



# TACS' OPERATIONAL GUIDELINES TO HANDLING JUDICIAL SALES

Taxing Authority Consulting Services, P.C. is proud to be handling delinquent real estate tax collection and sales for numerous counties, cities and towns throughout Virginia. This guide provides an outline of the various processes taken in litigation and explains how each step fits into our reporting on the status of matters in litigation.

The reporting statuses (indicated on the right side of the page) are divided into “Pre Lit”, actions occurring before suit is filed, and “Lit”, occurring after suit is filed. You will receive a case status report, at least quarterly, that will show each litigation matter and the current status. A sample Bin Tracking report is included as part of this document with all of the various stages outlined.

**tacs**

# Assignment of Accounts/Parcels

- TACS receives assignments of delinquent accounts on a portfolio basis (all accounts meeting certain criteria, generally age, are turned over).
- Unless otherwise instructed, TACS will run a general collections process on these accounts. That process will include mailings, phone calls, skip tracing, payment plans, lien searches, etc. While this will lengthen the time it takes to have an auction, it often results in payment without having to resort to court and the expenses of the litigation process.
- You can and should instruct us to take parcels straight to litigation if they are nuisances, have a derelict structure, or otherwise would not benefit from collection efforts.
- Once parcels are assigned, you should direct taxpayers to our office to make payment in order to ensure collection of fees and costs.

## Preparation for Sale Process

- After the general collections process has run its course, generally 3-5 months, TACS will prepare to start the litigation process.
- We will prepare an ad for the local paper listing the properties on which we are going to start proceedings.
  - The ad will be reviewed and approved by the locality.
  - There is often confusion in that citizens think the date stated in the ad is the date of the auction, however, that is only the date by which the litigation process may start.
- We will generally include all assigned properties in the ad unless they are on an active payment plan, in bankruptcy, the sheer volume makes the ad unwieldy, or there are other reasons which we would discuss with you on a case-by-case basis.
  - This does not mean that all of these properties will be sold at the same time, it just means they are all eligible to move forward with litigation.
- Once the ad has run, we will begin ordering titles.
- The cost of the ad and the title report (and other expenses of the process) will be billed to the locality as they are incurred. *(see p.11)*
  - We will add these costs into the balance due and recover them from redemption or sale.
  - If payments are made on an account with incurred costs, we will apply payment to the costs first.

*Reporting  
Status: Pre  
Lit Initial Ad*



# Title Order

- We try to work with a local title examiner that has good experience in your clerk's office.
  - We may ask you for a recommendation unless we have someone in the area already who has done good work for us.
- We will typically order 20-30 titles at a time. This will create a batch that we will work through until auction.
- Once the litigation is underway on the first batch, we will order additional titles to take through to a second sale and will keep doing the same. We do not have to wait for the properties to be auctioned before placing a second title order and starting the litigation process on that new batch.
- Titles should take around 30-45 days for a basic title and up to 100 days for something more complex and it can take us anywhere from a few days to several weeks to review an individual title depending on its complexity and whether additional title items are needed.
- The title exam is another cost of the process to be added to the account balance and the cost will be billed to you.

*Reporting  
Status: Pre Lit  
Title Order*

# Title Review

- Title review can be time consuming and it is often impractical for us or the courts to handle an extremely large number of cases.
- We order the titles and work the cases through to sale in a batch which is more manageable and easier to track.
- We review the titles to identify Deed of Trust holders, heirs, other lien holders and anyone else that might have an interest in the property.
- We will try to choose a reasonable selection of accounts to put in each batch looking at criteria such as the age of delinquency, the balance due, whether the property is improved, and other factors.
- We are always interested in knowing if you or the locality have priorities (such as condemned, nuisance or revitalization properties) so we can prioritize our focus in ordering the titles and moving the properties to sale.

*Reporting  
Status: Pre Lit  
Title Review*



# Suit Preparation

- We will begin reviewing the titles and will send letters to parties who may have a legal interest in the parcel (e.g. known heirs, Deed of Trust holders, judgment and other lien holders). These are known as 3965 letters based on the Code section (§58.1-3965) that requires them.
  - You may hear from some of these people; we are trying to identify anyone with an interest in the property prior to moving forward with the suit to see if anyone is interested in paying the taxes to keep the property from sale.
  - Sometimes, the people we contact do not know anything about the parcel or record owner. We do our best to identify the correct heirs and interested parties so adequate notice is given.
- If the title review indicates that the property may not exist, we will provide documentation for review by the locality.
- Thirty days after we have sent these required letters, we are ready to file suit.

