

HARVEY COUNTY, KANSAS REAL ESTATE TAX FORECLOSURE SALE
November 29, 2023 at 10:00 am.

Harvey County vs. Ray A. Rose, et al., 2023-CV-53

NOTICE AND INSTRUCTIONS TO BIDDERS

1. Who may not bid on or purchase a tract:

- a. Any person who has an interest in said tract as an owner, his or her heir, devisee, executor, administrator or assigns.
- b. 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.
- c. 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.
- d. Any person owns real estate in Harvey County, Kansas with delinquent taxes or special assessments.
- e. 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;
 - i. 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;
 - ii. 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.

2. Affidavit. An affidavit indicating that the purchaser does not fall into any of the above categories must be filed. Affidavits will be provided.

3. Cash or cashier's check. All sales will be for cash to the highest bidder. It will be the responsibility of the successful bidder to tender payment at the close of the auction. All cashier's checks or a bank drafts shall be made **payable to Clerk of the Harvey County District Court and delivered to the Harvey County Treasurer.** Personal checks will be accepted for the amount of

the bid, however, said checks shall be exchanged for a cashier's check or a bank draft to be presented to the Treasurer by 3:00 PM on the day of the sale and the closing of the auction.

4. **Filing Fee.** In addition to the purchase price, a filing fee **payable to the Harvey County Register of Deeds** in the amount of \$38.00 will be assessed.

5. **Sheriff's Deed.** A Sheriff's Deed will be issued to the purchaser upon confirmation of the sale by the District Court (approximately 30 days after sale).

6. **Title.** The Sheriff's Deed will pass fee simple title to the purchaser subject to the following:

- a. PROPERTIES ARE SOLD "AS IS." THERE ARE NO WARRANTIES.
- b. For ten years, property purchased at tax foreclosure auction may not be transferred to anyone who had a statutory right to redeem. If such a transfer occurs, the person is liable for the amount of the judgment plus interest.
- c. Valid covenants or easements of record or in use.
- d. 2023 and all prior real estate taxes and special assessments will be abated.
- e. Interest of parties not shown of record.
- f. K.S.A. 79-2804b provides that an action to set aside the judgment may be brought within twelve (12) months of the sale. The twelve (12) month limitation does not apply to objections based upon inadequate service of process. Title insurance is subject to these provisions. A Sheriff's Deed will still be provided to the buyer.
- g. All service of summons was personal on the owners. There was no need for publication service of summons.

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

8. **2024 taxes.** All 2024 taxes, special assessments (when they come due) and subsequent years will be the responsibility of the purchaser.

9. **Title insurance.** A title insurance commitment to insure will not be furnished to the purchaser. No evidence of title will be provided other than the Sheriff's Deed. Potential bidders are welcome to arrange for a title insurance commitment on their own for their consideration and to arrange for a title insurance policy through a title company. The Sheriff will not be responsible for same.