

217.48 ACRES

TURNER COUNTY LAND

- THURSDAY, OCTOBER 13TH AT 10:30AM -



"We Sell The Earth And Everything On It!"

800.251.3111 | Marion, SD | WiemanAuction.com

Wieman Land & Auction Inc., 44628 SD HWY 44, Marion SD 57043

**217.48 ACRES OF NORWAY & SPRING VALLEY TOWNSHIP TURNER COUNTY
LAND AT AUCTION OFFERED IN TWO TRACTS**

In order to settle the estate of Allen Leber, the following land will be sold at public auction at the Wieman Auction Facility 44628 SD Hwy 44 Marion, SD on:

**THURSDAY OCTOBER 13TH
10:30 A.M.**

It is our privilege to offer these two unique tracts of land both found in tightly held townships of Turner County. Both are available to farm or lease out for the 2023 crop year. If your searching for additional acres for your operation or a new home/acreage site come take a look!

TRACT ONE: 157-ACRES

LEGAL: The SE ¼ of Section 34, 98-54 Turner County, South Dakota.

LOCATION: From Hurley, SD go 5-miles west on 283rd St. turn south on 450th Ave go 1 ½ miles west side of the road. Commonly known as 28463 450th Ave. Hurley, SD.

- At present there is 102.57 acres tillable 42.92 acres in pasture/hayland, 9-acres in trees and building site and the balance in road right of ways.
- Soil Production rating of 78.9. Predominant soil Clarno-Bonilla loam (84)
- New well was dug in the fall of 2021. Thick and established tree grove, excellent new home site/acreage site with existing buildings.
- Base & Yield info, title insurance, and other pertinent information found in the buyers packet.
- Annual Real Estate Taxes are \$4,143.20.

TRACT TWO: 60.48 ACRES

LEGAL: The N ½ of the S ½ of the SW ¼ and the S ½ of the SE ¼ of the SW ¼ all in Section 3, 97-54 Turner County, SD.

LOCATION: From Tract 1 go 1-mile south and ½ mile west north side of the road or at the junction of 449th Ave and Hwy. 18

- 61.65 acres all in grass/hay production with 1320' of Hwy 18 frontage.
- Soil Production rating of 51.4. Predominant soils Lamo silt loam (70) and Salmo silt loam (32)
- FSA reports past production history on this property but has been in grass/hay production for the past 25+ years.
- New buyer able to farm-hay or lease out for 2023 crop year
- Annual Real Estate Taxes are \$868.68 SE 20-acres is excluded and fenced out.

TO INSPECT THE PROPERTY: We invite you to inspect the property at your convenience. Drone video footage along with buyers packets can be viewed at www.wiemanauktion.com. Buyers packets can be mailed out by calling the auctioneers at 800-251-3111.

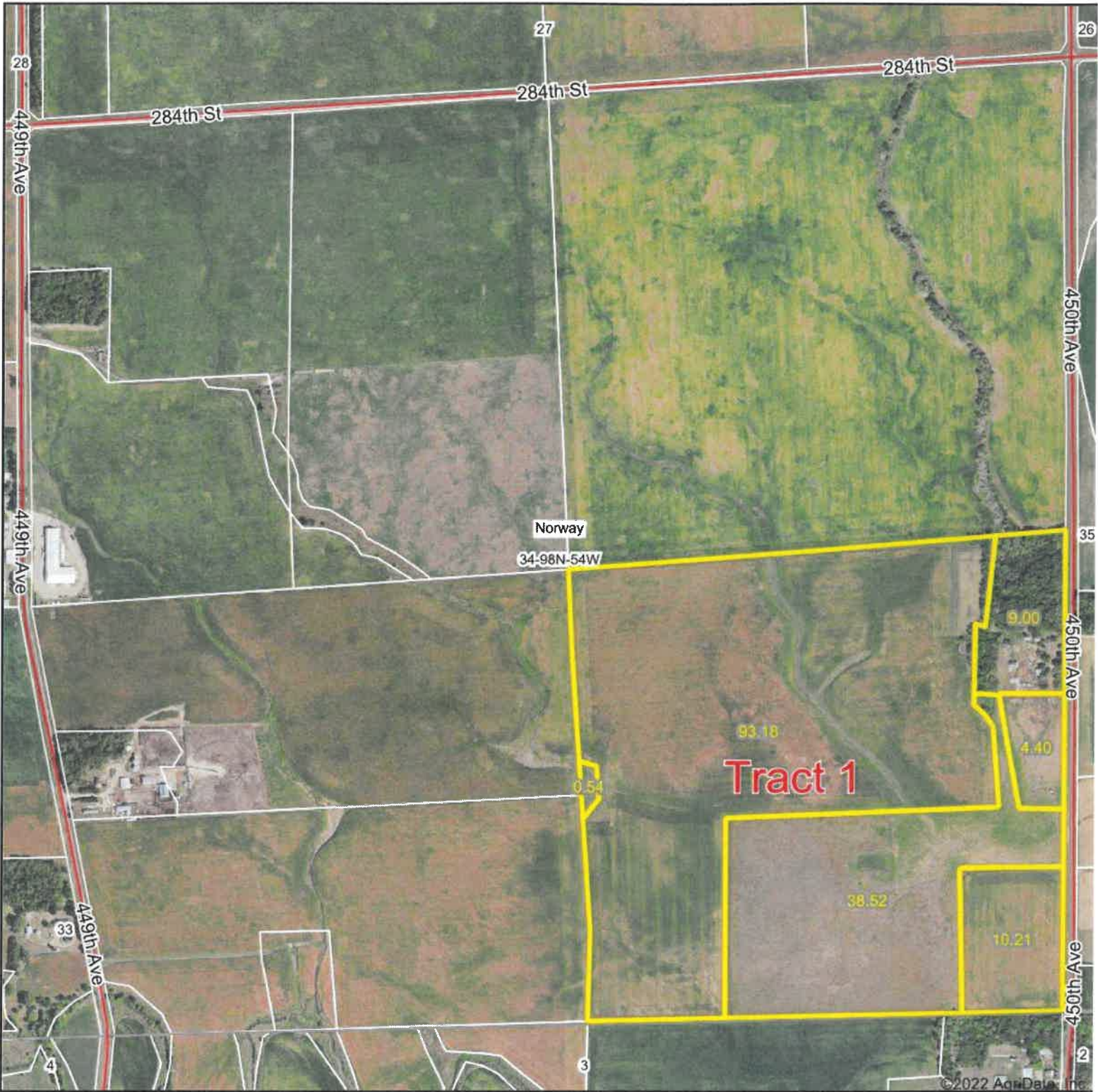
TERMS: Cash sale with 15% (non-refundable) down payment sale day with the balance on or before November 22, 2022. Personal Representatives deed to be granted with the cost of title insurance split 50-50 between buyer and seller. Sellers to pay all of the 2022 real estate taxes. New buyer will pay all the 2023 taxes due in 2024. Sold subject to personal representatives approval and all easements and restrictions of record. Come prepared to buy! Remember auction held indoors at the Wieman Auction Facility.