*Reporting  
Statuses: Pre  
Lit 3965*



# Suit Filing

- We file a Complaint on behalf of the locality and simultaneously file a Memorandum of Lis Pendens (MLP). The MLP puts any persons on notice of the suit and requires anyone who acquires a subsequent interest in the property to appear and protect their interest.
- Each of the parties named in the Complaint (anyone necessary with an interest in the property) must be served to be properly before the Court.
- This may include service by the sheriff, the Secretary of the Commonwealth (for out of State parties), the State Corporation Commission, or an Order of Publication (OOP).
  - Service fees are another cost of the process and will be added to the account and billed.
- Once we have proper service on all parties we can move forward with the case.
- If an OOP is necessary we have to request the Court to enter the Order.
- You will receive copies of all court documents filed.

*Reporting  
Statuses: Lit  
Suit Filed*



*Reporting  
Statuses: Lit  
Affidavits,  
Decree, Order  
Filed*

## Preparing & Filing Affidavits, Decrees & Orders

- As the case moves forward, we need to present documentation to set the stage for entry of the Decree of Sale.
- We will prepare and file a Certificate of Title certifying as to the title to the property.
- We will prepare an affidavit for the assessor to certify the value of the property (if less than \$100,000).
- We will prepare an affidavit for the Treasurer/Dir. of Finance to certify the taxes that are due.
- If service was made by posting, we also mail those parties a copy of the Complaint and file an affidavit of mailing with the Court.
- If there are parties who are unknown (heirs) we will have to serve them through an Order of Publication (OOP) which is a newspaper insertion about the court action.
  - The court will appoint a Guardian Ad Litem.
  - These are both additional costs of the process.
  - We prepare an affidavit of due diligence to allow the Court to enter the OOP.



# Ordering Appraisal (if necessary)

- We are also required to order an appraisal if the assessed value of the property exceeds \$100,000.
  - If less than \$100,000, we will send the assessor an affidavit to be completed which attests to the value of the property.
- The appraisal should take 30-45 days. Once received, we will file it with the Court. The appraisal is another cost of the sale process.



*Reporting  
Statuses: Lit  
Appraisal  
Ordered*

# Motion for Entry of Decree of Sale (Permission to Sell Property)

- Once we have service on all parties and have filed the Title Report, Affidavit of Publication for Order of Publication (if applicable), and the Affidavit of the Assessor or Appraisal, we will request a hearing for Court to consider entry of a Decree of Sale.
  - Timing may be subject to scheduling with the Court, the Guardian Ad Litem and other parties' schedules.
- A Decree of Sale Hearing is held and we will ask the court for permission to sell the subject properties and to appoint TACS as Special Commissioner of Sale.
  - Court will ensure the proper parties are before the court
    - Court will ensure that TACS has followed the requirements of the statute providing appropriate notice, advertising and service of process.
- You are welcome to attend the hearing, but it is not required.
- A property can be redeemed up until the actual sale. All taxes, fees and costs must be paid in full to keep the property from being sold.
  - For redemptions leading up to a sale we require payment by certified funds.

*Reporting: Lit  
Decree of Sale  
Prep; Lit  
Decree of Sale  
Filed*



# Auction

- We can now schedule an Auction (scheduled approximately 6-12 weeks after Decree of Sale).
- We need to advertise in the newspaper, once a week for two consecutive weeks, another cost of sale.
- We will coordinate with you, the court and auctioneer to select a location and schedule the auction.
  - Auctions are often held in the courthouse, a board room or other local meeting place.
- You may receive inquiries about the sale; you can direct interested bidders to our website <http://taxsales.taxva.com> for information about the terms of sale and the properties offered.
- We will also provide your office, the Clerk's office and the Commissioner of Revenue with information packets to distribute to those interested.
- We often try to combine a Non-judicial sale (NJS) with the court ordered sale to have more parcels available (*see p. 10*).



