

CAYUGA COUNTY POLICY AND PROCEDURES FOR THE SALE AND DISPOSITION OF REAL PROPERTY ACQUIRED THROUGH TAX FORECLOSURE – UDPATED 5 – 2016

By: Mark Farrell, Chairman, Ways & Means Committee

WHEREAS, annually, Cayuga County acquires real property through the tax foreclosure process, and pursuant to resolution 88-01 procedures for disposition and auction of these properties were established; and

WHEREAS, periodically, the County has deemed it necessary to update and clarify these procedures (Resolutions 188-02, 382-04, 517-11) for the same, and

WHEREAS, it has been deemed appropriate to review, update and formally adopt the Policy on the Sale and Disposition of Real Property Acquired through Tax Foreclosure, and now therefore be it

RESOLVED, that the County Legislature does hereby adopt the attached Policy on the Sale and Disposition of Real Property Acquired through Tax Foreclosure, and be it further

RESOLVED, that the Policy be numbered Section 80 in the County Policy manual and distributed by the Clerk of the Legislature; and be it further

RESOLVED, that this resolution will take effect immediately upon adoption.

I HEREBY CERTIFY, THAT I HAVE COMPARED THE FOREGOING COPY OF A RESOLUTION DULY PASSED AND ADOPTED BY THE LEGISLATURE OF CAYUGA COUNTY AT A MEETING HELD ON THE 24th DAY OF MAY 2016 WITH THE ORIGINAL RESOLUTION, AND THAT THE SAME IS A TRUE AND CORRECT COPY AND TRANSCRIPT THEREOF, AND THE WHOLE THEREOF.

Sheila P. Smith

Clerk, Cayuga County Legislature

5-24-16 2:57M

Policy Number – 80	Last Update:
Effective Date: 5-24-16	May 18, 2016
Title: CAYUGA COUNTY POLICY AND PROCEDURES FOR THE SALE AND DISPOSITION OF REAL PROPERTY ACQUIRED THROUGH TAX FORECLOSURE	

PURPOSE

The county annually forecloses on tax delinquent parcels of real property following the procedures provided for under Article 11 of New York State Real Property Tax Law (RPTL). This policy is intended to illustrate and clearly define the process of disposing of the property acquired by the county through the tax foreclosure process.

As the tax enforcing officer for the county, the County Treasurer initiates and implements the foreclosure process pursuant to Article 11 of RPTL, while it is the job of the County Real Property Tax Services Director to oversee and facilitate the sale of the properties acquired through this process. The steps below illustrate the process as well as the duties and responsibilities of specific county officials.

I. OVERVIEW OF PROCESS & DUTIES

- a. Overview of foreclosure of tax lien by proceeding in rem. To assist the public and county officials in understanding the timeline involved in the tax foreclosure process, two exhibits are provided with sample timelines. This information is for illustrative purposes only.

Exhibit A is a sample timeline for the taxpayer notification process by property type.

Exhibit B is a sample timeline for the administrative/legal process for real property tax foreclosures.

- b. Sale Authority – The sale of tax foreclosure real property shall be done by public auction unless the County Legislature adopts a resolution approving a negotiated sale of a particular parcel prior to the auction. The sale by public auction pursuant to this policy shall be executed in due course by the County Director of Real Property Tax Services (RPTS) without having to come to this legislature for authority or to approve the transfers resulting from public auction.
- c. Real Property Committee – shall be comprised of:

- Chair of the Legislature
- Chair of Ways & Means Committee
- County Attorney
- County Director of Real Property Tax Services

II. RPTS DUTIES AND RESPONSIBILITIES PRIOR TO AUCTION OF REAL PROPERTY

- a. County Treasurer to Deliver Papers & Information to RPTS – The applicable records and documents relative to the acquisition of county-owned property shall be delivered to the RPTS offices by the tax enforcing officer or other officer holding same upon filing of the deed conveying title to the County of Cayuga. Said records shall include, but not be limited to a) title reports, b) itemized computation of total delinquent tax, interest, and penalty for each individual parcel, c) electronic copies of documentation of

all parties given notice together with addresses of same, and d) any/all other pertinent data relating to the subject parcel so acquired by the County of Cayuga.

- b. RFP for Auction Services - The Director of RPTS shall issue a Request for Proposal (RFP) from time to time to determine who should act as auctioneer. If an auctioneer has, in the judgment of the Ways & Means Committee, conducted an auction for the county pursuant to these procedures in a satisfactory manner and is willing to do so again on the same terms, said committee may authorize that.

