

CONDITIONS OF PERRY COUNTY TAX SALE BIDS

The following conditions shall govern the sale of properties by the Perry County Tax Claim Bureau. Properties sold through Upset Sale are not sold free and clear of tax municipal liens, mortgages, liens, judgments, charges and estates of whatsoever kind. Properties sold through Judicial Sale will be sold free and clear. Properties sold through Repository Sale will be sold free and clear, searches are current only to the date of the Judicial Sale to which the property was exposed.

JUDICIAL AND/OR REPOSITORY SALE

Minimum bid for property, vacant land or land with a home, whether mobile or frame, is \$500.00. The minimum bid for mobile homes, without any land, is \$100.00. Recording and deed preparation fees are not included in the sale price and will be added at the time of payment. Payment shall be made by cash, money order, or cashier's check drawn to the order of PERRY COUNTY TAX CLAIM BUREAU. No personal checks or business checks accepted. Payment is due in full on the day of the sale, one hour before closing or by 3:00 p.m.

The TAX CLAIM BUREAU will issue a deed to the purchaser upon confirmation of the sale. The deed conveyed will be a quit claim deed and shall not contain any warranties either general or special. *The deed will be delivered to the purchaser within 2 to 4 months from the date of the sale.* Entrance to the property is prohibited until a deed is received. The present owner has the rights and responsibilities of the property until the deed is recorded in the purchaser's name and no right of ownership are transferred until that time.

UPSET/JUDICIAL AND REPOSITORY

The TAX CLAIM BUREAU will sell the property without warranty or representation as to the description, and will make no new survey on any property sold. The Bureau does not guarantee that the property for sale is actually the property sold and you are urged to locate and do a title search of the property prior to purchase. The purchase is arm's length and Buyer Beware. ALL SALES ARE FINAL. All properties sold and all title transferred is under and subject to the Act of 1947 P.L. §5860.619 as amended and known as the Real Estate Tax Sale Law, and pursuant to section 619(a) each purchaser verifies "I am not delinquent in paying real estate taxes in any taxing district where the property is located and I owe no municipal bills that are not more than one year outstanding." The entire purchase price is payable to the Bureau no later than 3:00 p.m. the day of sale. In the event the set amount is not paid, the sale of said property is void and will be exposed for sale again.

Kristine A. Adkins, Director, Tax Claim Bureau
William Bunt, Esquire, Perry County Solicitor

Purchaser acknowledges these conditions and agrees to abide by the same. It is expressly understood that all sales are subject to Buyer Beware (Caveat Emptor), and in each case the property offered for sale by the Bureau is without guarantee or warranty whatsoever whether as to its existence, the correctness of ownership, the size, boundaries, location, condition, structures or lack of structures upon the land, liens, title, or any manner or thing whatsoever.

Purchaser's Signature

Date

AFFIDAVIT OF BIDDER PERRY COUNTY TAX SALE

I, _____, _____
Signature Print Name

Having been duly sworn according to law depose and say as follows:

