

INSTRUCTIONS: FORECLOSING A TAX LIEN

READ THROUGH ALL INSTRUCTIONS BEFORE PROCEEDING

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 to foreclose on the lien and obtain a deed to the property.
- The property is in Mohave County.
- The property owner is not under age 18, legally incapacitated, in military service or in bankruptcy.

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 or contact the Law Library. You can reach the Law Library by calling 928-753-0790 Ext. 4044.

FILLING OUT THE COURT FORMS:

Read all forms and instructions before starting. Use black ink. Write clearly.

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." Payment by credit card is also available. If you cannot afford the fee, you can request a waiver and deferral packet from the Clerk's Office 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 .

Multiple Parcels: One (1) Foreclosing a Tax Lien packet can be used for multiple properties, ONLY if the property owner(s) are IDENTICAL on each parcel. Clearly indicate each separate parcel where required on all paperwork.

IMPORTANT REMINDER: IT IS YOUR RESPONSIBILITY TO ENSURE ALL STEPS ARE COMPLETE

STEP 1: CHECK WHETHER THE PROPERTY OWNER(S) ARE IN BANKRUPTCY

You can contact the Mohave County Treasurer's Office at 928-753-0737 and ask whether the property owner(s) are in bankruptcy. If the property owner(s) are in bankruptcy, you cannot use this packet. An attorney can advise you.

STEP 2: FILL OUT THE NOTICE OF INTENT TO FILE FOR FORECLOSURE

- 1) Enter your name.
- 2) Enter the property owner(s) name; street address; and city, state and zip code.
If there are multiple property owners named, make sure to list each property owner name and address.

NOTE: The Mohave County Treasurer (per ARS § 42-18201) must be a named defendant and you must send them a Notice of Intent to File for Foreclosure.

- 3) If applicable, enter the property street address; and city, state and zip code.
- 4) If applicable, enter the tax bill mailing street address; and city, state and zip code.
- 5) Enter the Assessor Parcel Number. Enter the legal description of the real property.

NOTE: It is extremely important that you enter the correct legal description of the real property. The legal description can be obtained from the Mohave County Assessor's Office at 928-753-0703.

Enter the certificate of purchase number.

Enter the date you plan to file for foreclosure. This date must be at least 30 days after the date you send the Notice but not more than 180 days after the date you send the Notice.

- 6) Enter the date you will mail the Notice.
- 7) Read the Notice and make sure that you understand everything in it and that everything in it is true. Sign the Notice.

STEP 3: DECIDE WHERE TO SEND YOUR NOTICE OF INTENT TO FILE FOR FORECLOSURE

At least 30 days but not more than 180 days before filing the foreclosure complaint, you must send notification to the following address(es) of your intent to foreclose:

1. The property owner(s) of record according to the Mohave County Recorder OR
- 2a. The property owner(s) 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 4: MAIL THE NOTICE OF INTENT TO FILE FOR FORECLOSURE

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

1. Each address you listed on the Notice and each property owner.
2. The Mohave County Treasurer at the address listed on the Notice.

Keep the original Notice for your records.

STEP 5: WAIT AT LEAST 30 DAYS BUT NOT MORE THAN 180 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 Mohave County Recorder's Office, 700 W. Beale St., Kingman, or go on-line to: www.mohavecounty.us; click on "Government"; click on "Recorder"; and click on "Online 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 a Notice of Intent to File for Foreclosure to all interested parties.

STEP 7: FILL OUT THE CIVIL COVER SHEET

- 1) You will receive a Case Number when the case is filed with the Court.
- 2) You are the Plaintiff. Enter Plaintiff name; street address; and city, state and zip code. If there are multiple Plaintiff names, list information on second page of Civil Cover Sheet.
- 3) The property owner(s) are the Defendant(s). List Defendant name(s). If there are multiple Defendant names, list information on second page of Civil Cover Sheet. NOTE: The Mohave County Treasurer (per ARS § 42-18201) must be a named defendant.
- 4) Under "Nature of Action" put an X in the box next to "Quiet Title" under "Other Civil Case Types".