III. REQUEST TO PURCHASE REAL PROPERTY

- a. Request by the Immediate Previous Owner(s) to Purchase – a request may be made by the immediate previous owner(s) or designated agent, listed in the tax foreclosure, to repurchase the property resulting in removal of the parcel from the auction. Such request is to be made to the Director of RPTS, or designee, who has responsibility for disposing of said property once a deed has been issued to the County of Cayuga. The Director of RPTS will instruct the immediate previous owner(s) of the steps required to request consideration of the Legislature to purchase said parcel. These steps will include, but may not be limited to a) providing a re-dated title report to the date of filing of the deed issued to the County of Cayuga, b) providing written consent from all holders of mortgages, liens, judgments, or other encumbrances that said have been satisfied or otherwise reinstated, c) deposit to the County Treasurer of an amount not less than all accumulated fees, disbursements, taxes, interest, and penalties plus a foreclosure fee, which sums must be paid by money order, bank check or other equivalent. If immediate previous owner(s) or designee completes all steps as directed by RPTS, said purchase request shall be forwarded to the Ways & Means Committee for consideration. If the request is approved by the Ways & Means Committee, it shall be forwarded to the Legislature along with appropriate documents for the Legislature’s consideration. If the Ways & Means Committee does not approve or consider the request of the immediate previous owner(s) to purchase said parcel, then the immediate previous owner(s) may contact his/her Legislator to request further action.
- b. Request to purchase by party other than the immediate previous owner(s) – any party other than the immediate previous owner(s) may also submit a request to purchase any parcel acquired by the County as a result of the tax foreclosure process which is scheduled to be auctioned in the current year. Such request is to be made to the Director of RPTS, or designee, who has responsibility for disposing of said property once a deed has been issued to the County of Cayuga. The Director of RPTS will instruct the interested party of the steps required to request consideration of the Legislature to purchase said parcel. These steps will include, but may not be limited to a) providing a re-dated title report to the date of filing of the deed issued to the County of Cayuga, b) deposit to the County Treasurer of an amount not less than all accumulated fees, disbursements, taxes, interest, and penalties plus a foreclosure fee of \$400 (four hundred dollars), which sums must be paid by money order, bank check or other equivalent, c) state the nature and reason for the request to purchase the parcel outside of the county auction process. If the interested party completes all steps as directed by RPTS, said purchase request shall be forwarded to the Ways & Means Committee for consideration. If the request is approved by the Ways & Means Committee, it shall be forwarded to the Legislature along with appropriate documents for the Legislature’s consideration. If the Ways & Means committee does not approve or consider the request

of the interested party to purchase said parcel, then the interested party may contact his/her Legislator to request further action.

- c. Request to purchase by multiple parties – at any time during this entire process, if there is any dispute as to who should be allowed to make a request to purchase the property e.g. if more than one person wants to purchase outside of the auction process, the matter shall be referred to the “Real Property Committee” to make recommendations to the County Legislature on such matters. Said committee may require that notice be given to other parties of their intent to recommend or consider a certain party’s purchase or require any proposed purchaser to take steps necessary to be fair to all parties. The recommendation of the Real Property Committee shall be submitted to the Legislature for consideration.
- d. Timeline for ALL requests to purchase property outside of the auction as detailed in sub-paragraphs a, b and c of Section III – all requests to purchase any parcel of property acquired by the County as a result of the tax foreclosure process and is scheduled to be auctioned in the current year, is subject to the following timeline: written requests, together with all required documentation, shall be submitted to the Director of RPTS no less than two (2) weeks prior to the next scheduled meeting of the Ways & Means Committee that immediately precedes the auction. This timeline is intended to allow all necessary documentation to be assembled, reviewed and submitted in resolution form as required by the Ways & Means Committee.

