



# Adjudicated Properties

## Guide for Purchasers and Debtors

### **Town of Kinder**

333 N. 8<sup>th</sup> Street

Kinder, LA 70648

Phone: 337-738-2620

Email: [clerk@townofkinder.com](mailto:clerk@townofkinder.com)



[www.townofkinder.com](http://www.townofkinder.com)

# Key Terms Q&A

## Q: What's an adjudicated property?

When property taxes are not paid on a property, it may be sold at a Tax Sale. If a property goes to tax sale but is not purchased at the sale, it becomes “adjudicated” to Town of Kinder. This status means that a tax debtor or their family can redeem the property, or an interested buyer can bid for the property at a Town of Kinder Council Meeting.

If the property has been adjudicated for less than 5 years, the tax debtor still has the legal right to redeem the property, even if a prospective buyer were to bid for the property. It is the policy of the Town of Kinder to wait more than 5 years before permitting a bid on an adjudicated property. This policy protects both the buyer and the tax debtor.

## Q: What's a quit claim deed?

A quit claim deed will release the Town's interest in the property. While the quit claim deed releases the Town's interest, it makes no assurance that the purchaser has free and clear title to the property. There may be other persons or jurisdictions with an interest in the property. Therefore, it is crucial to follow the steps under “Research the Property” and to consider consulting an attorney or a title services company for assistance.

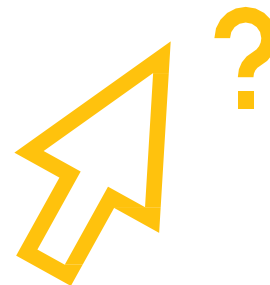
## Q: What's a lien?

A lien is a claim or legal right that can be filed against a property, typically as collateral to satisfy a debt.



## Who is this guide for?

- Are you interested in purchasing an adjudicated property? [See next page](#)
- Are you a tax debtor, or someone affiliated with a tax debtor, who wants to redeem an adjudicated property? [See page 10](#)



# For Prospective Purchasers

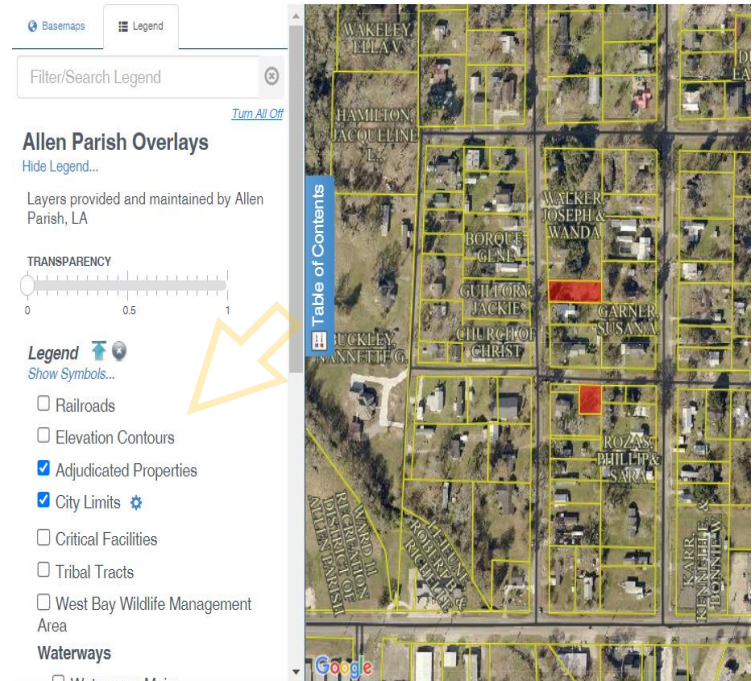
## Steps for purchasing a property adjudicated to Town of Kinder:

### 01. Locate the Property.

Obtain the current Parcel Report and a map of the property's location from either the Allen Parish Tax Assessors Office or <https://www.actdatascout.com/Map/Index?countyId=22003>. All available properties adjudicated by Town of Kinder are viewable at this link by making sure the 'Adjudicated Parcels' layer is checked in the Legend.

### 02. Research the property.

- **Contact** Town of Kinder at (337) 738-2620.
- **Confirm** with the Town of Kinder that the subject property maintains its adjudicated status and for how long.



- **Optional: Survey the property.** Property surveys are done to determine or confirm land boundaries. If there is a question about the location of property lines or apparent size of the property, the Town of Kinder recommends contacting a land surveyor prior to purchasing the property.
- **Remember**, if the property has been adjudicated for less than 5 years, the tax debtor still has the legal right to redeem the property, even if you were to bid for the property. Make sure the property was adjudicated more than 5 years ago.
- **Request** information from the Town of Kinder on the total amount of back taxes owed to the Town.

