

KITTSON COUNTY

TERMS OF ONLINE TAX-FORFEITED LAND SALE

1. **WITHDRAWAL:** Kittson County retains the right to withdraw or add any properties to this list.

2. **BIDDING AND SALES:**

- a. **PROCESS:** All parcels are offered at public auction and sold to the highest bidder. The minimum bid acceptable is the basic sale price that is shown on the Land Sale List. The basic sale price is equal to the appraised value, or the appraised value plus any additional charges for special assessments levied after forfeiture, charges for hazardous waste control, and/or timber value. The appraised value of property does not represent a basis for future taxes.

The land sale will be completed utilizing the Public Surplus online auction site. Bidders must register through the Public Surplus site to place a bid. A winning bid constitutes a legally binding contract.

Any parcel not sold at public sale may be purchased after the public sale by paying the basic sale price. The basic sale price cannot be changed until the parcel is reappraised, republished, and again offered at a later public sale. These parcels are offered for sale at Taxpayer Services.

- b. **SALES:** All sales are final, and no refunds or exchanges are permitted.
- c. **PAYMENT TERMS:** Payment shall be made in full, including all applicable fees, by cash, or cashier's check, certified check, or personal check made payable to Kittson County, and due within ten (10) business days from the date of the Notice of Award. If payment is not received within ten (10) business days Kittson County reserves the right to sell to the next highest bidder or repost the auction.
- d. **ERRORS:** Buyer agrees to fully cooperate in adjusting for clerical or scrivener's errors on any documentation that is a part of this transaction, including, but not limited to, errors related to the amount of the purchase price or installment payments, the term of the contract or number of installment payments.
- e. **PROHIBITED BUYERS OR BIDDERS:** Pursuant to Minnesota Statutes § 282.016, the following persons or entities shall not be allowed to register or participate in the auction, either personally, or as an agent or attorney for a prohibited person or entity:
- i. district court administrators, county auditors, treasurer, assessors or supervisors of assessments, land commissioners or assistant land commissioners for tax forfeited lands, or any deputies or employees of any of the above individuals;
 - ii. a person or entity that owns another property within Kittson County for which there are delinquent taxes owing;

- iii. a person or entity that has held a rental license in Kittson County and the license has been revoked within five years of the date of the auction; and
- iv. a person or entity that has been a vendee of a contract for purchase of a property offered for sale under Chapter 282, which contract has been canceled within 5 years of the date of the auction.

A person prohibited from purchasing property must not directly, or indirectly, have another person purchase a property on behalf of the prohibited buyer for the prohibited buyer's benefit or gain. If a person or entity pre-registers for the auction, the county will perform a search upon receipt of the registration forms to determine if the applicant is a prohibited buyer or bidder. If found to be a prohibited bidder or buyer, notification and explanation will be sent prior to the day of the auction.

Those who are prohibited will not be permitted to register or bid on properties at auction. For a person or entity that registers on the day of the auction, the county will perform a search to determine if the applicant is a prohibited buyer or bidder. In the event that it is found the applicant is prohibited, they will not be allowed to register or bid on properties at auction. In the event a winning bid has been awarded to a prohibited bidder or buyer, the person or entity will forfeit their earnest money, and the sale will be nullified as invalid. The property may be re-bid or re-offered at a future auction, at the sole discretion of Kittson County.

- f. **FEES:** The County Administrator 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 include:
 - i. State Deed Fee: \$25
 - ii. State Deed Tax: 0.33% of the sale price, \$1.65 minimum
 - iii. Deed Recording Fee: \$46.00 for Abstract parcels; \$46.00 to \$66.00 for Torrens parcels
 - iv. Buyer's Premium Fee: 5% of the sale price
 - g. **FORMER OWNERS:** If you are a former owner of a property being auctioned, you must pay the minimum bid price or the amount of delinquency, whichever is more, pursuant to Minnesota Statutes § 282.01, Subd. 7.
3. **ASSESSMENTS:** The balance of any special assessments that were levied before forfeiture and canceled at forfeiture are not included in the basic sale price and may be reassessed by the municipality. These special assessments are shown on the Land Sale List under the column entitled "Canceled Assessments."
4. **ZONING:** Properties are subject to local building codes and zoning ordinances. Contact your 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 permit, if applicable. Kittson County makes no warranty that the properties are “buildable”.

5. **SUBJECT TO:** All sales are subject to existing liens, leases, easements, deed restrictions, dedications, and rights-of-way.
6. **PROPERTY BOUNDARIES:** Property boundaries shown on any web or paper maps provided by the county are for reference only and are subject to change. Prospective buyers should consult licensed surveyors to determine legal boundaries. Kittson County is not responsible for locating or determining property lines or boundaries.
7. **PROPERTY CONDITION:**
 - a. **SOLD“AS IS”:** All properties are sold “as is” and may not conform to local building and zoning ordinances. It is the sole responsibility of prospective buyers to be fully informed prior to purchasing.
 - b. **RADON WARNING STATEMENT:** 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. Every buyer of an 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. Kittson County has not performed and is not aware of any radon testing on properties offered for sale, unless otherwise noted. The county will provide a copy of the Minnesota Department of Health’s “Radon in Real Estate Transactions” publication to any buyer of residential tax forfeited property.
 - c. **TITLE:** Neither the county nor the State of Minnesota warrants the condition of title. The buyer will receive a receipt at the time of sale. The Minnesota Department of Revenue will issue a state quitclaim deed after full payment is made. The state deed has the characteristics of a patent from the State of Minnesota.
 - d. **HAZARD MATERIALS INDEMNIFICATION:** The buyer shall indemnify Kittson County and/or the State of Minnesota for environmental contamination arising or resulting from the buyer’s use and occupancy of the purchased property.
 - e. **HISTORY:** Kittson County makes no representations regarding the history or condition of the properties offered for sale.
8. **TIMBER:** For those properties for which there is an estimated volume of timber, the value of the timber must be paid in full at the time of purchase.
9. **MORTGAGES AND OTHER LIENS:** Regarding unsatisfied recorded mortgages and other liens: It is advised that all buyers consult a real estate attorney prior to purchasing tax forfeited properties with unsatisfied mortgages and/or other liens held against them.

- 10. WETLANDS AND FLOODPLAINS:** Kittson County has not performed any wetland delineation on properties offered for sale, unless otherwise noted. No refunds will be made due to presence of wetlands, floodplains, or any other environmental condition that may be present.
- 11. RESTRICTIVE COVENANTS:** Some non-platted properties listed for sale may contain non-forested marginal land or wetlands as defined in Minnesota Statutes. The deeds for these properties will contain a restrictive covenant, which will prohibit enrollment of the properties 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 buyers upon request.
- 12. MINERAL RIGHTS:** All minerals and mineral rights are retained by the State of Minnesota when a tax forfeited property is conveyed.
- 13. LEGAL COUNSEL:** In order to protect your legal interests, we recommend that you consult with a real estate attorney regarding installment contracts, title issues, boundary issues, assessments, mortgages, and other legal matters.
- 14. ACCESS:** Kittson County makes no representations, warranties, or guarantees with respect to access to tax forfeited properties offered for sale. All properties are sold as is, without warranties or representation of any kind.