

Effective: 3/15/2013

Conditions of Sale

The down money listed in the advertisement of the sale of the property must be paid in cash (not in excess of \$9000.00) or by certified check payable to the Sheriff of Delaware County immediately after the property is knocked down to the highest bidder; otherwise the property may immediately be presented for sale.

The balance of the purchase money together with the cost of preparing all documents and such other fees and costs as are by law imposed shall be paid in cash (not in excess of \$9000.00) or by certified check made payable to the Sheriff of Delaware County within ten (10) days of the date of the sale without further demand.

Any successful bidder when making a payment in cash must present photo identification acceptable to the Sheriff in his sole discretion.

The second highest bidder may register the highest sum bid, in writing, upon payment of the down money as required. Should the purchaser fail to comply with these Conditions of Sale, the registered bidder, if he so elects, shall be the successful bidder. As the successful bidder, he must make the balance of the required payment within ten (10) days of the date of the default of the first highest bidder without further demand.

Upon the default of the purchaser if there is no registered bidder or, if there is a registered bidder who elects not to purchase the property, the writ shall be returned to the Office of Judicial Support marked "Conditions of Sale Not Met" and a new writ will be required to schedule the property for resale. The down money deposited by the registered bidder shall be returned when practicable without interest. Any money paid on account by the defaulting purchaser shall be forfeited and applied to pay the costs of the sale and the costs of any subsequent sale, but in no event shall the purchaser be relieved from liability for all costs and damages arising out of such default.

Any person representing the plaintiff at the sale shall present written authorization acceptable to the Sheriff when the property is called stating that he or she is authorized to act on behalf of the plaintiff or the attorney on the writ. An attorney from the office of the attorney on the writ may act on behalf of the attorney on the writ upon presenting credentials acceptable to the Sheriff in his sole discretion. Should neither the plaintiff nor an acceptable representative of the plaintiff be present when the property is called for sale, the sale of the property shall be stayed.

Any bidding above costs for a property shall begin at the upset price announced by plaintiff's counsel when the bidding is opened. The upset price will be viewed as the least amount acceptable by the plaintiff. All bidding above the upset price shall be in increments of \$100.00. If no upset price is announced by plaintiff's counsel, all bidding above costs shall begin in not less than \$100.00 increments.

All real estate is sold "as is" with no guarantees or warranties either expressed or implied and may be subject to mortgages and priority liens.

Properties may be sold in any order and not as numerically listed.

The Sheriff reserves the right to adjust or modify these Conditions of Sale on a case by case basis and shall resolve all issues and disputes arising during the auction in his sole discretion.