



## LAPEER COUNTY TREASURER

DANA M MILLER, TREASURER  
WENDY M MILLER, CHIEF DEPUTY TREASURER

### LAPEER COUNTY LAND SALE RULES AND REGULATIONS

*The following rules and regulations are subject to change at any time and should be reviewed frequently. These sales are being held in compliance with the General Property Tax Act, more specifically MCL 211.78m, applicable court decisions and these procedures. Any announcements made by the auctioneer on the day of the sale take precedence over previously published or verbally conveyed terms and conditions. Bidders must be attentive at the auction! This sale is public in all respects.*

Revision date: 5/9/08

#### Lapeer County 2008 Land Sale Dates

1<sup>st</sup> Auction will be held Tuesday, July 29, 2008, at 10:00 a.m. (minimum bid required)

2<sup>nd</sup> Auction, if necessary, will be held no less than 30 days after 1<sup>st</sup> auction (bidding starts at \$15)

Notice of each auction will be published in *The County Press* or *LAView* no less than 30 days prior to the sale.

1. **REGISTRATION** – Bidders may register at the Lapeer County Treasurer's Office at any time. **(Please note: Replacement bid cards WILL NOT be issued. If you register in advance and neglect to bring your bid card to the auction, you will not be able to bid.)** Same-day registration will start at 8:00 A.M. on each sale day. No bids will be accepted unless the bidder has registered and received a pre-numbered bid card. Driver's license or state I.D. must be presented in order to receive a bidder number. All bidders and their agents **MUST** appear in person and **MUST** execute a "**Purchaser's Acknowledgement**" form (which includes furnishing a proper Federal Tax Identification Number or social security number) prior to bidding. All sales will begin at 10:00 A.M. (or once everyone in line to register at 10:00 a.m. has registered.). Bidders who registered in prior years do not need to register again.

2. **PROPERTIES OFFERED** - The list of county-owned properties being offered, identified by sale unit numbers, has been approved for sale at public auction by Lapeer County Treasurer and by order of the 40<sup>th</sup> Circuit Court. According to State statutes, **ALL PRIOR** liens (other than IRS liens), encumbrances and taxes **ARE CANCELLED** by Circuit Court Order. These properties are subject to any state, county or local zoning or building ordinances. The County of Lapeer does not guarantee the usability or access to any of these lands. **IT IS THE RESPONSIBILITY OF PROSPECTIVE PURCHASERS TO DO THEIR OWN RESEARCH AS TO THE USE OF THE LAND FOR THEIR INTENDED PURPOSE AND TO 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. THE COUNTY OF LAPEER MAKES NEITHER REPRESENTATIONS NOR CLAIMS AS TO FITNESS FOR PURPOSE, INGRESS/EGRESS, CONDITIONS, COVENANTS, OR RESTRICTIONS. THE COUNTY OF LAPEER MAKES NO WARRANTIES EITHER EXPRESSED OR IMPLIED ON THE PROPERTIES OR ANY STRUCTURE(S) LOCATED UPON SAID PROPERTIES. OCCUPIED STRUCTURES MAY NOT BE ENTERED WITHOUT THE TENANTS' PERMISSION. SECURED VACANT STRUCTURES MAY NOT BE ENTERED.**

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-water mark 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 shown on the available list. 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 first auction held. There will be no minimum bid price at the final sale.

MINIMUM BID is defined in MCL 211.78m (10) as follows: *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 preparations for the sale...*

4. **BIDDING** - Any registered person may bid on the properties offered. Any person unable to attend the sale can be represented at the sale by an agent or other representative 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 offered separately and in the order appearing on the list. Each sale will be awarded to the individual bidding the highest amount bid, equal to or greater than the minimum bid. An oral bid accepted at public auction is a legal and binding contract to purchase a parcel. No sealed bids will be accepted and the County of Lapeer reserves the right to reject any or all bids. **BIDS WILL BE ACCEPTED IN INCREMENTS OF \$50.00 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 BIDIS \$5,000 OR MORE, ALL BIDS MUST BE IN INCREMENTS OF \$250.00 OR MORE. ONCE THE BID IS \$10,000 OR MORE, ALL BIDS MUST BE IN INCREMENTS OF \$500.00 OR MORE.** Bids must be in whole dollar amounts. The auctioneer will read the sale number and minimum bid price only. Bids will be accepted **after** the amount is read, not before or during.

#### 5. **TERMS OF SALE** –

A. **FOR PURCHASE PRICE WHICH TOTALS \$1,000.00 OR LESS.** Payment in full must be made by **CERTIFIED CHECK** or **CASH no later than 4:00 p.m.** on the day of the sale.

