

INSTRUCTIONS: FORECLOSING A TAX LIEN

You can use this packet if all of the following are true:

- You bought a tax lien. It has been three years since the original tax lien sale date but not later than ten years after the last day of the month in which you acquired the lien.
- The lien has not been redeemed.
- You want a foreclosure on the lien and a deed to the property.
- The property is in Mohave County.
- There is only one property owner.
- The property owner is not under age 18, legally incapacitated, in military service or in bankruptcy.
- The property owner is an individual and not a partnership, corporation, trustee, governmental entity, or association.

Before signing a court document or getting involved with a court case, it's important to see an attorney to make sure you understand your legal rights and responsibilities. For information on finding an attorney in Mohave County, go to www.azbar.org.

FILLING OUT THE COURT FORMS:

Read all forms and instructions before starting. Use black ink. Write clearly. Do not fill in un-numbered blanks on forms.

Filing Fee: To find the fee to file court papers, go to our website: www.mohavecourts.az.gov and click on "Court Fees" which is found under COURT QUICK LINKS on our webpage. The Clerk's Office accepts cash, checks, money orders, and cashier's checks payable to "Clerk of Superior Court." If you can't afford the fee, you can request a waiver and deferral packet from the Clerk of the Court or the Law Library.

Self-Help Center Packets: Self-Help Center packets are available at the Law Library located in the Mohave County Court House, 401 E. Spring St., Kingman, AZ. You can reach the Law Library by calling (928) 753-0790 Ext. 4044.

Notice of Lis Pendens: After filing the Complaint to Foreclose the Right to Redeem a Tax Lien with the court (explained below), you may record a notice of Lis Pendens re: the action with the Mohave County Recorder. An attorney can advise you on whether and how to do this.

STEP 1: CHECK WHETHER THE PROPERTY OWNER IS IN BANKRUPTCY.

Call the Mohave County Treasurer at (928) 753-0737 or (800) 420-6352 and ask whether the property owner is in bankruptcy. If the property owner is in bankruptcy, you cannot use this packet.

STEP 2: DECIDE WHERE TO SEND NOTICE OF YOUR INTENT TO FILE FOR FORECLOSURE.

At least 30 days before filing for foreclosure complaint, you must send notification to the following address(es) of your intent to foreclose:

1. The property owner of records of the Mohave County Recorder according to the county recorder's records OR
 - 2a The property owner according to the records of the Mohave County Assessor, and
 - 2b The property's physical address if different from 2a, and

- 2c. The tax bill mailing address according to the records of the Mohave County Treasurer if different from 2a and 2b.

STEP 3: FILL OUT THE NOTICE OF INTENT TO FILE FOR FORECLOSURE

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter the date you will mail the Notice.
- (3) Enter the property owner's name **(AND Mohave County Treasurer, per A.R.S. § 42-18201, must be a named defendant)**; street address; and city, state, and zip code.
- (4) If applicable, enter the property's physical street address and city, state, and zip code.
- (5) If applicable, enter the tax bill mailing street address and city, state, and zip code.
- (6) Enter the property's tax parcel identification number and legal description and your certificate of purchase number. Enter the date you plan to file for foreclosure, at least 30 days after the date you send this Notice.
- (7) Read the Notice and make sure that you understand everything in it and that everything in it is true. Sign.

STEP 4: MAIL THE NOTICE OF INTENT TO FILE FOR FORECLOSURE

Send a copy of the Notice through certified mail, return receipt requested, to:

- 1) The County Treasurer at the address listed on the Notice, and
- 2) Each address you listed on the Notice. Keep the original for your records.

STEP 5: WAIT AT LEAST 30 DAYS

If the Property is redeemed: You may not file for foreclosure.

If the Property is not redeemed: You may proceed with these instructions.