IV. AUCTION OF REAL PROPERTY

- a. Auction – the sale of real property shall be done by public auction unless the County Legislature adopts a resolution approving a negotiated sale of a particular parcel. The goal should be to hold the auction within approximately 60 days after all of the steps have been satisfied as outlined in sub-paragraph a. of Section II (County Treasurer to Deliver Papers & Information to RPTS) of this policy. All fees payable to the auctioneer will be collected in full from a “buyer’s premium”. The amount of the buyer’s premium will be determined and set in accord with the accepted proposal for auction services or negotiated as needed.
- b. Auction Procedure, Terms of Sale & Bidder Certification – document attached hereto. This shall provide the parameters for registering to bid at the auction, the terms of sale, bidder certification and process for completion of the sale. It shall be printed in the auction catalog and/or handed out to persons registering as bidders. All bidders must complete the form and comply with the terms contained therein to be eligible to bid in the auction. The said document may be amended with the consent of the “Real Property Committee.”
- c. Parties Not Eligible to Purchase at Auction – the following parties are not eligible to purchase at the auction sale: (a) any immediate previous owner of the properties being offered for sale at the time they were foreclosed; (b) anyone acting on behalf of, as agent of, or as a representative of the said immediate previous owner(s); (c) an officer or stockholder, or director, or employee, or spouse, of a Corporation or Limited Liability Company or General or Limited partner of a partnership which owned any of the properties being offered for sale when they were foreclosed; (d) anyone who owns property in the County of Cayuga which is currently tax delinquent, either individually or jointly with others, or has ownership interest through an entity of any kind; (e) anyone acting on behalf of, as agent of, or

representative of, any of the persons or entities set forth in sub-paragraph (c) or (d) above; and (f) any of the following officials (or anyone acting on behalf of or for the benefit of same including members of the household of: County Treasurer, County Attorney, County Legislators, Clerk of the County Legislature, and Director of RPTS, or any county employee of the county offices of the Treasurer, Attorney, Legislature Clerk or RPTS.

V. RPTS DUTIES AFTER AUCTION

- a. Transfer of Title – The expense of all filing costs shall be incurred by the grantee. The buyer(s)/grantee(s) shall sign the usual documents necessary and customary to file a deed, e.g., Real Property Transfer Report (RP-5217), Combined Real Estate Transfer Tax Return (TP-584), Acknowledgment of Receipt of Lead Paint Notice (if applicable) and Notice Required in an Agricultural District regarding smells and dusts and such in agricultural areas (if applicable). Deeds issued pursuant to this resolution shall be executed by the Chair of the Legislature, or, if he/she is not available, the Deputy Chair of the Legislature. Deeds issued by the County shall be immediately filed by the Director of RPTS or designee, in the office of the Cayuga County Clerk after all papers are in order as described.
- b. Report to County Legislature – The list of successful bidders shall be maintained by the Auctioneer, and a copy of such list shall be immediately forwarded to the Director of RPTS and the County Treasurer after the completion of the auction. Upon successful closing all auction sales, the Director of RPTS shall prepare and submit a report to the Clerk of the County Legislature to be distributed to all Legislators.
- c. Authority to Supplement Rules – The Director of RPTS, with the approval of the Ways & Means Committee of the Cayuga County Legislature, may supplement these rules in connection with the auction sale and closing.

EXHIBITS & ATTACHMENTS

EXHIBITS:

- A Sample Timeline for Tax Delinquent, Lien and Foreclosure Notices to Property Owners of:
 - Residential & Agricultural Parcels
 - Commercial, Industrial & Vacant Land Parcels
- B Timeline for the Administrative/Legal Process for Real Property Tax Foreclosures

ATTACHMENTS:

- I Sample Bid Package for Auction Containing:
 - Auction Procedure, Terms of Sale & Bidder Certification

EXHIBIT A

Sample Timeline for Tax Delinquent, Lien and Foreclosure Notices to Property Owners of:
Residential & Agricultural Parcels (3 years with initial lien date of January 1, 2013)

Year 1 (Example 2013)

January – County/Town real property tax bills issued.

March – Town Receiver of Taxes sends delinquent notices/postcards for current year unpaid taxes.

April – Town turns all current year delinquent taxes over to the county for enforcement and collection.

May – County sends notices on all delinquent amounts due.

September – County mails notice of pending lien to be filed with the County Clerk in November (which would be 10 months after the original lien date of January 1, 2013).

November – County Treasurer files list of delinquent taxes which has the effect of a lien.

Year 2 (Example 2014)

January – County/Town real property tax bills issued with delinquent tax message included on bill.

March – Town Receiver of Taxes sends delinquent notices/postcards for current year unpaid taxes.

April – Town turns all current year delinquent taxes over to the county for enforcement and collection.

May – County sends notices on all delinquent amounts due including prior liens filed for 2013.

September – County mails notice of pending lien to be filed with the County Clerk in November (which would be 10 months after the original lien date of January 1, 2014).

November – County Treasurer files list of delinquent taxes which has the effect of a lien

Year 3 (Example 2015)

January – County real property tax bills issued with delinquent tax message included on bill.

March – Town Receiver of Taxes sends delinquent notices/postcards for current year unpaid taxes.

April – Town turns all current year delinquent taxes over to the county for enforcement and collection.