- The auction is conducted in the order the properties were advertised.
  - We will try to arrange the parcels in a way to keep interest until the end.
  - At a minimum, we hope to cover the costs and taxes from the sale, although this is not always possible. For some parcels (e.g. those with long periods of delinquency, or high delinquent amounts – especially compared to the assessed value of the property), some taxes may have to be written off, but sometimes this is the only way to get the delinquent parcels back on the active tax rolls in the hands of someone who is going to do something worthwhile with the property.
  - We reserve the right to reject low bids and may need to consult with you if there is only minimal interest in certain parcels.
- Once the auction is concluded, the high bidders will enter binding agreements to purchase the property.
  - We will collect deposits (typically 25% or \$1000, whichever is greater). The deposit is held in trust until the court approves the sale.
  - If the sale is confirmed (*see p. 8*), the purchaser will be responsible for the taxes from the date of sale forward.

# Decree of Confirmation

- After the sale, we must return to Court and get the Court's approval before we can issue deeds for title transfer.
- We prepare and file a Report of Sale and a Motion for Confirmation with the court. This will include a proposed Schedule of Distribution of the proceeds from the auction (we refer to this as Schedule A).
  - You will receive copies of all filings.
  - Subject to court schedule.
- The Court will review the adequacy of the sale and the bids for the properties.
  - Sometimes seemingly inadequate bids can be confirmed if we can show special circumstances:
    - Property is landlocked.
    - Structure is dilapidated.
    - Property location is unknown.
    - Topography limits the usefulness of the property.

*Reporting: Lit  
Decree of  
Confirmation  
Prep; Lit Decree  
of Confirmation  
Filed*

# Deed Recordation and Distribution

- If the Decree of Confirmation is entered by the Court, we will contact the high bidders and collect the balance of purchase price and the recording fees.
- We will issue and record a Special Warranty Deed.
- We will clear the remaining funds and then disburse funds according to Schedule A (the plan of distribution approved by the Court) with instructions of how they should be applied.
  - Excess funds will be disbursed to the Clerk of Court and will be paid to the locality if not claimed within 2 years of the date of confirmation by the owners/heirs.
- Unpaid Taxes must be marked as satisfied through the date of the auction.

*Reporting  
Statuses: Lit Deed  
Recordation and  
Disbursement*





# Other TACS Account Statuses

## **Lit Final Decree and Release Filed-**

After the Sale and Deeds are Issued, we release the Memo of Lis Pendens (MLP) and have the Court enter a Final Decree removing the case from the Court's docket.

## **Lit Excess Process-**

When excess funds are being held by the Court for the two year period following confirmation of the sale.

## **Lit/Pre-Lit Bankruptcy Hold-**

For accounts where the record owner or a known heir with a defined interest in the property has filed for bankruptcy protection. The automatic stay applies and we cannot proceed with our action.

## **Lit/Pre-Lit Payment Plans-**

For cases in which the owners/heirs have entered into an acceptable payment arrangement to pay the delinquency.

## **Lit Commissioner in Chancery-**

If there is a dispute raised as to the title or the value of the property, the Court may refer the matter to a Commissioner in Chancery to take evidence along those lines.

## **Lit Nonsuit Filed-**

A request to remove the case from the docket but allowing leave to refile. A nonsuit is filed when a property has been redeemed from the sale.

## **Lit Substitution of Counsel-**

Where TACS has assumed responsibility for the account from a previous attorney and we are asking the Court to allow us to become counsel of record on your behalf.

## **Lit/Pre-Lit Other-**

Other situations that arise once the property has been selected for sale and advertised.

# Non-Judicial Sales (NJS)

Certain property may be sold by the Treasurer/Director of Finance without the necessity of getting Court approval based on the value of the property (<\$10,000), or its size or condition (if between \$10,000 and \$25,000) provided the taxes are at least 3 years delinquent. TACS will generally schedule and hold auctions of NJS property in conjunction with a Court approved Judicial Sale in order to maximize bidder interest.