**ALLEN LEBER ESTATE – OWNER
JON BENSON – PERSONAL REP.**

Wieman Land & Auction Co. Inc.
Marion, SD 800-251-3111
www.wiemanauktion.com

Ward Law Office
Closing Attorney
605-326-5282

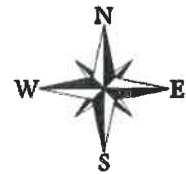
Aerial Map



Map Center: 43° 15' 49.67, -97° 12' 40.9



34-98N-54W
Turner County
South Dakota



7/20/2022



Maps Provided By:



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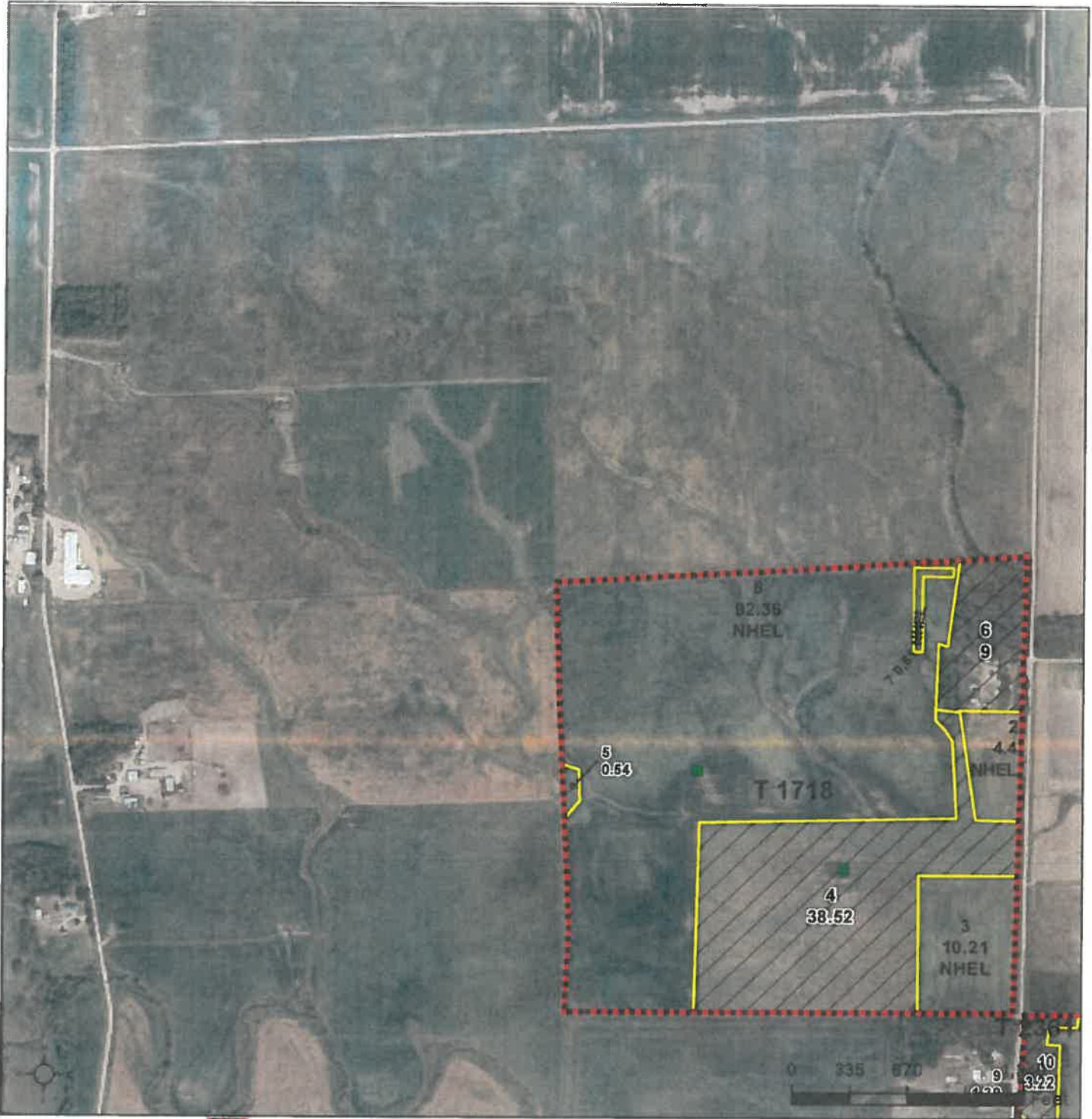
www.AgriDataInc.com

