

Office of the Wayne County Treasurer
Terms and Conditions of Sale
October 1– October 28, 2014
Tax Foreclosed Property Auction
Internet Bidding

I. PROPERTY

1. The Auction of tax-foreclosed real property (the “Auction”) is being held in compliance with the Michigan General Property Tax Act, MCL 211.1 et seq., as amended, applicable court decisions and these Terms and Conditions of Sale. The property for sale was foreclosed by the Wayne County Treasurer (the “Treasurer”) for non-payment of delinquent real property taxes pursuant to a Judgment of Foreclosure entered by the Wayne County Circuit Court, Wayne County Circuit Court Case No.13-007698-CH.
2. The property is subject to any liens, easements, building or use restrictions, governmental interests, or special assessments not extinguished pursuant to MCL 211.78k, or other applicable law, and is also subject to taxes levied in the same calendar year as the year of the sale and taxes not yet due and payable. The Treasurer makes no warranty regarding the existence of such liens or encumbrances. Neither the Treasurer nor the County of Wayne, its departments, boards, commissions, officers, employees, agents, and its successors and assigns, (herein collectively referred to as the “County”) guarantee the usability or access to any of the offered property.
3. In accordance with state law, the State of Michigan, a local governmental unit, or the County may purchase property prior to the Auction. Any such purchased property will be removed from the Auction. The property listing <http://www.waynecountytreasurermi.com> will be updated to reflect that the property is no longer for sale.
4. **The legal description and parcel identification number designate the property offered for sale.** The street address is based upon information provided to the Treasurer by local tax jurisdictions and may not correspond to the actual legal description or parcel identification number.
5. The sale of tax-foreclosed property is mandated by Michigan law and should not, in any way, be equated to real estate sales by licensed salespersons, brokers, or real estate agents.
6. The Treasurer reserves the right to remove any property from the Auction.

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II. CONDITIONS AND DISCLOSURES

1. The property is offered for sale “**as-is**” and “**where is**”.
2. All Bidders, their agents, grantees, successors and assigns, if any, agree not to sue the Treasurer or the County, for any claim, whether legal or equitable, in any manner. Each Bidder also releases, waives, and discharges the Treasurer and the County from any and all liability, arising in any manner in connection with, or relating in any way to, the Auction.
3. **The Winning Bidder, its agents, grantees, successors and assigns, if any (herein collectively referred to as the “Winning Bidder”), is responsible for all property taxes for 2014, including, but not limited to, state education taxes, Summer and Winter taxes billed in 2014, and/or special assessments due.**
4. The Winning Bidder releases the Treasurer and the County from all liability whatsoever arising from any condition of the property, whether now known or subsequently discovered, including, but not limited to, all claims based on environmental contamination of the property, if any. The Winning Bidder agrees not to sue the Treasurer or the County, for any claim, whether legal or equitable, in any manner. The Winning Bidder also releases, waives, and discharges the Treasurer and the County from any and all liability, arising in any manner in connection with, or relating in any way to, the sale of property from the Auction.
5. Some property may be landlocked with no ingress or egress or as provided by abutting owners. Winning Bidder must make arrangements with any abutting owner to create ingress and egress to the property. The Treasurer and the County make no representation or claim as to fitness for purpose including any right of ingress/egress, conditions, covenants or restrictions. There are no warranties, either expressed or implied, regarding any property.
6. In addition to any liens and encumbrances not canceled pursuant to the Foreclosure Judgment, the property may be subject to liens and/or encumbrances incurred after the entry of the Foreclosure Judgment. It is the responsibility of the Winning Bidder to ascertain if the property is subject to, or may be subject to, any such liens or encumbrances. The Treasurer makes no warranty regarding the existence of such liens or encumbrances.
7. **The Treasurer assumes no liability for any lien, encumbrance, or easement, recorded or not recorded which was not cancelled by the Foreclosure Judgment of the property under MCL 211.78k. It is the responsibility of the bidder to research the existence of any liens or encumbrances not canceled by the Foreclosure Judgment or other applicable law. Further,** it is the responsibility of the bidder to research the use of the land for its intended purpose and to determine if it will be suitable for the purposes for which it is being purchased. The Treasurer and the County are not in any way responsible for the cost of any research, fees, costs, or other expenses related to the research.
8. **The Winning Bidder agrees to indemnify and hold harmless the Treasurer and the County, from any and all claims, demands, judgments, and expenses, including attorney fees, for any and all loss, damage, injury, or death related to the property.**

