

TERMS AND CONDITIONS OF SALE

Stanislaus County Treasurer/Tax Collector
Public Internet Auction of Tax-Defaulted Property
To be held online at www.bid4assets.com/stanislaus

***** ALL POTENTIAL BIDDERS ARE REQUIRED TO**
READ AND UNDERSTAND THESE TERMS AND CONDITIONS***

1. The auction will begin at 8:00 a.m. PT (11:00 a.m. ET) on Monday, May 13, 2024, and will close on Wednesday, May 15, 2024, at the time shown on each auction item.
2. The right of the former owner to redeem any parcel is forfeited as of 5:00 p.m. PT on Friday, May 10, 2024, which is the last business day prior to the auction start date. Properties removed from the sale will be so indicated on the Asset Page listing for a specific property.
3. The asset information is being updated daily and will not be finalized until the day of the sale. Please read all due diligence information and check all materials and spreadsheets for updates.
4. The minimum price at which property may be offered for sale shall be an amount not less than the total amount necessary to redeem plus the costs of the sale. The minimum bid is indicated on the list of properties next to the property description. The minimum bid for a property that has been offered before can be set at the discretion of the Treasurer-Tax Collector with approval of the Board of Supervisors.
5. The descriptions provided are based on the official records of the Stanislaus County Assessor's office and are presumed to be correct. The property to be sold may be approximately located from the maps provided in the due diligence information on each auction item on Bid4Assets.com. Vacant land has no street (situs) address. While the County Assessor's plat maps and map books can determine a property's approximate geographical location, exact boundary lines of a property can be determined only by a survey of a property undertaken at the purchaser's own initiative and expense.
6. The Treasurer-Tax Collector's primary purpose of a tax sale auction is to collect unpaid property taxes and to convey the tax-defaulted property to a responsible owner. The properties offered in this auction are subject to the tax collector's power to sell due to default property taxes exceeding five years or more. Parties interested in bidding on property are strongly encouraged to investigate the subject property to ensure that the property meets their needs. The information provided in the list of properties is only for the identification of properties in the tax sale. The Treasurer-Tax Collector makes no warranties or representations about other matters beyond the basic tax information as it appears in the County's official property tax records, and to convey title as described in the Terms of Sale.
7. The sale of these properties should not, in any way, be equated to real estate sales by licensed salesmen, brokers and realtors. The County Treasurer-Tax Collector cannot guarantee the condition

of the property nor assume any responsibility for conformance to codes, permits or zoning ordinances. An investigation may reveal that the property is part of a street or alley, in a flood control channel or landlocked (having no means of ingress and egress). **You should inspect the property before bidding, but you may NOT trespass onto private property. The burden is on the purchaser to thoroughly research, before the sale, any matters relevant to his or her decision to purchase, rather than on the county, whose sole interest is the recovery of back taxes.**

8. **CAUTION: INVESTIGATE BEFORE YOU BID** – Prospective purchasers are urged to examine the title, location, and desirability of the properties available to their own satisfaction prior to the sale. **ALL PROPERTIES ARE SOLD AS IS.** The County makes no guarantee, expressed or implied, relative to the title, location, acreage, or condition of the properties for sale. All property taxes currently due will be paid from the proceeds of the sale. **The County assumes no liability for any other possible liens, encumbrances, or easements, recorded or not recorded. Bidders should investigate thoroughly all properties of interest prior to bidding.**
9. The County makes no warranty, either expressed or implied, relative to usability, the ground location, or property lines of the properties. The prospective purchaser must determine the exact location, desirability, and usefulness of the properties. **The Treasurer-Tax Collector will NOT refund any deposit applied to, purchase made toward, or any payment made on a purchase agreement for a property sold at the auction based upon a bidder's error or failure to investigate.**
10. **Notice of Contaminated/Possible Contaminated Properties:** When we become aware of properties on our tax sale list that are known or suspected to be contaminated, we will identify these properties. The County does not have any estimate for the contamination clean-up cost. The Treasurer-Tax Collector is NOT always aware of the condition of the properties in the sale and does not conduct any investigation to determine or confirm the existence or extent of the contamination. Therefore, it is ultimately the bidder's responsibility to investigate the condition, determine about the cost, usefulness, desirability, etc. of the contaminated property. Again, we urge you to conduct your own investigation if you suspect contamination. **DO NOT** bid on these properties unless you understand the issues related to the contaminated properties. Prior to bidding, you should contact your attorney regarding the possible purchase of contaminated properties.
11. **Prospective purchasers are advised that some bonds or other assessments which are levied by agencies or offices other than the Treasurer-Tax Collector may still be outstanding after the tax sale.** Prospective purchasers are advised that certain parcels are, or may be, subject to delinquent bonds, assessments and/or special district liens under the 1911, 1913 and/or 1915 Improvement Act Bonds, or Mello Roos Bonds, which are assumed by the purchaser at this tax sale, and which must be redeemed or paid separately from the tax sale purchase price for the said parcels. These properties are noted on the Asset Page listing of the property. Prospective purchasers should contact the appropriate District/Agency to ascertain the current amounts that are, or may be, owed on these parcels.
12. Personal Property, such as mobile homes and equipment not "permanently affixed" to the land, is not included in our sale. It is up to the prospective purchaser to investigate these in advance of bidding.
13. Certain parcels on this sale may be subject to recorded Internal Revenue Service liens. When property is sold at public auction on which the IRS holds a tax lien, the United States has the right of redemption for 120 days from the date of such sale (26 USC Sec. 3712(g) and 7425(d)).
14. In relation to tax sales, Revenue & Taxation Code Section 3712 states: "The deed conveys title to the purchaser free of all encumbrances of any kind existing before the sale, **except for:**

