

MENOMINEE COUNTY, WI

FREQUENTLY ASKED QUESTIONS

Tax-Foreclosed Property Sales

Revised: 16 Sep 2016



- 1. What is Tax Foreclosure?** Tax foreclosure is a legal process by which a local government takes title to real property due to the nonpayment of property taxes. Chapter 75 of the Wisconsin State Statutes contains the legal basis for tax foreclosure, prescribes the specific procedures to be used, and describes the owner's rights and the Treasurer's responsibilities. Menominee County uses the foreclosure procedures under Section 75.521 of the Wisconsin Statutes, known as "In Rem" Foreclosure.
- 2. Does the County Have an Ordinance Governing the Sale of Foreclosed Properties?** Yes, Menominee County has adopted Ordinance No. 2015-64, entitled, "Sale of Foreclosed Properties". This ordinance specifies how the Board will sell foreclosed properties. In summary, the ordinance governs the manner in which foreclosed properties are to be sold at public bid. It requires such properties to be sold at or above the appraised value in the first sale attempt, and allows them to be sold below the appraised value in subsequent sales attempts. It also provides preference to family members of former property owners who submit bids that are within 10% of the highest bid. You can read Ordinance No. 2015-64 by going to Menominee County's website and clicking on the "News and Events" link.
- 3. Can I Just Buy The "Tax Lien" Instead Of The Property?** No. In some states, counties sell the "tax lien" and but not the property. Wisconsin is not one of those states. In Wisconsin, counties take full ownership of real property first, and then they can sell it for fair market value. There are no "tax liens" available for sale.
- 4. Who Is In Charge Of Selling Tax-Foreclosed Properties?** The sale of tax-foreclosed properties is administered by the Menominee County Treasurer's Office with the assistance of Corporation Counsel.
- 5. Where Can I Get Information About How To Buy Tax-Foreclosed Property?** Information about all of the properties that are available for sale, bid forms, bid instructions, and terms of sale are all available on Menominee County's website, under the "News and Events" link (green bar on side of main page).
- 6. How are Tax-foreclosed Properties Sold?** Properties taken in tax foreclosure are not sold for the amount of unpaid taxes or the amount of the tax lien. Properties are not sold by auction. They are given a fair market value and marketed and sold just like any other property you'd find for sale in the local real estate market.

State and County law requires that newly available properties be offered in a public sale with minimum bid requirements. A Class 3 Notice of upcoming sales of newly available properties is published in the Shawano Leader in advance of the bid deadlines. A minimum of 14 days is provided in that notice for potential buyers to submit a bid. A \$250.00 deposit is required. Only bids that meet or exceed the appraised value will be considered.

Any properties that aren't sold after the first sale attempt become available for sale on a temporary or ongoing basis. A Class 1 Notice of these properties is published in the Shawano Leader before they can be listed as available for sale. For these properties, bids

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can be made at or in the manner specified in the notice. A \$250.00 deposit is required. The County will consider bids for less than the sale price but is not required to accept them.

7. **When Will Your Next Tax Deed Sale Be Held?** There is no scheduled date for land sales. Check the Shawano Leader, the County's website, or with the County Treasurer's Office to find out what properties are for sale and when the bid deadlines are.
8. **Where Will The Next Sale Be Held?** There is no "place" where properties are sold. Check the Shawano Leader, the County's website, or with the County Treasurer's Office to find out what properties are for sale.
9. **What Time Does The Sale Usually Begin?** There is no set time for property sales. All properties currently available for sale are listed on Menominee County's website. Properties not listed on Menominee County's website are not available for sale.
10. **How Do I Register For A Land Sale?** There is no registration required for bidding on properties.
11. **How Do I Submit a Bid?** You must submit your bid on the "Bid and Purchase Agreement". A \$250.00 deposit must be included with that form. The "Bid and Purchase Agreement" and deposit must be submitted by the deadline date posted in the notice. In the first attempt to sell the property, the bid must be equal to or greater than the appraisal price. In the second or subsequent attempt to sell a property, the County may consider a price lower than the appraisal value.

