

## **Tax Certificate Sale Policy / Participating Bidder Agreement**

Each and every bidder (hereafter “end user,” bidding entity,” “you,” “your”, “user,” or “person”) desiring to bid in the Desoto County Tax Certificate Sale must agree to the terms and conditions of this Tax Certificate Sale Policy, as well as sign and date the Participating Bidding Entity Agreement below concerning fair bidding practices incorporated herein by reference and made a part of the Policies governing the tax certificate sale.

All participating bidders must complete the registration process and accept the terms and conditions of this Tax Certificate Sale Policy and incorporated Participating Bidder Agreement by clicking on the < I ACCEPT AND AGREE TO THIS AGREEMENT > button at the bottom of the page. This acceptance is your electronic signature of the Tax Certificate Sale Policy and incorporated Participating Bidding Entity Agreement affirming that you agree to the conditions and terms contained herein and acknowledge that this agreement is binding. You may print a copy of this agreement for your purposes. Only upon the Tax Collector receiving the appropriate Registration information which includes (but not limited to) a completed on-line Form W-9 or W-8 in the case of Foreign bidding entities, as completed during the On-Line Registration process and only after you have agreed to this Tax Certificate Sale Policy/Participating Bidder Agreement, will you receive an official Bidder Number which is required before you can place bids. You are then granted the right to use this web site and utilize its data for your internal business use only for the sole purpose of bidding in the tax certificate sale. Any use of this web site or its contents other than for this sole purpose is prohibited.

It will be your responsibility to manage the Userid and Password initially assigned during the Registration acceptance procedure that the Tax Collector performs. Only the individual bidder that initially requests and registers on the system has the right to use this Userid and Password. It is your responsibility to manage your password (change it if appropriate) and ensure the security and confidentiality of the Userid and Password are maintained. If you have forgotten your Password, a “forgot password” button will be provided which will email you a new password to the registered email address. It is your responsibility to notify the Tax Collector immediately if you feel your Userid or Password has been stolen or is being used by unauthorized individuals (individuals not authorized by you to use the web site).

You are responsible for maintaining the hardware, operating system, third party browser software, and adequate internet services that are required to access and perform your bidding and deposit payment processes within this web site. The Tax Collector has made every reasonable effort in the development and support of this web application to be accessible by standard hardware configurations (standard PC configuration), using Windows Operating System (minimum Op System Win 7 or higher), using Microsoft Internet Explorer web browser software (version 11.0 or higher), Google Chrome, or Fire Fox.

Neither the Tax Collector nor its sub-contractor vendor is responsible for ensuring that all PC's with any software configurations can access the web site and its functions. The Tax Collector does make a PC available in the Tax Collector's office for individuals that do not have access to a PC or to the internet and to individuals who are having trouble accessing the web site or having trouble with the functionality that may result from non-standard hardware and/or software configurations

and versions. The Tax Collector and its Vendor has made every reasonable effort to ensure the hosted servers and internet services are adequate to accept and perform the functions of this web site under reasonable usage and reasonable volume of bids and bidding files. It is the responsibility of the bidder to ensure that your deposits, your bids and bidding files have successfully been upload and processed into the system based on the deadline dates/times as published by the Tax Collector.

The tax certificate sale shall be conducted in accordance with Florida Statutes. The Tax Collector will conduct the sale of tax certificates for unpaid taxes by electronic means, which may allow for proxy bidding. The tax certificate sale will be uniform, fair, efficient, and accountable for all persons bidding in the sale.

Each and every person, as that term is defined in Florida law, may register to bid so long as the bidder complies with Florida law and this Tax Collector policy. The Tax Collector reserves the right to require an affidavit from any bidding entity.

### **Deposits**

Each individual bidder is responsible for providing (paying) a reasonable Deposit calculated as 10% of the total Certificate Face amount based on estimated winnings. During the bidding process, your available deposit, calculated as the deposit received by the Tax Collector minus 10% of the certificates already won within the Awarding process, will be updated as each certificate is awarded. If the bidder's available deposit amount is not enough to cover 10% of the auctioned item, their bid will not be considered for that item and the bidder will lose the opportunity of winning the item.

This Deposit money must be paid and received by the Tax Collector by the deposit deadline determined and published by the Tax Collector. You can use the On-Line Payment of Deposit feature of the web site to pay your deposit using eChecks, if the Tax Collector allows eChecks as a method of payment. This method enables the User to input their bank Routing and Account numbers, and the transaction is processed, if successful, and deposit money transferred directly to the Tax Collector's bank account. This on-line eCheck capability expires on the deadline as determined and published by the Tax Collector, generally 7 business dates before the day of the Tax Sale. The use of Credit Cards as a valid payment method for deposits is not accepted. You can arrange to pay your Deposit directly to the Tax Collector's office via Certified Check, Wire Transfer (if the county allows Wire Transfer) or other method of payment with prior approval by the Tax Collector. All deposit money must be paid and received by the Tax Collector by the deposit deadline, as determined and published by the Tax Collector. It is this User's responsibility to ensure that all deposit money is received by the Tax Collector prior to this deadline.

