2013	596.24	11.92	80.11	688.27
Total	1190.22	23.81	100.57	1314.60

Please enclose this letter with your payment to the Roosevelt County Treasurer by June 30, 2015.

Respectfully,

A handwritten signature in blue ink that reads "Betty K. Romo".

Betty K. Romo
Roosevelt County Treasurer

Sample Calendar to Determine Tax Lien Sale Date

(7)

~ June 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23 Get legal notice to designated newspaper-The Herald News	24	25 Date of 1 st Publication	26	27
28	29 Last Monday in June	30				
4	5	6				
~ July 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2 Date of 2 nd Publication	3	4
			7	8	9	10
5	6	7	8	9 Date of 3 rd Publication	10	11
11	12	13	14	15	16	17
12	13	14	15	16 2014 Tax Lien Sale Date 10:00 a.m.	17	18
18	19	20	21	22	23	24
19	20	21	22 Filed Certificates With C&R	23	24	25
25	26	27	28			
26	27	28	29	30	31	

Sample Published Notice

PUBLICATION OF NOTICE OF TAX LIEN SALE

At 10:00 a.m., Thursday, July 16, 2015, in front of the Roosevelt County Treasurer's Office in Wolf Point, Montana, all property in the county containing delinquent **2014** taxes will become a lien and sold at public auction. Unless delinquent taxes with all interest, penalties, and costs are paid before the time of the tax lien sale, the lien will be offered for sale July 16, 2015. A complete delinquent list of all persons and property in the county now owing taxes, including all city and town property that is delinquent is on file in the office of the Roosevelt County Treasurer and is subject to public inspection and examination.

**AFFIDAVIT OF PUBLICATION
NOTICE OF TAX LIEN SALE FOR TAX YEAR 2013**

STATE OF MONTANA)
 :ss
COUNTY OF ROOSEVELT)

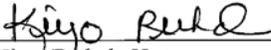
I, Betty K. Romo, Treasurer of Roosevelt County, certify that the attached notice of tax lien sale is a true copy of the notice that was published in the regular issue of The Herald News, a newspaper published weekly at Wolf Point, Montana.

The notice was published once a week for three (3) consecutive weeks, specifically in the issue dated June 26, 2014; the issue dated July 3, 2014; and the issue dated July 10, 2014.

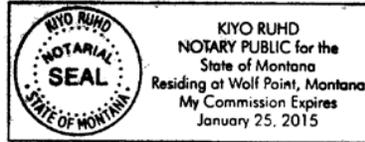


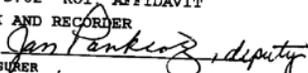
Betty K. Romo, Treasurer
County of Roosevelt

SUBSCRIBED AND SWORN TO before me this 15th day of July, 2014.



Kiyoo Ruhd, Notary



404916 AFFIDAVIT Pages: 1
STATE OF MONTANA ROOSEVELT COUNTY
RECORDED: 07/15/2014 3:02 KOI: AFFIDAVIT
Cheryl A Hansen CLERK AND RECORDER
FEE: \$0.00 BY:  deputy
TO: ROOSEVELT COUNTY TREASURER

6734

Affidavit of Publication

STATE OF MONTANA,

ss.

County of Roosevelt

Katelynn Smith, being sworn, upon oath says: That She is principle clerk of The Herald-News, a newspaper of general circulation published weekly at Wolf Point, in the County of Roosevelt, State of Montana; That the notice hereunto attached and entitled Tax Lien Sale

was published in said newspaper, The Herald-News, once each week for 3 successive weeks as follows:

The first publication of said notice was on the 26 day of June, 2014;

The second publication was on the 3 day of July;

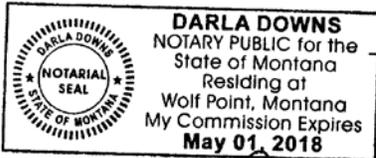
The third publication was on the 10 day of July;

The last publication of said notice was on the _____ day of _____;

That the said notice was published in the regular and entire issue of every number of the said newspaper, The Herald-News, during the period and time of said publication, and in the newspaper proper and not in a supplement.

