

The following rules and regulations are subject to change at any time, and should be reviewed prior to the Mackinac County Land Sale.

RULES AND REGULATIONS

MACKINAC COUNTY LAND SALE
SEPTEMBER 26, 2019 – 11:00 a.m.
MACKINAC COUNTY COURTHOUSE

The following rules and regulations will govern the Mackinac County Land Sale. This sale is being held in compliance with the General Property Tax Act, more specifically MCL 211.78m(1) and by the Circuit Court Judgment file number 18-8199-PZ dated February 22, 2019. Any announcement made by the Mackinac County Treasurer or by the auctioneer on the day of the sale will take precedence over previously published or verbally conveyed terms and conditions. This sale is public in all respects. Notice of this sale was published in the ST. IGNACE NEWS on August 22, 2019 as pursuant to MCL 211.78m(2). The sale will not be interrupted for any questions.

1. **REGISTRATION** - Registration will start at 8:30 a.m. on the day of the sale or bidders may pre-register at the Mackinac County Treasurer's Office beginning September 9, 2019. No bids will be accepted unless the bidder has completed a registration form, signed the form and turned the form into the Mackinac County Treasurer's office prior to placing any bids. Bid cards will be issued the day of the sale.

Bidders are required to sign an affidavit under penalty of perjury indicating that the bidder does not directly or indirectly:

- Hold more than a *de minimus* legal interest in any property in the same county with delinquent taxes; and
- Bear responsibility for an unpaid civil fine for violation of a city ordinance adopted under MCL 117.4l (including motor vehicle, parking, and blight violations).

2. **PROPERTIES OFFERED** - The list of the properties offered, identified by the property code number is available at the Mackinac County Treasurer's Office. According to state statutes, all prior liens, encumbrances and taxes prior to 2016 are canceled by the Circuit Court Order including IRS liens. These properties are subject to any state, county or local zoning or building ordinance and is the responsibility of the purchaser to obtain pertinent information regarding same. The County of Mackinac or the Foreclosing Governmental Unit does not guarantee the usability or access to any of these lands. It is further the responsibility of the purchaser to do their own research as to the use of the land for their intended purpose. The County

of Mackinac or the Foreclosing Governmental Unit make no representation or claims as to the fitness for purpose, ingress/egress, conditions, covenants, or restrictions to the properties.

3. **MINIMUM BID PRICE** - The current minimum bid price is shown on the available list and is subject to change without further notice as additional fees are accrued. No sale will be accepted for less than the minimum bid indicated at the time of sale. The minimum bid is defined in MCL 211.78m(11).

4. **BIDDING** - A registered person may bid on any of the offered properties. Any person unable to attend the sale may be represented by an authorized agent or other representative. **A registered bidder is legally and financially responsible for all parcels bid upon whether representing one self or acting as representative.**

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 public auction is a legal and binding contract to purchase a parcel of property. No sealed bids or block bidding will be accepted. The Foreclosing Governmental Unit reserves the right to bundle any parcels of property.

An opening bid will be the minimum bid; the next bid will be rounded to the next hundred-dollar amount. Bids will then be accepted in increments of \$50.00 or more. Once the bid reaches \$5,000.00 or the minimum bid is more than \$5,000.00 bids must be in increments of \$100.00 or more.

5. **TERMS OF SALE** - The purchase price consists of the bid price. **For the August and September sales, the purchaser must pay twenty (20%) of the purchase price the day of sale by 4:00 p.m. The remainder of the purchase price must be paid within twenty-one (21) days of day of sale. The 20% down payment will be forfeited if balance is not paid 21 days from sale.** Purchase price must be paid by cashier's check or money order. All payments are to be made payable to the Mackinac County Treasurer. You may also make specific arrangements to bank wire funds from your bank to the Mackinac County Treasurer. Please contact the treasurer's office to make arrangements for bank wire instructions.

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. The County Treasurer may prosecute any purchaser who fails to consummate a purchase. Any bidder who fails to consummate a purchase will be banned from bidding at all future land auctions.

6. **PURCHASE CERTIFICATES** - Successful bidders at the sale will be issued a receipt for their purchases, upon payment. Purchaser must provide the Mackinac County Treasurer (FGU) an affidavit under penalty of perjury indicating that the purchaser does not directly or indirectly: – Hold more than a *de minimus* legal interest in any property in the same county with delinquent taxes; and – Bear responsibility for an unpaid civil fine for violation of a city ordinance adopted under MCL 117.4I (including motor vehicle, parking, and blight violations). Purchaser will be entitled to a quit claim deed for the property conveying fee simple title to the property within 14 days of final payment. The deeds will be recorded with the Register of Deeds Office and mailed to the purchaser.

Quit claim deeds will be issued conveying only such title as received by the Foreclosing Governmental Unit through tax foreclosure. The insurance companies may or may not issue title insurance on properties purchased at this sale. The purchaser may seek a quiet title action to satisfy the requirement of the title insurance companies to obtain title insurance. Any costs incurred to file a quiet title action is fully the responsibility of the purchaser. A copy of the quit claim deed will be forwarded to the current assessor for each governmental unit.

Please keep a recording of your bids to confirm when paying for your purchase as provided for on bid card.

7. **PROPERTY TAXES** – It is the responsibility of the purchaser to pay the Winter 2019 property tax for these parcels of property. The current 2019 Summer property tax is included in the minimum bid price.
8. **POSSESSION OF PROPERTY** - It is not recommended that any purchaser take physical possession of any property bid upon at the date of sale. Access to the property should be delayed until a quit claim deed has been 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 as soon as you receive the recorded deed.
9. **CONDITIONS** - The purchaser accepts the premises in its present “as is” condition, and releases the Foreclosing Governmental Unit and the County of Mackinac and its officers, employees, agents and/or personal representatives from any and 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 (NRPA), 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 2026 (1)(c) of NREPA even if they conduct a BEA and are not liable for the contamination.

Pursuant to Part 201 of the NREPA, the persons(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.

If you have any questions regarding the rules and regulations of the Mackinac County Land Sale please contact the Mackinac County Treasurer, 100 Marley St., St. Ignace, Michigan 49781 or call (906) 643-7318.