### **Proxy Bidding**

Proxy bidding by electronic agent: "Proxy bidding" means a method of bidding by which a bidder authorizes an agent, whether an individual or an electronic agent, to place bids on his or her behalf. The Tax Certificate auction software utilized by the Tax Collector does utilize an electronic agent to bid on your behalf.

Proxy Bidding by an electronic agent permits you to pre-enter the minimum interest rates (the Bids) that the bidder is willing to accept for each item (eventual tax certificate) you would like to purchase. The bidding software will serve as the User's electronic agent for submitting Proxy Bids. All bidding closes at 11:59 p.m. (EST) on the date determined and published by the Tax Collector as the Deadline for submitting bids. Starting on the date of the tax sale, the system awards each item in sequence number order starting with the lowest sequence number through the highest, until each item is processed. There are not multiple batches, only one, from starting sequence number to the ending sequence number for all items available on the auction. For bids that meet the deposit requirement described above (a qualified bid), the system will compare your bid on a particular item with the best qualified bid submitted for that same item by all other bidders. If your minimum bid is lower than the best bid submitted by all other bidders for the same certificate and you have enough available deposit (your bid is qualified), as described above, the electronic proxy agent will automatically generate a bid on your behalf that is 0.25% less than the lowest qualified bid submitted by all other bidders. Other users will similarly have their minimum acceptable bids reviewed by the software as described above.

If multiple bidders offer the same lowest rate of interest, the Tax Collector shall determine the method of selecting the bidder to whom the certificate will be awarded. For purposes of determining the person who wins the certificate in case of a tie bid, Tax Collector will utilize a random number generator. The bidding entity who is awarded the certificate in a tie bid scenario will receive that certificate at the certificate interest rate bid. In the case where there is only one (1) bidder who submitted a qualified bid for an item (certificate), that bidder will be awarded the certificate at 18 percent, as long as the bidder met the available deposit requirements. In the case of zero (0) percentage bids, the certificate will be awarded to the winning bidder at zero (0) percent.

Proxy bidding by individual agent: You may authorize another person to place a bid(s) on your behalf so long as agent complies with the policies of the sale and completes and submits the Participating Bidder Agreement incorporated herein by reference.

Bidders are responsible for ensuring their bids are completely input and in the case of uploading bidding files, bidders are responsible for ensuring all bidding files are uploaded in their entirety and bid files process finished in its entirety before the Bidding Deadline date/time as published by the Tax Collector. It should be understood by bidders that on the date/time when bidding ceases, any bids from bidding files that may be in process of being uploaded and/or in process of being applied to online bidding entity accounts but not finished will result in bids not meeting the bidding deadline date/time as published by the Tax Collector, and thus will not be considered on the day of awarding (the Tax Sale Date). So it is the responsibility of the bidder to submit their bids, either individually or via bidding files, well in advance of the deadline to ensure the entire process finishes by the deadline date/time.

The Tax Collector shall accept bids in even increments and in fractional interest rate bids of one-quarter of 1 percent only.

By clicking that you agree below, you certify that you will abide by the Internal Revenue Service policies concerning Employee Identification Numbers. Each certificate shall be awarded to the

person who will pay the taxes, interest, costs, charges and who will demand the lowest rate of interest, not in excess of the maximum rate of interest allowed by Florida law. Any person who fails or refuses to pay any bid made by, or on behalf of, such person is not entitled to bid or have any other bid accepted or enforced except as authorized by the Tax Collector.

The holder of a tax certificate may not directly, through an agent, or otherwise initiate contact with the owner of property upon which he or she holds a tax certificate to encourage or demand payment until 2 years after April 1 of the year of issuance of the tax certificate.

If a certificate is not purchased, the certificate shall be struck to the county at the maximum rate of interest allowed by this chapter. All tax certificates issued to an individual may be transferred at any time before they are redeemed or a tax deed is executed. The tax collector shall record the transfer on the record of tax certificates sold. The tax collector shall receive \$2.25 as a service charge for each transfer.

### **Payment for Certificates After the Tax Sale**

Once the Tax Certificate Sale awarding has completed (started on the date of the Tax Sale), you will be able to see within this web site the status of the certificates that you bid on. The total amount that is due and payment to the Tax Collector will be displayed on the web site. This due amount will be calculated as: The total Certificate Face amount for all certificates won minus the total deposit paid prior to the sale. This amount must be paid directly to the Tax Collector with Certified Funds or Wire Transfer (if the county accepts Wire Transfers) within 48 business hours after the Tax Sale concludes, as determined and published by the Tax Collector. Any certificates that are not paid for with certified funds within 48 business hours after the tax sale may be re-advertised and re-auctioned and the bidder will lose the 10% deposit paid on the certificate.

You cannot use the on-line eCheck method of payment for payment of Certificates won on the Tax Sale. You cannot use Credit Cards for payment of Certificates won on the Tax Sale.