Katelynn Smith

Sworn and subscribed to before me this 10 day of June, 2014



Darla Downs
Notary Public for the State of Montana,
Residing at Wolf Point, Montana

Cost of Publication: 2 Folios 3 Publications \$ 58.

Attorney for Plaintiff:

PUBLICATION OF NOTICE OF TAX LIEN SALE
At 10:00 a.m., Thursday, July 17, 2014, in front of the Roosevelt County Treasurer's Office in Wolf Point, Montana, all property in the county containing delinquent 2013 taxes will become a lien and sold at public auction. Unless delinquent taxes with all interest, penalties and costs are paid before the time of the tax lien sale, the lien will be offered for sale July 17, 2014. A complete delinquent list of all persons and property in the county now owing taxes, including all city and town property that is delinquent is on file in the office of the Roosevelt County Treasurer and is subject to public inspection and examination.
Dated this 20th day of June, A.D. 2014.
Betty K. Romo
Roosevelt County Treasurer
HN: 6-26, 7-3, 7-10, 2014

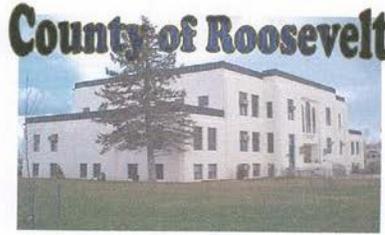
Sample July Courtesy Letter

Betty K. Romo, Treasurer
400 2nd Avenue South Suite 118
Wolf Point MT 59201
406-653-6260

Renee Eggebrecht, Deputy
406-653-6239

David T. Block, Deputy
406-653-6238

July 3, 2015



Kiyo Ruhd, Clerk
406-653-6259
Jenna Presser, Clerk
406-653-6244
Lindsey Ellison, Clerk
406-653-6232
Fax Line
406-653-6202

KOLSKI JOE

215 CUSTER ST
WOLF POINT MT 59201-1618

RE: NOTICE OF DELINQUENT TAXES AND PROPERTY TAX LIEN SALE

Tax Payer ID# 504504962

As of June 1, 2015 all of 2014 Real Property Taxes are delinquent. Notice is hereby given that delinquent property taxes including penalties and interest are a lien on the property upon which the taxes are assessed. ONCE THE TAXES, PENALTIES AND INTEREST ARE PAID THE LIEN WILL BE GONE.

On Thursday, July 16, 2015 at 10:00 a.m. in front of the Roosevelt County Treasurers Office, Wolf Point, Montana, a property tax lien will be sold at public auction on all property in Roosevelt County upon which there are 2014 delinquent taxes, UNLESS prior to that time the delinquent taxes, penalties and interest are paid. This sale is prescribed by law in the M.C.A. 15-17-122 & 15-17-211.

PLEASE NOTE-----THIS IS A SALE OF THE LIEN ON DELINQUENT TAXES ONLY;
NOT A SALE OF THE PROPERTY

Legal Description: Subdiv.-WOP WOLF POINT ORIGINAL TOWNSITE
27N 47E 15 WOLF POINT ORIGINAL
WOLF POINT ORIGINAL
TOWNSITE, LOT 4 BLK 25

Year	Taxes Due	Penalty	Interest	Total Due
2014	593.98	11.89	23.08	628.95
Total	593.98	11.89	23.08	628.95

Please remit the amount shown above along with this notice to the Roosevelt County Treasurer, 400 2nd Avenue South, Wolf Point, MT 59201 on or before July 16, 2015.

Respectfully


Betty K. Romo
Roosevelt County Treasurer

Extras:

If the **notice was missed for the prior year** so that the tax lien sale could not be held, then complete two separate notices. One for the newly delinquent year and one for the previous year. When running the tax lien sale certificates run the prior year certificates first and then the current year. Both years will have the same redemption date.

Previously, there have not been any buyers at the Tax Lien Sale. In order to purchase the tax lien, the buyer must have sent a notice of intent to purchase the tax lien at least 2 weeks prior to the sale. Generally investors waited and allowed the county to “purchase” the tax lien and then they purchased the assignment.