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9. The property is subject to any applicable state, county and local zoning and building ordinances.
10. The property may or may not be occupied at the time of sale. **Occupied structures should not be entered without the occupant's permission.**
11. **The Winning Bidder does not acquire title and legal title is not conveyed at the time of delivery of the purchase price. Title is conveyed only upon the execution and delivery of the quit claim deed for the property.**
12. The property may be subject to flooding. Any new construction or reconstruction should conform to local, county, and state regulations. Also, any filling, dredging, or other permanent construction below the ordinary high-water mark of the water body involved, or earth change may be subject to restrictions under state law. The property may also be subject to wetlands protections under 98 PA 2013 and Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).
13. The Winning Bidder accepts the property in its present "as is" condition, and releases and agrees to hold harmless the Treasurer and County 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 as a result of a hazardous substance(s) may become liable for all costs of cleaning up the property and any other property impacted by the release(s), pursuant to NREPA or other state or federal laws. 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.
14. It is recommended that a person who is interested in purchasing a parcel, contact an attorney and/or an environmental consultant for advice prior to the acquisition of the property.
15. The Winning Bidder expressly waives any and all claims for damages against the Treasurer and the County, of any kind, including and not limited to, interest, attorney fees, costs or other expenses.

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III. THE AUCTION

1. The Auction will be conducted on the internet by the Treasurer, at www.waynecountytreasurermi.com. Bids will **NOT BE** accepted by the Treasurer at the Office of the Wayne County Treasurer.
2. In order to participate in the auction a deposit and registration fee are required. To bid on one property the deposit is \$2,000.00 with a registration fee of \$35.00. To bid on more than one property the deposit is \$5,000.00 with a registration fee of \$35.00. If the bidder does not win the bid, both the deposit and registration fee will be refunded. If the bidder wins the bid, the deposit (\$2,000.00/\$5,000.00) will be applied toward the bid purchase and the registration fee will be paid to the Treasurer. At the sole discretion of the Treasurer a property identified as a Premium Parcel may require a deposit of \$25,000.00 and a registration fee of \$35.00. A deposit of \$25,000.00 will enable the bidder to bid on multiple properties.
3. Deposit payments shall be submitted by utilizing the auction screens in order to be transferred to J.P. Morgan Chase's online payment system. Wire deposit payments will not be accepted. A Bidder that does not have a USA bank account will be allowed to make a wire payment. Payments will be credited to the Bidder's account within two business days after the day the payment was received by J.P. Morgan Chase.
4. A Bidder may enter a Proxy Bid. A Proxy Bid authorizes the auction system to automatically bid on behalf of the Bidder up to the Bidder's Proxy Bid, subject to the incremental rules set forth in Section IV(A)(2) of these Terms and Conditions of Sale.
5. At the sole discretion of the Treasurer, properties may be grouped together into a bundle and offered for sale as a group requiring a bid on the entire group of properties in the bundle, as opposed to bidding on any property individually.
6. The information for each property may be updated at any time and will not be finalized until the day of the sale. Please read these Terms and Conditions of Sale and check www.waynecountytreasurermi.com for updates.
7. At the sole discretion of the Treasurer, the Auction may be extended.
8. The Treasurer reserves the right to reject any bid.
9. The Treasurer reserves the right to withdraw a property from the Auction.
10. The Treasurer reserves the right to cancel the sale of a property at any time prior to the issuance of the deed.
11. The property will be awarded to the registered Bidder submitting the highest bid amount, provided the bid is equal to or greater than the opening bid as required by MCL 211.78m. The opening bid is the Minimum Bid for the October Auction. The Treasurer may change a Minimum Bid any time prior to the opening of an Auction to reflect new costs and expenses that may have been incurred. The Minimum Bid for parcels bundled in a group shall equal the sum of the Minimum Bid for each parcel included in the group.
12. In the event of a tie bid involving the current occupant of the property, said occupant will be awarded the winning bid. Other tie bids will be resolved in favor of the

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earliest received bid. The time of the bid will be determined by the Office of the Wayne County Treasurer based on the time indicated on the incoming bid received by the Treasurer's auction system, and not at the time indicated on the Bidder's computer.

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IV. AUCTION PARTICIPATION

Participation in the Auction is a two step process:

- a) Registration at www.waynecountytreasurermi.com.
- b) Placement of the required deposit (all deposits and final payment shall be in U.S. Dollars).

