

RAYMOND J. WOJTOWICZ
WAYNE COUNTY TREASURER

**RULES & REGULATIONS FOR THE OCTOBER SALE
OF TAX FORECLOSED PROPERTIES
(RULES & REGULATIONS)**

The following terms and conditions are subject to change at any time and should be reviewed frequently.

The sale of tax foreclosed properties are being held in compliance with the General Property Tax Act, MCL 211.1 et seq., as amended, applicable court decisions and these rules and regulations. Any changes made by the auctioneer on the day of the sale take priority over previously published or verbally conveyed terms and conditions. Bidders must be attentive at the auction!

This sale is public.

1. **REGISTRATION AND CONDUCT** – Bidder Registration will start at 8:00 A.M. on each sale day. Registration is on a first-come, first-serve basis. All persons and their agents seeking to bid must appear in person and execute a “Bidders Registration Form” to obtain a Bidder Number prior to bidding. **To receive a Bidder Number, a valid driver’s license or State ID, and a \$500.00 Cashier’s check(s) only, [money orders will not be accepted] payable to the Wayne County Treasurer, must be shown.**

Contractors of the Treasurer, their employees, and employees in the Department of the Wayne County Treasurer, members of the immediate family of contractor or Treasurer employee, including children and step-children, parents, grandparents, siblings, aunts, uncles, nephews, nieces, and first cousins, are strictly prohibited from participating directly or indirectly, in the bidding and purchasing by any means, including and not limited to, joint ventures, or assignments, of any foreclosed property to be sold at an auction conducted by the Treasurer.

The use of pagers and cell phones on the auction floor during the auction is strictly prohibited. The use of pagers and cell phones on the auction floor during the auction may subject the user to confiscation of the cell phone or pager for the duration of the auction and/or removal from the auction. Extended conversation must take place outside of the Auction Room.

2. **PROPERTIES OFFERED** - The list parcels of property contained on the of Treasurer-owned properties (“List”) being offered and identified by Sale Unit Numbers, were foreclosed in favor of the Wayne County Treasurer pursuant to judgment of foreclosure by the Wayne County Circuit Court (“Foreclosure Judgment”). Offered parcels are subject to any liens, easements, building or use restrictions, governmental interests, or special assessments not extinguished pursuant to MCL 211.78k or other applicable law, and are subject to the lien of taxes levied in the same calendar year as the year of the sale and of taxes not yet due and payable. **Neither the Wayne County Treasurer nor the County of Wayne guarantee the usability or access to any of the offered properties.**

THE TREASURER RESERVES THE RIGHT TO REMOVE ANY PROPERTY FROM THE LIST. FOR UPDATES AND ADDITIONAL INFORMATION, VISIT OUR WEBSITE: www.treasurer.waynecounty.com

IT IS THE RESPONSIBILITY OF THE BIDDER TO DO THEIR OWN RESEARCH AS TO THE EXISTENCE OF ANY LIENS OR ENCUMBRANCES NOT CANCELED BY THE FORECLOSURE JUDGMENT OR OTHER APPLICABLE LAW. FURTHER, IT IS THE RESPONSIBILITY OF THE BIDDER TO RESEARCH THE USE OF THE LAND FOR THEIR INTENDED PURPOSE AND TO DETERMINE IF IT WILL BE SUITABLE FOR THE PURPOSES FOR WHICH IT IS BEING PURCHASED. THE TREASURER AND THE COUNTY OF WAYNE ARE NOT IN ANY WAY RESPONSIBLE FOR THE COST OF ANY RESEARCH, FEES, COSTS, OR OTHER EXPENSES RELATED TO SAID RESEARCH. SOME PROPERTIES MAY BE OFFERED AS LANDLOCKED WITH NO INGRESS OR EGRESS EXCEPT BY ABUTTING OWNERS. SUCCESSFUL BIDDERS, OTHER THAN THE ABUTTING OWNER, MUST MAKE THEIR OWN ARRANGEMENTS FOR ACCESS TO THE PROPERTY. THE TREASURER AND THE COUNTY OF WAYNE MAKE NO REPRESENTATION OR CLAIM AS TO FITNESS FOR PURPOSE OF INGRESS/EGRESS, CONDITIONS, COVENANTS OR RESTRICTIONS.

All offered properties may be subject to flooding. Any new construction or reconstruction should be elevated above the 100-year flood plain as provided under the Natural Resources and Environmental Protection Act (NREPA), Act 451 of 1994, as amended. Also, any filling, dredging or other permanent construction below the ordinary high-water mark of the water body involved may be subject to the provisions of Act 451 of 1994, as amended. Any earth change on the property may be subject to the provisions of Act 451 of 1994, as amended. These properties may also be subject to Part 303 (Wetlands Protection) of Act 451 of 1994, as amended.

