



COUNTY OF ERIE
DEPARTMENT OF FINANCE
BUREAU OF REVENUE AND TAX CLAIM

ERIE COUNTY COURT HOUSE
140 WEST SIXTH STREET RM. 110
ERIE, PENNSYLVANIA 16501

HOURS: M-F 8:00AM-4:30PM (CLOSED COUNTY HOLIDAYS)

www.eriecountygov.org

Phone: (814) 451-6206

Fax: (814) 451-7484

Erie County Tax Sales:

The tax sale is for properties located within Erie County with outstanding tax balances that are at least two years delinquent. The sale is held annually on the last Monday in September. This year it is scheduled for Monday, September 24, 2012 at 10:00 a.m. at the Erie County Court House (actual location/room to be determined). This sale is held as an open public auction. A listing of the properties is available in the Erie Times and Erie County Legal Journal thirty days prior to the sale. This year it will be advertised on Friday, August 24, 2012. You may be able to obtain copies by contacting them directly. The addresses are as follows: Erie Times-News, 205 West 12th St, Erie, PA 16534 and Erie County Legal Journal, 302 West 9th St, Erie, PA 16502-1427. Tax Claim may provide a list for a \$0.25/per page fee in the office or for free via our web site at www.eriecountygov.org.

There are a number of situations that prospective bidders should keep in mind:

- 1) A number of properties will be advertised that have already been removed from the sale or will be removed from the sale prior to the sale date. Many tax payers will make the necessary payment in order to remove the parcel from the Upset Tax Sale or sign a stay of sale agreement to remove the parcel with a specified down payment (generated according to the Pennsylvania Real Estate Tax Sale Law) and a written agreement to pay the remaining balance. Also, properties may be removed from the Upset Tax Sale by Court Orders to stay the sale. Those properties may be placed on the list in the future.

- 2) Even if the property is sold at the tax sale, the property owner has the ability to pay the delinquency prior to the successful bidder paying the Upset Price. If the property owner is able to pay the delinquency first then they will retain ownership and it would be as if the property had never been up for the Tax Sale. If the successful bidder remits the entire amount of their bid prior to the current owner coming into pay then the sale will stand (pending court approval of the sale - see No. 3 below).
- 3) The current owner still has the right to contest the sale of his or her property if it is sold at the Upset Tax Sale. Current owners could claim that they did not receive proper notification of the sale. If a property is contested it will be settled in the Court of Common Pleas. If the sale is set aside then the successful bidder will receive a full refund of the bid price unless it is otherwise settled via the courts. **The successful bidder has no legal rights to the property until an actual deed is recorded; a process that can take several months.**
- 4) Prospective bidders shall consult with an attorney of their own choice prior to any Tax Sale in order to obtain more detailed information on the responsibilities of purchasing properties in this manner.

All bidders must be present and sign in before the auction starts. You may, however, send a representative in your place (i.e.: an attorney). The minimum bid will start at approximately the sum of the delinquent and current taxes, as well as, municipal liens. The minimum bid will also include a \$25 preparation of deed fee and a \$100 engineering fee (all fees are subject to change) for all properties located in the City of Erie. **As a prospective bidder, it would be wise to conduct a title search on the property that you may be interested in, as all liens, judgments and rents of record follow the property. These liens will become the responsibility of the new owner(s).**

The successful bidder at an Upset Tax Sale must remit the full bid amount to the Tax Claim Bureau by certified check, cashier's check, money order, or cash **by 3:30 pm the day of the sale**. In addition, within 20 days from the sale, the successful bidder must also submit, to Tax Claim, a notarized statement certifying **they do not have any delinquent taxes or municipal utilities more than one year outstanding**. Failure to comply will cause the sale to be voided.

Once all of the appropriate documents have been filed, pending no exceptions, a deed will be issued roughly 120 - 160 days from the sale date at the new owner's expense (2% of Current Common Level Ratio (CLR) multiplied by the assessed value of the property plus recording costs). Since the deeds will not be issued until after the next calendar year, the new owner should contact the local tax collector for current tax information, as they will be responsible for the payment.