IMPORTANT DATES FOR AUCTION PARTICIPATION

BIDDING PROCESS

1. First date to view property on www.waynecountytreasurermi.com .	October 7, 2014
2. Register on www.waynecountytreasurermi.com .	October 1, 2014 at 9:00 a.m. E.T thru October 14, 2014 at 5:00 p.m. E.T.*
3. To bid on one property a deposit of \$2,000.00 with a registration fee of \$35.00 is required. To bid on more than one property a deposit of \$5,000.00 with a registration fee of \$35.00 is required. A property identified as a premium property may require a deposit of \$25,000.00 with a \$35.00 registration fee. A \$25,000 deposit will enable entering bids on multiple parcels as well. (THERE WILL BE NO ACCEPTANCE OF BID DEPOSITS AT THE OFFICE OF THE WAYNE COUNTY TREASURER)	October 1, 2014 at 9:00 a.m. E.T thru October 14, 2014 at 5:00 p.m. E.T.*
4. Online bidding begins on all parcels.	October 9, 2014 at 9:00 a.m. E.T.
5. Online bidding closes for the first batch of 100 parcels.	October 21, 2014 at 9:15 a.m. E.T.**
6. Online bidding closes for the last batch of parcels (100 or less).	October 28, 2014 at 2:30 p.m. E.T.(approximate)**
7. Notification of winning and non-winning bids to email address provided.	End of auction day

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<p>8. Final payment (via Cash, Credit Card or Certified Check made payable to the Wayne County Treasurer) can be made in person at the Office of the Wayne County Treasurer, 400 Monroe, 5th Floor, Detroit, MI 48226 or an ACH or Credit Card payment made via the Treasurer’s website at www.waynecountytreasurermi.com. DO NOT SEND CASH VIA MAIL. Wire payments will not be accepted for Bidders residing in the USA. Bidders residing outside the USA will receive wire instructions via email notification.</p>	<p>Within 24 Hours of acceptance of winning bid except: For any sale of property over \$100,000, 10% of the purchase price is due as a non refundable down payment by 4:15 p.m. E.T. on the day after the sale (unless the original deposit made satisfies the 10% due) and the balance of the purchase price is due within 14 days.</p>
<p>9. Deed issuance, recording and mailing.</p>	<p>Within 30 days of the closing of the auction.</p>

*If your deposit has not been received by this date, you will be unable to submit a bid.

**At 9:15 a.m. E.T. on October 21 bidding will close on the first batch of 100 properties and continue to close on subsequent batches every 15 minutes until 5:00 p.m. E.T. The same schedule will be followed for subsequent days (22, 23, 24, 27), excluding October 28 when bidding will close at approximately at 2:30 p.m. Bidding may extend beyond the posted time, if a bid is received within the last 5 minutes of the posted closing time. Bidders should be attentive to this fact and monitor bidding activity for property of interest.

A. AUCTION ONLINE

1. Unsuccessful bidders will receive a refund of their deposit and registration fee within fifteen (15) business days of the end of the auction.
2. Parcels will be sold to the highest bidder, subject to the Minimum Bid. The Bid Increment is \$100.00 if the bidding is less than \$10,000.00. If the bidding is at \$10,000.00 or higher, the Bid Increment is \$1,000.00.
3. A bid is an irrevocable offer to purchase a property.
4. An accepted bid is a binding contract.
5. A Winning Bidder is legally and financially responsible for all property on which he or she bids whether representing himself, herself or itself, or acts as an agent.
6. A Winning Bidder that defaults on the terms of a purchase forfeits its deposit to the Treasurer.
7. Contractors of the Treasurer, their employees, and employees of the Treasurer, members of the immediate family of contractor or Treasurer employee, including children and stepchildren, parents, grandparents, siblings, aunts, uncles, nephews, nieces, and first cousins, are strictly prohibited from participating directly or indirectly, in the bidding and

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purchasing by any means, including and not limited to, joint ventures, or assignments of any foreclosed property.

8. The Treasurer reserves the right to cancel any sale, at any time, prior to the issuance of the deed. Upon cancellation of a sale by the Treasurer, or by order of the Court, the Winning Bidder shall only be entitled to a refund of the purchase price.