If the property is located within a municipality, it is possible that unpaid taxes are also owed to Allen Parish. In these cases, the Town strongly recommends the purchaser contact the Sheriff's Office Civil Division (337)639-3082 to determine whether

additional taxes are owed and what steps are needed to obtain the Parish's interest in the property.

### 03. **Determine if there is other important information about the property.**

Contact the Recording Department of the Allen Parish Clerk of Court at **(337) 639-4351**. The Department can tell you if any liens are filed against the property with Allen Parish. If there are any liens, you will also need to resolve those with the lienholders.



## Q: What's a lien?

*A lien is a claim or legal right that can be filed against a property, typically as collateral to satisfy a debt.*

You may also choose to contact a title services company. A title services company can perform the process of "title clearance," by which a title or settlement agent researches the history of title to a property and ensures that its new owner will receive clear, or unencumbered, title to the property.

## 04.

### Request a bid.

The following steps are required to request to bid for an adjudicated parcel with the Town:

#### Place a resolution on the Town of Kinder agenda.

When ready to bid, the purchaser must initiate the sale through a formal request that the Town of Kinder add a resolution to its agenda to

publicly advertise an adjudicated parcel for bids at its next regularly scheduled meeting. The Town maintains a form, "**Attachment A: Request for Bid**" that may be used as a template to help compile and submit minimum required information. When the request is ready, the purchaser should email it to the Town Clerk, Traci Fontenot, at [clerk@townofkinder.com](mailto:clerk@townofkinder.com).

#### The request must contain:

- A title or subject line of the email that reads "Request for Adjudicated Parcel [NUMBER OF PARCEL] Advertisement."
- The parcel report obtained from the Allen Parish Tax Assessors Office or from <https://www.actdatascout.com/Map/Index?countyId=22003>
- A **history of the name of the previous owner** in whose name the property was sold (adjudicated) and the **year** of the most recent tax sale.
- A **deposit of \$250** to cover the cost of advertising the property. Please submit





a check or money order; cash will not be accepted.

*The Town of Kinder will then place the resolution on the agenda of the Town of Kinder Council Meeting that the property be sold. The Town will advertise the upcoming bid to provide an opportunity for anyone else to bid on the property.*

**05.**

### **Submit a bid and attend the hearing.**

**Prepare a bid.** In accordance with **RS 47:2202**, the initial bid must be at least the total amount of back taxes owed to the Town. The purchaser's sealed bid must be submitted no later than 6:00 p.m. the day of the 2nd regularly scheduled Council Meeting following the meeting to approve advertisement. **The Town recommends contacting the Town Clerk at 337-738-2620 to confirm this deadline.**

#### **The sealed bid must contain:**

- The exterior of the sealed bid shall state "SEALED BID FOR ADJUDICATED PARCEL [NUMBER OF PARCEL]".
- A check or money order for the bid amount made out to the Town of Kinder.
- The bidder's contact information.

When submitting a bid, the purchaser must find out the date and time of the scheduled public hearing and must attend the hearing. The Town will open the sealed bids at the hearing date and select the highest eligible bid. Hearings may be continued without prior notice.

**06.**

### **The Town recommends contacting the Town Clerk at 337-738-2620 to confirm the date of the hearing.**

At the hearing, sealed bids will be opened publicly and read aloud. If there is no opposition or higher offer, the Town of Kinder will recommend that purchaser's offer be accepted or rejected. The results of the bidding process will then be submitted to the Town for final

action. **Unsuccessful bidders' checks will be returned by mail.**

When a bid is accepted, the purchaser must request an excerpt of the meeting minutes from the Town Clerk, Traci Fontenot, at [clerk@townofkinder.com](mailto:clerk@townofkinder.com). The excerpt will contain evidence of the vote to award and the agreed upon purchase price.

### **Required notice and wait time.**

In accordance with **R.S. 47:2159, R.S. 47:2206**, and the Town of Kinder Code of Ordinances, the purchaser is required to notify all persons and/ or companies with a potential interest in the purchased property.

**07.**

**Notification requires two steps:**

- 1. Sending a written notice** (see **Attachment B: Sufficient Notice Letter Template**) to all persons and/or companies with a potential interest in the property, and
- 2. Publishing the notice in the Town of Kinder Official Journal.** (see **Attachment C: Sufficient Journal Notice Template**)

**The purchaser must wait 60 days after providing notice to allow for tax debtors or other interested parties to redeem the property.** If someone redeems the property, the Town of Kinder will return the purchaser's bid money.