There is no other information you should need to fill out on this form.

STEP 8: FILL OUT THE SUMMONS

- 1) Enter your name; street address; city, state and zip code; and phone number.
- 2) You are the Plaintiff. Enter Plaintiff name.
- 3) You will receive a Case Number when the case is filed with the Court.
- 4) The property owner(s) are the Defendant(s). Enter Defendant name(s).
NOTE: The Mohave County Treasurer (per ARS § 42-18201) must be a named defendant.

When the Summons is filed with the Court it will be signed and sealed by the Clerk's Office.

STEP 9: FILL OUT THE COMPLAINT TO FORECLOSE THE RIGHT TO REDEEM A TAX LIEN

- A) Enter your name; street address; city, state, and zip code; and phone number.
 - B) You are the Plaintiff. Enter Plaintiff name.
 - C) You will receive a Case Number when the case is filed with the Court.
 - D) The property owner(s) are the Defendant(s). Enter Defendant name(s).
NOTE: The Mohave County Treasurer (per ARS § 42-18201) must be a named defendant.
- 1) Enter the date you mailed the Notice of Intent to File Foreclosure Action.
 - 2) Enter the property address (if applicable).
Enter the Assessor Parcel Number.
Enter the property legal description.
NOTE: It is extremely important that you enter the correct legal description of the real property. The legal description can be obtained from the Mohave County Assessor's Office at 928-753-0703.
 - 3) Enter the date of the first sale of the tax lien (which may be earlier than the date you bought your tax lien).
 - 4) Enter your certificate of purchase number.
 - 5) Enter the interest rate listed on your certificate of purchase.
 - 6) Read through the complaint and make sure that you understand everything in it and that everything is true. Sign in front of a notary public or court clerk.

STEP 10: FILE THE FORMS WITH THE COURT

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

- Civil Cover Sheet
- Summons
- Complaint to Foreclose the Right to Redeem a Tax Lien

Clerk of Superior Court
401 E. Spring St.
Kingman, AZ 86401
(928) 753-0713
Monday-Friday
8:00a-5:00p

Clerk of Superior Court
2225 Trane Road
Bullhead City, AZ 86442
(928) 758-0730
Monday-Friday
8:30a-12:00p, 1:30p-4:30p

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

Mailing Address:
Clerk of Superior Court
PO Box 7000
Kingman, AZ 86402

The Clerk will assign a case number, stamp your copies with the filing date and return the copies to you. 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 11: WAIVER OF SERVICE OF SUMMONS FOR MOHAVE COUNTY TREASURER

Fill out Waiver of Service of Summons.

- 1) Enter your name; street address; city, state, and zip code; and phone number.
- 2) You are the Plaintiff. Enter Plaintiff name.
- 3) Enter the Case Number.
- 4) The property owner(s) are the Defendant(s). Enter Defendant name(s).
NOTE: The Mohave County Treasurer (per ARS § 42-18201) must be a named defendant.
- 5) Enter Plaintiff name again.
- 6) Enter the Case Number again.
- 7) Enter date you are providing the Waiver of Service of Summons to the Mohave County Treasurer, in care of the Clerk of the Board, Mohave County Board of Supervisors.
NOTE: The Clerk of the Board is authorized to accept service on behalf of the Mohave County Treasurer. The Clerk of the Board is to be served with court papers, NOT the Mohave County Treasurer.

Take or mail two (2) copies of the Waiver of Service of Summons, along with one (1) set of your Court stamped copies (Civil Coversheet, Summons, Complaint to Foreclose the Right to Redeem a Tax Lien) to the Clerk of the Board, Mohave County Board of Supervisors (on behalf of the Mohave County Treasurer).