NJS Statuses-There are similar statuses for Non-judicial sales that enable us to track the progress of those cases through the process. These statuses serve similar function to the equivalent judicial sale statuses which include:

- NJS Title Order
- NJS Title Review
- NJS Zoning Review-to determine if the property qualifies for NJS
- NJS Auction Prep
- NJS Deed Prep
- NJS Exceeds Proceeds
- NJS Other
- NJS-property has been marked as NJS eligible

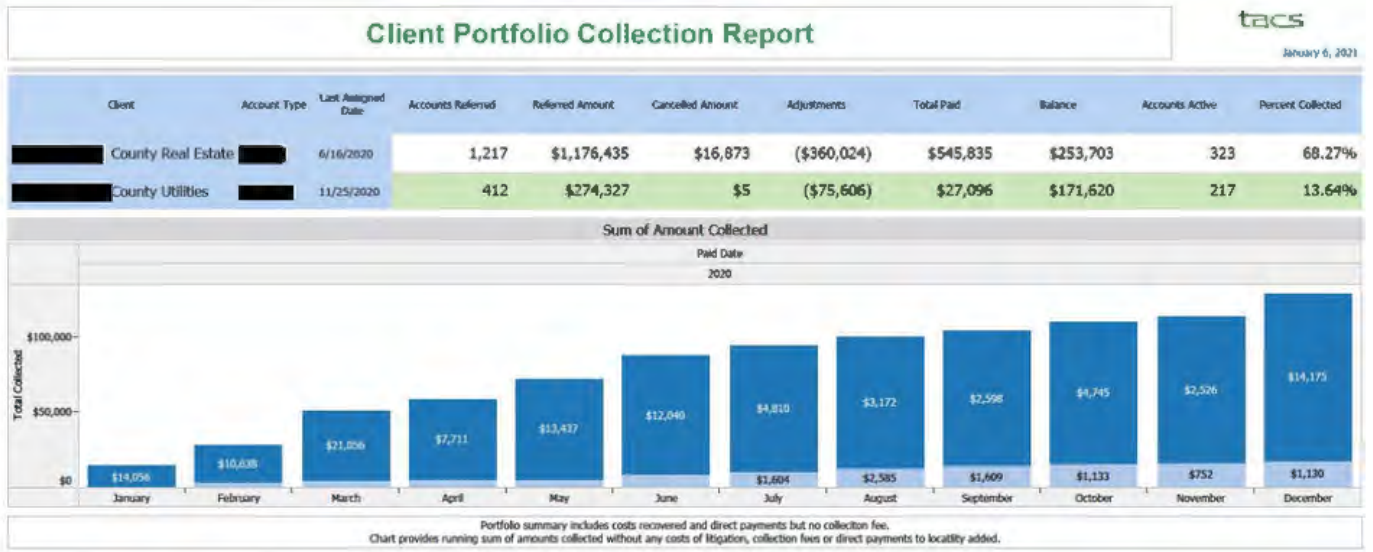


# Litigation Costs Through The Process

COST	WHAT IT IS FOR	TIMING/NOTES	TACS TRACKING BIN
<b>Initial Advertisement</b>	The pro rata costs of the initial advertisement in the newspaper. This cost is divided among all the parcels listed.	At least 30 days before filing suit.	Pre-Lit Initial Ad
<b>Title Search</b>	Title must be reviewed and all necessary parties named	Before filing suit	Pre-Lit Title Order
<b>Title Update</b>	An update of the title to see if new events have occurred; We will order if we feel there may be newer judgments against the owner or if the title is more than 90 days old	Before filing suit	Pre-Lit Title Review
<b>Service Fees</b>	To bring the defendants properly before the court; sheriff fees are \$12 (we do not have to pay within your locality); Secretary of the Commonwealth Fees are \$28 to serve out of state defendants; State Corporation Commission Fee is \$30 to serve defunct or foreign corporation	Fees are incurred when the suit is filed	Lit Suit Filed
<b>Order of Publication (OOP)</b>	An advertisement in the newspaper for parties unknown and those who could not be otherwise served; This runs twice unless parcel is assessed at less than \$50k when it runs once	Shortly after suit filed as we have tried to have defendants served; this is one of the larger costs of this process	Lit Affidavits, Decrees, Order Filed
<b>Appraisal</b>	Only needed when the parcel is assessed over \$100k; Otherwise we can use an affidavit from the assessor	Need before asking the court for entry of a Decree of Sale	Lit Appraisal Ordered
<b>Auction Ad</b>	The pro rata costs of the auction advertisement in the newspaper. This cost is divided among all the parcels listed.	Prior to the auction; After entry of a Decree of Sale	Lit Auction Prep
<b>Auctioneer Redemption Fee</b>	A fee to cover the auctioneers costs in case the property redeems	As we get ready for the auction; This fee should not be billed to you or remitted to you; This fee is removed if the property is auctioned and replaced with the buyer's premium (see below)	Lit Auction Prep
<b>Guardian Ad Litem (GAL)</b>	A GAL is appointed to represent the unknown parties anytime an OOP is done; They are entitled to be paid from the proceeds	As we get ready for the Decree of Sale; This fee should not be billed to you or remitted to you	Lit Decree of Sale Filed
<b>Auction Fee-Buyer's Premium</b>	Generally 10% of the bid price added to cover the auctioneer's fee	After the auction; This fee should not be billed to you or remitted to you	Lit Decree of Confirmation Filed