3. STARTING BID PRICE- The Starting Bid Price will be \$500.00 for each sale unit. No sales can be made for less than the Starting Bid Price indicated at the auctions to be held October 23, 24, and if necessary, 25, and 26, 2007.

4. BIDDING - Subject to the time required for Registration, the auction begins at approximately 9:00 A.M. **THE WAYNE COUNTY TREASURER RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS.** Only bids received from Registered Bidders presenting a pre-numbered bid card will be accepted. Only Registered Bidders or their registered agent will be allowed on the auction floor.

Bids must be in whole dollar amounts. BIDS WILL BE ACCEPTED IN INCREMENTS OF \$100.00 OR MORE STARTING WITH THE INDICATED MINIMUM BID. ONCE THE BID IS \$2,000.00 OR MORE, ALL BIDS MUST BE IN INCREMENTS OF \$500.00. ONCE THE BID IS \$5,000 OR MORE, ALL BIDS WILL BE IN INCREMENTS OF \$1,000.00 OR MORE as determined by the Wayne County Treasurer. The Registered Bidder and his or her agent are legally and financially responsible for all bids.

Each Sale Unit Number is a separate parcel to be auctioned and will be offered separately and in the order appearing on the List. Bids will be accepted only at the request of the auctioneer. The overhead display of the sale unit number at the auction is for information only. The auctioneer has the official record of properties being offered for sale. No sealed bids will be accepted. Sale Unit Numbers will be awarded to the Registered Bidder bidding the highest amount, provided the bid is equal to or greater than the Starting Bid. Subject to these Rules & Regulations and the execution of the auction documents, acceptance of the bid is a legal and binding contract to purchase a parcel. **THE WAYNE COUNTY TREASURER RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS.**

5. TERMS OF SALE – Each Sale Unit Number is a separate parcel to be auctioned. The Successful Bidder must be a Registered Bidder and on the day of the auction must execute and deliver to the Wayne County Treasurer an Agreement of Sale and Receipt of Deposit and an Application for Deed for each parcel purchased. At the conclusion of each bid, the Successful Bidder must also deposit a separate, individual Cashier's Check, in the amount of \$500.00 payable to the Wayne County Treasurer, for each parcel purchased (i.e. Four winning bids requires four \$500.00 Cashier's Checks), to be applied to the purchase price. Single Cashier's Checks for amounts in excess of \$500.00 cannot be accepted. Only Cashier's Checks will be accepted. Money Orders will not be accepted under any circumstance. The balance of the purchase price must be paid in full by 4:00 p.m. of the following business day. Upon payment of the full purchase price, a Purchase Agreement must be executed by the Successful Bidder and the Wayne County Treasurer.

ONLY CASHIER'S CHECKS PAYABLE TO THE WAYNE COUNTY TREASURER WILL BE ACCEPTED. CASH, PERSONAL CHECKS, BUSINESS CHECKS, MONEY ORDERS OR CHARGE CARDS WILL NOT BE ACCEPTED UNDER ANY CIRCUMSTANCES. IN THE EVENT BIDDING CONTINUES BEYOND NORMAL BANKING HOURS, IT IS THE BIDDER'S RESPONSIBILITY TO HAVE FUNDS AVAILABLE FOR PAYMENT.

All monies paid, and all properties bid upon, will be forfeited to the Wayne County Treasurer if the purchaser fails to consummate any part of any purchase within the time specified. BIDDERS WHO FAIL TO COMPLETE ANY PURCHASE IN COMPLIANCE WITH THESE RULES & REGULATIONS WILL BE PROHIBITED FROM PURCHASING ANY OTHER PROPERTIES AT THE AUCTION AND FROM BIDDING AT FUTURE WAYNE COUNTY TREASURER AUCTIONS OF TAX FORECLOSED PROPERTIES FOR THE NEXT THREE YEARS.

Acceptance of your bid represents a binding contract between the bidder and the Wayne County Treasurer. This contract will be enforced by the Treasurer under Michigan Law and includes all rights and remedies available. The Treasurer will pursue legal action against bidders who refuse to complete transactions. This may include (but not limited to) a lawsuit to compel completion of the sale and/or criminal charges of fraud or other intentional act.

UNLESS OTHERWISE REQUIRED BY AN ORDER OF THE COURT, DEEDS ARE TO BE ISSUED NOT MORE THAN 30 DAYS AFTER THE RECEIPT OF THE FULL PURCHASE

PRICE. THE WAYNE COUNTY TREASURER RESERVES THE RIGHT TO CANCEL ANY SALE, AT ANY TIME, PRIOR TO THE ISSUANCE OF THE DEED. Upon cancellation of a sale by the Treasurer or by order of the Court, the Treasurer agrees to refund the purchase price promptly and the bidder, its agents and assigns, if any, upon the execution of the documents required by these Rules and Regulations to purchase property, expressly waives any and all claims for damages, of any kind, including and not limited to interest, attorney fees, costs or other expenses.

