

# NDAs GUIDE FOR PROBATE PRIVATE SALES

## PROSPECTIVE BUYERS MAY PARTICIPATE BY SUBMITTING WRITTEN OFFERS AS OUTLINED IN THE BROCHURE AND ON BIDNDA.COM.

Registration is not required to make an offer. Prospective Buyers are required to:

- (1) Use the Seller's Offer to Purchase Contract.  
**AND**
- (2) Provide all information requested in the Seller's Offer to Purchase Contract, by completing all blanks.  
**AND**
- (3) Agree to all Terms and Conditions.

If the prospective purchaser is represented by an agent, THE PROSPECTIVE BUYER AND ITS AGENT MUST SIGN THE REQUIRED FORMS which must be attached to and included with the purchaser's Offer to Purchase Contract received by NDA INC. Agents may not be added after NDA INC's receipt of the prospective purchaser's Offer to Purchase Contract. Agents may not register their clients. (NO EXCEPTIONS).

All offers must be submitted on or before the offer deadline and must include a fully executed Offer to Purchase Contract with attachments along with proof of funds. The high bidder will be notified after the offer deadline. High bidders will be required to execute and return the properly executed disclosures plus wire the 10% deposit to NDA INC within 48 hours. Failure to meet the 48-hour deadline may result in offer rejection. All offers are subject to the Public Administrator's approval and Probate Court Confirmation (Court hearing approximately 45- to 60-days following the offer deadline date subject to the Court's schedule).

## HOW TO MAKE AN OFFER

### STEP #1: REVIEW THE BROCHURE AND OFFER TO PURCHASE CONTRACT

Go to <https://BidNDA.com> and locate the Property. You will find the available properties on the home page or by clicking on <AUCTIONS> <CURRENT AUCTIONS> in the top nav bar. You may also use the Search feature in the upper right area of each page on the website and enter the street name. Once you locate the Property, scroll down to the AVAILABLE DOWNLOADS section. You will need to download the Brochure and Offer Forms.

### STEP #2: VIEWING INFORMATION

Next, click on VIEWING INFORMATION and digitally sign the online digital form for instructions to view the Property. Conduct your due diligence including an inspection. Some properties are not available for inspection due to being boarded-up, occupied or for other reasons. Prospective buyers assume all responsibility for inspecting or not inspecting a property.

### STEP #3: SUBMIT YOUR OFFER

Submit your fully executed, non-contingent offer on the Seller's Offer to Purchase Contract (attached to the Brochure). If you are represented by a broker, they must sign the required forms at this time.

All bids must be received via email directly by rhett@nda.com on or before the offer deadline. All properly completed offers must be on the Seller's Offer to Purchase Contract (form is included in the brochure), must be signed by the buyer, and must include the buyer's proof of funds. All documents must be in PDF format as an attachment to the email. Emails containing hyperlinks to

documents will not be accepted. The subject line of the email MUST INCLUDE THE PROPERTY ADDRESS, BUYER'S NAME AND OFFER PRICE. Complete instructions for completing the Offer To Purchase Contract are included with the Brochure. Failure to follow instructions will result in non-recognition of the offer.

NOTE 1: Bidders are solely responsible for confirming the delivery and timely receipt of their properly completed offer. A bidder's failure to timely deliver its PROPERLY COMPLETED OFFER by the deadline will result in non-recognition of the offer.

NOTE 2: The Administrator/Conservator of the Estate reserves the right to accept, counter or reject all offers. However, the accepted bidder with the highest and best bid will have 48 hours to sign all disclosures and provide NDA INC with the required 10% deposit. In the event the high bidder fails to return the documents and the deposit, the Administrator/Conservator of the Estate has the unilateral right to offer and sell the property to any other bidder.

### STEP #4: IF YOU ARE THE HIGH BIDDER

If, after the offer deadline date, you are notified by NDA INC that you are the high bidder, you will be provided with a disclosure package AND within 48 hours you must submit to NDA INC fully executed disclosures along with the 10% deposit via wire transfer.