May – County sends notices on all delinquent amounts due including prior liens filed for 2013.

September – County mails notice of pending lien to be filed with the County Clerk in November (which would be 10 months after the original lien date of January 1, 2015)

November – County Treasurer files list of delinquent taxes which has the effect of a lien.

November/December – County mails tax foreclosure legal pleadings to all owners and lienors for 2013 tax liens and prior. This notice of tax foreclosure includes a last day to pay the County Treasurer in spring 2016.

November/December – County publishes notice in local newspaper of all tax foreclosure properties including the owner name, tax map number and municipality.

Year 4 (Example 2016)

January – County real property tax bills issued with delinquent tax message included on bill.

March – Town Receiver of Taxes sends delinquent notices/postcards.

April – Town turns all current year delinquent taxes over to the county for enforcement and collection.

April – properties posted if all attempts to successfully deliver the November/December 2015 notice of foreclosure letter have failed.

Spring/Summer – prior to auction, the auctioneer posts all parcels to be included in the auction.

Spring/Summer – auctioneer publishes ad in local newspapers with information about the upcoming auction.

Spring/Summer – the list of all parcels to be auctioned are posted on the County website as well as the auctioneer's.

Sample Timeline for Tax Delinquent, Lien and Foreclosure Notices to Property Owners of:
Commercial, Industrial and Vacant Land Parcels (2 years with initial lien date of January 1, 2014)

Year 1 (Example 2014)

January – County/Town real property tax bills issued.

March – Town Receiver of Taxes sends delinquent notices/postcards for current year unpaid taxes.

April – Town turns all current year delinquent taxes over to the county for enforcement and collection.

May – County sends notices on all delinquent amounts due.

September – County mails notice of pending lien to be filed with the County Clerk in November (which would be 10 months after the original lien date of January 1, 2014).

November – County Treasurer files list of delinquent taxes which has the effect of a lien

Year 2 (Example 2015)

January – County real property tax bills issued with delinquent tax message included on bill.

March – Town Receiver of Taxes sends delinquent notices/postcards for current year unpaid taxes.

April – Town turns all current year delinquent taxes over to the county for enforcement and collection.

May – County sends notices on all delinquent amounts due including prior liens filed for 2013.

September – County mails notice of pending lien to be filed with the County Clerk in November (which would be 10 months after the original lien date of January 1, 2015)

November – County Treasurer files list of delinquent taxes which has the effect of a lien.

November/December – County mails tax foreclosure legal pleadings to all owners and lienors for 2014 tax liens and prior. This notice of tax foreclosure includes a last day to pay the County Treasurer in spring 2016.

November/December – County publishes notice in local newspaper of all tax foreclosure properties including the owner name, tax map number and municipality.

Year 3 (Example 2016)

January – County real property tax bills issued with delinquent tax message included on bill.

March – Town Receiver of Taxes sends delinquent notices/postcards.

April – Town turns all current year delinquent taxes over to the county for enforcement and collection.

April – properties posted if all attempts to successfully deliver the November/December 2015 notice of foreclosure letter have failed.

Spring/Summer – prior to auction, the auctioneer posts all parcels to be included in the auction.

Spring/Summer – auctioneer publishes ad in local newspapers with information about the upcoming auction.

Spring/Summer –the list of all parcels to be auctioned are posted on the County website as well as the auctioneer's.

EXHIBIT B

Timeline of the Administrative/Legal Process for Real Property Tax Foreclosures

(For illustrative purposes only, actual dates may vary)

November (annually) - County Treasurer executes and files the List of Delinquent Taxes in the County Clerk's office, Treasurer's office and County Attorney's office (ten months after the lien date or as soon thereafter as is practicable per Section 1122 of NY Real Property Tax Law). The list is then required to be filed with the state board for identification of state owned lands on the list (per Section 1176 of NYS RPTL).

March (of the year preceding auction) – County Treasurer provides the Department of Planning & Development with the list of parcels requiring environmental inspection before taking judgment against them which is referred to as the Pre-Foreclosure Investigation per County Resolution 251-05 and Tax Foreclosure Environmental Guidelines adopted 5/24/05.

April/May (of the year preceding auction) - County Environmental Engineer makes inspection of properties for environmental clearance or removal from tax foreclosure action per County Resolution 251-05 and Tax Foreclosure Environmental Guidelines adopted 5/24/05.

