



## Tax Sales

Burr & Forman has a broad and deep level of experience with ad valorem tax sale issues, redemptions, and tax lien and tax deed enforcement. We regularly advise clients on these issues, consistently helping them maximize their outcomes and avoid unwanted defensive litigation.

Our experience and services in this area of law include:

### **Redemptions, Tax Sale Challenges, Possession, Ejectment, Quiet Title, and Excess Funds**

- Representing tax lien investors with respect to purchases, redemptions, challenges to tax sales, possession, title clearing, ejectment and quiet title actions, and sales of acquired properties.
- Representing owners and lenders with redemptions, challenges to tax sales, excess fund recovery, and negotiations with tax lien purchasers to re-establish rights in the property sold for taxes.
- Pursuing and completing title clearing steps on real properties (500+) and mineral rights, primarily through quiet title (both *in person* and *in rem*) and ejectment lawsuits, with some properties involving tax sales occurring more than 80 years ago.
- Resolving issues relating to deceased owners, abandoned property, IRS liens, judgment liens, homeowner and condo association dues, municipal liens, challenges to tax sales, claims to excess funds, and disputed redemption rights.
- Litigating tax sale issues in state courts (circuit and probate) and federal courts (district and bankruptcy)

### **Capital Formation and Secured Lending**

- Preparing opinion letters on tax sale issues in Alabama, Florida, Georgia, Mississippi, and Tennessee

### PROFESSIONALS

Joshua A. Ehrenfeld  
James H. Haithcock, III  
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Norman M. Orr  
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### RELATED AREAS

International Law & Tax  
Real Estate  
Succession Planning  
Tax Law  
Trusts & Estates Planning  
Trusts, Estates, & Fiduciary Litigation

# Tax Sales

- Representing private equity funds and other entities in the acquisition, securitization, and disposition of tax liens and tax deeds, including:
  - Formation and capital-raising activities
  - Acquiring and disposing of tax liens and tax deeds through public auctions and private transactions
  - Obtaining debt financings secured by tax liens and tax deeds, including negotiation of servicing and custodial agreements
- Representing financial institutions with respect to debt financings secured by tax liens and tax deeds.

## **Government Entity Related Assistance**

- Handling litigation with taxing authorities over practices relating to tax sales and excess funds.
- Assisting taxing authorities with disposing of tax-delinquent properties.
- Advising government authorities with respect to the use of tax liens to address blighted property issues.

## Notable Matters

- Representation of issuer in \$158,000,000 securitization transaction of investment portfolio consisting of tax liens, tax deeds, tax certificates, and tax receivables throughout Arizona, Connecticut, Florida, Illinois, New Jersey, New York, South Carolina, and Tennessee.
- Appointment of Will Hereford in 2011 as Special Master in a Jefferson County, Alabama class action lawsuit to develop and implement procedures to address claims to approximately 850 unclaimed excess bids paid at Jefferson County tax sales between May 1999 and May 2007. The firm's actions in this case resulted in all remaining excess bids being resolved, and millions of dollars being distributed to property owners. Additionally, Burr's team identified, and caused the correction of, county procedures, preventing the county from potentially losing millions of dollars.
- Class counsel for a proposed statewide Alabama class action lawsuit seeking to establish consistent, statewide procedures for counties in handling the excess funds from tax sales and to cause the distribution of those funds to the proper recipients.

## Publications

- ATI Exemption for South Carolina Multi-Family Purchasers  
Article, 06.08.2023
- U.S. Supreme Court Ruling May Impact Property Rights in Alabama  
Media Mention, 06.05.2023