Failure to submit the executed disclosures and the deposit in 48 hours will result in the offer becoming null and void in which case the Administrator/Guardian, at its sole and absolute discretion, reserves the right to reject your offer and accept an offer from any other party.

**NDAs receives multiple offers on each property. ONLY THE HIGHEST AND BEST BID WILL BE NOTIFIED AFTER THE BID DEADLINE. Do not call after the bid deadline unless you are contacted first by NDA INC. If you do not receive notification that you are the highest and best bid...YOU ARE NOT THE HIGHEST AND BEST BID! The highest bid will be posted on <https://BidNDA.com> and in the MLS as soon as practical.**

# Frequently Asked Questions for Probate Private Sales

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## 1. Can I purchase the property prior to the bid deadline?

No, there will be no offers accepted prior to the bid deadline.

## 2. Do I need to register prior to making an offer?

No! You do not need to register prior to making an offer.

## 3. How do I bid on a Probate Sale?

If you would like to bid on a probate property, you must do all of your own due diligence prior to making an offer. Due diligence shall include an inspection, reviewing all available information and any research you would like to conduct. Offers are not contingent upon post offer due diligence or inspection of any kind, even in those instances where a property is not available for personal inspection (occupied, boarded-up, etc.). Once you know you would like to make an offer, all you need to do is present to NDA INC (via Email or Fax) your offer on the Seller's Offer to Purchase Contract with proof of funds by the offer deadline. The Administrator/Guardian reserves the right to accept, counter or reject all offers.

## 4. If I am the high bidder, how do I provide NDA INC with my 10% deposit?

Once you have been notified by NDA INC that you are the high bidder you will have 48 hours to sign all disclosures and provide NDA INC with the required 10% deposit. Deposits will be collected via wire transfer. For instance, if the high bid is \$700,000 NDA INC will collect \$70,000 via wire transfer.

## 5. Does the high bidder automatically get to purchase the property?

No. The Administrator/Guardian reserves the right to accept, counter or reject all offers. If you are notified you are the high bidder and you have signed all disclosures and provided your 10% deposit, your offer is still subject to the Court Confirmation. Higher bids/offers may be accepted by the court if they are made in court, and they are in an amount equal to or higher than the first minimum overbid which is 5% + \$500.

## 6. Where can I find the open house/showing instructions?

Open house information may be found in one or all of the following locations: a) the MLS, b) <https://BidNDA.com> or c) Brochure. We recommend you check <https://BidNDA.com> before going to an open house.

## 7. Do you cooperate with outside real estate agents on Probate Sales?

Yes, A bidder that represents that, at the time of the offer, bidder has a written Buyer Representation Agreement with the Real Estate Agent or Broker who (a) represents and assists their client in submitting it's offer, and (b) provided the bidder and agent signed the "Broker Compensation Agreement" attached to the Offer to Purchase Contract submitted by the client, that agent will be entitled to receive 50% of the total commission awarded by the Court (the total is normally 3.8% of the purchase price in which case 50% is 1.9%). In the event the bidder becomes the successful buyer and the sale is confirmed by the court; the commission will be paid to the agent at the close of escrow. A real estate licensee will not be entitled to share in the commission if he or she is buying as a principal or intends to share the commission with the principal.

## 8. How many properties can I bid on?

You can bid on as many properties as you would like provided that you provide NDA INC with proof of funds for the total of all properties.

## 9. Will I receive a clear title to the property?

Yes, title insurance will be provided. The seller will be providing a clear title. Title will be free of all prior monetary liens and encumbrances (unless otherwise specified). Any monetary liens will be paid off through escrow from the sales proceeds.

## 10. Can the buyer obtain a loan?

The buyer may obtain a loan, however there are no financing contingencies. Make sure that your loan is secure before bidding. The bidder's deposit will be applied to the purchase price. Balance of the purchase price to be "ALL CASH."