### **Tax Certificate Sale PARTICIPATING BIDDER AGREEMENT**

I, \_\_\_\_\_(name of person or individual) have the legal authority to bind  
\_\_\_\_\_ (legal name of Bidder who has registered to bid in the Desoto County Tax Certificate

Sale). I hereby represent and warrant that on this date, I have the power and authority to bind the Bidder and I have the necessary personal knowledge to make the following warranties and representations.

If applicable, I am the \_\_\_\_\_ (title), of \_\_\_\_\_ (legal name of Bidder), the Bidder which has registered to participate in the Desoto County Tax Certificate Sale (This section not applicable for individual bidders bidding on behalf of themselves).

### WARRANTIES AND REPRESENTATIONS

#### CHECK EACH BOX

- a.  The Bidding Entity is a \_\_\_\_\_ (type of legal entity e.g. individual, sole proprietor, partnership, corporation, nonprofit, estate, etc.). If the Bidding Entity is a partnership, corporation, limited liability company, limited liability partnership or limited partnership, the name and street address of the agent is  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b.  The Bidding Entity is domiciled in the state of \_\_\_\_\_.
- c.  The physical address for the Bidding Entity is \_\_\_\_\_  
\_\_\_\_\_.
- d.  The mailing address for the Bidding Entity is \_\_\_\_\_  
\_\_\_\_\_.
- e.  The Bidding Entity has been issued an Employer Identification Number (EIN) by the United States Internal Revenue Service (IRS) or Social Security Number issued by the Social Security Administration.
- f.  The Bidding Entity has obtained its EIN or SSN for the purpose of federal tax administration and has not obtained it for the sole purpose of participation in tax certificate auctions, tax lien auctions, or lotteries.
- g.  The Bidding Entity has not obtained its EIN by way of lease, license or sublicense for the purpose of participation in the Desoto County Tax Certificate Sale.
- h.  I agree that if requested by representatives of the Desoto County Tax Collector, I will provide official documentation evidencing the legal existence of the Bidding Entity within 72 hours of such request.
- i.  I agree that, on behalf of Bidding Entity, I will not collaborate with any other bidder(s) to gain an unfair competitive advantage in the random number generator in the event of a tie bid(s) on a tax certificate.
- j.  I agree that I will not work with any other bidding entity in an attempt to increase, maintain or stabilize interest rates in this tax certificate sale.

- k.  I agree that I will not employ any bidding strategy designed to create an unfair competitive advantage in the tiebreaking process in the upcoming tax certificate sale.
- l.  I agree that I will not work with any other bidder or bidding entity to develop a bidding strategy that results in an identical interest rate being placed on any tax certificate(s).
- m.  I agree that I will not engage in any bidding strategy that will result in a rotational award of tax certificates.
- n.  The tax certificate(s) the Bidding Entity will bid upon, and the interest rate(s) bid, will be arrived at independently and without direct or indirect consultation, communication or agreement with any other bidder.
- o.  The tax certificate(s) the Bidding Entity will bid upon, and the interest rate(s) to be bid, have not been disclosed, directly or indirectly, to any other bidder, and will not be disclosed, directly or indirectly, to any other bidder prior to the close of bidding.
- p.  No attempt has been made or will be made to, directly or indirectly, induce any other bidder to refrain from bidding on any tax certificate, to submit complementary bids, or to submit bids at specific interest rates.
- q.  The bids to be placed by the Bidding Entity will be made in good faith and not pursuant to any direct or indirect, agreement or discussion with, or inducement from, any other bidder to submit a complementary or other noncompetitive bid.
- r.  The Bidding Entity, as well as its owners, officers, and directors, if applicable, has not been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to the sale of tax certificates, tax liens, or tax deeds.
- s.  I understand that this agreement is made under penalty of perjury, is intended to, and will be, relied upon by the Desoto County Tax Collector, and any misstatement in this agreement may result in forfeiture of any deposits posted, as well as any tax certificates, tax liens, or tax deeds issued.

### **Penalty of Perjury**

By electronically signing this agreement below, I declare under penalty of perjury pursuant to Chapter 837, Florida Statutes, that I have read the foregoing agreement and that the facts stated in it are true; **that I understand whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in Sections 775.082 or 775. 083**; that I am a duly authorized agent, officer, or representative for \_\_\_\_\_; and that I have received, understand and agree to abide by the aforementioned policies of the Tax Collector governing the tax certificate sale incorporated herein by reference; tax certificate bidder/buyer.

I agree that in the event I have questions, comments, concerns about a stated violation of these policies by the Tax Collector, I will contact the Tax Collector or his/her designee and I will abide by and respect the determination of the Tax Collector as to any determinations as to the application of the policies of this tax certificate sale.

I agree that if the tax certificate bidder/buying entity that I represent is challenged by the Desoto County Tax Collector with respect to an asserted violation of the above policies, any and all disputes with respect thereto shall have exclusive venue and jurisdiction in the Circuit Court of Desoto County.

\_\_\_\_\_  
Bidding Entity name

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Typed or Printed Name of Participant)

**< I ACCEPT AND AGREE TO THIS AGREEMENT >**