- a. Any lien for installments of taxes and special assessments, that installments will become payable upon the secured roll after the time of the sale.
- b. The lien for taxes or assessments or other rights of any taxing agency that does not consent to the sale under this chapter.
- c. Liens for special assessments levied upon the property conveyed that were, at the time of the sale under this chapter, not included in the amount necessary to redeem the tax-defaulted property, and, where a taxing agency that collects its own taxes has consented to the sale under this chapter, not included in the amount required to redeem from sale to the taxing agency.
- d. Easements of any kind, including prescriptive, constituting servitudes upon or burdens to the property; water rights, the record title to which is held separately from the title to the property; and restrictions of record.
- e. Unaccepted, recorded, irrevocable offers of dedication of the property to the public or a public entity for a public purpose, and recorded options of any taxing agency to purchase the property or any interest therein for a public purpose.
- f. Unpaid assessments under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code) that are not satisfied as a result of the sale proceeds being applied pursuant to Chapter 1.3 (commencing with Section 4671) of Part 8, or that are being collected through a foreclosure action pursuant to Part 14 (commencing with Section 8830) of Division 10 of the Streets and Highways Code. A sale pursuant to this chapter shall not nullify, eliminate, or reduce the amount of a foreclosure judgment pursuant to Part 14 (commencing with Section 8830) of Division 10 of the Streets and Highways Code.
- g. Any federal Internal Revenue Service liens that, pursuant to provisions of federal law, are not discharged by the sale, even though the tax collector has provided proper notice to the Internal Revenue Service before that date.
- h. Unpaid special taxes under the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code) that are not satisfied as a result of the sale proceeds being applied pursuant to Chapter 1.3 (commencing with Section 4671) of Part 8, or that are being collected through a foreclosure action pursuant to Section 53356.1 of the Government Code. A sale pursuant to this chapter shall not nullify, eliminate, or reduce the amount of a foreclosure judgment pursuant to Section 53356.1 of the Government Code.”

A TITLE SEARCH, INITIATED AT THE PROSPECTIVE PURCHASER’S EXPENSE, SHOULD REVEAL ANY RECORDED LIENS OR ENCUMBRANCES ON A PROPERTY BEING OFFERED FOR SALE.

The Tax Collector’s Office will not interpret this Code Section for potential purchasers. Legal interpretations should be requested from a licensed attorney.

15. Successful bidders will be asked to submit their deed information to Bid4Assets indicating how they want the title to the property to be held (vesting). **The Deed Information form will be provided to the winning bidders and must be completed and submitted to Bid4Assets within 48 hours following the close of the auction.** The County Recorder will mail the original deed to the purchaser after recording, usually within four to six weeks. This deed conveys all right, title, and interest to the property in accordance with the provisions of Revenue and Taxation Code section 3712.
16. **A California documentary transfer tax will be added to, and collected with, the full purchase price. This tax is calculated at the rate of \$0.55 for each \$500.00 or fractional part thereof if the purchase price exceeds \$100.00.**