## 11. How will the escrow fees be paid?

The escrow fees will be shared one half by seller, one half by buyer, each to pay own fees.

## 12. Do the properties have starting bids?

This varies by property. Usually, they do not have a starting bid unless otherwise stated in the brochure.

## 13. Are the properties open for inspection?

Yes. Please refer to the brochure for the specific open house schedule. However, for reasons beyond the seller's and NDA INC's control, the properties may not be available for inspection even if an open house has been scheduled.

# Frequently Asked Questions for Probate Private Sales

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## 14. Do I need proof of funds to submit an offer?

Yes, you must submit proof of funds with your offer. NDA INC reserves the right to disregard any offer it receives without proof of funds. You must also provide your vesting (how you are going to hold title), your address and phone number. Be prepared to provide a copy of your driver's license, if requested.

## 15. Is the 10% deposit refundable if I decide to change my mind?

If you are the high bidder, your 10% deposit is not refundable based on the fact that these properties are sold AS-IS WHERE-IS with all faults known or unknown, disclosed or undisclosed, discoverable or undiscoverable, financeable or un-financeable, and with no financing contingencies. If escrow does not close within 45 days, or within an extension of time granted by the seller, Probate Code of California Section 10350 requires the seller to ask the probate court to vacate the sale or charge the buyer a \$200 per day hold open fee. If the court orders the sale vacated, the law requires the deposit to be held by the seller until the property has been sold again and escrow has closed. If the total amount of the final sales price, plus the amount of expenses and fees allowed by the court for vacating the first sale, is less than sales price of the vacated sale, the difference is paid from the deposit. If the difference is greater than the deposit, a lawsuit to collect the amount is usually filed. The relevant portion of Probate Code Section 10350 says: "If after the confirmation, the purchaser neglects or refuses to comply with the terms of the sale, the court may vacate the order of confirmation and order a resale of the property. If the amount realized on such resale does not cover the bid and the expenses of the previous sale, the defaulting purchaser at such previous sale is liable to the estate for the deficiency."

## 16. Does NDA INC charge a buyer's premium?

No, NDA INC does not charge a buyer's premium.

## 17. How can I obtain a brochure?

You may obtain an auction brochure by downloading the brochure from <https://BidNDA.com>.

## 18. What is the "1st Minimum Overbid at the Court Confirmation hearing?"

A higher bid may be accepted by the court if they are made in court and they are in an amount equal to the accepted bid, plus five percent (5%) of that amount plus \$500. The court shall deem any further incremental successive overbidding amounts. For instance, if the high bid on auction day was \$700,000 the first minimum overbid will be \$735,500 (\$700,000 + 5% of the high bid amount + \$500).

## 19. If my offer is accepted, when can I close escrow?

After you sign the disclosures and submit your deposit, the offer must be presented to the court. A hearing to present your offer will be in approximately 45- to 60-days where it is subject to Court Confirmation and Overbid. The court date is solely up to the court and is subject to the court's calendar. Neither you, NDA INC nor the administrator/guardian have any control over the court date. Once the court sets the date of the hearing you will be notified by the court. Upon confirmation of the sale a 45-day escrow will be opened.

## 20. If the property is occupied will the new owner need to evict the current tenants?

Sales will be subject to the rights of occupants-in-possession, if any. If the property is occupied, escrow will close with the occupants in the property, and it will be the responsibility of the new owner to negotiate rental agreements with those occupants at that time.

## 21. If I am the high bid, how will I be notified of the date of the court confirmation hearing?

You will be notified by the Los Angeles County Superior court by mail and the court date will be listed on <https://BidNDA.com>.

## 22. I am the high bidder, but the property is sold to someone else due to overbidding in court, will my deposit be returned to me?

Yes, if the original bidder is outbid in court the original bidder's deposit will be returned after the court hearing.