

SALE OF TAX-FORFEITED LAND IN OLMSTED COUNTY

Terms and Conditions

PROPERTY INSPECTION

Bidders may inspect the real property prior to bidding. A one-time Open House will be set for residential homes/commercial properties. For other properties, please contact the Olmsted County Revenue Office at 507-328-7633 to make arrangements to view the property.

At the time of auction's closing, each bidder will be presumed to have inspected the site and to have read and to be thoroughly familiar with all plans, documents, including any addenda included in the auction listing.

The failure or omission of any bidder to inspect the site or examine any form, instrument or document shall in no way relieve any bidder from any obligation in respect to their bid.

WAIVER OF PROPERTY GUARANTEES

ALL PARCELS ARE SOLD "AS IS", WITHOUT WARRANTIES OF TITLE OR REPRESENTATIONS OF ANY KIND.

Olmsted County makes no warranty, guaranty or representation of any kind, expressed or implied, as to the condition, usability, value, or fitness for any purpose of the property offered for sale. Buyer is not entitled to any payment for loss of profit or any other money damages, including but not limited to special, direct, indirect, or consequential damages.

NO WARRANTY AS TO LEGAL DESCRIPTION

Olmsted County is not responsible for any omissions or errors in the legal description of the real property being offered for sale. It shall be the bidder's responsibility to inspect and become familiar with the details and conditions of the real property offered before entering a bid.

DISCLAIMERS PERTAINING TO THE CONDITIONS SURROUNDING PROPERTY

Zoning

Properties sold by Olmsted County are subject to local zoning ordinances. Please contact the local zoning administrator to obtain copies of these ordinances. No structure or part thereof shall be erected, constructed, moved or structurally altered, and no land shall change in use until the local zoning authority has approved and issued a land use

permit pursuant to the requirements of its zoning ordinances. All acreage amounts are approximate unless parcel has been surveyed or platted in a legal subdivision.

Property Interests

All sales are subject to existing liens, leases, easements, deed restrictions, dedications, and rights-of-way interests. Bidders who wish to review the chain of title for the parcel(s) being auctioned are responsible for obtaining the proper research prior to the auction.

Assessments

Any lands offered for sale may be subject to unpaid assessments against the property. Before purchasing, any prospective buyer should consult the City/Township Clerk and the County with respect to any unpaid assessments that may exist. Any assessments against the property for public improvements after the property forfeited to the State shall be assessed against the property and paid for at the time of purchase, pursuant to Minnesota Statutes, 282.01, Subd. 3. Any municipality or other public authority is authorized to make a reassessment or a new assessment to a parcel in an amount equal to the remaining unpaid original assessment at the time of forfeiture (Minnesota Stat. 429.071, Subd. 4 and 435.23).

Restrictive Covenants

Some non-platted lands listed for sale may contain non-forested marginal land or wetland as defined in Minnesota Statutes Section 282.018. The deed for these parcels will contain a restrictive covenant, which will prohibit enrollment of the lands in a state-funded program providing compensation for conservation of marginal land or wetlands. Notice of the existence of non-forested marginal land or wetlands will be available to prospective bidders upon request, if applicable.

Wetlands

Olmsted County has not performed any wetland delineation on parcels offered for sale unless otherwise noted. No refunds will be made due to presence of wetlands officially determined following the sale.

Lead

Some properties may present exposure to lead from lead-based paint that may place young children at risk of developing lead-based poisoning. If you are interested in purchasing a single-family dwelling built prior to 1978, you have the right to conduct a risk assessment or inspection for lead-based paint hazards, at your expense, at least ten (10) days before the auction close date pursuant to the federal Residential Lead Based Paint Hazard Reduction Act of 1992, Public Law 102-550. Contact the Olmsted County Revenue Office at 507-328-7633, to arrange to see the property for such an inspection or assessment.