Field borders provided by Farm Service Agency as of 5/21/2008



United States
Department of
Agriculture

Turner County, South Dakota



Common Land Unit Tract Boundary

- Non-Cropland
- Cropland

Wetland Determination Identifiers

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

2022 Program Year

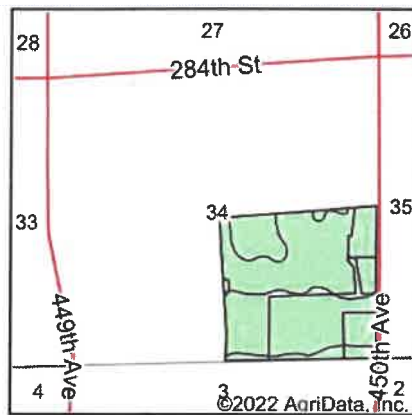
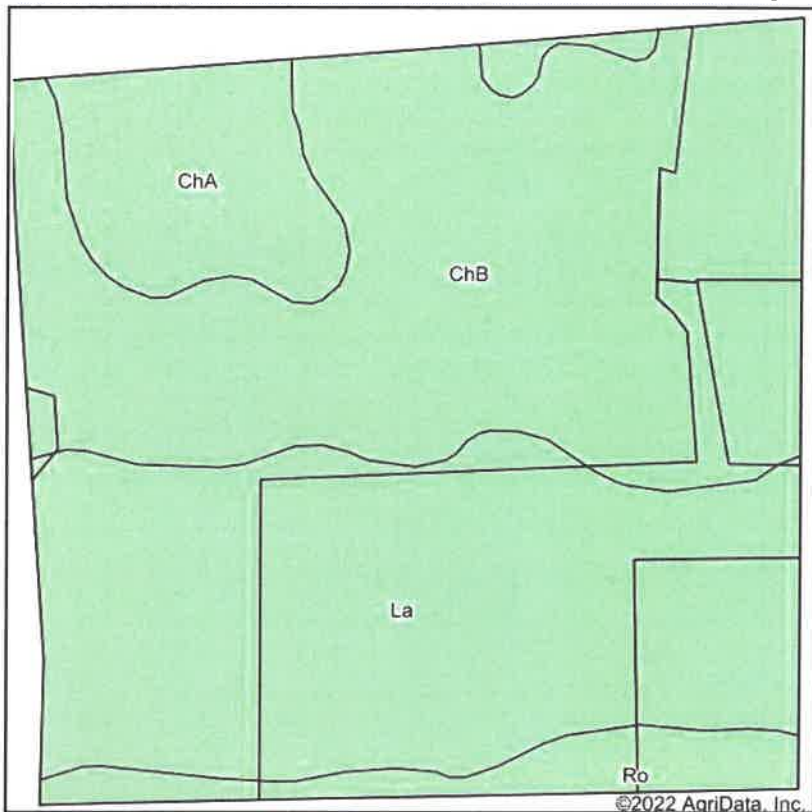
Map Created April 19, 2022

Farm 2039

34-98N-54W-Turner

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Soils Map



State: **South Dakota**
 County: **Turner**
 Location: **34-98N-54W**
 Township: **Norway**
 Acres: **155.85**
 Date: **7/20/2022**



Maps Provided By:



Soils data provided by USDA and NRCS.

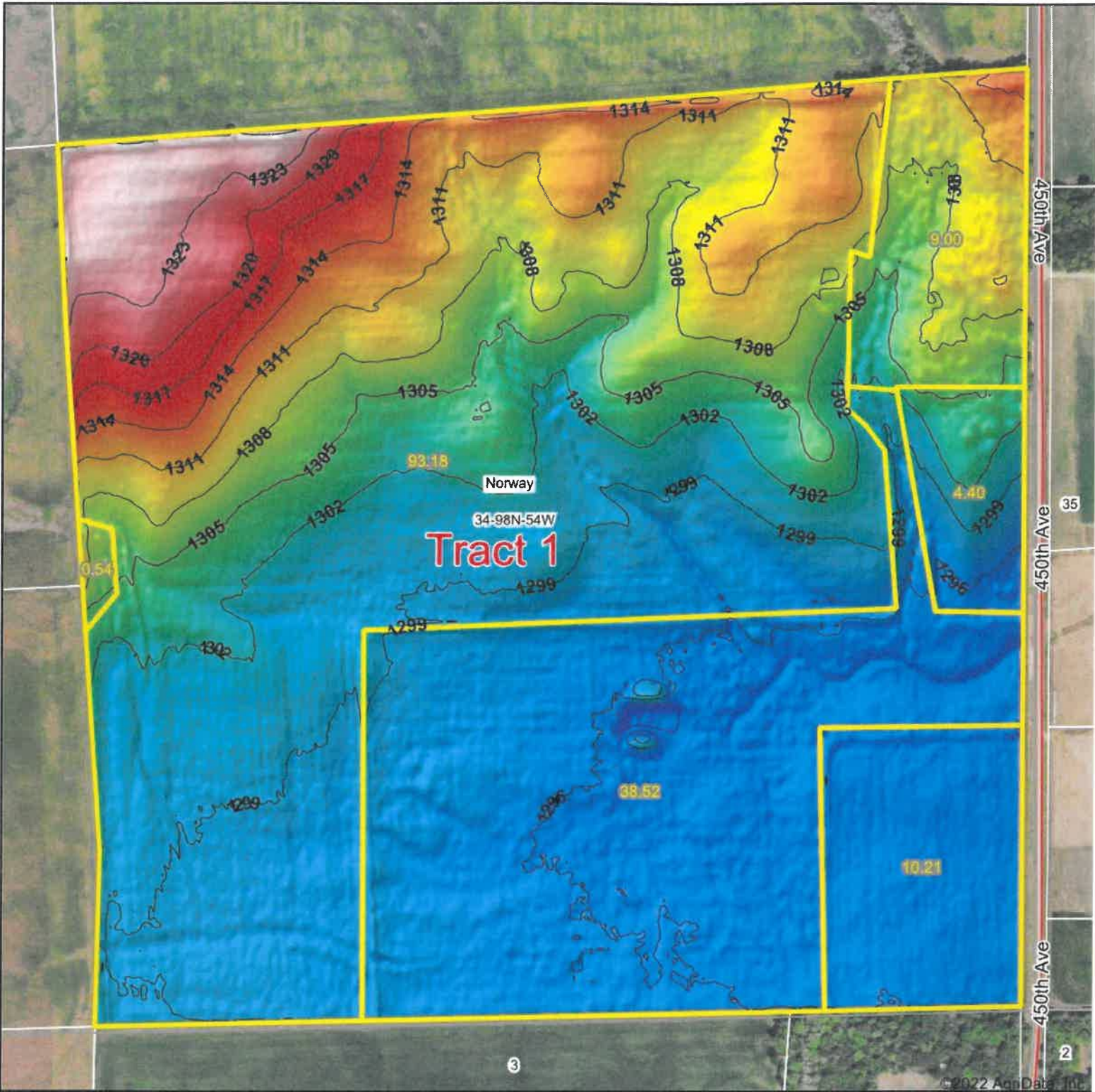
Area Symbol: SD125, Soil Area Version: 23						
Code	Soil Description	Acres	Percent of field	Non-Irr Class *c	Irr Class *c	Productivity Index
ChB	Clamo-Bonilla loams, 1 to 6 percent slopes	70.84	45.5%	Ile		84
La	Lamo silty clay loam, cool, 0 to 2 percent slopes, occasionally flooded	60.96	39.1%	IIw	IIw	70
ChA	Clamo-Bonilla loams, 0 to 2 percent slopes	16.15	10.4%	Ilc		88
Ro	Bon loam, 0 to 2 percent slopes, rarely flooded	7.90	5.1%	Ilc		84
Weighted Average				2.00	*-	78.9

*c: Using Capabilities Class Dominant Condition Aggregation Method

*- Irr Class weighted average cannot be calculated on the current soils data due to missing data.

Soils data provided by USDA and NRCS.