B. **FOR PURCHASE PRICE WHICH TOTALS \$1,001 OR MORE:** A **non-refundable deposit** of \$1,000 (\$900 plus the \$100 end-of-auction deposit) must be made by **CERTIFIED CHECK** or **CASH no later than 4:00 p.m.** on the day of the sale. The total balance must be paid by **CERTIFIED CHECK no later than 4:00 p.m.** on the day immediately following the day of the sale. All certified checks shall be made payable to the Lapeer County Treasurer.

C. **GENERAL INFORMATION:** We will **not accept** personal checks, business checks, money orders or charge cards. Regrettably, bidding may run later than normal banking hours. It is the bidders' responsibility to have arranged to have acceptable funds available for payment. All monies paid and all properties bid upon **will be forfeited** if the purchaser fails to consummate any part of any purchase on any day of the auction.

**BIDDERS WHO FAIL TO CONSUMMATE A PURCHASE WITHIN THE REQUIRED TIME WILL BE BANNED FROM BIDDING AT FUTURE COUNTY OF LAPEER LAND AUCTIONS AND BIDDERS WILL FORFEIT ALL MONEY DEPOSITED. THE COUNTY RESERVES THE RIGHT TO CANCEL ANY SALE, AT ANY TIME.** Checks returned for insufficient funds will cancel the sale.

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 purchase 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.

**8. DEFERRED ASSESSMENTS AND DISCLOSURES** – Deferred assessments that are reported to the County when it acquires title to tax-reverted parcels are included in the minimum bids. We have identified any known deferred assessments with asterisks (\*). However, there may be deferred assessments that were not reported to the County. All bidders should contact the county drain office, road commission, city or township office, etc. to determine if there are any outstanding bonded or deferred assessments on the properties being offered. Disclosures that appear immediately following some legal descriptions are also highlighted with asterisks.

**9. RESERVATIONS** - Pursuant to statutes, all deeds issued for properties less than five acres in size shall contain the following reservation and stipulation: “SAVING AND RESERVING unto the People of the State of Michigan the rights of ingress and egress over and across all of the above-mentioned descriptions of land lying along any watercourse or stream, pursuant to the provisions of Part 5, Act 451, P.A. 1994, as amended. Further, excepting and reserving to the State of Michigan, all aboriginal antiquities including mounds, earthworks, forts, burial and village sites, mines or other relics and also reserving the right to explore and excavate for the same, by and through its duly authorized agents and employees, pursuant to the provisions of Part 761, Aboriginal Records and Antiquities, of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended. This conveyance hereby restricts the Grantee from severing oil, gas, mineral and other subsurface rights from the surface rights any time in the future. If the Grantee severs the subsurface rights from the surface rights, the subsurface rights will revert to the State of Michigan.” At the discretion of the Department of Natural Resources, parcels that are five acres or more will be offered on a case by case basis with this same reservation, or with the reservation of all oil, gas, mineral and other subsurface rights. Reservation of subsurface rights will be noted at the end of the legal description(s) of property.

**10. POSSESSION OF PROPERTY** - We recommend that no purchaser take physical possession of any property bid upon at this sale until a deed has been executed and delivered to the purchaser. No activities should be conducted on the site other than a baseline environmental assessment for contaminated properties.

**HOWEVER, STEPS SHOULD BE TAKEN TO PROTECT YOUR EQUITY IN THIS PROPERTY BY SECURING VACANT STRUCTURES AGAINST ENTRY AND OBTAINING (HOMEOWNERS) INSURANCE FOR OCCUPIED PROPERTY. ADDITIONALLY, BUYERS ARE RESPONSIBLE FOR CONTACTING LOCAL UNITS OF GOVERNMENT TO PREVENT POSSIBLE DEMOLITION OF STRUCTURES SITUATED ON PARCELS.**

**11. CONDITIONS** – The purchaser accepts the premises in its present “as is” condition, and releases the County of Lapeer 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)(l) of the Natural Resources and Environmental Protection Act (NREPA), 1994, P.A. 451, 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-labile 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 County 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 contaminated parcels may request information from the TAX REVERSION & LAND RECORDS SECTION, OFFICE OF PROPERTY MANAGEMENT, MICHIGAN DEPARTMENT OF NATURAL RESOURCES, STEVENS T MASON BUILDING, PO BOX 30448, LANSING, MI 48909-7948.

YOU MAY ALSO CONTACT THE DEPARTMENT OF ENVIRONMENTAL QUALITY'S, ENVIRONMENTAL ASSISTANCE CENTER AT 1-800-662-9278 FOR POSSIBLE INFORMATION REGARDING ENVIRONMENTAL CONCERNS ON ANY OF THESE PROPERTIES.

