Content

Title：	Operation Directions for Competitive Selling of Land and Constructional Improvements Due to No Person Applying for Succession Registration Beyond a Time Limit Ch
Date：	2024.03.22
Legislative：	1.Stipulated by the Ministry of Finance the National Property Administration Letter, Tai-Tsai-Chan-Chu-Kuan-zi No.0900002284, April 19, 2001 2.Amended by Ministry of Finance the National Property Administration Letter (of Articles 15), Tai-Tsai-Chan-Chu-Kuan-zi No.0940014683, May 17, 2005 3.Amended and published by the Ministry of Finance the National Property Administration Order, Tai-Tsai-Chan-Shu-Kuan-zi No.10240024100, October 16, 2013 4.Amended and published by the Ministry of Finance the National Property Administration Order (of Article 21), Tai-Tsai-Chan-Shu-Kuan-zi No.10640009590, December 7, 2017, effective since the date of January 1, 2018 5.Amended and published by the Ministry of Finance the National Property Administration Order, Tai-Tsai-Chan-Shu-Kuan-zi No.10940010880, November 16, 2020, effective since the date of November 27, 2020 6.Amended and published by the Ministry of Finance the National Property Administration Order, Tai-Tsai-Chan-Shu-Kuan-zi No.11100312150, September 30, 2022, effective since the date of October 24, 2022 7.Amended and published by the Ministry of Finance the National Property Administration Order, Tai-Tsai-Chan-Shu-Kuan-zi No.11340002720, March 22, 2024, effective since the date of April 1, 2024
Content：	Article 1 These Directions are established for the execution of public sale by tender and related operations prescribed in Paragraphs 2 to 5, Article 73-1 of the Land Act. Article 2 The public sale by tender and processing of applications from inheritors or original obligees for the payment of proceeds under Paragraphs 2, 4, and 5, Article 73-1 of the Land Act shall be executed by the branch offices of the National Property Administration (hereinafter referred to as “the executing agency”) or appropriate delegated institutions, in accordance with these Directions. The term "after sale by tender" refers to land or registered constructional improvements (hereinafter referred to as "the building") that has been successfully awarded through sale by tender. If the land or building transferred by the municipal or county (city) land office for sale by tender is encumbered by other rights, such encumbrances shall remain unaffected by the sale by tender. Article 3 The description and area of the real estate for sale by tender shall be based on the land or building registration transcript records. If the same parcel of land or building is co-owned by multiple decedents, those that have been listed and transferred for sale by tender in accordance with the provisions of Article 73-1 of the Land Act may be

sold by tender together.

Article 4

The calculation method for a sale by tender reserve price is as follows:

1.The reserve price for land shall be based on the announced current land value; for buildings, it shall be based on the taxable value, or if unavailable, the reconstruction cost less depreciation.

2.The term “re-tender” as used in Paragraph 5, Article 73-1 of the Land Act refers to the second through fifth time for conducting sale by tender; the term “adjusted minimum bid price” refers to a reduction of 20% from the previous reserve price.

If a successful bidder requests a refund of the deposit without interest, or if there is a change in the land’s description due to subdivision, merger, resurvey, or readjustment, the reserve price shall be recalculated according to the preceding paragraph.

Article 5

When conducting a sale by tender, the executing agency shall announce the following items along with the sale by tender notice:

1.Inheritors, lawful occupants, or other co-owners shall have the right of first refusal within their usage area. Those intending to exercise this right must apply in writing to the executing agency within 30 days after the winning bid is announced, enclosing the deposit and relevant documents. Failure to apply within the deadline shall be deemed a waiver of the right of first refusal.

2.If the property is encumbered by other rights, the remarks column in the sale by tender listing shall indicate: “The winning bidder shall assume all obligations of the encumbrance.”

3.If the land and building(s) have the same ownership but were listed at different times, and only one is being sold by tender, an explanation shall be added.

The sale by tender announcement period shall be three months, and shall be copied to the municipal or county (city) land office that originally managed the listing, the registration office where the land or building is located (hereinafter referred to as “the registration office”), and the registered encumbrance holders. Bids must be submitted by registered mail to the designated P.O. box between 14 days before the bid opening date and the moment before the mailbox is opened.