1. I am an adult bidder at the Tax Sale conducted by the Perry County Tax Claim Bureau.
2. I hereby certify that I am not in violation of 72 P.S. §5860.618, §5860.619, and §5860.619a, copies of which are attached hereto and incorporated herein by reference thereto.
3. I hereby acknowledge that I have been provided a copy of 72 P.S. §5860.501-A, 502-A, and 503-A, regarding bidder registration before the sale.
4. I acknowledge, that as a prospective purchaser, I have had the opportunity to have an examination made of the title to any property in which I may be interested. Every reasonable effort has been made to keep the proceedings free from error. However, in every case, the Tax Claim Bureau is selling the taxable interest and the property is offered for sale by the Tax Claim Bureau without any guarantee or warranty whatever, either as to structures or lack of structures upon the land, liens, title, or any other matter.
5. I hereby certify I am not delinquent in paying real estate taxes to any taxing district in this Commonwealth and that I have no municipal utility bills, as defined in section 619.1 (b), that are not more than one year outstanding anywhere in this Commonwealth.
6. I hereby certify that I am not bidding for or acting as an agent for a person who is barred from participating in the sale under section 601 (d).
7. I hereby certify, I have not within the three (3) years preceding the filing of the application, engaged in a course of conduct or permitted an uncorrected housing code violation, as defined in section 619 (e), to continue unabated after being convicted of an uncorrected housing code violation, as defined in section 619 (e), and has not either.
8. I hereby certify, that I have not failed to maintain a property owned by the applicant in a reasonable manner such that the property posed a threat to health, and safety or property.
9. I hereby certify, I have not permitted the use of property in an unsafe, illegal or unsanitary manner such that the property posed a threat to health, safety, or property.
10. I hereby certify, that I understand that an applicant who signs a bidder registration application knowing that it contains a false statement and who causes it to be filed with the bureau shall be subject to prosecution for the commission of a misdemeanor of the second degree in violation of 18 Pa. C.S. §4904 (a) (relating to unsworn falsification to authorities).
11. Pursuant to 16 P.S. 1806 of the County Code, I further certify that I am not a Perry County elected official or appointed officer.
12. I have reviewed and acknowledged the Perry County Tax Sale Rules Governing the Sale.
13. I understand that if the applicant is not an individual, documentation that the signer has the authority to act on behalf of the applicant, and the individual appearing in person to register, as required under section 501-A(a), is the signer of the application or otherwise authorized to act on behalf of the applicant.

SWORN TO AND SUBSCRIBED NOTARIAL SEAL
BEFORE ME THIS _____ DAY
OF _____ 202__

MY COMMISSION EXPIRES
Notary Stamp

Pennsylvania Statutes Title 72 P.S. Taxation and Fiscal Affairs § 5860.618. Repurchase by owner

<Section 4 of Act 2018, June 19, P.L. 239, No. 38, effective in 60 days [Aug. 20, 2018], provides that the act shall apply to sales conducted on or after Aug. 20, 2018.>

(a) The owner shall have no right to purchase his own property at a judicial sale, a private sale or from the bureau's repository for unsold property under the provisions of this act.

(a.1) Notwithstanding subsection (a), if a property remains unsold after an upset sale and on the docket of a bureau, the bureau may accept full payment for the property from or on behalf of the owner. Full payment shall include all delinquent taxes returned to the bureau and any costs, penalties and interest due at the time the owner appears to pay the taxes. The bureau may not accept partial payments or enter into an installment agreement with an owner whose property remains unsold after an upset sale. The receipt of full payment pursuant to this subsection shall discharge the tax claims entered against the property. The subject property shall be removed from further exposure to sale, and a note thereof shall be made on the docket and index.

(b) A change of name or business status shall not defeat the purpose of this section.

(c) For the purpose of this section, "owner" means any individual, partner, shareholder, trust, partnership, limited partnership, corporation or any other business association or any trust, partnership, limited partnership, corporation or any other business association that has any individual as part of the business association who had any ownership interest or rights in the property.

Pennsylvania Statutes Title 72 P.S. Taxation and Fiscal Affairs § 5860.619. Restrictions on Purchases

(a) Deeds for any property exposed for any sale under Sub article (b) of Article VI of this act shall not be exchanged any sooner than twenty (20) days nor later than forty-five (45) days after any sale held under sub article (b) of Article VI. 1

(b) A municipality may, within fifteen (15) days of any sale held under sub article (b) of Article VI of this act, petition the court of common pleas to prohibit the transfer of any

deed for any property exposed for any sale under sub article (b) of Article VI which is located in that municipality to any purchaser who is proven to meet any of the criteria set forth in the municipality's petition.

(c)(1) The petition of the municipality shall allege that the purchaser has over the last three years preceding the filing of the petition exhibited a course of conduct which demonstrates that a purchaser permitted an uncorrected housing code violation to continue unabated after being convicted of such violation; and

(i) failed to maintain property owned by that purchaser in a reasonable manner such that it posed a threat to health, safety or property; or

(ii) permitted the use of property in an unsafe, illegal or unsanitary manner such that it posed a threat to health, safety or property.

(2) A person who acts as an agent for a purchaser who sought to avoid the limitations placed on the purchase of property by this section shall be subject to the restrictions imposed by this section.

