

Washtenaw County Treasurer
Terms and Conditions of Sale
August 12, 2008
Tax Foreclosed Property Auction
In-Person Bidding Properties

PROPERTIES

- The properties for sale in the auction were foreclosed for delinquent real property taxes and are offered for sale as required by State law and order of the Washtenaw County Circuit Court.
- The State of Michigan, Local Governmental Unit, or Washtenaw County may purchase any property prior to the beginning of the auction. Any such purchased property will be removed from the auction. The asset page at <http://www.bid4assets.com/Washtenaw/> for the purchased property will be updated to reflect that the property no longer is for sale.
- By order of the Washtenaw County Circuit Court on 2/20/08, case number 07-646-CZ:
 - Redemption rights to the properties have expired;
 - All prior recorded and unrecorded interests in the properties were extinguished by court order, except visible or recorded easements or right-of-way, private deed restrictions, or certain other restrictions or governmental interests in the properties imposed by the State of Michigan;
 - All liens against the properties under Michigan law, except for future installments of special assessments and certain liens recorded by the State of Michigan were cancelled;
 - Subject to these exemptions, fee simple title to the properties has vested in the Treasurer.
- Any legal descriptions of properties and street addresses provided are based upon information provided to the Treasurer by local tax collecting units and may not reflect an actual description of the property or actual street address.
- The sale of these properties 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.

CONDITIONS AND DISCLOSURES

- These properties are offered for sale **as-is** and **where is**.
- Purchasers release the Treasurer and Washtenaw County from all liability whatsoever arising from any conditions of the properties, whether now known or subsequently discovered, including, but not limited to, all claims based on environmental contamination of the property, if any.
- The Treasurer makes no representations or claims as to fitness for purpose, ingress/egress, conditions, covenants, or restrictions. There are no warranties, express or implied, regarding properties offered.

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- The Treasurer assumes no liability for any other possible liens, encumbrances, or easements, recorded or not recorded, which were not cancelled by the foreclosure of the property under MCL 211.78k.
- These properties are subject to any applicable state, county or local zoning or building ordinances.
- The Treasurer does not guarantee the usability or access to any of these properties. It is the responsibility of prospective purchasers to do their own research as to the use of the properties for their intended purposes and to inspect properties personally to determine if they will be suitable for the purposes for which they are being purchased.
- Properties may or may not be occupied. Occupied structures may not be entered without the occupant's permission. Secured vacant structures may not be entered.
- These 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, or earth change may be subject to restrictions under state law. The properties may also be subject to wetlands protections under Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
- Purchasers of property through prior auctions have found it useful to quiet title to property they purchased after receiving a quit-claim deed from the Treasurer. In addition, parties with previous ownership interests in the property may later seek to set aside the foreclosure and sale in Circuit Court on due process, or other grounds.

IN-PERSON AUCTION

- The auction will be conducted as a live auction and will be held at the Washtenaw County Courthouse, 101 East Huron Street, Ann Arbor, MI 48104, Court Room #7.
- The auction will open at 10:00 am EDT on Tuesday, August 12, 2008. The properties will be offered in parcel number order beginning at 10:00 am and the auction will end when the last parcel has been offered for sale.
- The asset information of each property may be updated at any time and will not be finalized until the day of the sale of the property. Please read all due diligence materials available at the Treasurer's Office or the local city, township, or village offices and check <http://www.bid4assets.com/Washtenaw/> for updates.
- The Treasurer reserves the right to extend the length of the auction under special circumstances at the discretion of the Treasurer.
- The Treasurer reserves the right to cancel the sale of a property at any time.
- The Treasurer may withdraw a property from the auction if no bid on that property meets the minimum bid price.

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BIDDING FOR IN-PERSON AUCTION

- Each bidder must register with the Treasurer. Bidder Registration Forms may be obtained from the Treasurer in advance. It is advised to register prior to the start of the auction.
- Bidders will be asked to submit certified funds in the amount of the minimum bid on a property at the time of bidding on that property.
- Bidders must conduct all research and due diligence efforts prior to submitting a bid.
- A bid is an irrevocable offer to purchase a property.
- A bid that is accepted is a binding contract.
- By placing a bid, a bidder agrees not to sue the Treasurer, the County of Washtenaw, or any of its departments, boards, commissions, officers, employees, or agents for any claim, whether legal or equitable, arising under, or in any manner related to the conducting of this auction.
- A bidder is legally and financially responsible for all properties that the bidder bids on whether that bidder represents himself, herself or itself or acts as an agent.

