



July 10, 2018

The Salt Lake County Council
2001 South State, N2200
Salt Lake City, Utah 84190-1010

Attn: Aimee Winder Newton, Chair

AMENDED

RE: Request by Mr. Robert Trent Van Dam and Diamond Tree Experts, Inc., to rescind the winning 2018 May Tax Sale bid purchase by Myers Enterprise, Inc. bidder 247, for AD 82 parcel # 15-36-176-001-0000 (Recommend grant)

Council Members:

The Property Tax Committee, at a meeting on June 21, 2018, considered a request to rescind the 2018 May Tax Sale purchase of the above mentioned parcel. The committee recommends the request be granted.

The subject parcel was sold at the Salt Lake County Tax Sale on May 24, 2018 to Myers Enterprise, Inc. (Myers), as the highest bidder. The basis for the appeal is set forth in a Verified Tax Sale Protest that was filed by attorney James K. Tracy of Bennett Tueller Johnson & Deere on behalf of Mr. Van Dam (Van Dam) and Diamond Tree Experts, Inc. (Diamond). In essence, the claim is that several mistakes by a prior owner, mortgagor, and title company resulted in the above property not being transferred to Diamond in the same manner that an adjoining property (15-36-176-002-0000) was transferred. Van Dam and Diamond claim that the result of the mistake was that they were not aware that parcel 15-36-176-001-0000 was included in the 2018 tax sale. They allege that the day prior to the sale they redeemed the -002 parcel from the tax sale, and asked the county if there were any other Diamond properties included in the tax sale. Receiving an answer in the negative, they chose not to attend the sale on May 24.

Subsequent to the sale Diamond discovered that the property was conditionally sold at tax sale. It has tendered all amounts owed to redeem parcel -001. Also, subsequent to sale, a tax lien filed by the Internal Revenue Service (IRS) was discovered and it was determined that the IRS had not received notice of the tax sale. Despite the County's request, the IRS has not consented to the sale.

After a review of the Tax Sale Ordinance, the facts and policy consideration, and the discretion granted this committee on behalf of the County Council, it was determined it was in the best public interest to rescind the winning bid and withdraw the property from the sale. The basis for Property Tax Committee's recommendation was that it is not good public policy to sell a property at tax sale when all lienholders have not been notified of the sale, and to sell a property that remains encumbered by liens not extinguished by the sale. Myers was on notice, as are all successful tax sale bidders, that all bids are only accepted conditionally and require ratification by the Council.

Based on the findings of this review, the Committee recommends that the request be granted. The Treasurer is directed to refund to Myers Enterprise, Inc., bidder 247, the full winning bid amount of \$250,000.00 and to accept the redemption payment of \$83,058.86 tendered by Aspen Peaks Construction, Inc. on behalf of the property owners.

Upon your review, please notify the interested parties and the Salt Lake County Treasurer of your action.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Neff". The signature is fluid and cursive, with the first name "Brad" and last name "Neff" clearly distinguishable.

Brad Neff, Chair
Property Tax Committee

Cc Salt Lake County Treasurer

Mr. Chris Myers
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Sandy, UT 84070

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