

**CLEVELAND COUNTY POLICY AND GUIDELINES FOR SALE OF COUNTY-OWNED PROPERTY**

**Purpose:** The purpose of this policy is to establish a system that will promote a fair and effective means for anyone to buy real or personal property owned by Cleveland County. This policy supersedes any past policy for the sale of county-owned properties.

**Authority:** Cleveland County hereby adopts this policy under the authority granted by N.C.G.S. § 153A-176.

**Severability:** Any provision of this policy found to contradict state law will be considered void, with the rest of the policy remaining in force.

**Cleveland County reserves the right to use *any* statutorily-authorized process to dispose of County property. The following sealed bid policy applies *only* when the County chooses to dispose of property using the sealed bid process pursuant to N.C.G.S. § 160A-266(a)(2) and N.C.G.S. § 160A-268.**

**Sealed Bid Policy (N.C.G.S. § 160A-268)**

***I. Overview of Bid Process***

1. Cleveland County (the “County”) may choose to advertise for sealed bids on real property which the County has obtained through a property tax foreclosure proceeding and which are identified by a parcel identification number.<sup>1</sup>
2. Bids may be submitted at any time after the Board of Commissioners resolves to advertise for sealed bids. However, the advertisement shall begin not less than 30 days before the date fixed for opening bids.
3. All bids must be submitted to the County paralegal, and the bidder will be required to pay to the County a bid deposit in the amount of five percent (5%) of the proposed bid.
4. All bids will be date and time stamped upon receipt by the County paralegal.
5. The property shall be advertised in a newspaper of local circulation as a “Public Notice for Sale of County Property.” Such notice shall state that sealed bids are being accepted and at the end of thirty (30) days either (1) the highest responsive, responsible bidder will be awarded the property or (2) the County will reject all bids. If more than one high bid in the same amount is received, the County will either accept the first bid received or reject all bids. All funds for closing must be paid in cash or certified funds.
6. The successful high bidder will be responsible for all advertisement fees. Should the successful bidder fail to complete said transaction, the cost of advertising shall be

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<sup>1</sup> The County also retains the power to receive bids prior to advertisement pursuant to N.C.G.S. § 160A-269.

- deducted from the bidder's deposit amount prior to the issuance of a refund of the bid deposit.
7. The County reserves the right to withdraw property from sale at any time prior to the approval of a bid by the Board of Commissioners.
  8. The County reserves the right to reject all bids at any time.
  9. The County shall open all bids on the first business day following the thirtieth (30<sup>th</sup>) day of the sealed bid period.
  10. The highest bid shall go before the Board of Commissioners for acceptance of the offer and authorization of sale within thirty (30) days of identifying the high bid.
  11. Upon approval of sale by the Board of Commissioners, the bidder shall pay his or her bid to the County in its entirety, including the cost of advertisement, recording fees, and excise tax (if any). All deposits must be in the form of certified funds or cash and must accompany the offer.
  12. After the bidder has made payment to the County for the entire amount of his or her bid, advertisement cost, recording fees, and excise tax (if any), the County shall have recorded and deliver to the bidder a Quitclaim Deed.

## ***II. Responsibilities of Parties***

1. It is the bidder's responsibility to have a title search completed prior to placing his or her bid.
2. After obtaining the parcel identification number, the bidder shall submit his or her bid to the County paralegal. The bidder must identify the property by the parcel identification number.
3. The bidder shall submit at the time of offer funds for deposit. Such funds shall consist of a bid deposit in the amount of five percent (5%) of the bid. All deposits must be in the form of certified funds.
4. All bids must be submitted within thirty (30) days from the date of publication of the initial bid.
5. A bid will only be considered when submitted as provided in paragraphs one (1) through six (4) of this section.
6. Following the advertisement and opening of bids, the highest bid from a responsible bidder shall go before the Board of Commissioners for acceptance and authorization of sale. If the Board accepts the bid and approves the sale, the bidder shall be required to pay the entire bid price, recording fees, excise stamps (if any), and advertisement cost

to the County before receiving a Quitclaim Deed. The County shall be responsible for recording the deed. It is the bidder's responsibility to pay stamps (excise tax), if any, and recording fees.

7. The successful bidder **only** will be notified within seventy-two (72) hours of the acceptance of the bid. Bidders requesting results of a bid must forward a written request along with a self-addressed, stamped envelope to:

Paralegal  
Cleveland County Government  
P.O. Box 1210  
Shelby, NC 28151  
(704) 476-3089

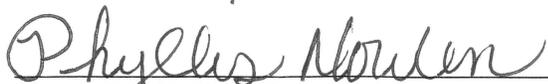
8. The County will return the certified checks of all unsuccessful bidders within five (5) business days.
9. Full payment is due within five (5) business days of notice of an acceptance of Bid. The winning bidder will receive a telephone call and an email, fax, or letter with payment and pick-up instructions.
10. All property is sold "AS IS."
11. By submission of a bid, the bidder acknowledges acceptance of these terms and conditions.
12. The County shall forward the deed to the successful bidder upon the successful bidder's payment of the entire bid amount plus the County's costs for advertisement, recording fees, and excise tax (if any). All funds must be certified funds or cash and deposited through the County Finance Office.

**This Policy and Guidelines for Sale of County-Owned Property is hereby approved, this the 4th day of September 2018.**



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Eddie Holbrook, Chairman  
Cleveland County Board of Commissioners

ATTEST:



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Phyllis Nowlen, Clerk  
Cleveland County Board of Commissioners