

# 278.20 ACRES

## DAVISON COUNTY LAND

- THURSDAY, JANUARY 5TH AT 10:30AM -



HEIRS OF  
MILEN & SYLVIA  
**MILLER**  
OWNERS  
★ ★ ★



*"We Sell The Earth And Everything On It!"*

800.251.3111 | Marion, SD | [WiemanAuction.com](http://WiemanAuction.com)

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

**278.20 ACRES MITCHELL TOWNSHIP – DAVISON COUNTY, SD LAND  
OFFERED IN 5-TRACTS WITH DEVELOPMENT POTENTIAL – TILLABLE – PASTURE – CRP  
AT AUCTION**

Our family has decided to offer the following land at public auction located in the Davison County Expo Building 3200 West Havens Ave. Michell, SD on:

**THURSDAY JANUARY 5<sup>TH</sup> 2023  
10:30 A.M.**

It is our privilege to offer this unique tract of land offering something for every type and size of land buyer. Powerful tillable land, former CRP land with outstanding and abundant wildlife habitat and **LOCATION, LOCATION, LOCATION** best describes this opportunity. The land will be offered in 5-tracts ranging from 39-acres to 159-acres or a combination of the entire unit. If you are looking for a new acreage site with ample room for horses or livestock or looking for an investment with income potential and future development appreciation come check out this property located ¼ mile south of I-90 on Exit 330.

**TRACT ONE: 39.55 ACRES**

**LEGAL:** The NE ¼ of the NE ¼ except Lot H-2 in Section 32, 103-60 Davison County, SD.

**LOCATION:** From I-90 exit 330 go ¼ mile south west side of the road or kiddy corner from Trail King Mfg.

- 37.58 acres tillable balance in road right of ways. Bordered to north by Spruce St/255<sup>th</sup> St. and to the east by South Ohlman St. or 408<sup>th</sup> Ave.
- Soil Rating of 84.1. Predominant Sols Clarno-Bonilla (88) and Clarno-Ethan-Bonilla loams (78) Excellent farmground or development ground ready to build on.
- Currently Zoned Urban Development see packet for permitted and conditional uses.

**TRACT TWO: 39.74 ACRES**

**LEGAL:** The NW ¼ of the NE ¼ of Section 32, 103-60 Davison County, SD.

**LOCATION:** Directly West of Tract 1

- 38.74 acres tillable balance in road right of way. Bordered to the north by Spruce St. or 255<sup>th</sup> St. a gravel township road.
- Soil Rating of 54.4. Predominant soil is Delmont loam (39) and Clarno-Bonilla loams (88)
- SW corner of this parcel has a drainage ditch that flows to Kibbee ditch.
- Zoned Urban Development see packet for permitted and conditional uses.

**TRACT THREE: 39.80 ACRES**

**LEGAL:** The NW ¼ of the NW ¼ of Section 32, 103-60 Davison County, SD.

**LOCATION:** ¼ mile west of Tract 2 or at the junction of 407<sup>th</sup> Ave and 255<sup>th</sup> St.

- 37.83 acres tillable balance in road right of way. Bordered by gravel roads on the north and west sides.
- Soil Rating of 70.1. Predominant soils include Clarno-Bonilla loams (88) and Delmont-Enet loams (50)
- Excellent new home site/acreage with close proximity to town. Zoned Urban Development.

**TRACT FOUR: 159.11 ACRES**

**LEGAL:** The S ½ of the NW ¼ and the S ½ of the NE ¼ of Section 32, 103-60 Davison County, SD.

**LOCATION:** From Trail King go ¼ mile south on South Ohlman St/408<sup>th</sup> Ave west side of the road or directly south of Tracts 1-3.

- 19 -acres tillable in the NW corner, 103 acres was enrolled in CRP and was released on 9-30-22 currently in grass. 23.53 acres in trees on the south boundary, 13.32 acres in Kibbee Ditch & low ground balance in right of ways.
- Good access from the west and east sides. Opportunity to purchase a piece of South Dakota hunting heaven. Abundant trees, cover, and water makes this outstanding habitat for both pheasants and deer. Come take a look!

**TRACT FIVE: 278.20 ACRES COMBINATION OF ALL TRACTS**

**LEGAL:** The NE ¼ of Section 32, and the NW ¼ of the NW ¼ and the S ½ of the NW ¼ all in Section 32, 103-60 Davison County, South Dakota.

- Annual Taxes on entire unit are \$3,252.24. Property is zoned Urban Development please see buyers packet for additional information on zoning regulations.
- Property was recently surveyed to determine boundaries of all tracts. Buyer will settle on acres as reflected by survey.
- Will be sold in the manner that realizes the most dollars to the seller.

**TO INSPECT THE PRPOERTY:** We invite you to inspect the property at your convenience. Drone video footage and buyers packets can be reviewed on [www.wiemanauciton.com](http://www.wiemanauciton.com). Buyers packets can be mailed out by calling the auctioneers at 800-251-3111.

