

Stillwater County Treasurer's Office

DELINQUENT TAX PROCESS

Stillwater County Treasurer
P O Box 629
Columbus, MT 59019

DELINQUENT TAX PROCESSES.....	1
REAL PROPERTY DELINQUENT TAXES	3
FREQUENTLY ASKED QUESTIONS.....	3
ASSIGNMENT PROCESS.....	4
TAX LIEN SALE.....	4
NOTICE OF PENDING ASSIGNMENT	4
NOTICE OF PENDING TAX DEED ISSUANCE.....	4
PROOF OF NOTICE.....	5
REDEMPTION PERIOD	5
APPLICATION FOR TAX DEED.....	5

REAL PROPERTY DELINQUENT TAXES

FREQUENTLY ASKED QUESTIONS

Q. When and where is the tax lien sale advertised?

A. Three weeks prior to the sale, which is held in July and advertised in the local newspaper, The Stillwater County News.

Q. How and when do I register for the Tax Lien Sale?

A. There is no registration.

Q. What are the payment requirements at the Tax Lien Sale?

A. There are no payments required at the tax lien sale. The Notice of Pending Assignment has to be processed first.

Q. What is the bidding process?

A. There is no bidding process, it is on a first come first served basis through the Assignment process.

Q. What type of document is issued at the tax lien sale?

A. No documents are issued at that time.

Q. Are there any other expenses in addition to the cost of the lien?

A. There is a \$40.00 fee for taking an assignment, plus mailing fees.

Q. What is the foreclosure process and will the County handle the process for a fee?

A. It is the purchaser's responsibility to proceed with the legal process. This is referred to as the Assignment Process. The County does not do the Assignment Process for the purchaser.

Q. What happens to the liens that are not sold at the Tax Lien Sale?

A. The County holds the lien on the delinquent property. At any time after the tax lien sale certificate has been issued the public can take an assignment on the property. This is done at the Treasurer's / Property Tax office.

Q. Can investors participate, via mail, telephone, or fax, in the tax lien sale process without attending the tax lien sale?

A. Without researching which properties are delinquent and where they are located it would be difficult over the phone, fax, or mail. Anyone can attend the tax lien sale.

Tax lien sale dates:

TAX YEAR

DATE

2006	July 16, 2009
2007	July 16, 2009
2008	July 16, 2009
2009	
2010	
2011	July 17, 2012
2012	July 16, 2014
2013	July 16, 2014
2014	July 16, 2015 (tent.)

ASSIGNMENT PROCESS

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 1992 taxes is sold at a Tax Lien Sale in July of 1993. 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 some third party, may then assign the lien to another person via the Assignment Process. The owner of the property or any interested party, on 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.

TAX LIEN SALE

The Tax Lien Sale is held every July at the County Treasurer's Office at 400 E. 3rd Ave. North, Columbus, MT 59019. The tax lien sale starts at 9 AM one day and closes at 9 AM the next day. The purchaser must know the current owner's name before starting the assignment process. There are several ways to search out this information.

- lookup the current owner on the State of MT web site, www.cadastral.mt.gov. The ownership can be looked up by address, county, assessors code.
- Acquire the GEO Code from the State Department of Revenue Appraisal.

NOTICE OF PENDING ASSIGNMENT

A Notice of Pending Assignment must be sent to the current owner of the desired property.

1. The owner has two weeks from the date of Notice to pay all outstanding taxes and costs, which voids the Notice of Pending Assignment.
2. If after the two-week period the taxes are still outstanding the Assignee returns a copy of the Notice of Pending Assignment with the postal certified receipt and the signed Assignment Agreement. If the Assignee wants to be reimbursed for any out of pocket costs they must enclose a copy of a Certification of Costs form at the time said costs are incurred.
3. The Assignee must pay all delinquent taxes and a \$40.00 Assignment fee to the County Treasurer, plus mailing fees.
4. The Assignee receives a Tax Lien Sale Certificate and Assignment document for each delinquent year taxes paid under assignment.
5. The owner of record receives a Tax Lien Sale Certificate for each year under assignment and a Notice of Assignment.

NOTICE OF PENDING TAX DEED ISSUANCE

After the property has been under assignment for three years from the date of the oldest tax lien sale, the Assignee may start the tax deed process.

1. A Notice of Pending Tax Deed must be sent to all interested parties and occupant by certified mail with signature requested.
2. The Assignee must do a title search to determine who has a recorded interest in the property. A title company may be hired to do this title search. This information will be at the,
 - a. Clerk and Recorder's Office
 - b. Clerk of District Court's Office
3. Submit a new Certificate of Costs to the County Treasurer / Property Tax for reimbursement of any out of pocket expenses.
4. If any of the certified letters are returned to the Assignee, there must be an ad placed in the local newspaper, running once a week for two (2) weeks.
5. The owner has 60-days, from the date of the letter to respond to the Notice of Pending Tax Deed.