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V. WINNING BIDS

1. Parcels will be sold to the highest bidder, subject to the Minimum Bid.
2. For Online participants, notification of a winning bid will be notified via email to the e-mail address provided by the Winner Bidder.
3. The Winning Bidder will be asked to provide deed information. The deed information will be provided by the Winning Bidder and must be completed and submitted within 24 hours after the close of the purchase for that property.
4. A Winning Bidder's failure to provide deed registration instruction shall result in issuance of the deed in the name of the registered bidder.
5. A Winning Bidder must make payment in full to the Treasurer by 4:15 p.m. E.T. on the day after the sale of the successfully bid upon property using a payment method acceptable to the Treasurer except: For any sale of property over \$100,000, 10% of the purchase price is due as a non refundable down payment by 4:15 p.m. E.T. on the day after the sale (unless the original deposit made satisfies the 10% due) and the balance of the purchase price is due within 14 days. If the Winning Bidder does not make final payment in accordance with the payment policy, that person will forfeit the deposit and may be banned from future sales and all available legal remedies may be pursued. If the Winning Bidder defaults, the Treasurer reserves the right to offer the property to the next highest bidder. If the next highest bidder agrees to purchase the property, the terms of sale will apply to the next highest bidder.

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VI. DEED CONVEYANCE

1. A separate quit claim deed will be issued for each property purchased. Unless the sale is canceled by the Treasurer, or unless otherwise ordered by a court, a quit claim deed will be executed by the Treasurer and delivered to the Wayne County Register of Deeds for recording within 30 days of the close of the Auction. The recorded quit claim deed will be mailed only to the person (the “Grantee”) and address indicated in the application for deed.
2. The quit claim deed conveys only title as vested in the Treasurer pursuant to the Foreclosure Judgment.
3. The quit claim deed shall contain a “Declaration Of Condition Subsequent” imposing the following restrictions on the sale of the property, in subparagraphs A through D, which shall be binding on the Grantee and subsequent Purchaser/Assignee
 - A. That Grantee or any subsequent Purchaser/Assignee shall pay when due, the taxes on the Property for the two tax years (2015 & 2016) following the date of the deed, and all tax obligations for 2014.
 - B. That Grantee or subsequent Purchaser/Assignee shall either demolish the property within six months following the date of the deed or maintain and secure the Property for two years following the date of the deed from Grantor/Treasurer in accordance with local building, health and public safety ordinances.
 - C. That failure of the Grantee or subsequent Purchaser/Assignee to comply with above clauses A and/or B or to cure the default within 30 days of written notice may result in a reversion of the title of the Property to the Grantor/Treasurer or assigned to the State of Michigan, County of Wayne, City, or Township where the property is located, at the discretion of the Grantor/Treasurer. The right of reversion of title shall reinstate fee simple absolute title to the Grantor/Treasurer or to Treasurer’s assignee within 30 days of failure to cure default, unless extended by the Treasurer at his sole discretion. Written notice of default and failure to cure default addressed to the Grantee and mailed to the Grantee’s address as written on the deed shall be notice to any subsequent Purchaser/Assignee, unless a copy of the Property Transfer Affidavit (PTA) that was filed with the local Assessor and which includes any change of mailing address is hand delivered to and signed as received by said Grantor/Treasurer, or his designated representative.
 - D. During the tax years that the reverter conditions set forth in above clauses A and B apply, the property shall not be sold, conveyed or transferred unless all taxes are paid in full. Violators shall be personally liable to purchaser and/or Grantor/Treasurer for damages and agree to submit to the jurisdiction of the courts in the State of Michigan.
4. A Property Transfer Affidavit must be filed by the grantee/purchaser with the city/township in which the property is located as required by state law.

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5. The Treasurer reserves the right to cancel any sale, at any time, prior to the issuance of the deed. Upon cancellation of a sale by the Treasurer or by order of the Court, the Winning Bidder shall only be entitled to a refund of the purchase price.
6. Failure to provide deed registration information to the Treasurer shall result in the property being deeded in the name of the bidder.



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VII. TITLE INSURANCE

The Treasurer makes no representations regarding the availability of title insurance policies for any of the properties. Unavailability of title insurance is not grounds for reconveyance to the Treasurer.



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VIII. PROPERTY TAXES AND ASSESSMENTS

1. **The Winning Bidder will be responsible for all property taxes for 2014,** which includes and is not limited to, state education taxes, Summer, Winter, and /or village taxes billed in 2014, and/or special assessments due.
2. The Winning Bidder must contact the city, village, or township treasurer for amounts due. Current taxes are payable at the office of the city, village, or township treasurer.
3. The Winning Bidder must contact the local city, village, or township assessor or treasurer in which the property is located to ensure a correct mailing address for future tax bills.

**ALL SALES ARE “AS-IS”, “WHERE-IS”, AND FINAL.
THERE ARE ABSOLUTELY NO REFUNDS.**

**TERMS OF SALES ARE SUBJECT TO MODIFICATION PRIOR TO THE
COMMENCEMENT OF THE SALE.**