

PUBLIC LAND SALE AUCTION OF PROPERTY  
OWNED BY THE EATON COUNTY TREASURER  
DUE TO DELINQUENT PROPERTY TAXES  
PURSUANT TO MCL 211.78

# **EATON COUNTY MICHIGAN**

5:00 P.M. REGISTRATION  
6:00 P.M. SALE

Thursday, September 6, 2018

Eaton County Governmental Complex  
1045 Independence Blvd  
Charlotte, MI 48813

**~READ CAREFULLY~**  
**(RULES AND REGULATIONS HAVE BEEN REVISED.)**

EATON COUNTY TREASURER  
LAND SALE AUCTION

# RULES AND REGULATIONS

(These rules are subject to change by order of the Treasurer.)

This auction is being held in compliance with the Michigan General Property Tax Act, more specifically MCL 211.78m, all applicable court decisions, and these Rules and Regulations. The property is sold “as is” with no warranties either expressed or implied. The Eaton County Treasurer (“Treasurer”) has not made a visual inspection of the interior of any improved property, and makes no warranties as to the physical condition of the premises. Announcements made on the day of the auction shall take precedence over previously published or verbally conveyed terms and conditions. The Treasurer as the Foreclosing Governmental Unit reserves the right to bundle any and all parcels of property. The sale will not be interrupted for any questions.

## REGISTRATION

Pre-registration is available at [www.BippusUSA.com](http://www.BippusUSA.com). **Bidders are strongly encouraged to pre-register.** The sale will not be delayed to accommodate on-site registrants. On-site registration will begin at 5:00 p.m. and the sale will begin promptly at 6:00 p.m. No bids will be accepted unless the bidder has registered and received a pre-numbered bid card. A valid driver’s license or other photo ID and social security number will be required to register. Bidders will be required to show a **minimum** deposit of \$1,000.00 in cash or certified funds to receive a bidder card at the Eaton County Treasurer’s Auction. (Cashier’s checks should be made payable to yourself, if you are not a successful bidder at the auction you will then be able to redeposit the funds back into your account. If you are a successful bidder, you will then sign the check over to us as payment towards your purchase.) **There are no exceptions to this rule.**

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 referenced above, 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.**

You will be responsible for all purchases made under your registration and will be required to sign that you have read and understood the rules and regulations of the Eaton County Treasurer Land Sale Auction.

## PROPERTIES OFFERED

The properties offered have been foreclosed for non-payment of delinquent real property taxes and/or special assessments. The Treasurer reserves the right to pull parcels from the sale prior to the auction and anytime up to

execution and delivery of the deed. According to the state statutes, all prior liens, other than IRS liens, future installments of special assessments, and liens recorded by this state or Eaton County pursuant to the Natural Resources and Environmental Protection Act of 1994 (“NREPA”), 1994 PA 451, as amended), are cancelled by the Eaton Circuit Court Order dated February 16, 2018. The Treasurer does not guarantee the usability or access to any of these lands.

**It is the responsibility of the purchaser to research the use of the land for their intended purpose and to make a personal ground inspection of the property to determine if it will be suitable for the purposes for which it is being purchased. The Treasurer makes neither representations nor claims as to fitness for purpose, ingress/egress, conditions, easements, covenants, or restrictions. Occupied structures may not be entered without the tenant’s permission; secured vacant structures may not be entered.**

<p style="text-align: center;"><b>PLEASE KNOW WHAT YOU ARE BUYING. THERE ARE NO REFUNDS OR CANCELLATIONS OF SALES.</b></p>
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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 MCL 324.30101, *et seq* and/or MCL 324.9101, *et seq.*. Any earth change on the property may be subject to the provisions of MCL 342.9101, *et seq.* These properties may also be subject to the provisions of MCL 324-30301, *et seq.*

It may be determined by a Unit of Local Government and agreed to by the Treasurer that certain tax foreclosed properties may be dangerous buildings, public nuisances and/or may be considered hazardous to public health, safety and welfare pursuant to city ordinances and the Michigan Public Health Code. Upon agreement between a Unit of Local Government and the Treasurer as to which foreclosed parcels may be dangerous buildings, public nuisances and/or may be considered hazardous to public health, safety and welfare pursuant to city ordinances and the Michigan Public Health Code, the parties may enter into a Consent Agreement, Order and Notice for Demolition (“Agreement”) relative to the affected foreclosed properties. This Agreement will be recorded with the Eaton County Register of Deeds, serve as an Order of Demolition and Notice of same to all subsequent holders of title at time of execution and recording of the Agreement, the Treasurer has waived any and all rights to inspections, notices of code violations, publication of violations, hearings, including all hearings before the Building Board of Appeals, and notices of demolition to which the Treasurer might be entitled under local ordinances and policies for each property subject to an Agreement. All foreclosed properties subject to an Agreement will require a performance bond to facilitate and guarantee compliance with the demolition order.

