



## Auditor/Treasurer

Carlton County Historic Courthouse, 301 Walnut Ave, PO Box 130, Carlton, MN 55718 Phone: 218.384.9127

**Kevin DeVriendt** Auditor/Treasurer

**Kelly Lampel** Chief Deputy Auditor/Treasurer

# TERMS AND CONDITIONS

1. **WITHDRAWAL:** The right to withdraw or add any properties to this list is hereby reserved by Carlton County.
2. **BIDDING PROCESS**
  - A. **PROCESS:** All listed properties will be sold to the highest bidder at auction in two online auction periods. Properties will first be offered at an Estimated Market Value (EMV) Auction and if not sold, then offered at a Minimum Bid Auction. Bidding will begin at and must be sold at no lower than the property value specified with the tract number on the list for each auction. If a property is not sold during the EMV Auction period, it will then be offered at the Minimum Bid Auction. The county reserves the right to reject any or all bids and to reject any bidder who has defaulted on a land sale contract or is a prohibited buyer or bidder as defined on a land sale contract or is a prohibited buyer or bidder as defined in Minnesota Statute 282.016 (f). Carlton County may pursue all legal remedies allowed by law against any bidder who fails to make payment for a winning bid.
  - B. **SALES:** All sales are final, and no refunds or exchanges are permitted.
  - C. **ERRORS:** Buyer agrees to fully cooperate in adjusting for clerical or scrivener's errors on any documents that are part of this transaction, including, but not limited to, errors related to the amount of the purchase price.
  - D. **FORMER OWNERS:** Prior to public auction of a property or initiation of state condemnation proceeds of a property withheld from sale, a property may be repurchased by payment of the sum of all delinquent taxes and assessments computed under section 282.251, together with penalties, interest and costs that accrued or would have accrued if the parcel of land had not forfeited. A property repurchased under this subdivision is no longer subject to the requirements of sections 282.005 and 282.007. All rights and interests of all interested parties remain unaffected if a property is repurchased.
  - E. **FEES:** Fees are payable to Carlton County Treasurer. The County Auditor/Treasurer 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 are required for closing such as recording fees, deed preparation fees, deed taxes, well certificates (if applicable), and online auction fees which will be due at the time of closing and payable to Carlton County.

**FEES:** At the closing of the sale, in addition to the purchase price, the following fees will be collected:

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|------------------------------------|--|
| • Assurance Fee:                   | 3 percent of the total sales price   |
| • State Deed Recording Fee:        | \$ 46.00   |
| • Deed Preparation Fee:            | \$ 25.00   |
| • Deed Tax                         | \$ .0033 of the total sales price  |
| • Well Certificate (if applicable) | \$ 50.00   |
| • Online Auction Fees              | Variable on sales price. \$50 (sale \$715 or less),<br>7 percent of the sales price (sale \$716 to \$4,000),<br>6 percent of the sales price (over \$4,000),<br>Maximum fee per sale is \$750. |