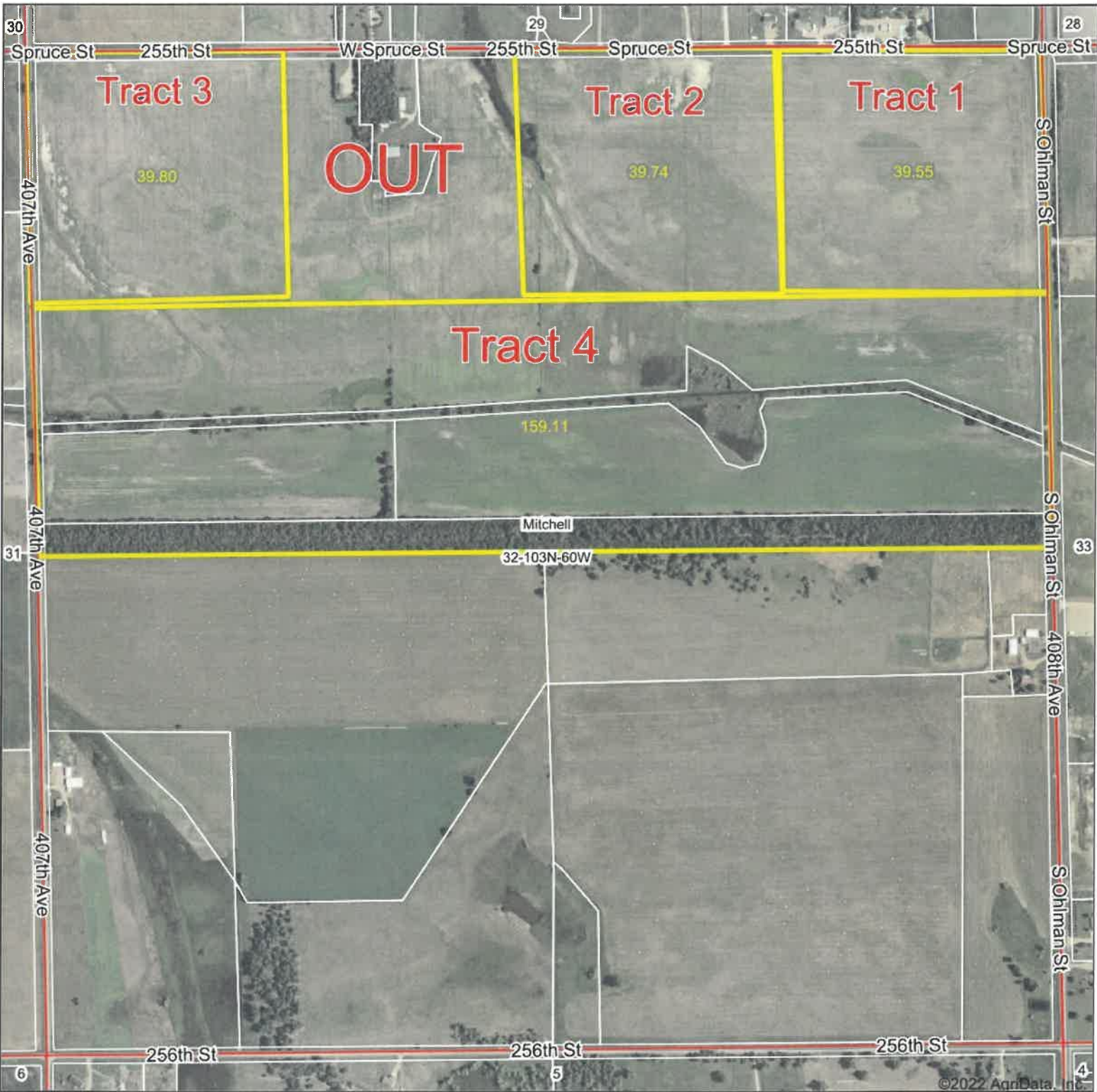
**TERMS:** Cash sale with 15% (non-refundable) down payment auction day with the balance on or before February 17, 2023. Warranty deed to be granted with the cost of title insurance and closing fees split 50-50 between buyer and seller. Seller to pay all of the 2022 taxes due in 2023. New buyer will pay all of the 2023 taxes due in 2024. Sold subject to owners approval and easements and restrictions of record. Auctioneers represent the sellers only in this transaction and will not provide any broker participation. Remember auction held indoors at the Davison County Fairgrounds.

**HEIRS OF MILEN & SYLVIA MIILLER – OWNERS**

Wieman Land & Auction Co. Inc.  
Marion, SD 800-251-3111  
[www.wiemanauuction.com](http://www.wiemanauuction.com)

The Title Company  
605-996-4900  
Closing Agent

# Aerial Map



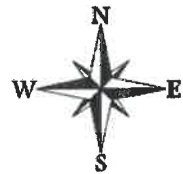
©2022 AgriData, Inc.



Map Center: 43° 40' 48.72, -98° 3' 23.33



**32-103N-60W**  
**Davison County**  
**South Dakota**



11/14/2022

Maps Provided By:



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



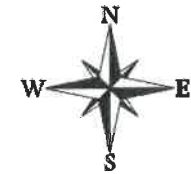
©2022 AgriData, Inc



Map Center: 43° 40' 48.65, -98° 3' 23.33



**32-103N-60W**  
**Davison County**  
**South Dakota**



11/14/2022

Maps Provided By:

