

**THE JACKSON COUNTY GUIDELINES REGARDING THE SALE OF  
REAL PROPERTY OWNED BY JACKSON COUNTY AS A RESULT OF A  
TAX FORECLOSURE SALE**

**Purpose.** The purpose of this policy is to establish a system that will promote a fair and effective means for anyone to buy property which Jackson County has obtained at a tax foreclosure sale.

**Authority.** Jackson County hereby adopts this policy under the authority granted by North Carolina General Statutes G.S. 153A-176, 160A-266 and 160A-268.

1. Jackson County periodically has property for sale obtained through a tax foreclosure.
2. The Jackson County Board of Commissioners will accept an offer to purchase the properties obtained through a tax foreclosure. Anyone interested in placing a bid must deposit 5 percent of their bid with the Clerk to the Board of Commissioners, 200 College Street, Suite 300, Asheville. If you are interested and/or have questions, please contact the Clerk to the Board of Commissioners or the County Attorney.
3. Offers to purchase real property must be submitted to the County Attorney. The offer must be at least equal to the 'for sale' value listed on the property list plus any delinquent taxes owed to the County and/or Municipality within the County. The 'for sale' value is the amount the County has invested in the property. The offer to purchase must be accompanied by cash or certified check made out to the County of Jackson in the amount of 5% of the amount bid.
4. Once the County has owned the property for more than one year, the County will consider offers for less than the amount the County has invested in the property. An offer for less than the amount the County has invested in the property must be presented to the Board of Jackson County Commissioners for acceptance before it is advertised in the local newspaper.
5. After the bid is received a notice will be published in the local newspaper and any interested party may raise or upset the bid within 10 days from the date of publication.
6. Upset bids shall be submitted to the Clerk to the Board on the form provided by the Clerk. The minimum amount of the upset bid is determined by calculating 10% of the first \$1,000 and adding 5% of the balance of the bid you plan to upset. (For example: if the first bid is \$3,000 and you want to upset--you determine 10% of \$1,000 and 5% of \$2,000 (3000-1000) which is \$100 (10% of 1,000) and \$100 (5% of \$2,000) which means the increased amount must be \$200 and therefore the minimum upset bid is \$3,200). After you determine what the upset bid will be, you must deposit 5% of the total bid with the Clerk to the Board of Commissioners.
7. Once an upset bid has been placed on a property, that bid will be re-advertised the following week until there are no further upset bids.

8. Bidders will not be contacted by the Clerk to the County Commissioners or the County Attorney when an upset bid is received or prior to the 10 day deadline. All bidders are advised to watch legal notices in the local newspaper or to contact the Clerk to the Board of Commissioners or the County Attorney if they have questions.

9. The amount of the upset bid is calculated the same as set forth above and the bid must be accompanied by a certified check or cash for 5% percent of the amount of the bid. This process shall continue until there are no further upset bids and at that time the final bid shall be advertised in the local newspaper. Deposit of unsuccessful bidders shall be returned to the parties at the completion of the bidding process.

10. The successful bidder must present a certified check for the entire balance due within 90 days of the last day for receipt of upset bids. If the balance due is not paid within the 90 day period the total amount of the deposit is forfeited to the County and the offer is rejected. (An extension of up to 45 days may be requested-approval of this extension is at the discretion of the Board of Commissioners.)

11. Upon payment of the balance in full the matter shall be placed the agenda of the next available meeting of the Board of County Commissioners for a resolution authorizing the Chairman to execute a ~~Special~~Non-Warranty deed to the successful bidder. The purchaser may pick up the deed from the County Attorney after it has been executed. The purchaser shall be responsible for recording the deed and recording fees.

12. All property is sold "AS IS". It is the responsibility of the bidder to have a title search completed prior to placing a bid on the property.

This policy regarding the Sale of Real Property owned by Jackson County as a result of a Tax Foreclosure Sale is hereby approved, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

BY: THE JACKSON COUNTY BOARD OF COMMISSIONERS

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Brian Thomas McMahan, Chairman

ATTEST:

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Angela M. Winchester, Clerk to the Board