

SALE OF LAND(S) FOR TAX ARREARS BY PUBLIC TENDER

TENDER DOCUMENTS

The sale of land for tax arrears by public tender is governed by *The Tax Enforcement Act*. A municipality may recover unpaid property taxes through the sale of a property. By the time the property is eligible for tax sale, the property taxes are, at a minimum, in their second year of arrears.

Tax sales are not typical real estate transactions. The Municipality is generally interested in recovering unpaid taxes, costs associated with obtaining the title, and property maintenance; it is not obligated to obtain fair market value for the property. Prior to participating in a tax sale, it is **recommended that you seek independent legal advice from a lawyer** licensed to practice in Saskatchewan and in good standing with the Law Society of Saskatchewan.

1. The Municipality may not be fully aware of the condition of a property being advertised for sale, nor does the Municipality make any representation as to its condition. The Municipality does not provide a survey or reference plan for any parcel of land subject to a tax sale.
2. The Municipality is not required to provide vacant possession of any properties which may be occupied by persons or property and accordingly, the purchaser should contact their lawyer.
3. The onus is on the tenderer to conduct his/her own inquiries into the characteristics and conditions of the property including zoning, access, work orders, water/hydro and other arrears, building restriction, title problems, liens, etc., each of which may survive the tax sale. The Municipality makes no representations whatsoever as to the quality and/or size of the land being purchased.
4. Properties sold through the tax sale process are sold "as is". There are no representations or warranties expressed or implied as to fitness of the land for any particular purpose.
5. The Municipality does not always provide access to properties that are subject to a tax sale unless otherwise noted in the tender documents or advertisement for the sale. The Municipality may not have a key to the property and may not be in a position to provide one to the purchaser.
6. The Municipality does not provide legal advice in respect of tax sales or any other matters.

TENDER PROCESS

Tax sales are conducted through a public tender process. Tenders must be submitted in a sealed envelope prior to the specific advertised time, using prescribed Form A, Tender to Purchase. The tender must include a letter explaining the intended use of the property, as well as any future plans for the property. A deposit of at least 20% of the tendered amount in the form of a money order, bank draft, or cheque certified by a financial institution or trust corporation must also be included. Once a tender has been submitted it becomes irrevocable and property of the Village of Craven until such time as a tender is awarded or rejected. Multiple bids for a single property by the same individual will be rejected. Bids must meet the reserve amount, if set. Bids with conditions attached will not be considered.

Tenders are opened at the regularly scheduled meeting of Council during the month in which the tender closes. Following the opening, the Municipality or Municipal Auditor will review all tenders for legislative and zoning compliance and determine if there are any qualified tenderers. Rejected tenders are returned by mail to the tenderer along with their deposit and notice stating reason for rejection.

The Municipality will notify the successful tenderer of the balance to be paid in order for the tenderer to be declared the successful purchaser. The balance due must be paid in-full within 30 calendar days of the mailing date of the notice. If the balance is not paid within the 30 calendar days, the tenderer's deposit is forfeited and the property is offered for sale in the same manner to the next qualified tenderer. Upon receiving notification, it is recommended that the successful tenderer should immediately retain a lawyer licensed to practice in Saskatchewan and in good standing with the Law Society of Saskatchewan.

The successful tenderer is responsible for fees of Transfer Title. Should they so choose to use a solicitor, the purchaser must provide to the Village, the name of the solicitor who will undertake to register the Transfer Authorization on his/her behalf. The Village of Craven will provide a Transfer Authorization to the purchaser's solicitor upon receipt of the balance of the purchase price.

If there is no successful tenderer, the lands may vest to the Municipality.

The Municipality reserves the right to withdraw any property from the tax sale process at any time prior to registration of a tax deed without notice.

The Municipality is not required to select any bid that is not enough to cover the amount of all outstanding arrears of taxes, penalties, and costs.

Property taxes will be adjusted as per the possession date.

Disclaimer: The information contained herein may become out-of-date as relevant legislation changes. While every effort will be taken to update the information, the Municipality cannot be held responsible for any legal liabilities arising from the use of the information.

Form A Tender to Purchase

I/we wish to submit the following tender:

For the sale of: _____
(provide description of land, including the legal land description and street address)

1. I/we hereby tender to purchase the land described above for the amount of \$ _____
(_____ dollars)
in accordance with the terms and conditions of *The Tax Enforcement Act* and the Tender Documents.
2. I/we understand that this tender must be received by the Village Office not later than 3:00 p.m. local time on May 23, 2023, and that in the event of this tender being accepted, I/we shall be notified of its acceptance in writing.
3. I/we enclose a deposit in the form require in the amount of \$ _____
(_____ dollars)
made payable to the Village of Craven representing 20% (percent) or more, of the tendered amount. I/we are aware that the above-mentioned deposit will be forfeited if I/we are the successful tenderer(s) and do not pay the balance of the above tendered amount within 30 days of being notified by mail that I/we are the successful tenderer.
4. I/we have enclosed information regarding the purpose for which I/we desire the property and planned use for the property and understand that any such purpose or use must comply with all local regulations, Policies and Bylaws of the Village of Craven.

This tender is submitted pursuant to terms and conditions of *The Tax Enforcement Act* and the Village of Craven's Tender Documents. By signing below I/we am/are verifying that I/we have reviewed and understand, in full, the Tender Documents, and as such this document will serve as a legally binding agreement that represents a bill of sale should my/our tender be accepted.

Dated at _____, _____ this _____ day of _____, 20_____

Name of Tenderer(s)	Mailing Address & Phone Number of Tenderer(s)
Print Name:	
Signature:	
Print Name:	() -
Signature:	
Print Name:	() -
Signature:	

<u>For Village office use only:</u>	Date: _____
<input type="checkbox"/> Tender Awarded <input type="checkbox"/> Tender Declined, Reason: _____	
Signatures for acceptance of the above tender:	
_____	_____
Mayor	Administrator