

CLAYTON COUNTY LAND BANK PROPERTY APPLICATION

Please note that incomplete applications will not be processed.

PROPERTY APPLICATION CHECK-LIST: REQUIRED DOCUMENTS

- Review and Complete Notice of Tax Deed Interest
- Complete Applicant and Property Information Form
- Attach any Additional Documentation Requirements (e.g., proof of ownership of adjacent lot; if financing is required for Applicant's Project, a Funding Commitment Letter from financial institution or other source stating how project will be funded; additional information relevant to your capacity and experience in completing the project anticipated)
- Review Clayton County Land Bank Requirements and Execute Applicant Signature Page
- Submit Completed Application to patrick@jettlawgroup.com for

Clayton County Land Bank
c/o Jett Law Group, LLC
2987 Clairmont Road
Suite 350
Atlanta, Georgia 30329
(404) 369-0388 ext. 4

Property Application Review Timeline and Next Steps

- After a multi-year period of dormancy, the Clayton County Land Bank began moving forward with applications on file in the September 2021 Board meeting. The Board and staff anticipate moving through a significant backlog of applications by the first quarter of 2022, at which point applications are expected to be reviewed and processed in accordance with the timeline below.
- Complete applications are generally processed by Clayton County Land Bank's counsel's office within 30 days and presented to the Board of Directors for review at the next scheduled board meeting.
- If an application is complete and recommended for review by the Board of Directors, applicants will be contacted in advance of the next Board of Directors' meeting at which the application will be reviewed.
- The Board of Directors will vote to determine whether or not to approve an application, whether to continue negotiations or otherwise, and as appropriate will direct Land Bank legal counsel to negotiate a Purchase and Sale Agreement with successful Applicants.
- Upon execution of a valid Purchase and Sale Agreement, a closing will be scheduled and completed accordingly.

NOTICE OF TAX DEED INTEREST

The current inventory of the Clayton County Land Bank consists primarily of tax deed interests in real property throughout Clayton County, which requires certain actions to result in clear and insurable title. Successful Applicants who acquire such tax deeds from the Clayton County Land Bank pursuant to a purchase and sale agreement and valid closing must elect between the two following options:

Option 1:

Applicant will receive a quit claim deed to the subject property. Successful Applicants will generally need to retain legal counsel to bar any applicable rights of redemption, file a quiet title action and obtain a court-ordered judgement clarifying clear title to the property. Such legal steps are generally required to obtain marketable and insurable title to the property, and typically require at least 6 months to complete. Timely completion of title clearance by the Applicant shall be a condition of closing and the Applicant's obligations in that regards shall survive closing. Applicant will also be required to comply with any lawful request for a redemption and as such is not guaranteed to end up with title to the property.

Option 2:

The Applicant requests that the Clayton County Land Bank consider clearing title on behalf of a Successful Applicant and thereafter transferring to the Applicant via Warranty Deed for an upfront deposit of a \$5,000 title clearance fee. If the Land Bank's title clearance activities result in a redemption of the property, the \$5,000.00 title clearance fee will be refunded to the Applicant.

Please indicate which of the above two options you are seeking in connection with your application.

_____ I would like to ask the Clayton County Land Bank to consider clearing title on my behalf for the property I seek to acquire from the Clayton County Land Bank and to convey title to me via Warranty Deed.

_____ I do not want the Clayton County Land Bank to consider clearing title on my behalf for the property I seek to acquire from the Clayton County Land Bank and only wish to receive a Quitclaim Deed to the property. I acknowledge it would be my responsibility to clear title to the property if my application is accepted.

Signature (Required) I have read and understand the information provided above.

Signature of Applicant: _____ Date: _____

APPLICANT AND PROPERTY INFORMATION FORM

I. APPLICANT CONTACT INFORMATION

Name of Applicant:
If Business Entity, Name of Responsible Individual/Key Contact:
Mailing Address:
City: State: Zip:
Daytime Phone: Alternative Phone:
Email Address:

II. APPLICANT ELIGIBILITY

Has the Applicant ever been:

- Property tax delinquent?
Subject to a tax foreclosure judgment?
Subject to a mortgage foreclosure (proceedings or judgement)?
Subject to unpaid special assessments?
Subject to utility delinquencies?
Subject to a local code violation (such as maintenance violations)?

Please explain any items above checked "Yes."

Blank lines for explanation.

III. Applicant Experience

Please describe the Applicant's experience, capacity, and dedication to complete the project anticipated for the property sought to be acquired from the Clayton County Land Bank.

Blank lines for applicant experience description.

Please provide two business references who can speak to Applicant's ability to acquire, maintain, or responsibly dispose of the parcels requested from the Clayton County Land Bank.