Once more than 60 days have passed, the purchaser **must** provide the Town of Kinder with a sworn statement that required notice was provided, the 60 days has passed since the above required notice was made or attempted, and that the property has not been redeemed by payment of the taxes owed. The purchaser may utilize the form, "**Attachment D: Sworn Statement**" provided by the Town to support this step in the adjudication process.

### **The act of sale.**

Request a quit claim deed for the property from the Town Attorney by emailing [mike@hhflegal.com](mailto:mike@hhflegal.com), and copying the Town Clerk, [clerk@townofkinder.com](mailto:clerk@townofkinder.com). The email request should include the following information:

- **Make** the Subject Line "Request for Quit

Claim Deed for Parcel [NUMBER OF PARCEL]"

- **Attach** the parcel report obtained from the Allen Parish Tax Assessors Office or from <https://allen.totaland.com/>
- **Attach** or include a copy of the Town meeting minutes containing the bid award and the agreed upon purchase price. If this information is missing; email the Town Clerk, Traci Fontenot, at [clerk@townofkinder.com](mailto:clerk@townofkinder.com).

## Q: What's a quit claim deed?

*A quit claim deed will release the Town's interest in the property. While the quit claim deed releases the Town's interest, it makes no assurance that the purchaser has free and clear title to the property. There may be other persons or jurisdictions*

*with an interest in the property. Therefore, it is crucial to follow the steps under "Research the Property" and to consider consulting an attorney or a title services company for assistance.*

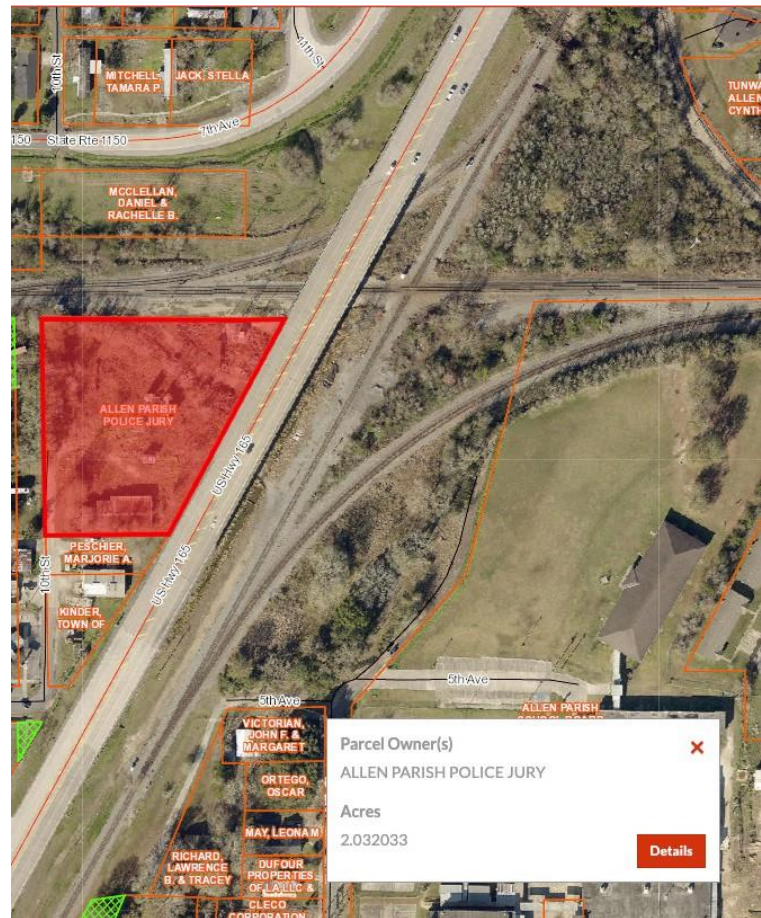
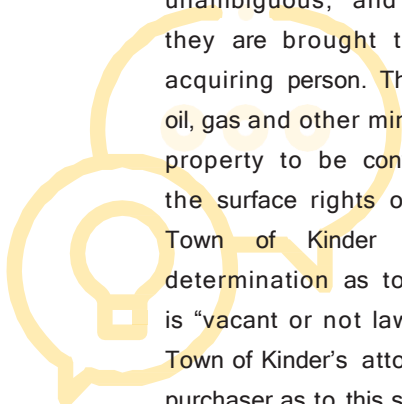
### Quit Claim Deed Process:

1. The Town Attorney's Office will contact the purchaser once the quit claim deed is prepared and ready for the purchaser's signature.
2. Once executed, the purchaser shall file the quit claim deed with the Allen Parish Clerk of Court's Office at the Allen Parish Court House. All filing fees are the responsibility of the purchaser.

