

PROPERTY TAX SALE INFORMATION PACKET



City of Monroe, Louisiana

Title 47 Statute & Regulation

Ad Valorem Tax

R.S. 47:2183. Immovable property; tax sales; tax deeds

- A. Each state tax collector and ex-officio collector of state taxes, and the tax collectors of the municipal authorities of the various towns and city governments and political subdivisions throughout the state, shall execute and sign in person or by deputy, in the name of the state (or other taxing subdivision as the case may be) a deed of sale to purchasers of any real estate sold for taxes, in which he shall relate in substance a brief history of the proceedings had, shall describe the property, state the amount of the taxes, interest and costs and the bid made for the property, and the payment made to him in cash, cashier's check, certified check, money order or wire transfer and shall sell the property to the purchaser, with the right to be placed in actual possession thereof, by order of a court of competent jurisdiction, and shall conclude the deed with the statement in bold faced type that the property shall be redeemable at any time for the space of three years beginning on the day when the deed is filed for record in the conveyance office in the parish in which the property is situated.
- B. If not redeemed, such record in the conveyance or mortgage office shall operate as a cancellation of all conventional and judicial mortgages; provided that whenever a sale shall be made at the instance and request of a subrogee as provided in R.S. 47:2105, the recordation in the conveyance or mortgage office of the tax deed executed by the tax collector to the purchaser shall operate as a cancellation of all liens and privileges, as well as of all conventional and judicial mortgages, recorded against the property sold, except the liens and privileges for taxes and paving and other assessments due the state or any political subdivision thereof which shall be governed by existing laws.

R.S. 47:2183 (C) was amended by Both Act 430 and Act 819 of the 2004 Regular Legislative Session. Both versions are listed here. Until the conflict is resolved, the tax purchaser must comply with the most stringent requirements of Act 430.

Act 430 Language

- C. Within thirty days of the tax sale, the purchaser shall provide notice of the sale of that property to the prior owner of the property who failed to pay the taxes on the property by all of the following:

(1) Mailing to the prior owner, the mortgagee, and any other person who may have a vested or contingent interest in the property, or who has filed a request for notice in the mortgage records or conveyance records of the parish in which the property is located, at the last known address of the prior owner, the mortgagee, and any other person who may have a vested or contingent interest in the property, or who has filed a request for notice in the mortgage records or conveyance records of the parish in which the property is located, a notice that the property has been sold for taxes. The notice shall provide full and accurate information, including the name, physical address, and telephone number of the purchaser, necessary to contact the purchaser and shall be accompanied by a copy of the deed of sale received by the purchaser under the provisions of this Section and copies of the documents which the purchaser received with that deed of sale. The notice shall inform the prior owner, the mortgagee, and any other person who may have a vested or contingent interest in the property, or who has filed a request for notice in the mortgage records or conveyance records of the parish in which the property is located that failure to redeem the property prior to the expiration of the three-year redemption period, will terminate the right to redeem the property and the purchaser will have the right to seek confirmation of the tax title and take actual possession of the property. The notice required by this Section, and the documents required to be mailed with that notice, shall be mailed by certified mail, return receipt requested.

(2) Delivering the notice required by this Section, and the documents required to be provided with that notice, to the prior owner, at the last known address of the prior owner. Delivery shall be made during appropriate hours, by leaving the notice and the documents with a person of suitable age and discretion, or, if no person of suitable age and discretion is available, by posting the notice and the documents in a conspicuous place on the property.

SAMPLE LETTER

**TAX BUYER'S NAME
STREET ADDRESS
CITY, STATE ZIP CODE**

August XX, XXXX

RE: PROPERTY NO. : XXXXX

Ward _____ Section No. _____ Assessment No. _____

Subd. _____ Lot _____

Dear Sir/Madam:

This is an important notice. Please read it carefully. We are writing to inform you that the property taxes for the above noted property were not paid, and tax sale title to the property was sold to a tax sale purchaser for delinquent taxes for the 20XX tax year. You may redeem this property within three years from _____ by paying to the City of Monroe the amount due stated in or enclosed with this document. The redemptive period will expire on _____. Under some circumstances, the third party buyer may be entitled to take actual possession and full ownership of the property after this time.

