

NOTICE OF PUBLIC AUCTION
SALE OF PERSONAL PROPERTY FOR DELINQUENT PROPERTY TAXES
OTERO COUNTY TREASURER'S OFFICE

Notice is hereby given that, pursuant to provisions of Section 7-38-65 NMSA 1978, Otero County Treasurer will offer for sale at public auction in Otero County beginning at:

Time 10:00 AM

Date: March 28, 2018

Location: 1101 New York Ave, Room 221, Alamogordo, NM 88310

The sale to continue until all the following described personal property has been offered for sale.

TERMS OF THE PERSONAL PROPERTY OTERO COUNTY PUBLIC AUCTION SALES

1. All persons intending to bid upon property are required to register and obtain a bidder's number from the auctioneer and to provide the auctioneer with their full name, mailing address and telephone number. Tax certificates will be issued to registered names only. Conveyances to other parties will be the responsibility of the buyer at auction. Persons acting as "agents" for other persons will register accordingly and must provide documented proof as being a bona fide agent at time of registration. A trustee of the board of a community land grant-merced governed pursuant to the provisions of Chapter 49, Article 1 NMSA 1978 or by statutes specific to the named land grant-merced, who wishes to register to bid pursuant to the provisions of Section 7-38-67(H) NMSA 1978, will register accordingly and must provide documented proof as being a bona fide Trustee of the board at time of registration. REGISTRATION WILL CLOSE PROMPTLY AT START OF SALE. CONTACT THE COUNTY TREASURER FOR EXACT LOCATION WHERE AUCTION WILL BE CONDUCTED.
2. A sale properly made under the provisions of Section 7-38-67 NMSA 1978 constitutes full payment of all delinquent taxes, penalties, and interest that are a lien against the property at the time of the sale, and the sale extinguishes this lien. The sale does not extinguish any other liens.
3. The description of the personal property is required by Section 7-38-67 NMSA 1978 to be sufficient to permit its identification and location by potential purchasers. Prospective buyers shall not trespass onto any listed property or contact or disturb the occupants, if any, for the purpose of gathering information about any listed property.
4. Section 7-38-74 NMSA 1978, prohibits officers or employees of the State or any of its political subdivisions engaged in the administration of the Property Tax Code from directly or indirectly acquiring an interest in, buying, or profiting from any property sold by the Otero County Treasurer for delinquent taxes. However, an officer or employee may purchase property offered for sale if the officer or employee is and was the owner at the time the taxes became delinquent. Any officer or employee violating Section 7-38- 74 NMSA 1978 is guilty of a fourth degree felony and shall be fined not more than \$5000.00 or imprisoned for not less than one year nor more than five years or both and he shall be removed from office or have his employment terminated upon conviction. A real property sale in violation of Section 7-38-74 NMSA 1978 is void.

5. The board of trustees of a community land grant-merced governed pursuant to the provisions of Chapter 49, Article 1 NMSA 1978 or by statutes specific to the named land grant-merced shall be allowed to match the highest bid at a public auction, which shall entitle the board of trustees to purchase the property for the amount bid if (1) the property is situated within the boundaries of that land grant merced as shown in the United States patent to the grant; (2) the bid covers all past taxes, penalties, interest and costs due on the property; and (3) the land becomes part of the common lands of the land grant-merced. The registered representative of the board of trustees, may bid pursuant to the provisions of Section 7-38-67(H) NMSA 1978 only on properties offered for sale that are specifically in their land grant-merced.

6. Successful bidders are required to make payment in full of the amount bid immediately preceding the conclusion of the sale. Payment is required to be by money order, certified check, cashier's check, a personal or business check drawn to the order of the Otero County Treasurer. No bids will be accepted at future auctions from a bidder who fails to make payment. The bidder shall be responsible for all costs, expenses, and attorney fees expended in the collection of accepted bids.

7. Upon receiving payment for the real property sold for delinquent taxes, the Otero County Treasurer shall execute and deliver a tax certificate to the purchaser. Until a tax certificate, which consummates the sale is received from the Otero County Treasurer; a successful bidder has no right of entry to property purchased. The tax certificate conveys all the former property owner's interest in the personal property as of the date the state's lien for real property taxes arose in accordance with the Property Tax Code, subject only to perfected interests in the personal property existing before the date the property tax lien arose. The property tax lien against personal property arises 60 days after taxes are due, of the tax year for which the taxes are imposed. **The Otero County Treasurer warrants no title to property purchased at public auction sale.**

8. The former personal property owner or anyone claiming through him may bring an action in District Court challenging the conveyance no later than two years from the date of sale.

9. Property sold at public auction may be subject to a 120 day Federal (IRS) Redemption period.

10. In the event a sale is rescinded, only the amount paid for the property at the sale will be refunded. Expenses incurred by the buyer in connection with the sale or interest on the purchase amount will not be paid to the buyer regardless of the basis for the rescission.

11. The sale price of personal property at this public auction sale is not to be taken or considered as being the value of that property for property taxation purposes. Information pertaining to the current value can be located in the County Assessor's office.

12. The registered bidder and the Otero County Treasurer stipulate that at no time did the Otero County Treasurer take or hold title to any property which was subject to the delinquent tax auction. The registered bidder states that at no time did the Otero County Treasurer make any representation to him/her or any third person about the property or any environmental condition or danger on or arising from the property. The registered bidder states that he/she has bid at the delinquent property tax auction without any inducement or representation by the Otero County Treasurer of any kind. Should the registered bidder become a successful buyer, the successful buyer agrees to fully indemnify, defend and hold-harmless the Otero County Treasurer from any claim that the successful buyer or any third party may have, now or in the future, arising from or relating in any way to any environmental contamination, degradation or danger of any kind, whether known or unknown, on any property purchased at this public auction. This indemnification and agreement to defend and hold-harmless covers any environmental condition arising at any time and has perpetual duration.

13. The auctioneer reserves the right to withdraw from sale any of the properties listed below, to sell any of the property listed below together, or to sell only a portion of any of the properties listed below. If any dispute arises among the bidders, the auctioneer's decision with respect to the dispute is final, and the auctioneer may auction the property again, in his discretion. The auctioneer reserves the right to reject any and all bids. The personal property listed below may not be sold for less than the listed minimum bid.

14. The personal property sold is assumed to be “uninhabitable” as defined by the State of New Mexico Manufactured Housing Division. The Otero County Treasurer makes no assertions of knowledge of defects, damage or deterioration to the home which may create a dangerous or unsafe situation or condition. All plumbing, heating and electrical systems are unknown as to safety at the time of the sale.

15. All persons successfully purchasing the personal property shall comply with all rules and regulations set forth by the New Mexico Manufactured Housing Division as pertaining to setting and installing the personal property for purposes of habitation.

16. All persons successfully purchasing the personal property shall disclose the anticipated location of the personal property being purchased.

17. Movement of the personal property from its present location must be accomplished within 60 days to the location disclosed at the time of the sale. A licensed mobile home mover must be secured to legally move the manufactured home to the location arranged for by the purchaser. The moving permit is available for purchase in the Otero County Treasurer’s office.

18. Successful purchasers of the personal property must immediately obtain a tax release from the Otero County Assessor and must pay the 2018 taxes to the Otero County Treasurer. In order to get the title changed into the purchaser’s name, the tax release showing 2018 taxes have been paid and the certificate of sale obtained from this auction must be taken to the Department of Motor Vehicle where the title will be issued.