

AUCTION

FRIDAY MARCH 24TH AT 10:30 A.M.

79.02 ACRES OF BRIDGEWATER TWP. MCCOOK COUNTY LAND &
75-ACRES OF TAYLOR TWP. HANSON COUNTY LAND



OWNER:

JESSIE GROSS ESTATE



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!"

**79.02 ACRES OF BRIDGEWATER TWP. McCOOK COUNTY LAND &
75-ACRES OF TAYLOR TWP. HANSON COUNTY LAND OFFERED IN TWO TRACTS AT AUCTION**

In order to settle the estate, we will offer the following land for sale at public auction in the Wieman Auction Facility located from Marion, SD 1-mile south and ½ mile west on Hwy. 44 on:

**FRIDAY MARCH 24TH
10:30 A.M.**

It is our privilege to offer the following tracts of land that are located in the tightly held Taylor Township of Hanson County and Bridgewater Township of McCook County. These two tracts are divided by a gravel township road which is also the county line. All tillable tracts of land with great eye appeal, powerful soil ratings, predictable yield potential, great rental income are just some of the attributes of this property. Come take a look. No disappointments!

TRACT ONE: 75-ACRES TAYLOR TWP. HANSON COUNTY, SD

LEGAL: The N ½ of the SE ¼ except the S ½ of the SE ¼ of the NE ¼ of the SE ¼ of Section 36, 101-57 Hanson County, South Dakota.

LOCATION: From the Junction of Hwy. 42 and 430th Ave. go 2 ½ miles south west side of the road or near Junction of 430th Ave and 268th St.

- 73.01 acres tillable balance found in RROW. Gravel township road located to the east.
- Soil production rating of 83.8. Predominant soil Clarno-Bonilla (88) and Tetonka loam (56)
- Sold subject to 2017 crop lease. New buyer to receive \$15,000 or \$200/acre.
- Currently enrolled in ARC County with the FSA office. Aerial and soil maps, wetland maps, base and yields and other pertinent info found in buyers packet.
- Sellers will have south boundary line pinned and flagged by a surveyor.

TRACT TWO: 79.02 ACRES BRIDGEWATER TWP. McCOOK COUNTY, SD

LEGAL: The N ½ of the SW ¼ of Section 31, 101-56 McCook County, South Dakota.

LOCATION: From junction of Hwy. 42 and 430th Ave. go 2 ½ miles south east side of the road or directly east of Tract One or near the junction of 430th Ave. and 268th St.

- 75.76 acres tillable with the balance found in RROW.
- Soil production rating of 78.7. Predominant soils Clarno-Bonilla (88) and Clarno loam (82)
- Sold subject to 2017 crop lease. New buyer to receive \$15,804.00 or \$200/acre.
- Currently enrolled in ARC County with the FSA office. Aerial and soil maps, wetland maps, base & yields and other pertinent info found in buyers packet.
- Sellers will have the south boundary pinned and flagged by a surveyor.

TO INSPECT THE PROPERTY: We invite you to inspect the property at your convenience. Buyers packets are available on line at www.wiemanauktion.com or contact the auctioneers at 1-800-251-3111 and a buyers packet can be mailed out. A video of the property can be viewed on www.wiemanauktion.com

TERMS: Cash sale with 15% (non-refundable) down payment auction day with the balance on or before April 26, 2017. Personal Representatives deed to be granted with the cost of title insurance split 50-50 between buyer and seller. Each tract will be sold individually and will not be tied together. Sold subject to owner's approval and 2017 crop lease. New buyer to receive landlord's possession at closing. Come prepared to buy!! Remember auction to be held indoors at the Wieman Auction Facility 44628 SD Hwy. 44 Marion, SD.

