

TERMS OF SALE

ALL POTENTIAL BIDDERS ARE REQUIRED TO READ AND UNDERSTAND THESE TERMS.

1. The auction will begin at 8:00 a.m. PST (11:00 a.m. EST) on May 19th, 2023 and the auction will close at the time shown on each auction item on May 22nd, 2023.
2. The asset information is being updated daily and will not be finalized until the day of the sale.
3. The descriptions provided are based on the Official Records of the County Recorder's Office and are presumed to be correct. The property to be sold may be approximately located from maps provided in the Due Diligence information on each auction item on Bid4Assets.com.
4. The right of the former owner to redeem any parcel is forfeited as of 5:00 p.m. PST on May 18th, 2023. Properties removed from the sale will be so indicated on the Asset Page listing for a specific property.
5. Except as provided in Revenue and Taxation § 3698.7 the minimum price at which property may be offered for sale pursuant to this chapter shall be an amount not less than the total amount necessary to redeem plus costs and the outstanding balance of any property tax postponement loan (Revenue and Taxation § 3698.5)
6. Legal title to tax-defaulted property subject to the tax collector's power to sell can be obtained only by becoming the successful bidder at the county tax sale.
7. 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. **The County assumes no liability for any other possible liens, encumbrances or easements, recorded or not recorded. It is possible that property sold at auction may not be developable under existing laws. The exact location, desirability and usefulness of the property must be researched and determined by the prospective purchaser. 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. **Notice of Contaminated / Possible Contaminated Properties:** When we become aware of properties on our sales list that are known or suspected to be contaminated, we will identify these properties and the Lead Agency's name and address where all available information may be reviewed. **DO NOT** bid on these properties unless you understand the issues related to contaminated properties. Prior to bidding, you should contact your attorney regarding the possible purchase of contaminated properties.

- 9. Revenue and Taxation Code § 3712 states: The deed conveys title to the purchaser free of all encumbrances of any kind existing before the tax sale except**
- (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 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 judgement 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 the date.**
 - (h) Unpaid special taxes under the Mello-Ross 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 foreclosed judgement pursuant to Section 53356.1 of the Government Code.**
- 10. 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.**
11. Some properties in some counties may have 1911, 1913 and/or 1915 Improvement Act Bonds, or Mello Roos Bonds, which are noted on the Asset Page listing of the property.
12. 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)). The IRS will pay the actual amount paid for the property by the bidder, plus interest at 6% per annum from the date of sale, plus the expenses of sale that exceed any income received from the property.

13. If the successful purchaser desires a survey of the property, it will be at the purchaser's own initiative and expense. The County makes no warranty, either expressed or implied, relative to the usability, the ground location, or property lines of the properties. The prospective purchaser must determine the exact location, desirability, and usefulness of the properties.
14. The sale of these properties should not, in any way, be equated to real estate sales by licensed salesmen, brokers and realtors. The County Tax Collector cannot guarantee the condition of the property nor assume any responsibility for conformance to codes, permits or zoning ordinances. **You should inspect the property before investing. 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.**
15. Your bid is an **irrevocable offer** to purchase the asset.
16. **Successful bidders will be asked to complete Deed Information form showing how they want the title to the property to be held (vesting) prior to accessing the bid deposit information. Successful bidders will have the opportunity to make any changes to the Deed Information 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.
17. **A California documentary transfer tax will be added to, and collected with, the full purchase price. This tax is calculated at the rate of \$.55 for each \$500.00 or fractional part thereof, if the purchase price exceeds \$100.00.**
18. The notification of winning bid will include the total purchase price, including documentary transfer tax, with instructions concerning the various payment methods.
19. **Unless otherwise noted**, payment in full by wire transfer, electronic funds transfer or cashier's check will be required by 4:00 p.m. PST, May 25th, 2023, 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.**
20. **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.**
21. **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.**
22. A single bid deposit (plus a \$35 non-refundable processing fee) may be required to bid on any and all properties offered for sale by an individual county. If a bid deposit is required, the amount of the deposit will be identified on each county's storefront or on the individual asset description. **Bid Deposits must be in the form of a wire transfer or cashier's check and must be in the**

custody of Bid4Assets no later than Monday, May 15th, 2023 at 4:00 p.m. EST (1:00 p.m. PST). ****PLEASE NOTE THAT ALL PROSPECTIVE BIDDERS MUST FILL OUT PRE-VESTING INFORMATION BEFORE ACCESSING DEPOSIT INSTRUCTIONS**** Winning bidders will have the opportunity to make updates/changes to their vesting information 48 hours after the auction closes. Please contact Bid4Assets directly for instructions and questions pertaining to Bid Deposits.

- 23 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 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.**
- 24 The successful bidder may take possession of the property after the tax deed to purchase has been recorded. Most title companies will not insure title on properties sold at public auction for at least one (1) year after the tax deed has been recorded. Legal action to challenge a tax sale must be commenced within one (1) year of the tax deed recording date.
- 25 ALL SALES ARE FINAL. THERE ARE ABSOLUTELY NO REFUNDS. RULES ARE SUBJECT TO MODIFICATION BETWEEN NOW AND COMMENCEMENT OF SALE**