Topography Hillshade



Source: USGS 3 meter dem
 Interval(ft): 3
 Min: 1,292.4
 Max: 1,327.2
 Range: 34.8
 Average: 1,303.2
 Standard Deviation: 7.78 ft



Maps Provided By:
surety
 CUSTOMIZED ONLINE MAPPING
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34-98N-54W
Turner County
South Dakota

map center: 43° 15' 49.67, -97° 12' 40.9

Field borders provided by Farm Service Agency as of 5/21/2008.

Certified Wetland Determination

Field Office: Parker FO
 Certified By: Merris Miller
 Legal Desc: SE4 34-98-54

Agency: USDA-NRCS
 Certified Date: 3/21/2012
 Tract: 1718



Legend

Certified Wetland Determination Boundary

- Wetlands
- Wetlands
- Ditch
- NI
- NI/Ditch
- Tile



- W Wetland
- FW Farmed Wetland Drained or modified & cropped prior to 12-23-1985, but still meets wetland criteria
- PC Prior Converted
- NW Non Wetland
- NI Not Inventoried Potential Waters of the US

See NRCS CPA-O26E for definitions and additional info.



SOUTH DAKOTA
TURNER
Form: FSA-156EZ



FARM : 2039
Prepared : 7/12/22 10:33 AM
Crop Year : 2022

See Page 3 for non-discriminatory Statements.

Abbreviated 156 Farm Record

Operator Name : LANCE OLESEN
Farms Associated with Operator :
CRP Contract Number(s) : None
Recon ID : None
Transferred From : None
ARCPLC G/WF Eligibility : Eligible

Farm Land Data

Farmland	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane	Farm Status	Number Of Tracts
365.51	244.29	244.29	0.00	0.00	0.00	0.00	0.00	Active	3
State Conservation	Other Conservation	Effective DCP Cropland	Double Cropped		MPL	Acre Election	EWP	DCP Ag.Rel. Activity	Broken From Native Sod
0.00	0.00	244.29	0.00		0.00		0.00	0.00	0.00

Crop Election Choice

ARC Individual	ARC County	Price Loss Coverage
None	None	WHEAT, CORN, SOYBN

DCP Crop Data

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	PLC Yield	HIP
Wheat	5.80	0.00	41	
Corn	80.40	0.00	150	
Soybeans	72.40	0.00	45	
TOTAL	158.60	0.00		

NOTES

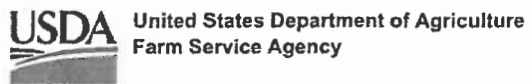
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Tract Number : 1718
Description : SE 34 98 54
FSA Physical Location : SOUTH DAKOTA/TURNER
ANSI Physical Location : SOUTH DAKOTA/TURNER
BIA Unit Range Number :
HEL Status : NHEL: No agricultural commodity planted on undetermined fields
Wetland Status : Tract does not contain a wetland
WL Violations : None
Owners : ALLEN L LEBER
Other Producers : None
Recon ID : None

Tract Land Data

Farm Land	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane
155.84	107.78	107.78	0.00	0.00	0.00	0.00	0.00
State Conservation	Other Conservation	Effective DCP Cropland	Double Cropped	MPL	EWP	DCP Ag. Rel Activity	Broken From Native Sod
0.00	0.00	107.78	0.00	0.00	0.00	0.00	0.00

SOUTH DAKOTA
TURNER
Form: FSA-156EZ



FARM : 2039
Prepared : 7/12/22 10:33 AM
Crop Year : 2022

Abbreviated 156 Farm Record

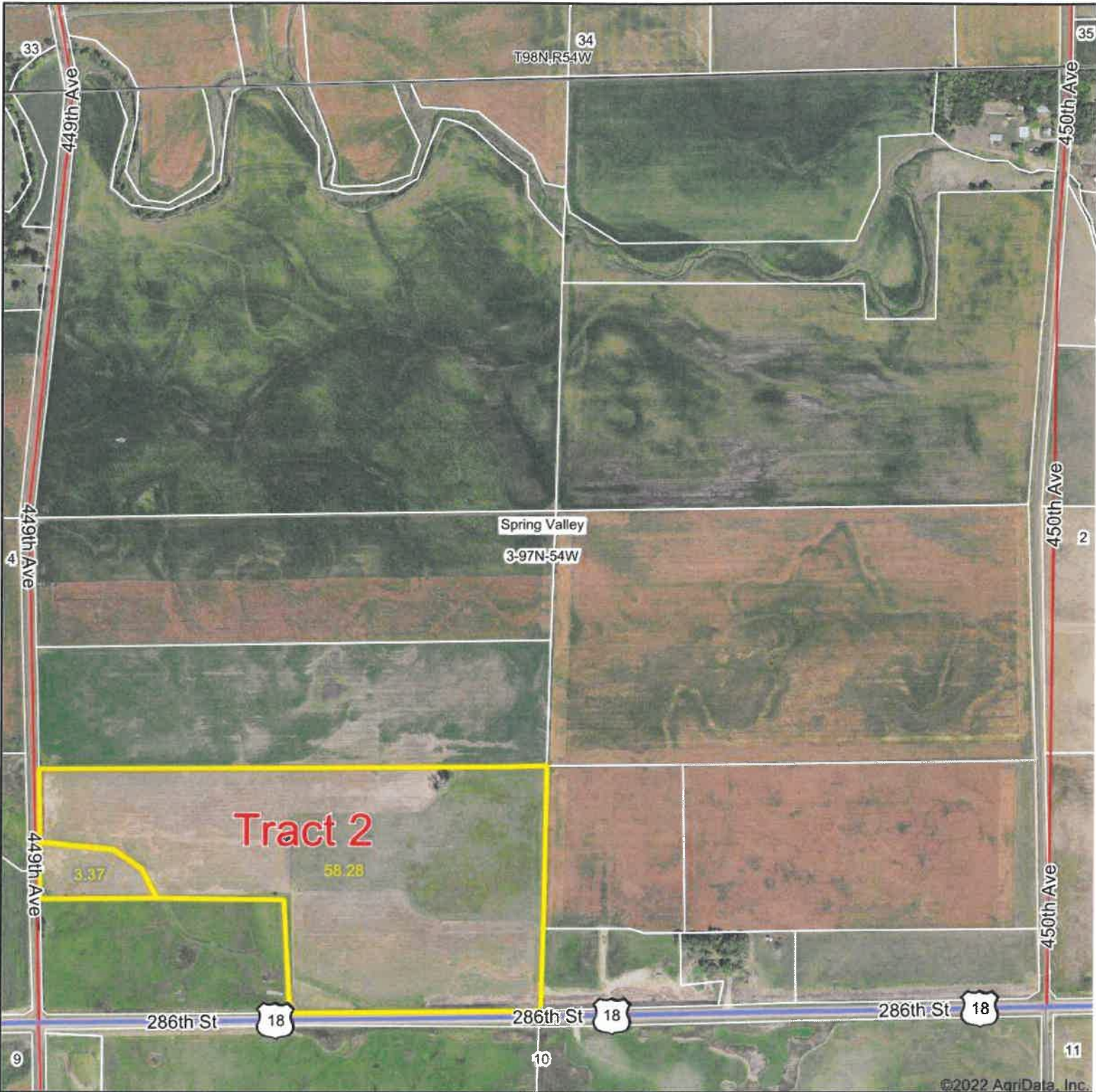
DCP Crop Data

Tract 1718 Continued ...

