DISCLAIMERS

This publication is designed to provide an insight into the legal framework that gives the Hall County Tax Commissioner the authority to conduct a real estate tax sale in the State of Georgia. Nothing within this publication is set out as legal advice and should not be construed as such. Any references to the Official Code of Georgia (OCGA) are not intended as legal advice, nor should they be construed as binding legal authority for each and every tax sale.

We strongly encourage prospective purchasers considering a tax sale to consult an attorney for legal advice or assistance. Keep foremost in mind that it is up to the purchasers at a tax sale, or their private attorney, to assure themselves as to the soundness of the sale and the deed to be acquired at the sale.

The Hall County Tax Commissioner's Office does not warrant the titles or title searches related to any personal or real property. Any title search done for the Hall County Tax Commissioner's Office should not be considered an opinion of title to rely on for tax sale purchasers. Warranties are not given nor implied and clear or cloudless title/deed is not contemplated or guaranteed by the Hall County Tax Commissioner's Office.

The Hall County Tax Commissioner's Office cannot give out legal advice or legal guidance. Please direct all questions to an attorney.

DUTIES OF PROSPECTIVE TAX SALE PURCHASES

Attention: This tax sale booklet provides only a starting point for understanding tax sales. As tax sale purchasers, you are fully responsible for knowing and understanding the law regarding tax sale purchases and should familiarize yourself with all the applicable laws or seek legal advice from an attorney.

The legal axiom of caveat emptor or "buyer beware" applies to all tax sales (O.C.G.A. 9-13-167).

The Hall County Tax Commissioner reserves the right to void any tax sale that is later determined to have errors that make the sale invalid. The Hall County Tax Commissioner cannot and does not guarantee any expected gain on a tax sale investment, nor assist in or be responsible for prevention of a loss on your investment.

Thank you for your time and interest in Hall County today. Please let me know of any suggestions on today's tax/bank/auction sales to consider in future months.

HALL COUNTY Tax Commissioner
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PROSPECTIVE PURCHASER'S GUIDE


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INTRODUCTION

There are many questions regarding the property that the Hall County Tax Commissioner's Office cannot provide answers for. The person interested in the property must seek these answers elsewhere. For example, but not all encompassing, The Hall County Tax Commissioner's Office cannot answer questions regarding building code requirements, county sewer line locations, septic tanks, zoning districts, or zoning approvals.

It is possible for a tax sale property to have additional unpaid taxes owed, city taxes owed or any other form of unpaid taxes attaches to the property for sale. It is the responsibility of the tax sale purchaser to research and address any such issues on their own or through an attorney. It is also possible that additional county taxes have become delinquent since proceedings first began on the parcel you are considering.

As part of this process, the Hall County Tax Commissioner's Office follows certain statutory procedures when it levies upon a piece of property.

AUTHORITY TO SELL

The Tax Commissioner of Hall County serves as Ex-Officio Sheriff of Hall County. As Ex-Officio Sheriff, the Hall County Tax Commissioner may appoint an Ex-Officio Deputy Sheriff(s) to act on their behalf in tax sale matters. Each Ex-Officio Deputy Sheriff has full power to advertise and bring property to sale for the purpose of collecting outstanding taxes owed.

FIERI FACIAS (FI. FA.)

A fi. fa. (short for fieri facias, a Latin term meaning "cause it to be done" and also used interchangeably with Tax Execution or Execution) is a tax lien or writ, authorizing the Sheriff or Ex-Officio Sheriff to obtain satisfaction of unpaid taxes by levying on and selling the delinquent taxpayer's property. These documents are recorded on the General Execution Docket ("GED") of the Clerk of Superior Court (OCGA 48-3-3).

ISSUANCE AND RECORDATION OF FI. FA.

Tax Commissioner can issue an execution (fi. fa. or tax lien) against the owner of the property, which shall be recorded in the Hall County public records. Once issued, the execution (FI. FA.) also bears interest pursuant (O.C.G.A. 48-2-40).

LEVY

An Ex Officio Deputy Sheriff is directed by a tax execution (fi. fa.) to seize and sell property to satisfy the taxpayer's delinquent taxes. The Ex Officio Deputy Sheriff must give statutory notice before advertising the sale. For example, notice is provided to the owner, tenant, record owner of the property and the record owner of each security deed and mortgage affecting such property (O.C.G.A. 48-3-9).

ADVERTISING

All properties to be auctioned for delinquent taxes are required to be advertised prior to the tax sale being conducted. These advertisements are placed in the legal section of the Gainesville Times. Their website is www.gainesvilletimes.com. An updated list is also available at hallcountytax.org/property/tax-sale/.

ADDITIONAL NOTICE TO OWNER

Closer to the time of the tax sale, the owner is sent an additional statutory notice informing them of the impending tax sale.

PROPERTY LIST AND STARTING BIDS

A list of properties for sale is available on the Hall County Tax Commissioner's website. The opening bid for a particular piece of property is the amount of tax due, plus penalties, interest, fi. fa. cost, levy cost, administrative levy fee, certified mail cost, advertising cost, and tax deed recording fees.

TAX SALE

In a month when a tax sale is set to occur, the tax sale is held the first Tuesday of that month at 10 am inside the Hall County Government Building located at 2875 Browns Bridge Road, Gainesville, GA 30504. The sale can be found on the second floor inside the Hall County Board of Commissioners Meeting Room. The property auctioned and is sold to the highest bidder at or above the starting point bid. The highest bidder has a legal obligation to pay the bid amount. There are legal remedies available to the Tax Commissioner to enforce payment.

PAYMENT

Immediately following the conclusion of the tax sale, all purchasers must remit payment in full to the Hall County Tax Commissioner by 1:00 pm the same day of the sale. Payment must be in the form of cash, cashier's check or money order. We also require the purchaser to sign a statement attesting to the fact that certain property was purchased for a certain price. After all payments are processed, we begin preparation of the Tax Deed and the Real Estate Transfer Tax form.

AFTER THE TAX SALE

Purchasers of property sold at a tax sale do not automatically "own" the property purchased, nor are the property owners immediately evicted from the property. Tax sale purchasers must, by law, allow one year (12 consecutive months) for the property to be redeemed. Tax Property owners and any additional lien holders of record for the property can redeem the property within the one-year time frame. The tax sale purchaser will be automatically responsible for all property taxes owed on the property from the date of sale and forward, even though possession of the property is not immediately allowed.

To redeem the property, the property owner or interested party (other lien holder) must pay the purchaser the amount the purchaser paid at the tax sale plus 20% of the amount previously owed. Additionally, costs for any paid property taxes, between the tax sale and redemption, may be added onto the overall redemption price.

One year from the date of the tax sale, the purchaser, along with the tax sale deed, is strongly encouraged to file a foreclosure right of redemption to the property. All statutory requirements are necessary to facilitate such a transaction and can be found pursuant to the Official Code of Georgia.

Any questions regarding process and procedures after a tax sale, should be directed to an attorney. All information provided shall be construed as educational and informative in nature, not as legal advice. The Hall County Tax Commissioner's Office does not provide any legal advice.