Recently, in an attempt to get ahead of other investors, buyers have been sending the required notices and attending the tax lien sale. This is causing some difficulties that are not currently addressed in Montana Law.

COUNTY AS PURCHASER

If no one purchases the tax lien at the sale then the county is considered to be the purchaser.

County Treasurer Process:

Process the Tax Lien Sale Certificates as follows:

- Alphabetically by name
- When numbering the certificates use the tax year and 0001. The certificates will consecutively number starting with 20130001.
- Use the date of the tax lien sale
- Generate certificates then archive and print copy for Treasurers Office.
- Print out 2 delinquent taxes with legal description reports for the current year. Keep one copy with the office certificates.

Update the Tax Lien Sale Certificate Template with:

- tax lien sale certificate number
- tax year
- date taxes went delinquent
- advertised dates
- tax lien sale date
- redemption date as determined by 15-18-111

Treasurer & Clerk & Recorder Process:

File the 2nd copy of the delinquent taxes with legal description reports with the Clerk and Recorder.

Rather than filing each tax lien sale certificate with your Clerk and Recorder a **master tax lien sale certificate** can be used as the cover page for the delinquent report showing all information is attached. The master tax lien sale certificate and delinquent report filed with the Clerk and Recorder will show the corresponding tax lien sale certificate numbers on file in the Treasurers' Office. Included in the examples is the master tax lien sale certificate used for the sale for 2013 and the first and last page of the uncollected delinquent tax with legal descriptions report.

Once this process is complete the County is now considered the purchaser of the property tax lien. This is the first step in the County obtaining a tax deed to the property or an assignee/purchaser acquiring an assignment certificate.

Applicable MCA:

15-18-111. Time for redemption -- interested party. (1) Except as provided in subsection (2), redemption of a property tax lien acquired at a tax lien sale or otherwise may be made by the owner, the holder of an unrecorded or improperly recorded interest, the occupant of the property, or any interested party within 36 months from the date of the first day of the tax lien sale or within 60 days following the giving of the notice required in [15-18-212](#), whichever is later.

(2) For property subdivided as a residential or commercial lot upon which special improvement district assessments or rural special improvement district assessments are delinquent and upon which no habitable dwelling or commercial structure is situated, redemption of a property tax lien acquired at a tax lien sale or otherwise may be made by the owner, the holder of an unrecorded or improperly recorded interest, or any interested party within 24 months from the date of the first day of the tax lien sale or within 60 days following the giving of the notice required in [15-18-212](#), whichever is later.

(3) For the purposes of this chapter, an "interested party" includes a mortgagee, vendor of a contract for deed or the vendor's successor in interest, lienholder, or other person who has a properly recorded interest in the property. A person who has an interest in property on which there is a property tax lien but which interest is not properly recorded is not an interested party for the purposes of this chapter.

15-17-214. COUNTY AS PURCHASER--ASSIGNMENT.

(2) If **no person pays the delinquent taxes**, including penalties, interest, and costs, on the first day of the tax lien sale, the **county is considered to be the purchaser**.

(3) (a) After the tax lien sale, the county treasurer shall identify and list all property tax liens that were sold at the tax lien sale. **The county treasurer shall also record that the county is the purchaser of all property remaining unsold and upon which the taxes remain delinquent.**

(b) The **record of the property in which the county is listed as the purchaser** may be made by the treasurer by a **separate tax lien sale certificate of each property** or by **reference to the property as recorded in the list** required under [15-16-301](#).

(4) A property tax lien of the county in any property acquired by the county under subsection (1) must be assigned by the county treasurer, as provided in [15-17-323](#), upon the payment of all delinquent taxes, including penalties, interest, and costs specified in [15-17-323](#).