STEP 6: PERFORM A TITLE SEARCH

Perform a title search on the property at the County Recorder's Office, 700 W. Beale Street, Kingman, or go on-line to www.co.mohave.az.us. Then click on e-gov, and then click on Recorder's System. You also may hire a title company (listed in the yellow pages) to perform the search. The title search will identify all parties with an interest in the property. You will need to send notice of the foreclosure action to the other interested parties. If there is more than one property owner, you cannot use this packet.

STEP 7: FILL OUT THE CIVIL COVER SHEET

You are the Plaintiff. The property owner(s) are the Defendants. **(AND Mohave County Treasurer, per A.R.S. § 42-18201, must be a named defendant)**

Enter as much information as you know. Under "Nature of Action," put an X in the blank next to "Quiet Title" under "Non-Classified Civil."

STEP 8: FILL OUT THE COMPLAINT TO FORECLOSE THE RIGHT TO REDEEM A TAX LIEN

- 1) Enter your name; street address; city, state, and zip code; and phone number.
- 2) Enter your name.
- 3) Enter the property owner's name. **(AND Mohave County Treasurer, per A.R.S. § 42-18201, must be a named defendant)**
- 4) Enter the date you mailed the Notice of Intent to File for Foreclosure.
- 5) Enter the property's address and legal description, the date of the first sale of the tax lien (which may be earlier than the date you bought your tax lien), and your certificate of purchase number.
- 6) Enter the interest rate listed on your certificate of purchase.

- 7) Read the complaint and make sure that you understand everything in it and that everything in it is true.
- 8) Sign in front of a notary public.

STEP 9: FILL OUT THE JUDGMENT FORECLOSING THE RIGHT TO REDEEM A TAX LIEN

- 1) Enter your name; street address; city, state, and zip code; and phone number.
- 2) Enter your name.
- 3) Enter the property owner's name. **(AND Mohave County Treasurer, per A.R.S § 42-18201, must be a named defendant)**
- 4) Enter the property's address and legal description, the date of the first sale of the tax lien (which may be earlier than the date you bought your tax lien), and your certificate of purchase number.

STEP 10: FILL OUT THE CERTIFICATE ON COMPULSORY ARBITRATION

- 1) Enter your name; street address; city, state, and zip code; and phone number.
- 2) Enter your name.
- 3) Enter the property owner's name. **(AND Mohave County Treasurer, per A.R.S § 42-18201, must be a named defendant)**
- 4) Read the Certificate and make sure that you understand everything in it and that everything in it is true.
- 5) Date and sign.

STEP 11: FILL OUT THE SUMMONS

- 1) Enter your name; street address; city, state, and zip code and phone number.
- 2) Enter your name.
- 3) Enter the Defendant's name.
- 4) Enter the Defendant's name. **(Mohave County Treasurer, per A.R.S § 42-18201, must be a named defendant)**

STEP 12: FILE THE FORMS WITH THE COURT

At least 30 days, but not more than 180 days, after mailing the Notice of Intent to File for Foreclosure to the property owner, take or mail the filing fee and the original and two copies of the forms listed below to the Clerk of Superior Court at one of the following locations:

| | | |
|--|--|--|
| <p>Clerk of Superior Court 401 E. Spring St. Kingman, AZ 86401 (928) 753-0713 Monday-Friday 8:00a-5:00p</p> | <p>Clerk of Superior Court 2225 Trane Road Bullhead City, AZ 86442 (928) 758-0730 Monday-Friday 8:30a-12:00p, 1:30p-4:30p</p> | <p>Clerk of Superior Court 2001 College Drive Lake Havasu City, AZ 86404 (928) 453-0701 Monday-Friday 8:30a-12:00p, 1:30p-4:30p</p> |
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- Civil Cover Sheet
- Complaint to Foreclose the Right to Redeem a Tax Lien
- Judgment Foreclosing the Right to Redeem a Tax Lien
- Certificate on Compulsory Arbitration
- Summons

The clerk will stamp your copies with the filing date and return them to you for your records. If you file by mail, include a self-addressed, stamped envelope and a note asking the clerk to return the date-stamped copies to you.