PROOF OF NOTICE

1. Proof of Notice has to be filed with the Clerk and Recorder within 30-days of the date of the Notice of Pending Tax Deed issuance letter, or 30-days of the first publication.
2. A copy of each Notice of Pending Tax Deed sent and the certified mail receipt with signature requested, or the undeliverable mail receipt must be attached to the Proof of Notice.
3. If an ad was placed in the local paper, a copy of the ad also needs to be attached to the Proof of Notice.
4. Attach a new Certificate of Costs to the County Treasurer / Property Tax for reimbursement of any out of pocket expenses.

If at the end of the 60-day period there has been no redemption of delinquent taxes, the Assignee can submit an Application for Tax Deed to the County Treasurer / Property Tax.

REDEMPTION PERIOD

The 60-day period required for the Notice of Pending Tax Deed is referred to as the Redemption Period. Interested parties of record can redeem the property anytime during the 60-day period by:

1. Paying all costs, taxes and interest.
2. A receipt goes to the payee of the redemption, a cover sheet and Certificate of Redemption goes to the Assignee, which indicates that all costs have been paid and the property has been redeemed.
3. The Assignee must return to the Treasurers Office the Tax Lien Sale Certificate, Assignment documents, Certificate of Redemption forms, and cover sheet before a refund of all monies paid will be issued.

APPLICATION FORTAX DEED

1. Upon receiving an Application for Tax Deed with the required fee the County Treasurer will issue the Tax Deed.
2. The Clerk and Recorder will record, for you, the tax deed with a Realty Transfer Certificate into the County Records for a fee.

HELP

Montana State web sites at www.state.mt.us you can access the Montana state statues under government, constitution and laws, Montana codes, Title 15-tax, chapters 15,16,17 & 18 we state the Montana laws on all of the tax processes.

NOTICE OF PENDING ASSIGNMENT

(Pursuant to 15-17-212(3) and 15-17-323(5), MCA)

THIS NOTICE IS VERY IMPORTANT with regard to the purchase of the Tax Lien Sale Certificate, which Stillwater County holds on the following property. If the delinquent taxes are not paid in full 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.**

Additional information may be obtained from the Stillwater County Treasurer's office, 400 E. 3rd Ave. N, Columbus, MT 59019 – (406)322-8021.

OWNER OF RECORD:

MAILING ADDRESS OF OWNER OF RECORD:

LEGAL DESCRIPTION:

PARCEL NUMBER:

GEO CODE:

DATE OF NOTICE:

PRINTED NAME OF INTERESTED ASSIGNEE:

SIGNATURE OF INTERESTED ASSIGNEE:

MAILING ADDRESS OF INTERESTED ASSIGNEE:

ASSIGNMENT AGREEMENT

I agree to send notice, via certified mail, return receipt requested, to all interested parties and the occupant of the property on which I have taken assignment. This notice will be sent not more than 60 days prior and not more than 60 days following the expiration of the redemption period.

If the address of interested parties is unknown, I agree to publish in the **Independent Record** once a week for two successive weeks a notice containing the information contained in subsection (6) of MCA 15-18-212. This shall be accomplished within the period described in subsection (1) of MCA 15-18-212.

I agree that within 30 days of notification this notice will be filed with the County Clerk and Recorder's office as proof of notification. Failure to file the notification within the 30-day period will prompt the County Treasurer to take action described in subsection (3) MCA 15-18-212. See Proof of Notice example at MCA 15-18-216.

GEO-CODE: _____

Signed _____

Assignee

Date _____

NOTICE OF PENDING TAX DEED ISSUANCE
(15-18-215, MCA)

Geo Code#
To:

And to all persons owning, occupying and claiming an interest, whether legal or equitable in the property described in the notice:

Pursuant to section 15-18-212, MCA, **NOTICE IS HEREBY GIVEN:**

1. As a result of a property tax delinquency, a property tax lien exists on the following described real property in which you may have an interest:
2. The property taxes became delinquent on
3. The property tax lien was attached as the result of a tax lien sale held on
4. The property tax lien was purchased at a tax lien sale on by Stillwater County.
5. The lien was subsequently assigned to
6. The amount of taxes due, including penalties, interest and costs, as of the date the assignment was taken and any subsequent years paid.
 - i. TAXES \$
 - ii. PENALTIES \$
 - iii. INTEREST \$
 - iv. COSTS \$
7. For the property tax lien to be liquidated, the total amount listed above, plus additional interest computed at a rate of .0274 %per day times the number of days since the assignment was taken out 15-18-112, MCA, must be paid by , which is the date that the redemption period expires or expired. (You may be responsible for any additional costs incurred.)
8. If all taxes, penalties, interest, and costs are not paid to the County Treasurer on or prior to , which is the date the redemption period expires, or on or prior to the date on which the County Treasurer will otherwise issue a tax deed, a tax deed may be issued to the purchaser on the day following the date that the redemption period expires or on the date the County Treasurer will otherwise issue a tax deed.
9. The business address and telephone number of the County Treasurer who is responsible for issuing the tax deed is: Stillwater County Treasurer, PO Box 629, 400 E. 3rd Ave. N, Columbus, MT 59019. 406-322-8021.

