

Content

Title :	Operation Procedures for Sale of National Non-public Use Real Estate by Tender Ch
Date :	2021.05.27
Legislative :	<p>1.Stipulation and promulgation in accordance with Order No. Tai-Cai-Chan-Mi-zi-3108 dated April 15, 1970 from the National Property Administration</p> <p>2.Amendment in accordance with Letter No. Tai-Cai-Chan-II-zi-16151 dated September 23, 1985 from the National Property Administration</p> <p>3.Amendment in accordance with Letter No. Tai-Cai-Chan-II-zi-79004297 dated April 2, 1990 from the National Property Administration</p> <p>4.Amendment in accordance with Letter No. Tai-Cai-Chan-Ju-II-84029700 dated November 24, 1995 from the National Property Administration</p> <p>5.Amendment in accordance with Letter No. Tai-Cai-Chan-Ju-II-86003653 dated February 17, 1997 from the National Property Administration</p> <p>6.Amendment in accordance with Letter No. Tai-Cai-Chan-Ju-Guan-zi-88013193 dated May 27, 1999 from the National Property Administration</p> <p>7.Amendment in accordance with Letter No. Tai-Cai-Chan-Ju-Guan-zi-0910019049 dated July 24, 2002 from the National Property Administration</p> <p>8.Amendment (of Article 5) in accordance with Letter No. Tai-Cai-Chan-Ju-Guan-zi-0920036940 dated December 11,2003 from the National Property Administration</p> <p>9.Amendment (of Article 9) in accordance with Letter No. Tai-Cai-Chan-Ju-Guan-zi-0930003408 dated February 11, 2004 from the National Property Administration</p> <p>10.Amendment (of Article 5) in accordance with Letter No. Tai-Cai-Chan-Ju-Guan-zi-0930031071 dated October 21, 2004 from the National Property Administration</p> <p>11.Amendment and promulgation in accordance with Order No. Tai-Cai-Chan-Ju-Guan-zi-0974002688 dated December 31, 2008 from the National Property Administration</p> <p>12.Amendment and promulgation (of Article 4) in accordance with Order No. Tai-Cai-Chan-Ju-Guan-zi-0984000436 dated March 5, 2009 from the National Property Administration</p> <p>13.Amendment and promulgation in accordance with Order No. Tai-Cai-Chan-Shu-Guan-zi-10240028670 dated November 29, 2013 from the National Property Administration</p> <p>14.Amendment and promulgation in accordance with Order No. Tai-Cai-Chan-Shu-Guan-zi-10340018520 dated August 29, 2014 from the National Property Administration</p> <p>15.Amendment and promulgation (of Articles 4, 6, 7, 8, 9, and 12) in accordance with Order No. Tai-Cai-Chan-Shu-Guan-zi-10640003920 dated June 1, 2017 from the National Property Administration</p> <p>16.Amendment and promulgation in accordance with Order No. Tai-Cai-Chan-Shu-Guan-zi-10940004000 dated May 19, 2020 from the National Property Administration, and amendment take into force from May 25, 2020</p> <p>17.Amendment and promulgation (of Article 3) in accordance with Order No. Tai-Cai-Chan-Shu-Guan-zi-11040005530 dated May 27, 2021 from the National Property Administration</p>
Content :	<p>Article 1</p> <p>The Operating Procedures for the Sale of National Non-public Use Real Estate by Tender (the</p>

“Operation Procedures”) is stipulated in accordance with the provisions of Article 74 of the Regulations for the Enforcement of National Property Act by the National Property Administration (“NPA”) for the execution of the sale of national non-public use real estate by tender in accordance with the provisions of Articles 53 and 54 of the National Property Act and the related provisions of the Regulations for the Enforcement of National Property Act.

Article 2

Region branches subordinate to the NPA or appropriate authorities entrusted (depending on the need of business) shall be the undertaking entity (hereinafter referred to as the “authority of sale by tender”) for the sale of national non-public use real estate by tender. Where other authorities shall be entrusted as per provisions, the provisions of the entrusted authorities shall prevail in respect of the sale of national non-public use real estate by tender.