WINNING BIDS FOR IN-PERSON AUCTION

- Notification of a winning bid will be made at the live auction. That notification will include the purchase price of the property and instructions regarding acceptable payment methods for amounts greater than the minimum bid.
- The Bidder Registration Form will include complete deed information provided by the bidder showing how the bidder wants title to any property purchased by the bidder to be held by the bidder. Winning bidders must sign the Bidder Registration Form regarding deed information.
- A winning bidder must make payment in full for amounts greater than the minimum bid to the Treasurer by 4:00 pm EDT on the day after the sale of the successfully bid upon property using a payment method acceptable to the Treasurer. 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.
- **If the winning bidder does not adhere to the payment policy, that person may be banned from future sales and all available legal remedies may be pursued.**
- **If a winning bidder fails to provide proper payment for a property purchased, the Treasurer reserves the right to pursue all available legal remedies against a non-paying bidder.**
- **Purchasers will be responsible for all property taxes for 2008**, which include, but are not limited to, state education taxes, summer, and/or village taxes billed on July 1, 2008, and/or special assessments due.

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Terms and Conditions of Sale
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QUITCLAIM DEEDS

- Quitclaim deeds will be issued within 30 days of the receipt of payment and receipt of the deed information form. The quitclaim deed will convey only such title as vested in the Treasurer under the tax foreclosure process under state law.
- A Property Transfer Affidavit will be mailed to the purchaser with the recorded deed. This affidavit must be completed by the purchaser and filed with the local assessor where the property is located.
- State law requires the Treasurer to charge a fee for the recording of quitclaim deeds for properties sold.
- Quitclaim deeds issued by the Treasurer will include the following covenants, in which the purchaser agrees:
 1. Not to sue the Treasurer, the County of Washtenaw, or any of its departments, boards, commissions, officers, employees, or agents for any claim, whether legal or equitable, arising under, or in any manner related to this Deed. To release, waive, and discharge the Treasurer, the County of Washtenaw, and all its departments, boards, commissions, officers, employees, and agents, and its successors and assigns from any and all liability to Grantees and their successors and assigns, for all losses, injury, or damage to person or property, or death, and any claims or demands therefore arising under, or in any manner related to this Deed whether caused by the Treasurer, the County of Washtenaw, or any of its departments, agencies, boards, commissions, officers, employees, or agents
 2. To indemnify and hold harmless the Treasurer, the County of Washtenaw, and all of its departments, agencies, boards, commissions, officers, employees, and agents from any and all claims, demands, judgments, and expenses, including attorney fees, for any and all loss damage, death, or injury to person or property arising under, or in any manner related to the performance of, this Deed. This indemnification and hold harmless agreement is intended to and shall extend to all loss, damage, death, or injury to person or property, proximately caused in whole or in part by the negligence or other tortuous conduct of the Treasurer, the County of Washtenaw, its departments, boards, commissions, agencies, officers, employees, or agents.

TITLE INSURANCE

- Title insurance companies may or may not issue title insurance on properties sold.

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Terms and Conditions of Sale
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- 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.
- After purchase, a purchaser may incur legal costs for a quiet title action, to assert rights of possession, or to satisfy the requirements of a title company in order to obtain title insurance. The Treasurer is not responsible for such costs.

PROPERTY TAXES AND ASSESSMENTS

- Purchasers will be responsible for all property taxes for 2008, which include, but are not limited to, state education taxes, summer, and/or village taxes billed on July 1, 2008, and/or special assessments due.
- Purchasers must contact the city, village, or township treasurer for amounts due.
- The purchaser of a property must contact the local city, village, or township assessor in which the property is located to ensure a correct mailing address for future tax bills.
- Deferred assessments reported to the Treasurer before the Treasurer acquired title to tax-reverted properties are included in the minimum bid amounts.
- Purchasers may be responsible for deferred assessments not reported timely to the Treasurer.

ENVIRONMENTAL DISCLOSURES

A person who acquires property that is contaminated (a "facility" pursuant to Section 20101(1)(I) 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.

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Terms and Conditions of Sale
August 12, 2008
Tax Foreclosed Property Auction
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Consequently, the non-liable 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 whom 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 Treasurer recommends that a person who is interested in acquiring property foreclosed for delinquent taxes contact an attorney or an environmental consultant for advice prior to the acquisition of any property foreclosed for delinquent taxes that may be contaminated.

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.

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