**JESSIE GROSS ESTATE – OWNER
MARCELLA & ROSELLA GLANZER – CO-PERSONAL REPRESENTATIVES**

Wieman Land & Auction Co. Inc.
Marion, SD 800-251-3111
Gary & Rich Wieman Brokers

Bertsch Law Office
Closing Attorney
605-387-5658

Aerial Map

TRACT ONE
75 ACRES



map center: 43° 30' 23.29, -97° 37' 1.1



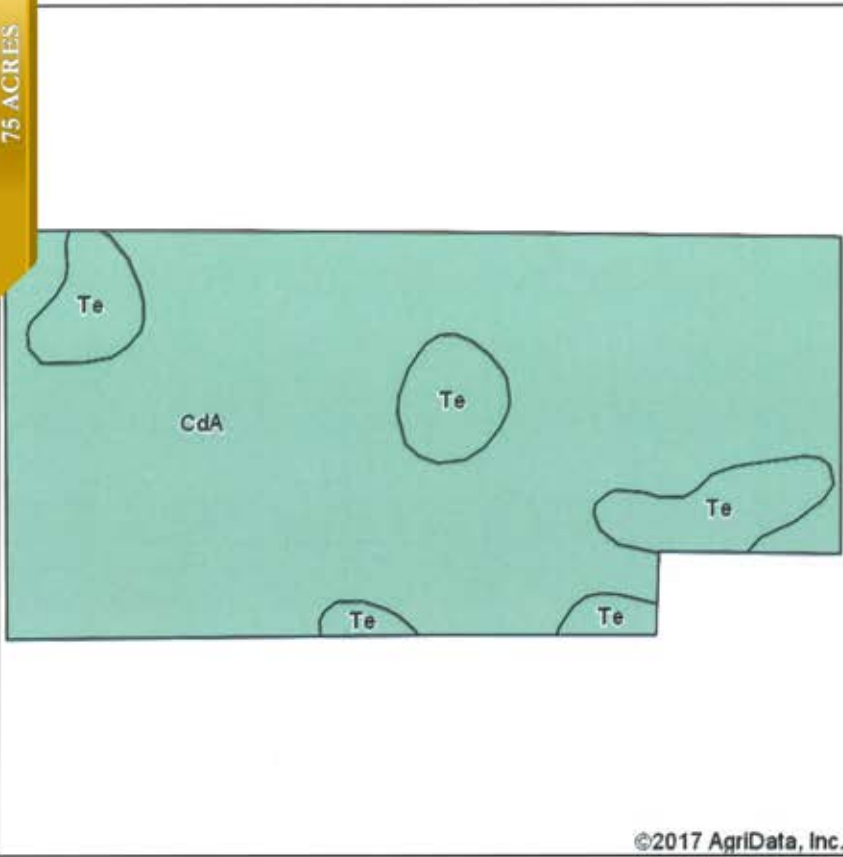
36-101N-57W
Hanson County
South Dakota



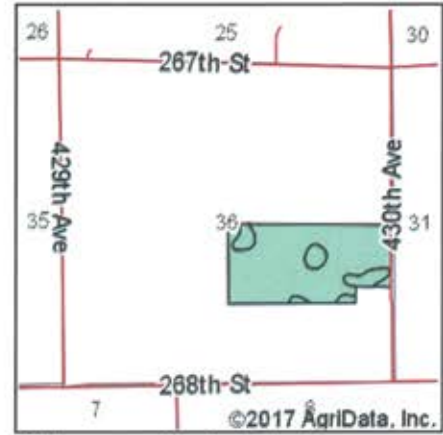
2/27/2017

Maps Provided By:
surety
CUSTOMIZED ONLINE MAPPING
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Soils Map



Soils data provided by USDA and NRCS.



State: **South Dakota**
 County: **Hanson**
 Location: **36-101N-57W**
 Township: **Taylor**
 Acres: **73.01**
 Date: **2/13/2017**



Area Symbol: SD602, Soil Area Version: 18

Code	Soil Description	Acres	Percent of field	Non-Irr Class *c	Productivity Index
CdA	Clarno-Bonilla loams, 0 to 2 percent slopes	63.49	87.0%	IIc	88
Te	Tetonka silt loam, 0 to 1 percent slopes	9.52	13.0%	IVw	56
Weighted Average					83.8

Area Symbol: SD602, Soil Area Version: 18

*c: Using Capabilities Class Dominant Condition Aggregation Method

Soils data provided by USDA and NRCS.