6. PURCHASE AGREEMENT - Subject to the Wayne County Treasurer's right to cancel any sale, at any time, prior to the issuance of the deed, and the terms of these Rules & Regulations, upon receipt of the full purchase price, Successful Bidders who have executed the Agreement of Sale and the Application for Deed, must sign a Purchase Agreement for the property described in the Agreement of Sale.

7. TITLE BEING CONVEYED – Subject to these Rules & Regulations and the Treasurer's approval of the auction documents, a quit claim deed will be issued conveying only such title as held by Treasurer pursuant to the Foreclosure Judgment. Title insurance companies may or may not issue title insurance on properties purchased at this sale. The Treasurer makes no representation as to the availability of title insurance.

8. LIENS AND ENCUMBRANCES- In addition to any liens and encumbrances not canceled pursuant to the Foreclosure Judgment, the property may be subject to liens and/or encumbrances incurred after the entry of the Foreclosure Judgment. It is the responsibility of the bidder to ascertain whether the property is subject to, or may be subject to, any such liens or encumbrances incurred after the entry of foreclosure judgment. The Treasurer makes no warranties regarding the existence of such liens or encumbrances.

9. POSSESSION OF PROPERTY/RISK OF LOSS- Successful Bidders do not acquire title and no legal title is conveyed at the time of delivery of the purchase price. Title is conveyed only upon the execution and delivery of the deed for the subject property. Physical possession of any property bid upon at this sale shall not be taken until a deed has been executed and delivered to the Successful Bidder. No activities should be conducted on the site other than a baseline environmental assessment for contaminated properties.

UPON PAYMENT OF THE FULL PURCHASE PRICE, THE SUCCESSFUL BIDDER ASSUMES THE FULL RISK OF LOSS AND SHALL BE SOLELY RESPONSIBLE FOR PROTECTING ITS INTEREST IN THE PROPERTY, INCLUDING AND NOT LIMITED TO, OBTAINING INSURANCE AND CONTACTING LOCAL UNITS OF GOVERNMENT TO PREVENT POSSIBLE DEMOLITION OF STRUCTURES SITUATED ON PARCELS.

10. CONDITIONS – The Successful Bidder accepts the property in its present “as is” condition, and releases the Wayne County Treasurer and Wayne County and its officers, employees and agents from all liability whatsoever arising from any condition of the premises, whether now known or subsequently discovered, including but not limited to all claims based on environmental contamination of the premises. A person who acquires property that is

contaminated (a “facility” pursuant to Section 20101(1)(o) of the Natural Resources and Environmental Protection Act (NREPA), Act 451 of 1994, as amended, as a result of release(s) of a hazardous substance(s) may become liable for all costs of cleaning up the property and any other properties impacted by the release(s). Liability may be imposed upon the person acquiring the property even in the absence of any personal responsibility for, or knowledge of, the release. Protection from such liability may be obtained by conducting a Baseline Environmental Assessment (BEA) as provided for under Section 20126(1)(c) of NREPA. However, the BEA must be conducted prior to or within 45 days of the earliest date of purchase or occupancy of the property. Persons who acquire contaminated property may have “due care” obligations under Section 20107a of NREPA even if they conduct a BEA and are not liable for the contamination.

Pursuant to Part 201 of the NREPA, the person(s) responsible for an activity causing a release at the property is obligated to pursue response activities at the property. Consequently, the non-liable Successful Bidder may be required to provide access to a liable party to conduct response activities at the property in the future.

Section 20116 of the NREPA requires that a person who has knowledge that their property is contaminated provide a written notice to the Successful Bidder or other person to whom the property is transferred which discloses the general nature and extent of the release. Additional disclosure obligations may also apply at the time the property, or an interest in the property, is transferred.

Accordingly, the County Treasurer recommends that a person who is interested in acquiring surplus Treasurer property contact an attorney or an environmental consultant for advice prior to the acquisition of any surplus Treasurer property that may be contaminated.

11. **DEEDS – A separate deed will be issued for each Sale Unit Number.** Unless the sale is canceled by the Treasurer or unless ordered otherwise by any court, a quit claim deed conveying all interest of the Wayne County Treasurer, as the foreclosing governmental unit, will be executed and delivered to the Register of Deeds for recording within 30 days of the receipt of payment in full of any balance due under this agreement. A copy of the recorded deed will be mailed only to the person and address indicated in the Application for Deed. Upon receipt of the deed, the Successful Bidder must contact the Assessor and Treasurer in the city/township in which the property is located to change the name and address of the taxpayer on the tax roll.

12. **TAXES -The new owner will be responsible for the 2007 summer and winter taxes.**

13. **UNSOLD PARCELS - Any unsold or unpaid will not be offered at the end of the auction.**