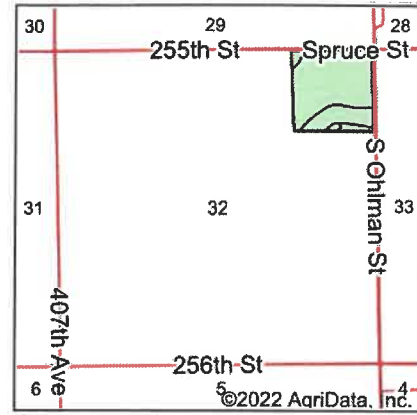
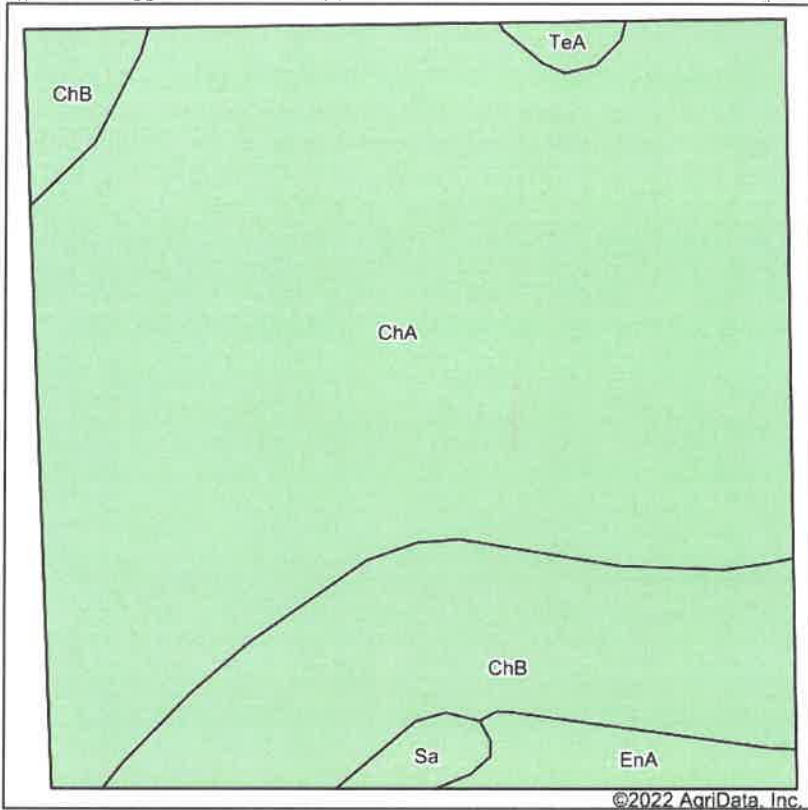


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Field borders provided by Farm Service Agency as of 5/21/2008.

**TRACT 1**

**Soils Map**



State: **South Dakota**  
 County: **Davison**  
 Location: **32-103N-60W**  
 Township: **Mitchell**  
 Acres: **39.55**  
 Date: **11/14/2022**



Maps Provided By



Soils data provided by USDA and NRCS.

Area Symbol: SD035, Soil Area Version: 25

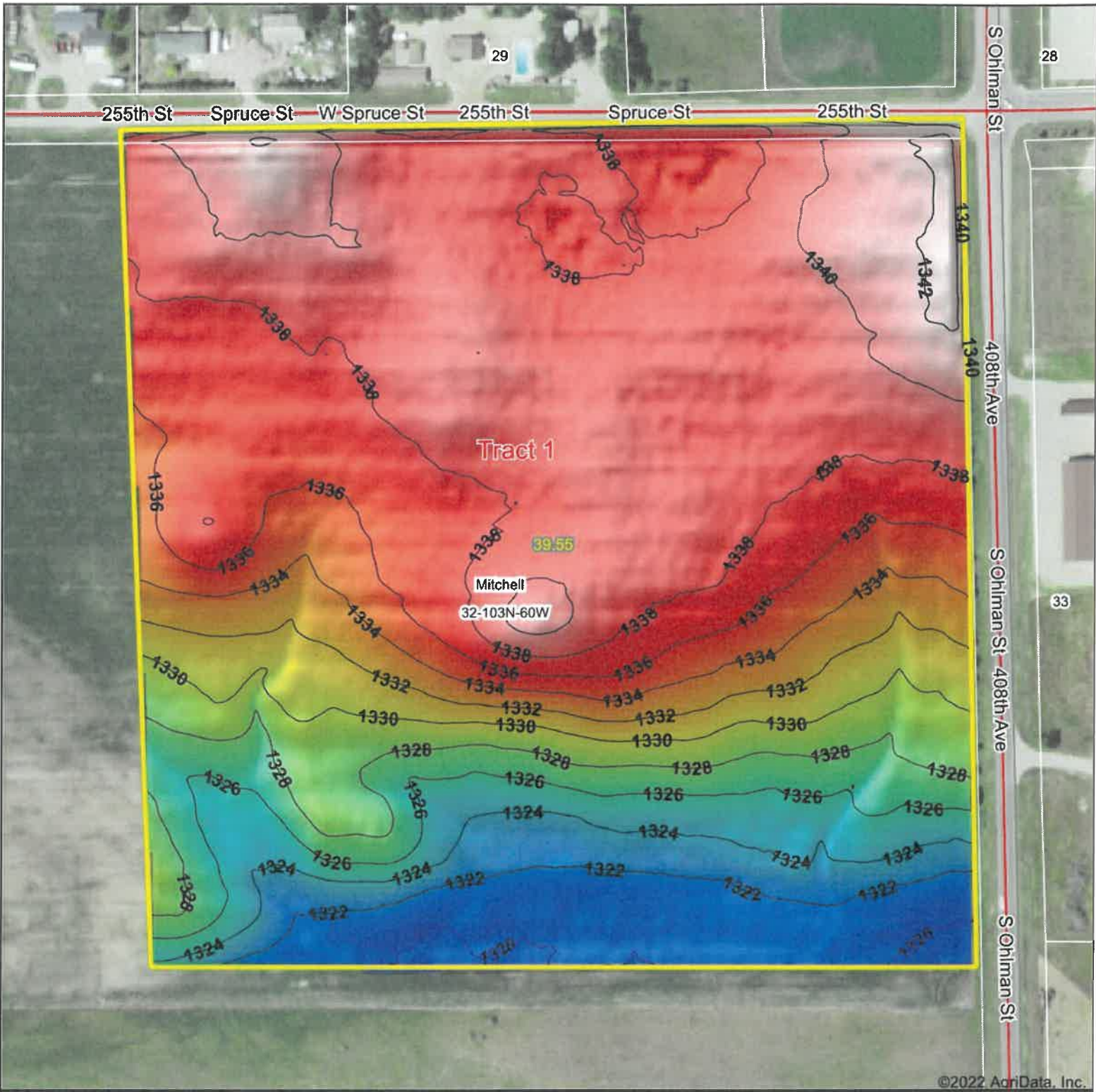
Code	Soil Description	Acres	Percent of field	Non-Irr Class *c	Productivity Index
ChA	Clarno-Bonilla loams, 0 to 2 percent slopes	29.23	73.9%	IIc	88
ChB	Clarno-Ethan-Bonilla loams, 1 to 6 percent slopes	8.25	20.9%	IIe	78
EnA	Enet loam, 0 to 2 percent slopes	1.28	3.2%	IIIs	60
Sa	Salmo silt loam	0.50	1.3%	IVw	36
TeA	Tetonka silt loam, 0 to 1 percent slopes	0.29	0.7%	IVw	56
<b>Weighted Average</b>				<b>2.07</b>	<b>84.1</b>