12. **DEEDS** - Deeds will be executed by the Lapeer County Treasurer's office and recorded at the Lapeer County Register of Deeds office within 30 days of purchase. (Recording fees will be included as part of the minimum bid amount.) The original, recorded deed will be sent to the purchaser(s). A copy will be retained in the office of the County Treasurer. If deeds are lost, misplaced or stolen, replacement deeds are available through our office for a minimum fee of \$75.00, plus other requirements.

13. **TAXES** – The buyer will be responsible for all property taxes, and any applicable penalties and interest, assessed in July and December of the year in which the auction is held, and all future years.

14. **WEBSITE** – Information will be available whenever possible on the Lapeer County Treasurer's website: [www.county.lapeer.org/treasurer](http://www.county.lapeer.org/treasurer).



LAPEER COUNTY TREASURER

SALLY W EILERSSEN, TREASURER
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BIDDER NUMBER

LAPEER COUNTY LAND SALE 2008 PURCHASER'S ACKNOWLEDGEMENT

PRINT OR TYPE THE FOLLOWING:

Name:
Mailing Address:
City, State, Zip:
Daytime Phone:

Address (if different from above):
Mailing Address:
City, State, Zip:
Daytime Phone:

The signer hereby acknowledges and certifies the following:

- 1. That he and the Purchaser (should they be different entities) have read the LAPEER COUNTY LAND SALE RULES AND REGULATIONS (Revision date 6/14/07) and agree to abide by them in their entirety, without reservation or exception.
2. That he is authorized to purchase property on behalf of the person or company whose ID number is listed above.
3. That the Purchaser understands that Lapeer County is selling these properties "as is" and that the County of Lapeer and its officers, employees, and agents are released from all liability whatsoever arising from any condition of the premises, whether now known or subsequently discovered.
4. That the Purchaser is aware that, should there be inhabitants of the property, it is the Purchaser's responsibility to evict or negotiate rental agreements and that the County of Lapeer, its officers, employees, and agents, are unable to assist in these procedures.
5. That the Purchaser is responsible for all property taxes levied in 2007 and beyond, including any applicable interest or penalties.
6. That there may be other adverse consequences for the Purchaser other than those mentioned in this document or in the LAPEER COUNTY LAND SALE RULES AND REGULATIONS.

Signature Witness
Date Date

FOR OFFICE USE ONLY: Copy of this form is attached to copy of RULES AND REGULATIONS and given to Signer. Original is attached to a second copy of RULES AND REGULATIONS along with a copy of the picture I.D. and retained in the Treasurer's Office.



**LAPEER COUNTY TREASURER**

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seilersen@lapeercounty.org

BIDDER  
NUMBER

**LAPEER COUNTY LAND SALE 2008 DEED INFORMATION FORM**

This sheet is provided for your convenience in purchasing property at the public auction tax sale. It should be prepared in advance and turned in ONLY at the time of acceptance of your successful bid on a property at the auction.

If the title to the property is to be vested in any name(s) other than the Purchaser at the auction, a signed, notarized authorization from the proposed owner(s) must be attached to this form. Until that authorization is received by the Treasurer's Office, a Quit Claim Deed will not be prepared.

**PRINT OR TYPE THE FOLLOWING FOR EACH PARTY ON TITLE** (attach separate sheet if more than two (2) parties will be listed on title):

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Signature: \_\_\_\_\_

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Signature: \_\_\_\_\_

**Title is to be vested as (check ONE):**

- Husband and Wife, as Joint Tenants
- Husband and Wife, as Tenants in Common
- A Single Man
- A Single Woman
- A Married Man, as His Sole and Separate Property
- A Married Woman, as Her Sole and Separate Property
- A Widow
- A Widower
- Other (Please print exactly as title should appear on Quit Claim Deed)

If vesting is to be held in the name of a legal entity, such as a trust, corporation or partnership, please attach documentation to evidence: 1) the legal name of the entity, and 2) that the party signing on behalf of the entity has the authority to do so.

**When recorded, mail Quit Claim Deed and Tax Statements to:**

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Daytime Phone: \_\_\_\_\_

Please allow six to eight weeks to receive original Quit Claim Deed.

FOR OFFICE USE ONLY: Copy of this form is given to Signer. Original is attached to the original PURCHASER'S ACKNOWLEDGEMENT FORM and retained in the Treasurer's Office.

Sale # \_\_\_\_\_ Parcel # \_\_\_\_\_ Purchase \$ \_\_\_\_\_