# Sample Client Report with Litigation Bin Tracking



## Litigation Bin Tracking (Parcel List)

1/6/2021 2:30:53 AM

Name	Last Name	First Name	Referenc..	Number of Records	Sum Of Account Balance	Unique Count Debtors
Pre Lit Title Ordered	██████████	LY ROANE	44-64	2	\$1,329	1
	██████████	RUTH C	10C-5-2-33	2	\$1,305	1
	██████████ OUGH	THOMAS R	10C-5-2-35	2	\$1,305	1
	██████████	JOSEPH	10C-13-1-37	2	\$1,305	1
	W ██████████	PAULINE C	10C-13-1-8	2	\$1,293	1
	H ██████████ S	WILLIAM	26K1-3-68	2	\$1,253	1
	M ██████████	EVELYN J	66-4-E-14	2	\$1,230	1
	A ██████████	JOHN JOSEPH	35A-1-2	2	\$1,229	1
	██████████ ESTATE ET ALS	WILLIE ANN	35-111B	2	\$378	1
	██████████		3-53	1	\$2,430	1
LIT Decree of Sale Prep	██████████ S	ROBERT A	19419	1	\$1,019	1
	██████████	CARL A	10C-16-1-10	2	\$2,670	1
LIT Payment Plans	██████████	THOMAS	36-112E	2	\$703	1
	██████████		10-90	1	\$796	1
	██████████ N	ALEX	10-90	1	\$13,803	1
	██████████ S	JOHN	44-92	2	\$6,985	1
	██████████ W	FRANCIS W	19-5A	2	\$6,893	1
	██████████ DS	DOLLY A	3A1-2-19-4	2	\$5,141	1
LIT Auction Prep	██████████ N	FRED	53-1	2	\$3,675	1
	K ██████████	CAROLYN FAUNTLEROY	10C-4-1-34	2	\$2,281	1
	██████████	ROBERT FITZGERALD	34-74A	2	\$2,244	1
	██████████	DAVID A	26K2-1-186	2	\$2,070	1
	A ██████████ N	CATHERINE P	22A-A-43	2	\$1,729	1
	AN ██████████	ANTONIO	22A-A-154	2	\$1,538	1
	██████████ ON	HASSAN T	23E-46	1	\$162	1
	██████████		27B-123R-58	1	\$196	1
NJS Auction Prep	██████████ TT	WILLIAM J	27B-124R-58	1	\$220	1
	██████████		27B-124R-59	2	\$413	1
	A ██████████ G	C D	27A-316P-17	2	\$617	1
	██████████		10C-19-A	2	\$1,263	1
Pre-LIT Other	██████████		10C-19-B	2	\$1,263	1
	B ██████████	MICHAEL BRIAN	10C-19-C	2	\$1,263	1
	██████████		10C-19-D	2	\$1,263	1
	██████████	RICKY H	17-18	1	\$314	1
<b>Grand Total</b>				<b>132</b>	<b>\$118,570</b>	<b>45</b>