Article 3

The authority of sale by tender shall complete the following operations prior to the sale of national non-public use real estate by tender:

- (I) Case registration: Complete the registration of the national property and the registration or registration of change at the management authorities;
- (II) Survey and verification of land use zoning: Handle the survey of the property in accordance with the relevant provisions of the Operation Procedures for Survey of National Non-public Use Real Estate, unless otherwise provided for the exemption of the survey;
- (III) Information checking: Check the information of property cadastration, land or building on the registration transcription and the cadastral map transcription;
- (IV) Evaluation: Determine the base price of the sale by tender according to the Appraisal Regulations for National Property, where the base price reaches the threshold value for auditing, the case shall be forwarded to the National Audit Office (NAO) for approval, and where the property was not successfully sold by tender and is now handled for sale by tender again, the case is exempted from being forwarded to the NAO again for approval, provided it is not required for the property to undergo a re-survey and a re-valuation in accordance with the provision of Article 9 of the Appraisal Regulations for National Property;
- (V) Notice: Announce the sale by tender 14 to 16 days prior to the date for tender opening; or announce the sale by tender for a period not exceeding two months at maximum if otherwise provided by laws and regulations, or if the authority of sale by tender is in need of sufficient advertisement and publicity prior to the sale by tender; and
- (VI) On-site bill board: Erect billboards on the site of the land for sale by tender; or announce the periodic site-touring to be conducted by the personnel designated; and erect billboards for those lands facing a road in the front and adjoining a private land in the back.

Article 4

The Notice of Sale by Tender (which is regarded as an invitation to make an offer; however, the bidder with the highest bid shall be regarded as an offer unless otherwise reserved) shall be physically posted on the notice board (bulletin board) of the authority of sale by tender, where the contents of the posting shall clearly read the following matters:

- (I) Legal basis;

- (II) Description and area of real estate;
- (III) Urban planning zoning for use or non-urban land-use zoning, and type of the land in use;
- (IV) Base price for the sale by tender and the amount of the bid bond (hereinafter referred to as the “bond”);
- (V) Date and place for tender opening;
- (VI) Payment deadline and payment method: Unless otherwise specified, the tender awardee shall pay the full price in one lump sum within fifty (50) days from the day following the tender opening;
- (VII) Hand-over period:
The property shall be handed over by the authority of sale by tender to the tender awardee within fifteen (15) days from the day following the payment of the full bid price, except for the tender awardee’s arranging the boundary survey at own cost;
- (VIII) Hand-over methods:
 - 1. In principle, the hand-over shall be handled in writing, where “Hand-over completed in writing” shall be recorded in the field “Other Matters” of the hand-over record. In the case of the “for sale by tender under current situation” or the “sale by tender deemed to be a vacant land,” current conditions of the sale by tender shall be recorded in the field “Remarks” of the Notice of Sale by Tender, along with the wording “Hand-over is handled as is in writing, and any ground objects are to be handled by the tender awardee”; and
 - 2. Where the real estate sold by tender is under the care of the original management authority, the original management authority shall handle the hand-over matters, which shall be noted in the Notice of Sale by Tender;
- (IX) Time and location for the pickup of Instructions to Bidders, bid form, and the tender-specific tender seal; and
- (X) Other relevant matters to be noted in the field “Remarks”:
 - 1. For buildings for sale by tender: Where the site is not a national property, the ownership of the site shall be clearly stated;
 - 2. For sites for sale by tender: Where the building is not a national property, the ownership of the building shall be clearly stated;
 - 3. Provisions regarding the preferential right to buy; and
 - 4. Other matters.

The notice in the preceding paragraph shall be published for three days in the newspapers circulated in the place where the authority of sale by tender is located, and shall be announced on the website of the authority of sale by tender.

Article 5

All public and private legal persons, natural persons, temples subject to the Act of Supervising Temples, and others that may be the subject of rights (hereinafter referred to as “other subjects of rights”) that are permitted by law to purchase real estate in the territory of the Republic of China can participate in the bidding. However, where the real estate to be sold through tendering is farmland as

provided by the Agricultural Development Act, bidders shall be subject to the restrictions of the Agricultural Development Act. Foreigners participating in the tender shall be subject to the restrictions as provided in Articles 17 to 20 of the Land Act. Those people, legal persons, groups or other institutions of the mainland area, or companies invested by them in the third region, participating in the tender shall be subject to the restrictions as provided in Article 69 of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area. Moreover, prior to the incorporation of the real estate into the Investment Industries Opened up for Investments by People of the Mainland Area in Taiwan, Mainland investors are prohibited from participating in the tender for the development or operation of the residence and building.