Make sure you meet the deadline. Make sure you use the "Bid and Purchase Agreement". Remember to include the bid deposit of \$250.00. Bids that are incomplete, unsigned, do not include the bid deposit, or that are one minute late (or later) will be rejected.

Refer to the example Bid and Purchase Agreement appearing at the end of this FAQ.

12. **How is Family Preference Provided?** Ordinance No. 2015-64 allows the County to provide preference to family members of the former property owner but not to the former owner him/herself. The family member must be the mother, father, spouse, child (including adopted and step), brother, sister, grandchild or grandparent. Aunts, uncles and cousins are not considered family for the purpose of the ordinance/preference requirement.

Under the ordinance, family members will receive preference if their bid is within 10% of the highest bid. For example, if the highest bid on a property was \$10,000 and a family member submitted a bid of \$9,001, the family member would receive preference over the higher bid.

If you are claiming to be a family member, you must indicate so on the "Bid and Purchase Agreement". You may be required to provide documentation evidencing your family relationship.

13. **What Proof Do I Have to Submit if I am Claiming Family Preference?** We will consider any evidence that would lead a reasonable person to believe someone is related to a former property owner. This evidence might include copies of birth certificates, Census records, death certificates, obituary notices, sworn affidavit provided by the former property owner, or DNA test results. We understand some people may not feel comfortable providing such information. If you include a self-addressed stamped envelope with that

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information, our Treasurer can mail that information back to you after she or her staff has verified the family relationship.

- 14. Who Actually Accepts the Bids?** In the County's first attempt to sell foreclosed properties, the Personnel and Finance Committee for Menominee County is authorized to accept bids.

In the second or subsequent attempt to sell properties, the Personnel and Finance Committee makes the recommendation to the Board of Supervisors. The Board of Supervisors actually makes the decision in the second or subsequent attempt to sell foreclosed properties.

- 15. Do You Hold Online Auctions?** We do not currently offer property through online auction. Bids must be mailed or delivered in person to the Treasurer's Office by the deadline specified in the notice.

- 16. Are There Any Other Ways That Menominee County Sells Tax Foreclosed Property?** Menominee County may consider the use of a realtor to market and sell property in the future. More information on this will be provided as updates warrant.

- 17. What Form Of Payment Is Accepted?** Payment must be made by Cashier's Check, Bank Draft, Money Order or an equivalent. They are the only methods of payment accepted. Cash and personal checks will NOT be accepted.

- 18. Is The Full Amount Of Payment Due On The Day Of Sale?** A \$250.00 deposit is due with a bid, as indicated in the Bid Instruction. If the bid is accepted, full payment must be made within 30 days of acceptance. If full payment is not made within 30 days of acceptance, approval of the sale automatically lapses. Bid forms, bid instructions, and terms of sale are available on Menominee County's website.

- 19. What Happens If Someone Doesn't Pay The Purchase Price On Time?** If somebody bids on a property but can't pay for it within the 30 days, the bidder's deposit is forfeited and will not be returned. The County may consider the next highest or qualifying bid, or may re-post the property for sale.

- 20. How Can I Get A Current List Of Properties Available For The Upcoming Sale?** A current list of properties available for sale is on Menominee County's website under the "News and Events" link. All of the properties that are available for sale are listed on Menominee County's website. If a property is not listed on Menominee County's website, it is not for sale. You can also get a list from the Menominee County Treasurer's Office.

- 21. What Can I Do If I'm Interested in a Property That is Not Listed For Sale?** Properties that are for sale are listed on Menominee County's website. If a property is not listed on Menominee County's website, it is not for sale by the County. Feel free to check back for updates on occasion. Keep an eye on the newspaper, since legal Notice must be published before properties are sold.

