



# OFFICE OF THE MIDLAND COUNTY TREASURER

MIDLAND COUNTY SERVICES BUILDING 220 W. ELLSWORTH STREET MIDLAND, MICHIGAN 48640-5194  
PHONE (989) 832-6850 FAX (989) 837-6575

**Catherine L. Lunsford**  
COUNTY TREASURER

**Ann M. Mahaffy**  
CHIEF DEPUTY TREASURER

## PROPERTY TAX AUCTION Terms and Conditions of Sale

*All Bidders will be required to sign this document, in addition to an affidavit stating they do not hold any property in Midland County with delinquent taxes owing.*

The County Treasurer is required to first offer the properties to the State of Michigan, the Local Unit of Government and the County of Midland. If the property is not purchased by any of the listed entities it is then offered to the Public at a Public Auction designated by the County Treasurer.

**PROPERTIES OFFERED** - The list of properties to be sold are available on the County of Midland website at [www.co.midland.mi.us](http://www.co.midland.mi.us). The properties, being identified by parcel number, have been approved for sale at public auction by the Midland County Treasurer and by order of the 42nd Circuit Court. According to State statutes, **ALL PRIOR** liens, (other than IRS liens), encumbrance and taxes are **CANCELED** by Circuit Court Order. These properties are subject to any state, county or local zoning or building ordinances. The County of Midland 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 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 Midland makes neither representations nor claims as to fitness of the property for purpose ingress/egress, conditions, covenants, or restrictions.

**Please know what you are buying. There are NO refunds or cancellations of sales after purchase.**

The County Treasurer reserves the right to cancel the sale of a property at any time. The County Treasurer may withdraw a property from the auction for any reason, including but not limited to, if no bid on that property meets the minimum or opening bid price.

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.

**MINIMUM BID PRICE** - The County Treasurer may change a minimum bid at any time until the opening of an auction to reflect new costs and expenses that may have been incurred. No sales can be made for less than the minimum bid price indicated at the auctions to be held in July/August. The County Treasurer has discretion to hold 1, 2 or 3 sales. The minimum bid at the final sale will start at \$300.00. **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 costs associated with preparing the property for the sale and other fees if deemed necessary.

**REGISTRATION** - On-site registration will begin at 4:30 PM on the day of each sale at the Office of the Midland County Treasurer. No bids will be accepted unless you have received a pre-numbered bid card. Bidders will be required to register prior to the sale. A Driver's license or Sate I.D. will be required in order to register. All sales will begin on specified dates each year in the Board of Commissioner's Room in the Midland County Services Building, unless another venue is selected. The sale will not be delayed to accommodate late registrants. Any person, corporation or association authorized to purchase property 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 one's self or acting as an agent. Each parcel 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.

No individual or entity currently owing delinquent real property taxes to the Treasurer will be allowed to register. This includes entities whose owners and/or members owe delinquent real property taxes to the Treasurer. Furthermore, if the Treasurer discovers, after the transfer of property, that an individual, entity or entity whose owners and/or managers owe delinquent real property taxes to the Treasurer has purchased real property from this auction, the Treasurer has the right to rescind the sale of any property sold to said individuals, entities and entities whose owners and/or members owe delinquent real property taxes to the Treasurer with no recourse, remedy and/or damages available to the purchaser.

- A. **Purchaser Affidavit** – Each successful purchaser must sign an affidavit, according to MCL 211.78m(2), as amended by 2014 PA 501 stating that they do not hold a *de minimus* interest in any property in Midland County with delinquent taxes owing and that they are not directly or indirectly responsible for any unpaid civil fines for a violation of a city ordinance adopted under MCL 117.4l (including motor vehicle, parking, and blight violations) The affidavit will also state that they have read and will adhere to these sale regulations.
- B. **Persons holding interest in the property at the time of foreclosure** must pay at least the original minimum bid the property was offered for at the 1<sup>st</sup> auction, regardless of which sale it is sold, before receiving a deed to the property.

Individuals/Businesses that owned a property at the time of foreclosure that resulted in a loss to Midland County through the foreclosure auction process and/or unpaid/extinguished Housing Commission loans will be required to pay back that loss before registering to purchase any property at a Midland County Land Sale Auction. The amount of loss can be obtained through the Midland County Treasurer's office.

