

*\*\*The following rules and regulations are subject to change at any time, and should be reviewed frequently.*

Revised 10/08/09

#### RULES AND REGULATIONS

1. **REGISTRATION** – The sale will be conducted in the Senior Citizen Auditorium at the Verkuilen Building, 21885 Dunham Rd., Clinton Township, MI 48036 on Wednesday, October 14, 2009. Registration will start at 10:00 A.M. No bids will be accepted unless the bidder has registered and received a pre-numbered bid card. Driver's license or State Identification Card and social security number will be required to register. A \$500 deposit in the form of cash, cashier or certified check payable to the Macomb County Treasurer will be necessary to obtain a bidder card. If the bidder was not successful in obtaining a property the deposit will be returned upon surrender of the bidder card. If the bidder is successful the deposit will be applied to the purchase price. All sales will begin at 10:30 A.M.
2. **PROPERTIES OFFERED** - The list of properties being offered, identified by parcel numbers, has been acquired for sale at public auction by the MACOMB COUNTY TREASURER. According to state statutes, the judgment of tax foreclosure extinguished all liens on these properties, including any lien for unpaid taxes or special assessment, except future installments of special assessments and liens recorded by the state or the foreclosing governmental unit pursuant to the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, and all existing recorded and unrecorded interest in each parcel, except a visibly or recorded easement or right-of-way, private deed restriction or other governmental interest, imposed pursuant to 1994 PA 451, MCL 324.101 *et seq.*, if all forfeited delinquent taxes interest, penalties, and fees against each parcel were not paid by March 31<sup>st</sup> subsequent to entry of the judgment or other date as ordered by the Court. These properties are still subject to liens for taxes levied in the same calendar year as the year of the sale and of taxes not yet due and payable.

These properties are also subject to any state, county or local zoning or building ordinances. The Macomb County Treasurer does not guarantee the usability or access to any of these lands. The Macomb County Treasurer has the right to sell these parcels separately or in any combination. Notice will be given at the auction if parcels are combined. Parcels listed in this notice may not be available for purchase on the date of the auction. **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 MACOMB COUNTY TREASURER MAKES NEITHER REPRESENTATIONS NOR CLAIMS AS TO FITNESS FOR PURPOSE, INGRESS/EGRESS, CONDITIONS, COVENANTS, OR RESTRICTIONS. OCCUPIED STRUCTURES MAY NOT BE ENTERED WITHOUT THE TENANTS' PERMISSION. SECURED VACANT STRUCTURES MAY NOT BE ENTERED. ALL PROPERTY IS SOLD "AS IS".**

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 1994 Public Act 451, as amended by Part 91 and Public Act 60 of 1995. Any earth change on the property may be subject to the provisions of 1994 Public Act 451, as amended by Part 301 and Public Act 59 of 1995. These properties may also be subject to Part 303 of Public Act 451 of 1994.

3. **MINIMUM BID PRICE** - The minimum bid prices are shown on the list. No sales can be made for less than the minimum bid price indicated. Minimum bid prices are subject to change for cost incurred from publication date.
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 parcel may be offered separately or combining, at sole discretion of the Macomb County Treasurer or his designee. 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 Macomb County Treasurer 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 \$5,000 OR MORE, ALL BIDS MUST BE IN INCREMENTS OF \$100.00 OR MORE.** Bids must be in whole dollar amounts.

5. **TERMS OF SALE** - **THE FULL PURCHASE PRICE MUST BE PAID BY CASH, AND/OR CASHIER CHECK OR CERTIFIED CHECK BY 4:30 THE DAY OF THE SALE.** The purchase price consists of the bid price. **WE WILL ONLY ACCEPT CASH, CASHIERS CHECKS, AND CERTIFIED CHECKS AS PAYMENT FOR PARCELS. ALL certified checks shall be made payable to the MACOMB COUNTY TREASURER. WE WILL NOT ACCEPT PERSONAL CHECKS, BUSINESS CHECKS, MONEY ORDERS OR CHARGE CARDS. IT IS THE BIDDERS' RESPONSIBILITY TO HAVE ACCEPTABLE FUNDS AVAILABLE FOR PAYMENT.** All deposits, monies paid and all properties bid upon may be forfeited if the purchaser fails to consummate any part of any purchase on the day of the auction. **BIDDERS WHO FAIL TO CONSUMMATE A PURCHASE BY 4:30 PM FOLLOWING THE FINAL BID WILL BE BANNED FROM BIDDING AT ALL FUTURE MACOMB COUNTY TREASURER TAX REVERTED AUCTIONS AND SHALL BE RESPONSIBLE FOR ALL COSTS AND FEES, INCLUDING ATTORNEY FEES RESULTING FROM THE FAILURE TO CONSUMMATE THE SALE AND WAIVE ANY CLAIMS THEY MAY HAVE TO ENFORCE THEIR RIGHTS UNDER THE BID.** In addition, the Treasurer may also bring an action to specifically enforce the sale of the property on the successful bid or resubmit the property at the next auction at his or her discretion.

***THE MACOMB COUNTY TREASURER RESERVES THE RIGHT TO CANCEL ANY SALE, AT ANY TIME.***

Any announcements made by the Macomb County Treasurer or his designee, on the day of the sale take precedence over previously published or verbally conveyed terms and conditions. Bidders must be attentive at the auction!

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 parcel numbers noted on the purchase certificates.
7. **TITLE BEING CONVEYED** - Quit-claim deeds will be issued conveying only such title as received by the Macomb County Treasurer through tax foreclosure. Title insurance companies may or may not issue title insurance on properties purchased at this sale. The Macomb County Treasurer makes no representation as to the availability of title insurance and the **UNAVAILABILITY OF TITLE INSURANCE IS NOT A GROUNDS FOR RECONVEYANCE TO THE MACOMB COUNTY TREASURER. 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** – All bidders should contact the county, city or township office to determine if there are any outstanding bonded or deferred assessments on the properties being offered.

9. **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.**

10. **CONDITIONS** – The purchaser accepts the premises in its present “as is” condition, and releases the Macomb County Treasurer 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 Macomb County Treasurer recommends that a person who is interested in acquiring property contact an attorney or an environmental consultant for advice prior to the acquisition of any property that may be contaminated.

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.

11. **DEEDS** – Quit-Claim deeds are executed and delivered to the successful purchasers within 30 days. It is anticipated the deeds will be available on November 13, 2009 at 8:30 AM at the Treasurer’s Office. It is the responsibility of purchasers to record their deeds. If deeds are lost, misplaced or stolen, replacement deeds are available through our office for a minimum fee of \$75.00, plus other requirements. To protect purchaser interest in said properties, it is suggested that purchasers record their deeds as soon as possible.

12. **UNPAID 2009 TAXES** – 2009 taxes are unpaid and will be the sole responsibility of the purchaser without any proration to the seller.

**I acknowledge receipt of Rules and Regulations and agree to be bound by the terms and conditions and any updates stated at the auction.**

Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Identification – Michigan Drivers License # \_\_\_\_\_

Dob \_\_\_\_\_ Sex \_\_\_\_\_ Height \_\_\_\_\_ Eyes \_\_\_\_\_

Social Security # or Federal Identification # \_\_\_\_\_

Telephone # (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

Employer \_\_\_\_\_

Bank \_\_\_\_\_ Checking Account \_\_\_\_\_

Signature of Bidder: \_\_\_\_\_

Signature of Bidder: \_\_\_\_\_

Bidder # \_\_\_\_\_ Treasurer’s Office \_\_\_\_\_

Registration Fee Refunded \_\_\_\_\_