

JUDICIAL TAX SALE TERMS AND CONDITIONS

If a property was not sold at the upset tax sale because no bid was made in an amount at least equal to the upset price, the Tax Claim Bureau may petition the court of common pleas for permission to sell the property at a judicial tax sale free and clear of all tax claims, tax judgments, municipal claims, mortgages, liens, charges and estates, except separately assessed ground rents, pursuant to §610 of the Real Estate Tax Sale Law. As long as each owner and lienholder is notified of the hearing on the judicial sale petition, the purchaser will take the property free and clear.

The following conditions shall govern judicial tax sales:

1. You must be at least eighteen (18) years old and a citizen of the United States to bid on a judicial tax sale property.
2. The Tax Claim Bureau makes no guaranty or warranty whatsoever as to the existence or condition of the property, accuracy of ownership, size, boundaries, locations, existence of structures or lack thereof, liens, encumbrances, titles, occupancy, possession, condemnation or any other matter whatsoever affecting the property. The Tax Claim Bureau has attempted to comply with all the statutory requirements of the Real Estate Tax Sale Law, but makes no guarantees or warranties whatsoever.
3. The Tax Claim Bureau makes no guaranty or warranty whatsoever as to the accuracy or completeness of title searches performed in connection a judicial tax sale. The Tax Claim Bureau has attempted to comply with all the statutory requirements of the Real Estate Tax Sale Law, but makes no guarantees or warranties whatsoever. The independent due diligence of prospective bidders is essential, including a thorough review of the judicial sale petition, which includes a summary of the title and court docket, to ensure that all parties who have an interest in the property have been identified and served with notice of the hearing on the judicial sale petition.

4. All bidders are required to pre-register for the judicial tax sale. Specifically, “[a] person that intends to bid at a... judicial sale must appear and register at the bureau not less than 10 days before the scheduled... judicial sale.” Late registrations will not be accepted.
5. Following the fall of the auctioneer’s hammer at the judicial tax sale the successful bidder shall immediately pay the full minimum bid to the Tax Claim Bureau by cashiers’ check, certified check, money order (made payable to the Tax Claim Bureau) or credit card. If payment is not made, the sale shall be deemed null and void and the property shall be re-exposed to auction at the conclusion of the sale. The remaining balance, if any, owned by the successful bidder must be paid to the Tax Claim Bureau before 4:00 p.m. at the Office of the Tax Claim Bureau on the day of the auction or at any other time designed by the Bureau, by cashiers’ check, certified check, money order (made payable to the Tax Claim Bureau) or credit card, without further demand. If the remaining balance is not timely paid the minimum bid shall be forfeited and the property shall be placed in the repository for unsold properties.
6. All bids are final, you may not contact the Tax Claim Bureau and request to rescind your bid. The rule of *caveat emptor* or buyer beware, codified at 72 P.S. § 5931, applies to the sale of all property by the Tax Claim Bureau and no refunds will be made.
7. The General Assembly through the Land Bank Act has given land banks the ability to provide a “trump” bid at a judicial tax sale, meaning an automatic transfer to the land bank regardless of other bids.
8. The Tax Claim Bureau maintains the discretion and reserves the right to permit an owner of tax delinquent real estate to redeem a property slated to be sold at the judicial tax sale.

9. Land title insurance companies may elect not to insure the title of properties sold at a judicial tax sale. Bidders should consult legal counsel concerning the title and the advisability of bringing a court action to quiet title.
10. Transfer tax and recording fees that are remitted to and processed by the Lackawanna County Recorder of Deeds are non-refundable under any circumstances.
11. A tax claim bureau deed will be prepared and filed by the Tax Claim Bureau on behalf of a successful bidder for any property purchased at the judicial tax sale.
12. Bid assignments may be submitted within ten (10) days of the date of the judicial tax sale. Late assignments will not be accepted. Assignment instructions and forms can be found at the Tax Claim Bureau's website. Pursuant to the Pennsylvania Department of Revenue Bureau of Individual Taxes a successful tax sale bid is subject to real estate transfer tax and the subsequent assignment of that bid is additionally subject to real estate transfer tax. Simply put, a tax sale bid and subsequent assignment is considered two (2) separate and distinct transfers accomplished through one (1) document, which are both subject to transfer tax. See 61 Pa. Code § 91.170(b).
13. All county, municipal, and school district real estate taxes accruing after the date of the sale are the responsibility of the successful bidder.
14. Those who are determined to have submitted an inaccurate or false bidder registration application and/or bidder affidavit will be barred from participation in any future tax sales.
15. The sale does not purport to convey personal property.
16. A lien on a mobile home or manufactured home's certificate of title is not affected by a real estate tax sale.

17. If any problem with possession of the premises arises after purchase, it shall be the responsible of the purchaser to resolve the same.

s/Barbara Lynady
Barbara Lynady, Deputy Director