

# Office of the Sheriff

**Scott T. Phillips, Sheriff**

Louis L. Redding City/County Building

800 N. French Street, 5<sup>th</sup> Floor

Wilmington, DE 19801

Office: 302-395-8450, Fax: 302-395-8460

[www.nccde.org/sheriff](http://www.nccde.org/sheriff)

## SHERIFF SALES - REAL ESTATE

**When** – Auctions are held the second Tuesday of every month beginning promptly at 10 a.m.

**Where** – 800 N. French Street, 1<sup>st</sup> Floor Council Chambers, Wilmington, DE 19801

**How** – Open Public Bidding. All bidders must register with Sheriff's Office to obtain a bidder number.

### Bidder Requirements

- \$5,000.00 Cashier's Check payable to New Castle County Sheriff (collected if successful bidder)
- Valid ID (Driver's License/DMV ID)
- Established personal/business check to pay balance of deposit due at time of sale (no starter checks).
- Proof of Business – Business License/Incorporated Certificate (if registering as a business)
- Prequalification Requirement (NCC Tax Sales Only) – Per County Ordinance.

### Terms of Sale

- **Lev Fac** (mortgage sale) – 10% Deposit or \$5,000 in Certified Funds, whichever is greater, due at Time of Sale. Balance of bid (certified funds) is due on or before the third Monday of the month following the sale.
- **Vend Exp Monition** (tax sale) – 100% Deposit or \$5,000 in Certified Funds, whichever is greater, due at Time of Sale. If high bid is less than \$5,000, a refund will be disbursed no sooner than 10 days after the sale date.
- **Vend Exp Judge** (judgment sale) – 10% Deposit or \$5,000 in Certified Funds, whichever is greater, due at Time of Sale. Balance of bid is due on or before the third Monday of the month following the sale. Balance payment must be in certified funds.
- Buyers are not permitted to leave the auction and return later to make required payment.
- If high bid is less than \$5,000, a refund will be disbursed no sooner than 10 days after the sale date.
- If you are bidding on behalf of a business or organization or paying with a business check you must be prepared to show proof that you are eligible to bid for that entity.
- The winning bidder of a NCC Tax sale must also submit Part 1, Part 2 and \$50 payment in accordance with NCC Ordinance.
- **Assignment of Bid must be received by the Sheriff's Office prior to confirmation.** Confirmation of the sale occurs as a matter of course on the Friday following the third Monday of the month following the sale.
- **Failure to pay balance of bid by the due date may result in your bidding privileges being suspended for future sales and forfeiture of your deposit.**

**General Information** - Properties are sold sight unseen, as is; There is no "walk through" or appraisal of the properties before or after the sale. As a bidder, **YOU** are responsible for your bid and your activities surrounding the transaction. You are responsible for maintaining custody of and returning the Bidder Card(s) before leaving. Any financing for Sheriff properties must be arranged prior to the auction, not after. Simply being preapproved for financing is not sufficient. Your bid does not necessarily negate other debts on the property. It is the responsibility of the bidder to research the Title History, Tax Lien, Public Record and Bankruptcy Info for each property. Issuing a bad check to the Sheriff's Office is a crime and will be prosecuted to the fullest extent of the law.

**Post Sale Information** - Tenants/Owners of properties sold at Sheriff Sale are not automatically evicted. You must file a motion in Superior Court to evict if the Tenants/Owners do not voluntarily agree to vacate the property. Failure to follow this rule may result in your arrest of a criminal offense. Petition for no attempt at redemption of a tax sale is filed by the high bidder after the expiration of the redemption period (60 days from Confirmation Date). Properties which remain un-deeded for 6 months after confirmation are subject to the writ being returned as UNDEEDED.

**Failure to comply with the auction rules may result in the bidder being barred from bidding at future sheriff sales.**

Name of Bidder (print): \_\_\_\_\_ Bidder # \_\_\_\_\_

Company Name (if applicable): \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Signature Represents Receipt of Auction Rules

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**Official Use Only:** Certified \$5K \_\_\_\_\_ Check Book \_\_\_\_\_ NCC Tax Card # \_\_\_\_\_

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## Bidder Registration Form

Date \_\_\_\_\_

Bidder Name: \_\_\_\_\_  
(First MI. Last)

Bidder Address: \_\_\_\_\_  
\_\_\_\_\_

Bidder Home Phone # \_\_\_\_\_

Bidder Cell Phone # \_\_\_\_\_

Driver's License (State, #) \_\_\_\_\_

Bidder E-Mail Address \_\_\_\_\_

If you are bidding for any entity (business, company, LLC, etc.) other than your name you must complete the below portion.

Company Name (if applicable) \_\_\_\_\_  
\_\_\_\_\_

Company Address \_\_\_\_\_  
\_\_\_\_\_

Company Phone # \_\_\_\_\_

Company E-Mail \_\_\_\_\_

If you intend to assign the property to another party you must do so in writing **prior to confirmation**. If the property being assigned is the result of a Vend Exp Motion (Tax Sale) the Assignee must also conform to the Certification requirement as set forth in Del. Title 9 section 8726 and Del. Title 22 section 113 and provide to the Sheriff a valid Certificate. All requests for assignment of bid for Vend Exp Motion (Tax Sale) will be denied unless the above requirements have been fully satisfied.

**For Office Use Only:** Bidder ID # \_\_\_\_\_

# New Castle County Office of the Sheriff



## NOTICE OF DELAWARE POST-FORECLOSURE PROCEDURES

Under Delaware law, certain procedures are *required* prior to full legal title of a foreclosed property passing to the successor purchaser after Sheriff's Sale. This Notice will provide information about those procedures.

**Confirmation of Sale** – 10 *Del. C.* §§ 4976, 5065; Superior Court Civil Rule 69(d)

A successor purchaser of a property at Sheriff's Sale receives full legal title to the property upon confirmation of sale by the Superior Court. Confirmation of sale occurs on the first Friday following the third Monday of the month following Sheriff's Sale.

**Access to Property by Successor Purchaser** – A successor purchaser may have the right to secure and protect their investment in the foreclosed property; however, those rights may not be exercised in violation of the former homeowner or tenant's rights. Successor purchasers are hereby advised that the destruction or removal of personal property found within a foreclosure property prior to confirmation may constitute a violation of law. A successor purchaser may enter into arms length negotiations with a former homeowner or tenant to obtain voluntary possession of the foreclosed property at a date sooner than a Writ of Possession would allow.

**Eviction of Former Homeowners or Tenants** – 10 *Del. C.* § 5011, *et seq.*; Superior Court Civil Rule 69(e); Public Law 111-22, Title VII, Section 701 - 704

The successor purchaser may obtain a Writ of Possession from the Superior Court to effect eviction of former homeowners or tenants who remain in possession of the property after Sheriff's Sale. A former homeowner or tenant may be entitled to a Rule to Show Cause hearing.

Name of Bidder (print): \_\_\_\_\_ Bidder #: \_\_\_\_\_

Bidder Company Name, if applicable: \_\_\_\_\_

Signature of Bidder: \_\_\_\_\_ Date: \_\_\_\_\_