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Talbot County Tax Commissioner

***THE BELOW MENTIONED INFORMATION IS NOT TO BE CONSTRUED AS LEGAL ADVICE. THE TAX COMMISSIONER'S OFFICE DOES NOT GIVE LEGAL ADVICE NOR ASSUMES ANY LIABILITY THAT GOES WITH THE PRACTICE OF LAW. LEGAL ADVICE SHOULD BE SOUGHT FROM THE PURCHASER'S OWN ATTORNEY. ***

NOTICE OF FORECLOSURE OF RIGHT TO REDEEM

After twelve (12) months from the date of the tax sale, the purchaser at the tax sale may terminate or foreclose on the right to redeem the property by causing a notice or notices of the foreclosure to be served by certified mail to the owner of record at time of the tax sale, the occupant and to all interest holders which appear on the public record. In addition, the notice of foreclosure is to be published in the county in which the property is located, once a week for four (4) consecutive weeks. (OCGA 48-4-45) If the redemption is not made until after the notice has been given, then the costs of serving the notice or notices and publishing the notice shall be added to the redemption price to cover the cost of making the necessary examinations to determine the persons upon whom notice should be served (OCGA 48-4-42).

ANY QUESTIONS ABOUT THIS FORECLOSURE PROCESS SHOULD BE REFERRED TO AN ATTORNEY.

AFTER THE RIGHT OF REDEMPTION IS FORECLOSED

After foreclosing the right of redemption, it is recommended that the purchaser seek legal advice regarding the petition to quiet title in land, pursuant to OCGA 23-3-60. Under the action, the petitioner (tax deed purchaser) makes a request to the court to take jurisdiction over the matter. Depending upon the action selected, the court may appoint a Special Master (third party) to examine the petition and exhibits to determine who is entitled to notice. The petitioner will then ask the court to issue a decree establishing title in the land against "all the world" and that all "clouds to petitioner's title to the land be removed" and that "said decree be recorded as provided by law."

RIPENING OF THE TAX DEED TITLE BY PRESCRIPTION

The term prescription refers to a process whereby, over a period of time a tax deed becomes a fee simple title. This process promotes an alternative method to obtain fee simple title without the legal intricacies of the foreclosure process. (OCGA 48-4-48) A title under a tax deed properly executed on or after July 1, 1996, at a valid and legal sale shall ripen by prescription after a period of four (4) years from the recordation of that deed in the land records in the county in which said land is located (OCGA 48-4-48). Notice of foreclosure of the right to redeem is not required in order for the title to ripen by prescription. It is recommended that an attorney be consulted prior to following this process as there may be negative legal implications. The courts have ruled that the simple passage of time is not sufficient to allow a title to ripen by prescription, adverse possession appears to also be required.

2022 Georgia Code

Title 48 - Revenue and Taxation

Chapter 4 - Tax Sales

Article 3 - Redemption of Property Sold for Taxes

§ 48-4-45. Notice of Foreclosure of Right to Redeem; Time; Persons Entitled to Notice

- a. After 12 months from the date of a tax sale, the purchaser at the sale or his heirs, successors, or assigns may terminate, foreclose, divest, and forever bar the right to redeem the property from the sale by causing a notice or notices of the foreclosure, as provided for in this article:
 1. To be served upon all of the following persons who reside in the county in which the property is located:
 - A. The defendant in the execution under or by virtue of which the sale was held;
 - B. The occupant, if any, of the property; and
 - C. All persons having of record in the county in which the land is located any right, title, or interest in, or lien upon the property;

2. To be sent by registered or certified mail or statutory overnight delivery to each of the persons specified in subparagraphs (A), (B), and (C) of paragraph (1) of this subsection who resides outside the county in which the property is located, if the address of that person is reasonably ascertainable; and
 3. To be published, if that tax sale occurs on or after July 1, 1989, in the newspaper in which the sheriff's advertisements for the county are published in each county in which that property is located, which publication shall occur once a week for four consecutive weeks in the six-month period immediately prior to the week of the redemption deadline date specified in the notice.
- b. Nothing contained in this Code section shall be construed to require that any notice be sent to or served upon any person whose right, title, interest in, or lien upon the property does not appear of record in the county in which the land is located.
 - c. The heirs of any deceased owner of any land entitled to notice pursuant to this Code section shall be served by the sheriff or notified as provided in this article.

**2022 Georgia Code
Title 48 - Revenue and Taxation
Chapter 4 - Tax Sales**

Article 3 - Redemption of Property Sold for Taxes

**§ 48-4-46. Form of Notice of Foreclosure of Right to Redeem; Service; Time; Return and Record;
Waiver**

- a. The notice provided for in Code Section 48-4-45 shall be written or printed, or written in part and printed in part, and shall be in substantially the following form:

Take notice that: The right to redeem the following described property, to wit: _____ will expire and be forever foreclosed and barred on and after the _____ day of _____, _____. The tax deed to which this notice relates is dated the _____ day of _____, _____, and is recorded in the office of the Clerk of the Superior Court of _____ County, Georgia, in Deed Book _____ at page _____. The property may be redeemed at any time before the _____ day of _____, _____, by payment of the redemption price as fixed and provided by law to the undersigned at the following address: _____. Please be governed accordingly. _____

- b. The purchaser at the tax sale or his heirs, successors, or assigns, as the case may be, shall make out an original notice in substantially the form prescribed in subsection (a) of this Code section and one copy of the notice for each person to be served with the notice. The purchaser shall deliver the notice and the copies together with a list of the persons to be served to the sheriff of the county in which the land is located not less than 45 days before the date set in each notice for the expiration of the right to redeem. Within 15 days after delivery to him, the sheriff shall serve a copy of the notice personally or by deputy upon each of the persons included on the list furnished him who reside in the county. The sheriff shall make an entry of the service on the original copy of the notice. Leaving a copy of the notice at the residence of any person required to be served with the notice shall be a sufficient service of the notice.
- c. If the sheriff personally or by deputy makes an entry that he is unable for any reason to effect service upon any person required to be served, the person who requested that the service be made shall forthwith cause a copy of the notice to be published once a week for two consecutive weeks in the newspaper in which the sheriff's advertisements for the county are published, unless that notice is being published as provided in paragraph (3) of subsection (a) of Code Section 48-4-45. Either publication shall operate as and for all purposes shall be treated as service upon all persons as to whom the sheriff has made an entry that he has been unable to effect service.
- d. Each original notice together with the entry of the sheriff on the notice shall be returned to the person by whom the service was requested upon the payment of the sheriff's costs as provided by law. Any original notice together with the entries on the notice may be filed and recorded on the deed records in the office of the clerk of the superior court of the county in which the land is located.
- e. Service of notices as provided in this Code section may be waived in writing by any person required or entitled to be served with the notice.