Once your property tax bill is seriously delinquent, the taxing authority will begin a process to sell your home to repay the tax debt. Your best chance to prevent or delay the sale is to act quickly. Your rights also are very different depending on whether or not your state requires an order from a judge before the tax sale takes place. Whether it does or not, a bankruptcy filing can stop the process. Other than that, you do not have strong options to prevent the tax sale. Nevertheless, the last section in this chapter will explain your rights to keep the home even after a tax sale through redemption.

If Your State Requires a Court Order to Sell the Home. If the taxing authority has to go to court to proceed with a tax sale of your home, you should participate in the court case and raise all available defenses. Were all notice requirements followed? Were all the property owners named in the lawsuit? You will probably need a lawyer to identify possible defenses.

If Your State Allows a Tax Sale Without a Court Order. In most states the taxing authority can proceed with a tax sale just by notifying you and the sale does not involve a judge. In that case, you will have to file your own lawsuit to stop the tax sale. Unfortunately, there are few grounds in such a lawsuit to stop the sale. Generally it is too late to challenge the assessed value of the property if you did not raise that in a timely way with the tax agency after receiving the tax bill. You will certainly need the help of a lawyer if you are going to try this avenue, but even with a lawyer, it is a long shot.

Source: National Consumer Law Center, Surviving Debt [50th NCLC Anniversary Edition], updated at www.nclc.org/library
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