- 22. What Do You Do With Properties That Are Not Purchased At The Sale?** Properties will remain available for sale until they are sold; sale and availability are subject to proper notice requirements. Menominee County has the right to act in its best interest at all times and may remove properties from the sale listing at any time.

- 23. What is the 10-Day Waiver All About?** The 10-Day Waiver is a deed restriction that was attached to certain property sales occurring within Menominee County back in the 1960's and early 1970's. The restriction provides the Menominee Tribe with a 10-day window of opportunity to match a sale offer. If the Tribe matches the offer, it must be sold the property. The restriction was designed to allow the Tribe the opportunity to repurchase its original landholdings.
- 24. How Long Does It Take To Get A Deed After The Auction?** All property is sold "AS IS" and all conveyances are by Quit Claim deed. Once the payment has been deposited and verified as clearing the bank, the County's Corporation Counsel will prepare the deed. The buyer will then need to provide payment for having the deed recorded, which is currently \$30.00 (Thirty and 00/100 dollars). After the deed is recorded it will be mailed to you.
- 25. Can I Get More Information About a Foreclosed Property?** Yes. Go to the Accurate Assessment website at <http://www.accurateassessor.com/municipalitylist.php>, click on the Menominee link and enter the parcel number. There you can find a Property Record Card that shows information about the lot dimensions, acreage, and other details. Better yet, take a drive on out and view the property yourself.
- 26. What does "homestead" mean?** Your homestead is the Wisconsin is where you live, whether you own it or rent it, and up to one acre of land adjoining it (or up to 120 acres of land if the homestead is part of a farm). For example, it may be a house, an apartment, a rented room, a mobile home, a farm, or a nursing home room. Unless your homestead is part of a farm, it does not include any part which is rented to others, used for business purposes, or a separate unit occupied by others rent free.

EXAMPLE ONLY

MENOMINEE COUNTY BID AND PURCHASE AGREEMENT

Revised: 16 Sep 2016
(Supersedes All Previous Editions)



I/We _____ (“Purchaser”),
adult(s) residing at _____ and
having a daytime phone number of (_____) _____, hereby agree to purchase Parcel Number
_____, Fire Number and Street Address _____ (if known),
from the County of Menominee (the “COUNTY”) subject to the terms and conditions set forth herein.

1. I am (we are):

Not claiming family preference;

Claiming family preference, for I am the—

Spouse

Father

Mother

Grandparent

Brother

Sister

Child

Grandchild

of the former property owner. The former property owner’s name and phone number is:

Name: _____ (_____) _____

Attached is documented proof of my claim of family preference.

(Note: Unsupported/unverifiable claims will not be eligible for “family preference”)

2. The purchase price (total amount) for the real estate shall be \$_____. Bid must specify a fixed dollar amount as a purchase price. Purchaser agrees to pay the purchase price (less deposit) and deed recording fees by cashier’s check, bank draft, or money order within thirty (30) days of acceptance of this Bid and Purchase Agreement by the COUNTY.
3. I/We will | will not be using the property as homestead property.
4. If two or more people are to be listed on the deed, how will the property be held: **Joint Tenancy** (e.g., equal ownership, all owners on one deed, and survivors receiving share of decedent’s interest; usual type of ownership for husband and wife) or **Tenancy in Common** (e.g., each owner receives a deed to his/her own fractional percentage of the property).
5. Purchasers’ performance may not be dependent on the happening of a contingency (e.g. financing, sale of real estate, etc.).
6. A deposit, in the form of cash, cashier’s check or money order payable to the “County of Menominee”, in a sum equal to \$250.00 of the total purchase price, must accompany this Bid and Purchase Agreement. If this Bid and Purchase Agreement is accepted by the COUNTY and the Purchaser defaults, Purchaser shall forfeit this sum to the COUNTY.
7. Conveyance shall be by quit claim deed. A quit claim deed passes any title, interest or claim which the grantor may have in the real estate, but does not profess that such title is valid, nor does it contain any warranty or guaranty of title. Purchaser shall be the grantee.
8. No abstract of title or title insurance will be provided by the COUNTY to Purchaser.
9. Any special assessments, judgments or liens shall be the liability of the Purchaser.
10. The real estate shall be sold “as is – where is”, and Purchaser must trust his/her own inspection. COUNTY makes no representations as to (without limitation by enumeration) zoning and planning laws or regulations, land use, dimensions or actual legal boundaries of the land, acreage, access to the land, topography of the land, drainage patterns of the land and neighboring properties, wetlands on

