

*Lenawee County  
Land Auction Sale Book*

*July 27, 2010*

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Lenawee County Treasurer

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

## **RULES AND REGULATIONS**

1. **REGISTRATION-** Registration will start at 8:00 a.m. on sale day. No bids will be accepted unless the bidder has registered and received a pre-numbered bid card. All sales will begin at 10:00 a.m.
2. **PROPERTIES OFFERED-** The list of properties being offered, identified by sale numbers, has been approved for sale at public auction by the Foreclosing Governmental Unit, which in this case is the Lenawee County Treasurer. According to State statutes, all prior liens, encumbrances, and taxes for years prior to 2010, are cancelled by Circuit Court Order. These properties are subject to any state, county, or local zoning or building ordinances. The Lenawee County Treasurer does not guarantee the usability or access to any of these lands.

**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 PURPOSE FOR WHICH IT IS BEING PURCHASED. THE LENAWEE COUNTY TREASURER MAKES NEITHER REPRESENTATION NOR CLAIMS AS TO FITNESS FOR PURPOSE, INGRESS/EGRESS, CONDITIONS, and CONVENANTS, OR RESTRICTION. OCCUPIED STRUCTURES MAY NOT BE ENTERED WITHOUT THE TENANTS' PERMISSION. VACANT STRUCTURES MY NOT BE ENTERED. ALL VERBAL OR WRITTEN REPRESENTATIONS OF THE PROPERTY ARE BASED ON THE BEST INFORMATION AVAILABLE TO THE FORECLOSING GOVERNMENTAL UNIT BUT ARE NOT WARRANTED TO BE ACCURATE.**

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 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.

3. **MINIMUM BID PRICE-** The minimum bid prices are shown on the list. No sales can be made at the July action for less than the minimum bid price indicated.
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 by presenting written authority to bid and otherwise represent the person. It is the responsibility of the agent or representative to identify during the registration process that he/she is in fact bidding on behalf of another person. Unless this is completed prior to the commencement of the sale, all deeds will be executed in the name of the bidder. The registered bidder is legally and financially responsible for all parcels bid upon whether representing ones self or acting as an agent. Each sale unit will be offered separately, unless otherwise noted, and in the order Sale Number. 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 Lenawee County Treasurer reserves the right to reject any or all bids.

5. TERMS OF SALE- THE FULL PURCHASE PRICE MUST BE PAID BY CASH, MONEY ORDER, OR CERTIFIED CHECK (OR A COMBINATION THEREOF) NO LATER THAN 1:30 P.M. EDST ON THE DAY OF SALE. HOWEVER, BIDDING MAY RUN LATER IF ONLY A FEW PARCELS ARE LEFT TO BE OFFERED. IT IS THE BIDDERS' RESPONSIBILITY TO ALREADY HAVE ACCEPTABLE FUNDS AVAILABLE FOR PAYMENT. All certified checks and money orders shall be made payable to the Lenawee County Treasurer. WE WILL NOT ACCEPT PERSONAL CHECKS. 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. BIDDERS WHO FAIL TO CONSUMMATE A PURCHASE BY 1:30 P.M. EDST ON THE SALE DAY WILL BE BANNED FROM BIDDING AT ALL FUTURE AUCTIONS. Any announcements made by the auctioneer on the day of the sale take precedence over previously published or verbally conveyed terms and conditions to include those contained herein. Bidders must be attentive at the auction!
6. PURCHASE CERTIFICATES- Successful bidders at the sale will be issued a paid receipt for their purchases upon payment of the full amount.
7. DEEDS- Purchasers are entitled to quit claim deeds for the property descriptions identified by the assigned sale numbers as noted on the purchase certificates. Deeds will be prepared by the Lenawee County Treasurer's Office and recorded at the Register of Deeds within 45 days. The original, when recorded, will be mailed to the purchaser.
8. TITLE BEING CONVEYED- Quit-claim deeds will be issued conveying only such title as received by the County as the Foreclosing Governmental Unit through tax foreclosure. 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 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.
9. LIENS AND OTHER DISCLOSURERS- All liens except future installments of special assessments and liens recorded by the State of Michigan pursuant to the natural resources and environmental protection act, are extinguished. All existing recorded and unrecorded interests in the property are extinguished, except a visible or recorded easement or right-of-way, private deed restrictions, restrictions imposed pursuant to the natural resources and environmental protection act, or other governmental interests. THE PURCHASER IS SUBJECT TO THE 2010 SUMMER AND WINTER TAXES DUE ON THE PROPERTY. THESE TAXES MAY INCLUDE SPECIAL ASSESSMENTS.
10. RESERVATIONS- Pursuant to statutes all deeds shall contain the following reservation and stipulations: "SAVING AND RESERVING unto the People of the Lenawee County Treasurer the rights of ingress and egress over and across all of the above-mentioned descriptions of land lying along any watercourse or stream, pursuant to the provisions of Part 5, Act 451, P.A. 1994, as amended. Further, excepting and reserving to the Lenawee County Treasurer, all aboriginal antiquities including mounds, earthworks, forts, burial and village sites, mines or other relics and also reserving the right to explore and excavate for the same, by and through its duly authorized agents and employees, pursuant to the provisions of Part 761, Aboriginal Records and Antiquities, of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended. This conveyance hereby restricts the Grantee from severing oil, gas, mineral and other subsurface rights from the surface rights at any time in the future. If the Grantee severs the subsurface rights from the surface rights, the subsurface rights will revert to the Lenawee County Treasurer." Reservation of subsurface rights may be noted at the end of the legal description(s) of property. Furthermore, the following language will be included on the deed: "Subject also to the full rights of reversion retained by the grantor, as well as the right of re-entry to secure repossession of the premises in the event the grantee harvest or attempts to harvest standing timber, topsoil, or any other natural resources which are part of the property. The right of reversion and the power of re-entry shall also pertain to any attempt to remove minerals by means of subsurface or above ground extraction. The covenants shall run with the land,

and shall be binding upon any subsequent title holder, as well as the heirs, assigns and successors in interest to the grantee.”

11. POSSESSION OF PROPERTY- We recommend that no purchaser take physical possession of any property bid upon at sale until a deed has been executed, recorded, 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 CONTRACTING LOCAL UNITS OF GOVERNMENT TO PREVENT POSSIBLE DEMOLITION OF STRUCTURES SITUATED ON THE PARCELS.
12. CONDITIONS- The purchaser accepts the premises in its present “as is” condition, and releases the Lenawee County Treasurer and Lenawee County along with its officers, employees and agents from all liability whatsoever arising from any condition of the premises, whether now know 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 (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 person 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, 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.

**Disclaimer**

Lenawee County and SRI, Inc. do not warrant the accuracy of any information. No warranties are either expressed or implied as to the condition, marketability or value of the property purchased.