\*c: Using Capabilities Class Dominant Condition Aggregation Method

Soils data provided by USDA and NRCS.

# Topography Hillshade

**TRACT 1**



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

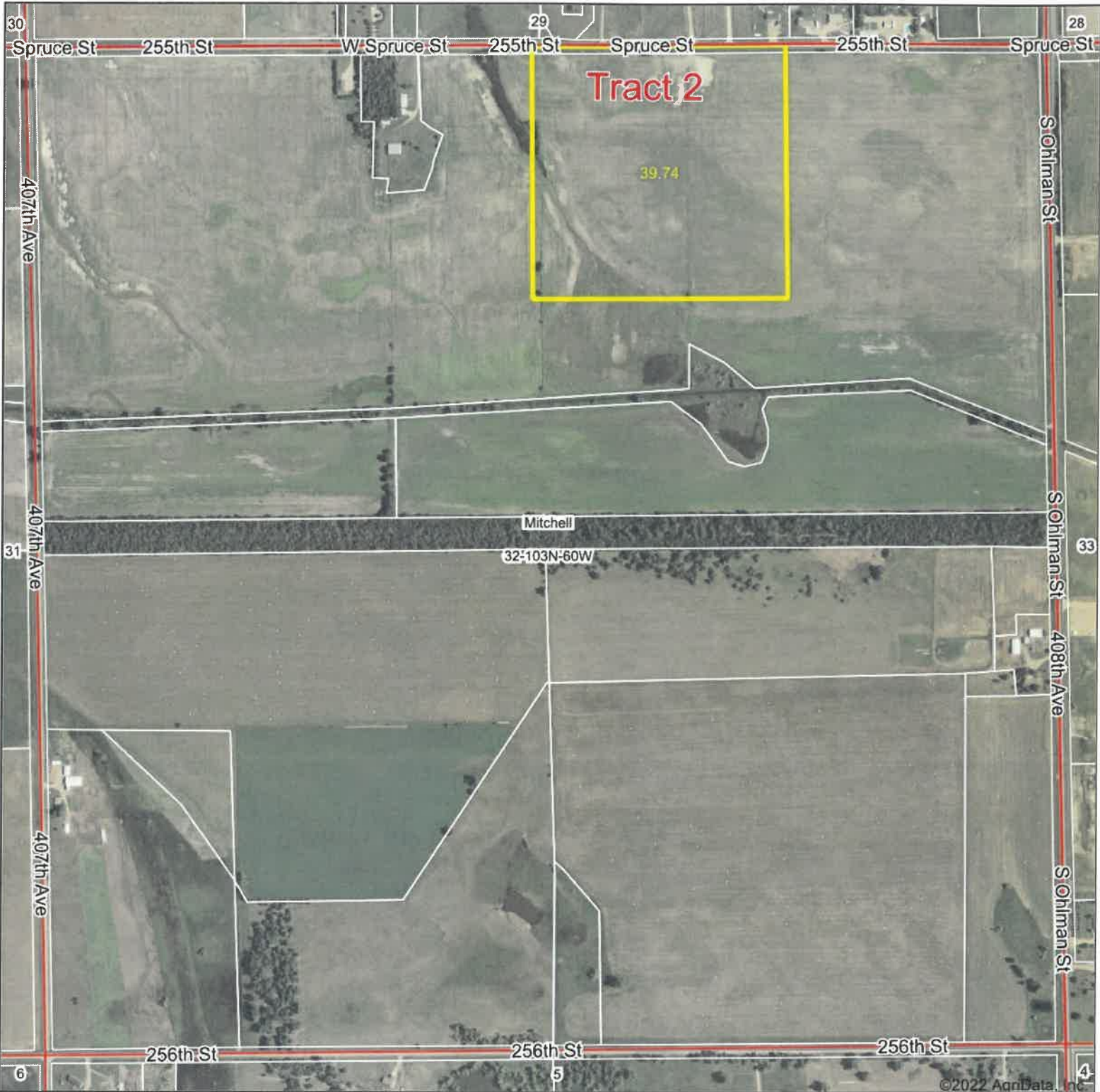
Source: USGS 3 meter dem  
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 Max: 1,343.3  
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 Average: 1,333.9  
 Standard Deviation: 6.33 ft