EXAMPLES

TAX LIEN SALE CERTIFICATE # 20130164

ROOSEVELT COUNTY TREASURER
TAX LIEN SALE CERTIFICATE

I, Betty K. Romo, County Treasurer of the County of Roosevelt, in the State of Montana, do hereby certify that the 2013 property taxes on the following described real property were delinquent on June 2, 2014:

Legal Description: Subdiv.-WOP WOLF POINT ORIGINAL TOWNSITE
27N 47E 15 WOLF POINT ORIGINAL
WOLF POINT ORIGINAL
TOWNSITE, LOT 4 BLK 25

The taxes on the above described property were assessed to:

Tax Payer ID# 504504962
KOLSKI JOE

215 CUSTER ST
WOLF POINT MT 59201-1618

The Tax Lien Sale was published in The Herald News on the following dates June 26, 2014, July 03, 2014, July 10, 2014.

A property tax lien on the property was purchased at a tax lien sale held on July 17, 2014 by:

Roosevelt County
400 2nd Avenue South
Wolf Point, MT 59201

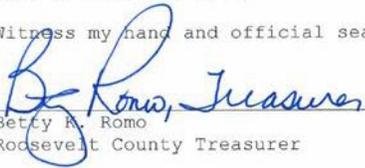
The amount required to liquidate the delinquency at the time of the tax lien sale included the following:

Year	Taxes Due	Penalty	Interest	Total Due
2013	596.24	11.92	23.29	631.45
Total	596.24	11.92	23.29	631.45

This certificate represents a lien on the property that may lead to the issuance of a tax deed.

I further certify that unless redemption is made of said real property in the manner provided by law, the purchaser or an assignee will be entitled to a tax deed on July 17, 2017.

Witness my hand and official seal of office this 22nd day of July, 2014.


Betty K. Romo
Roosevelt County Treasurer



Redeemed on the _____ day of _____, 20____.

Redemptioner: _____

Sample Cover Letter

ROOSEVELT COUNTY TREASURER
TAX LIEN SALE CERTIFICATES # 20130001-20130374

STATE OF MONTANA
COUNTY OF ROOSEVELT, ss

OFFICE OF THE COUNTY TREASURER
WOLF POINT, MONTANA

I, BETTY K. ROMO, County Treasurer of the County of Roosevelt, in the State of Montana do hereby certify that that the 2013 property taxes on the attached described real property were delinquent on 2nd day of June, 2014: (SEE ATTACHED LIST)

Was duly assessed upon the assessment book of Roosevelt County for the year 2013 for the following described real property, to-wit: (SEE ATTACHED LIST)

That said property was duly advertised for sale in The Herald News on the following dates of the 26th day of June, 2014; the 3rd day of July, 2014 and the 10th day of July, 2014.

That said property on Thursday the 17th day of July, 2014, was offered for sale in the manner provided by law in front of the Roosevelt County Treasurers Office, the described property and there being no bidder it was again offered for sale on Friday the 18th day of July, 2014, and there being no purchaser in good faith for same, it was struck off to the County of Roosevelt, as the purchaser: The taxes of \$119,122.86, penalties of \$2,382.78 and interest of \$3,271.69 amounting to the full sum of \$124,777.33

And I further certify that this certificate is a lien upon the real property and that unless redemption is made of said real property in the manner provided by law, the said Roosevelt County, or assigns, will be entitled to a deed therefore on the 17th day of July, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal this 22nd day of July, 2014.



Betty K. Romo, Roosevelt County Treasurer
Betty K. Romo, Treasurer
County of Roosevelt

404998 MISC Pages: 63
STATE OF MONTANA ROOSEVELT COUNTY
RECORDED: 07/22/2014 1:54 KOL: NOTICE MIS
Cheryl A Hansen CLERK AND RECORDER
FEE: \$0.00 BY: *Jan Paulsen, deputy*
TO: ROOSEVELT COUNTY TREASURER

6735

Sample List of County Purchased Tax Liens attached to Cover Letter

07/22/14
13:10:14

ROOSEVELT COUNTY
Uncollected Taxes with Delinquents with Legals

Page: 1 of 62
Report ID: TX190F

Property Type = REAL, Year 2013, Only TaxPayers that don't have these status
codes: SUSPENSION/SUBORDINA
Interest Due as of 07/17/14