The Tax Sale deed will not contain any warranty, either general or specific. It will be a Quit Claim deed. The Bureau will sell the property as described on the docket in the Tax Claim Bureau and the Bureau makes no representation or warranty as to the description, nor will the Bureau make any survey on the property. All properties are sold under and by virtue of the Act of 1947, P.L. 1368, as amended, known as the "Real Estate Tax Sale Law." All properties are sold subject to existing occupancy, payment of Registry Fees, Municipal, or Governmental claims not paid out of the Sale price and any other liens which must be paid by the purchaser. The Bureau reserves the right to participate or not participate in any post-sale litigation.

If objections or exceptions are filed within the prescribed time and concern only the legality of the manner in which the Bureau conducted the proceedings with respect to the sale, the court may either overrule them and enter a decree of absolute confirmation or sustain them and order the sale to be set aside.

If a property is not sold at the tax sale and delinquencies have not been satisfied, the property will be turned over to The MacDonald Illig Law Firm at a date to be determined in the future, and could be exposed to a Judicial Lien Free Sale. Those who are interested in Judicial Sale properties may contact the office of MacDonald Illig Law Firm (814) 870-7770 with any questions. A current sale list may also be obtained from The MacDonald Firm or by visiting the Judicial Sale Web Site at <http://www.eriejudicialtaxsale.com>. All questions pertaining to the Judicial Sale, or the information provided on the Judicial Sale Web Site should be directed to the MacDonald Illig Law Firm.

The property owner who is at jeopardy for a judicial sale may not bid on his or her own property. The date, time, and structure of the Judicial Tax Sale are determined specifically by The MacDonald Illig Law Firm. Judicial Sales are usually held in the mid to late fall (November or December) of each calendar year.

Winning Bidders at a Judicial Tax Sale must pay the full bid amount, and other fees, in full within 30 minutes of them winning the bid. Failure to pay in full within the 30 minutes will result in the property being exposed again at the Judicial Sale

- selling to the highest bidder. **The winning bidder does not have any legal rights to the property until after a tax sale deed has been officially recorded; a process that will take a minimum of 120 to 160 days to complete.** Please consult with your own Attorney if you have specific questions related to how and when you can take ownership of any property sold at Tax Sale.

After the Judicial Sale process the remaining unsold properties are sent back to Tax Claim as Repository properties. **The property owner who is at jeopardy for a repository sale may not bid on his or her own property, and has no right of redemption.** A list of these properties can be obtained for a small fee from the Tax Claim Bureau, or by visiting the County of Erie's website at <http://www.eriecountygov.org/government/taxclaim/default.aspx>. These properties can be purchased by completing a Repository Letter of Intent and an Affidavit of Bidder form (available via the Tax Claims Office or the County's web site) along with a minimum bid of \$250.00 in the form of a money order or cashier check (minimum bid is subject to change). The bidder must submit, to Tax Claim, a notarized statement certifying they do not have any delinquent taxes or municipal utilities more than one year outstanding (this is the Affidavit of Bidder form). Failure to comply will cause the bid to be denied immediately. **The bidder is responsible to conduct a title search, as this is not a lien free sale and no guarantees made either in writing or implied. The winning bidder, from a Repository Sale, does not have any legal rights to the property until after a tax sale deed has been officially recorded.**

The mailing address for any Repository bids is: Erie County Tax Claim Bureau, 140 West Sixth St, Room 110 - Repository Sales, Erie, PA 16501. Upon their receipt, Tax Claim will petition the appropriate taxing bodies to ask for exoneration of their portion of the delinquent taxes less their portion of the bid and allow the sale from Repository. Please expect to be contacted by the local municipalities or school district for you may be required to appear in person at a council/board meeting to state your intentions with said property. Pending no disagreement by the three taxing authorities, the winning bidder will then be contacted approximately 90 - 120 days from submission of bid. The bidder will then come to the Court House to transfer title through issuance of a Quit Claim Deed. All transfer costs will be at the new owner's expense and must be paid at the time the new Deed is filed.

All information is subject to change without notice. Please note that County Employees are unable to issue any legal advice. Please contact a lawyer of your own choice to find out any additional information in regards to these sales and your legal rights.