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	PLC Yield
Wheat	3.80	0.00	41
Corn	30.20	0.00	150
Soybeans	33.80	0.00	45
TOTAL	67.80	0.00	



Aerial Map

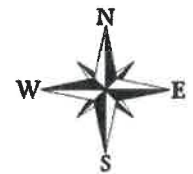


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Map Center: 43° 14' 59.07, -97° 12' 40.66



3-97N-54W
Turner County
South Dakota



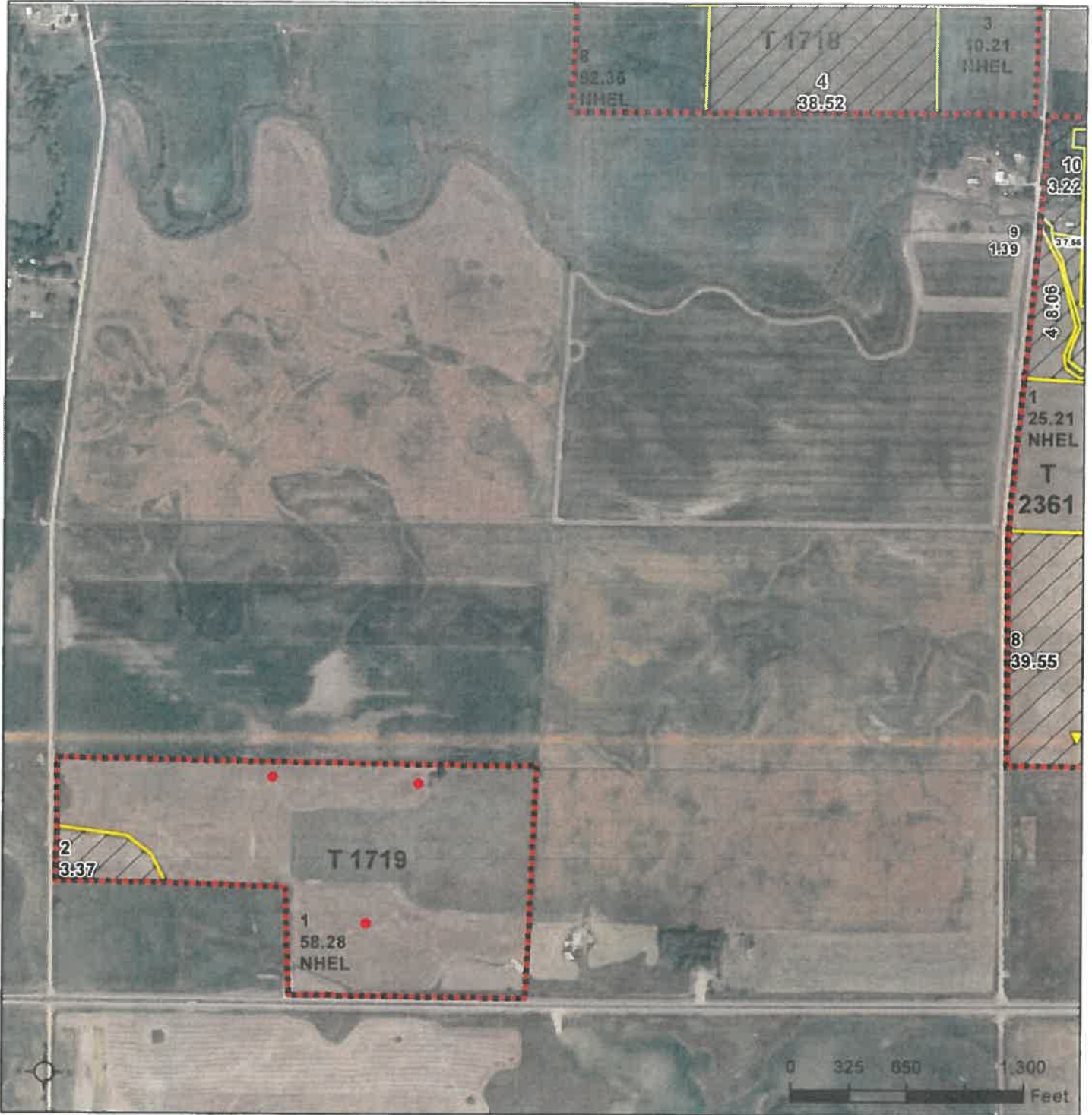
7/20/2022

Maps Provided By:



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Field borders provided by Farm Service Agency as of 5/21/2008.



Common Land Unit Tract Boundary
 Non-Cropland
 Cropland

Wetland Determination Identifiers
 Restricted Use
 Limited Restrictions
 Exempt from Conservation Compliance Provisions