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- F. PAYMENT:** There will be two (2) payments due for winning bidders. Payment 1 for the winning bid amount made out to "Surplus Services" and Payment 2 for the closing fees listed above under 2.E. made out to "Carlton County Treasurer". Payments must be made in the form of a money order or cashier's check.
- 3. ASSESSMENTS:** Properties offered for sale may be subject to unpaid assessments. Before purchasing, prospective buyers should consult the City/Town Clerk for all locations, in respect to any unpaid assessments that may exist and may be added back on after purchase. Any municipality or other public authority is authorized to make a reassessment or a new assessment to a property in an amount equal to the remaining unpaid original assessment at the time of forfeiture Minnesota Statute § 429.071, Subd. 4 and 435.23. Any assessments against the properties for public improvements that were levied after the properties forfeited to the State shall be assessed against the properties and paid for at the time of purchase, pursuant to Minnesota Statute § 282.01, Subd. 3.
- 4. REAL ESTATE TAXES:** Forfeited property that is repurchased, or sold at a public or private sale, on or before December 31 of an assessment year shall be placed on the assessment rolls for that year's assessment, pursuant to Minnesota Statutes § 272.02, Subd. 38(c). If a purchase is made before December 31, taxes will be payable for the following year.
- 5. ZONING:** Properties sold through this auction are subject to local 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. Carlton County makes no warranty that the properties are "buildable". It is the sole responsibility of the prospective buyers to be fully informed prior to purchasing, and the county encourages prospective buyers to contact the local land use and zoning authorities where the properties are located for information about building codes, zoning laws, or other information that affect the properties.
- 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. Carlton County is not responsible for locating or determining property lines or boundaries.
- 7. NOTICE OF AWARD:** Successful bidders will receive a "Notice of Award" by email from [mnbid.mn.gov](mailto:mnbid.mn.gov)
- 8. MNBid:** All bidders must register with MNBid (<https://mnbid.mn.gov/>) prior to bidding on any properties. By registering, the bidder agrees to all terms and conditions of MNBid, namely that items must be paid for in full within 10 days from the date of award by money order or cashier's check made payable to "Surplus Services".
- 9. PROPERTY CONDITION:**
- A. SOLD "AS IS":** All land and improvements are sold "as is" and may not conform to local building and zoning ordinances. Carlton County makes no warranties that the land is "buildable", or as to the condition of any buildings, wells, septic systems, soils, roads, or any other thing on the tract. All tracts are being sold with the understanding that the buyer and seller agree to waive disclosures required under Minnesota Statutes Chapters § 513.52 to 513.60, and 103.235 and any associated liabilities. No representation is made as to the condition of the structure, its fixtures or contents, or their suitability for any particular use. It is the sole responsibility of prospective buyers to be fully informed prior to



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purchasing. Buyers are encouraged to contact the local land use and zoning authority where the properties are located for information about building codes, zoning laws, or other Terms & Conditions municipal information that may affect a property. Buyers will be required to sign the "Buyer's 'As Is' Addendum" as part of the Terms of Sale, which will be available for review prior to the auction.

- B. GUARANTEE WAIVER:** Carlton County makes no warranty, guaranty, or representation of any kind, expressed or implied, as to the condition, usability, value, merchantability, authenticity, or fitness for any purpose of the property offered for sale. Buyer is not entitled to any payment of loss or profit or any other money damages, including but not limited to special, direct, indirect, or consequential damages.
- C. NO DESCRIPTION WARRANTY:** Carlton County is not responsible for any omissions or errors in description of items being offered for sale. It shall be the bidder's responsibility to inspect and satisfy themselves as to the details and conditions of the item offered before entering a bid. Carlton County does not attest to the authenticity of any items.
- D. TESTING:** Buyers are able to obtain authorization from Carlton County to perform soil testing, at their own expense, before purchasing a property. The sale will not be rescinded if soil problems of any type are discovered after the sale.
- E. INSPECTION:** Bidders may inspect the property prior to bidding, no access will be allowed inside any structures. Please contact the Carlton County Land Department at 218-384-9179 to arrange for such an inspection.
- F. LEAD:** Some properties may present exposure to lead form lead-based paint that may place young children at risk of developing lead poisoning. If bidder is interested in purchasing a single-family dwelling built prior to 1978, bidders have the right to conduct a risk assessment for lead-based paint hazards at the bidder's expense, at least ten (10) days before the sale date. Please contact the Carlton County Land Department at 218-384-9179 to arrange a time to conduct such assessment.
- G. RADON WARNING STATEMENT:** The Minnesota Department of Health strongly recommends that ALL homebuyers have an indoor radon test performed prior to purchasing 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 non-smokers 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. Carlton County has not performed and is not aware of any radon testing on properties offered for sale unless otherwise noted. The county can provide a copy of the Minnesota Department of Health's "Radon in Real Estate Transactions" publication to any buyer of residential tax-forfeited property upon request.
- H. TITLE:** Neither Carlton County nor the State of Minnesota warrants the condition of title. Buyer will receive documentation regarding purchase at the time of sale and/or the Commissioner of Revenue will issue a deed from the State of Minnesota after full payment is made. Tax forfeiture will create a break in the chain of title. SELLER CONVEYS NON-WARRANTIED TAX TITLE, and the services of an attorney may be necessary to make the title marketable.