## **New for 2018 Tax Auctions**

All buyers will be required to sign an Affidavit (due to new state law) stating that they do not directly or indirectly hold interest in any property with delinquent taxes in Eaton County and they do not hold unpaid civil fines. If a buyer held an interest in a property at the time of foreclosure, they (or their agent or representative) may only purchase the property back with prior approval of the County Treasurer, and then only for no less than of the minimum bid or higher. This requirement includes a Second Auction purchase as well.

## MINIMUM BID PRICE

At the first 2018, Public Land Sale Auction held on Thursday, September 6, 2018, no sales will be made for less than the minimum bid price indicated. “Minimum Bid” is defined in MCL 211.78m (11) as “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 and, (b) the expenses of administering the sale, including all preparations for the sale.”

At the second 2018 Public Land Sale Auction held on Thursday, October 18, 2018, the Treasurer as the foreclosing governmental unit will establish a reasonable opening bid at the sale to recover the cost of the sale of the parcel or parcels as provided by law, including, where applicable, a performance bond to facilitate and guarantee compliance with any existing demolition order.

## BIDDING

Any registered person may bid on the properties offered. A bidder must display a bidder’s card to bid. A person unable to attend the sale can be represented at the sale by an agent or representative with legal authority to bind and otherwise represent the person. **The registered bidder is legally and financially responsible for all parcels bid upon whether representing oneself or acting as a representative.**

All parcels in a given Bid Item will be sold as one unit. The sale will be awarded to the individual bidding the highest amount equal to or greater than the starting bid for the Bid Item in question. In the event the parcels are not sold at the September sale they will be offered for sale at the subsequent second 2018 Public Land Sale Auction. The Treasurer reserves the right to change the Bid Item numbers, as well as the contents of any Bid Item at the second Public Land Sale Auction.

Bids will be accepted in increments established and announced by the auctioneer starting with the minimum bid. A bid accepted at public auction is a legal and binding contract to purchase. No sealed bids will be accepted and the Treasurer reserves the right to reject or accept any or all bids.

## TERMS OF THE SALE

**[FULL PAYMENT] plus a ten percent (10%) buyer’s premium, and a \$59.00 processing fee must be paid by 8:00 P.M. the day of sale. After the \$1,000 in certified funds (cash or certified check), a personal check will be accepted for the balance due. In the event personal checks do not clear within fourteen (14) days, the deposit paid on the day of the Land Sale Auction will be forfeited to the Treasurer.**

The purchase price consists of the final bid price, a ten percent (10%) auctioneer fee<sup>1</sup>, and a \$59.00 per parcel deed preparation fee. Where applicable, a performance bond to facilitate and guarantee compliance with any existing demolition order will be included. The balance of the purchase price may be paid for by any negotiable instrument, including personal or business check, money orders and traveler's checks. **The Treasurer may prosecute or sue any purchaser who delivers a check with insufficient funds or fails to consummate a purchase.** Bidders who fail to consummate any purchase will forfeit all monies paid and will also be banned from bidding in ALL future Eaton County Treasurer's Land Sale Auctions. Checks should be made payable to "Bippus USA.com"

**Pursuant to MCL 211.78m(2), the Treasurer reserves the right to cancel ANY sale, on ANY parcel, at ANY time, including up to the time of execution and delivery of the deed.**

## **PURCHASE RECEIPTS**

Successful bidders at the sale will be issued a receipt for their purchases upon payment.

## **TITLE CONVEYANCE**

A Quit Claim deed pursuant to 1999 PA 123, conveying fee simple title and, drafted with the name(s) as entered on the registration, will be recorded by the Eaton County Treasurer's Office with the Eaton County Register of Deeds' Office within 30 days from the date of the sale. The Quit Claim deed will contain and be subject to the following reverter clause:

## **Right of Reverter**

The following right of reverter will run with the land: If the Purchaser(s) allow the Property to go into forfeiture for unpaid delinquent real property taxes, as described in the Public Land Sale Rules acknowledged by the Purchaser(s), for a minimum period of five (5) years from the date hereof, and if the Property is allowed to be forfeited for unpaid delinquent real property taxes in violation of this restriction, then the property shall automatically revert to Grantor in fee simple title. This right of reverter only applies to the original Purchaser(s), or their affiliates who acquire title directly from the Purchaser, who receive title directly from the Eaton County Treasurer and does not apply to any subsequent genuine purchasers.

The Treasurer will request the Register of Deeds to send the recorded deed to the purchaser. It is the purchaser's responsibility to contact the assessor and treasurer of the city, township, or village in which the property is located and file a "Property Transfer Affidavit." Title insurance companies may or may not issue title insurance on properties purchased at the sale. The Treasurer makes no representation as to the availability of title

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<sup>1</sup> For example, a property purchased for \$25,000.00; the amount paid on the day of the Land Sale Auction is calculated on the basis of a \$25,000.00 bid price, plus \$2,500.00 auctioneer fee, and \$59.00 for recording the deed. The total cost of the property to the purchaser would be \$27,559.00 due by 8:00 P.M. the day of sale.

insurance. The unavailability of title insurance is not grounds for re-conveyance to the Treasurer. Purchaser may incur legal costs for a quiet title action to satisfy the requirements of title insurance companies in order to obtain title insurance. These legal costs are solely the responsibility of the purchaser.

