

TERMS AND CONDITIONS

CHAUTAUQUA COUNTY REAL ESTATE AUCTION CHAUTAUQUA LAKE CENTRAL SCHOOL, MAYVILLE, NY

SATURDAY, JUNE 15, 2019

GENERAL:

1. **All properties will be sold “AS IS - WHERE IS”.**
2. All informational tools such as slides, Tax maps, Property record cards, GIS, Web sites, etc, are for identification purposes only and are neither a guarantee nor a warranty as to location, dimensions, parcel use, size, or any other information expressed or implied.
3. All properties are sold subject to confirmation by the Administrative Services Committee meeting in July 15, 2019 and the first available Chautauqua County Legislative meeting following payment in full of the balance due. Upon approval of the Resolution by the County Legislature, the risk of loss shall shift to the successful purchaser. It is highly recommended that the successful purchaser obtain homeowner’s insurance for the property to be in effect on the date of the Legislature’s Resolution.
4. The auctioneer reserves the right to reject any bid that is not an appreciable advancement over the preceding bid and the auctioneer's decision is final in all disputes.
5. The County of Chautauqua cannot sell any personal property on the premises. Its disposition is the responsibility of the successful bidder after closing of sale.
6. Eviction actions, if necessary, are solely the responsibility of the successful bidder after closing of sale.
7. The auctioneer and the seller shall remain forever immune from any and all liability concerning any personal injury or property damage occurring before, during or after the auction, no matter what the cause.

LEGAL:

1. The County of Chautauqua will issue a Quit Claim Deed, which will convey to the purchaser an absolute estate in fee subject to all easements or rights of way which were in existence at the time of the levy of the tax, the nonpayment of which resulted in the tax sale. The County may cancel the sale and refund purchase monies at any time prior to the delivery (recording) of the Quit Claim Deed.
2. Perfection of title is at the discretion and expense of successful bidder. The County of Chautauqua will, however, allow the successful bidder or his/her representative to inspect and/or copy all documentation, including proof of service that is a part of the tax foreclosure file. Bidders should consult their attorney regarding any questions regarding the nature of the title they are seeking to acquire.
3. The County of Chautauqua has obtained the right to sell title to these properties in accordance with the procedures of Article 11 of the Real Property Tax Law of the State of New York and the requirements of the 1983 decision of the Supreme Court of the United States, Mennonite Board of Missions v. Adams, 462 U.S. 791, 103 S. Ct. 2706, commonly referred to as the Mennonite decision.
4. Taxes on these properties have been delinquent at least since January 2017.
5. Through the In-Rem tax foreclosure process, the Court has granted the County the right to sell title to the property free and clear of all liens and encumbrances, such as mortgages, judgments, leases, etc., except (1) easements and rights-of-way existing at the time the original tax was levied, and (2) any redemption rights noted for a specific parcel (RPTL 1136).
6. The County, or its agent, makes no expressed or implied warranties as to the use to which property may be put. It is the responsibility of a potential purchaser to investigate as to any use restrictions (zoning, deed covenants, health, wetland, flood plain, building codes, archeological sites, etc.) that may apply to any of the properties being sold.

- Should a court challenge to the foreclosure procedure for a particular property be successful, the County of Chautauqua may either settle with the successful challenger or may return the bid price plus subsequently paid taxes together with interest, if awarded, at the then-statutory rate, at the sole option of the County.

FINANCIAL:

- At the auction, the successful bidder must deposit the following in the form of cash, Credit Card, (Visa, MC, Discover), money order or bank draft payable to Chautauqua County Department of Finance:

<u>BID AMOUNT</u>	<u>DEPOSIT AMOUNT</u>
\$1,000.00 or less	Total Amount due, including Fees *
\$1,000.01-\$10,000.00	\$1,000.00
\$10,000.01 or over	10% of Bid Amount

In addition, a Buyers Premium of 5.5% of the Bid price will be payable to the Auctioneer.

*** FEES are as follows:** **\$5.00 Deed Processing Fee**
 \$305.00 Deed Recording Fee (maximum)
 \$4.00 per \$1,000.00 of Bid Amount for Revenue Stamps
 2.5% Fee on any Amounts run on a Credit Card (VISA, MC, DISCOVER)

ONCE A BID HAS BEEN ACCEPTED BY THE AUCTIONEER, THERE WILL BE NO REFUNDS OF DEPOSITS. THEREFORE, YOU MAY WISH TO INSPECT THE PROPERTY PRIOR TO THE AUCTION.

- Any balance owing is due by July 15, 2019 in the office of the County Director of Real Property Tax Services, Room 121, Gerace Office Building, 3 North Erie Street, Mayville, NY 14757.
- Failure of bidder to complete offer by July 15, 2019 will result in the forfeiture of deposit. County of Chautauqua is not responsible for payment of interest on deposits, whether bid is accepted or rejected or the transaction is completed or not.
- Bidder will not be required to pay any additional amounts for County enforced tax liens recorded with County prior to the offer (School, County, Town, Special Districts), except:

For property located in the Towns/Villages: Successful bidder must pay 0% of the 2019 County/Town tax in addition to bid price encompassing fiscal period of January 1, 2019 to December 31, 2019. **Successful bidder will pay 100% of the 2019-2020 School Tax and 100% of the 2019-2020 Village Tax including any penalties and interest accrued at the time of payment.**

For property located in the City of Dunkirk: Successful bidder must pay 0% of the 2019 County Tax and 0% of the 2019 City Tax in addition to bid price encompassing fiscal period of January 1, 2019 to December 31, 2019. **Successful bidder will pay 100% of the 2019-2020 School Tax including any penalties and interest accrued at the time of payment.**

For property located in the City of Jamestown: Successful bidder must pay 0% of the 2019 County/City Tax in addition to bid price encompassing fiscal period of January 1, 2019 to December 31, 2019. **Successful bidder will pay 100% of the 2019-2020 School Tax including any penalties and interest accrued at the time of payment.**

- County will take care of all water/sewer bills levied prior to auction **for service periods prior to auction.**
- A foreclosed owner, mortgagee, or other party with a prior interest in the property will not be deemed a successful bidder unless the bid is at least equal to the accumulated taxes, interest, penalties, and other charges outstanding against the parcel.
- All successful bidders must certify that he/she is not acting on behalf of the former owner(s) of the property against whom Chautauqua County foreclosed and has no intent to defraud Chautauqua County of the unpaid taxes, assessments, penalties and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey the property to the former owner(s) against whom Chautauqua County foreclosed within thirty-six (36) months subsequent to the date of auction. If such conveyance occurs, the purchaser understands that he/she may be found to have committed fraud, and /or intent to defraud, and may be liable for any deficiency between the purchase price at auction and such sums as may be owed Chautauqua County.