Article 6

After the Notice of Sale by tender is announced, where the base price of a land (building) associated with a lot for the sale by tender is more than NTD100 million (inclusive), the authority of sale by tender shall immediately forward two copies of the subject Notice of Sale by Tender and the Instructions to Bidders, respectively, to the NPA which in turn is to forward such documents to the Finance Committee, and its members, of the Legislative Yuan.

Where the authority of sale by tender finds any errors or omissions in the notice (including Instructions to Bidders and schedules) after the Notice of Sale by tender is announced and before the tender opening, matters shall be handled in the following ways:

- (I) Suspension of the tender: Where errors or omissions occur in the notice in relation to the legal basis, real estate subject matter (including the description of the real estate, area, urban planning zoning for use or non-urban land-use zoning and the type of land in use, current status of use, etc.), base price of the sale by tender, bond amount, payment deadline, payment method, preferential right to buy, hand-over method, etc. which are to affect the rights and obligations of the bidders, then the tender shall be suspended; or
- (II) Correction of the notice: Where the tender is suspended for reasons other than those in the preceding subparagraph, corrections shall be made according to the situation of the error or omission.

Where it is deemed necessary to suspend the tender prior to the tender opening by the authority of sale by tender pursuant to other laws and regulations, or the individual circumstances, the tender may be suspended.

Where a part or all parts of the real estate for sale by tender is suspended, the host shall announce the situation accordingly at the tender opening, and the bidders shall not hold dissenting opinions. Where the tender number recorded on the tender seal attached to the inner envelope has been suspended, the original package with the Tender Seal shall be returned to the bidder via postal delivery, or the bidder or the bidder's agent indicated on the Tender Seal shall pick up the submitted package with the Tender Seal in person at the scene of tender opening by presenting their own identity document and the receipt of the registered mail of the Bid form package (hereinafter referred to as the "registered mail receipt"). Where the inner envelope is not adopted; the format of the Tender Seal does not conform to the format specified by the authority of sale by tender; or the name or address of the bidder or the bidder's agent, or the tender number, is missing or unrecognizable on the tender seal, the tender number on the bid form shall prevail. The bond notes associated with the suspended real estate, along with the bid form, shall be picked up by the bidder, where the manner for picking up such materials shall refer to the provisions of Subparagraph (VI) of Article 8 below.

Article 7

Bidders participating in the bidding shall comply with the following provisions:

(I) Filling out the bid form:

1. On the bid form, information shall be clearly put down, including the bidder (where the natural person shall indicate their own name, date of birth, personal ID card number, address and telephone number; the legal person or other subjects of rights shall indicate own name, address, telephone number and the business administration number (BAN) of the legal person, or the number of the permit issued by the competent authority, and the name of the legal agent), the subject matter, the bid amount, and the promissory matters;
2. The bid amount shall be entered in complex Chinese numerals; and
3. Where the bidder is a minor, the legal agent shall sign and seal the bid form (where both parents shall be listed as the legal agent of the minor; or where a household registration is properly completed to reflect the exercise or bearing of the rights and obligations of the parents toward the minor as per agreement or court decision, only the guardian, the minor's father or mother, needs to be listed, and the household registration material shall be attached).

(II) Bond:

1. The bond amount is calculated as 10% of the base price (to the place of the thousands) of the sale by tender;
2. Issuers of notes and drawees are limited to those banks, trust and investment companies, credit cooperatives, post offices, farmers' associations, or fishermen's associations that have been approved by the government by law to operate financial business domestically in the R.O.C.; whereas the payee is the authority of sale by tender, or the note is in the form of a crossed check with the "title of payable to the order" left, or in the form of a certified check or a postal money order; and
3. Where the payee of the bond is not in the name of the authority of sale by tender, the bond note shall be endorsed by the payee listed and the note shall not contain any indication of non-endorsable or non-negotiable.

(III) Bidding method: After the bid form package is sealed in the following manner, it shall be sent to the postal office box number designated by the authority of sale by tender by postal delivery, by registered mail, before the mail box is to be opened. A bid form package sent to the designated mail box beyond the deadline shall be returned to the bidder, where the bidder shall take the initiative in handling the return through the post office:

1. The bidder shall prepare his/her own inner and outer envelopes, put the bid form and the bond note in and seal the inner envelope, fill in the tender-specific tender seal and attach the tender seal onto the inner envelopes, and put the inner envelope into the outer envelope. Alternatively, the bidder can put the bid form and bond note into and seal a single self-prepared envelope; and
2. Each inner envelope is limited to containing a single bid form with tender number, along with the bond note; or
3. The outer envelope and the single self-prepared envelope do not need to be affixed with the tender-specific tender seal or filled in with the tender number, but the wording of "Bid Form Package" must be put down on the envelope.