United States
Department of
Agriculture

Hutchinson County, South Dakota

TRACT ONE
75 ACRES



Common Land Unit Tract Boundary
 PLSS
 Cropland

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation
- Compliance Provisions



2017 Program Year

Map Created October 25, 2016

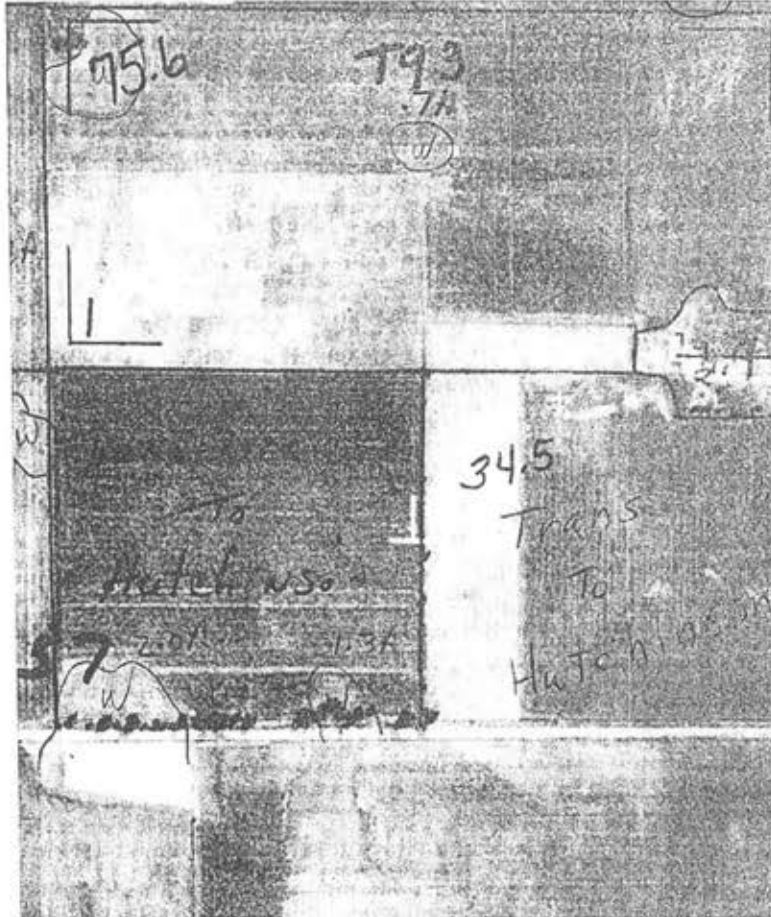
Farm 8514

36 -101N -57W

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

WETLANDS MAP

SE 1/4 36-101-57



Chicago Title Insurance Company
 9855 W. 78th Street, Minneapolis, MN 55344
 800-328-6223 FAX 952-826-3046

SCHEDULE A

Issued by: Vernon Holding Co Inc/The Title Company
 213 E. 4th Ave., PO Box 1304
 Mitchell, SD 57301

File No.: 05-17-00016
 Applicant Order No.:

Loan No.:

1. Effective date: February 24, 2017 at 07:30 AM

2. Policy or Policies to be issued:

Policy Amount

(a) Owner's Policy (ALTA Own. Policy (6-17-06))
 Proposed Insured: (X) Standard Coverage () Extended Coverage

TO BE DETERMINED

(b) Loan Policy (ALTA Loan Policy (6-17-06))
 Proposed Insured: () Standard Coverage () Extended Coverage

3. The estate or interest in the land described or referred to in this Commitment is:
 Fee Simple

4. Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:
 Jessie W. Gross Estate

5. The land referred to in this Commitment is described as follows:

Northwest Quarter(NW1/4) of the Southeast Quarter (SE1/4); and the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4), except the South Half (S1/2) of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) all in Section Thirty-six (36), Township One Hundred One (101) North, Range Fifty-seven (57), West of the 5th P.M., Hanson County, South Dakota, as shown on the plat filed September 26, 1911 in Book 1 of Plats, Page 26 in the office of the Register of Deeds of Hanson County, South Dakota.