Bid and Purchase Agreement

the property, floodplain areas, soil type or quality, water supply or quality, or other natural or man-made features or characteristics of the real estate. COUNTY makes no representations as to the availability of community services such as sewage disposal, waste disposal, electricity, natural gas/fuel oil/propane gas, road maintenance, snow plowing, police protection, fire protection or other services or conveniences. COUNTY will not undertake the responsibility for inspection, replacement, repair, remediation and/or clean-up of wells, septic systems, holding tanks, mound systems, structures, environmental hazards or pollution, or hazardous waste or materials located over, beneath, in or on the real estate.

- 11. If this sale is set aside for any reason in the future, the COUNTY’s liability to Purchaser is limited to the return of the purchase price. Purchaser shall have no further recourse against the COUNTY.
- 12. The COUNTY reserves the right to reject any and all bids or to accept those it deems in good faith to be most advantageous to the COUNTY. Criteria used by the COUNTY in determining the acceptance of a bid may include:
 - a. Adequacy of the bid price;
 - b. Family relationship to the former property owner;
 - c. 10-day waiver option contained in the deed; and
 - d. The sale which is most advantageous to the COUNTY.
- 13. The COUNTY will give preferential consideration to bids submitted by family members of the former owners if such bid is within ten percent (10%) of the highest bid.
- 14. If the COUNTY determines that two (2) or more of the bids are acceptable, the bids are equal, all criteria is met and either or all sales would be equally advantageous to the COUNTY, the sale of said property will be determined by coin flip with the winner being awarded the parcel at the price he/she bid.
- 15. Any time constraint set forth herein may be extended at the discretion of the COUNTY.
- 16. The COUNTY reserves the right to waive irregularities, informalities and technical defects in bid proposals.
- 17. If the property contains a deed restriction granting the Menominee Indian Tribe of Wisconsin (the “Tribe”) a 10-day waiver, the COUNTY is required to provide the Tribe the opportunity to match the successful bid that was conditionally awarded. If the Tribe matches the successful bid, conditional approval of the successful bid will be summarily withdrawn and the sale shall be awarded to the Tribe.
- 18. This Bid and Purchase Agreement (and Invitation to Bid) constitutes the entire agreement between the Purchaser and the COUNTY, and no oral statements or promises shall be valid or binding.

Dated this ____ Day of _____, 201____.

BIDDER(S)/PURCHASER(S)

Signature: _____ *?d| c °: #°9 dZ* _____

Printed Name: _____

Signature: _____

Printed Name: _____

EXAMPLE ONLY

***** REMEMBER TO FILL OUT COMPLETELY, SIGN AND DATE, AND ATTACH DEPOSIT *****

THIS BID AND PURCHASE AGREEMENT MUST BE FULLY COMPLETED, LEGIBLY WRITTEN OR TYPED, AND MAY NOT BE ALTERED. THIS BID AND PURCHASE AGREEMENT, AND DEPOSIT, MUST BE SEALED IN AN ENVELOPE, LABELED "LAND BID-PARCEL NUMBER: _____" AND DELIVERED TO AND RECEIVED BY THE COUNTY TREASURER, W3269 COURTHOUSE LANE, P.O. BOX 279, KESHENA, WI 54135 BY THE DATE INDICATED.