After the expiration of the redemptive period, the property cannot be redeemed. Continued possession of the property does not extend the redemptive period.

Please contact the City of Monroe Tax & Revenue Division if you believe that you received this notice in error, have sold or transferred this property, or for further information and assistance.

AMOUNT DUE: _____

Thank you,

City of Monroe
Tax & Revenue Division
318-329-2367
318-329-2282
318-329-2362 Fax

Act 819 Language

C. Within thirty days of the day when the deed is filed for record in the conveyance office in the parish in which the property is situated, the purchaser shall provide notice of the sale of that property to the prior owner of the property who failed to pay the taxes on the property by mailing to the prior owner, at the last known address of the prior owner, a notice that the property has been sold for taxes. The notice shall provide to the prior owner full and accurate information, including the name, physical address, and telephone number of the purchaser, necessary for the prior owner to contact the purchaser and shall be accompanied by a copy of the deed of sale received by the purchaser under the provisions of this Section and copies of the documents which the purchaser received with that deed of sale. The notice shall inform the prior owner that if he fails to redeem his property prior to the expiration of the three-year redemption period, the purchaser will have the right to seek confirmation of the tax title and take actual possession of the property. The notice required by this Section, and the documents required to be mailed with that notice, shall be mailed by certified mail, return receipt requested. If the return receipt is not returned within thirty days, or if it is returned without a signature indicating completion of delivery, then the purchaser may provide further notice by delivering the notice required by this Section, and the documents required to be provided with that notice, to the prior owner, at the last known address of the prior owner. Delivery shall be made during appropriate hours, by leaving the notice and the documents with a person of suitable age and discretion, or, if no person of suitable age and discretion is available, by posting the notice and the documents in a conspicuous place on the property.

D. Repealed by Act 819

E. The provisions of this Section shall not apply to property which has been adjudicated to a parish or a municipality. (Amended by Act 430)

R.S. 47:2183. *A tax title does not, ipso facto, deprive the tax debtor of the actual possession of the property sold at the tax sale, but such sale only gives the tax purchaser a right to be put in possession of the property under the tax deed in the manner provided by law.*

A tax purchaser does not forfeit his title by failing to take possession of the property purchased.

R.S. 47:2184. Immovable property; interests conveyed

The tax sale shall convey, and the purchaser shall take, the whole of the property assessed to the delinquent taxpayer if it is the least quantity sufficient to satisfy the aggregate of all taxes, interest, penalties, and costs. If the property is divisible in kind

and a part of the whole is sufficient to satisfy such aggregate charges, the collector shall require the bid or bids to be for such lesser portion of the whole property as will satisfy such charges and shall not entertain a bid in excess thereof. In determining if the property is divisible in kind the description of the property on the assessment rolls shall be binding on the tax collector. The tax collector shall not be required and shall be prohibited from dividing the property into smaller quantities than that contained in the description of the property contained on the assessment rolls. If the tax collector determines from the description of the property contained on the assessment rolls that it is not divisible in kind he shall then proceed to sell such lesser undivided interest of the whole property as will satisfy such charges and shall not entertain a bid in excess thereof. The tax sale shall convey and the purchaser shall take the entirety of the property intended to be assessed and sold as it was owned by the delinquent taxpayer regardless of any error in the dimensions or description of the property as assessed and sold. The tax collector in the advertisement or deed of sale may give the full description according to original titles.

R.S. 47:2184. *The interest conveyed at a tax sale is only that which is owned by the delinquent taxpayer*

R.S. 47:2185. Immovable property; putting in possession

Upon the presentation of a certified copy of a tax deed for immovable to any judge of competent jurisdiction (such jurisdiction to be determined by the value of the immovable therein described and not the amount of the taxes), the judge shall in chambers grant an order of seizure and possession, commanding the sheriff to seize such property and place the purchaser in actual possession thereof, a writ of possession shall be issued thereon by the clerk, but the purchaser may take actual possession without such order, with the consent or acquiescence of the debtor or otherwise, provided no force or violence shall be used.