**SCHEDULE B - SECTION I
REQUIREMENTS**

1. We require that standard form of affidavit or affidavits, be furnished to us at closing.
2. If it is desired that any liens listed on Schedule B - Part II not be shown on the final policy to be issued, we require a satisfaction/release for each lien be obtained and duly filed of record.
3. Application for title insurance discloses that Jessie W. Gross is now deceased. The conveyance from Personal Representative of the Estate of said decedent must contain the deceased's marital status at the time of death. If decedent was married, the spouse of said decedent must join in on the conveyance. Attached to the Personal Representative's Deed must be a (a) certified copy of the Letters of Appointment stating that said letters are still in full force and affect, and (b) certified copy of the receipt/waiver of federal estate taxes, if any.
4. The actual value of the estate or interest to be insured must be disclosed to the Company, entered as the amount of the policy to be insured. Until the amount of the policy to be issued shall be determined, and entered as aforesaid, it is agreed that as between the Company, the applicant for this commitment, and every person relying on this commitment, the Company cannot be required to approve any such evaluation in excess of \$10,000.00 and the total liability of the Company on account of this commitment shall not exceed said amount.

END OF SCHEDULE B - SECTION I

**SCHEDULE B - SECTION II
EXCEPTIONS**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the Proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Rights or claims of parties in possession not shown by the public records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
4. Easements, or claims of easements, not shown by the public records.
5. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Subject to minerals and mineral rights, if any.
7. Taxes or Special assessments which are not shown as existing liens by the public records.
8. General and special taxes and assessments as hereafter listed, if any (all amounts shown being exclusive of interest, penalties and costs):

2016 real estate taxes due and payable in 2017 are as follows:

NW4SE4 36-101-57 - \$810.78 and are unpaid. Tax Bill #773; Tax ID #101-57-036-004-000-03
NE4 SE4 (less S2 SE4 NE4 SE4) 36-101-57 - \$675.08 and are unpaid. Tax Bill #774; Tax ID
#101-57-036-004-000-01

9. Reservation of minerals and mineral rights by the STATE OF SOUTH DAKOTA, as shown by Patent(s) filed August 25, 1917 and recorded in Book 40 on Page 56 and on January 16, 1918 and recorded in Book 40 on Page 208. (copies provided upon request)

Mineral interest not further shown.

10. Statutory easement for highway along the section line (or lines bounding (or within) the land herein described.
11. Subject to the Estate of Jessie W. Gross.
12. Tenancy rights of parties in possession of all or a portion of the real estate.

Subject to unrecorded leases, if any.

END OF SCHEDULE B - SECTION II

The two State Patents have been made exception to because of South Dakota law.

State Lands

Dakota Territory was created in 1861 by the Organic Law,⁹⁸ which provided for the organization of a temporary government for the territory. The Constitution of South Dakota was adopted October 1, 1889,⁹⁹ and both **South Dakota** and North Dakota were admitted to the Union by Presidential Proclamation signed November 2, 1889.¹⁰⁰

South Dakota acquired public lands from the federal government by the terms of the Enabling Act,¹⁰¹ as well as by other federal legislation. These lands are administered by the state department of school and public lands, through statutes contained primarily in SDCL Title 5.

Of principle concern to abstracters and title insurers, the Enabling Act granted to the state for the support of common schools sections sixteen and thirty-six of every township, unless these sections were located on reservations of any kind.

