

## Property Tax Lien & Tax Deed Process

Fees for delinquent tax list, tax lien sale and tax deed are set by Commission Resolution

2<sup>nd</sup> half of real estate taxes become delinquent

After mailed payments are processed – send a delinquent tax reminder to all that are due

Publish a Tax Lien Sale notice on or before the last Monday in June

Repeat the published notice for 3 consecutive weeks

On the 3<sup>rd</sup> Monday of June, prepare list of delinquent taxes for Clerk & Recorder

File Affidavit & Copy of published notice with Clerk & Recorder

**Many treasurers send a courtesy “taxes due” letter the first week of July – NOT REQUIRED**

Hold Tax Lien Sale no less than 21 days or more than 28 days from first published notice

Print list of properties with delinquent taxes on day of tax lien sale

If an investor wishes to purchase tax lien at sale:

Investor sends Certified notice of intent to purchase tax lien (DOR document) 2 weeks prior to sale

Investor attends tax lien sale with proof of notice & makes purchase

Treasurer prepares Tax Lien Sale Certificate

- A copy is filed with the Clerk & Recorder
- A copy is sent to the owner of the Property

If no one purchases the tax lien, the county is assumed to be the purchaser

Treasurer prepares a list of tax lien sale certificates purchased by the county, referencing each by individual certificate number & property ID

Treasurer may attempt to sell the lien at subsequent sales

Investors wishing to purchase an assignment of the tax lien:

Investor sends Certified notice of intent to take assignment of tax lien certificate 2 weeks prior  
(DOR document)

Investor pays all delinquent taxes, penalties, interests & costs

Investor is issued a copy of the tax lien certificate

Property Owner is notified that the tax lien was taken and sent a copy of the assignment

Original Assignment of Rights Certificate filed with Clerk & Recorder

Each subsequent tax bill will state that there is a tax lien on this property

Taxpayer can redeem their property at any time during the process

Taxpayer pays delinquent taxes, interest, penalties and listed costs to county treasurer

Taxpayer is issued a certificate of redemption

Certificate is filed with Clerk & Recorder

If the tax lien is held by an investor:

County treasurer remits the money to the investor

County treasurer sends a copy of the certificate of redemption to the investor

If the tax lien is held by the county:

County treasurer disperses the money into the appropriate accounts

The taxpayer has 36 months to redeem their property. This process will repeat itself the following two years if no taxes are paid. Some counties allow the investor to pay the subsequent taxes (MCA 15-18-112); others do not. This may result in different investors holding tax liens on the same parcel of property.

36 months passes with no taxpayer redemption

## Tax Deed Process

Not more than 60 days prior or 60 days later than expiration of redemption period:

Investor purchases appropriate title guarantee research and insurance

Investor notifies all interested parties that they intend to file for a tax deed on the property if taxes are not paid within 60 days

Investor publishes legal notice once per week for 2 weeks of intent to purchase tax deed – at least 60 days prior to date of tax deed issuance

Files proof of notice with Clerk & Recorder within 30 days of mailing/publishing

If the property owner does not redeem, the Treasurer issues a Tax Deed and Realty Transfer Certificate for the Assignee

If the County is the holder of the Tax Lien they take essentially the same steps to proceed to holding the tax deed.