STEP 13: SERVE THE FORMS ON THE OTHER PARTY

There are several ways to serve court forms on the other party. Personal service is the preferred methodology. Go to www.mohavecourts.az.gov, click on Court Forms and then click on Service of Court Papers.

STEP 14: WAIT FOR THE OTHER PARTY TO RESPOND

See the table below for how long Respondent has to file a written response to the complaint. Find the date in the "After" column on a calendar. Start counting on the next business day. Count off the days in the "Count" column, including weekends and holidays. Respondent must respond by the last date you counted, unless it's a weekend or court holiday, in which case Respondent must respond by the next workday.

| Where Were the Papers Served? | How Were the Papers Served? | Count: | After: |
|--|-----------------------------------|---------|---|
| In Arizona, not on an Indian Reservation | Acceptance of Service | 20 days | The other party signs the Acceptance of Service |
| | Process Server | 20 days | The Defendants receive the papers from the process server |
| | Sheriff | 20 days | The Defendants receive the papers from the sheriff |
| In Arizona, on an Indian Reservation* | Acceptance of Service | 30 days | The Defendants signs the Acceptance of Service |
| | Tribally Licensed Process Server | 30 days | The Defendants receive the papers from the Process Server |
| | Sheriff or Tribal Law Enforcement | 30 days | The Defendants receive the papers from the officer |
| Outside of Arizona | Acceptance of Service | 30 days | The Defendants sign the Acceptance of Service |
| | Certified Mail | 30 days | The Defendants sign the green card |
| | Process Server | 30 days | The Defendants receive the papers from the process server |
| | Sheriff or Tribal law Enforcement | 30 days | The Defendants receive the papers from the officer |
| If Defendants cannot be located | Publication | 30 days | 30 days after the first publication date |

* **If the papers were served on an Indian Reservation in Arizona: Depending on the facts and circumstances of the case, there may be fewer days for the Defendant to respond. An attorney can advise you.**

STEP 15: DECIDE HOW TO PROCEED.

If Defendant responds on time: See the forms "How to Set Your Case for Trial."

If Defendant fails to respond on time: See the forms for "Filing for Default."

If the property is redeemed: If Defendant redeems the property after you file the complaint but before Defendant is served, you must file a Notice of Dismissal.

For other forms go to Superior Court Forms on line at www.mohavecourts.az.gov or contact our Law Library at 928-753-0790 Ext. 4044.

STEP 16: IF THE COURT FORECLOSES THE RIGHT TO REDEEM THE TAX LIEN – FILL OUT THE FOR "REQUEST FOR JUDGMENT DEED" TO GET A JUDGMENT DEED.

1. Get a certified copy of the signed Judgment Foreclosing the Right to Redeem a Tax Lien from the Clerk of Superior Court. There is a fee for this copy.
2. Fill out the Request for a Judgment Deed.
 - 1) Enter your name; street address; and city, state, and zip code.
 - 2) Enter the date.
 - 3) Read the request and make sure that you understand everything in it and that everything in it is true. Sign and print your name.
3. Mail or hand-deliver the following to the County Treasurer at the address listed on the Request. Keep a copy of everything for your records.
 - Request for a Judgment Deed
 - A certified copy of the signed Judgment Foreclosing the Right to Redeem a Tax Lien
 - \$52.00 per parcel
4. The County Treasurer will mail you the deed.
5. Have the deed recorded: Take or mail the recording fee and the original or a certified copy of the judgment deed (keep a copy for your records) to the:

County Recorder's Office
700 W. Beale Street
P.O. Box 70
Kingman, AZ 86402.

To find the recording fee, call the County Recorder's office at 928-753-0701

STEP 17. IF YOU USED A LITIGATION GUARANTEE REPORT: YOU SHOULD OBTAIN AN OWNER'S TITLE POLICY.

After the deed is recorded, have the title company that issued the litigation guarantee report issue you an owner's title policy. The title company may do so at a reduced fee.