2022 Program Year

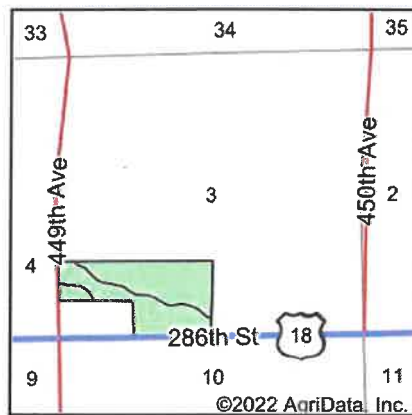
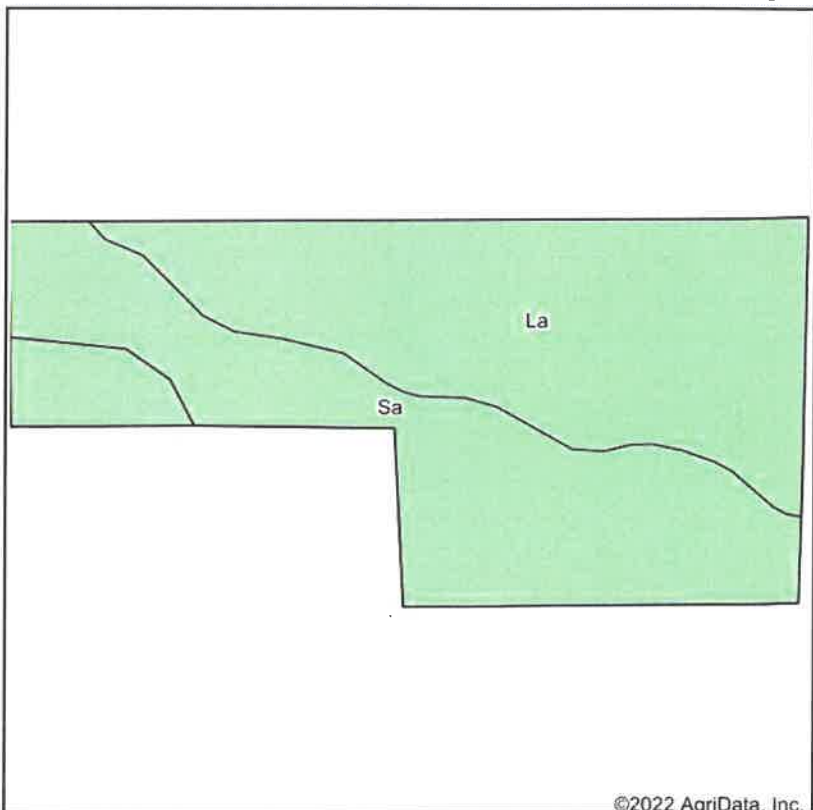
Map Created April 19, 2022

Farm 2039

3-97N-54W-Turner

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Soils Map



State: **South Dakota**
 County: **Turner**
 Location: **3-97N-54W**
 Township: **Spring Valley**
 Acres: **61.65**
 Date: **7/20/2022**



Maps Provided By:



Soils data provided by USDA and NRCS.

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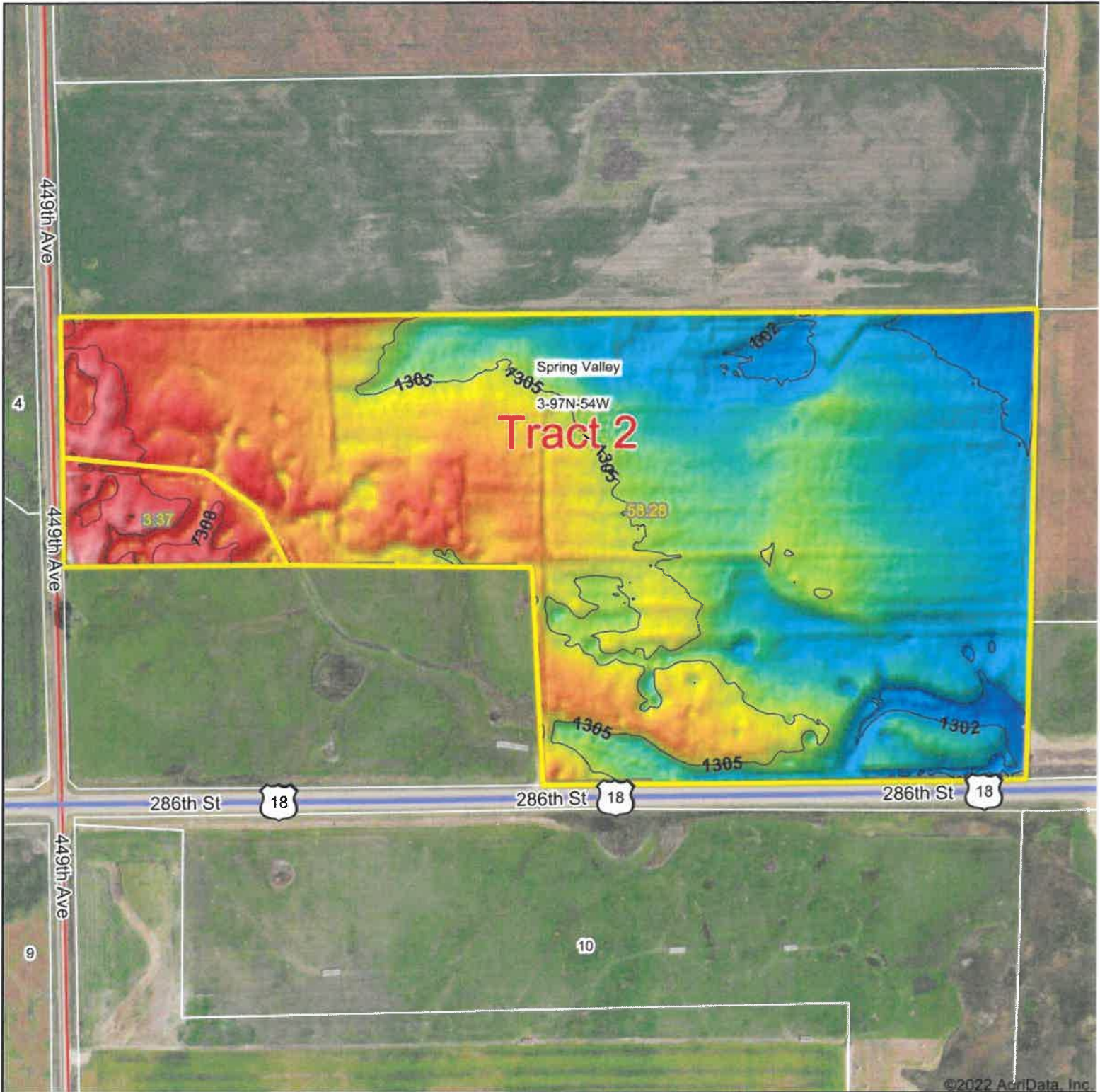
Area Symbol: SD125, Soil Area Version: 23						
Code	Soil Description	Acres	Percent of field	Non-Irr Class *c	Irr Class *c	Productivity Index
La	Lamo silty clay loam, cool, 0 to 2 percent slopes, occasionally flooded	31.48	51.1%	IIw	IIw	70
Sa	Salmo silty clay loam	30.17	48.9%	IVw		32
Weighted Average				2.98	*-	51.4

*c: Using Capabilities Class Dominant Condition Aggregation Method

*- Irr Class weighted average cannot be calculated on the current soils data due to missing data.

Soils data provided by USDA and NRCS.