11/14/2022

**32-103N-60W**  
**Davison County**  
**South Dakota**

map center: 43° 40' 48.65, -98° 3' 23.33



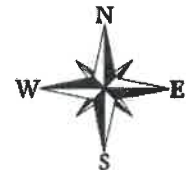
©2022 AgriData, Inc



Map Center: 43° 40' 48.65, -98° 3' 23.33



**32-103N-60W**  
**Davison County**  
**South Dakota**

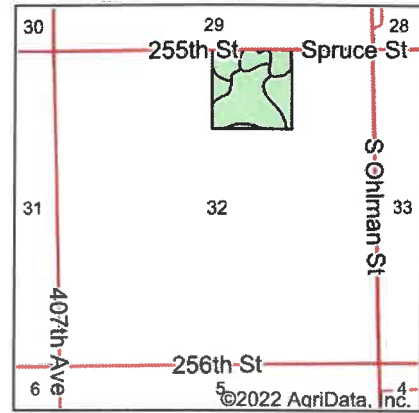
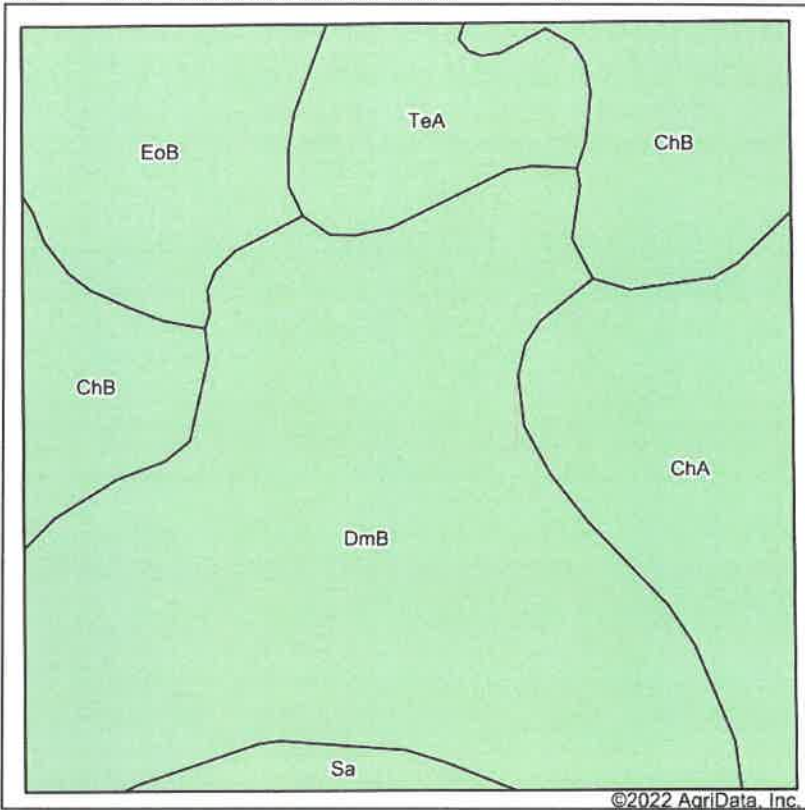


11/14/2022

Maps Provided By:  
  
CUSTOMIZED ONLINE MAPPING  
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### Soils Map



State: **South Dakota**  
 County: **Davison**  
 Location: **32-103N-60W**  
 Township: **Mitchell**  
 Acres: **39.74**  
 Date: **11/14/2022**



Maps Provided By:

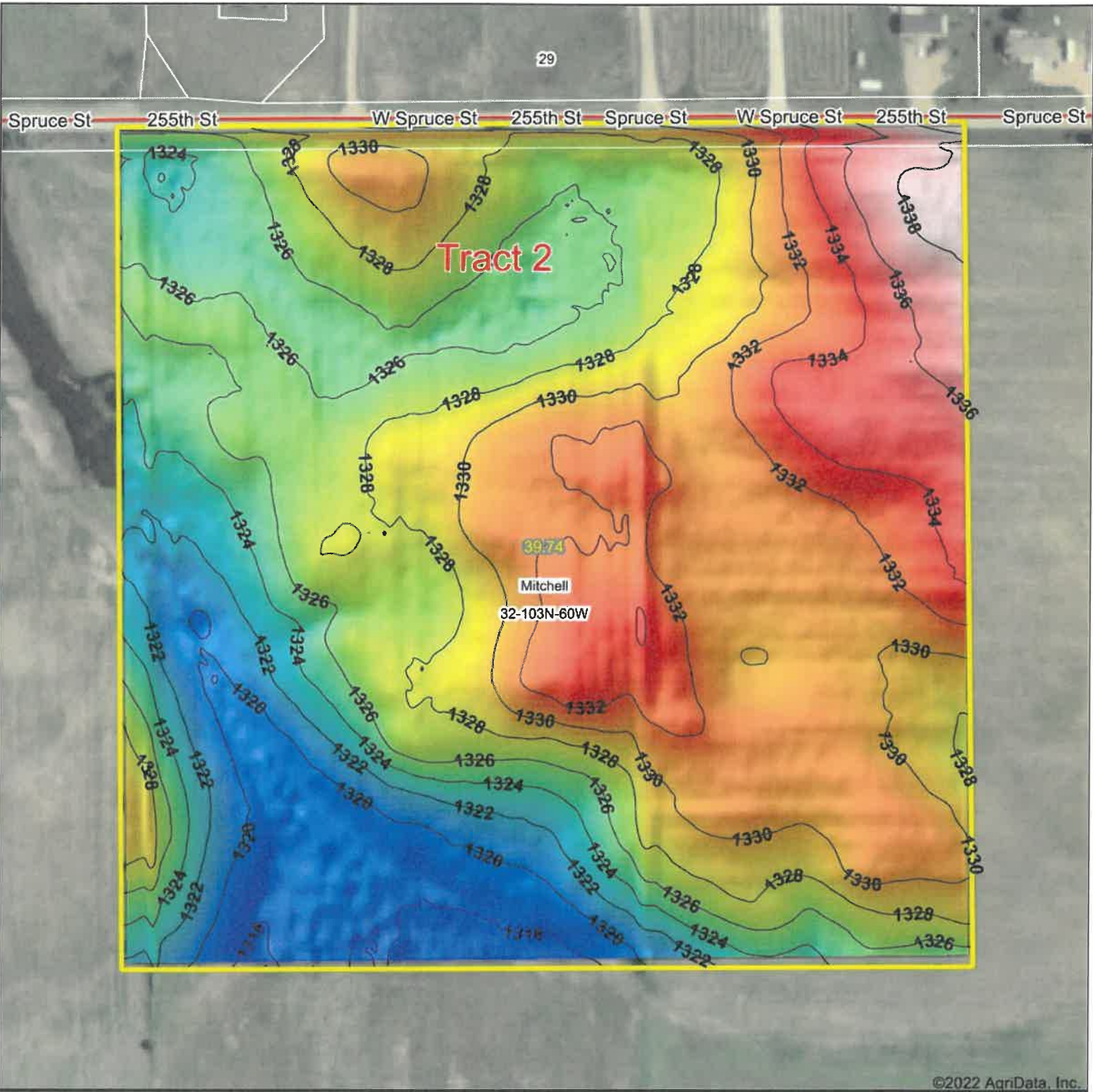


Soils data provided by USDA and NRCS.

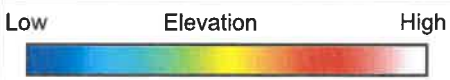
Area Symbol: SD035, Soil Area Version: 25					
Code	Soil Description	Acres	Percent of field	Non-Irr Class *c	Productivity Index
DmB	Delmont loam, 2 to 6 percent slopes	18.83	47.4%	IVe	39
ChA	Clarno-Bonilla loams, 0 to 2 percent slopes	6.17	15.5%	IIc	88
ChB	Clarno-Ethan-Bonilla loams, 1 to 6 percent slopes	6.02	15.1%	Ile	78
EoB	Delmont-Enet loams, 2 to 6 percent slopes	4.67	11.8%	IVe	44
TeA	Tetonka silt loam, 0 to 1 percent slopes	3.21	8.1%	IVw	56
Sa	Salmo silt loam	0.84	2.1%	IVw	36
<b>Weighted Average</b>				<b>3.39</b>	<b>54.4</b>

\*c: Using Capabilities Class Dominant Condition Aggregation Method

Soils data provided by USDA and NRCS.



