

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

**Revised 06/12/23**

## **AUCTION RULES AND REGULATIONS**

1. **LOCATION** – The 2023 auctions will be held online at [www.zeusauction.com](http://www.zeusauction.com), payment must be made to the Macomb County Treasurer's Office, Administration Building, 1 S. Main St., 2nd Floor, Mount Clemens, MI 48043.

### **2. REGISTRATION**

- A. The Minimum Bid sale will be start on Wednesday, September 6, 2023. Each parcel or lot will have its own posted ending time. Bidders must pre-register for the sale online at [www.zeusauction.com](http://www.zeusauction.com) on or before 4:00 p.m. September 5, 2023. Registration is a two-step process. First you must register for the auction site. (If you are already a member of the auction site you do not need to register for the site again). The same login id and password should be used.) This is a free service. Once registered for the auction site you must register for the Macomb County auction specifically. Registering for the auction site alone does not mean that you are registered for the auction. Bidders are required to fill out a W-9 Request for Taxpayer Identification Number and Certification. The auction will begin at 10:00 A.M.

**AS PART OF THE REGISTRATION PROCESS, A BIDDER IS REQUIRED TO PRINT, SIGN AND UPLOAD THE SIGNED AUCTION RULES DOCUMENT IN THE AUCTION SYSTEM. BY SIGNING AND UPLOADING THE AUCTION RULES DOCUMENT THE BIDDER IS ACKNOWLEDGING RECEIPT OF RULES AND REGULATIONS AND AGREES TO BE BOUND BY THE TERMS AND CONDITIONS AND ANY UPDATES STATED AT THE AUCTION. I FURTHER SWEAR AND AFFIRM UNDER PENALTY OF PERJURY THAT PURSUANT TO MCL 211.78M AND MACOMB COUNTY'S CHARTER, ORDINANCES AND POLICIES I AM QUALIFIED TO BID AT THIS AUCTION AND THAT THE INFORMATION CONTAINED IN THE SUBMITTED W-9 FORM IS TRUE AND ACCURATE.**

- B. The No-Minimum Bid sale, if necessary, with commence on Wednesday, October 18, 2023. Each parcel or lot will have its own posted ending time. Bidders must pre-register for the sale online at [www.zeusauction.com](http://www.zeusauction.com) on or before 4:00 p.m. October 17, 2023. Registration is a two-step process. First you must register for the auction site. (If you are already a member of the auction site you do not need to register for the site again) This is a free service. Once registered for the auction site you must register for the Macomb County auction specifically. Registering for the auction site alone does not mean that you are registered for the auction. Bidders are required to fill out a W-9 Request for Taxpayer Identification Number and Certification. The auction will begin at 10:00 A.M

3. **PROPERTIES OFFERED** - The list of properties being offered, identified by parcel number(s) or item number(s), has been acquired for sale at public auction by the MACOMB COUNTY TREASURER. According to state statutes, the judgment of tax foreclosure extinguished most liens on these properties, including any lien for unpaid taxes or special assessment. Exceptions include future installments of special assessments and liens recorded by the state or the foreclosing governmental unit pursuant to the natural resources and environmental protection act, 1994 PA

451, MCL 324.101 to 324.90106, and all existing recorded and unrecorded interest in each parcel, except a visibly or recorded easement or right-of-way, private deed restriction or other governmental interest, imposed pursuant to 1994 PA 451, MCL 324.101 et seq., if all forfeited delinquent taxes interest, penalties, and fees against each parcel were not paid by March 31<sup>st</sup> subsequent to entry of the judgment or other date as ordered by the Court. These properties are still subject to liens for taxes levied in the same calendar year as the year of the sale and of taxes not yet due and payable. You are required to pay the current taxes within 21 days of purchase. You may wish to consult with a lawyer or review the Tax Reversion Act, MCL 211.78 et seq.