If this notice is published, it meets the legal requirements for Notice of a Pending Tax Deed Issuance. The address of the interested party is unknown. The interested party's rights in the property may be in jeopardy.

Dated at Columbus, Montana this _____ day of,
The name and address of the purchaser of tax lien:

AFFIDAVIT OF:

(Name)

STATE OF MONTANA)

County of Stillwater)

_____ being first duly sworn upon his oath, deposes and says:
(Name)

1. My name is _____
(Name)
2. I have knowledge of Mont. Code Ann. § 15-17-212 (3) (2005) and Mont. Code Ann. § 15-17-323 (5) (2005), which require me to send a two (2) week letter to the owner of record by certified mail.
3. The address of the owner(s) of record, (Print Names)
_____ has been listed as unknown.
4. The U.S. Postal Service will not send certified mail to an unknown address.
5. I have searched the public records in the following offices:

6. I have been unable to locate a current mailing address for the owner of record.
7. The Geo Code number for this property is # _____

Further, Affiant sayeth not.

DATED this ____ day of _____, _____

Signature of Affiant

Subscribed and sworn to before me this ____ day of _____.

(SEAL)

Printed Name

Notary Public for the State of Montana

Residing at: _____

My Commission expires: _____

PROOF OF NOTICE

I, _____, acting as or on behalf of the owner of the property tax lien, have complied with the notice requirements of Title 15, Chapter 18, MCA as follows:

1. A "Notice of Issuance of Tax Deed" was mailed to the owners, current occupant, and interested parties, as that term is defined in section 15-18-111(3), MCA. A copy of each notice is attached and is on file in the Office of the County Clerk and Recorder.
2. The notices were mailed by certified mail, return receipt requested. Copies of the return receipts are attached and are on file in the Office of the County Clerk and Recorder. There is a fee to file in the Clerk and Recorder's office.
3. Notice was given to interested parties with unknown addresses by publishing in the official newspaper of the County, which is on, _____ and _____. Proof of publication is attached.

Date: _____

SIGNATURE : _____

On this _____ day of _____ in the year of _____

Before me the undersigned, personally appeared _____

Known to me (or proved to me on the oath of _____)

to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she or they) executed the same.

NOTARY PUBLIC FOR THE STATE OF MONTANA

signature

print name

Residing at _____

My Commission Expires _____

APPLICATION FOR TAX DEED

NAME:

ASSIGNMENT #:

OLDEST DELINQUENT TAX YEAR:

DATE ASSIGNMENT TAKEN:

DATE OF 1st TAX LIEN SALE:

GEO CODE:

OR PIN #:

FULL LEGAL DESCRIPTION:

I am the holder of the Tax Lien Sale Certificate referred to above, and I hereby apply to the Stillwater County Treasurer for a Tax Deed to the above-described property. I have given notice and have filed the proof of that notice within 30-days of the mailing or publishing of the notice as required by section 15-18-212, MCA. I have attached a copy of the notice with the filing date thereon or the required information is on file in the Clerk and Recorder's office. This information was filed or recorded on (Date) _____ and can be found in Book _____ Page _____ or under notices, publications, tax deeds (MISC#).

SIGNATURE: _____

On this _____ day of _____ in the year of _____

Before me the undersigned, personally appeared _____

Known to me (or proved to me on the oath of _____ to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she or they) executed the same.

NOTARY PUBLIC FOR THE STATE OF MONTANA

signature

print name

Residing at _____

My Commission Expires _____

CERTIFICATON OF COSTS
MCA 15-17-121 (2)(a)(b) (5)
Incurred By Purchaser of a Property Tax Lien

GEOCODE: _____

LEGAL DESCRIPTION: _____

Assessed Owner: _____

Receipted Costs:	Amount:
1. _____	_____
2. _____	_____
3. _____	_____
Total:	_____

I, the undersigned, hereby certify that the above-described receipted costs were incurred by me as the purchaser and assignee of a property tax lien on the above-described property.

Signature of Assignee:

Printed Name of Assignee:

In order to insure the proper amount is charged at the time of redemption, you need to furnish the costs at the time they are incurred.