

RULES AND REGULATIONS

1. **REGISTRATION** - Registration will start at 9:30 A.M. on the day of each sale. No bids will be accepted unless you have registered and received a pre-numbered bid card. Driver's license and social security number will be required to register. Driver's license or state I. D. must be presented in order to receive a bidder number. All sales will begin at 10:00 A.M. in room 320 of the Isabella County Building.

2. **PROPERTIES OFFERED** - The list of county-owned properties being identified by sale unit numbers, is available and has been approved for sale at public auction by Isabella County Treasurer and by order of 21st Circuit Court. According to State statutes, **ALL PRIOR** liens, (other than IRS liens), encumbrance and taxes are **CANCELED** by Circuit Court Order. **PROPERTY LOCATION OR ADDRESS CAN BE OBTAINED FROM THE COUNTY, OR LOCAL UNITS SUCH AS THE TOWNSHIP, VILLAGE OR CITY OFFICES.** These properties are subject to any state, county or local zoning or building ordinances. The County of Isabella does not guarantee the usability or access to any of these lands. **IT IS RECOMMENDED THAT ALL PROSPECTIVE PURCHASERS DO THEIR OWN RESEARCH AS TO THE USE OF THE LAND FOR THEIR INTENDED PURPOSE AND MAKE A PERSONAL INSPECTION OF THE PROPERTY ON THE GROUND TO DETERMINE IF IT WILL BE SUITABLE FOR THE PURPOSES FOR WHICH IT IS BEING PURCHASED. IF TENANTS OCCUPY THE PROPERTY, THE PURCHASER MAY INCUR LEGAL FEES TO EVICT THESE TENANTS. THE COUNTY OF ISABELLA MAKES NO REPRESENTATIONS NOR CLAIMS AS TO FITNESS FOR PURPOSE 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. Also, any filling, dredging or other permanent construction below the ordinary high-watermark of the water body involved may be subject to the provisions of 1972 Public Act 346. Any earth change on the property may be subject to the provisions of 1972 Public Act 347. These properties may also be subject to the Goemaere-Anderson Wetland Protection Act, 1979, Public Act 203.

3. **MINIMUM BID PRICE** - The current minimum bid prices are available online or in the County Treasurer's office for a fee of \$5.00. The minimum bid amount is subject to change as additional fees are accrued. (Publication of sale notices, property maintenance, recording fees, etc.) No sales can be made for less than the minimum bid price indicated at the auctions to be held in July and September. There will be no minimum bid price at the October sale. **MINIMUM BID** is defined in MCL 211.78m (10) as follows. (10) As used in this section, "minimum bid" is the minimum amount established by the foreclosing governmental unit for which property may be sold under this section. The minimum bid shall include all of the following: (a) All delinquent taxes, interest, penalties, and fees due on the property. . .(b) The expenses of administering the sale, including all preparation for the sale.

4. BIDDING - Any person, corporation or association authorized to purchase property may bid on the properties offered. Any person unable to attend the sale must be represented at the sale by an agent with authority to bid and otherwise represent the person. The registered bidder is legally and financially responsible for all parcels bid upon whether representing ones self or acting as an agent. Each sale unit will be sold in the order appearing on the list. Each sale will be made to the highest responsible bidder for not less than the minimum bid. See deeds prepared #12.

An oral bid accepted at public auction is a legal and binding contract to purchase. No sealed bids will be accepted and the Isabella County Treasurer reserves the right to reject any or all bids. Bids will be accepted in increment of \$10.00 or more starting with the indicated minimum bid. Once the bid is \$1,000 or more, all bids must be in increments of \$100.00 or more. Once the bid is \$5,000 or more, all bids must be in increments of \$500.00 or more. Once the bid is \$50,000 or more, all bids must be in increments of \$1,000 or more. Once the bid is \$100,000 or more, all bids must be in increments of \$5,000 or more.

5. TERMS OF SALE - THE FULL PURCHASE PRICE MUST BE PAID BY CASH, AND/OR CERTIFIED CHECK WITHIN TWO (2) HOURS OF THE COMPLETION OF BIDDING EACH DAY OF THE SALE. THE FIRST \$1,000.00 OF ANY TOTAL PURCHASE PER BIDDER PER DAY, MUST BE PAID IN CASH, CASHIERS CHECK OR MONEY ORDER. THE BALANCE CAN BE PAID WITH A PERSONAL CHECK, CASHIERS CHECK OR MONEY ORDER. ANY PURCHASE UNDER \$1,000.00 MUST BE PAID IN CASH, CASHIER CHECK OR MONEY ORDER. This \$1,000.00 will be forfeited by failure of the purchaser to consummate the purchase. THE COUNTY MAY PROSECUTE ANY PURCHASER WHO ISSUES A CHECK NOT HONORED BY OUR BANK FOR ANY REASON. All money orders, cashier's check and checks should be made payable to Isabella County Treasurer. No purchases can be made on a time-payment plan.