These state-owned lands became known as "school sections." If such sections were found by the department of the interior to be mineral lands, or if they had already been sold or disposed of, then equivalent lands were granted to the state.¹⁰² Such lands, as well as lands acquired by other types of grants, became known as "indemnity lands" or "lieu lands." Many of these sections have since been granted to private individuals by state patents¹⁰³ which **reserve the minerals** as a resource to the state.

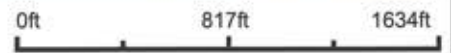
A 1919 statute, as amended, provides that all sales, leases and conveyances of lands belonging to the state are subject to and contain a **reservation** to the state of South Dakota of all deposits of coal, ores, metals, and other **minerals**, asphaltum, oil, gas, geothermal resources, and other like substance in such lands, together with the right to prospect for, mine, and remove the same.¹⁰⁴ This reservation is also operative without an express recital, such as in deeds which reconvey lands taken by foreclosure of rural credit loans.¹⁰⁵ As a result of these policies, the state of South Dakota now owns the minerals in one out of ten acres in the state.¹⁰⁶

Aerial Map

TRACT TWO
79.02 ACRES



map center: 43° 30' 23.31, -97° 35' 47.8



31-101N-56W
McCook County
South Dakota

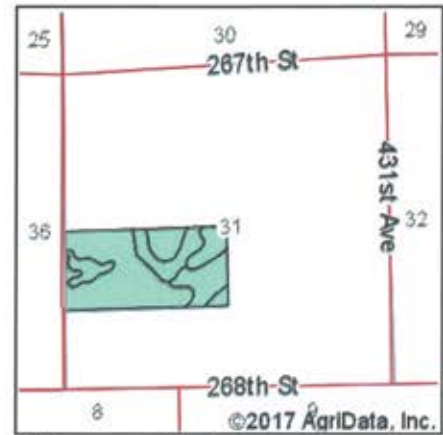
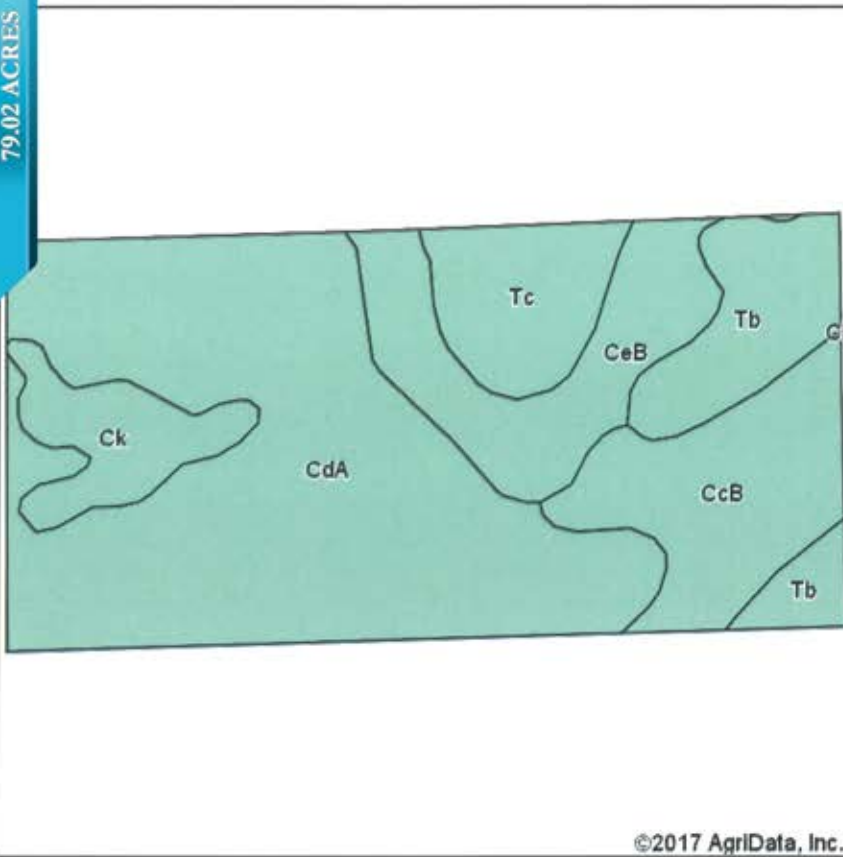


2/27/2017

Maps Provided By:
 surety
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Field borders provided by Farm Service Agency as of 5/21/2008.