The deposit specified in Subparagraph 1 of Paragraph 1 shall be calculated based on the proportion of the area for which the right of first refusal is claimed to the total listed land area, multiplied by the bid deposit. Supporting documents shall include identification documents, proof of rights to use the real estate, and a diagram of the usage area.

Article 6

The deposit for bidding shall be 10% of the reserve price, rounded up to the nearest thousand. If the amount is less than NT$1,000 or not a whole number, the actual amount shall be rounded to the nearest NT$ dollar.

Article 7

If the executing agency receives notice from the municipal or county (city) land office or registration office to suspend the sale by tender during the sale by tender period, the sale by tender process shall be halted immediately.

Article 8

Where a right of first refusal is claimed by an inheritor, lawful occupant, or other co-owners for an real estate sale by tender, but such right cannot be confirmed based on the submitted supporting documents, or the usage area cannot be determined or is in dispute as per Article 11, the person claiming the right of first refusal shall, within the deadline specified by the executing agency, file a declaratory action with the court against the winning bidder. If the winning bidder disputes the existence of the right of first refusal or the scope of use, they shall file a civil action with the court against the person claiming the right of first refusal. Where multiple persons claim the right of first refusal and there is a dispute regarding the usage area, they shall reach an agreement or file a declaratory action with the court within the specified deadline. Failure to resolve or litigate the dispute within the deadline by the executing agency shall be deemed a waiver of the right of first refusal.

A copy of the complaint with the court's date stamp shall be submitted to the executing agency when the person claiming the right of first refusal or the winning bidder files a lawsuit. Upon final judgment, relevant supporting documents shall be submitted to the executing agency for further payment notification processing.

During the litigation period, if the person claiming the right of first refusal has paid the full purchase price, the executing agency shall notify them to collect a refund of the purchase price, excluding the deposit, without interest, before issuing the sale by tender certificate. If the person claiming the right of first refusal withdraws their claim before the executing agency has determined the right of first refusal and notified them to pay the balance, or is determined not to have such right by the executing agency or the court, the amount paid, including the deposit, shall be refunded without interest.

The person claiming the right of first refusal shall pay the balance within 50 days from the day following the service of the payment notice from the executing agency. Failure to pay within the time limit shall be deemed a waiver of the right of first refusal.

Where the right of first refusal is claimed under other legal provisions, Paragraphs 1 to 4 and Paragraph 6 of this Article shall apply mutatis mutandis.

Article 9

If the management column of the data transferred by the municipal or county (city) land office is blank, and a user claims to have legally used the property with the consent of the municipal or county (city) land office during the listing period, the executing agency shall request clarification from the original listing authority, and handle the matter accordingly.

Article 10

Where the right of first refusal is claimed by an inheritor pursuant to Paragraph 3, Article 73-1 of the Land Act, the executing agency shall review the application in accordance with relevant provisions of the Civil Code, referring to supporting documents submitted by the applicant and the listing management register submitted by the municipal or county (city) land office. In case of doubt, the executing agency shall request the registration office to assist in the review, and the registration office shall notify the executing agency of the result within 30 days.

Article 11

The term "usage area," or "area occupied" as stated in Paragraph 3, Article 73-1 of the Land Act, refers to the area actually in use by the inheritors or other co-owners. For lawful occupants, the usage area shall be based on the registration or contractual agreement; if unclear, it shall be determined based on actual use on site. If there is an overlap, it shall be resolved according to the order of property real rights registration and the principle that property real rights prevail over obligations.

Where the usage area requires survey or partition, the National Property Administration may apply on behalf of the applicant.

Where a lawful occupant submits a usage agreement with the decedent, it must be notarized. If not, the applicant shall submit an affidavit stating, "If this agreement is false and causes damage to others, I am willing to bear all legal responsibility."