6. PURCHASE CERTIFICATES - Successful bidders at the sale will be issued a receipt for their purchases, upon payment. Purchasers will be entitled to deeds for the property descriptions identified by the assigned sale unit numbers noted on the pre-numbered certificates.

7. TITLE BEING CONVEYED - Quit-Claim deeds will be issued conveying only such title as received by the County through tax foreclosure. **Title insurance companies may or may not issue title insurance on properties purchased at this sale. The County makes no representation as to the availability of title insurance and the unavailability of title insurance is not a grounds for reconveyance to the County.** The purchaser may incur legal costs for quiet title action to satisfy the requirements of title insurance companies in order to obtain title insurance. The purchaser will be responsible for all taxes assessed for the current year taxes.

All summer taxes on the purchased parcel must be paid within 21 days after the sale and proof of payment must be given to the Isabella County Treasurer's office before the deed would be executed. The sale will be canceled if the proof of payment is not received within that time frame.

8. SPECIAL ASSESSMENTS - That all liens against the property, INCLUDING ANY LIEN FOR UNPAID TAXES OR SPECIAL ASSESSMENTS, except future installments of special assessments and liens recorded by this state or the foreclosing governmental unit pursuant to the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, are extinguished, if all forfeited delinquent taxes, interest, penalties, and fees are not paid 21 days after entry of the judgment for all contested taxes or March 31st of the foreclosing year for all uncontested taxes

9. RESERVATIONS – Isabella County retains all non-severed mineral rights for the properties foreclosed and sold under MCL 211.78

10. POSSESSION OF PROPERTY BID IN - WE RECOMMEND THAT NO PURCHASER TAKE PHYSICAL POSSESSION OF ANY PROPERTY BID IN AT THIS SALE UNTIL A DEED HAS BEEN EXECUTED AND DELIVERED TO THE PURCHASER NO ACTIVITIES WILL BE CONDUCTED ON THE SITE OTHER THAN A BASELINE ENVIRONMENTAL ASSESSMENT. HOWEVER, STEPS SHOULD BE TAKEN TO PROTECT YOUR EQUITY IN THIS PROPERTY, I.E., SECURE THE PROPERTY AGAINST ENTRY IF VACANT, INSURE IF THE PROPERTY IS OCCUPIED, ETC. ADDITIONALLY, BUYERS ARE RESPONSIBLE FOR CONTACTING LOCAL UNITS OF GOVERNMENT TO PREVENT POSSIBLE DEMOLITION OF STRUCTURES SITUATED ON PARCELS.

11. CONDITIONS - Purchaser accepts the premises in its present condition, i.e., “**AS IS**”, and releases the Isabella County Treasurer, 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) (1) of the Natural Resources and Environmental Protection Act (NREPA), 1994, P.A. 451, as amended) as a result of a release(s) of a hazardous substance 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 of purchase or occupancy of the property. The person who acquires the 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 purchaser 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 purchaser or other person to which 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 Treasurer recommends that a person who is interested in acquiring surplus County property contact an attorney or an environmental consultant for advice prior to the acquisition of any surplus County property that may be contaminated.

Anyone interested in purchasing a parcel of this nature should request this information from the LAND RECORDS & TAX REVERSION SECTION, REAL ESTATE DIVISION, MICHIGAN DEPARTMENT OF NATURAL RESOURCES, STEVENS T MASON BUILDING, P.O. BOX 30448 LANSING MI 48909-7948.

YOU MAY ALSO CONTACT THE ENVIRONMENTAL ASSISTANCE CENTER AT 1-800-662-9278 FOR POSSIBLE INFORMATION REGARDING QUESTIONS TO ENVIRONMENTAL CONCERNS ON ANY OF THESE PROPERTIES.

12. Deeds are executed and recorded with the Isabella County Register of Deeds within 30 days. Name of the registered bidder shall be the name put on the Quit Claim Deed unless an affidavit is filed prior to the start of the sale that states otherwise. An Agent Affidavit will be available prior to the sale. **The Isabella County Treasurer reserves the rights to cancel any sale for any reason on or before the 30 days after the sale to which the parcel was purchased.** The deeds will be mailed to the successful purchaser upon completion of the recording. If deeds are lost, misplaced or stolen, certified deeds are obtainable through the Isabella County Register of Deeds office. **A replacement deed can be issued for a fee of \$50.00 for any deeds that were not recorded by our office.** The purchaser of any property will be responsible for all the property taxes assessed for the current year.

13. NEW LEGISLATION PASSED – MCL 211.78 m (2) – An affidavit under this section shall indicate that a person meets all the following conditions:

- a. The person does not directly or indirectly hold more than a de minimis legal interest in any property with delinquent property taxes located in the same county as the property.
- b. The person is not directly or indirectly responsible for any unpaid civil fines for a violation of an ordinance authorized by section 41 of the home rule city act, 1909 PA 279, MCL 117.41, in the local tax collection unit in which the property is located.