**BIDDING** - An oral bid accepted at public auction is a legal and binding contract to purchase. No sealed bids will be accepted and the Midland County Treasurer reserves the right to reject any or all bids. Bids will be accepted in increments of \$50.00 for minimum bids starting under \$1,000. Once the bid is \$1,000 or more, all bids will be in increments of \$100.00 or more. Once the bid is \$10,000 or more, all bids will be in increments of \$500.00 or more. Once the bid is \$20,000 or more, all bids will be in increments of \$1,000 or more.

After the first round of bidding has been completed at that evening's auction, The County Treasurer may offer a second round of bidding on the unsold parcels to take place immediately after the sale. Such second round will be available to on-site bidders that are in attendance at that time. Basically, if you hold off on bidding on a property and that property does not sell, we may re-open the public bidding after the auction for that property.

By placing a bid, a bidder agrees not to sue the County Treasurer, the County of Midland, or any of its departments, boards, commissions, officers, employees, or agents for any claim, whether legal or equitable, arising under, or in any manner related to the conducting of this auction.

Any individual who disrupts the auction by making rude comments, disclaimers about any of the properties to deter others from bidding or outbursts will be asked to leave and will not be permitted to bid. Each bidder should be aware of what they are bidding on and it is not anyone else's responsibility to deter anyone from bidding.

**TERMS OF SALE** -The full bid amount in addition to the summer tax amount + penalty/interest, if applicable, must be paid by Cash, Check, *Credit Card\**, and/or certified check within two (2) hours of the completion of bidding each day of the sale. A Bank letter of credit may be accepted upon the Treasurer's approval before the sale. Letters of credit sales require a 10% non-refundable deposit at the completion of each sale with the remaining balance paid by 4:00 PM on the third business day after the sale. The balance can be paid with a personal check, cashier's check or money order. 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 personal checks should be made payable to Midland County Treasurer. Bidders who fail to consummate any purchase will forfeit all monies paid and will also be banned from bidding in all future Midland County Treasurer Land Sale Auctions.

*\*Credit cards are accepted as payment; however a 2.75% Convenience fee will be added by our Third Party credit card service provider.*

**SUMMER PROPERTY TAXES:** The current year summer property taxes are required to be paid by the successful bidder, in accordance with PA501 of 2014. The summer tax will be paid to the Midland County Treasurer in addition to the highest successful minimum bid for the purchase of the property by the bidder. The Midland County Treasurer will submit the summer tax payment to the Local Treasurer on behalf of the purchaser. The summer tax will not be refunded or reversed for any reason.

**WINTER PROPERTY TAXES:** The current year winter property taxes are the responsibility of the auction's successful bidder. The successful bidder shall contact the local unit Treasurer to ensure a bill is received and shall pay the winter tax to the local Township or City Treasurer in which the property is located.

**DEED TO PROPERTY** - Successful bidders will be issued a receipt for their purchases, upon payment. A Quit Claim Deed will be executed and recorded with the Midland County Register of Deeds within 30 days. The deed 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 Midland County Register of Deeds office. The purchaser of any property will be responsible for all the property taxes assessed for the current and future years.

**TITLE INSURANCE:** 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.

**SPECIAL ASSESSMENTS & CONDOMINIUM FEES** - All bidders should contact city or township offices to determine if there are any outstanding bonded assessments for future tax years on the properties being offered. They should also check for other assessments, which may include but are not limited to County Drain, Road Commission or other Local Government assessments such as weed cutting, sewer, debris removal, demolitions and recorded non-exempt liens. Buyers of condominium property are responsible for any and all condominium association dues, fees or costs assessed to the property on or after the date of foreclosure of the property.

**POSSESSION OF PROPERTY** - We recommend that no purchaser take physical possession of any property purchased 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 immediately to protect your equity in this property, i.e., secure the property against entry if vacant; obtain insurance on the property, etc. Additionally, buyers are responsible for contacting local units of government to prevent possible demolition of structures situated on parcels.

**PROPERTY CONDITIONS** - Purchaser accepts the premises in its present condition, i.e., "**AS IS**", and releases the Midland 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 and any lead paint..

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-liaible 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 Treasurer recommends that a person, who is interested in acquiring tax- foreclosed property, contact an attorney or an environmental consultant for advice prior to the acquisition of any County Tax Foreclosed 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.

**ALL SALES ARE AS-IS, WHERE-IS, AND FINAL. THERE ARE ABSOLUTELY NO REFUNDS.  
TERMS AND CONDITIONS OF SALES ARE SUBJECT TO MODIFICATION PRIOR TO THE COMMENCEMENT OF THE SALE. REV070518**