

AUCTION

**1.5 STORY 4-BEDROOM HOME
W/ ATTACHED GARAGE IN MARION SD**

WEDNESDAY JUNE 1ST AT 11:00 AM



OWNER:

**JOHN & ROSELLA
SCHWARTZ**



44628 SD Hwy 44, Marion SD

web: wiemanauction.com

phone: 800-251-3111

fax: 605-648-3102

"We Sell The Earth And Everything On It!"

**1.5 STORY 4-BEDROOM HOME – WOODWORKING TOOLS – GUNS - ANTIQUES – GLASSWARE – 86 F-150 4X4 PICKUP –
LAWN & GARDEN EQUIPMENT AT AUCTION**

As we have moved to an apartment we will offer our home and personal property at public auction located at 104 S. Broadway Marion, SD or just south of the business district on:

**WEDNESDAY JUNE 1ST
11:00 A.M.
LUNCH ON GROUNDS**

REAL ESTATE SOLD FIRST:

LEGAL: The south 75' of Lot 7 and South 75' of the W ½ of Lot 8, Block 5, Original Add. City of Marion, Turner County, SD.

- 1328 sq ft living area on main and 2nd floor. Attached 12 X 40 two stall garage, 680 sq ft unfinished basement.
- Home was extensively remodeled in 1976. 75 X 75 corner lot with great trees.
- New shingles in 2008. Furnace & Central Air replaced in 1998. Taxes \$1,064.06 and Assessed Value \$46,475.00.
- Clean, comfortable home with lots of built in custom storage & features. Contact Auctioneers at 800-251-3111 for private showing.
- For room sizes, disclosures, and additional information please refer to buyers packet found on our web site www.wiemanauktion.com

TERMS: Cash sale with 15% (non-refundable) down payment auction day with the balance at closing on or before July 1, 2016. Owners title insurance to be used with the cost split 50-50 between buyer & seller. Warranty deed to be granted and taxes to be prorated to the closing date. Sold subject to owners approval and easements or reservations of record.

PICKUP – WOODWORKING TOOLS – LAWN & GARDEN - GUNS

1986 Ford F-150 4 X 4, reg. cab, 140K, 302 V-8 auto; 12" Delta planer; 4" & 6" wood planers; Floor model drill press; Bench top drill press; Sanding table with suction fan; Craftsman 10" table saw; Scroll Saw; Air compressor; Electric Saw Sharpeners; Shop Vacs; Dove-Tail jig; Band Saw; Belt Sanders; large selection of pipe and C-clamps; Wood turning lathe; hole saw bits; Assorted rough cut Walnut & Cedar wood; Assorted drills & saws; Craftsman push mower & bagger; Snapper 9-26 snowblower; wood & alum ladders; assorted hand & garden tools; bikes; LP gas grill; Winchester #120 12-ga. Pump; Mossberg 146B 22 w/scope, hard side gun case; Daisy #717 pistol pellet gun

FURNITURE – ANTIQUES – HOUSEHOLD

Sleep Number queen size bed w/platform & headboard; Sharp Microwave; bookcases; wood desks; Futon; Round Kitchenette table 2-chairs 1-leaf; desk chairs; Grandfather clock; file cabinets; card table & chairs; Fostoria glass; cut-glass; Carnival glass; Round top trunk; hall tree; child's rocker; cap collection; 1950's True Magazines; fruit jars; Homer Laughlin china 138 pc. Setting for 14; Stetson china set for 8; assorted silver service; electric ice cream freezer; lamps; camping stove; bedding; JD toy tractor; Tonka car hauler; fish tank; stereo & speakers; coolers; Fishing rods & equipment; Turkey Fryer; oil lamps; Collection 33 records; Record Cabinet many more items yet to be found.

AUCTION NOTE: Home sold first, Personal Property will be sold in the school parking lot. Good quality clean items you will not be disappointed.

JOHN & ROSELLA SCHWARTZ – OWNER

Wieman Land & Auction Co. Inc.