Article 12

If the usage area described in the preceding Article involves only part of the land or building, and the person claiming the right of first refusal expresses intent to purchase, the matter shall be handled as follows:

1. If legally divisible, and the portion not covered by the right of first refusal is to be purchased by the winning bidder, the property shall be partitioned according to each claimant's usage area and they shall purchase according to the usage area. If multiple claimants agree to jointly purchase, it shall be processed accordingly.
2. If legally indivisible, the person(s) claiming the right of first refusal and the winning bidder shall negotiate whether one party will purchase the property entirely or both will co-purchase. For co-purchasers, their respective shares shall be agreed upon.

If no agreement is reached under Subparagraph 2 of the preceding paragraph, the executing agency shall determine the shares based on the proportion of the usage area among all parties, and notify them to pay the full amount within a specified time.

Article 13

Where the right of first refusal under Article 73-1 of the Land Act conflicts with rights under other laws, the provisions of Article 73-1 shall prevail. Persons not entitled under Article 73-1 shall have their rights determined by other applicable laws.

Article 14

After the bid opening, if any of the following circumstances occur, the winning bidder may request a refund of the deposit without interest:

1.he winning bidder does not wish to purchase the remaining land, building, or share after part is purchased under the right of first refusal.

2.The executing agency fails to issue a payment notice within six months after the bid opening due to reasons not attributable to the bidder.

3.A person claiming the all right of first refusal has paid the deposit and is confirmed by the executing agency or the court to have the right of first refusal.

When the winning bidder requests a refund under Subparagraph 2 of the preceding paragraph, the application of the person claiming the right of first refusal shall be canceled.

Article 15

After the bid opening, the deposit shall be forfeited and turned over to the National Treasury under the following circumstances:

1.The winning bidder breaches the contract.

2.The person claiming the right of first refusal fails to pay the balance after paying the deposit.

Article 16

Where land or buildings are sold by tender under Article 73-1 and the purchaser has paid in full, the executing agency shall issue a sale by tender certificate for the purchaser to independently apply for ownership transfer registration. The executing agency shall also notify the registration office and the original municipal or county (city) land office that transferred the listing.

If the purchaser is found by the land office to be ineligible or unable to obtain the property for reasons not attributable to them, the executing agency shall rescind the sales contract, refund the purchase price without interest, and cancel the issued sale by tender certificate. The property shall be reprocessed by the executing agency.

If, within 15 years from the date of issuance of the sale by tender certificate, the purchaser finds a discrepancy in the sale-by-tender area and actual area, they may commission a survey at their own expense and request a refund or make up the price difference based on the corrected area, calculated as: Winning bid price / announced sale-by-tender area × area discrepancy. Late applications will not be accepted.

Where inheritors of the real estate sale by tender have received the proceeds of their respective lawful shares according to Paragraph 4, Article 73-1, the purchaser shall coordinate directly with them to settle any price differences. For inheritors who have not yet received proceeds from the sale, the executing agency shall disburse funds based on the revised area and their respective lawful shares.

Where the land sale by tender is subsequently re-surveyed and the area differs, no refund or supplementary payment for the price difference shall be made.

When the purchaser applies for transfer registration, they are exempt from declaring the transfer value and from the requirements under Paragraph 1, Article 51 of the Land Tax Act; Paragraph 1, Article 22 of the

House Tax Act; and Paragraph 1, Article 8 of the Estate and Gift Tax Act. The executing agency shall request the tax authority to verify any outstanding taxes and issue the land value increment tax payment notice. Funds shall be disbursed from the dedicated account established in the National Treasury.

Article 17

The registered as national property under Paragraph 5, Article 73-1 of the Land Act shall be carried out by the executing agency through application to the registration office.

Article 18

The proceeds from the sale by tender shall be deposited into a designated account established in the National Treasury, after deductions are made by the executing agency in the following priority: land value increment tax, land value tax, house tax, relevant operational costs, administrative fees, and other obligations associated with the real estate.

When land or buildings that have not been sold by tender are registered as national property, the taxes and administrative fees payable shall be paid from the aforementioned designated account. If the original obligee applies for payment from the designated account after the property is registered as national property, the amount shall be calculated based on the fifth sale by tender reserve price, with deductions for the aforementioned taxes, fees, and obligations.