(IV) Present at tender opening: Bidders may be present on the site at the time of tender opening.

Article 8

Upon tender opening, the authority of sale by tender shall comply with the following provisions:

- (I) Designated personnel, along with the tender supervising personnel, (the bid supervisor shall be appointed by the auditor of the authority of sale by tender or by the personnel of the relevant unit designated by its director) shall retrieve and record all bid form packages from the post office one hour prior to the time of tender opening. At the time of tender opening, all bid form packages shall be opened publicly, and the bid with the highest bid price and the second highest bid price with respect to a particular tender number shall be reviewed. Where invalid bids are detected, then other bids shall be taken into the review according to the order of their bid amount, from the higher one to the lower one, if necessary. For each valid tender, all bidders and their bid amount shall be announced one by one, tender by tender.
- (II) Attention shall be paid to the following matters during the review of all bids:
 1. Whether the bid form and bond are present and complete; and
 2. Whether the bid form and bond are in compliance with the provisions.
- (III) Under any one of the following circumstances, the tender is deemed invalid:
 1. Either the bid form or the bond note is missing;
 2. The bond amount is insufficient or the bond note is not in compliance with the provisions of Subparagraph (II) of Article 7;
 3. The bid amount filled in the bid form has been altered without affixing the proper seal, or the affixed seal is unrecognizable, or the bid amount is lower than the base price, or is not in complex Chinese numerals;
 4. The bidder is a minor, where the bidding therein fails to be in compliance with the provisions of Subparagraph (I) of Article 7;
 5. The subject matter and name filled in the bid form are determined to be unidentifiable;
 6. The format of the bid form does not conform to the format specified by the authority of sale by tender;
 7. The payee of the bond note is not in the name of the authority of sale by tender, and the bond note has not been endorsed by the payee to the authority of sale by tender, or the bond note contains an indication of non-endorsable or non-negotiable; or
 8. Bidders' qualifications fail to meet the provisions.
- (IV) Tender award: The valid bid with the highest bid amount is deemed the successful tender awardee, and the bidder with the second highest bid amount is deemed the tender awardee in the second place. Where there are multiple bids with the same highest bid amount, the tender awardee in the first place and the tender awardee in the second place shall be determined by the host by drawing lots on the spot. Where there are multiple bids with the same second highest bid amount, the same rule shall apply for those multiple bids with the same highest bid amount.
- (V) Where the tender awardee waives the rights to the tender award, the bond paid in

accordance with the Subparagraph (II) of Article 7 shall be confiscated.

- (VI) The bond notes of those bidders failing to be awarded with the tender shall get their bond notes back without interests, in any one of the following manners:
1. The bidder failing to be awarded with the tender may pick up the bond note in person by presenting the same seal affixed to the bid form, along with the registered mail receipt or their own identity document;
 2. The trustee may pick up the bond note on behalf of the bidder by presenting their own identity document, along with the registered mail receipt and the power of attorney issued by the bidder failing to be awarded with the tender (where the power of attorney shall be affixed with the same seal affixed to the bid form). A power of attorney is waived if the trustee is the agent specified on the bid form; or
 3. The bidder failing to be awarded with the tender may apply to have the bond note returned back to oneself by postal delivery or by remittance at the bidder's expense, by filling out an application form (with the same seal affixed to the bid form), along with a photocopy of the bidder's own identity document and the registered mail receipt.
- (VII) The collection and return of the bond paid by the bidder shall be handled by the cashier designated by the authority of sale by tender.
- (VIII) Situations of the tender opening and the sale by tender shall be recorded in the report.
- (IX) At the end of each month, a list of the sale of the real estate by tender and the results statistics thereof for the current month shall be compiled by offices of the Region Branch of the NPA before being submitted to the NPA for review by the fifth (5th) day of the following month.

Article 9

After the tender is awarded, unless otherwise provided, the authority of sale by tender shall notify the tender awardee to pay the full purchase amount in lump sum (where the prior bond shall be counted toward the total purchase price of the real estate) within the time limit specified in the notice of sale by tender. Where the tender awardee waives the right to the tender award, or is deemed to have waived the right to the tender award under any one of the following circumstances, the bond shall be confiscated, and the tender awardee in the second place is to be notified to pay the purchase price of the tender award in lump sum within fifty (50) days.