Marion, SD www.wiemanauktion.com

800-251-3111

JOHN & ROSELLA SCHWARTZ
104 S. BROADWAY
MARION, SD

ADDITIONAL INFORMATION

ROOM SIZES:

KITCHEN: 11 X 15 WITH CUSTOM FORMICA CABINETS
DINING: 11 X 15
LIVING ROOM: 16 X 18 WITH LARGE PICTURE WINDOW TO SOUTH
FRONT ENTRY: 5 X 7 WITH COAT CLOSET
MASTER BEDROOM: 12 X 12 ½ W/CLOSET
BATHROOM: 6 X 7
UTILITY/SEWING ROOM: 8 ½ X 10 ½ HARDWOOD FLOORS
REAR ENTRYWAY: 11 X 10

2ND FLOOR

BEDROOM: 9 X 12 ½ W/CLOSET
BEDROOM: 10 ½ X 13 ½ W/CLOSET
BEDROOM: 11 ½ X 13

REPAIRS AND UPDATES TO THE HOME INCLUDE THE FOLLOWING:

1976 HOME WAS EXTENSIVELY REMODELED AND UPDATED
1998 NEW FURNACE AND CENTRAL AIR UNIT WAS INSTALLED
2000 ADDED AN ADDITIONAL 16' TO THE EXISTING GARAGE
2008 NEW SHINGLES INSTALLED
2010 NEW PLASTIC SEWER LINE INSTALLED TO THE STREET

APPLIANCES TO REMAIN WITH THE HOME

2010 GE flattop electric stove
2009 Amana Refrigerator
2003 Bosch Stackable washer & dryer



SELLER'S PROPERTY CONDITION DISCLOSURE STATEMENT

(This disclosure shall be completed by the seller. This is a disclosure required by law. If you do not understand this form, seek legal advice.)

Seller John & Rosella Schwartz Property Address 104 S. Broadway

This Disclosure Statement concerns the real property identified above situated in the City of Marion
County of Turner, State of South Dakota.

THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH § 43-4-38. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER OR ANY AGENT REPRESENTING ANY PARTY IN THIS TRANSACTION AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PARTIES MAY WISH TO OBTAIN.

Seller hereby authorizes any agent representing any party in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

IF ANY MATERIAL FACT CHANGES BEFORE CONVEYANCE OF TITLE TO THIS PROPERTY, THE SELLER MUST DISCLOSE SUCH MATERIAL FACT WITH A WRITTEN AMENDMENT TO THIS DISCLOSURE STATEMENT.

I. LOT OR TITLE INFORMATION

1. When did you purchase or build the home? 1955

If the answer is yes to any of the following, please explain under additional comments or on an attached separate sheet.

2. Were there any title problems when you purchased the property? Yes ___ No X
3. Are there any recorded liens or financial instruments against the property, other than a first mortgage?
Yes ___ No X
4. Are there any unrecorded liens or financial instruments against the property, other than a first mortgage; or have any materials or services been provided in the past one hundred twenty days that would create a lien against the property under chapter 44-9? Yes ___ No X Unknown ___
5. Are there any easements which have been granted in connection with the property (other than normal utility easements for public water and sewer, gas and electric service, telephone service, cable television service, drainage, and sidewalks)? Yes ___ No X Unknown ___
6. Are there any problems related to establishing the lot lines/boundaries? Yes ___ No X Unknown ___
7. Do you have a location survey in your possession or a copy of the recorded plat? If yes, attach a copy.
Yes X No ___ Unknown ___
8. Are you aware of any encroachments or shared features, from or on adjoining property (i.e. fences, driveway, sheds, outbuildings, or other improvements)? Yes ___ No X
9. Are you aware of any covenants or restrictions affecting the use of the property in accordance with local law? If yes, attach a copy of the covenants and restrictions. Yes ___ No ✓
10. Are you aware of any current or pending litigation, foreclosure, zoning, building code or restrictive covenant violation notices, mechanic's liens, judgments, special assessments, zoning changes, or changes that could affect your property?
Yes ___ No ✓
11. Is the property currently occupied by the owner? Yes ✓ No ___
12. Does the property currently receive the owner occupied tax reduction pursuant to SDCL 10-13-39? Yes ✓ No ___
13. Is the property currently part of a property tax freeze for any reason? Yes ___ No ✓ Unknown ___
14. Is the property leased? Yes ___ No ✓
15. If leased, does the property use comply with local zoning laws? Yes ✓ No ___
16. Does this property or any portion of this property receive rent? Yes ___ No ✓
If yes, how much \$ ___ and how often ___ ?

17. Do you pay any mandatory fees or special assessments to a homeowners' or condominium association?
 Yes ☐ No ☒
 If yes, what are the fees or assessments? \$ _____ per _____ (i.e. annually, semi-annually, monthly)
 Payable to whom: _____ For what purpose? _____
18. Are you aware if the property has ever had standing water in either the front, rear, or side yard more than forty-eight hours after heavy rain? Yes ☐ No ☒
19. Is the property located in or near a flood plain? Yes ☐ No ☒ Unknown ☐
20. Are wetlands located upon any part of the property? Yes ☐ No ☒ Unknown ☐
21. Are you aware of any private transfer fee obligations, as defined pursuant to § 43-4-48, that would require a buyer or seller of the property to pay a fee or charge upon the transfer of the property, regardless of whether the fee or charge is a fixed amount or is determined as a percentage of the value of the property?
 Yes ☐ No ☒ Unknown ☐
 If yes, what are the fees or charges? \$ _____ per _____ (i.e. annually, semi-annually, monthly)

II. STRUCTURAL INFORMATION

If the answer is yes to any of the following, please explain under additional comments or on an attached separate sheet.

