

IN THE DISTRICT COURT OF HARVEY COUNTY, KANSAS

THE BOARD OF COUNTY COMMISSIONERS OF
HARVEY COUNTY, KANSAS

Plaintiff

vs.

No. 20-CV-12

THE ELEANOR M. GRISWOLD REVOCABLE
TRUST, DATED JANUARY 1, 1993, et al.

Defendants

Tax Foreclosure Sale Information

Date: **August 20, 2020**

Time: **10:00 am**

Location: **The Community Room in the lower level of the Harvey County Courthouse,
800 North Main, Newton, Kansas**

How to Participate in the Tax Sale:

It is your responsibility to acquire information about the properties that interest you to determine if they are suitable for your use.

The current owner(s) may redeem the property up to the day before the sale. Thereafter, there is no redemption period.

The Auction

The properties will be sold by public auction to the highest qualified bidder. Bidders are reminded that the Sheriff's acceptance of the high bid constitutes an enforceable contract.

Registration

No bids will be accepted unless the bidder has registered prior to the start of sale. Registration will be held the morning of the sale, beginning at 9:30 A.M.

No person may register as a bidder if that person is the record owner of any real estate located in Harvey County, Kansas, upon which there are any delinquent ad valorem property taxes or delinquent special assessments in existence as reflected by the records of the County Treasurer.

State law provides that no tract shall be sold either directly or indirectly to any person having a statutory right to redeem the real estate prior to sale.

If a tract purchased at the sale is transferred, sold, given or otherwise conveyed to any person who did have a statutory right to redeem such tract prior to such sale, within 10 years from the date of the auction, such person shall be liable for an amount equal to the original judgment lien and interest thereon from the date of the public auction.

Each successful bidder will be required to sign an affidavit which shall be filed with the Clerk of the District Court stating, in general terms, that the purchase was not directly or indirectly made for any of the following:

1. Any person who has an interest in said tract as an owner, his or her heir, devisee, executor administrator or assigns.
2. Any parent, grandparent, child, grandchild, spouse, sibling, trustee or trust beneficiary of a person who held an interest in the tract as owner or holder of the record title or who held an interest at any time when any tax constituting part of the county's judgment became due.
3. With respect to a title holding corporation, any current or former stockholder, current officer or director, or any person having a relationship enumerated in paragraph 1(a) or (b) to such stockholder, officer or director.
4. Any person owns real estate in Harvey County, Kansas with delinquent taxes or special assessments.
5. Any person having a statutory right to redeem such real estate prior to such sale, pursuant to the provisions of K.S.A. 79-2803, and amendments thereto, except;
 - a. That this paragraph shall not prohibit sale to any person or such person's assignee who held an interest in such real estate as mortgagee of record at the time of the sale, unless;
 - b. Such person or such person's assignee is the same person as one noted in paragraph 1(a) or (b) or is a current or former stockholder, current officer or director, or has an interest in such mortgagee, in which case such a sale is prohibited.

Properties are sold as is. There are no warranties.

Payment & Fees

Payment will be on the date of sale, only by CASH or CERTIFIED CHECK payable to the Harvey County Treasurer. All purchases must be settled by 3:00 PM of the day of the sale. A winning bid is a contract to purchase.

State law requires that \$38.00 recording fee be collected at the time payment is made.

After the Auction

The County will file a Motion to Confirm the Sale. After the Court confirms the sale, a Sheriff's Deed will be filed with the Register of Deeds. The Register of Deeds will mail the Deed to the Buyer. Please allow thirty days to receive your Deed.

All other liens of record will be extinguished upon confirmation of the sale; however, covenants, restrictions and easements of record are not extinguished, and the buyer takes the property subject to those restrictions.

The buyer is responsible for any taxes and assessments which are not included in the judgment, including the full amount of taxes and special assessments, assessed against the property for the calendar year 2020 and thereafter.

The County makes no assurances that you can obtain title insurance guaranteeing the marketability of the property purchased at the tax sale, nor title insurance for a bank to which you may grant a mortgage, nor title insurance to a subsequent buyer from you. You should contact a local title company for information concerning the availability of title insurance.

The buyer is responsible for taking any necessary legal action to obtain possession of the property, such as filing an eviction proceeding.

The original owner will have 12 months from the time the deed is recorded to legally challenge the sale procedures followed by the County. If such a challenge is successful, the property could revert to the original owner, in which case the court would order your purchase price refunded to you. The twelve month limitation does not apply to objections based upon inadequate service of process.

This material is provided for general information purposes. It is not intended as legal advice nor as a complete statement of the law regarding tax foreclosures. The procedures described above are subject to change at any time, dependent upon changes in state law and County policies.