Tax ID	Name/Legal	Tax Sale Certificate #	Year	Tax Amount	Penalty	Interest	Total
504504414	ADAMS JEFFREY R PO BOX 863 WOLF POINT MT 59201-0863	Sub/Blk/Lot WOLF POINT FIRS/ 057/ 006 Twn/Rng/Sect 27N/47E /22 WOLF POINT FIRST ADD, LOT 6 BLK 57 Geo: 3911-22-2-07-07-0000 20130001	13	59.43	1.19	0.76	61.38
Total Due for Tax Payer				59.43	1.19	0.76	61.38
504504696	ALVSTAD GARY MAIL TO JASON ALVSTAD PO BOX 270 TRENTON ND 58853-0270	Sub/Blk/Lot WOLF POINT ORIG/ 00A/ 010 Twn/Rng/Sect 27N/47E /15 WOLF POINT ORIGINAL TOWNSITE, LOTS 9 AND 10 BLK A Geo: 3911-15-3-40-01-0000 20130002	13	297.32	5.93	11.98	315.23
Total Due for Tax Payer				297.32	5.93	11.98	315.23
504504048	ALVSTAD GARY F MAIL TO JASON ALVSTAD PO BOX 270 TRENTON ND 58853-0270	Sub/Blk/Lot WOLF POINT ORIG/ 001/ 011 Twn/Rng/Sect 27N/47E /15 WOLF POINT ORIGINAL TOWNSITE, LOT 11 BLK 1 Geo: 3911-15-3-39-03-0000 20130003	13	534.14	10.68	20.94	565.76
Total Due for Tax Payer				534.14	10.68	20.94	565.76
506505449	ANDERSON MICHELLE PO BOX 15 FROID MT 59226-0015	Sub/Blk/Lot KILLAM ADDN (FR/ / Twn/Rng/Sect 30N/56E /19 KILLAM ADD (FROID), LT 1 BLK 7 KILLIAMS ADDN Geo: 4266-19-4-01-01-0000 20130004	13	266.23	5.32	3.43	274.98
Total Due for Tax Payer				266.23	5.32	3.43	274.98
426407896	ANDERSON ROY 4402 ROAD 1030 FROID MT 59226-9010	Twn/Rng/Sect 30N/54E /16 ACRES 3.99, TRACT IN NE LESS .42 AC HWY Geo: 4264-16-1-01-01-0000 20130005	13	63.99	1.28	0.83	66.10
Total Due for Tax Payer				63.99	1.28	0.83	66.10
404108020	ATKINSON J D PO BOX 945 POPLAR MT 59255-0945	Twn/Rng/Sect 28N/50E /36 NESW Geo: 4041-36-3-01-01-0000 20130006	13	12.61	0.25	0.16	13.02
Total Due for Tax Payer				12.61	0.25	0.16	13.02
392100598	ATKINSON J D & LETA PO BOX 945 POPLAR MT 59255-0945	Twn/Rng/Sect 27N/52E /05 SW S2NW S2N2NW S2N2N2NW 20-Twn/Rng/Sect 27N/52E /06 E2SW LTS 3 & 4 Geo: 3921-05-2-01-01-0000 20130007	13	155.70	3.11	2.00	160.81

07/22/14
13:10:15

ROOSEVELT COUNTY
Uncollected Taxes with Delinquents with Legals

Page: 62 of 62
Report ID: TX190F

Property Type = REAL, Year 2013, Only TaxPayers that don't have these status
codes: SUSPENSION/SUBORDINA
Interest Due as of 07/17/14