May (of the year preceding auction) – A foreclosure advisory review committee comprised of the County Director of Planning and Development, the County Environmental Engineer, and the Tax Foreclosure Attorney meet to discuss result of the Environmental Engineer's inspection and then by majority vote, advise the County Treasurer which properties to foreclose upon without special action, which pose a risk too great to permit foreclosure, and which will be foreclosed upon only by following the procedure set forth to allow for and to take advantage of the "temporary incidents of ownership" process afforded by NY Environmental Conservation Law Section 56-0508.

May (of the year preceding auction) - County Treasurer makes a list of current tax delinquent parcels that will be included in the current year foreclosure action and mails a notice to those delinquent parcel owners.

June (of the year preceding auction) – County Treasurer begins process to have title company prepare title searches of tax delinquent parcels and prepare original schedule "A" of those parcels.

July to November (of the year preceding auction) – Tax Foreclosure Attorney examines title to tax delinquent parcels and makes title sheet on each parcel.

October/November (of the year preceding auction) – County Treasurer prepares envelopes and labels for all owners and lienors of the parcels to be foreclosed on.

October/November (of the year preceding auction) – Tax Foreclosure Attorney prepares necessary legal pleadings to begin foreclosure action.

November/December (of the year preceding auction) – County Treasurer begins the tax foreclosure action by filing legal pleadings in the office of the County Clerk per Section 1123 of NY RPTL.

November/December (of the year preceding auction) – County Treasurer arranges for copying of the tax foreclosure legal pleadings to be mailed to owners and lienors.

November/December (of the year preceding auction) – County Treasurer and Tax Foreclosure Attorney prepare for the mailing of the tax foreclosure pleadings and verifying the inclusion of all owners and lienors.

November/December (of the year preceding auction) – County Treasurer mails all tax foreclosure legal pleadings to owners and lienors by first class and certified US Mail at all addresses reasonably ascertainable from the public record and maintain a record of the mailings. Treasurer also posts those pleadings in the Treasurer’s office, the County Clerk’s office and the entrance of the County Court House, and arranges for the statutory required newspapers publications of those pleadings per Sections 1124 & 1125 of NY RPTL.

December (of the year preceding auction) – Tax Foreclosure Attorney prepares and mails notice of tax foreclosure correspondence to the IRS pursuant to federal requirement.

February/March (year of the auction) – County Treasurer provides US Postal Service with a list of all owners and lienors whose certified and regular mailings were both returned as undeliverable in order to obtain an alternative address. If any alternative addresses are found then the Treasurer follows statutory mailing requirements utilizing those addresses per Section 1125 of NY RPTL.

March/April (year of the auction) – If no alternative address is obtained in the case of an owner, the Treasurer causes a copy of the tax foreclosure documents to be posted on the property in the manner provided in Section 1125 of the NY RPTL. In the case of lienors, the Treasurer causes a copy of the tax foreclosure pleadings to be posted in his/her office and the County Clerk’s office.

April/May (year of the auction) – Tax foreclosure attorney prepares motion papers for default judgment and takes Supreme Court judgment in May against those defaulted tax delinquent parcels.

April/May (year of the auction) – the County Treasurer’s Office prepares, executes and records deed from the County of Cayuga to the County of Cayuga per latest Supreme Court Judgment of Foreclosure.

May (year of the auction) – the Director of Real Property Tax Services arranges for public auction of parcels acquired by the county in the previous year’s tax foreclosure action (preceding November) and have auction conducted in June.

Any time prior to final judgment – the County Treasurer may withdraw tax delinquent properties because: 1. Legal impediment 2. Tax has been cancelled 3. Lien has been stayed by bankruptcy 4. Exposure to liability is greater than the value of the property 5. Owner paid tax or entered into an installment contract 6. Property is not yet subject to inclusion in the action 7. Tax lien has been sold. For procedure to withdraw and/or reinstate a property, see Section 1138 of NY RPTL.

ATTACHMENT:

**CAYUGA COUNTY
TAX FORECLOSED REAL ESTATE
LIVE PUBLIC AUCTION
BID PACKAGE**

CAYUGA COUNTY MAKES NO WARRANTY AS TO THE ACCURACY AND COMPLETENESS OF THE PROPERTY INFORMATION CONTAINED IN THIS BID PACKAGE. PROSPECTIVE BIDDERS SHOULD RELY ON THEIR OWN INSPECTION AND INVESTIGATION OF EACH PROPERTY ON WHICH THEY BID.

