

**RAYMOND J. WOJTOWICZ**  
**WAYNE COUNTY TREASURER**

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

The following terms and conditions are subject to change at any time.

*Bidders must be attentive at the auction!*

*This sale is public.*

**THE USE OF PAGERS, CAMERAS, RECORDING DEVICES, AND CELL PHONES ON THE AUCTION FLOOR DURING THE AUCTION IS STRICTLY PROHIBITED. THE USE OF PAGERS, CAMERAS, RECORDING DEVICES AND CELL PHONES ON THE AUCTION FLOOR DURING THE AUCTION MAY SUBJECT THE USER TO CONFISCATION OF THE DEVICE FOR THE DURATION OF THE AUCTION AND/OR REMOVAL FROM THE AUCTION.**

**NO ONE UNDER 18 YEARS OF AGE WILL BE ADMITTED TO THE AUCTION FLOOR.**

**The new owner will be responsible for the 2009 Summer and Winter Taxes**

1. **REGISTRATION** - Bidder Registration will start at 8:00 A.M. each auction day. All persons and their agents seeking to bid must appear in person and execute a "Bidders Registration Form" to obtain a bidder card prior to bidding. Registration requires a valid driver's license or State ID, and a \$1,000.00 Cashier's Check, payable to the Wayne County Treasurer. Registration is on a first-come, first-serve basis. A new bidder card will be issued each day.

Contractors of the Wayne County Treasurer, their employees, and employees of the Office of the Wayne County Treasurer, members of the immediate family of contractor or Wayne County 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 Wayne County Treasurer.

2. **PROPERTIES OFFERED** - The parcels identified by Sale Unit Number, were foreclosed in favor of the Wayne County Treasurer pursuant to a Judgment of Foreclosure issued by the Wayne County Circuit Court ("Foreclosure Judgment"). The 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 guarantees the usability or access to any of the offered properties.**

**THE WAYNE COUNTY TREASURER RESERVES THE RIGHT TO REMOVE ANY PROPERTY FROM THE LIST.**

**IT IS THE RESPONSIBILITY OF THE BIDDER TO RESEARCH 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 WAYNE COUNTY 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 WAYNE COUNTY TREASURER AND THE COUNTY OF WAYNE MAKE NO REPRESENTATION OR CLAIM AS TO FITNESS FOR PURPOSE OF INGRESS/EGRESS, CONDITIONS, COVENANTS OR RESTRICTIONS.**

3. **MINIMUM BID** - Minimum Bid is defined in MCL 211.78m(11) as follows: "the minimum amount established by the foreclosing governmental unit for which property may be sold under this section." The minimum bid includes all of the following: (a) all

(September Auction Rules--Revised August 13, 2009)

delinquent taxes, interest, penalties, and fees due on the property. (b) The expenses of administering the sale, including all preparations for the sale.

4. **BIDDING** - Subject to the time required for registration, bidding begins at approximately 9:30 A.M. on September 14<sup>th</sup> and 9:00 A.M. each day thereafter. **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 OR MORE, ALL BIDS MUST BE IN INCREMENTS OF \$500.00. ONCE THE BID IS \$5,000.00 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. At the sole discretion of the auctioneer, bids for a Sale Unit Number may be requested individually, or by page number, community or ward. 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. The parcel identified by Sale Unit Number will be awarded to the registered bidder bidding the highest amount, provided the bid is equal to or greater than the Minimum 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 AND 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, 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 cashier check, in the amount of \$1,000.00 payable to the Wayne County Treasurer, for each parcel purchased (i.e. Four winning bids requires four \$1,000.00 Cashier Checks), to be applied to the purchase price. 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.**

At the discretion of the Wayne County Treasurer, if the Successful Bidder fails to consummate any part of any purchase within the time specified, any or all deposits paid will be forfeited and the sale of any or all properties purchased by the Successful Bidder may be cancelled by the Wayne County Treasurer. The Treasurer may also pursue criminal charges as warranted. Alternatively, the Wayne County Treasurer may pursue legal action against the Successful Bidder to compel completion of the sale, in which case, the monies tendered as a deposit shall be applied towards the bid price for the consummation of the sale of the subject property. **IN ADDITION, 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.**

**UNLESS OTHERWISE REQUIRED BY AN ORDER OF THE COURT, DEEDS ARE TO BE ISSUED NOT MORE THAN 30 DAYS AFTER THE COMPLETION OF THE AUCTION. 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 Wayne County Treasurer or by order of the Court, the Wayne County Treasurer agrees to refund the purchase price. Bidder, its agents and assigns, if any, upon the execution of the documents required by these Rules and Regulations, 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 and Property Transfer Affidavit. All Agreements shall be enforced by the Wayne County Treasurer under Michigan Law and include all rights and remedies available under the sole discretion of the Wayne County Treasurer.**

**7. TITLE BEING CONVEYED - Subject to these Rules & Regulations and the Wayne County Treasurer's approval of the auction documents, a quit claim deed will be issued conveying only such title as given to the Wayne County Treasurer pursuant to the Foreclosure Judgment. Title insurance companies may or may not issue title insurance on properties purchased at this sale. The Wayne County 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 Wayne County Treasurer makes no warranty 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 Quit Claim Deed for the subject property. Physical possession of any property bid upon at this sale shall not be taken until a Quit Claim Deed has been executed and delivered to the Successful Bidder. No activities should be conducted on the site prior to lawful possession.

**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. **OTHER 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 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), pursuant to the Natural Resources and Environmental Protection Act (NREPA), Act 451 of 1994, as amended or other state or federal laws. 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.

Pursuant to NREPA, the person(s) responsible for an activity causing a release at the property is obligated to pursue response activities at the property. Furthermore, 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.

It is recommended that a person who is interested in purchasing a parcel, contact an attorney and/or an environmental consultant for advice prior to the acquisition of the property.

11. **DEEDS** - **A separate Quit Claim Deed will be issued for each parcel purchased.** Unless the sale is canceled by the Wayne County 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 Wayne County Register of Deeds for recording within 30 days of the end of the Auction. The recorded Quit Claim Deed will be mailed only to the person and address indicated in the Application for Deed.**

**The Successful Bidder must sign a Property Transfer Affidavit when completing the deed application. The Property Transfer Affidavit will be filed by the Wayne County Treasurer with the city/township in which the property is located when the Quit Claim Deed is issued.**

**12. TAXES -The new owner will be responsible for the 2009 Summer and Winter taxes.**

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