

01 NCAC 06B .0303 BY DEED

By Deed

- (1) A PO-2, "Disposition of Real Property," must be sent to the Division of State Property.
- (2) An estimate of value is determined as in Section .0900 of this Subchapter. This figure, plus expenses of the sale, will be the initial asking price for the property.
- (3) Sale may be by bid or by negotiation. Properties may be sold without advertisement and bidding if negotiations with prospective purchaser are deemed in best interest of the state. Property is not normally sold for less than the estimate of value plus any expense incurred. In disposals of state-owned residential facilities, residents may be allowed first refusal at the appraised value plus cost of appraisal before sale to the general public.
- (4) If advertising is deemed appropriate, an advertisement is prepared and forwarded to local newspapers giving pertinent information for sale, minimum bid acceptable, and deadline for submitting bids. Usually, "For Sale" signs are posted on the property. Sale of land by bid is accomplished in accordance with 1 NCAC 6B .0304.
- (5) Realtors may sell state-owned property if deemed in the best interest of the state. The fee is negotiable but usually is one-half the current rate. All offers, on behalf of the realtor's clients, are presented to the Division of State Property for consideration.
- (6) An item is prepared in the Division of State Property for Council of State presentation once an offer to purchase or high bid is received. PO-4, "Report on Findings of the Department of Administration," is prepared and submitted to the State Budget Officer for approval. Each file is documented with details of the disposition.
- (7) After the Council of State meeting is held, notification of Council of State action is made to each department or individual involved. With approval of the Governor and Council of State, the transactions are forwarded to the Attorney General's Office with instructions for completion. All legal transactions in connection with a disposition are handled through the Attorney General's Office and all legal documents are prepared in that office. Copy of PO-4 is signed by Secretary for Council of State and returned to Division of State Property for filing.
- (8) After deed is delivered, all papers are returned from the Attorney General's Office to Division of State Property with check for the purchase price of the property. The check is sent to the controller, requesting deposit of percentage to the State Land Fund and deposit of net proceeds to the State Treasurer, unless otherwise governed by statute. A copy of the deed is forwarded to the affected agency.
- (9) Land inventory data is prepared for computer record.

History Note: Authority G.S. 143-341(4); 146-71; 146-15; 146-3 to 146-14; 146-27 to 146-30; Eff. February 1, 1976; Readopted Eff. February 27, 1979; Amended Eff. August 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.