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

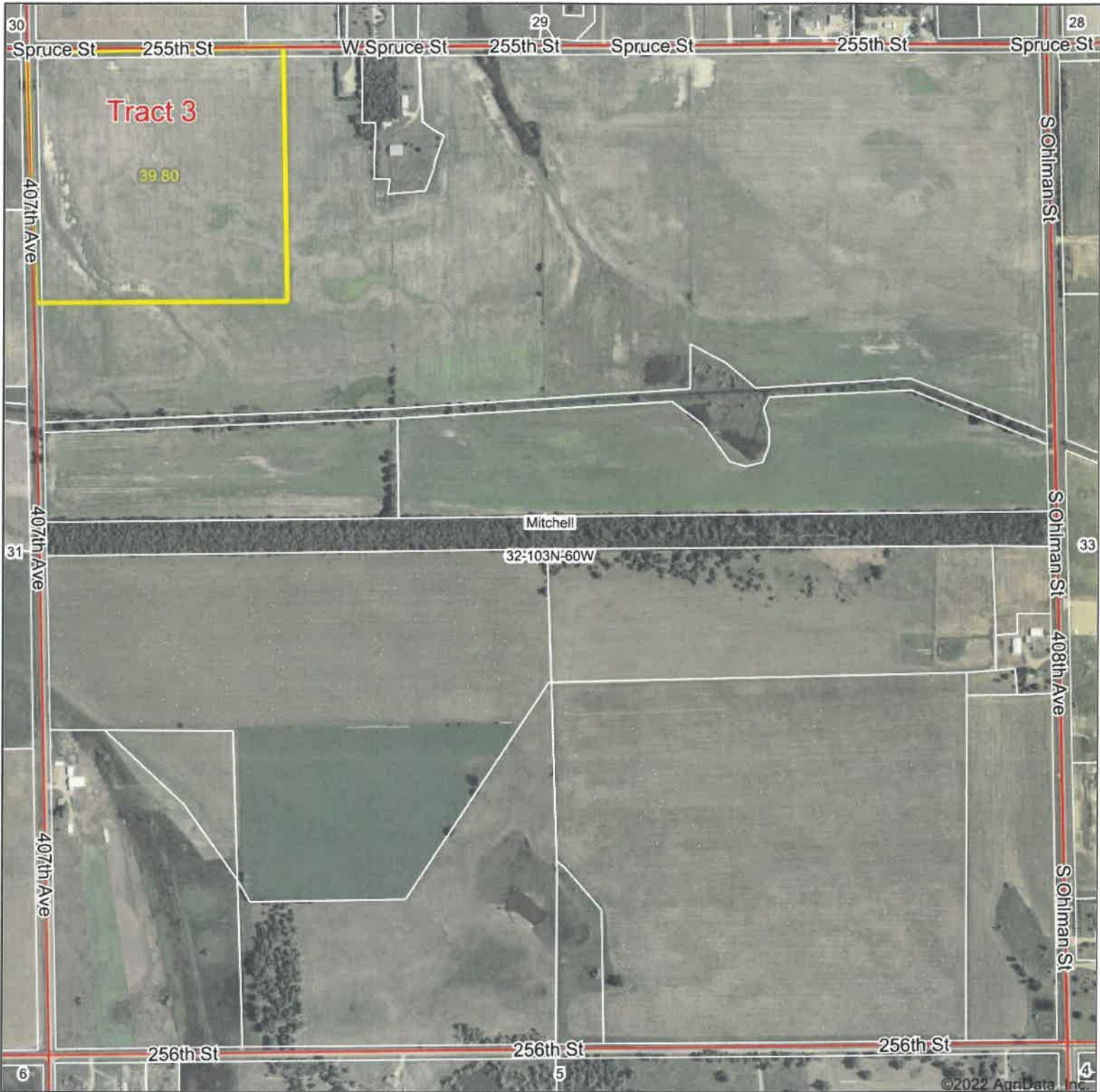
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Standard Deviation: 4.56 ft



11/14/2022

**32-103N-60W**  
**Davison County**  
**South Dakota**

map center: 43° 40' 48.65, -98° 3' 23.33

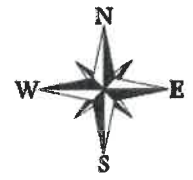


Maps Provided By:  
  
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Map Center: 43° 40' 48.65, -98° 3' 23.4



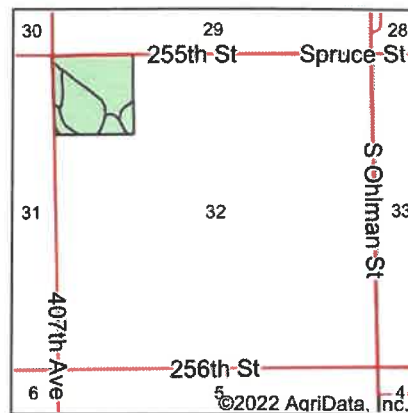
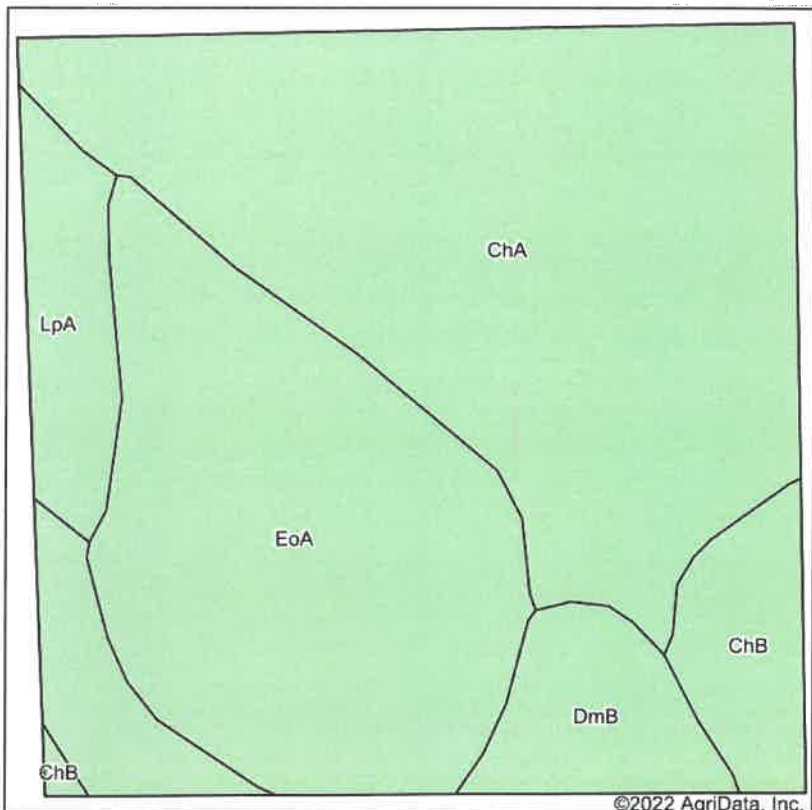
**32-103N-60W**  
**Davison County**  
**South Dakota**



