

## **BEN HILL COUNTY TAX COMMISSIONER POLICY REGARDING CLAIM OF EXCESS FUNDS**

In accordance with O.C.G.A. § 48-4-5, if any excess funds exist after paying the taxes, costs, and expenses of a tax sale, it is the policy of the Ben Hill County Tax Commissioner's Office to provide written notice of such excess funds to the record owner of the subject property, the record owner of each security deed affecting the property and to all other parties having a recorded equity interest or claim in the subject property.

Please note the following when applying for excess funds:

1. **The Ben Hill County Tax Commissioner's Office will not accept applications from third parties, other than from attorneys licensed to practice law in Georgia.** The Ben Hill County Tax Commissioner's Office does not recognize applications from asset recovery firms or non-attorneys who purport to represent claimants. A licensed attorney should submit a written, notarized statement from the claimant authorizing the attorney to act on the claimant's behalf. The Ben Hill County Tax Commissioner's Office will only release excess proceeds to a claimant or a claimant's attorney.
2. **Once a claim has been received, the Ben Hill County Tax Commissioner's Office will perform the due diligence to satisfy the claim. In the event of a dispute between two or more claimants regarding excess funds, or in other situations where the Tax Commissioner deems it necessary, the Tax Commissioner may interplead funds to the Superior Court of Ben Hill County, Georgia.**
3. **If five (5) years have elapsed since the tax sale date, the Ben Hill County Tax Commissioner's Office will transfer the excess funds to the Georgia Department of Revenue Unclaimed Funds Division.** At that point, the Ben Hill County Tax Commissioner's Office will no longer be involved in the distribution of the excess funds.

If you wish to submit a claim for such funds, you are required to make a written request to the Ben Hill County Tax Commissioner at: 324 E. Pine St., Fitzgerald, GA 31750.

Barry Foster  
Ben Hill County Tax Commissioner