R.S. 47:2185. *Tax purchaser is entitled to immediate possession and is not required to wait for expiration of the three (3) year redemption period before assuming possession.*

R.S. 47:2228. Procedure to quiet tax titles

After the lapse of three years from the date of recording the tax deed in the conveyance records of the parish where such property is situated, the purchaser, his heirs or assigns, may institute suit by petition and citation as in ordinary actions against the former proprietor or proprietors of the property, in which petition must appear a

description of the property, mention of the time and place of the sale and name of officer who made same, reference to page of record book and date of recording tax deed, notice that petitioner is owner of the said property by virtue of said tax sale, and notice that the title will be confirmed unless a proceeding to annul is instituted within six months from date of service of the petition and citation. This suit shall be brought in the parish where the property is situated unless it lies in two or more parishes, in which case this suit may be instituted in either of such parishes. The petition and citation shall be served as in ordinary suits; provided, that if the former proprietor be a nonresident of the state, or unknown, or his residence be unknown, the court shall appoint a curator ad hoc to represent him and receive service, and said curator shall receive for his services a reasonable fee to be fixed by the court in each suit, the same to be taxed as costs of suit. After the lapse of six months from the date of service of petition and citation, if no proceeding to annul the sale has been instituted, judgment shall be rendered quieting and confirming the title.

In all cases where tax titles have been quieted by prescription of five years under the provisions of Section 25 of Article VII of the Constitution of 1974, the purchaser or his heirs or assigns may, if he or they so desire, either obtain a judgment of the court confirming the title by suit in the manner and form as hereinabove set out, except that the delay for answer shall be ten days instead of six months, or the purchaser or his heirs or assigns may, at his or their option, quiet the title by monition proceeding, as provided by law relative to sheriffs' sales and tax sales; provided that the failure to bring suit shall in no manner affect such prescriptive titles.

Nothing in this Section shall be construed to affect in any way, the principle that as to a tax debtor-owner in possession, prescription does not begin against him and in favor of the tax title purchaser until such tax debtor-owner has been first dispossessed.

R.S. 47:2228.1. Form of proceeding to quiet tax title

- A.** The form of proceeding to quiet titles to property purchased from the state, or any political subdivision thereof, which property had been previously adjudicated to the state or a political subdivision thereof for nonpayment of taxes, shall be as follows:

After the recordation of the patent or deed in the conveyance records of the parish where such property is situated, the purchaser, his heirs or assigns, may institute suit by petition and citation as in ordinary actions against the former owner of the property who was the record owner of the property at the time of the adjudication of the property to the state or any political subdivision thereof for nonpayment of taxes, in which petition must appear a description of the property, mention of the adjudication to the state or a political subdivision thereof, reference to the book and page of the conveyance records in which the deed of said adjudication has been recorded and the date of recordation, mention of the sale by the state or its political subdivision of said adjudicated property and reference to the book and page of the conveyance records in which the patent or deed of sale by the state or

its political subdivision has been recorded and the date of recordation, notice that petitioner is owner of said property by virtue of said patent or deed of sale by the state or its political subdivision or by virtue of an acquisition emanating from the purchaser under said patent or deed of sale by the state or its political subdivision, and praying that the title to the said property be confirmed and quieted.

However, where at the time of bringing suit to quiet title, another party possesses whatever title the record owners at the time of the adjudication of the property to the state or any political subdivision had, by virtue of inheritance, or recorded conveyance, or chain of recorded conveyances, originating from said record owner as aforesaid or his heirs, the said suit shall be instituted against this party or his heirs.

- B.** This suit shall be brought in the parish where the property is situated unless it lies in two or more parishes, in which case this suit may be instituted in any one of such parishes.

- C.** The petition and citation shall be served as in ordinary suits; provided, that if said former record owner be a non-resident of the state, or unknown, or his residence be unknown, or if it be not known whether said owner be alive or dead, or if it be known that said owner is dead but his widow in community and/or heirs are non-residents of the state or unknown or their residence be unknown, or if another person possesses whatever title the record owner had as set forth in Subsection A, and said person be a non-resident of this state, or unknown, or if another person possesses whatever title the record owner had as set forth in Subsection A, and said person be a non-resident of this state, or unknown or if his residence be unknown, or if it be not known whether said party be alive or dead, or if it be known that said party is dead but his widow in community or his heirs are non-residents of the state or unknown, or their residences be unknown, then the court shall appoint a curator ad hoc to represent him or his widow in community and/or his heirs upon whom service of the petition and citation shall be made, and said curator shall receive for his services a fee to be fixed by the court, the same to be taxed as costs of suit.

