

01 NCAC 06B .0304 PROCEDURE FOR SALE OF STATE LAND

The following procedure is used when surplus state-owned property is offered for sale by bid:

- (1) All state land will be advertised for sale unless waived by the Council of State. An advertisement is placed in a newspaper of general circulation, allowing 15 days for interested parties to bid. All bids must be forwarded to the Director, Division of State Property, Room 401 Administration Building, 116 West Jones Street, Raleigh, North Carolina 27611 and must be accompanied by a certified or cashier's check for no less than five percent of the bid, payable to the "State of North Carolina."
- (2) After initial bids have been received, all interested parties will be notified of the high bid in order that they may have an opportunity to raise same. If not raised within 10 days, the Director of the Division of State Property will determine if the high bid should be accepted. All raises must be received within the 10 day period.
- (3) The bid may be raised by an amount of not less than five percent of the circulated high bid. Such a bid, together with a certified or cashier's check of not less than five percent of the bid, should be forwarded to the Director of the Division of State Property. A raise of exactly five percent may result in duplicate bids, thus a bid in excess of five percent is safer. If the bid is raised, the matter will be held open an additional 10 days for further raises. This procedure will continue until there are no further raises.
- (4) The Director of the Division of State Property reserves the right to reject any and all bids. In the case of identical bids, the director will determine which bid shall be recommended for acceptance. Any bid which is for less than the advertised minimum bid figure, not accompanied by a certified or cashier's check, or does not reach the Division of State Property by the prescribed time, will automatically be rejected.
- (5) All sales of state lands are subject to the approval of the Council of State, which, at its sole discretion, may reject or accept any bids or offers.
- (6) The State of North Carolina conveys land by deed without warranty or by quitclaim deed. A description of the property is available at the Division of State Property. All deeds, after approval by the Council of State, will be executed in the manner prescribed by Chapter 146 of the General Statutes of North Carolina.
- (7) The State of North Carolina makes no representations or warranties concerning the title to the property, or the boundaries of the property, or the uses to which it may be put. Any prospective buyer is advised to make his own independent investigation of these matters.
- (8) All properties are sold for cash upon delivery of the deed. Once a high bid has been accepted, the five percent deposit will be held as an earnest money deposit. If the bidder subsequently fails, refuses or is unable to close the transaction at time of delivery of the deed, the state may retain the earnest money deposit as liquidated damages.

*History Note: Authority G.S. 143-341(4); 146-27; 146-28; 146-29;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,
2018.*