

## Terms & Conditions

### GENERAL...

1. This property offered at auction has been foreclosed upon to enforce the collection of delinquent taxes under the New York State Real Property Tax Law. The legal redemption period expired at 5:00 PM on Friday, January 13, 2006.
2. All properties are sold "AS IS - WHERE IS" with ownership acknowledged by Quitclaim or Tax Deed. The County WILL NOT furnish an abstract of title or title insurance.
  - a. Crossroads Abstract Co. pursuant to their contract with the county, will make title insurance available to purchasers of auction property. Title insurance requires an abstract of title. For further information and costs of title insurance or abstract work, contact Mr. Matt Gage at:  
**Crossroads Abstract Co.**  
**97 South Main Street**  
**Canandaigua, New York 14424**  
**585-394-0400**
  - b. NYS Real Property Tax Law (Article 11) provides that the tax foreclosure process cuts off all title and interest of the owner, and also all other claims and liens, including mortgages and judgments. Recorded easements and rights of way are not cut off.
3. Federal tax liens are covered by the Code of Federal Rules. The county notified the IRS of the tax foreclosure on December 16, 2005 informing them that the 120 day federal right to redeem would begin to run on January 14, 2006 and that it would expire on May 15, 2006.
4. Each purchaser will be required to sign a legally binding Property Bid Acknowledgment Form for each purchase which commits the Purchaser to compliance with all Terms and Conditions as stated herein.
5. All property bids and purchase memorandums are subject to confirmation by the Ontario County Board of Supervisors.
6. Any promotional tools such as photographic slides, tax maps, written or verbal descriptions, etc. are for informational purposes only. The Seller neither guarantees nor warrants anything as to location, dimensions, parcel use or size. **It is the sole responsibility of the purchaser to determine the legal and/or physical fitness of the property.**
7. Risk of loss or damage by fire, vandalism or any other cause (except taking under the power of eminent domain) between the time of sale and the time of deed delivery is assumed by the purchaser.
8. In the case of any parcel where the high bidder or the County has a factual basis for environmental concerns, the County may extend the closing deadline to allow the high bidder to conduct an environmental investigation. The high bidder shall inform the County, in writing, of the environmental concerns, and shall retain appropriate professionals, approved by the County, to conduct the investigation.
9. All potential Bidders must show acceptable identification for issuance of a bid

- number.
10. All Bidders/Buyers must register for this auction and hold a buyer's number.
  11. All decisions regarding bidding disputes shall remain completely within the Auctioneer's discretion.
  12. The Auctioneer retains the right to reject any bid that is not within current bidding increments or that is not an appreciable advancement over the preceding bid.
  13. The Auctioneer and the Seller shall remain forever immune from any and all liability concerning any personal injury or property damage occurring before, during or after the auction, no matter what the cause. Additionally, the Auctioneer and Seller shall remain forever immune from the consequence of purchase of any property at this auction.

### **FINANCIAL...**

14. Payments shall be made by cash, bank check, certified check, money order, business or personal check drawn on a New York State bank. Bank instruments must be made payable to Ontario County Treasurer. The Purchaser(s) is (are) required to sign a Transfer Report Form, available at the Ontario County Treasurer's office. The property transfer and closing process will be handled by the Ontario County Attorney's office.
15. Full payment which includes current taxes due and recording fees, must be made immediately at "knockdown" (when the Auctioneer says "sold"), for any properties sold in the amount of \$ 5,000.00 or less.
16. Any properties sold for more than \$ 5,000.00...the amount of \$ 5,000.00 plus 10% of the amount over \$ 5,000.00 must be paid immediately at "knockdown."
  - a. The remainder of the purchase price, current taxes due, and recording fees must be paid to, and received by, the Ontario County Treasurer (585-396-4432) no later than 5:00 PM, Friday, August 4, 2006; at . . .

**Ontario County Treasurer  
County Municipal Building (2nd floor)  
20 Ontario Street (behind Courthouse)  
Canandaigua, New York 14424**
17. If the necessary payments have been delivered to the Treasurer's Office, and if the County has the executed transfer report form and other information requested above, the County will be able to record the transfer documents and complete the closing process within 30 days from the auction date, or sooner. If you have questions about this process, contact the Ontario County Attorney's Office at 585-396-4411.
18. Failure to close on the property or failure to pay the remainder of the purchase price, current taxes and recording fees, subjects the purchaser to loss of any and all deposit monies, and all rights or claims to the property.

### **TAXES...**

19. The county will pay all delinquent taxes and charges up to and including all those appearing on the January 1, 2005 Town and County tax bill. This may

include the following:

- < 2004 - 2005 Village tax
  - < 2004 - 2005 School tax
  - < 2005 Town and County tax
  - < Special District charges levied and included in these tax bills
20. The purchaser will pay all of the following taxes and charges, including all interest and penalties, if applicable and if they have not been paid:
- < 2005 - 2006 Village taxes
  - < 2005 - 2006 School taxes
  - < 2006 Town and County taxes
  - < Current water, sewer or other Special District charges that have not been included in the tax bills, will be the responsibility of the purchaser
  - < Exemption charge-backs: there may be one or more exemptions presently applicable to the property. If so, there will be one or more future pro-rated exemption charge-backs levied against the purchaser.
21. Purchasers will be responsible for all upcoming taxes. In order to avoid paying interest and penalties, the new owner should receive all tax bills. **Purchasers are advised to immediately notify the appropriate village, school and town tax collectors of the new ownership, and the address where future tax bills are to be mailed.** Contact the Ontario County Treasurer's Office at 585-396-4432, Monday through Friday, 8:30 AM to 5:00 PM for a current listing of all tax collectors.

### **ASSESSMENTS...**

22. The information booklet lists the 2005 assessments for each property. Bidders or purchasers with questions regarding assessed values or assessment practices are advised to immediately contact the assessor's office of the town in which the property is located. A current listing of all assessors is available at the Ontario County Real Property Tax Services Agency or by calling 585-396-4382, Monday through Friday, 8:30 AM to 5:00 PM.