

**2023 ERIE COUNTY (PA) JUDICIAL TAX SALE
ON-LINE SALE - TERMS AND CONDITIONS**

(This Year's Sale is tentatively Scheduled for December 5th & 6th, 2023)

****IF YOU INTEND TO BID ON A PROPERTY, YOU MUST REGISTER TO BID
ON OR BEFORE November 21, 2023.**

**All Bidders agree that they have read and fully understand these terms and agree to
be bound thereby:**

1. **TITLE, CONDITION and OCCUPANCY** All properties are sold "as is" with no warranty or guaranties of any kind regardless of statement of condition made from the auction block/page. Bidders shall rely entirely on *their own inspection and information and are responsible for knowing the properties which they are bidding upon*. ALL SALES ARE FINAL.

The "As Is" sale includes, but is not limited to environmental conditions such as possible wetlands, storm water drainage matters, underground storage tanks, or hazardous or toxic waste or materials in, on or under the property.

Neither the County nor the attorneys make any guaranty or warranty that the information or photos from the Erie County Assessment Office displayed is accurate. **For example, the information may include a photo of a structure that is no longer on the property.** In particular, mobile homes are **MOVABLE** and may not be on the property anymore, despite being in a photograph displayed during the sale.

As such, Bidders shall *rely entirely on their own inspection and information* and are responsible for knowing the current condition of properties upon which they are bidding (*including BLIGHTED Properties*).

With the exception of mobile homes without land, no personalty is included in the sale.

The Bureau conducts a limited title search in order to attempt to notify all known holders of mortgages, judgments or liens that, by Order of the Erie County Court of Common Pleas, the property will be offered for sale divested of such mortgages, judgments or liens. These searches occur during the year leading up to the sale, not on the day of the sale. Thus, liens or judgments that are filed after the search, but before the sale, will not receive notice of the sale and such liens may continue as valid liens. For this reason, the Bureau places a "good through" date of **March 1, 2023** on its searches. Buyers are warned that if they do not perform "bring down" searches after that date, they could take a property subject to a valid lien. No warranty or guaranty is made regarding the title searches.

Any trailers that are purchased from the sale may have an encumbrance on the trailer's certificate of title and will be sold under and subject to said encumbrance.

Note: land title insurance companies usually will not insure the title of judicially sold property. Buyers should consult legal counsel concerning the title and the advisability of bringing a court action to Quiet Title. The County, its attorneys and representatives make no warranty, guarantee, or representation as to the description of a property, nor will it make any survey on the property.

The Erie County Tax Claim Bureau reserves the right to participate, or not to participate in any post-sale litigation.

The Erie County Tax Claim Bureau will sell subject to existing tenancies and possessors (i.e., renters or others occupying the property). You may have to bring an action for eviction or ejectment to remove any such occupants.

All those participating in the bidding process or who may otherwise be affected thereby and have an interest therein are reminded of the following: the risk of loss due to casualty or other destruction or damage to the premises, and responsibility and liability for any injuries to persons arising out of the condition of the premises will be upon the bidder, effective upon payment of the bid price. **Winning bidders have an insurable interest the moment they pay for the property and need not wait to receive a deed to obtain insurance on the property.**

****** Please Note:** The existence of a Federal Tax Lien creates a 120-day right of redemption in favor of the federal agency. This entitles the federal authorities to purchase the property within 120 days of the sale from the successful bidder at the bid price. Therefore, bidders are cautioned to refrain from improving the premises by improvement or demolition during this redemption period.

2. **PAYMENT: CERTIFIED CHECK, MONEY ORDERS or WIRED FUNDS ONLY.**

NO CASH and NO PERSONAL CHECKS WILL BE ACCEPTED. Purchases may only be made by cashier's/certified check or wired funds made payable to "MacDonald, Illig, Jones & Britton LLP" or to the winning bidder and then endorsed.

Winning Bidders will receive a Buyer's Invoice by e-mail from GovDeals as their notice of winning bid. **And, then winning bidders will receive a FINAL e-mail from MIJB with the TOTAL amount due.** All sales must be paid in full by 5:00 p.m. on the day after the close of the sale (December 7th, 2023); **with the winning bid amount, auction fee (5%), transfer taxes, City of Erie administrative fee (if applicable), and recording fees (also known as Additional Day of Sale Costs).** Please refer to the **Final e-mail for all fees and taxes.** (Failure to do so will result in the property being sold to the next highest bidder or placed back in the auction and reoffered for sale during this or the next judicial tax sale.)

