

Is it a “free and clear” title?

Prospective buyers often ask if the properties for sale have a free and clear title. The answer to this is not a simple yes or no; the following information may answer your questions.

Miscellaneous:

All sales of tax deeded properties shall be by quitclaim deed. Burnett County will not provide an abstract or title insurance. If you require title insurance, check with your insurance provider before the sale.

Burnett County retains mineral rights.

If you want to be certain of the status of title to any parcel being sold, you should have an attorney conduct an examination of the pertinent records for you.

Taxes:

Burnett County acquired these properties due to non-payment of real estate taxes. When the County records a tax deed and becomes owner of the property, all delinquent taxes are removed from the tax roll. There are no delinquent or current real estate taxes due on any of the lots listed in this brochure.

Effect of Tax Deed:

03-04 Wisconsin Statutes 75.14 (1) states “If any land subject to a tax certificate shall not be redeemed the county clerk shall...execute...to the county and its assigns, a deed of the land so remaining unredeemed, and shall acknowledge the same which shall vest in the county an absolute estate in fee simple in such land subject, however, to recorded restrictions and redemption as provided in this chapter...”

03-04 Wisconsin Statutes 75.14 (4) states “Whenever a deed in the chain of title shall contain valid and enforceable restrictions and covenants running with the land, as hereinafter defined and limited, said restrictions and covenants shall survive and be enforceable after the issuance of a tax deed to the same extent that they would be enforceable against a voluntary grantee of the owner of the title immediately prior to the delivery of the tax deed. This subsection shall apply to the usual restrictions and covenants limiting the use of property, the type, character and location of building, covenants against nuisances and what the former parties deemed to be undesirable conditions, in, upon and about the property, covenants to contribute to the cost of maintaining private roads, and other similar restrictions and covenants; but this subsection shall not protect covenants creating any debt or lien against or upon the property, or that will require the owner to expend money for any purpose, except such as may require the owner to keep the premises in a slightly condition, contribute to the cost of maintaining private roads, or to abate undesirable conditions. During the period that the county is the owner of lands so acquired it shall not be required to expend any money to keep the premises in sanitary or slightly condition or to contribute to the cost of maintaining private roads or to abate nuisances or undesirable conditions, but its successors in title shall be subject thereto and to covenants and restrictions as provided in this section. Any rights the former owner had to enforce the restrictions and covenants to which this subsection is applicable against the grantor and other parties owning property subject to such restrictions and covenants, except forfeitures, right of reentry, or reverter, shall likewise survive to the county as grantee in said tax deed and to successors and assigns.”