Soils Map



State: **South Dakota**
 County: **McCook**
 Location: **31-101N-56W**
 Township: **Bridgewater**
 Acres: **75.76**
 Date: **2/13/2017**



Soils data provided by USDA and NRCS.

Area Symbol: SD087, Soil Area Version: 18

Code	Soil Description	Acres	Percent of field	Non-Irr Class *c	Productivity Index	Alfalfa hay	Barley	Corn	Corn silage	Grain sorghum	Oats	Soybeans	Winter wheat
CdA	Clarno-Bonilla loams, 0 to 2 percent slopes	37.75	49.8%	IIc	88								
CcB	Clarno loam, 2 to 6 percent slopes	10.15	13.4%	IIe	82								
CeB	Clarno-Davison loams, 2 to 5 percent slopes	9.63	12.7%	IIe	70	3	41	68	7.7	40	51	25	32
Tb	Tetonka silt loam, 0 to 1 percent slopes	7.56	10.0%	IVw	56								
Tc	Tetonka-Canistee complex	5.86	7.7%	IVw	58	1.3	25	60	6.7	35	31	22	15
Ck	Crossplain clay loam	4.81	6.3%	IIw	77	1.8	37	73	8.1	42	46	28	28
Weighted Average					78.7	0.6	9.5	17.9	2	10.5	11.8	6.7	7

Area Symbol: SD087, Soil Area Version: 18

*c: Using Capabilities Class Dominant Condition Aggregation Method

Soils data provided by USDA and NRCS.



United States
Department of
Agriculture

Hutchinson County, South Dakota

TRACT TWO
79.02 ACRES



Common Land Unit Tract Boundary
 PLSS
 Cropland

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation
- Compliance Provisions



2017 Program Year

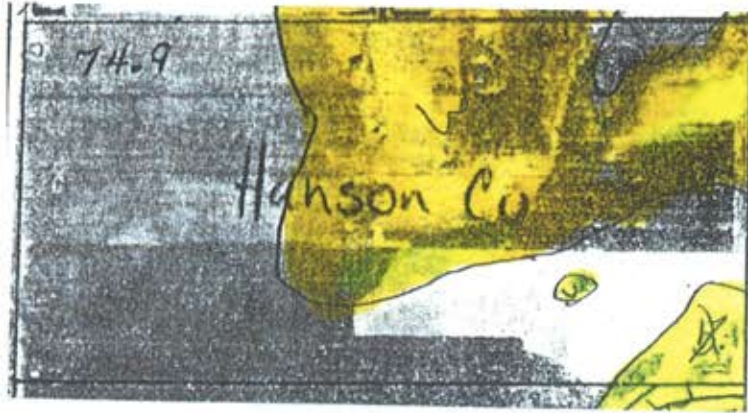
Map Created October 25, 2016

Farm 8514

31 -101N -56W

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WETLANDS MAP



FIDELITY NATIONAL TITLE INSURANCE COMPANY
7701 FRANCE AVENUE SOUTH, SUITE 120, EDINA, MN 55435

SCHEDULE A

Title Officer:
Escrow Officer:
Escrow No.: TI-7950
Loan No.:

Title No.: TI-7950
Agent Order/File No.:

1. Effective date: February 21, 2017 at 07:00 AM

2. Policy or Policies to be issued:	Policy Amount
(a) Owner's Policy (ALTA Own. Policy (06/17/06))	\$ 1.00
Proposed Insured:	
TO BE DETERMINED	
(b) Loan Policy ()	
Proposed Insured:	