1. Are you aware of any water penetration problems in the walls, windows, doors, basement, or crawl space? Yes ☒ No ☐
2. What water damage related repairs, if any, have been made? None
 If any, when? _____
3. Are you aware if drain tile is installed on the property? Yes ☐ No ☒
4. Are you aware of any interior cracked walls or floors, or cracks or defects in exterior driveways, sidewalks, patios, or other hard surface areas? Yes ☒ No ☐
 What related repairs, if any, have been made? _____
5. Are you aware of any roof leakage, past or present? Yes ☐ No ☒
 Type of roof covering: asphalt Age: 2008
 What roof repairs, if any, have been made, when and by whom? Ewert Construction
 Describe any existing unrepaired damage to the roof: no
6. Are you aware of insulation in:
 the ceiling/attic? Yes ☒ No ☐ the walls? Yes ☒ No ☐ the floors? Yes ☐ No ☒
7. Are you aware of any pest infestation or damage, either past or present? Yes ☐ No ☒
8. Are you aware of the property having been treated for any pest infestation or damage?
 Yes ☐ No ☒ If yes, who treated it and when? _____
9. Are you aware of any work upon the property which required a building, plumbing, electrical, or any other permit?
 Yes ☒ No ☐ If yes, describe the work: when added onto the garage in 2000
 Was a permit obtained? Yes ☒ No ☐ Was the work approved by an inspector? Yes ☐ No ☒
10. Are you aware of any past or present damage to the property (i.e. fire, smoke, wind, floods, hail, or snow)?
 Yes ☐ No ☒ If yes, describe _____
 Have any insurance claims been made? Yes ☐ No ☒ Unknown ☐
 Was an insurance payment received? Yes ☐ No ☒ Unknown ☐
 Has the damage been repaired? Yes ☐ No ☒ If yes, describe in detail: _____
11. Are you aware of any problems with sewer blockage or backup, past or present? Yes ☒ No ☐
12. Are you aware of any drainage, leakage, or runoff from any sewer, septic tank, storage tank, or drain on the property into any adjoining lake, stream, or waterway? Yes ☐ No ☒ If yes, describe in detail:
Approx. 6-yrs ago sewer line to street was dug up and new plastic line installed

III. SYSTEMS/UTILITIES INFORMATION

	None/Not Included	Working	Not Working
1. 220 Volt Service		✓	
2. Air Exchanger	✓		
3. Air Purifier	✓		
4. Attic Fan	✓		
5. Burglar Alarm & Security System	✓		
6. Ceiling Fan	✓		
7. Central Air- Electric		✓	
8. Central Air - Water Cooled	✓		
9. Cistern	✓		
10. Dishwasher	✓		
11. Disposal	✓		
12. Doorbell		✓	
13. Fireplace	✓		
14. Fireplace Insert	✓		
15. Garage Door/Opener Control(s)		✓	
16. Garage Wiring		✓	
17. Heating System		✓	
18. Hot Tub, Whirlpool, and Controls	✓		
19. Humidifier		✓	
20. Intercom	✓		
21. Light Fixtures		✓	
22. Microwave/Hood		✓	
23. Plumbing and Fixtures		✓	
24. Pool and Equipment	✓		
25. Propane Tank	✓		
26. Radon System	✓		
27. Sauna	✓		
28. Septic/Leaching Field	✓		
29. Sewer Svstcms/Drtiins		✓	
30. Smoke/Fire Alarm		✓	
31. Solar House - Heating	✓		
32. Sump Pump(s)	✓		
33. Switches and Outlets		✓	
34. Underground Sprinkler and Heads	✓		
35. Vent Fan	✓		
36. Water Heater (Electric or Gas)		✓	
37. Water Purifier	✓		
38. Water Softener (Leased or Owned)		✓	
39. Well and Pump	✓		
40. Wood Burning Stove	✓		

IV. HAZARDOUS CONDITIONS

Are you aware of any existing hazardous conditions of the property and are you aware of any tests having been performed?