These properties are also subject to any state, county or local zoning or building ordinances. The Macomb County Treasurer does not guarantee the usability or access to any of these lands. The Macomb County Treasurer has the right to sell these properties separately or in any combination. Notice will be given at the auction if parcels are combined. 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 purposes for which it is being purchased. The Macomb County Treasurer makes neither representations nor claims as to fitness for purpose, ingress/egress, conditions, covenants, or restrictions. Occupied structures may not be entered without the tenant's permission, secured vacant structures may not be entered. All property is sold "AS IS".

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 1994 Public Act 451, as amended by Part 91 and Public Act 60 of 1995. Any earth change on the property may be subject to the provisions of 1994 Public Act 451, as amended by Part 301 and Public Act 59 of 1995. These properties may also be subject to Part 303 of Public Act 451 of 1994.

4. **MINIMUM BID PRICE** - The minimum bid prices are shown on the list. For the September Minimum Bid Auction, no sales can be made for less than the minimum bid price indicated. Minimum bid prices are subject to change for costs of sale, including but not limited to, cost incurred from publication date, and an additional recording fee(s) may apply.

For the October No-Minimum Bid Auction, if necessary, Macomb County will establish a reasonable opening bid to recover the cost of the sale of the property or properties pursuant to MCL 211.78m(5).

5. **BIDDING** - Any qualified registered person may bid on the properties offered. **The registered bidder is legally and financially responsible for all parcels bid upon whether representing ones self or acting as an agent. An agent of the bidder will be required to sign an affidavit that the person or organization they are bidding for does not owe taxes in Macomb County.** Each sale parcel may be offered separately or combined, at sole discretion of the Macomb County Treasurer or his designee. Each sale will be awarded to the individual bidding the highest amount bid, equal to or greater than the minimum bid (or in the event of the no-minimum bid auction an amount equal to or greater than the opening bid set under MCL 211.78m(5)). Any bid placed in the online auction is a legal and binding contract to purchase a parcel. No sealed bids will be accepted and the Macomb County Treasurer reserves the right to reject any or all bids. Any parcel may be subject to rebidding at the discretion of the Treasurer or his designee.

6. **TERMS OF SALE - THE FULL PURCHASE PRICE MUST BE PAID BY CASH, CASHIER OR CERTIFIED CHECK, OR WIRE TRANSFER BY 3:30 PM, SEPTEMBER 8, 2023 FOR THE MINIMUM BID SALE, AND 3:30 PM, OCTOBER 20, 2023 FOR THE NO-MINIMUM BID SALE.** The purchase price consists of the bid price. **WE WILL ONLY ACCEPT CASH, CASHIERS OR CERTIFIED CHECK, OR WIRE TRANSFER AS PAYMENT FOR PARCELS. All certified checks shall be made payable to the MACOMB COUNTY TREASURER.** WE WILL NOT ACCEPT PERSONAL CHECKS, BUSINESS CHECKS, MONEY ORDERS OR CHARGE CARDS. IT IS THE BIDDERS' RESPONSIBILITY TO HAVE ACCEPTABLE FUNDS AVAILABLE FOR PAYMENT.

**BIDDERS WHO FAIL TO CONSUMMATE A PURCHASE BY THE FRIDAY FOLLOWING THE AUCTION BY 3:30 PM WILL BE BANNED FROM BIDDING AT ALL FUTURE MACOMB COUNTY TREASURER TAX REVERTED AUCTIONS AND SHALL BE RESPONSIBLE FOR ALL COSTS AND FEES, INCLUDING A FEE OF \$500 PER PARCEL OR 5% OF THE WINNING BID PRICE WHICHEVER IS GREATER. COSTS MAY ALSO INCLUDE ATTORNEY FEES RESULTING FROM THE FAILURE TO CONSUMATE THE SALE. BIDDERS WHO FAIL TO CONSUMMATE THE PURCHASE WAIVE ANY CLAIMS THEY MAY HAVE TO ENFORCE THEIR RIGHTS UNDER THE BID.** In addition, the Treasurer may also bring an action to specifically enforce the sale of the property on the successful bid or resubmit the property at the next auction at his or her discretion. The Bidder consents to jurisdiction and venue in the State of Michigan, Macomb County, Circuit Court, for any disputes arising from this auction.

