

## **CHECKLIST OF MANDATORY REQUIREMENTS PUBLIC AUCTIONS**

RESOLUTION/SALE NO. \_\_\_\_\_

DATED: \_\_\_\_\_

The following requirements should be fulfilled by the tax collector to lawfully initiate and conduct a tax sale under Division 1, Part 6 of the California Revenue and Taxation Code. Unless otherwise noted, all code section citations are from the California Revenue and Taxation Code. **(Note: Additional details and time lines are located in the County Tax Sale Procedural Manual Volume I: Chapter 7 Tax Sales.)**

### **Prior to Public Auction:**

- Notify the board of supervisors and obtain approval of the public auction sale (§3694, §3698).
- Mail the notice submitted to the board of supervisors to each taxing agency. The notice may also be mailed to each nonprofit organization that has requested notification (§3700).
- Mail the notice of proposed sale to the State Controller (§3700.5).
- Mail the notice of sale to the IRS (26 U.S. Code §7425).
- Mail the notice of sale to the last known mailing address of parties of interest. The tax collector shall make reasonable effort to obtain the name and last known mailing address of parties of interest (§3701).
- Contact, in person, the owner-occupant of the property if the property is the primary residence of the last known assessee. If contact in person has not been made after reasonable efforts, the tax collector shall attempt to serve written notice (§3704.7).
- Publish or post the notice of intended sale (§3702, §3704).

### **After the Public Auction:**

- Execute a deed to the purchaser upon receiving the full purchase price at the sale (§3708, §3710).
- Record the deed with the county recorder and pay the recording fees (§3708.1).
- Deposit money received from the sale with the treasurer or in a bank selected by the treasurer (§3718, §2507, and GOV §53680).
- Transmit a report of sale to the county treasurer and a duplicate of the report to the county auditor (§3718).
- Within 30 days after the sale, report to the assessor the name of the purchaser, the date and amount for which the property was sold and the description of the property conveyed (§3716).
- Distribute necessary funds prior to determining excess proceeds (§4672-§4673.1).
- Mail the notice of the right to claim excess proceeds to the last known mailing address of parties of interest if the excess proceeds exceed \$150. If the last known address of a party of interest cannot be obtained, the notice shall be published (§4676).
- Distribute the excess proceeds to any parties of interest no sooner than one year following the recordation of the tax collector's deed to the purchaser (§4675).