# Sample Client Report with Litigation Bin Tracking-2

## Litigation Bin Tracking (Parcel List)

1/6/2021 2:30:53 AM

Name	Last Name	First Name	Referenc..	Number of Records	Sum Of Account Balance	Unique Count Debtors
Pre-Lit Payment Plans		DAVID	22C-179	1	\$5,260	J
			22C-180	1	\$632	J
		JOSEPH W	28K1-3-111	2	\$1,420	J
		THOMAS	36-65C	2	\$816	J
		ROBERT	43-21A	2	\$452	J
			3A4-4-A-6	2	\$231	J
			3A4-4-A-8	2	\$231	J
			3A4-4-B-1	2	\$231	J
			3A4-4-B-10	2	\$231	J
			3A4-4-B-25	2	\$231	J
			3A4-4-C-1	2	\$231	J
			3A4-4-C-2	2	\$231	J
			3A4-4-C-4	2	\$231	J
			3A4-4-C-10	2	\$231	J
			3A4-4-E-6	2	\$231	J
			3A4-4-E-23	2	\$203	J
			3A4-4-E-24	2	\$203	J
			3A4-4-E-25	2	\$203	J
			3A4-4-F-16	2	\$231	J
	Pre-Lit Title Ordered			22B-152	2	\$605
			22C-38	2	\$426	J
			22C-170	2	\$2,943	J
		CHARLES E T	3A1-2-49-3A	2	\$5,587	J
			3A1-2-49-3B	2	\$1,187	J
		JERLINE	6-20	2	\$3,427	J
		WILLIAM J	22B-167	2	\$2,643	J
		GINA	30-29E	2	\$3,333	J
		JASON L	22E-44	1	\$1,324	J
			22E-49	1	\$1,105	J
		JOHN CARROLL	3A1-2-17-16	2	\$1,507	J
			3A1-2-25-7	2	\$731	J
		ELWOOD R	25B2-3-9	2	\$1,994	J
		FRANCES L	68-2-F-4	2	\$1,551	J
		KENNETH	68-3-F-16	2	\$1,550	J

PORTFOLIO COLLECTION REPORT KEY	
Referred Accounts	Number of unique debtors referred (does not reflect number of parcels)
Amount Referred	Total portfolio assigned for collection including collection fees
Cancelled Amount	Amount recalled or withdrawn per client due to statute of limitation or manual recall
Amount Adjusted	Adjustments made to loaded accounts, adjustments to fees, correction of balances and automated withdraws or recalls
Total Paid	Sum of amounts paid including collection fees
Balance Amount	Remaining amount due in collections including collection fees
Active Accounts	Number of unique debtors with obligations due (does not reflect number of unique parcels)
Percent Collected	Percentage of collection of amounts referred less cancelled and adjusted accounts
LITIGATION TRACKING REPORT KEY	
Pre Lit Initial Ad	Parcel has been advertised prior to litigation
Pre Lit Title Ordered	A title report has been ordered on the real estate
Pre Lit Title Review	Title has been received and is under review for preparation of legal documents
Pre Lit 3965	The required 30 day letter notices have been mailed
LIT Suit Filed	Lawsuit has been filed with the Court and papers are out for service of process
LIT Affidavits, Decree, Order Filed	Affidavit of Commissioner of Revenue, Treasurer Posted Service, Due Diligence, Order of Publication and GAL Decree has been filed
LIT Appraisal Ordered	Appraisal has been ordered if assessed more than \$100,000
LIT Decree of Sale Prep	Preparing Motion for a decree of sale hearing
LIT Decree of Sale Filed	Property is ready for decree of sale hearing to permit sale
LIT Auction Prep	Decree of Sale has been entered and property is being prepared for auction
LIT Decree of Confirm. Prep	Property has been auctioned and confirmation documents are being prepared for Court approval
LIT Decree of Confirmation Filed	Confirmation documents have been filed with the Court along with a proposed distribution method for the funds
LIT Deed Recordation and Disbursements	Decree of Confirmation has been awarded and remainder of funds have been requested from the high bidder to allow disbursements to be made
LIT Final Decree and Release Filed	All disbursements have been made and the matter is ready to close and be removed from the Court's docket
LIT Sub. of Counsel	Requesting Court to allow the substitution of counsel
LIT Other	Litigation matter is on hold (reasons may vary)
LIT Nonsuit Filed	Case is dismissed
LIT Comm. in Chancery	Awaiting hearing report from the commissioner in chancery
LIT Excess Proceeds	The Court is holding excess funds from the last auction for 2 years from Confirmation
LIT Bankruptcy Hold	The owner of the real estate is in bankruptcy
Pre Lit and Lit Payment Plans	The property is on an active payment plan and is monitored monthly for compliance
NJS	Property has been selected for nonjudicial sale qualification
NJS Title Ordered	Title has been ordered on the NJS property
NJS Title Review	Title has been received and is being reviewed on the NJS property
NJS Auction Prep	NJS property is ready and is being prepared for an upcoming auction
NJS Deed Prep	Auction concluded and the deed conveying the NJS property is being prepared for filing (Disbursements have been made)
NJS Excess Proceeds	Excess proceeds have been forwarded to the locality to be held for 2 years from auction

