

The Clay County Government hereby gives notice of the submission of an accepted bid in the amount of \$180,000 on the surplus property described herein below. The submission of this bid establishes a new sales price, and the sale shall remain open for a period of 10 days after this Notice of Upset Bid is published for the filing of additional upset bids as provided by law.

Parcel ID: 55501286724 containing .15 acres, Town of Hayesville, North Carolina and being more particularly described in the Deed dated May 23, 1989, from Charles H. Duis and wife, Nancy J. Duis to Clay County, a municipal corporation organized under the laws of the State of North Carolina, recorded in Deed Book 144, page 66, Clay County, North Carolina Register of Deeds.

Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the Clerk of the Board within 10 days after this notice. At the conclusion of the 10-day period, the Clerk to the Board shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

If a qualifying higher bid is received, the Clerk to the Board shall cause a new notice of upset bid to be published and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Clay County Board of County Commissioners.

A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000 of that offer and five percent (5%) of the remainder of that offer.

A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check, made payable to Clay County. The deposit will be deposited with the Clay County's Finance Office. The County will return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing.

The terms of the final sale are that:

- The Clay County Board of County Commissioners must approve the final high offer before the sale can be closed, which it will do within 30 days after the final upset bid period has passed;
- The buyer must pay with cash, cashier's check, or certified check at the time of closing of the sale, which must be concluded 30 days from the date of the acceptance of the final high offer;
- Failure of the buyer to pay the balance of the bid at the time of closing will result in the forfeiture of the deposit.

The Clay County Board of County Commissioners reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

If no qualifying upset bid is received after the initial public notice, the offer set forth above will be presented to the Board of County Commissioners. Upon approval of the offer by the Board of County Commissioners, the Chairman of the Board of County Commissioners and the Clerk to the Board are authorized to execute the instruments necessary to convey the property to the purchaser with the highest bid.