- Name Phone # Email Address:
Relationship to Applicant
Name Phone # Email Address:
Relationship to Applicant

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IV. PROPERTY INFORMATION

Please provide the following information regarding the parcel or parcels Applicant seeks to acquire from the Clayton County Land Bank. If you seek multiple parcels, please submit the information below for each parcel. Complete a separate page for each parcel, if seeking multiple parcels.

Property Address: _____

Parcel ID #: _____

Property Characteristics:

- Vacant Lot Next to Applicant's Property (e.g., Sidelot)
- Vacant Lot *Not* Next to Applicant's Property
- Vacant Residential Structure
- Vacant Commercial or Industrial Structure

Intended Use (check all that apply):

- Maintain as Side-Lot (vacant lot next to Applicant's property)
- Occupy
- Rent
- Develop for residential use
- Develop for commercial or industrial use
- Other _____

Proposed Purchase Price (\$USD): _____

Provide a brief description of your intended use and or development of the property and include an explanation of what public benefit your development of the property will bring to Clayton County or the surrounding community. (You may include additional pages, if needed).

Timeline for Completion of Proposed Project: _____

Will Financing Be Required for Completion of Proposed Project/Use:

Y N

If Yes, please describe financing required and attach a funding commitment letter

ADDITIONAL DOCUMENTATION REQUIREMENTS

Please submit the following materials with this Application, if applicable:

- If you intend to use the property as a side-lot, please include documentation that you are the owner of the adjoining property (Deed, Tax Assessor's Property Record, etc.).
- If your proposed project requires financing, please include a funding commitment letter from a financial institution or other sources stating how the project will be financed.
- Please include any additional information relevant to your capacity and experience in completing the project anticipated which, for non-profit and for-profit developer Applicants, could include company descriptions, lists of portfolio comparable projects, detailed financing information, development team descriptions, site plan(s), elevations, renderings, etc. as applicable.
- Please submit, if applicable, any documentation or description of the public benefit your development of the property will bring to Clayton County or the surrounding community. Such public benefits include, for example, blight remediation, greenspace, affordable housing. Any documentation of community support for your project may also be submitted (e.g., neighborhood association support, support from non-profit and other community partners etc.).

CLAYTON COUNTY LAND BANK REQUIREMENTS

Please read the following, sign, and date affirming that you have read and understand the information provided.

These requirements must be satisfied to acquire properties through the Clayton County Land Bank:

- The Applicant has no fines or delinquent taxes owed to the local government(s) of Clayton County or other Land Bank members
- All properties owned by the Applicant are in good standing and have no violations of city or county code or open property maintenance cases with Clayton County or Land Bank members
- The Applicant has not had a property foreclosure filed against them or filed for bankruptcy within the past seven (7) years (extenuating circumstances may be considered).
- All Applicant's business entities are active and in good standing with the Georgia Secretary of State
- The Applicant (and Applicant's business entities) is in good standing with the Department of Revenue and IRS.

These requirements apply to all Applicants and applications received by the Clayton County Land Bank:

- The Land Bank Board of Directors must authorize all transactions and approves/denies all processed applications.
- An application will not be approved unless the Applicant has sufficient funds to purchase the property and to perform all proposed improvements. Evidence of funding is required.
- The Applicant (potential property owner) must obtain any necessary building permits and meet zoning requirements and other local laws and regulations that apply to the property it plans to acquire from the Clayton County Land Bank.
- All disposition decisions are within the discretion of the Clayton County Land Bank Board of Directors, in accordance with the [Land Bank Policies and Procedures](#).

These requirements apply to all Buyers of property from the Clayton County Land Bank:

- Buyers agree to accept title "as is" without any warranties or representations by the Land Bank including, without limitation, the property's suitability, habitability, fitness of buyers' intended purpose of the property, environmental site conditions, zoning, adequacy of utility services, warranties of merchantability, or defects in the property's title. Buyer agrees to hold harmless and release the Land Bank for all conditions known and unknown to the property.
- Buyers agree to indemnify, protect, hold harmless, defend, and release the Land Bank from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorney's fees asserted against, incurred, or suffered by the Land Bank resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the Land Bank or its agents, employees, or contractors. Nothing in this article restricts the Land Bank's rights and remedies available at law or in equity.
- The Land Bank reserves the right to condition the sale on the buyer's acceptance of deed restrictions and/or other agreements. **The Land Bank reserves the right to accept or reject all land use/development proposals and offers for purchase.**

APPLICANT SIGNATURE PAGE

Applicant understands that the Clayton County Land Bank will dispose of all properties in accordance with the Clayton County Land Bank's Policies and Procedures as determined by the Board of Directors and in consideration of the highest and best use of the property for the residents of Clayton County.

Signature (Required) I have read and understand the information provided above.

Signature of Applicant: _____ Date: _____