- (I) The price has not been paid by the due date.
- (II) The notice of payment sent to the address of the bidder or the agent indicated on the bid form cannot be delivered or is rejected.
- (III) Where the tender awardee dies, becomes incapacitated or restricted in capacity within the payment period, the bond paid by the deceased tender awardee can be returned to all inheritors as a whole (or the designated inheritor), selected curator or auxiliant, while the tender awardee in the second place is to be notified to pay the purchase price of the tender award in lump sum within fifty (50) days.

The tender awardee in the second place in the preceding two paragraphs shall, within ten days from the day after the notice is served, pay a price equivalent to the bond amount first to show the willingness to undertake the purchase, where the balance shall be paid in one lump sum within fifty (50) days from the day after the notice is served. Failure to follow the payment schedule above

within the time limit shall be regarded as the right to purchase being waived and all payments already made shall be confiscated.

While the authority of sale by tender notifies the tender awardee(s) of the payment as stated in Paragraphs 1 and 2, the tender awardee(s), in the first place or in the second place, shall also be requested to submit their identity document. Where the tender awardee(s), in the first place and in the second place, fail(s) to meet the qualifications provided in Article 5, the tender shall be considered invalid according to the provisions of Item 8, Subparagraph 3, Article 8, the price paid shall be refunded without interest, and the subject matter of the sale by tender is to be handled separately by the authority of sale by tender itself.

The identity documents in the preceding paragraph shall refer to the provisions of Subparagraph 2, Paragraph 1, Article 5 of the Operation Procedures for Sale of National Non-public Use Real Estate (hereinafter referred to as the "Operating Procedures for Sale").

For the sale of real estate by tender, if a third party holds the preferential right to buy according to law and the authority of sale by tender is obliged to notify such third party of the sale by tender, then after the tender is awarded, the authority of sale by tender shall first notify such third party with the preferential right to buy to pay a price equivalent to the bond amount first to show the willingness to undertake the purchase with the preferential right to buy, where the balance shall be paid in one lump sum within fifty (50) days from the day after the notice is served. Failure to follow the payment schedule above within the time limit shall be regarded as the preferential right to buy to purchase being waived and all payments already made shall be confiscated.

Where the purchaser pays the price to the financial institution by check, the date of payment shall be the date stamped by the financial institution on the notice of payment, and the Title Transfer Certificate shall not be issued until the check is cashed.

In the event of the death of the tender awardee or the purchaser, the application made by the legal heir for the purchase through transfer shall refer to the provisions of Article 31 of the Operating Procedures for Sale.

Article 10

Where the tender awardee needs to pay the bid price through a mortgage loan against the real estate from a financial institution designated by the authority of sale by tender, or a financial institution promising to handle the mortgage loan according to the related provisions of the authority of sale by tender, the following procedures shall be followed:

- (I) An application to the authority of sale by tender in writing for the payment of bid price through a mortgage shall be made within five days from the day after the tender opening where the name of the financial institution name and the mortgage loan amount shall be clearly stated in such an application.
- (II) After the authority of sale by tender agrees to the application, the related information shall be forwarded to the financial institution handling the mortgage loan negotiation for mortgage approval, relevant loan conditions and loan amount shall be reviewed and approved by the financial institution in accordance with the provisions of the financial institution.
- (III) Within twenty-five (25) days from the day after the tender opening, the financial institution shall verify whether the loan is approved or not, and notify the tender awardee and the authority of sale by tender of the loan application result. However, where the loan amount exceeds the approval authority of the lending financial institution and needs to be reported to the head office of the financial institution for approval, a letter showing the loan approval has

been transferred to the head office shall be provided for reference within the aforesaid period.

