



# Fidelity National Title<sup>®</sup>

## Insurance Company

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### **BULLETIN No. 2017-GA10**

**DATE:** September 9, 2017  
**TO:** All Georgia Fidelity Agents and Approved Attorneys  
**RE:** Tax Sale Underwriting Procedures

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Fidelity National Title Insurance Company has adopted underwriting guidelines for the insurance of properties involved in tax sales. The following requirements must be met prior to insuring any property with a tax deed in the chain of title:

#### **Tax Sale Underwriting Requirements:**

1. Deceased Owner: Title is uninsurable if there is any indication that the tax deed was issued against a deceased former owner or that the tax sale was conducted in the name of a deceased former owner.
2. One year must pass since the date of the sale due to the right of redemption.
3. The Right to Redeem must be foreclosed after the one year period and an affidavit filed in the deed records to evidence the foreclosure.
4. Quiet Title: Must have a final order quieting title into the seller.
5. Personal Service: Must confirm personal service to the owner(s) and any secured creditors.
6. IRS Liens: If the IRS is one of the secured creditors, the Company will require a release of the IRS lien.
7. Tax Liens: If there are taxes for previous years that are outstanding after the tax sale, the Company will require payment or release of the tax liens from the City and or County.
8. Appeal Period: Must wait the 30 day appeal period from the date of the final order in the quiet title action and confirm no appeal.
9. Owner must have vacated the property.
10. Limited Warranty Deed or Warranty Deed: Seller must convey by limited warranty deed or warranty deed.

#### **Service by Publication – Additional Requirements**

##### **If service is by publication to any owner or secured creditor and:**

The property is **improved:**

1. 1, 2, 3, 4, 6, 7, 8, 9 and 10 above.
2. Wait an additional six months beyond the 30 day appeal period and confirm no appeal and that there is nothing on record challenging the validity of the tax sale or suit to quiet title.

The property is **unimproved:**

1. 1, 2, 3, 4, 6, 7, 8, 9 and 10 above.
2. Wait an additional one year beyond the 30 day appeal period and confirm no appeal and that there is nothing on record challenging the validity of the tax sale or suit to quiet title.
3. Confirm some evidence of possession by the Tax Sale/QT Plaintiff during the one year period. Example: Fenced the property, cleared the land etc.
  - a. Farm land or larger tracts of land will require higher scrutiny to verify satisfactory evidence of possession.

Note: The above procedures relate to insuring third party purchasers or lenders from the party that purchased at the tax sale, and quieted title. The Company will not insure the tax sale purchaser, even after a quiet title action.

Note: If the third party proposed insured is a purchaser from a county or city that has obtained title under an in rem judicial tax sale, please consult with your underwriter as to the Company's requirements.