**THE MACOMB COUNTY TREASURER RESERVES THE RIGHT TO CANCEL ANY SALE AT HIS SOLE DISCRETION, AT ANY TIME UP TO THE RECORDING OF THE DEED.**

Any announcements made by the Macomb County Treasurer or his designee, on the day of the sale take precedence over previously published or verbally conveyed terms and conditions. Bidders must be attentive at the auction!

7. **PURCHASE AFFIDAVITS AND BID VERIFICATION DOCUMENTS** – At the conclusion of the sale successful bidders are required to sign an affidavit under penalties of perjury that the purchaser does not directly or indirectly hold more than a de minimus 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). In addition, each bidder is required to sign a Bid Verification Document. These two documents will be provided when making payment for winning bids at the Treasurer's Office. A person convicted for issuing a false affidavit is prohibited (for life) from bidding or purchasing property at any Foreclosing Governmental Unit's Sale of tax foreclosed property. Deeds will be prepared in the name of the registered bidder as it appears on the W-9 provided at the time of registration.
8. **TITLE BEING CONVEYED** - Quit-claim deeds will be issued conveying only such title as received by the Macomb County Treasurer through tax foreclosure. Title insurance companies may or may not issue title insurance on properties purchased at this sale. The Macomb County Treasurer makes no representation as to the availability of title insurance and the **UNAVAILABILITY OF TITLE INSURANCE IS NOT A GROUNDS FOR RECONVEYANCE TO THE MACOMB COUNTY**

**TREASURER. 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. **DEFERRED ASSESSMENTS AND DISCLOSURES** – All bidders should contact the county, city or township office to determine if there are any outstanding bonded or deferred assessments on the properties being offered.
10. **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 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 CONTACTING LOCAL UNITS OF GOVERNMENT TO PREVENT POSSIBLE DEMOLITION OF STRUCTURES SITUATED ON PARCELS.**
11. **CONDITIONS** – The purchaser accepts the premises in its present “as is” condition, and releases the Macomb County Treasurer and its officers, 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)(l) 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 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 provide a written notice to the purchaser or other person to which the property is transferred which 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 Macomb County Treasurer recommends that a person who is interested in acquiring property contact an attorney or an environmental consultant for advice prior to the acquisition of any property that may be contaminated.

You may also contact the Department of Environmental Quality's Environmental Assistance Center at 1-800- 662-9278 for possible information regarding environmental concerns on any of these properties.

Purchasers are notified that Macomb County has REGULATIONS GOVERNING ON-SITE SEWAGE DISPOSAL AND ON-SITE WATER SUPPLY SYSTEM EVALUATION AND MAINTENANCE.

Purchasers assume all responsibility for notification, payment of fees, permits, all costs for evaluation and repair. Further information may be obtained from the Macomb County Health Dept., Environmental Health Services Division at (586) 469-5235.

12. **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 Macomb County Treasurer's Office and recorded at the Register of Deeds Office within 14 days of proof of payment of the bid price. **Deeds will be prepared in the name of the registered bidder as it appears on the W-9 provided at the time of registration.** The original, when recorded, will be mailed to the purchaser. It is the responsibility of purchasers to provide an address for the recorded deed to be mailed to and to pay recording fees at the time the bid amount is paid.
  
13. **UNPAID 2023 TAXES** – 2023 taxes are unpaid and will be the sole responsibility of the purchaser without any proration to the seller and the taxes due at the time of sale must be paid within 21 days of the sale.

**The bidder must pay the taxes going forward on properties purchased.**

**I acknowledge receipt of Rules and Regulations and agree to be bound by the terms and conditions and any updates stated at the auction. I further swear and affirm under penalty of perjury that pursuant to MCL 211.78m and Macomb County's Charter, Ordinances and Policies I am qualified to bid at this auction and that the information contained in the submitted W-9 Form is true and accurate.**

**Name** \_\_\_\_\_

**Signature of Bidder:** \_\_\_\_\_

**Signature of Bidder:** \_\_\_\_\_