

# RULES AND REGULATIONS

**REGISTRATION** - Registration will start one month prior to the sale. No bids will be accepted unless the bidder has registered and received a numbered bid card. Driver's license or state I.D. must be presented in order to receive a bidder number. The sale will begin at 9:00 a.m.

**PROPERTIES OFFERED** - The List of County owned properties being offered has been approved for sale at a public auction by the Gratiot County Treasurer. According to State statutes, all prior liens (other than IRS) 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 Gratiot 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 to determine if it will be suitable for the purposes for which it is being purchased. The County of Gratiot makes neither representations nor claims as to fitness for purpose, ingress/egress, conditions, covenants, nor restrictions. Occupied structures may not be entered without the tenants' permission. Secured vacant structures may not be entered without contacting the County Treasurer for prior approval. Gratiot County is not liable for injury from entering properties.

All properties offered may be subject to flooding. Any new construction or reconstruction should be elevated above the 100-year flood plain. Any filling, dredging or other permanent construction below the ordinary high-water mark of the water body involved maybe 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.

**MINIMUM BID PRICE** - The minimum bid prices are shown on the list. Minimum bids are subject to change if costs were incurred prior to sale dates. No sales can be made for less than the minimum bid indicated at the first sale.

**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, equal to or greater than the minimum bid. An oral bid accepted at a public auction is a legal and binding contract to purchase a parcel. No sealed bids will be accepted and the Gratiot County Treasurer reserves the right to reject any or all bids. Bids must be in whole dollar amounts

**TERMS OF SALE** - The full purchase price must be paid by close of business (4:30 p.m.) on the day following the sale. **Successful bidders will also be required to sign an affidavit stating they do not owe delinquent taxes on any parcel located in Gratiot County.** The purchase price will consist of the bid price plus \$30.00 for recording of the deed. We will only accept cash, cashier's check or credit cards for payment. We will **NOT** accept personal checks or business checks. All pre-issued checks should be made payable to the bidder, and may be

signed over to the County for successful purchases. The County will issue checks back to buyers who owe less than the amount of the pre-issued check. Cashier's checks retrieved for the exact amount during the auction should be made payable to the County of Gratiot. 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 close of business following the final bid, will be banned from bidding at all future County land auctions.**

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. **The County reserves the right to cancel any sale at any time.**

**If you purchase a foreclosure property and fail to pay property taxes and the property forecloses again, you will be banned from bidding/purchasing at future auctions.**

**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 certificate. All properties purchased in each county will be placed on the same purchase certificate, and subsequently the same deed, unless the bidder prepares separate preliminary purchase applications.

**TITLE BEING CONVEYED**- Quit-claim deeds will be issued conveying only such title as received by the County through tax foreclosure. **Due to State mandate, the deed for each property purchased will not be mailed to the buyer until the current Summer Tax is paid in full.** 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. Unavailability of title insurance is not grounds for reconveyance to the County. The purchaser may incur legal costs for quiet title action to satisfy the requirements for title insurance companies in order to obtain title insurance. Purchasers are responsible for obtaining and processing of transfer affidavits.

**DEFERRED ASSESSMENTS AND DISCLOSURES**- There may be deferred assessments that were not reported to the County. All bidders should contact the city or township office to determine if there are any outstanding bonded or deferred assessments on the properties being offered.

**RESERVATIONS**- Pursuant to statutes, all deeds issued for properties less than five acres in size will 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 the 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 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 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. There is no knowledge of mineral rights.

**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.

**CONDITIONS**- The purchaser accepts the premises in its present “as is” condition, and release the County of Gratiot 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)(1) of Natural Resources and Environmental Protection Act (NREPA), 1994 P.A. 451, as amended) as a result of release(s) of hazardous substances(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 201261(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 whom the property is transferred who 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 Department recommends that a person who is interested in acquiring surplus State property contact an attorney or an environmental consultant for advice prior to the acquisition of any surplus State property that may be contaminated.

Anyone interested in purchasing contaminated parcels may 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.

**DEEDS**- Deeds are executed, recorded and delivered to the successful purchasers within 30 days. The current summer taxes must be paid in full before you are issued a deed. If deeds are lost, misplaced or stolen, replacement deeds are available through our office for a minimum fee of \$75.00, and other requirements.

**BUNDLING OF PARCELS**- Parcels may be offered individually or bundled in a group of two or more. The minimum bid for a bundled group shall equal the sum of the minimum bid for each parcel included in the group.

All successful bidders will be responsible for obtaining and paying the **2021** Summer and Winter taxes and all future bills.

I have read and agree to the terms of the rules and regulations.

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Signature of Purchaser

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Date