Radon

The Minnesota Department of Health strongly recommends that ALL homebuyers have an indoor radon test performed prior to purchase or taking occupancy and recommends having the radon levels mitigated if elevated concentrations are found. Elevated radon concentrations can easily be reduced by a qualified, certified, or licensed radon mitigator. Every buyer of any interest in residential real property is notified that the property may present exposure to dangerous levels of indoor radon gas that may place the occupants at risk of developing radon induced lung cancer. Radon, a Class A human carcinogen, is the leading cause of lung cancer in nonsmokers and the second leading cause overall. The seller of any interest in residential real property is required to provide the buyer with any information on radon test results of the dwelling. Olmsted County has not performed and is not aware of any radon testing on parcels offered for sale unless otherwise noted. Therefore, there are no radon records available, and the radon concentration levels on the parcels offered for sale are unknown. The County will provide a copy of the Minnesota Department of Health's Radon in Real Estate Transactions publication to any purchaser of residential tax forfeited property upon request.

Access

Olmsted County MAKES NO REPRESENTATIONS, WARRANTIES, OR GUARANTEES WITH RESPECT TO ACCESS TO STATE TAX FORFEITED LANDS SOLD. ALL LANDS ARE SOLD AS IS, WITHOUT WARRANTIES OR REPRESENTATION OF ANY KIND.

REQUIREMENTS TO BECOME A VALID BIDDER

RESTRICTIONS ON BIDDERS

If you are interested in purchasing tax-forfeited property on public auction, you must pay all your delinquent taxes on any properties you own in Olmsted County prior to purchasing or bidding.

No one who could have repurchased a parcel of tax-forfeited land may purchase that same parcel of property at a public sale.

PROHIBITED BIDDERS - GENERAL

Per Minnesota Statutes Section 282.016, if any person or entity, or entity controlled by such person, is 1) a prohibited purchaser or bidder, 2) said person or entity is delinquent on real or personal property taxes in Olmsted County, 3) the person or entity has held a rental license in the County and the license has been revoked within the last five years; or 4) the person or entity has been the vendee of a contract for purchase of a property offered for sale under Chapter 282 of the Minnesota Statutes, which contract has been

canceled within the last five years, the County may bar that person from purchasing or attempting to purchase the property.

PROHIBITED BIDDERS - CONFLICTS OF INTEREST

Olmsted County officials/employees are prohibited from using privileged government data obtained through their position to further their own private interests.

As per Minnesota Statute 282.016, the direct or indirect purchase of tax forfeited land by individuals employed within the Property Records and Licensing Department that carry out the County Auditor's duties, within the County Finance Department that carry out the County Treasurer's duties, County Attorney's Office, Court Administrator of the District Court, or County Assessor's Office, is prohibited.

AUCTION RELATED INFORMATION AND INCLUDED COSTS

Bidding

Properties must first be offered at a public auction. All property will be sold to the highest responsible bidder. Bidding will begin at the minimum bid specified. The minimum bid is equal to the estimate market value or sum of delinquent taxes, special assessments, penalties, interests and costs assigned to the parcel.

Withdrawal

The right to withdraw or add any parcels to this list is hereby reserved by the County Auditor and all sales will be considered FINAL.

Extra Fees and Costs

The County Auditor shall charge and collect in full at the time of sale for the State of Minnesota an assurance fee of 3% of the total sale price of the land, timber, and structures. Additional fees such as a deed recording fee of \$46.00, state deed preparation fees of \$25.00, and state deed taxes equal to the greater of \$1.65 or .033% of the basic sale price are payable by the winning bidder to the County at the close of the auction. See additional details provided in "Post Bidding Information" section below.

Timber

Pursuant to Minn. Stat. Section 282.01, Subd. 4, no standing timber or timber products shall be removed from the land until an amount equal to the appraised value of all such timber or timber products as may have been standing on such lands at the time of purchase has been paid by the purchaser, provided: any parcel of land bearing standing timber or timber products is sold for more than the appraised value, the amount bid in excess of the appraised value must be allocated between the land and the timber in proportion to the respective appraised value thereof. In that case, standing timber or timber products must not be removed from the land until the amount of the excess bid

allocated to timber or timber products has been paid in addition to the appraised value of the land. Additional details concerning the process the County must follow for tax forfeited property containing timber are set forth in Minnesota Statutes Section 282.04

POST BIDDING INFORMATION

CONSIDERATION OF BID

Olmsted County reserves the right to reject any and all bids and to withdraw from sale any of the real property listed before a notice of award is delivered.