(3) Allegations under this subsection shall be proved by a preponderance of the evidence. In ruling on the petition, a court shall consider whether violations were caused by malicious acts of a current non-owner occupant and the control exercised by a purchaser in regard to his ownership interest or rights with other properties.

(d) A change of name or business status shall not defeat the purpose of this section.

(e) As used in this section:

“Municipality,” any county, city, borough, incorporated town, township, home rule municipality, optional plan municipality, optional charter municipality or any similar general-purpose unit of government which may be created or authorized by statute.

“Purchaser,” any individual, partner, limited or general partner, shareholder, trustee, beneficiary, any other individual with any ownership interest or right in a business association, sole proprietorship, partnership, limited partnership, S or C corporation, limited liability company or corporation, trust, business trust or any other business association.

“Uncorrected housing code violation,” any conviction of a violation of the local building, housing, property maintenance or fire code which is not remedied within six (6) months of conviction.

“Violation,” any conviction under a building, housing, property maintenance or fire code which posed a threat to health, safety or property, but not a conviction deemed by a court to be de minimis.

Pennsylvania Statutes Title 72 P.S. Taxation and Fiscal Affairs § 5860.619a. Additional restrictions

(a) Within twenty (20) days following any sale under this act, a successful bidder shall be required to provide certification to the bureau that the person is not delinquent in paying real estate taxes to any of the taxing districts where the property is located and that the person has no municipal utility bills that are more than one year outstanding.

(b) As used in this section, the following terms shall have the following meanings:

“Certification,” shall mean proof via receipts of paid real estate taxes and municipal utility bills within the jurisdiction or a notarized affidavit by the bidder evidencing payment of such real estate taxes and municipal utility bills.

“Municipal utility bills,” shall mean bills for services provided by a utility which is wholly owned and operated by a municipality or municipal authority. The term shall include, but not be limited to, water, sewer and solid waste disposal utility bills.

“Municipality,” refers to any county, city, borough, incorporated town, township, home rule municipality, optional plan municipality, optional charter municipality or any similar general-purpose unit of government which may be authorized by statute.

“Person,” includes a corporation; partnership; limited liability company; business trust; other association; government entity, other than the Commonwealth; estate; trust; foundation; or natural person.

BIDDER REGISTRATION BEFORE SALE
(Art. added June 30, 2021, P.L., No.33)

Section 501-A. Duty to register.

- (a) General rule. --A person that intends to bid at a scheduled upset sale or judicial sale must appear and register at the bureau not less than 10 days before the scheduled upset sale or judicial sale.
- (b) Bids on multiple properties. --Except if a person intends to bid on more than one property at scheduled sales conducted on the same day in the same county, each time that a person intends to bid at a scheduled sale, the person must comply with subsection (a).
- (c) Fee. --A county may establish a fee for filing an application to register under this article.
(501-A added June 30, 2021, P.L., No.33)

Section 502-A. Application.

In order to register for a scheduled upset sale or judicial sale, the person must submit an application that includes the following information:

- (1) If the applicant is an individual, the individual's name, residential address and phone number.
- (2) If the applicant is not an individual, the applicant's name, including the name of all officers, business address and phone number.
- (3) If the applicant is a limited liability company, the names, business addresses and phone numbers of all members, managers and any other persons with any ownership interest or right in the limited liability company.
- (4) An affidavit stating that the applicant:
 - (i) is not delinquent in paying real estate taxes to any taxing district in this Commonwealth and that the applicant has no municipal utility bills, as defined in section 619.1(b), that are not more than one year outstanding anywhere in this Commonwealth;
 - (ii) is not bidding for or acting as an agent for a person who is barred from participating in the sale under section 601(d);
 - (iii) has not, within the three years preceding the filing of the application, engaged in a course of conduct or permitted an uncorrected housing code violation, as defined in section 619(e), to continue unabated after being convicted of an uncorrected housing code violation, as defined in section 619(e), and has not either:
 - (A) failed to maintain property owned by the applicant in a reasonable manner such that the