Tax ID	Name/Legal	Tax Sale Certificate #	Year	Tax Amount	Penalty	Interest	Total
Total Due for Tax Payer				703.92	14.07	27.02	745.01
504504843	XCEL PROPERTIES LLC MAIL TO DANA J COMESLAST PO BOX 1290 POPLAR MT 59255-1290	Sub/Blk/Lot WOLF POINT FIRS/ 047/ 014 Twn/Rng/Sect 27N/47E /22 WOLF POINT FIRST ADD, LOT 14 BLK 47 Geo: 3911-22-2-14-02-0000 20130370 13		35.60	0.72	1.35	37.67
Total Due for Tax Payer				35.60	0.72	1.35	37.67
500903475	YOUNG ELIZA & EMERSON PO BOX 976 POPLAR MT 59255-0976	Sub/Blk/Lot POPLAR ORIGINAL/ 021/ 006 Twn/Rng/Sect 27N/50E /12 POPLAR ORIGINAL TOWNSITE, LOT 6 BLK 21 ORIG POPLAR Geo: 3917-12-1-13-18-0000 20130371 13		203.47	4.07	2.62	210.16
Total Due for Tax Payer				203.47	4.07	2.62	210.16
391300230	ZIMMER LOREN P 7087 US HIGHWAY 2 WOLF POINT MT 59201-9226	Twn/Rng/Sect 27N/48E /06 SENW4, E2SW4, LOTS 2,3,4 Geo: 3913-06-2-03-01-0000 20130372 13		57.59	1.15	0.74	59.48
Total Due for Tax Payer				57.59	1.15	0.74	59.48
391300231	ZIMMER LOREN P 7087 US HIGHWAY 2 WOLF POINT MT 59201-9226	Twn/Rng/Sect 27N/48E /07 A TR CONT 16.23 AC IN N2NWNE4 LESS 3.77 AC HWY Geo: 3913-07-1-02-01-0000 20130373 13		5.44	0.11	0.07	5.62
Total Due for Tax Payer				5.44	0.11	0.07	5.62
391300408	ZIMMER LOREN P 7087 US HIGHWAY 2 WOLF POINT MT 59201-9226	Twn/Rng/Sect 27N/48E /07 S2NWNE SWNE NENW LESS 3.0 AC TR IN NENW N2SENW LOTS 1&5 EXCEPT 12.42 AC H/W LESS .23 AC IN LOT 5 Geo: 3913-07-2-03-01-0000 20130374 13		490.49	9.80	6.31	506.60
Total Due for Tax Payer				490.49	9.80	6.31	506.60
# of Delq.	374	Grand Total		119,122.86	2,382.78	3,271.69	124,777.33

PURCHASER OTHER THAN COUNTY

If someone wants to purchase a tax lien sale certificate the day of the sale, they will need to provide proof that they mailed the appropriate 2 week notice prior to the tax lien sale date as required in MCA 15-17-212.

County Treasurer Process:

Verify that the purchaser has made proper notification to the taxpayer. This should be in the form of a certified letter dated at least 14 days prior and not more than 60 days prior.

Accept full payment of taxes, penalties and interest from the assignee. Mark taxes paid by assignment.

Prepare a tax lien sale certificate.

Prepare a record of tax lien sales.

File the tax lien sale certificate and a record of sales with the Clerk & Recorder.

Mail a notice to the property owner that the property tax lien was purchased

Extra:

Please note in the examples that we are using a Notice of Pending Assignment. This is NOT the correct document. However, MCA requires this notice to be created by DOR by rule. Until recently, there did not appear to be a need for a Notice of Pending Tax Lien Certificate Purchase and one cannot be currently located.

Also note that this process is not as clearly defined in law and may need clarification.

Applicable MCA:

15-17-121 (5) "PURCHASER" means any person, other than the person to whom the property is assessed, who pays at the tax lien sale the delinquent taxes, including penalties, interest, and costs, and receives a certificate representing a lien on the property or who is otherwise listed as the purchaser. **An assignee is a purchaser.**

15-17-212. TAX LIEN SALE CERTIFICATE. (1) After receiving proof of mail notice to the person to whom the property was assessed, as required by subsection (3), and upon receipt of all delinquent taxes, penalties, interest, and costs, the county treasurer shall prepare a tax lien sale certificate that must contain: (a) the date on which the property taxes became delinquent; (b) the date on which a property tax lien was sold at a tax lien sale; (c) the name and address of record of the person to whom the taxes were assessed; (d) a description of the property on which the taxes were assessed; (e) the name and mailing address of the purchaser; (f) the amount paid to liquidate the delinquency, including a separate listing of the amount of the delinquent taxes, penalties, interest, and costs; (g) a statement that the certificate represents a lien on the property that may lead to the issuance of a tax deed for the property; (h) a statement specifying the date on which the purchaser will be entitled to a tax deed; and (i) an identification number corresponding to the tax lien sale certificate number recorded by the county treasurer as required in [15-17-213](#).