*****Failure to make any required payments within the time frame set forth above will result in the property being sold to the next highest bidder or re-auctioned at this or the next judicial tax sale and may result in a prohibition of bidding on any other properties in the sale, as well as pursuit of the winning bidder for damages resulting from the winning bidder's failure to make the required payment. The payments are non-refundable and all payments made by bidders will be retained as liquidated damages.**

Any failure to pay the required minimum within one day after the sale shall be treated as a breach of contract and the County reserves all rights to pursue the winning bidder for all damages resulting from the winning bidder's failure to make the required minimum payment, including but not limited to the costs and legal fees associated with placing the property in a subsequent sale.

3. **BID REGISTRATION** All Prospective bidders will be required to complete and execute an "Affidavit of Bidder" and shall provide the original Affidavit to MacDonald, Illig, Jones & Britton LLP at the time of registration.

The NEW Affidavit of Bidder and Bid Registration will follow the provisions of PA House Bill 264, No. 2021-33.

The Affidavit of Bidder/Bidder Application form shall be completed and submitted to MacDonald, Illig, Jones & Britton LLP on or before **NOVEMBER 21st, 2023**.

The Applicant on the Bidder Application will provide the following information:

1. If the applicant is an individual, the individual's name, residential address and phone number.
2. If the applicant is a Corporation, the applicant's name, including the name of all officers, business address and phone number, and email address.
3. If the applicant is a limited liability company (LLC), the names, business addresses and phone numbers of all members, managers and any other persons with any ownership interest or right in the limited liability company.
4. An affidavit stating that the applicant:
 - i. is not delinquent in paying real estate taxes to any taxing district in this Commonwealth and that the applicant has no municipal utility bills, as defined in section 619.1(b), that are not more than one year outstanding anywhere in this Commonwealth;
 - ii. is not bidding for or acting as an agent for a person who is barred from participating in the sale under section 601(d);
 - iii. has not, within the three years preceding the filing of the application, engaged in a course of conduct or permitted an uncorrected housing code violation, as defined in section 619(e), to continue unabated after being convicted of an uncorrected housing code violation, as defined in section 619(e), and has not either:
 - A. failed to maintain property owned by the applicant in a reasonable manner such that the property posed a threat to health, safety or property; or
 - B. permitted the use of property in an unsafe, illegal or unsanitary manner such that the property posed a threat to health, safety or property; and
 - iv. understands that an applicant who signs a bidder registration application knowing that it contains a false statement and who causes it to be filed with the bureau shall be subject to prosecution for the commission of a misdemeanor of the second degree in violation of 18 Pa.C.S. §4904 (a) (relating to unsworn falsification to authorities)
5. If the applicant is not an individual, *documentation that the signer has the authority to act on behalf of the applicant, and the individual appearing in person to register, as required under section 501-A (a), is the signer of the application or otherwise authorized to act on behalf of the applicant.*

BIDDERS WILL BE PROHIBITED FROM BIDDING IF THEY HAVE DELINQUENT TAXES, OUTSTANDING MUNICIPAL UTILITY BILLS, UNCORRECTED HOUSING CODE VIOLATIONS, OR LANDLORD LICENSING REVOCATION, ON ANY OF THEIR OWN PROPERTY IN ERIE COUNTY, AT THE TIME OF THE SALE.

4. BID PROCEDURES

- a. The auctioneer reserves the right to accept any bids in any increment the auctioneer feels is in the best interest of the Erie County Tax Claim Bureau. The auctioneer reserves the right to

refuse any bid for any reason, from any person, whose actions, conduct or adverse comments are not in the best interest of the Erie County Tax Claim Bureau.

b. "Bid rigging," "pooling" or "collusion" by bidders can be a felony violation and will be treated accordingly.

c. Under the Pennsylvania Real Estate Tax Sale Law, 72 P.S. § 5860.618, the owner of a property has no right to purchase his or her own property at a judicial tax sale. It is also prohibited for a property owner to use a family member, friend or other "straw" person to circumvent this rule. Any payment made in violation of this provision by or on behalf of any owner will be retained as liquidated damages, the sale voided and the property will be re-auctioned at this or a subsequent judicial sale.

5. This Judicial Sale is being held according to the provisions of the Pennsylvania Real Estate Tax Sale Law, 72 P.S. § 5860.101 et seq., and a Petition and Order to hold this sale was filed at the Erie County Court of Common Pleas, Civil Action No. _____-2023, which Petition and Order is available for public inspection in the Erie County Prothonotary's Office. In the event of any conflict between these terms and conditions and the Pennsylvania Real Estate Tax Sale Law, the Real Estate Tax Sale Law shall control.

6. **DEED TO WINNING BIDDER** It is anticipated that successful bidders will receive a quit claim deed in approximately (90 days) three months after the Judicial Tax Sale.