	Existing Conditions		Tests Performed	
	Yes	No	Yes	No
1. Methane Gas		✓		✓
2. Lead Paint		✓		✓
3. Radon Gas (House)		✓		✓
4. Radon Gas (Well)		✓		✓
5. Radioactive Materials		✓		✓
6. Landfill, Mineshaft		✓		✓
7. Expansive Soil		✓		✓
8. Mold		✓		✓
9. Toxic Materials		✓		✓
10. Urea Formaldehyde Foam Insulations		✓		✓
11. Asbestos Insulation		✓		✓
12. Buried Fuel Tanks		✓		✓
13. Chemical Storage Tanks		✓		✓
14. Fire Retardant Treated Plywood		✓		✓
15. Production of Methamphetamines		✓		✓

If the answer is yes to any of the questions above, please explain in additional comments or on an attached separate sheet.

V. MISCELLANEOUS INFORMATION

1. Is the street or road located at the end of the driveway to the property public or private? Public ☒ Private ☐
2. Is there a written road maintenance agreement? Yes ☐ No ☒
If yes, attach a copy of the maintenance agreement.
3. When was the fireplace/wood stove/chimney flue last cleaned? n/a not used
4. Within the previous twelve months prior to signing this document, are you aware of any of the following occurring on the subject property?
 - a. A human death by homicide or suicide? Yes ☐ No ☒
If yes, explain: _____
 - b. Other felony committed against the property or a person on the property? Yes ☐ No ☒
If yes, explain: _____
5. Is the water source (select one) ☒ public or ☐ private?
6. If private, what is the date and result of the last water test? _____
7. Is the sewer system (select one) ☒ public or ☐ private?
8. If private, what is the date of the last time the septic tank was pumped? _____
9. Are there broken window panes or seals? Yes ☐ No ☒
If yes, specify: _____
10. Are there any items attached to the property that will not be left, such as: towel bars, mirrors, swag lamps and hooks, curtain rods, window coverings, light fixtures, clothes lines, swing sets, storage sheds, ceiling fans, basketball hoops, mail boxes, etc. Yes ☐ No ☒
If yes, please list _____
11. Are you aware of any other material facts or problems that have not been disclosed on this form?
Yes ☐ No ☒ If yes, explain: _____

VI. ADDITIONAL COMMENTS (ATTACH ADDITIONAL PAGES IF NECESSARY)

CLOSING SECTION

The Seller hereby certifies that the information contained herein is true and correct to the best of the Seller's information, knowledge, and belief as of the date of the Seller's signature below. If any of these conditions change before conveyance of title to this property, the change will be disclosed in a written amendment to this disclosure statement.

X John Schwartz 4-14-16 Dorella Schwartz 4-14-16
Seller Date Seller Date

THE SELLER AND THE BUYER MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND INSPECTIONS OF THE PROPERTY TO OBTAIN A TRUE REPORT AS TO THE CONDITION OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN ANY CONTRACT OF SALE AS NEGOTIATED BETWEEN THE SELLER AND THE BUYER WITH RESPECT TO SUCH PROFESSIONAL ADVICE AND INSPECTIONS.

I/We acknowledge receipt of a copy of this statement on the date appearing beside my/our signature(s) below. Any agent representing any party to this transaction makes no representations and is not responsible for any conditions existing in the property.

Buyer Date Buyer Date

SELLER'S DISCLOSURE OF INFORMATION ON LEAD-BASED PAINT AND LEAD-BASED PAINT HAZARDS

Lead Warning Statement

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

Seller's Disclosure (initial)

RMS (a) Presence of lead-based paint and/or lead-based paint hazards (check one below):

☒ Known Lead-based paint and/or lead-based paint hazards are present in the housing (explain).

☐ Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

RMS (b) Records and reports available to the seller (check one below):

☐ Seller has provided the purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

☒ Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Purchaser's Acknowledgment (initial)

____ (c) Purchaser has received copies of all information listed above.

____ (d) Purchaser has received the pamphlet *Protect Your Family from Lead in Your Home*.

____ (e) Purchaser has (check on below):

☐ Received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or

☐ Waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

Agent's Acknowledgment (initial)

____ (f) Agent has informed the seller of the seller's obligations under 42 U.S.C. 4852(d) and is aware of his/her responsibility to ensure compliance

Certification of Accuracy

The following parties have reviewed the information above and certify to the best of their knowledge, that the information provided by the signatory is true and accurate.

<u>John Schwartz</u> Seller <u>John Schwartz</u> Seller <u>[Signature]</u> Agent	Date 4-14-16 Date 4-14-16 Date 4-14-16	Buyer Buyer Agent	Date Date Date
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