

WALTON COUNTY
EXCESS TAX SALE FUNDS
INSTRUCTIONS

Pursuant to O.C.G.A. § 48-4-5, you may be eligible for excess tax sale funds (known as "excess funds") if one of the following applies to you:

1. You were the owner of record at the time of the tax sale.
2. You were the owner of record of a security deed affecting the property at the time of the tax sale.
3. You had a recorded equity interest or claim at the time of the tax sale.

Please take note of the following when applying for excess funds:

1. The Tax Commissioner's Office will not accept applications from third parties, other than from attorneys licensed to practice law in Georgia. The Tax Commissioner's Office does not recognize applications from asset recovery firms or non-attorneys who purport to represent claimants. A licensed attorney should submit a written, notarized statement from the claimant authorizing the attorney to act on claimant's behalf.
2. Incomplete or illegible petitions will not be considered. Please follow all instructions. All forms must be original.
3. The Tax Commissioner's Office will only release excess funds to a claimant or claimant's attorney.
4. After reviewing a petition for excess funds, the Tax Commissioner's Office may request additional information or documentation.
5. In the event of a dispute between two or more claimants regarding excess funds, or in other situations where the Tax Commissioner deems it necessary, the Tax Commissioner's Office may interplead funds to the Superior Court of Walton County, Georgia. If the Tax Commissioner's Office interpleads the excess funds, it is entitled to obtain its costs of litigation from the excess funds upon a court order.

Completed petitions, along with supporting documents, should be delivered to the Walton County Tax Commissioner's Office at 303 S. Hammond Drive #100, Monroe, Georgia 30655.

WALTON COUNTY

PETITION TO REQUEST PAYMENT OF EXCESS TAX SALE FUNDS

TO: Derry M. Boyd, Tax Commissioner and Ex Officio Sheriff of Walton County, Georgia

Parcel ID _____ Property Address _____

COMES NOW, _____ (“Petitioner”), who requests payment of excess tax sale funds from the below-described Ex Officio Sheriff’s tax sale;

WHEREAS, on _____, 20____, the property owned by _____ and identified above, was sold to _____ at a tax sale by the Tax Commissioner and Ex Officio Sheriff of Walton County for delinquent taxes, interest, cost and fees or assessments owed on the real property;

WHEREAS, the proceeds from the tax sale exceed the amount of such delinquent taxes, interest, cost and fees or assessments owed on the real property, and

WHEREAS, Claimant is seeking to obtain payment of the excess funds, totaling \$ _____:

1. Claimant affirms that Claimant is the person authorized to receive the excess funds as provided for in O.C.G.A § 48-4-5. Claimant represents and warrants that Claimant was the true lawful owner of said real property immediately prior to the tax sale and is entitled to receive the surplus or excess funds from the sale, and that no other person or entity has a legal right to said excess funds. Claimant further represents and warrants that they have not assigned their right to said excess funds to another person or entity and that they have no obligation to do so after receipt of the excess funds. Claimant acknowledges and agrees that the affirmations and warranties of this paragraph are binding upon the Claimant, and that the Claimant will indemnify and hold Walton County, Walton County Tax Commissioner, and any other officers, agents and employees of Walton County harmless against any claims or lawsuits brought for any wrongful payment or mistaken payment made to Claimant that should have been paid to some other person or entity.

THIS SECTION IS ONLY FOR CLAIMS FILED BY A SECURED PARTY

Whereas, Petitioner represents and warrants that it holds or possesses a secured interest in the above-referenced property; and said lien or secured interest is in the principle amount of \$ _____ with an additional amount of \$ _____ for interest and costs, and that the lien is [inferior to a mortgage held by _____ but is] superior to all other mortgages, liens, encumbrances, or claims;

2. Claimant acknowledges and agrees that the excess funds paid by the Walton County Tax Commissioner pursuant to this Petition shall be subject to a \$250.00 reduction for administrative expenses associated with the distribution of such excess funds.

Claimant swears, under penalty of perjury, that all information in this Petition (and all supporting documentation) is true and correct to the best of Claimant's knowledge.

THIS ____ day of _____, 20____.

Claimant, Printed Name

Claimant, Signature

Sworn to and subscribed before me
This ____ day of _____, 20____.

Witness

Notary Public

Claimant's Contact Information:

Phone Number: _____

Email: _____