3. The estate or interest in the land described or referred to in this Commitment is:
Fee Simple

4. Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:
JESSIE W. GROSS ESTATE
33PRO.16-37 (HUTCHINSON COUNTY, SD)
MARCELLA GLANZER AND ROSELLA GLANZER, PERSONAL REPRESENTATIVES

5. The land referred to in this Commitment is described as follows:
THE NORTH HALF OF THE SOUTHWEST (N1/2SW1/4) OF SECTION THIRTY ONE (31), TOWNSHIP ONE HUNDRED ONE (101) NORTH, RANGE FIFTY SIX (56), West of the 5th P.M., McCook County, South Dakota.

Subject to easements, restrictions, and reservations of record, if any.

*McCook County Abstract & Title Ins. LTD
P.O. Box 506
Salem, SD 57058-0506*

**SCHEDULE B - SECTION I
REQUIREMENTS**

1. Requirements may be included as Special Exceptions on SCHEDULE B, SECTION II.
2. Instruments creating the estate or interest(s) to be insured, the form and execution of which shall be satisfactory to the Company, must be executed, delivered and duly filed for record:
 - a. Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
 - b. Pay McCook County Abstract & Title Ins. LTD the premiums, fees and charges for the policy.
 - c. You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
 - d. Seller/Mortgagor Affidavit and/or Purchaser Affidavit (PROVIDED WITH THIS COMMITMENT) to be executed and returned to McCook County Abstract & Title.
3. Marital status of any Grantor &/or Mortgagor must be stated on the documents to be insured by the policies (Ownership Deed and/or Mortgage). If married, spouses must sign documents.

END OF SCHEDULE B - SECTION I

**SCHEDULE B - SECTION II
EXCEPTIONS**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. General Exceptions:
 1. Rights or claim of parties in possession not shown by the public records.*
 2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.*
 3. Easements, or claims of easements, not shown by the public records.*
 4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.*
 5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.*
 6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.*
 7. Any right, title, or interest in any minerals, mineral rights, or related matters, including but not limited to oil, gas, coal, and other hydrocarbons.*

* Paragraphs 1, 2, 3, 4, 5, 6, and 7 will not appear as printed exceptions on extended coverage policies except as to such parts thereof which may be typed as a Special Exception.

Special Exceptions:

3. Any charges for municipal &/or rural services (i.e. water, sewer, correction of nuisance conditions, etc.) are the responsibility of the parties to this transaction. For information regarding the existence of any such bills, contact the appropriate municipal office.
4. Accrued taxes and assessments for the year 2017 and subsequent years, not yet due or delinquent.
5. 2016 Real Estate Taxes payable in 2017 are:
Parcel # 13.31.4001:-----\$1,915.90
1st 1/2-----\$957.90 DUE 4/30/2017
2nd 1/2-----\$957.90 DUE 10/31/2017
6. SUBJECT TO PROVIDING DOCUMENTATION FROM THE DEPARTMENT OF SOCIAL SERVICES THAT THERE ARE NO LIENS AGAINST THE ESTATE OF JESSIE W. GROSS ESTATE.
7. SUBJECT TO ANY POTENTIAL LIENS AGAINST THE ESTATE OF JESSIE W. GROSS ESTATE.
8. Any liens or requirements once the buyer has been determined.
9. The land described in the Commitment/Policy does not insure amount of acres.
10. Statutory Easement for highway along the section line (or lines) bounding (or within) the land herein described.

END OF SCHEDULE B - SECTION II

South Dakota
Hutchinson

U.S. Department of Agriculture
Farm Service Agency
Abbreviated 156 Farm Record

FARM: 8514
Prepared: 2/21/17 7:59 AM
Crop Year: 2017
Page: 1 of 2

Report ID: FSA-156EZ

DISCLAIMER: This is data extracted from the web farm database. Because of potential messaging failures in MIDAS, this data is not guaranteed to be an accurate and complete representation of data contained in the MIDAS system, which is the system of record for Farm Records.