Clerk of Board, Mohave County Board of Supervisors
700 W. Beale St.
Kingman, AZ 86401
928-753-0731

If everything is in order, the Clerk of the Board (on behalf of the Mohave County Treasurer) will sign the Waiver and return one (1) copy of it to you. If mailing in Waiver make sure to include a self-addressed return stamped envelope so your signed waiver can be returned to you.

Once the Waiver is signed, file the Waiver with the Court.

OR

You can serve the Court papers on the Clerk of the Board (on behalf of the Mohave County Treasurer) through legal service (see STEP 12 below).

STEP 12: LEGAL SERVICE OF COURT PAPERS ON THE DEFENDANT(S)

There are several ways to serve court papers on the other party. Go online to: www.mohavecourts.az.gov; click on "Court Forms"; and click on "Service of Court Papers" (under Superior Court Forms).

Or, you can contact the Law Library for information on Service of Court Papers. You can reach the Law Library by calling 928-753-0790 Ext. 4044.

NOTE: If you have exhausted all means by which to have the defendant(s) personally served with the court papers and you wish to proceed with Service by Publishing, please contact the Law Library for a Due Diligence Affidavit to request Court approval for this means of service.

STEP 13: WAIT FOR THE DEFENDANT(S) TO RESPOND

If the Defendant(s) were served in Arizona, they have 20 calendar days to file a formal response with the court.

If the Defendant(s) were served outside the State of Arizona they have 30 calendar days to respond.

If the Waiver of Service of Summons was signed by the Clerk of the Board (on behalf of the Mohave County Treasurer) they have 60 calendar days to respond.

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(s) to respond. An attorney can advise you.

STEP 14: DECIDE HOW TO PROCEED

If the Defendant(s) file a formal response with the Court you may wish to consult with an attorney.

If the Defendant(s) fail to file a formal response with the Court in the time frame given above, you will file for Default. The Application and Affidavit for Default and Request for Default Hearing is included in this packet and instructions are listed below in STEP 15a and 15b.

If the Defendant(s) redeem the property after you file the complaint but before the Defendant(s) are served with the court papers, you must file a Notice of Dismissal. You can contact the Law Library to obtain this form.

STEP 15a: APPLICATION AND AFFIDAVIT FOR DEFAULT

Fill out Application and Affidavit for Default.

- 1) Enter your name; street address; city, state, and zip code; and phone number.
- 2) You are the Plaintiff. Enter Plaintiff name.
- 3) Enter the Case Number.
- 4) The property owner(s) are the Defendant(s). Enter Defendant name(s). Only the property owner(s) are required to be listed on the Default application. The Mohave County Treasurer is not listed on this form.
- 5) Under number "5" Check all that are true.

Read through the Application and Affidavit for Default and make sure that you understand everything in it and that everything is true. Sign in front of a notary public or court clerk.

Enter the date you are providing a copy of the Affidavit to the Defendant(s). Enter the Defendant(s) address(es). Sign.

STEP 15b: REQUEST FOR DEFAULT HEARING AND ORDER

Fill out the Request for Default Hearing and Order.

- 1) Enter your name; street address; city, state, and zip code; and phone number.
- 2) You are the Plaintiff. Enter Plaintiff name.
- 3) Enter the Case Number.
- 4) The property owner(s) are the Defendant(s). Enter Defendant name(s). Only the property owner(s) are required to be listed on the Default application. The Mohave County Treasurer is not listed on this form.
- E) Read through the Request for Default Hearing and Order and make sure that you understand everything in it and that everything is true. Date and sign.

There is nothing else you need to fill out on this form. The remaining information contained under "ORDER" will be completed by the court.

STEP 16: DEFAULT HEARING NOTICE

Once you have received notice from the court of a default hearing date and time, you will need to prepare the Judgment Foreclosing the Right to Redeem a Tax Lien. This information is contained in STEP 18.