AUCTION PROCEDURE, TERMS & BIDDER CERTIFICATION

I. AUCTION PROCEDURE

1. Upon arrival at the auction, all parties interested in bidding must register with the auctioneer. A valid driver's license or other form of state issued photo ID and social security number/EIN are required to register. Anyone intending to act as agent on behalf of another person, entity or business must disclose principals on whose behalf they intend to bid. They will also need to provide the auctioneer with an official letter designating that individual as agent authorized to bid in this auction. Failure to disclose any of this information may result in disqualification from bidding in the auction. To complete the registration process, prospective bidders or their agent must execute a copy of the auction terms and bidder certification form below.
2. Upon completion of the registration process, the auctioneer will provide prospective bidders with a bid card number.
3. The County Treasurer's Office will review the list of registered prospective bidders to confirm that property taxes are current on the real property located in Cayuga County that is owned by the prospective bidder or for which the prospective bidder has an ownership interest in. The county will also review other ineligibility criteria at that time.
4. The auction will officially begin once the auctioneer completes reading the Terms and Conditions related to the auction.
5. Parcels will generally be auctioned in the order they appear in the auction booklet.
6. Only bids made by clearly raising the bid card and recognized by the auctioneer or designee will be accepted.
7. The auctioneer will determine and announce the number of the successful bidder for each parcel.
8. Successful bidders shall immediately report to the County Treasurer's staff table to complete the bid process. If a successful bidder intends to bid on multiple parcels at the auction, they may inform the Treasurer's Staff of their intent and make a request to complete the bid transaction later in the auction.
9. Failure to complete a bid transaction in a timely manner may result in awarding the parcel to the underbidder or rebidding the parcel later in the auction.

II. TERMS OF AUCTION AND SALE¹

A. GENERAL TERMS

1. Title to the parcel of real property included in this auction was acquired by the County of Cayuga ("County") pursuant to Article 11 of New York State Real Property Tax Law.
2. Title will be conveyed to buyers by Quit Claim Deed transferring the County's interest in the parcel of real property ("parcel"). The County makes no warranties or representations regarding the validity, marketability or insurability of title or the ownership of any improvements on the parcel.
3. All information provided by the County or its agents at this auction with respect to individual parcels is for identification purposes only and is neither a guarantee nor a warranty as to location, dimensions, parcel use, size, or any other information expressed or implied.

¹ These Terms of Auction and Sale apply only to those properties to which Cayuga County holds title. For properties in the City of Auburn, see attached "City of Auburn – Terms of Sale."

4. The parcel is being sold subject to any tenancy, possessory interest and/or lease affecting the said premises. Buyer is responsible for determining the existence and status of any such interests and the applicable legal rights thereto. Eviction actions, if necessary, are solely the responsibility of the buyer.
5. The parcels are sold in their “as is” condition as of the date of the auction, and the County makes no representation or warranty with respect to the condition, physical existence, location, acreage, existence of improvements, intended use of, or accessibility to the parcels. The “as is” nature of this sale includes the environmental condition of the parcels. The County has not done an evaluation of the environmental condition of the parcels and makes no representation with regard thereto. In consideration of allowing buyers to bid at the auction, buyers agree to refrain from making any claim against the County with regard to any environmental condition and agree to be responsible for removing any environmental hazard found on the property. Buyers further agree to hold the County and its agents harmless from any claims hereafter made against the County based on environmental hazards that may be present on any property purchased at this auction. No County employee or agent has any authority to make any warranty or representation of any nature regarding the condition of any parcel.
6. The County is not responsible, at any time, for obtaining access to the buildings located on the parcels for the purpose of inspection of the condition or for any other purpose.
7. The County does not own any personal property located on the parcels, and such personal property is not included in the sale of any parcel. The disposition of any personal property located on the premises is the sole responsibility of the buyer. By signing this Auction Terms & Bidder Certification, the buyer agrees to indemnify and hold harmless the County, its officers, employees and agents, with respect to any claim, including reasonable attorney fees and costs, made against the County, its officers, employees and agents, with regard to personal property located on the parcels.
8. The County or its agents make no representations as to the zoning compliance of the parcels.

