

**Minutes of Meeting**  
**Tax Deed Surplus Discussion**  
**April 11, 2013**  
**2:00 p.m.**

The Kootenai County Board of Commissioners: Chairman Todd Tondee, Commissioner Dan Green and Commissioner Jai Nelson met to discuss the following agenda items. Also present were Chief Deputy Treasurer Laurie Thomas, BOCC Administrative Assistant Lori Cogley, and Deputy Clerk Nancy Jones.

**A. Call to Order:** Chairman Tondee called the meeting to order at 1:58 p.m.

**B. Introductions:** There were no introductions made.

**C. Changes to the Agenda:** There were no changes made to the agenda.

**D. New Business:**

Chief Deputy Treasurer Laurie Thomas explained that the files in question relate to properties with a tax deed surplus. These properties have been sold at auction, but have a balance that can be claimed by the previous owner of record. Because Idaho Code does not clearly address the issue, Ms. Thomas came before to Board to ask for guidance on claims that are being requested (on behalf of the previous owner) by a third party. Ms. Thomas provided two examples of these requests: one that was received by mail, and one that was received by email. Ms. Thomas detailed her concerns, including lack of original signatures, lack of direct communication with the previous owner of record, and requests to mail the funds directly to the third party. A consultation with the Legal Department established that Idaho Code does state that all funds may only be released to the recorded party of interest, but Ms. Thomas noted the difficulty of confirming the veracity of the mailing address provided. Ms. Thomas asked the Board for direction in completing a level of due diligence in these matters, and suggested that her office might work with Legal to draft an affidavit for this purpose. This document would help assure that we are refunding the surplus amount to the proper party. Prior to this meeting, Ms. Thomas contacted other Treasurer's Offices within the state, only to find that there is no consensus on how to deal with third party surplus requests. Chairman Tondee noted that third-party prospecting cannot be done for profit in the state of Idaho, and recommended that these companies be made aware of this when they contact the County regarding such files. The Board directed Ms. Thomas to work with Legal to draft an affidavit that would be completed by the previous property owner of record, and that would include proper language to reference applicable Idaho Statutes that prohibit profiting from third-party prospecting, to ensure all parties are aware of the law. Ms. Thomas stated that she would also make sure that the Statute is added to the County website, and that she will report on any decisions made at the Treasurer's Conference in August, where this topic is scheduled as an agenda item.

**E. Public Comment:** This section is reserved for citizens wishing to address the Board regarding a County related issue. There was no public comment.

The meeting was adjourned at 2:23 p.m.

Respectfully submitted,

CLIFFORD T. HAYES, CLERK

BY: \_\_\_\_\_  
Nancy A. Jones, Deputy Clerk