

# Jason A. Dunn, PLC

Eliminating Delinquencies One Auction At a Time

# How Long is the Process?

- Generally speaking, we like to have 1-2 auctions per year.
- Upon receipt of the title search to the property, the property is categorized as either a “Clean Title Litigation” or a “Clouded Title Litigation”.
- Clean Title Litigation
  - Clean title litigation can take anywhere from 3-5 months to obtain court authorization for the sale of the property.
  - These properties do not have any breaks in the chain of title and do not require the use of a *Guardian Ad Litem* or require an Order of Publication, which increases the amount of litigation costs and can extend the length of litigation.
- Clouded Title Litigation
  - Clouded title litigation can take anywhere from 3-7 months to obtain court authorization for sale of the property.
  - These properties include breaks in the chain of title, missing defendants, and parties unknown, including potentially unknown heirs at a law.
  - These properties require the Court’s appointment of a *Guardian Ad Litem* and an Order of Publication to be published in a newspaper of general circulation.

# What Does the Process Look Like for Clean Title Litigation?

- Step 1: Demand letters are sent to the property address and last known address of tax payer demanding payment of the delinquency.
- Step 2: A legal advertisement is placed in a newspaper of general circulation within the venue, requiring the taxpayer to come forward within 30 days
- Step 3: Order Title Search
- Step 4: File Complaint
- Step 5: Upon completion of service, file a motion with the Court for Authorization of Sale of the property at public auction\*.
- Step 5: Set a hearing date for authorization
- Step 7: Auction Day!
- Step 8: Confirm property's sale with the Court (this requires a hearing before the judge)
- Step 9: Upon confirmation, draft deed to new owner
- Step 10: Upon the recordation of the Deed, file a Final Decree removing any liens from the Property and removing the case from the Court's docket
- \*Clouded title has two more steps which appoint a guardian ad litem and publish an order of publication.