(2) The certificate must be signed by the county treasurer and delivered to the purchaser. A copy of the certificate must be filed by the treasurer in the office of the county clerk. A copy of the certificate must also be mailed to the person to whom the taxes were assessed, at the address of record, together with a notice that the person may contact the county treasurer for further information on property tax lien sales.

(3) Prior to paying delinquent taxes, penalties, interests, and costs received by the county treasurer under subsection (1), a person shall send notice of the proposed payment, by certified mail, to the person to whom the property was assessed. The form of the notice must be adopted by the department by rule. The notice must have been mailed at least 2 weeks prior to the date of the payment but may not be mailed earlier than 60 days prior to the date of the payment. The person making the payment shall provide proof of the mailing.

15-17-213. Treasurer to record tax lien sales. Prior to delivering the tax lien sale certificate to the purchaser, the county treasurer shall make a record of the tax lien sale. The record must include:

- (1) the name and address of the purchaser;**
- (2) the date on which the tax lien was purchased;**
- (3) a description of the property on which the certificate is a lien, which description must correspond to the description listed on the certificate;**
- (4) the amount paid to liquidate the delinquency, including a separate listing of the amount of the delinquent taxes, penalties, interest, and costs; and**
- (5) a number identifying the tax lien sale certificate issued upon payment of the delinquency.**

15-18-111. Time for redemption -- interested party. (1) Except as provided in subsection (2), redemption of a property tax lien acquired at a tax lien sale or otherwise may be made by the owner, the holder of an unrecorded or improperly recorded interest, the occupant of the property, or any interested party within 36 months from the date of the first day of the tax lien sale or within 60 days following the giving of the notice required in [15-18-212](#), whichever is later.

(2) For property subdivided as a residential or commercial lot upon which special improvement district assessments or rural special improvement district assessments are delinquent and upon which no habitable dwelling or commercial structure is situated, redemption of a property tax lien acquired at a tax lien sale or otherwise may be made by the owner, the holder of an unrecorded or improperly recorded interest, or any interested party within 24 months from the date of the first day of the tax lien sale or within 60 days following the giving of the notice required in [15-18-212](#), whichever is later.

(3) For the purposes of this chapter, an "interested party" includes a mortgagee, vendor of a contract for deed or the vendor's successor in interest, lienholder, or other person who has a properly recorded interest in the property. A person who has an interest in property on which there is a property tax lien but which interest is not properly recorded is not an interested party for the purposes of this chapter

EXAMPLES

NOTICE OF PENDING ASSIGNMENT
(Pursuant to 15-17-212(3) and 15-17-323(5), MCA)
NOTICE EXPIRES 60 DAYS FROM DATE OF
NOTICE

THIS NOTICE IS VERY IMPORTANT with regard to the purchase of the Tax Lien Sale Certificate, which Roosevelt County holds on the following property. If the delinquent taxes are not paid **IN FULL WITHIN 2 WEEKS** from the date of this notice, an assignment of Tax Lien Sale Certificate will be purchased. **THIS COULD RESULT IN THE LOSS OF YOUR PROPERTY LISTED BELOW.**

Please direct any questions to
the Roosevelt County
Treasurer Betty K. Romo
400 2nd Avenue
South Wolf Point
MT 59201 406-
653-6260

PLEASE FILL IN THE FOLLOWING INFORMATION:

OWNER OF RECORD:

MAILING ADDRESS OF OWNER OF

RECORD: LEGAL DESCRIPTION:

PARCEL

NUMBER:

GEOCODE:

DATE OF NOTICE:

Signature of Interested Assignee

Printed Name of Interested Assignee