- property posed a threat to health, safety or property; or
- (B) permitted the use of property in an unsafe, illegal or unsanitary manner such that the property posed a threat to health, safety or property; and
 - (iv) understands that an applicant who signs a bidder registration application knowing that it contains a false statement and who causes it to be filed with the bureau shall be subject to prosecution for the commission of a misdemeanor of the second degree in violation of 18 Pa.C.S. § 4904(a) (relating to unsworn falsification to authorities).
- (5) If the applicant is not an individual, documentation that the signer has the authority to act on behalf of the applicant, and the individual appearing in person to register, as required under section 501-A(a), is the signer of the application or otherwise authorized to act on behalf of the applicant.
- (502-A added June 30, 2021, P.L., No.33)

Section 503-A. List of registered bidders.

A bureau shall provide a list of completed applications received under section 502-A to all municipalities within the county by mail, email or facsimile at least five days prior to the upset sale or judicial sale. The list shall provide the name, address and phone number of the applicant. For registered bidders that are not individuals, the bureau shall provide to all municipalities the names, business addresses and phone numbers of all officers, members, managers and any other persons with an ownership interest or right in the applicant as disclosed in the application.

(503-A added June 30, 2021, P.L., No.33)

**MUNICIPALITIES (53 PA.C.S.) - BIDDER REGISTRATION BEFORE SALE,
DATE OF SALE, REPURCHASE BY OWNER AND SALE OF PROPERTY IN
REPOSITORY**

Act of Jun. 30, 2021, P.L. , No. 33

Cl. 53

Session of 2021
No. 2021-33

HB 264

AN ACT

Amending the act of July 7, 1947 (P.L.1368, No.542), entitled "An act amending, revising and consolidating the laws relating to delinquent county, city, except of the first and second class and second class A, borough, town, township, school district, except of the first class and school districts within cities of the second class A, and institution district taxes, providing when, how and upon what property, and to what extent liens shall be allowed for such taxes, the return and entering of claims therefor; the collection and adjudication of such claims, sales of real property, including seated and unseated lands, subject to the lien of such tax claims; the disposition of the proceeds thereof, including State taxes and municipal claims recovered and the redemption of property; providing for the discharge and divestiture by certain tax sales of all estates in property and of mortgages and liens on such property, and the proceedings therefor; creating a Tax Claim Bureau in each county, except counties of the first and second class, to act as agent for taxing districts; defining its powers and duties, including sales of property, the management of property taken in sequestration, and the management, sale and disposition of property heretofore sold to the county commissioners, taxing districts and trustees at tax sales; providing a method for the service of process and notices; imposing duties on taxing districts and their officers and on tax collectors, and certain expenses on counties and for their reimbursement by taxing districts; and repealing existing laws," adding provisions relating to bidder registration before sale; and, in sale of property, further providing for date of sale, for repurchase by owner, for restrictions on purchases and for sale of property in repository.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, is amended by adding an article to read:

ARTICLE V-A

BIDDER REGISTRATION BEFORE SALE

Section 501-A. Duty to register.

(a) **General rule.**--A person that intends to bid at a scheduled upset sale or judicial sale must appear and register at the bureau not less than 10 days before the scheduled upset sale or judicial sale.

(b) **Bids on multiple properties.**--Except if a person intends to bid on more than one property at scheduled sales conducted on the same day in the same county, each time that a person intends to bid at a scheduled sale, the person must comply with subsection (a).

(c) **Fee.**--A county may establish a fee for filing an application to register under this article.

Section 502-A. Application.