B. BIDDING

9. The following persons are NOT ELIGIBLE to bid or purchase parcels of property in the auction: (a) any immediate previous owner of the properties being offered for sale at the time they were foreclosed; (b) anyone acting on behalf of, as agent of, or as a representative of the said immediate previous owner(s); (c) an officer, stockholder, director, employee or spouse of a Corporation or Limited Liability Company, or General or Limited partner of a partnership, which owned any of the properties being offered for sale when they were foreclosed; (d) anyone who owns property in the County which is currently tax delinquent, either individually or jointly with others, or has ownership interest through an entity of any kind which owns property in the County which is currently tax delinquent; (e) anyone acting on behalf of, as agent of, or representative of, any of the persons or entities set forth in sub-paragraph (c) or (d) above; and (f) any of the following officials: County Treasurer, County Attorney, County Legislators, Clerk of the County Legislature, Director of RPTS, any County employee of the County offices of the Treasurer, Attorney, Legislature Clerk or RPTS, and anyone acting on behalf of or for the benefit of same, including members of the household of same (“Ineligible Bidders”).
10. All prospective bidders shall register at the auction with the auctioneer or designee. A valid driver’s license or other form of state issued photo ID and social security number/EIN are required to register. Prospective bidders must also disclose principals on whose behalf bidder will be bidding. Failure to show proper ID and disclose principals will result in disqualification from bidding.

11. All prospective bidders must receive a Bid Package outlining properties in the auction and the Auction Terms and Bidder's Certification. Upon reviewing same and submitting properly executed Auction Terms and Bidder's Certification, eligible bidders shall receive a bid number permitting them to participate in the auction. **The County reserves the right to reject any bidder that has defaulted in any manner at a previous sale.**
12. Only bids made by clearly raising the bid card and acknowledged by the auctioneer or designee will be accepted. The bidding process will be recorded.
13. The Director of Real Property Tax Services and the Auctioneer reserve the right, at their option, to group one or more properties into a single bid sale.
14. The Auctioneer shall have the sole authority to resolve any disputes which may arise between bidders and may immediately re-offer the parcel for sale to the highest bidder upon resolution of disputes.
15. Successful bidders will be notified/confirmed at the auction, at which time successful bidders will be required to execute a Memorandum of Purchase and pay the following in cash, check, MasterCard or Visa:
 - a. **buyer's premium of 10% of the bid; PLUS**
 - b. **deposit of 20% of bid; PLUS**
 - c. **administrative fee of \$200**Please note the \$200 administrative fee is in addition to the recording fees required to be paid to the County within 30 days of the auction. All payments at the auction must be made in U.S. funds, and checks must be drawn on U.S. banks only.
16. Any successful bid of \$500 or less shall be paid in full at the auction, together with the buyer's premium and administrative fee.
17. Notwithstanding anything contained herein, the County reserves the right to reject bids should the County become aware of violation by the bidder of these Terms or violation of law as to a particular property before, at the time of, or subsequent to the given auction.

C. COMPLETION OF SALE

18. Successful bidders, shall be required to pay the balance of the purchase price due to the County Treasurer within thirty (30) days from the date of auction. Receipt received on the night of auction should be brought in when paying balance due. Payments for the balance of such purchase price within the thirty (30) day period shall be by cash, bank check, MasterCard, Visa, money order or equivalent.
19. If the successful bidder fails to pay the balance of such purchase price within said thirty (30) day period, 10% buyer's premium, the 20% deposit, the administrative fee and any other amounts paid, may be forfeited and retained by the County, at the option of the County Real Property Committee.
20. The County will not provide an abstract of title, instrument survey, or title insurance to successful bidder. Those items may be obtained at the bidders' option and sole expense.
21. **Once the purchase price balance has been paid in full with the County Treasurer, the successful bidder shall immediately go to, or contact, the County Office of Real Property Tax Services to complete and sign the transfer paperwork.** At that time, the successful bidder will be required to pay recording fees incidental to the transfer of title, which are in addition to the purchase price.
22. Buyer's ownership of the property commences only upon the County's delivery of the quit claim deed. The quit claim deed shall be considered delivered upon recording, which the County will do on buyer's behalf only after:

- a. buyer has paid the full purchase price,
- b. signed the necessary transfer documents and
- c. paid the recording fees.

The County Office of Real Property Tax Services will return the original executed deed to the buyer approximately 4-6 weeks after recording (the length of time it takes an outside vendor hired by the County to index and digitize the files on behalf of the County Clerk).

23. If the apparent successful bidder ("High Bidder") fails to pay the balance or complete the sale, the High Bidder shall be notified, in writing, of the County's intent to retain the buyer's premium, deposit, and administrative fee. The next highest bidder ("Back Bidder") on the subject property shall then be notified by the County Director of Real Property Tax Services of the failure of the High Bidder to complete the sale, and the Back Bidder shall be given a reasonable opportunity to complete the transaction at his or her bid amount pursuant to these Terms. If the Back Bidder does not purchase, the parcel may be included in a future auction.