NOTICE OF AWARD

Successful bidders will receive a Notice of Award from email address revenue@olmstedcounty.gov.

CONTRACT

An award of sale is a contract between the winning bidder and Olmsted County, upon the terms and conditions set forth herein. Olmsted County may pursue all legal remedies allowed by law against any bidder who fails to make payment for a winning bid.

ITEMS DUE UPON SALE:

Deed Information Form:

Winning Bidders will be emailed the “Notice of Award” and “Deed Information Form” from the Revenue Department of Olmsted County by email address revenue@olmstedcounty.gov upon the close of the auction. This form must be completed and returned to the Auction Contact within three (3) days from close of auction. This form will also note additional fees, etc. due and will have the total amount due for the transaction.

Full Payment:

Full payment of the total sale value. The successful bidder is required to remit payment to Olmsted County PRL within three (3) business days from the date of the Notice of Award. If payment in full is not received within the required time frame, Olmsted County reserves the right to sell the property to the next highest bidder or repost the auction.

Buyer Premium:

A Buyer Premium of 5% of the auction price will be added to the final sale price with a \$1 minimum charge per auction to collect payment. The premium will be visible during the bidding process and will be included in the payment required.

State Assurance Fee:

3% of total sale price of land, timber and structures. This percentage is state-mandated and goes into the State's General Fund to cover losses in the event that the State has to defend its right to forfeit land.

Assessments:

Check with the city/town clerk for any additional assessments of which the County Auditor is not aware. If assessments are listed on sale listing as certified, assessments must be paid in full at the time of sale. Additional assessments that existed prior to forfeiture may be re-assessed by the municipality.

Timber Value: Must be paid in full at the time of sale. Please note: The timber value increases the same percentage as the sale bids up.

Recording Fee:

\$46.00 or as set by the County Recorder. If there is a well on the property, it is an additional \$50.00 for well disclosure.

Deed Fee:

\$25.00 is paid to the State's General Fund.

Deed Tax:

0.0033 times the purchase price or \$1.65 for any bid under \$3,000, whichever is greater.

Example: Below is an illustration of the costs for a \$100,000 winning bid.

\$ 100,000.00	Bid
\$ 5,000.00	Bid Premium of 5%
\$ 3,000.00	State Assurance Fee 3%
\$ 25.00	State Deed Fee
\$ 46.00	Recording Fee
\$ 50.00	Well Disclosure Fee
\$ 346.50	State Deed Tax (.003 x (Bid Amount + Bid Premium)) OR \$1.65 for Bids + Bid Premiums \$3,000 or less.
\$ 108,467.50	Total Due

PAYMENT REQUIREMENTS

Payment must be made by cash, Cashier's Check, Certified Check, or Personal Check made payable to Olmsted County PRL. Payment made by Personal Check will require a 14-day waiting period before the process to have the State prepare and execute a deed transferring title will begin.

Previous Default: Payment must be made by certified funds if purchaser has ever made payment that has been returned non-sufficient funds (NSF).

DEFAULT

Default shall include (1) failure to observe these terms and conditions; or (2) failure to make good and timely payment. Default may result in termination of the bid contract and suspension from participation in all future sales of tax forfeited property by the County until the default has been cured.

If the Buyer fails in the performance of their obligations, Olmsted County may exercise such rights and pursue such remedies as are provided by law. Additionally, Olmsted County reserves the right to sell the property to the next highest bidder or repost the auction.

ACCEPTANCE OF TERMS AND CONDITIONS

By submitting a bid, the bidder agrees that the bidder has read, fully understood, and accepted these Terms and Conditions of Online Sales, and agrees to pay for pursuant to the terms of the bid if the bid is accepted, by the dates and times specified.