- (IV) Where there is a shortage discrepancy between the loan amount approved by the branch or the head office of the financial institution and the amount of the net price payable (i.e. the bid price for the real estate minus the bond already paid), the tender awardee shall pay off the shortage in lump sum within the payment period set in the original notice of payment, and shall pre-pay an interest security equivalent to one-month interest (in case of late payment of the bid price) based on the approved loan amount calculated at an interest rate of five percent (5%) per annum (to the place of the thousands). Where there is a discrepancy between the loan amount requested for approval by the head office and the amount actually approved by the head office, the tender awardee shall pay the shortage discrepancy up to the full purchase price before transfer of property rights.
- (V) Where a mortgage loan is approved, the financial institution shall also forward the loan contract and the setting and registration of mortgage rights to the authority of sale by tender for property registration.
- (VI) The financial institution shall transfer the loan amount to the authority of sale by tender, within three days from the day after the completion of the registration of the setting of the mortgage right as well as the receipt of the certificate of other rights. After the financial institution receives the certificate of other rights, the tender awardee shall immediately notify the authority of sale by tender and urge the financial institution to release the funds within the time limit. In case the release of funds is overdue, the tender awardee shall pay the authority of sale by tender interests for late payment based on the approved loan amount calculated at an interest rate of five percent (5%) per annum, on a daily basis from the date after the deadline.

Within twenty-five (25) days from the day after the tender opening, where the financial institution fails to approve the loan, or provide a letter showing the loan approval has been transferred to the head office, the tender awardee shall still pay the bid price in lump sum within the payment period set in the original notice of payment.

Where the tender awardee obtains a loan approved from a financial institution or provides a letter showing the loan approval has been transferred to the head office, and pays up the balance to the full purchase price, within the payment period set in the original notice of payment, the five-day or twenty-five-day limit specified in the preceding two paragraphs may not apply.

Where the tender awardee applies for a loan to pay for the bid price in accordance with the provisions in the preceding three paragraphs, and the loan is approved by the financial institution within the time limit (including the providing a letter showing the loan approval has been transferred to the head office for approval), but the transfer of property rights, the setting and registration of mortgage rights, and the release of the funds are not completed within fifty (50) days from the day after the tender opening, the tender awardee shall pay the authority of sale by tender interest for late payment based on the approved loan amount calculated at an interest rate of five percent (5%) per annum, on a daily basis from the date after the payment deadline, i.e. fifty (50) days after the tender opening. The authority of sale by tender shall also request the tender awardee to pay the bid price in full within eighty (80) days from the day after the tender opening. Failure to follow the payment schedule above within the time limit shall be regarded as the right to the tender award being waived, the relation in the agreement of purchase and sale is immediately terminated without being cancelled by the authority of sale by tender, and the bond shall be confiscated. The subject matter of the sale

by tender is to be handled separately by the authority of sale by tender itself.

Regarding the pre-paid interest security (in case of late payment of the bid price) referred to in Subparagraph (IV) of Paragraph 1, after the tender awardee pays up the bid price in full, the actual interest payable for late payment of the bid price shall be calculated based on the outstanding amount on the deadline, i.e. fifty (50) days after the tender opening, at an interest rate of five percent (5%) per annum, on a daily basis from the date after the payment deadline to the date the outstanding amount is actually paid in full. On the one hand, if there is any interest amount remaining from the pre-paid interest security, the remaining amount shall be refunded to the tender awardee without interest. And, if there is any shortage of the interest payable, the tender awardee shall be notified to make up the interest shortage.

Regarding all the payables, including the shortage discrepancy between the loan amount approved by the branch or the head office of the financial institution and the amount of the net price payable (i.e. the bid price for the real estate minus the bond already paid), the interest security (in case of late payment of the bid price), or the shortage of the interest payable that shall be supplemented, the tender awardee shall make the payments accordingly within the time limit notified. Failure to make the payments within the time limit notified shall be regarded as the right to the tender award being waived, the relation in the agreement of purchase and sale is immediately terminated without being cancelled by the authority of sale by tender, and the bond shall be confiscated. The subject matter of the sale by tender is to be handled separately by the authority of sale by tender itself.

Article 11

Where the third party with the preferential right to buy and the tender awardee in the second place need to pay the bid price through a mortgage loan against the real estate, the provisions in the preceding article shall apply mutatis mutandis. The date on which the notice from the authority of sale by tender is served shall be referred to as the date of tender opening in the preceding article, and the payment deadline notified by the authority of sale by tender shall be referred to as the payment period set in the original notice of payment.

Article 12

After the purchaser has paid the price in full, the authority of sale by tender shall issue a Title Transfer Certificate (such certificate may be replaced by a contract for transfer of property rights, if so requested by the purchaser), a certificate of property rights, and relevant registrations, handle the title transfer in conjunction with the purchaser, as well as fill out the hand-over record. Property deed tax, title transfer fees, and fees for reconnection of water, electricity, and gas, and other expenses shall be borne by the purchaser who shall also bear the tax on the subject matter of the purchase (including property tax, land tax, community development fees by construction project, etc.) from the next day of the full payment of the bid price. When the purchaser requests for boundary survey before the hand-over, the authority of sale by tender shall conduct the boundary survey together with the purchaser, where various procedures shall be handled in accordance with the relevant provisions of the Operating Procedures for Sale.