Operator Name KENN R POTTER	Farm Identifier Division of 4692	Recon Number 2008 46067 6
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Farms Associated with Operator:

CRP Contract Number(s): None

Farmland	Cropland	DCP Cropland	WBP	WRP/EWP	CRP Cropland	GRP	Farm Status	Number of Tracts
148.77	148.77	148.77	0.0	0.0	0.0	0.0	Active	2
State Conservation	Other Conservation	Effective DCP Cropland	Double Cropped	MPL/FWP	Native Sod			
0.0	0.0	148.77	0.0	0.0	0.0			

ARC/PLC

ARC-IC NONE	ARC-CO CORN , SOYBN	PLC NONE	PLC-Default NONE
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Crop	Base Acreage	CTAP Tran Yield	PLC Yield	CCC-505 CRP Reduction
CORN	107.3		113	0.0
SOYBEANS	40.5		43	0.0
Total Base Acres:	147.8			

Tract Number: 40801 Description: H1R/NSE 36 101 57 HANSON

BIA Range Unit Number:

HEL Status: NHEL: no agricultural commodity planted on undetermined fields

Wetland Status: Tract contains a wetland or farmed wetland

WL Violations: None

Farmland	Cropland	DCP Cropland	WBP	WRP/EWP	CRP Cropland	GRP
73.01	73.01	73.01	0.0	0.0	0.0	0.0
State Conservation	Other Conservation	Effective DCP Cropland	Double Cropped	MPL/FWP	Native Sod	
0.0	0.0	73.01	0.0	0.0	0.0	

Crop	Base Acreage	CTAP Tran Yield	PLC Yield	CCC-505 CRP Reduction
CORN	53.9		113	0.0
SOYBEANS	18.9		43	0.0
Total Base Acres:	72.8			

Owners: JESSIE W GROSS

Other Producers: None

South Dakota
Hutchinson

U.S. Department of Agriculture
Farm Service Agency
Abbreviated 156 Farm Record

FARM: 8514
Prepared: 2/21/17 7:59 AM
Crop Year: 2017
Page: 2 of 2

Report ID: FSA-156EZ

DISCLAIMER: This is data extracted from the web farm database. Because of potential messaging failures in MIDAS, this data is not guaranteed to be an accurate and complete representation of data contained in the MIDAS system, which is the system of record for Farm Records.

Tract Number: 40802 Description: I1L/NSW 31 101 56 MC COOK

BIA Range Unit Number:

HEL Status: NHEL: no agricultural commodity planted on undetermined fields

Wetland Status: Tract contains a wetland or farmed wetland

WL Violations: None

Farmland	Cropland	DCP Cropland	WBP	WRP/EWP	CRP Cropland	GRP
75.76	75.76	75.76	0.0	0.0	0.0	0.0
State Conservation	Other Conservation	Effective DCP Cropland	Double Cropped	MPL/FWP	Native Sod	
0.0	0.0	75.76	0.0	0.0	0.0	

Crop	Base Acreage	CTAP Tran Yield	PLC Yield	CCC-505 CRP Reduction
CORN	53.4		113	0.0
SOYBEANS	21.6		43	0.0
Total Base Acres:	75.0			

Owners: JESSIE W GROSS

Other Producers: None

AUCTION

FRIDAY MARCH 24TH AT 10:30 A.M.



Terms and Conditions: Cash sale with 15% (non-refundable) down payment auction day with the balance on or before April 26, 2017. Personal Representatives deed to be granted with the cost of title insurance split 50-50 between buyer and seller. Each tract will be sold individually and will not be tied together. Sold subject to owner's approval and 2017 crop lease. New buyer to receive landlord's possession at closing. Come prepared to buy!!

Remember auction to be held indoors at the Wieman Auction Facility 44628 SD Hwy. 44 Marion, SD.