You will need to be prepared to attend the court hearing in person or arrange to appear at the hearing by telephone. You can contact the Law Library at 928-753-0790 Ext. 4044 to obtain the Telephonic Hearing Request paperwork.

STEP 17: TREASURER'S AFFIDAVIT OF NON-REDEMPTION

You will need to obtain a Treasurer's Affidavit of Non-Redemption prior to your court hearing.

The Affidavit may be requested online here:

<https://www.mohavecounty.us/ContentPage.aspx?id=132>; click on "General Use Forms"; click on "Treasurer's Affidavit of Non-Redemption". You will use this form to request a Treasurer's Affidavit of Non-Redemption. Lien holder (Plaintiff) will need to have their civil case number and Assessor Parcel Number associated with the action. In addition, you must remit \$10.00, per parcel, in person or via US Mail. The website will automatically send you an e-mail copy of the request for Affidavit to the requestor.

If you do not have access to a computer, you may contact the Mohave County Treasurer's Office at 928-753-0737 for assistance.

The request should be made **five (5)** working days prior to your court hearing. Due to a recent increase in the volume of requests, the Mohave County Treasurer's Office cannot ensure timely completion of the Affidavit without sufficient advanced notice.

STEP 18: JUDGMENT FORECLOSING THE RIGHT TO REDEEM A TAX LIEN

Fill out the Judgment Foreclosing the Right to Redeem a Tax Lien.

- 1) You are the Plaintiff. Enter your name.
- 2) Enter the Case Number.
- 3) The property owner(s) are the Defendant(s). Enter Defendant name(s).
NOTE: The Mohave County Treasurer (per ARS § 42-18201) must be a named defendant.

Check line A. or B. as to what type of Judgment you are seeking.

If you check line A. fill out information requested under A.

If you check line B. fill out information requested under B.

Leave all information blank under "THE COURT ORDERS (Either A or B)". This information will be completed by the court and signed by the judge.

STEP 19: ATTEND THE DEFAULT HEARING

Make sure to bring the proposed Judgment Foreclosing the Right to Redeem a Tax Lien and Treasurer's Affidavit of Non-Redemption with you to the hearing.

OR

If you are planning to appear by telephone, make sure you have provided the proposed Judgment Foreclosing the Right to Redeem a Tax Lien and Treasurer's Affidavit of Non-Redemption to the Court at least ten (10) days prior to the hearing date. Mail to: Clerk of Superior Court, PO Box 7000, Kingman, AZ, 86402.

STEP 20: IF THE COURT FORECLOSURES THE RIGHT TO REDEEM THE TAX LIEN

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.

Mail or hand-deliver the certified Judgment to the Mohave County Treasurer along with \$52.00 PER parcel deed you are seeking. Keep a copy for your records.

The Mohave County Treasurer will mail you the deed(s).

Mohave County Treasurer
700 W. Beale St.
PO Box 712
Kingman, AZ 86402
928-753-0737

Have the deed(s) recorded. Take or mail the recording fee and the original or a certified copy of the judgment deed(s) to the Mohave County Recorder. Keep a copy for your records. For information on recording fees contact the Mohave County Recorder's Office at 928-753-0701.

Mohave County Recorder
700 W. Beale St.
PO Box 70
Kingman, AZ 86402
928-753-0701

GOOD INFORMATION TO KNOW:

Court forms can be obtained from the Mohave County Superior Court online at: www.mohavecourts.az.gov; click on "Court Forms"; click on "Superior Court Forms"; click on "Civil"; and click on "Foreclosing a Tax Lien". Or you may contact the Law Library at (928) 753-0790 Ext. 4044.

Tax liens are NOT subject to Arbitration per Rule 72 of the Arizona Rules of Civil Procedure.

If there are multiple property owners listed for a property, clearly indicate each property owner name and address, where indicated.

Calendar days include weekends and holidays.

Working days do NOT include weekends and holidays.