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- I. **HAZARD MATERIALS INDEMNIFICATION:** The buyer shall indemnify Carlton County and/or the State of Minnesota for environmental contamination arising or resulting from the buyer's use and occupancy of the purchased property.
- J. **HISTORY:** Carlton County makes no representations regarding the history or condition of the properties offered for sale. It is the buyer's sole responsibility to research the history and condition of any property that buyer wishes to purchase.
10. **MORTGAGES AND OTHER LIENS:** All sales are subject to existing leases, easements, deed restrictions, covenants, dedications, and rights-of-way holders. 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. Some mortgages and liens, other than Federal and State Liens, may be canceled at forfeiture but may be re-instated after sale. It is the solely the responsibility of each potential Buyer to thoroughly research such information and to check with any mortgage or lien holders on the property.
11. **WETLANDS AND FLOODPLAINS:** Carlton 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. It is the buyer's sole responsibility to research, inspect, and review a property prior to purchasing.
12. **RESTRICTIVE COVENANTS:** Some non-platted properties listed for sale may contain non-forested marginal land or wetlands as defined in Minnesota Statutes. The deed 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 lands or wetlands will be available to prospective buyers upon request.
13. **MINERAL RIGHTS:** All minerals and mineral rights are sold to the State of Minnesota upon forfeiture and are retained by the State when a tax-forfeited property is conveyed.
14. **LEGAL COUNSEL:** In order to protect your legal interests, it is recommended that buyers consult with a real estate attorney regarding title issues, boundary issues, assessments, mortgages and other legal matters.
15. **ACCESS: CARLTON COUNTY MAKES NO REPRESENTATIONS, WARRANTIES, OR GUARANTEES WITH RESPECT TO LEGAL ACCESS TO TAX-FORFEITED PROPERTIES OFFERED FOR SALE. ALL PROPERTIES ARE SOLD AS IS, WITHOUT WARRANTIES OR REPRESENTATION OF ANY KIND.**
16. **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 until the default has been cured. If the Buyer fails in the performance of their obligations, Carlton County may exercise such rights and pursue such remedies as are provided by law.
17. **ACCEPTANCE OF TERMS AND CONDITIONS:** By submitting a bid, a bidder agrees that the bidder has read, fully understood, and accepted these Terms and Conditions of online sales, and agrees to pay for, if the bid is accepted, by the dates and times specified. Carlton County does not discriminate on the basis of



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race, color, national origin, sex, religion, age or disability in employment and the provision of services. Prospective bidders who require special accommodations to participate in this sale should inform the Land Department as soon as possible and more than three (3) working days before the sale.

**Questions regarding the sale should be directed to the Carlton County Land Department at 218-384-9179.**

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**CLOSING PROCESS & PAYMENT TERMS:** There are several steps required to close the sale after a property has been won at auction. This process follows:

1. Buyer wins high bid on an auction property.
2. MNBID Surplus Services sends Buyer an Award email and/or letter serving to notice the Buyer they have won.
3. **PAYMENT 1.** Within ten (10) days from the date of the bid award, buyer shall submit payment to "Surplus Services" by either mailing or physically dropping off cashier's check or money order made payable to "Surplus Services" at 5420 Old Highway 8, Arden Hills, MN 55112. (Cash will not be accepted). Please contact [mnsurplus.auction@state.mn.us](mailto:mnsurplus.auction@state.mn.us) or 651-639-4022 for assistance in completing this first payment. **THE AMOUNT OF THIS PAYMENT IS THE WINNING BID AMOUNT AS LISTED ON THE AWARD LETTER**
4. MNBID Surplus Services remits payment and contact information of winning bidders to Carlton County Auditor/Treasurer.
5. Carlton County staff will contact Buyer to schedule a closing with Carlton County and provide Buyer with a cost sheet breaking down the additional costs to close. **PAYMENT 2.** At this closing, Buyer will fill out a simple Closing Information Form and provide certified funds made out to "Carlton County Treasurer" to pay for the additional statutory fees required upon the purchase of tax-forfeited property. At the closing with Carlton County, Buyer must provide funds for fees as described in Terms and Conditions section 2.E.
6. Once Carlton County has received the Closing Information Form and funds to Close, staff will send in deed application to the Minnesota Department of Revenue. The state deed is generally returned to the county within 2-6 weeks and will be sent for recording. Once the deed has been recorded, Carlton County staff will mail out the deed to the buyer.