Some parcels available for auction may be subject to a Declaration of Restrictive Covenant (“DRC”). The DRC will contain as a condition of the sale the Buyer agrees and hereby affirms and declares that:

A.) the Property shall not be at any time a rental property that is subject to regulation under the Codified Ordinances of the applicable local unit of government, as amended from time to time,

B.) this restriction is an encumbrance on the Property, runs with the Property, and is binding upon the Owner and the Owner's heirs, successors, assigns, and transferees,

C.) this restriction is given and declared for the benefit of the Owner, the Property, the community in which the Property is located, and the Treasurer, and the Treasurer has the right to enforce the restriction at law or in equity to prevent a breach of the restriction or to compel compliance with the restriction,

D.) during its term, this restriction may not be amended or terminated unless it is done so in a written instrument that is signed by both the Owner and the Treasurer and recorded in the real estate records maintained by the Eaton County Register of Deeds,

E.) this restriction will terminate immediately and automatically five (5) years after its date unless, within the last one (1) years of the restriction, the restriction is extended for an additional period of up to five (5) years by a written instrument that is signed by the Authority and recorded in the real estate records maintained by the Eaton County Register of Deeds, and

F.) the rights of the Treasurer under this declaration may be exercised by the Treasurer and the Treasurer’s successors and assigns.

## **SPECIAL ASSESSMENTS AND CONDOMINIUM FEES**

All bidders should contact the county, city township or village office to determine if there are any special assessments for future tax years, on the properties 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 April 2, 2018.**

For some parcels offered for sale there may exist a demolition order or a Department of Environmental Quality (“DEQ”) lien. Prior to closing the sale of these properties, the buyer must agree to the following:

- A.) to the extent demolition or contamination removal has been completed, reimbursement to the county must be made for the cost of the demolition or contamination removal, or
- B.) to the extent that the demolition or contamination removal is not complete, there must be proof satisfactory to the Treasurer of the buyers ability to satisfy the Treasurer’s obligations via payment of a performance bond.
- C.) to the extent that a DEQ lien exists on the property there must be proof satisfactory to the Treasurer of the buyers ability to satisfy the lien.

If the parcel offered for sale is a “facility” as defined under section 20101(9)(o) of the NREPA, after the sale and prior to the transfer of the property under this section, the property is subject to all of the following:

- A.) Upon reasonable written notice from the DEQ, the Treasurer shall provide access to the DEQ, its employees, contractors, and any other person expressly authorized by the DEQ to conduct response activities at the foreclosed property. Reasonable written notice under this subdivision may include, but not be limited to, notice by electronic mail or facsimile.
- B.) If requested by the DEQ to protect public health, safety, and welfare or the environment, the Treasurer shall grant an easement for access to conduct response activities on the foreclosed property under chapter 7 of the NREPA.
- C.) If requested by the DEQ to protect public health, safety, and welfare or the environment, the Treasurer shall place and record deed restrictions on the foreclosed property as authorized under the NREPA.
- D.) The DEQ may place an environmental lien on the foreclosed property as authorized under section 20138 of the NREPA.



Purchaser may also be subject to other rules and regulations under Part 201 of the NREPA.

## PROPERTY TAXES

The new owner will be responsible for the current year summer and winter taxes including any penalties and fees that become due and payable since the foreclosure hearing circuit court date without any prorating to the seller. (This includes all property taxes that became due and payable after February 14, 2018).

The 2018 July summer bill must be paid before a deed can be issued to the buyer. After paying for their purchase(s) with the auction company, the buyer can pay the 2018 summer taxes at the township or city in which the property is located. The village will collect village taxes until September 14, 2018. After September 14, 2018, the county treasurer will collect village taxes. All property taxes that become due and payable after the foreclosure will be the responsibility of the purchaser.

## 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 properties characterized as a “facility” pursuant to Part 201 of NREPA.

**However, steps should be taken to protect your equity in this property by securing vacant structures against entry and obtaining insurance for occupied property. Buyers will be responsible for all procedures and legal requirements for conducting evictions. 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 releases the Treasurer, Eaton County, and 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 the NREPA, 1994 PA 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 to provide a written notice to the purchaser or other person to whom the property is transferred which discloses the general nature and extent of the release. The Treasurer will identify the parcels offered for sale at this public land sale auction which have known contamination. Additional disclosure obligations may also apply at the time the property, or an interest in the property, is transferred. Accordingly, it is recommended that a person who is interested in acquiring property through this sale contact an attorney or an environmental consultant for advice prior to the acquisition of any property that may be contaminated.

You may contact the Environmental Assistance Center at 1-800-662-9278 for possible information regarding questions to environmental concerns on any of these properties.