17. The notification of winning bid will include the total purchase price, including documentary transfer tax, with instructions concerning the various payment methods.
18. **Unless otherwise noted**, payment in full by wire transfer, electronic funds transfer or cashier's check will be required by 4:00 p.m. ET, May 20th, 2024 (1:00 p.m. PT), three (3) business days after sale closes. A \$35 processing fee may be required in addition to the winning bid. *No personal checks or credit card payments will be accepted.* Payments in excess of the total purchase price will be refunded by mail within 30 days. **If payment policy is not adhered to, the successful bidder may be banned from future sales.**
19. **There is a 10% Buyer's Premium (a \$100 minimum) associated with the sale of this parcel. (The Buyer's Premium covers the costs associated with the auction). This amount will be added to the winning bid and will be included in the total purchase price paid by the Buyer to the Seller.**
20. A single bid deposit of \$2,000.00 (plus a \$35 non-refundable processing fee) is required to bid on any and all properties offered for sale. **Bid Deposits must be in the form of a wire transfer or certified check and must be in the custody of Bid4Assets no later than Wednesday, May 8, 2024, at 4:00 p.m. ET (1:00 p.m. PT).** Please contact Bid4Assets directly for instructions and questions pertaining to Bid Deposits.
21. Pre-vesting information will be collected before you are able to access the bid deposit instructions. At the close of the sale, winning bidders will have the opportunity to update or make changes to their vesting information within the 48-hour window at the end of the sale. If bidders do not update their information, the information that was entered during the pre-vesting process will appear on your deed.
22. Only a successful bidder has the opportunity to purchase County assets. If the successful bidder defaults, under California State Law, the County cannot resort to the second highest bidder, and will be required to take appropriate legal action against the bidder who defaults. **Failure on the part of the successful bidder to consummate the sale within the sale within the specified time shall result in the forfeiture of the deposit made and all rights that the purchaser may have had with respect to the property.**
23. Generally, the successful bidder may take possession of the property after making payment in full at the conclusion of the tax sale AND after the Tax Deed to Purchaser has been recorded. Bidders/purchasers should be aware that the County does not handle eviction of any party or parties who are, or may be, occupying property sold at tax sale. Property is sold "as is" and purchasers assume all ownership responsibilities.
24. The Treasurer-Tax Collector does not provide the purchaser with a title insurance policy and makes no representations or warranties with respect to the condition of title. You may want to contact a title insurance company for more information regarding the issuance of title insurance on property purchased at tax sale. Title companies generally will not insure title on property purchased at a tax sale for at least one (1) year after the tax deed has been recorded. **The County of Stanislaus makes no assurance that a purchaser will be able to secure title insurance on property purchased at a tax sale.** Please consider this before transferring ownership or making improvements on the property.
25. **Your bid is an irrevocable offer to purchase the asset.** Each bidder participating in this tax sale shall be deemed to have read, acknowledged, and agreed to be bound by the Terms and Conditions for this tax sale as herein stated upon payment of the bid deposit and fee.

26. **ALL SALES ARE FINAL – ALL PROPERTIES ARE SOLD AS IS. INVESTIGATE BEFORE YOU PURCHASE. THERE ARE ABSOLUTELY NO REFUNDS ON ANY PURCHASE.** There shall be no refund of any purchase price, or any portion thereof, and no refund of the payment of the documentary transfer tax paid for a property sold at auction during this tax sale due to a bidder's or purchaser's error, remorse, or failure to exercise due diligence. **RULES ARE SUBJECT TO MODIFICATION BETWEEN NOW AND THE COMMENCEMENT OF THE SALE.**
27. Stanislaus County retains the right to reject any and all bids for any reason.
28. Stanislaus County may withdraw a property from the auction at any time before or during the sale.
29. **TAX SALE CANCELLATION RIGHTS OF THE STANISLAUS COUNTY TREASURER-TAX COLLECTOR:** As a condition of participating in the Stanislaus County Treasurer-Tax Collector's public auction, the successful bidder consents to the rescission of the sale as provided in Revenue and Taxation Code Section 3731, if the County subsequently determines that a property sold by the Treasurer-Tax Collector should not have been sold because it was publicly owned property, not in tax-default, or for any other legal reason. To rescind the sale, if a tax deed has been recorded, the registered bidder agrees to sign all required forms to cancel and rescind the erroneous sale and understands that the County will refund only the purchase amount paid, and that the Treasurer-Tax Collector and the County of Stanislaus have no further liability in the matter. Additionally, the County has the authority to rescind a tax deed in accordance with Revenue and Taxation Code Section 3731(b). If the tax deed has not been recorded, Stanislaus County has the right to cancel the sale and refund the deposit and purchase price without additional consent or further action by the purchaser.
30. Stanislaus County reserves the right to cancel the sale of property at any time prior to the issuance of the deed.