# Glossary of Terms

**Appraisal:** The judicial sale process requires an appraisal if the assessed value of the property exceeds \$100,000. We will contract with a reputable local appraiser. The costs of the appraisal will be recouped from sale.

**Assessor Affidavit:** If the assessed value of the property is less than \$100,000 we can proceed with an affidavit from the Commissioner of the Revenue/Assessor attesting to that fact instead of an appraisal.

**Commissioner in Chancery (CIC):** An Attorney appointed by the Court to take evidence about the title to the property, its value, and/or the amount and priority of liens against the property. In most cases TACS can proceed to sale without needing a CIC.

**Complaint:** The lawsuit filed to subject a property to sale. The Complaint is served upon all necessary parties with an interest in the property and may also list "Parties Unknown" when there are questions as to the actual current owners.

**Costs:** Certain actions through the sale process require payment to outside agencies. Cost invoices are paid by TACS and then billed to the locality. All costs are added to the amount due and recouped first from the proceeds of sale. Typical cost items include advertising, service of process, title reports, Appraisals, Orders of Publication, Guardian ad Litem fees, etc.

**Decree of Confirmation (DOC):** A hearing held before the Court after the property has been auctioned. The Court will review the Report of Sale and ensure that the bids were adequate for the properties taking into account the condition, use, and limitations of the properties.

**Decree of Sale (DOS):** The process whereby the Court grants permission to sell the property. The Court will review the title, assessment/appraisal and the pleadings filed by TACS to allow the sale to move forward.

**Excess (surplus) funds:** Any monies left over after paying the costs of sale, the fees incurred, the taxes due and other creditors. These funds are held by the Court. If these funds are unclaimed for two years, the funds are transferred to the locality. TACS provides for the payment of the surplus in the Order confirming the sale.

**Guardian Ad Litem (GAL):** An attorney appointed to represent the interests of unknown heirs/parties. Many times the title is so old that it is unclear who has an interest in the property or, if known, they may be deceased or are unable to be located. The cost of the GAL is paid from the proceeds of sale.

**Memorandum of Lis Pendens (MLP):** A document filed in the land records that puts any persons on notice that there is ongoing litigation concerning the subject property. It requires anyone who acquires a subsequent interest in the property to appear and protect their interest.



# Glossary Continued...

**Non-Judicial Sale (NJS):** A sale of property conducted without the necessity to get Court approval based on the value of the property (<\$10,000) or its size or condition (if between \$10,000 and \$25,000).

**Order of Publication (OOP):** A notice published in the newspaper giving notice about the case and ordering any party with an interest in the property to come forward. The OOP is required when parties cannot be served or they are unknown/deceased. The costs of the OOP are recouped from the sale.

**Report of Sale:** The report filed with the Court describing the conduct of the auction. The report is used by the Court in determining whether to confirm the sale.

**Special Commissioner (of Sale):** The person appointed by the Court to conduct the sale of the property. TACS is generally appointed as Commissioner of Sale and will then conduct and report on the sale to the Court.

**Special Warranty Deed:** The deed issued by the **Special Commissioner** that warrants that the judicial process was followed as required by law and that the **Special Commissioner** has the appropriate authority to transfer title to the property. No other warranties are given.