The relevant operational costs mentioned in Paragraph 1 include the following:

1.Actual expenses incurred by the executing agency for conducting the sale by tender.

2.Service fees of the executing agency: Calculated at 5% of the sale by tender price or the fifth sale by tender reserve price.

3.Costs incurred by the registration office for verifying the identity and legal shares of the inheritors or original obligees: Calculated at 0.1% of the amount to be paid.

Article 19

When inheritors or original obligees apply for withdrawal of proceeds in accordance with Paragraph 4 or 5 of Article 73-1, they shall submit the following documents to the executing agency where the land is located:

1.Household registration certificate showing the removal of the decedent.

2.Household registration certificates of all inheritors. However, if only some of the inheritors are applying for their share, and others cannot be present, a certificate of previous household registration in Taiwan and a statement explaining the absence may be submitted in place. If such certificate is not required to verify the applicant’s share, it may be omitted.

3.Family tree.

4.Certificate of inheritance tax payment (or exemption) or other proof of rights.

5. If applying through an agent, a power of attorney and proof of identity of the agent shall be attached.

The family tree mentioned in Subparagraph 3 of the preceding paragraph shall include a statement such as: “This family tree is compiled in

accordance with the provisions of the Civil Code. If there are any errors or omissions that cause damage to others, I, the applicant, am willing to bear full legal responsibility." If the inheritors have agreed on the division of the estate, a copy of the agreement shall be attached.
After accepting the application, the executing agency shall forward the documents in Paragraph 1 to the registration office for verification of the inheritors' identity and lawful shares within 30 days. Upon completion of verification, the executing agency shall publish a notice based on the applicants and their shares. If no objections are received within 90 days, the payment shall be made from the designated account. If objections are raised during the notice period, the payment shall be suspended.
Interested parties raising objections during the notice period must submit them in writing to the announcing agency, along with supporting documents. The agency shall review the validity of the objection. If the objector disagrees with the result, they shall pursue legal action within a specified period. Failure to do so shall render the objection invalid.
The household registration certificates under Subparagraph 1 and 2 of Paragraph 1 may be omitted by the applicant if the executing agency is able to retrieve the information electronically and attach a printed record to the case file.
If the inheritors or original obligees have submitted the documents under Subparagraph 1 to 3 of Paragraph 1, the executing agency may forward them to the registration office as provided in Paragraph 3. Once the registration office replies with the review results and any required corrections, the executing agency shall notify the applicant to make the necessary corrections at one time.
Article 20
When an inheritor applies for withdrawal of proceeds from the designated account under Paragraph 4 of Article 73-1, the payment shall be funded from proceeds in the account that have not exceeded the withdrawal period. If the account balance is insufficient, the remaining funds shall be allocated from the budget which was prepared by the National Treasury.
The starting date for the 10-year period referenced in Paragraph 4 of Article 73-1, during which no inheritor applies for withdrawal, shall be the date the sale by tender proceeds are deposited into the account.
If no inheritor applies for withdrawal within the 10-year period, and a surplus remains after settlement, the surplus shall be transferred to the National Treasury.
Article 21
The sale by tender notices under Article 5 and the inquiry notices under Article 19 shall be published in newspapers and posted at the entrance of the executing agency. They shall also be forwarded to the following units for posting, and provide the URL for publication on their websites:
1. The registration office where the land or building is located.
2.The township (town, city, or district) office and village office where the land or building is located.
3.The township (town, city, or district) office of the last known registered residence of the decedent as

listed in the land or building registration transcript. This does not apply if the residence cannot be determined or is overseas.

If the building registration transcript contains address information, the executing agency shall include the address and sale by tender notice when sending materials to the village office to assist in posting the sale by tender notice at the property location.

Article 22

For cases transferred to the executing agency for sale by tender, if inheritors or interested parties raise doubts about the listing or custodial procedures prior to or during the sale by tender, the sale by tender procedure shall be suspended, and the case shall be referred back to the original municipal or county (city) land office for administrative resolution with the parties.

Article 23

The sale by tender notices, bid forms, bidding instructions, and other documents required for the implementation of these Directions shall be separately prescribed by the National Property Administration.

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