Topography Hillshade



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Source: USGS 3 meter dem
 Interval(ft): 3
 Min: 1,300.6
 Max: 1,310.4
 Range: 9.8
 Average: 1,304.8
 Standard Deviation: 1.8 ft



3-97N-54W
Turner County
South Dakota

map center: 43° 14' 59.07, -97° 12' 40.66



Maps Provided By:



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Field borders provided by Farm Service Agency as of 5/21/2008

Tract Number : 1719
Description : SSW 3 97 54-20A IN SW CORNER
FSA Physical Location : SOUTH DAKOTA/TURNER
ANSI Physical Location : SOUTH DAKOTA/TURNER
BIA Unit Range Number :
HEL Status : NHEL: No agricultural commodity planted on undetermined fields
Wetland Status : Tract contains a wetland or farmed wetland
WL Violations : None
Owners : ALLEN L LEBER
Other Producers : None
Recon ID : None

Tract Land Data

Farm Land	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane
61.65	58.28	58.28	0.00	0.00	0.00	0.00	0.00
State Conservation	Other Conservation	Effective DCP Cropland	Double Cropped	MPL	EWP	DCP Ag. Rel Activity	Broken From Native Sod
0.00	0.00	58.28	0.00	0.00	0.00	0.00	0.00

DCP Crop Data

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	PLC Yield
Wheat	2.00	0.00	41
Corn	16.40	0.00	150
Soybeans	18.50	0.00	45
TOTAL	36.90	0.00	

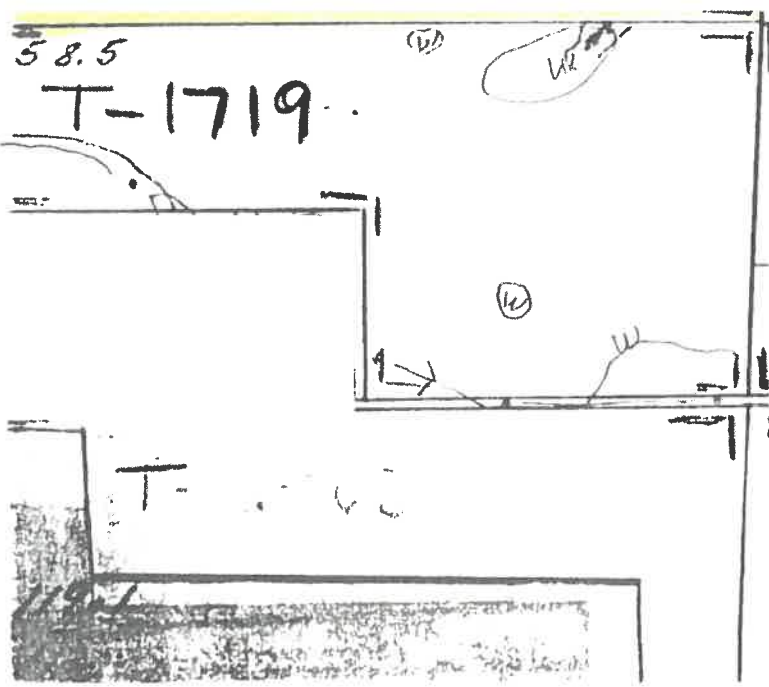
NOTES



NOT

OFFICIAL WETLAND DETERMINATION
for Highlighted Tracts Only

LE



T-1711



Issuing Agent: Turner County Title Company
Issuing Office File Number: 22-TI-13796

"UPDATED"
SCHEDULE A

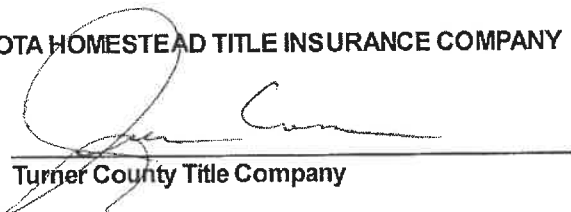
1. Commitment Date: August 19, 2022 at 08:00 AM
2. Policy or policies to be issued:
 - a. ALTA Own. Policy (08-01-16)
 Standard Coverage Extended Coverage
 Proposed Insured: To Be Determined
 Proposed Policy Amount: \$ 1,000.00
 - b. ALTA Loan Policy (08-01-16)
 Standard Coverage Extended Coverage
 Proposed Insured:
 Proposed Policy Amount: \$ 0.00
3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple.
4. Title to the estate or interest in the Land is at the Commitment Date vested in Allen Lee Leber at the date of his death.
5. The Land is described as follows:

Parcel 1: The Southeast Quarter (SE 1/4) of Section Thirty-Four (34), Township Ninety-Eight (98) North, Range Fifty-Four (54) West of the 5th P.M., Turner County, South Dakota.

Parcel 2: The North Half of the South Half of the Southwest Quarter (N 1/2 S 1/2 SW 1/4) and the South Half of the Southeast Quarter of the Southwest Quarter (S 1/2 SE 1/4 SW 1/4) all in Section Three (3), Township Ninety-Seven (97) North, Range Fifty-Four (54) West of the 5th P.M., Turner County, South Dakota.

DAKOTA HOMESTEAD TITLE INSURANCE COMPANY

By:



Turner County Title Company

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This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

SCHEDULE B, PART I
Requirements

File Number: 22-TI-13796

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

Parcels 1 and 2
5. THE COMPANY requires Letters of Personal Representative and a Personal Representative's Deed be filed at the Turner County Register of Deeds Office from Jonathan C. Benson as the appointed Personal Representative of the Estate of Allen L. Leber, a/k/a Allen Lee Leber, Deceased to the purchaser of the property.

THE COMPANY also requires the clarification of the marital status of Allen L. Leber, a/k/a Allen Lee Leber at the time of his death on the Personal Representative's Deed.
6. THE COMPANY requires the enclosed South Dakota Data Breach Notification Law Compliance Forms be completed by the Sellers/ Buyers/ Mortgagees and returned to our office. NOTE: This will be provided when more information is provided to our office.
7. The enclosed Affidavit of Entitlement as to Liens and Encumbrances must be completed, signed and returned to our office. NOTE: This will be provided when more information is provided to our office.
8. The enclosed Affidavit of Purchasers as to Liens and Encumbrances must be completed, signed and returned to our office. NOTE: This will be provided when more information is provided to our office.
9. The enclosed Non-Residential Affidavit must be completed, signed and returned to our office. NOTE: This will be provided when more information is provided to our office.
10. THE COMPANY requires proof that either the Federal Estate Taxes have been paid in the Matter of the Estate of Allen L. Leber, a/k/a Allen Lee Leber, Deceased or that there is no Federal Estate Taxes due and owing. We will accept a written statement from the Personal Representative or from the attorney for the estate.
11. You must tell us in writing the name of anyone not referred to in this commitment who will get an interest in the land. We may make additional requirements and exceptions.
12. ALL open mortgages must be satisfied of record.
13. THE COMPANY requires the complete "MAILING" address of the Buyers so that we may issue their final policy to them.