- D.** The filing in evidence of a certified copy of the deed of the adjudication to and the patent or a certified copy thereof, issued by the state or any political subdivision thereof shall be prima facie proof of the validity and regularity of said adjudication and said patent.

- E.** If the suit to quiet title is filed more than five years after the date of registration of the deed of the adjudication to the state or any political subdivision thereof, for non-payment of taxes, in the conveyance records of the parish in which the

property is located, and more than five years since the record owner or his heirs or assigns or heirs of said assigns as aforesaid have had physical possession of said property, the only defense available to the defendant shall be proof by him of the payment of the taxes for which the property was adjudicated to the state or any political subdivision thereof prior to the date of said adjudication or redemption subsequent to said adjudication. In all cases there shall be a prima facie presumption that the defendant has not had physical possession of the said property from the date of the registration in the conveyance records of the deed to the state or any political subdivision as aforesaid.

- F. The filing of the above suit shall not be mandatory; and the failure to bring said suit in no manner shall affect the validity of title to property purchased from the state or any political subdivision thereof, which property had been previously adjudicated to the state or a political subdivision thereof for non-payment of taxes.

R.S. 47:2222.1. Additional payments required

- A. In addition to the payments required under R.S. 47:2222, the purchaser of any real estate sold to pay taxes due thereon at a tax collector's sale shall be entitled to receive from the owner or agent of such real estate the cost of any repairs, rehabilitation, maintenance, removal, or demolition made or done thereon by said purchaser to the extent not otherwise included in the value of improvements for which payment is required under R.S. 47:2222, when required by an order of a political subdivision, as defined in article VI, Section 44(2) of the Constitution of Louisiana, for the purpose of enforcing a property standards ordinance. The reimbursement for costs set forth in this Section shall be limited to the minimum amount reasonably necessary to comply with the order of such political subdivision and the property standards ordinance.
- B. To prove the cost of repairs, rehabilitation, maintenance, removal, or demolition made or done on such real estate, the purchaser of the real estate thus sold shall provide written receipts for the payments of said costs from the persons who performed the work or from whom the materials were purchased. In the event the owner of the real estate contests the validity of such documentation, appraisers shall be appointed and shall proceed in the manner set forth in R.S. 47:2223 to determine the cost of said repairs, rehabilitation, maintenance, removal, or demolition. The governing authority of the City of Shreveport, the governing authority of the City of Monroe, and the governing authority of the City of New

Orleans shall each respectively enact such procedures, rules, and regulations as may be necessary for the implementation of this Section.

R.S. 47.2222.1. *Section R.S. 33:4754 also provides that after any parishes or cities listed in (A) (1) of said section have incurred such costs, they may be added to the next ad valorem tax bill, and if unpaid, the property may be sold as for unpaid property taxes.*

City of Monroe Code Enforcement 318-329-2336

R.S. 47:2101. Time for payment; notice when due

A. (1) All taxes shall be collected in the calendar year in which the assessment thereof is made, and they shall be designated as the "taxes for the year _", accordingly as they are collectible, and the taxes assessed in each year shall be due in that calendar year as soon as the tax roll is filed in the office of the recorder of mortgages, except taxes on movable property in the event of a bulk sale under the provisions of the Bulk Sales Law', and they shall be paid on or before the thirty-first day of December in each respective year in order to avoid the notice, advertisement, and sale required by Article VII, Section 25 of the Louisiana Constitution. In the event of a bulk sale of movable property under the provisions of the Bulk Sales Law, all taxes due on movable property shall be due ten days prior to completion of the transfer or the payment of any consideration therefore and shall be payable upon completion of the bulk sale.

(2) No forced collection of taxes on movable property shall be made before the first day of February of the succeeding year unless the collector has good reason to believe that the state, parish, or municipal corporation will lose the collection.