The building management fee (including public water and electricity charges) of the subject matter shall be borne by the purchaser from the next day of the hand-over. Any payables already pre-paid by the authority of sale by tender or the original management entity shall be recovered from the purchaser through the same notice of the payment to the purchaser for payment of the bid price.

Where the purchaser is not entitled to the purchase of the real estate due to the purchaser's identity as reviewed by the land administration authority, the authority of sale by tender shall cancel the agreement of purchase and sale, refund the price paid by the purchaser without interest, and revoke

the Title Transfer Certificate originally issued. The subject matter of the sale by tender is to be handled separately by the authority of sale by tender itself.

Where the real estate sold through tendering is not allowed to be owned privately at the time of the sale by tender according to the law, the agreement of purchase and sale and the transfer of the property rights shall become invalid accordingly. The registration of transfer of the property rights shall be revoked according to the law, and authority of sale by tender shall refund the price paid by the purchaser without interest. The subject matter of the sale by tender is to be handled separately by the authority of sale by tender itself.

Article 13

The area of the real estate under the sale by tender shall be based on the record shown in the registration of the land or building of the land office. However, where the purchaser finds that the actual area is not in conformity with that in the record after the hand-over, the purchaser may arrange a joint re-survey with the authority of sale by tender at own cost, within six months, unless otherwise the registered area is corrected due to an error in the survey and registration by the land office or due to other reasons. The price difference results from the area increase or decrease according to the correction shall be calculated and handled in a manner of refund for overpayment or supplemental payment for deficiency within the time limit.

Where registered area is corrected due to an error in the survey and registration by the land office or due to other reasons in the preceding paragraph, thus resulting in an increase or decrease in the actual area of the land compared with the area under the sale by tender, the matter may be handled within fifteen (15) years from the date of the payment by the purchaser in accordance with the following provisions:

- (I) In case of area decrease: The purchaser may apply for refund of the overpaid price by attaching a letter of consent agreeing to refund of the price pertaining to the area decreased without interest, where the purchase also affirms to waive the rights to claim for other compensatory damages.
- (II) In case of area increase: The authority of sale by tender shall calculate the difference in land price based on the base price at the time of the sale by tender, and request the purchaser to make up the price difference. If the purchaser fails to make up the price difference, the matter can be resolved through judicial channels if necessary.

The land price difference in Paragraph 1 and the overpaid price in Subparagraph 1 of the preceding Paragraph is calculated as follows: The bid amount divided by the area under the announced sale by tender, then multiplied by the area increase or area decrease. The difference in land price in Subparagraph 2 of the preceding Paragraph is calculated as follows: The base price of the announced sale by tender divided by the area under the announced sale by tender, then multiplied by the area increase.

Where the land sold through tendering is re-surveyed in the future, no refund for overpayment, nor supplemental payment for deficiency shall be handled, regardless of area increase or area decrease after the re-survey.

Article 14

The matters for caution for the bidders as provided in Articles 4, 5, 7 to 10, 12, and 13 of the Operating Procedures shall be clearly specified in the Instructions to Bidders.

Article 15

Where the tender awardee for the sale of real estate by tender pays the price in full in lump sum, the authority of sale by tender shall handle the change of property cadastration pursuant to the provisions after the accounting is clearly verified. Where the tender awardee for the sale of real estate by tender applies for a loan for the payment of the price and pays for the portion of self-contributed fund, the authority of sale by tender not only shall handle the change of property cadastration pursuant to the provisions, but also shall compile and prepare a list covering the total sale price, the self-contributed fund paid by the purchaser, and the uncollected receivables (i.e. the remaining amount of the proposed loan after the payment of the self-contributed fund), by the end of the year, where any price that shall be attributed as a revenue to the authority of sale by tender shall be listed as the receivable in the final accounts of the current year.

Article 16

Various forms and the formats of the forms for the notice of sale by tender, hand-over record, Instructions to Bidders, etc. required for the handling of the operation procedures for sale of national non-public use real estate by tender shall be determined by the NPA separately.

Data Source : Ministry of Finance, R.O.C. Laws and Regulations Retrieving System