III. BIDDER CERTIFICATION

By signing this Bidder Certification and returning it in exchange for a bid number, I hereby certify under penalty of perjury the following:

1. I have access to a copy of the Cayuga County Tax Foreclosed Real Estate Live Public Auction Catalog containing the Auction Procedures, Terms & Bidder Certification, Auctioneer's Notes, and Notice to Buyers of Land in Agricultural Districts.
2. I have read all of the above documents; understand them and agree to be bound by them.
3. I am not an Ineligible Bidder, as defined in the Terms of Auction and Sale.
4. I have sufficient funds to meet the payment requirements as called for by the Terms of Auction and Sale.
5. I understand that only bids made by clearly raising my bid number card and acknowledged by the auctioneer or designee will be accepted and that the bidding process will be electronically recorded.
6. I understand that by submission of a bid, each bidder, and each person signing on behalf of any bidder, certifies, and in the case of a joint bid, each party thereto certifies, that to the best of their knowledge and belief: The prices in a bid have been arrived at independently without collusion, consultation or agreement for the purpose of restricting competition as to any matter relating to such prices with any other bidder or with any competitor.
7. I understand that if I am the successful bidder, I will be required to sign a Memorandum of Purchase and tender the required payments immediately following my bid. Failure to do so may result in my bid rights being revoked at the discretion of the County.
8. I understand that a 10% buyer's premium and a \$200 administrative fee, per parcel, will be added to my final bid and that both are due, together with my 20% deposit, upon signing the Memorandum of Purchase.
9. If I am the successful bidder on a parcel sold for a bid amount of \$500 or less, I agree to pay in full the purchase price, including 10% buyer's premium and \$200 administrative fee, upon signing the Memorandum of Purchase at the auction.
10. I understand that if I pay in full for a property upon signing the Memorandum of Purchase, I must contact the County Office of Real Property Tax Services to complete the transfer documents and pay the recording fees.

11. I understand that in order to complete the sale after the auction, I am responsible for paying all recording fees connected with the transfer at the time I sign the transfer documents at the County Office of Real Property Tax Services. Failure to complete the sale or pay the required amounts may result in forfeiture of rights to bid at this and/or future auctions. The County reserves the right to revoke and restore bidder rights at its discretion when a bidder does not complete the sale.
12. I understand that if at any time prior to the recording of the deed, the County determines that a successful bidder is an Ineligible Bidder, as defined in the Terms of Auction and Sale, or otherwise violated the Terms of Auction and Sale or Bidder Certification, the County, at its sole option, may declare the Memorandum of Purchase breached and null and void, and the County may, at its option, retain the buyer's premium, deposit, administrative fee and any other payments made. The County reserves the right to restore or reinstate bid rights if rights have been previously revoked.
13. I agree to accept the property in "AS IS" condition as defined in the Terms of Auction and Sale.
14. I have received a copy of the pamphlet "Protect Your Family from Lead in Your Home," and I waive the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead based paint hazards. I understand that the County office conducting this sale has not inspected the property for lead paint hazards for this sale and thus does not know whether they exist. Unless otherwise stated in the auction catalog, the County office has no reports of lead paint hazards associated with the properties.

FORM ALL BIDDERS MUST COMPLETE

BIDDER NUMBER
Official Use Only

INDIVIDUALS/NON-BUSINESSES	
SOC. SECURITY #	- -
NAME 1	
(must be present)	(name as to appear on deed)
NAME 2	
(if not present use agent process below)	(name as to appear on deed)
STREET ADDRESS	
CITY, STATE, ZIP	
PHONE	()
EMAIL ADDRESS	
SIGNATURE(S)	

BUSINESSES & AGENTS FOR OTHER PARTY	
FED E.I.N. / SSN	- -
AGENT NAME	Yes or No
(Requires a notarized letter authorizing agent to bid on behalf of another party or entity)*	to appear on deed?
DEED OWNER	
(If not present at auction, must provide letter authorizing agent to bid on their behalf and will be required to sign transfer documents)*	
BUSINESS NAME	
(Provide business name if to appear on deed)	
STREET ADDRESS	
CITY, STATE, ZIP	
PHONE	()
EMAIL ADDRESS	
SIGNATURE(S)	

AUCTION STAFF: _____ **DATE:** _____

* IMPORTANT NOTE: Any agent bidding on behalf of another person or entity must include a notarized letter signed by both the agent and the other party, and in order to complete the sale, the additional named persons intended to appear on the deed will be required to sign transfer documents authorizing the addition of their name as a buyer at the time of completion of sale.