(3) The interest on all ad valorem taxes, whether levied on movable or immovable property, which are delinquent shall begin on the thirty-first day of December of each and every year and shall bear interest from December thirty-first of such year until paid, at the rate of one percent per month or any part thereof from. In the event of an erroneous assessment and adjustment by the tax commission, the taxpayer shall have fifteen days from receipt of notice of the revised assessment in which to pay the adjusted amount without interest penalty. If the address provided by the tax assessor on the tax roll proves to be incorrect and the tax debtor does not receive a timely notice, the tax collector may extend to the debtor a fifteen-day notice in which to pay without interest penalty. Interest shall not be charged when

the payment was mailed on or before the due date as evidenced by proof of mailing or postmark.

- B. (1)** Immediately following the filing of the tax roll by the assessor in each calendar year, the tax collector with whom such tax roll is filed shall mail a notice in addition to the notices required elsewhere in this Title, by postcard or letter, to each tax debtor listed on the tax roll at the address shown on such roll. This notice shall disclose the total amount of taxes due by the tax debtor for the current year, the ward in which the property taxed is located, and the number of the assessment.

(2) In addition to the notice to the tax debtor, the tax collector shall also send a notice to each person holding a properly recorded mortgage on immovable property if such mortgagee has notified the tax collector of such recorded mortgage and has requested the notice of taxes due. If the mortgagee has designated another person to receive the notice, the tax collector shall send a notice of taxes due to that person. The notification by the mortgagee to the tax collector shall state the legal description of the immovable property and the name of the record owner. The mortgagee requesting notice shall pay a reasonable sum to the sheriff to defray the cost of providing the notice. The notification by the mortgagee to the tax collector shall be renewed annually. The notice to the mortgagee may be in the form of a computer printout.

- C.** The notice shall request the tax debtor to return the notice to the tax collector with remittance, and shall remind the tax debtor of the date that taxes become delinquent following issuance of such notice and that interest will accrue on the taxes from the date the taxes become delinquent. Interest shall accrue at the rate prescribed by law, which rate, or a brief description of the manner in which the rate is calculated, shall be stated in the notice.
- D.** Failure of the collector to send this notice or failure of the taxpayer assessed to receive the notice shall not affect any sale for taxes of any of the property assessed upon which the taxes are not paid.
- E.** The provisions of this Section requiring a notice to the taxpayer shall in no way affect and shall not be held to be inconsistent or in conflict with the provisions of R.S. 47:2171, 47:2180, 47:2181, 47:2182, or 47:2189, or any other Section relating to notice to tax debtors.

R.S. 47.2101(A) 3. *Most jurisdictions calculate interest beginning January 1st rather than December 31. Some jurisdiction require interest to be paid from December 31 on any reduced amount, but give the taxpayer 15 days to pay any increased amount without interest.*

R.S. 47.2101(D). *Court cases have held that taxing jurisdictions must take "reasonable steps" to notify properly owners and/or mortgage holders of taxes due.*

R.S. 47:2101.1 Payment requirements

All liens imposed upon immovable property under R.S. 13:2575, R.S.33:1236, 4752, 4753, 4754, 4766, 5062, and 5062.1 shall be included in the ad valorem tax bill and shall be paid along with such taxes. Failure to pay the liens shall cause the immovable property to be subject to the same provisions of law as govern tax sales of immovable property.

R.S. 47:2102. Payment of taxes on property administered by fiduciaries

All receivers, referees, trustees, or other officers appointed by any court, both state and federal, to administer or conduct any business in this state, or liquidators, whether judicial or extra judicial, shall be subject to all state and local taxes applicable to such business, the same as if such business were conducted by an individual or corporation, and before deducting or paying any salaries, fees or compensation to themselves or to any employees or agents, they shall pay all taxes owed by the individual, partnership, association or corporation, for whom they act, to the state or its subdivisions or municipalities. The receivers, referees, trustees or liquidators, upon assuming their official duties, shall immediately ascertain from the proper authority the amount of taxes owed by the individual, partnership, association or corporation, whose estate they are administering, and in the event of their failure to pay all such taxes, shall be personally responsible for the unpaid taxes, to the extent of the inventoried value of the estate.