The act of sale shall be without any warranty or recourse whatsoever (including warranty of title), even for the return or any reduction of the purchase price, but with subrogation to all rights and actions of warranty that the



Town may have. These waivers of warranty shall be self-operative regardless of whether the waivers are contained in the act of sale, regardless of whether they are clear and unambiguous, and regardless of whether they are brought to the attention of the acquiring person. The Town shall reserve all oil, gas and other mineral rights in and to the property to be conveyed, but shall convey the surface rights of the said property. The Town of Kinder will not make any determination as to whether the property is "vacant or not lawfully occupied" and the Town of Kinder's attorney will not advise the purchaser as to this status.



# For Tax Debtors and their Family



Has your property, or the property of a family member, been adjudicated to Town of Kinder? **If the property was adjudicated less than 5 years ago, there is still time for you to redeem the property.**

***Note:** if the property belongs to a family member or acquaintance, you do not have to have claimed title to the property to redeem it. Under Louisiana State Law, any person can redeem the tax title in the person's name. However, if you are not the tax debtor, redeeming the tax title in the tax debtor's name means that you will have no legal claim to the property. Redeeming the tax title in the tax debtor's name is not the same as buying the property. If, for example, a family member who owned the property died without a will, you need to complete a separate legal process to resolve the title of the property. The Town of Kinder strongly recommends that you contact an attorney so that you know your rights when redeeming a property. Please see "Find Legal Help" [on page 11](#) for more information.*

**The following are key steps to redeem a property in Town of Kinder:**



## 01. Find out information about the property.

Contact the Town of Kinder at (337)738-2620.

- **Request** the Town confirm that the property has maintained its adjudicated status and how long the property has had adjudicated status.
- **Remember**, if the property has been adjudicated for less than 5 years, the tax debtor still has the right to redeem the property. After a property has been adjudicated for more than 5 years, it is possible that someone has requested to bid on the property.
- **Request** from the Town of Kinder information on the total amount of back taxes owed to the Town.

## 02. Find out if anything else is owed on the property.

If the property is located within a municipality,

it is possible that unpaid taxes are also owed to Allen Parish. In these cases, the Town strongly recommends the purchaser contact the Allen Parish Sheriff's Office Civil Division (337)639-3082 to determine whether additional taxes are owed and how the tax debtor can obtain the Parish's interest in the property.

The tax debtor should also call the Recording Department of the Allen Parish Clerk of Court at (337) 639-4351. The Department can advise if any liens are filed against the property with Allen Parish.

## Q: What's a lien?

*A lien is a claim or legal right that can be filed against a property, typically as collateral to satisfy a debt.*

## 03. Pay the total amount owed to the Town.

Pay all the back taxes and other fees owed to the Town :

**Town of Kinder**  
333 N. 8<sup>th</sup> Street  
P.O. Box 947  
Kinder, LA 70648  
Phone: 337-738-2620

Email: [clerk@townofkinder.com](mailto:clerk@townofkinder.com)

## 04. Confirm that the adjudicated status has been lifted.

Contact the Town of Kinder to confirm that the payment was received and that the adjudicated status has been lifted.

## Find Legal Help

The Louisiana State Bar may be able to help both purchasers and tax debtors find legal assistance or representation.

Visit [www.lsba.org](http://www.lsba.org) for more information or follow this QR code to their "Find Legal Help" page.



If you live in or near Town of Kinder, you may qualify to apply for legal assistance through the Acadiana Legal Services Corporation (ALSC). ALSC is a 501 (c)(3) non-profit law firm funded in part by Legal Services Corporation and the Louisiana Bar Foundation. Not everyone qualifies for legal assistance through ALSC, and ALSC is not able to take all cases. You can apply for legal assistance by scanning this QR code or following the link to <https://www.la-law.org/>.

## Where are the laws that govern adjudicated property in Louisiana?

*Most Louisiana State Law regarding adjudicated property is located in the Revised Statutes between LA Rev Stat § 47:2196 (2021) and LA Rev Stat § 47:2247 (2021). The Town of Kinder Code of Ordinances covers property adjudication in Ch. 86 – Taxation, within Article IV – Sale of Adjudicated Property*