In order to register for a scheduled upset sale or judicial sale, the person must submit an application that includes the following information:

- (1) If the applicant is an individual, the individual's name, residential address and phone number.
- (2) If the applicant is not an individual, the applicant's name, including the name of all officers, business address and phone number.
- (3) If the applicant is a limited liability company, the names, business addresses and phone numbers of all members, managers and any other persons with any ownership interest or right in the limited liability company.
- (4) An affidavit stating that the applicant:
 - (i) is not delinquent in paying real estate taxes to any taxing district in this Commonwealth and that the applicant has no municipal utility bills, as defined in section 619.1(b), that are not more than one year outstanding anywhere in this Commonwealth;
 - (ii) is not bidding for or acting as an agent for a person who is barred from participating in the sale under section 601(d);
 - (iii) has not, within the three years preceding the filing of the application, engaged in a course of conduct or permitted an uncorrected housing code violation, as defined in section 619(e), to continue unabated after being convicted of an uncorrected housing code violation, as defined in section 619(e), and has not either:
 - (A) failed to maintain property owned by the applicant in a reasonable manner such that the property posed a threat to health, safety or property; or
 - (B) permitted the use of property in an unsafe, illegal or unsanitary manner such that the property posed a threat to health, safety or property; and
 - (iv) understands that an applicant who signs a bidder registration application knowing that it contains a false statement and who causes it to be filed with the bureau shall be subject to prosecution for the commission of a misdemeanor of the second degree in violation of 18 Pa.C.S. § 4904(a) (relating to unsworn falsification to authorities).
- (5) If the applicant is not an individual, documentation that the signer has the authority to act on behalf of the applicant, and the individual appearing in person to register, as required under section 501-A(a), is the signer of the application or otherwise authorized to act on behalf of the applicant.

Section 503-A. List of registered bidders.

A bureau shall provide a list of completed applications received under section 502-A to all municipalities within the county by mail, email or facsimile at least five days prior to the upset sale or judicial sale. The list shall provide the name, address and phone number of the applicant. For registered bidders that are not individuals, the bureau shall provide to all municipalities the names, business addresses and phone numbers of all officers, members, managers and any other persons with an ownership interest or right in the applicant as disclosed in the application.

Section 2. Sections 601(d), 618(a) and (c), 619(b) and 627(a) of the act are amended to read:

Section 601. Date of Sale.--* * *

(d) No individual whose landlord license has been revoked in a municipality pursuant to its ordinance may purchase property in the county in which the local municipality is located at a tax sale under this act. [Every person bidding for property to be sold

at a tax sale under this act must certify that they are not bidding for or acting as an agent for a person who is barred from participating in a sale under this subsection.] Pursuant to this subsection, a municipality shall furnish to the county in which such municipality is located, within forty-eight (48) hours in advance of a tax sale, documentation relating to landlord license revocations pursuant to municipal ordinance.

* * *

Section 618. Repurchase by Owner.--(a) The owner shall have no right to purchase [his own] **the owner's** property at a judicial sale, a private sale or from the bureau's repository for unsold property under the provisions of this act.

* * *

(c) For the purpose of this section[, "owner"]:
"Owner" means any individual, partner, shareholder, trust, partnership, limited partnership, corporation or any other business association or any trust, partnership, limited partnership, corporation or any other business association that has any individual as part of the business association who had any ownership interest or rights in the property.

Section 619. Restrictions on Purchases.--* * *

(b) A municipality may, within fifteen (15) days [of] **before or after** any sale held under subarticle (b) of Article VI, petition the court of common pleas to prohibit the transfer of any deed for any property exposed for any sale under subarticle (b) of Article VI which is located in that municipality to any purchaser who is proven to meet any of the criteria set forth in the municipality's petition.

* * *

Section 627. Sale of Property in Repository.--(a) The bureau may, with the written consent of all the taxing districts where the property is located, **establish a minimum purchase price and accept an offer of any price equal to or greater than the minimum purchase price** for property placed in the "repository for unsold properties" without court approval and published notice of sale. **The bureau shall require, as a condition of sale, that the purchaser provide an affidavit that includes the information specified under section 502-A.** Any taxing district may not unreasonably withhold its consent to the sale of the property[.] and, if no consent is provided within sixty (60) days of the date notice was received by the taxing district, it shall be deemed that the taxing district consents to the sale of the property. As a condition of its consent, a taxing district may require that the purchaser:

- (1) appear in person before the governing body of the taxing district charged with reviewing repository bids; and
- (2) provide all of the information required under section 502-A.

* * *

Section 3. This act shall take effect in 60 days.

APPROVED--The 30th day of June, A.D. 2021.

TOM WOLF