

Tyler County Online Tax Sales Resolution

From: James Guest (james.guest@lgbs.com)

To: bss75979@yahoo.com

Cc: wade.gent@lgbs.com; shelba.harrison@lgbs.com; melissa_carson@sbcglobal.net; lcruse.taxoffice@co.tyler.tx.us

Date: Monday, November 7, 2022 at 08:56 AM CST

Good morning Sue,

Commissioner Marshall asked that I send you the attached resolution for online tax sales (agenda item for November 14th Commissioners Court), and I included proposed agenda language below. Wade Gent will be presenting, and or just answering any questions that may be posed the Commissioners Court (I have a work conflict in Houston County that morning; otherwise I would be there).

PROPOSED AGENDA LANGUAGE:

“Consider and act on adopting a resolution authorizing the online auction of tax foreclosed property as provided for in Section 34.01 and 34.05 of the Texas Property Tax Code.”

James Guest

Partner

Linebarger Goggan Blair & Sampson, LLP

Attorneys at Law

James.Guest@lgbs.com

1316 South John Redditt

Lufkin, TX 75904

Main: (936) 639-5040

Fax: (936) 760-1285

<http://www.lgbs.com/>

CONFIDENTIALITY STATEMENT

This transmission may be: (1) subject to the Attorney-Client Privilege, (2) an attorney work product, or (3) strictly confidential. If you are not the intended recipient of this message, you may not disclose, print, copy or disseminate this information. If you have received this in error, please reply and notify the sender (only) and delete the message. Unauthorized interception of this e-mail is a violation of federal criminal law.



Tyler County Online Auction Resolution_11_22.doc
35.5kB

STATE OF TEXAS §

COUNTY OF TYLER §

RESOLUTION TO ALLOW ONLINE AUCTIONS FOR TAX FORECLOSURE SALES,
TAX RESALES AND TO ADOPT RULES GOVERNING ONLINE AUCTIONS

WHEREAS, The Texas Property Tax Code (hereinafter "TPTC") Section 34.01 (a-1) and 34.05 (d) allow the Commissioners Court of a County to authorize the online auction of tax foreclosure sales and tax resales and to adopt rules governing those online auctions and, such rules taking effect on the 90th day after the date the rules are published in the real property records of the County; and,

WHEREAS, it is in the public interest and in the interest of the officer conducting the sale to allow for the online auction of tax foreclosure sales and resales, and to adopt rules governing such online auctions to efficiently sell properties to persons or entities who will pay taxes, penalties, interest and costs associated with the property so that such monies will be paid and distributed to those legally entitled to receive it and to insure those amounts are paid in the future.; and,

THEREFORE, BE IT RESOLVED that the Commissioner's Court of Tyler County, Texas does hereby authorize the online auction for tax foreclosure sales and resales and does hereby adopt the following *Rules Governing Online Auctions for Tax Foreclosure Sales and Tax Resales*;

RULES GOVERNING ONLINE AUCTIONS FOR TAX FORECLOSURE SALES AND
TAX RESALES

In accordance with Section 34.01 (a-1) and 34.05 (d) of the TPTC, the following rules are adopted by the Commissioners Court of Tyler County, Texas for the implementation of tax foreclosure sales and tax resales using online auctions for bidding and sale.

1. All online tax sales and resales shall comply with these rules and the rules and procedures outlined under Chapter 34 of the TPTC.
2. Tax foreclosure and tax resale property may be sold at public auction using online bidding. Such properties may be sold as provided for by the online auction service provider (OASP) and in accordance with Chapter 34 of the TPTC.
3. The OASP is hereby authorized to administer the online sale on behalf of the officer charged with conducting the sale.
4. In accordance with section 34.01 (r-2) of the TPTC, a sale of real property conducted by means of a public auction using online bidding may begin at any time and must conclude by 4:00 p.m. on the first Tuesday of the month, or if the first Tuesday of the month occurs on January 1 or July 1, at 4:00 p.m. on the first Wednesday of the month. The officer charged

with conducting the sale shall have the authority to set the start and ending time of each sale to facilitate an orderly auction.

5. To be eligible to bid at a sale or resale a person must register as a bidder on the online bidding platform where the bidding and sale will take place and otherwise comply with the rules and guidelines established by the officer charged with conducting the sale and the OASP.
6. Prior to placing a bid in an online auction, a deposit is required in the form determined by the OASP in an amount equal to not less than 5% of the total bid amount for all properties for which the bidder intends to bid for that auction. A bidder will not be able to participate in an auction until funds have been verified and added to the bidder's available balance. The remaining balance of the winning bid must be received within 24 hours of the close of the online auction. Unused deposits can be refunded to the bidder or can remain in the bidder's escrow account for future auctions at the discretion of the bidder.
7. Failure to pay the balance of the winning bid or complete the purchase within 24 hours of the close of the online auction will result in a forfeited bid. If the bidder fails to complete the purchase by the deadline, the deposit will be applied pursuant to Section 34.02 of the TPTC or as otherwise permitted by law.
8. Online bidders may place bids of any amount higher than the minimum opening bid or the current high bid in increments of \$100.00 or as otherwise indicated for each property in the online bidding platform.
9. The minimum bid of a property to be sold under these rules shall include an additional online auction fee of \$300.00 for costs and fees associated with the online auction, such amount to be assessed as an expense of foreclosure sale to be paid by the winning bidder. The \$300 online fee shall also apply to tax foreclosed properties that have previously been struck off and that may be offered for resale.
10. Each successful bidder must provide payment in full for the amount of the successful bid price through the online auction website, or as directed by the officer conducting the sale, using over the counter, wire transfer or ACH payment within 24 hours of the close of the online sale.
11. Any property that is not paid in full by the successful bidder in the time allowed by these rules may be auctioned again at a later date.
12. All purchasers will receive an ordinary type of Sheriff's Deed or Tax Resale Deed that is without warranty, express or implied. All properties sold in a tax foreclosure sale or resale are sold "AS IS, WHERE IS WITHOUT WARRANT" to the highest bidder on a 'BUYER BEWARE' basis. There are no representations made about the condition of the property, the merchantability of title, or the existence of any claims against, or interest in, the subject property.
13. All property purchased at an online sale may be subject to a statutory right of redemption as set out in the TPTC.

14. The officer conducting the sale may remove properties from the online auction at any time.

15. All completed sales are final.

THIS RESOLUTION WAS DULY ADOPTED BY A VOTE OF THE COMMISSIONERS COURT OF TYLER COUNTY, TEXAS on this the 14th day of NOVEMBER, 2022.

County Judge, Honorable Jacque Blanchette

Commissioner Pct. 1, Honorable Joe Blacksher

Commissioner Pct. 2, Honorable Stevan Sturrock

Commissioner Pct. 3, Honorable Mike Marshall

Commissioner Pct. 4, Honorable Charles "Buck" Hudson

ATTEST: _____
County Clerk, Honorable Donece Gregory