

TAX FORECLOSURE RESALE PROPERTY FAQs [updated 01/18/2017]

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THESE FREQUENTLY ASKED QUESTIONS ARE PROVIDED FOR GENERAL INFORMATION PURPOSES ONLY AND ARE SPECIFIC TO TAX FORECLOSURE REALES CONDUCTED BY DALLAS COUNTY.

IT IS THE SOLE RESPONSIBILITY OF THE READER TO ASCERTAIN ALL INFORMATION NECESSARY TO BE AN INFORMED PURCHASER.

WHAT HAPPENS TO THE TAX FORECLOSED PROPERTIES STRUCK OFF TO DALLAS COUNTY AND WHERE CAN WE FIND THE LIST?

Properties that are struck-off to Dallas County as Trustee are posted on the Dallas County website where they are listed for resale and available for downloading, along with the Offer and Purchase Agreement, via the following link: <http://www.dallascounty.org/department/pubworks/property-division.php>.

All properties will be sold in compliance with the Dallas County *Tax Foreclosure Resale Policy* included in the County Code and *Section 34.05* of Texas Tax Code. The Policy is available for viewing and downloading via: https://www.municode.com/library/tx/dallas_county/codes/code_of_ordinances?nodeId=PTIGEOR_CH62TA_ARTIIREPR_DIV4RETHPAPRPU.

AFTER I SUBMIT AN OFFER, WHAT HAPPENS NEXT? WHAT IS THE PROCESS?

- Offer is reviewed at staff level;
- For qualified offers, we request consent from other taxing entities;
- The Commissioner is then briefed and we recommend acceptance of the offer;
- At the scheduled Commissioners Court meeting, a Court Order is issued accepting offer;
- A Property Award Notification email is sent to the successful purchaser.

The timeline from offer to acceptance can be from six to eight weeks depending on the Commissioners Court Agenda submission deadline. The Commissioners Court meets the first and third Tuesday of each month.

DOES THE DEPOSIT GO TOWARDS THE PURCHASE PRICE?

Yes.

HOW SOON CAN I FIND OUT IF MY OFFER WAS RECOMMENDED TO THE COURT?

We cannot disclose any information about the highest offer until it has been placed on the Commissioners Court Agenda and made viewable for the public.

CAN YOU TELL ME IF OTHER OFFERS WERE RECEIVED ON THE PROPERTY IN WHICH I'M INTERESTED?

Yes. We can let you know that multiple offers were received.

CAN I CHANGE MY OFFER AMOUNT AFTER I HAVE PAID THE DEPOSIT?

Yes. You can adjust up or down as long as we are still accepting offers. In the event your higher offer amount falls outside the minimum required deposit, the additional amount will be required.

WHAT HAPPENS IF THE HIGHEST OFFER AMOUNT IS A TIE?

We will notify the prospective purchasers with the opportunity to submit their highest and best offer.

HOW ARE MULTIPLE OFFERS HANDLED?

We recommend the highest qualified amount received by submission deadline.

I CHECKED THE WEBSITE AND IT SHOWS THE PROPERTY WAS SOLD. WHEN CAN I GET MY DEPOSIT BACK?

Typically, refunds of deposit take from two to four weeks for approval. After approval, the checks are mailed to the address you provided to us in the Offer and Purchase Agreement.

CAN I USE MY DEPOSIT FROM ANOTHER PROPERTY ON A NEW ONE I'M INTERESTED IN?

No. The deposits received are applied to one particular property.

DOES DALLAS COUNTY PUBLIC WORKS DEPARTMENT MAINTAIN A MAILING LIST?

No.

WHAT ARE POST JUDGMENT TAXES?

Taxes, penalties and interest that accrue against a property for tax years that become due/delinquent after the date of the judgment and up to the date the property is sold/struck off at the tax foreclosure sale (Sheriff's Sale).

HOW MUCH IN POST JUDGMENT TAXES SHOULD I EXPECT TO PAY ON A PROPERTY?

Once you have confirmed the post judgment tax years (see previous question), you can visit the Dallas County Tax Office website via www.dallascounty.org/applications/english/proptax_app/tax_intro.html, search for the property and select the *Taxes Due Detail by Year and Jurisdiction* report for taxes due by year for those taxing entities for which the Dallas County Tax Assessor/Collector collects taxes. You may also contact the Dallas County Tax Office at 214-653-7811 and/or the applicable taxing entity to verify the amounts for which you'll be responsible for paying on that property.

DOES THE DALLAS COUNTY TAX ASSESSOR/COLLECTOR COLLECTS TAXES FOR ALL TAXING ENTITIES LOCATED IN DALLAS COUNTY?

No. Information regarding Dallas County's taxing jurisdictions can be viewed at www.dallascounty.org/departments/tax/jurisdictions.php or you may call 214-653-7811 to verify who collects the taxes for each taxing entity, and contact the respective tax offices directly.