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SCHEDULE BI & BII
(Continued)

File Number: 22-TI-13796

SCHEDULE B, PART II
Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

- A. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.
- B. General Exceptions:
1. Rights or claims of parties in possession not shown by the public records.*
 2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.*
 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 Service, installation or connection charge for sewer, water or electricity.*
 8. 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, 7 and 8 will not appear as printed exceptions on extended coverage policies, except as to such parts thereof which may be typed as a Special Exception.

- C. Special Exceptions:
1. Any change in title occurring subsequent to the effective date of this Commitment and prior to the date of issuance of the final title policy.
Parcel 1:
 2. COLLATERAL REAL ESTATE MORTGAGE executed by Allen Leber, a single person, to Merchants State Bank, Hurley, SD, in the face amount of _____ dated March 17, 1995, filed March 22, 1995 @ 8:30 A.M. and recorded in Book 155 of Mortgages, page 700, Turner County Records.

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SCHEDULE BI & BII
(Continued)

File Number: 22-TI-13796

3. ADDENDUM TO COLLATERAL REAL ESTATE MORTGAGE, dated January 26, 2000, filed January 31, 2000 @ 8:30 A.M. and recorded in Book 160 of Mortgages, page 863, Turner County Records, extending the five-year lien of said Mortgage in accordance with SDCL 44-8-26.
4. PRO. NO. 62PRO22-12 currently pending in the Circuit Court, Turner County, South Dakota, wherein Jonathan C. Benson has been appointed Personal Representative of the Estate of Allen L. Leber, aka Allen Lee Leber. THIS Commitment is subject to any circumstances that may arise through the execution of said estate.
5. POSSIBLE lien for Federal Estate Taxes arising out of the Estate of Allen L. Leber, a/k/a Allen Lee Leber, Deceased.
6. REAL ESTATE TAXES for the year 2022 and subsequent years which constitute a lien but are not due and payable. Real Estate Taxes for the year 2021 payable in 2022 in the total amount of \$4,143.20 are paid in full on the property described as the SE 1/4 Sec 34-98-54. Parcel ID#: 12000-09854-34400
7. Parcel 2:
8. COLLATERAL REAL ESTATE MORTGAGE from Allen Leber, a single person, to Merchants State Bank, Hurley, SD, in the face amount of _____ dated March 17, 1995, filed March 22, 1995 @ 8:30 A.M. and recorded in Book 155 of Mortgages, page 700, Turner County Records.
9. ADDENDUM TO COLLATERAL REAL ESTATE MORTGAGE, dated January 26, 2000, filed January 31, 2000 @ 8:30 A.M. and recorded in Book 160 of Mortgages, page 863, Turner County Records, extending the five-year lien of said Mortgage in accordance with SDCL 44-8-26.
10. WARRANTY Deed, dated April 16, 1938, filed July 19, 1939 @ 3:00 P.M. and recorded in Book 70 of Deeds, page 239, Turner County Records, grants unto Turner County, South Dakota, a public corporation, a strip of land parallel to and adjacent to the public road right-of-way along the south side of Sec 3-97-54; said strip being 17 feet wide and 1334 feet more or less long and extending from the North and South 1/16 line of the SW 1/4 Sec 3 to the North and S 1/4 line of said Sec 3, being a part of the S 1/2 SE 1/4 SW 1/4 Sec 3-97-54.
11. WARRANTY DEED, dated September 1, 2017, filed October 23, 2017 @ 9:36 A.M. and recorded in Book 117 of Deeds, page 845, Turner County Records, conveys to South Dakota Department of Transportation Lot H2 in S 1/2 SE 1/4 SW 1/4 Sec 3-97-54.
12. PRO. NO. 62PRO22-12 currently pending in the Circuit Court, Turner County, South Dakota, wherein Jonathan C. Benson has been appointed Personal Representative of the Estate of Allen L. Leber, aka Allen Lee Leber. THIS Commitment is subject to any circumstances that may arise through the execution of said estate.
13. REAL ESTATE TAXES for the year 2022 and subsequent years which constitute a lien but are not due and payable. Real Estate Taxes for the year 2021 payable in 2022 in the total amount of \$728.08 are paid in full on the property described as the N 1/2 S 1/2 SW 1/4 Sec 3-97-54. Parcel ID#: 16000-09754-03310
14. REAL ESTATE TAXES for the year 2022 and subsequent years which constitute a lien but are not due and payable. Real Estate Taxes for the year 2021 payable in 2022 in the total amount of \$140.64 are paid in full on the property described as the S 1/2 SE 1/4 SW 1/4 Sec 3-97-54. Parcel ID#: 16000-09754-03330
15. POSSIBLE lien for Federal Estate Taxes arising out of the Estate of Allen L. Leber, a/k/a Allen Lee Leber, Deceased.
16. You must tell us in writing the name of anyone not referred to in this commitment who will get an interest in the land. We may make additional requirements and exceptions,
17. THIS COMMITMENT shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

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This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

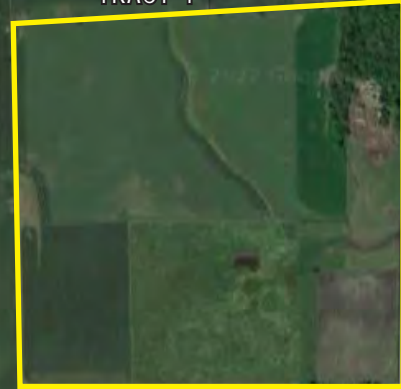
217.48 ACRES

TURNER COUNTY LAND

**THURSDAY,
OCTOBER 13TH
AT 10:30AM**

*Auction will be held at the
Wieman Auction Facility
near Marion, SD.*

TRACT 1



TRACT 2



TERMS: Cash sale with 15% (non-refundable) down payment sale day with the balance on or before November 22, 2022. Personal Representatives deed to be granted with the cost of title insurance split 50-50 between buyer and seller. Sellers to pay all of the 2022 real estate taxes. New buyer will pay all the 2023 taxes due in 2024. Sold subject to personal representatives approval and all easements and restrictions of record. Come prepared to buy! Remember auction held indoors at the Wieman Auction Facility.

"We Sell The Earth And Everything On It!"

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Wieman Land & Auction Inc., 44628 SD HWY 44, Marion SD 57043