UNTIL SUCH TIME AS THE SUCCESSFUL BIDDER RECEIVES THE QUIT CLAIM DEED CONVEYING TITLE TO THE PROPERTY, THE SUCCESSFUL BIDDER HAS ONLY EQUITABLE OWNERSHIP. IF THE PROPERTY IS OCCUPIED, IT IS THE WINNING BIDDER'S RESPONSIBILITY TO FOLLOW ALL LAWS AND RULES GOVERNING THE REMOVAL OF OCCUPANTS. If needed, MacDonald, Illig, Jones & Britton LLP will supply a letter confirming the winning bidder's equitable ownership in a given property.

*The County, its attorneys and representatives are not permitted to provide legal advice. If you have any questions regarding this point, you are encouraged to contact your attorney. If you do not have an attorney, you may contact the Lawyer Referral Service of the Erie County Bar Association at (814) 459-4411.

7. **DEED RECORDING FEE** A deed recording fee of *approximately* \$86.00 and \$2.00 for Realty Transfer Tax Statement of Value filing fee will automatically be added to each purchase of real property. The City of Erie, City Engineer administrative fee of \$100.00 will automatically be added where appropriate. Mobile homes, purchased without land, are not subject to the deed recording fee or Realty Transfer Tax Statement of Value filing fee.

8. **REALTY TRANSFER TAXES** A real estate transfer tax equal to 2%* of the **computed value** of the property will **automatically be added to each purchase of real property**, and must be paid with the bid price. The computed value is the **assessed value** of the parcel **multiplied by the common level factor of 1.41% (which may be adjusted by PA Dept of Revenue)**. The transfer tax is NOT based on the bid price. However, if the bid price is more than the assessed value, then the bid price will be used as the value of the property for transfer tax purposes. Mobile homes, purchased without land, are not subject to the real estate transfer tax. (**The transfer tax is 2.5% in the Borough of Edinboro).

9. **AUCTION FEE** Bidder agrees to pay 5% of the Bid price as the Auction Fee.
10. Successful bidders will take properties free and clear of claims, liens, mortgages, tax claims, charges and estates, except separately taxed ground rents, filed through March 1, 2023.
11. **THE SUCCESSFUL BIDDER IS RESPONSIBLE FOR PAYMENT OF ALL 2024 CALENDAR YEAR REAL ESTATE TAXES, THE 2024-2025 FISCAL YEAR TAXES AND SUBSEQUENTLY LEVIED REAL ESTATE TAXES AND MUNICIPAL CHARGES. THESE TAXES MAY ALREADY HAVE BEEN BILLED AND/OR NEW BILLS MAY NOT BE ISSUED TO THE NEW OWNERS. IT IS THE WINNING BIDDER'S RESPONSIBILITY TO CONTACT THE TAX COLLECTOR TO DETERMINE THE TAX AND MAKE PAYMENT.**
12. The Erie County Tax Claim Bureau reserves the right to withdraw any parcel from the auction at any time and change the minimum bid for any parcel at any time, regardless of any previous advertisements or notices which have been made to the public.
13. Successful bidders agree to cooperate in correcting any errors or other irregularities that may occur after the sale (for example an incorrect deed description or other similar clerical errors).
14. **The minimum bid for all parcels located in Millcreek Township may be changed prior to the sale.**

***Bidders must also register to bid through GovDeals at www.GovDeals.com.

Registrants must complete an Affidavit of Bidder form and present a valid driver's license or other valid photo identification at the time of registration. Out-of-town registrants may also pre-register by e-mailing to lwatson@mijb.com a fully-executed and notarized 2023 Affidavit of Bidder form, together with a clear, fully legible copy of the registrant's valid driver's license or other valid photo identification.

#1802123/ 4-12-23

How to sign up to bid for the Erie County Judicial Tax Claim Sale, Represented by MacDonald Illig Jones & Britton LLP

Register with GovDeals

1. Visit www.GovDeals.com and click register at the top right of the page
2. Sign-in as a bidder at www.govdeals.com, and scroll over your Username at the top right-hand corner.
3. Next, please click on your name and select the "**Tiers**" option.
4. Next, please click the link to "**Browse Sellers**", and select the State of Pennsylvania. Please choose the "Erie County Tax Claim Bureau, Represented by Macdonald Illig Jones & Britton LLC" Tier and click the "**Subscribe**" button.

For any issues or questions registering with GovDeals please call 1-800-613-0156 Option 1 or email customerservice@govdeals.com. The Help Desk is open Monday-Friday 8am-7pm ET.

Once the auction is live listings can be viewed at <https://www.govdeals.com/eriecountytaxclaim>

#1703830