THE CURRENT PROPERTY TAX STATEMENT ON THE COUNTY TAX WEBSITE SHOWS A LARGER AMOUNT DUE THAN WHAT I WAS TOLD I WOULD HAVE TO PAY. DO I HAVE TO PAY THEM?

After the property is sold, instructions are provided to the Tax Assessor/Collector for the discharge of the delinquent-years taxes that were the cause of and included in the Final Judgment/Order of Sale. Once completed, the Tax Office website should reflect only the post judgment year taxes, if any, and the pro-rata current year taxes which are the responsibility of the new purchaser.

I RECEIVED MY RECORDED QUITCLAIM DEED BUT THE TAX ASSESSOR DOES NOT SHOW ME AS THE CURRENT OWNER. CAN I STILL PAY THE TAXES?

Yes, you can still pay the taxes. You may need to take the Quitclaim Deed you received from Dallas County to prove ownership. Please take caution to ensure you are paying the correct years taxes for only the years for which you are responsible, which are post judgment and pro rata current year taxes.

I PULLED A TITLE REPORT AND THERE ARE A NUMBER OF WEED LIENS AND MOWING LIENS FILED BY THE CITY. DO THOSE REMAIN ON THE PROPERTY AFTER IT IS SOLD?

There may be costs and/or liens filed for maintaining, preserving and safekeeping the property.

Liens that are included in the Final Judgment should be discharged and extinguished once the property is sold by Dallas County.

Liens and/or costs during the time period between those included in the Judgment and the Sheriff's Sale date may be handled differently according to location since each city is self-governing and may have varying practices.

Maintenance costs or liens which were incurred after the Sheriff's sale are paid from the proceeds of the resale conditioned on sufficient funds being received and should be extinguished.

It is the purchaser's sole obligation to check with the taxing entities for information related to liens.

WILL I BE ABLE TO GET TITLE INSURANCE ON PROPERTY I PURCHASED AT A TAX RESALE?

Underwriting practices vary from one company to the next with regards to tax sale properties. You may explore your options with a title company or fee attorney office of your choice prior to making your purchase.

ARE THERE ANY OUTSTANDING MORTGAGES, LIENS OR OTHER ENCUMBRANCES ON THESE RESALE PROPERTIES?

There is no guarantee that all ownership and lien interests have been accounted for and extinguished by the judgment, nor can we guarantee against any other possible defects in the tax sale or underlying judgment on which the sale is based. It is the responsibility of the prospective purchasers to ascertain this information. It is suggested that you do a thorough investigation, including a title search, and engage an attorney to examine all documents filed with the court and in public records to determine what, if any, additional encumbrances are against the property.

ARE THESE PROPERTIES PAST THEIR REDEMPTION PERIOD?

The conveyance is made subject to the previous owner's right of redemption, if any, as provided in *Sections 34.05 and 34.21* of the Texas Tax Code. The redemption period begins on the date the Sheriff's Deed to the taxing unit is filed for record.

You should also seek legal counsel if you are unsure of the applicable redemption period.

HOW CAN I FIND OUT ABOUT ZONING, BUILDING RESTRICTIONS, CODE RESTRICTIONS, ETC. THAT WOULD RESTRICT BUILDING OR USE FOR A PROPERTY?

Land use is governed by regulations issued by the zoning district in which the property is located as well as by general regulations by the city or town. Prior to your purchase, it is suggested that you perform a thorough investigation and contact the city where the property is located to determine any zoning and/or building restrictions that may affect your intended use of property.

DO MINERAL RIGHTS ALSO TRANSFER TO ME WHEN I PURCHASE THE PROPERTY?

Dallas County, as trustee, conveys all rights, title and interest it acquired by virtue of the tax foreclosure proceedings.

WHAT TYPE OF CONVEYANCE DOCUMENT WILL DALLAS COUNTY EXECUTE TO THE SUCCESSFUL PURCHASER?

Dallas County will execute a Quitclaim Deed to the property conveying to the purchaser the right, title, and interest acquired or held by each taxing unit that was a party to the judgment foreclosing tax liens on the property. The conveyance shall be made subject to any remaining right of redemption at the time of the sale.

DOES DALLAS COUNTY OFFER A FINANCING PROGRAM?

No. Once an offer has been accepted by the Commissioners Court, the full balance is due within 30 days.

IF I SUBMIT AN OFFER TO PURCHASE PROPERTY AT A RESALE CONDUCTED BY DALLAS COUNTY AND LATER CHANGE MY MIND, MAY I CANCEL THE SALE AND RECEIVE A REFUND OF MY DEPOSIT?

No. If the decision to cancel occurs after formal acceptance by Dallas County (which occurs immediately upon Dallas County Commissioners Court issuing the order accepting the offer), the deposit cannot be refunded. Once a Quitclaim Deed is issued, the sale is considered final and not subject to rescission due to the purchaser's mistake or dissatisfaction regarding the property.

Yes. We can refund the deposit only if the notice to withdraw your offer is received prior to formal Commissioners Court acceptance and is in compliance with the terms of the applicable Purchase and Offer Agreement.