11/14/2022

**TRACT 3**

**Soils Map**



State: **South Dakota**  
 County: **Davison**  
 Location: **32-103N-60W**  
 Township: **Mitchell**  
 Acres: **39.8**  
 Date: **11/14/2022**



Maps Provided By:



Area Symbol: SD035, Soil Area Version: 25

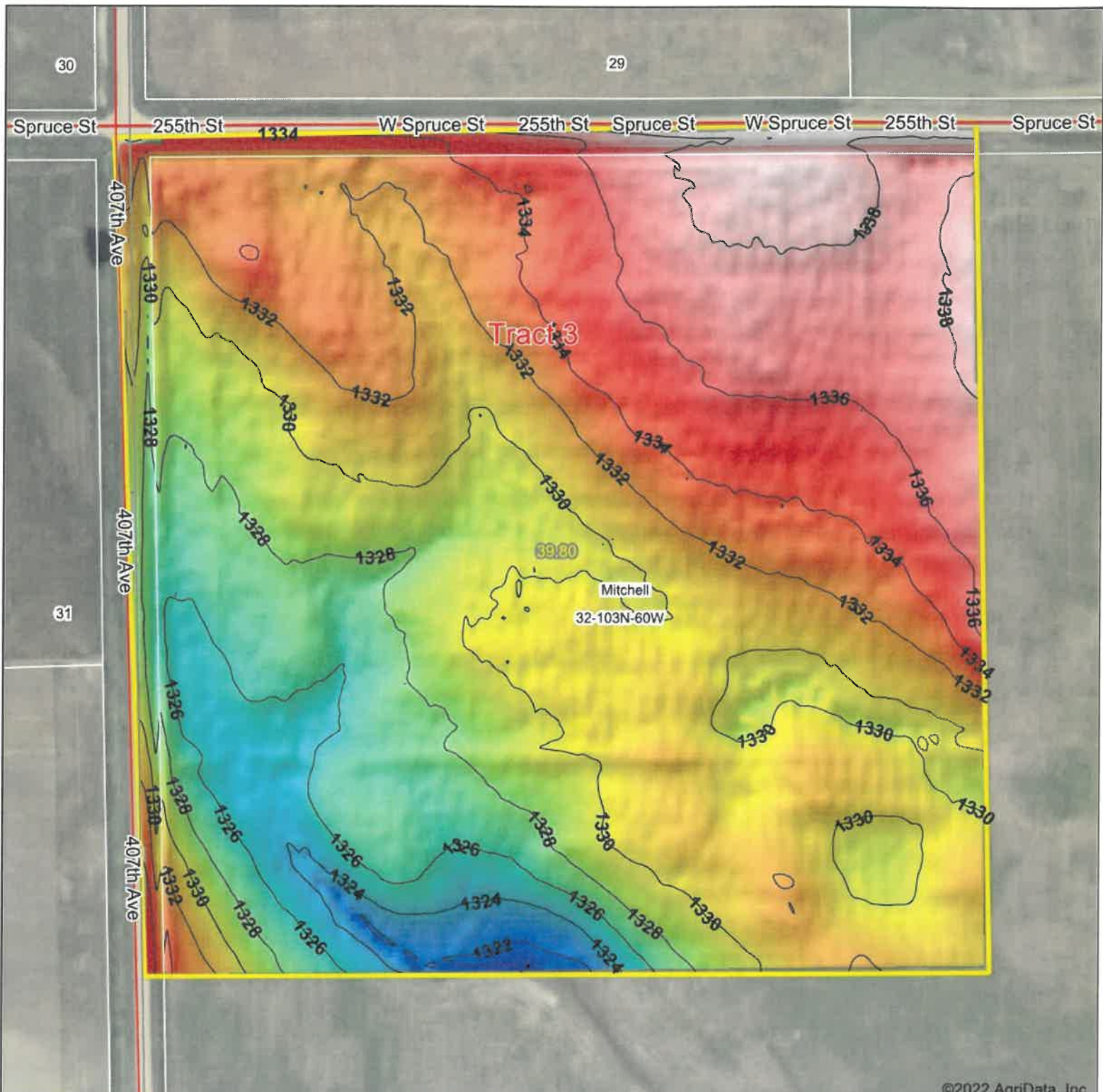
Code	Soil Description	Acres	Percent of field	Non-Irr Class *c	Productivity Index
ChA	Clarno-Bonilla loams, 0 to 2 percent slopes	19.04	47.8%	IIc	88
EoA	Delmont-Enet loams, 0 to 2 percent slopes	12.24	30.8%	IVs	50
DmB	Delmont loam, 2 to 6 percent slopes	4.05	10.2%	IVe	39
LpA	Lamo and Prosper soils, 0 to 3 percent slopes	2.25	5.7%	IIw	77
ChB	Clarno-Ethan-Bonilla loams, 1 to 6 percent slopes	2.22	5.6%	IIe	78
<b>Weighted Average</b>				<b>2.82</b>	<b>70.1</b>

\*c: Using Capabilities Class Dominant Condition Aggregation Method

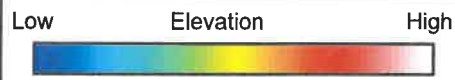
Soils data provided by USDA and NRCS.

# Topography Hillshade

**TRACT 3**



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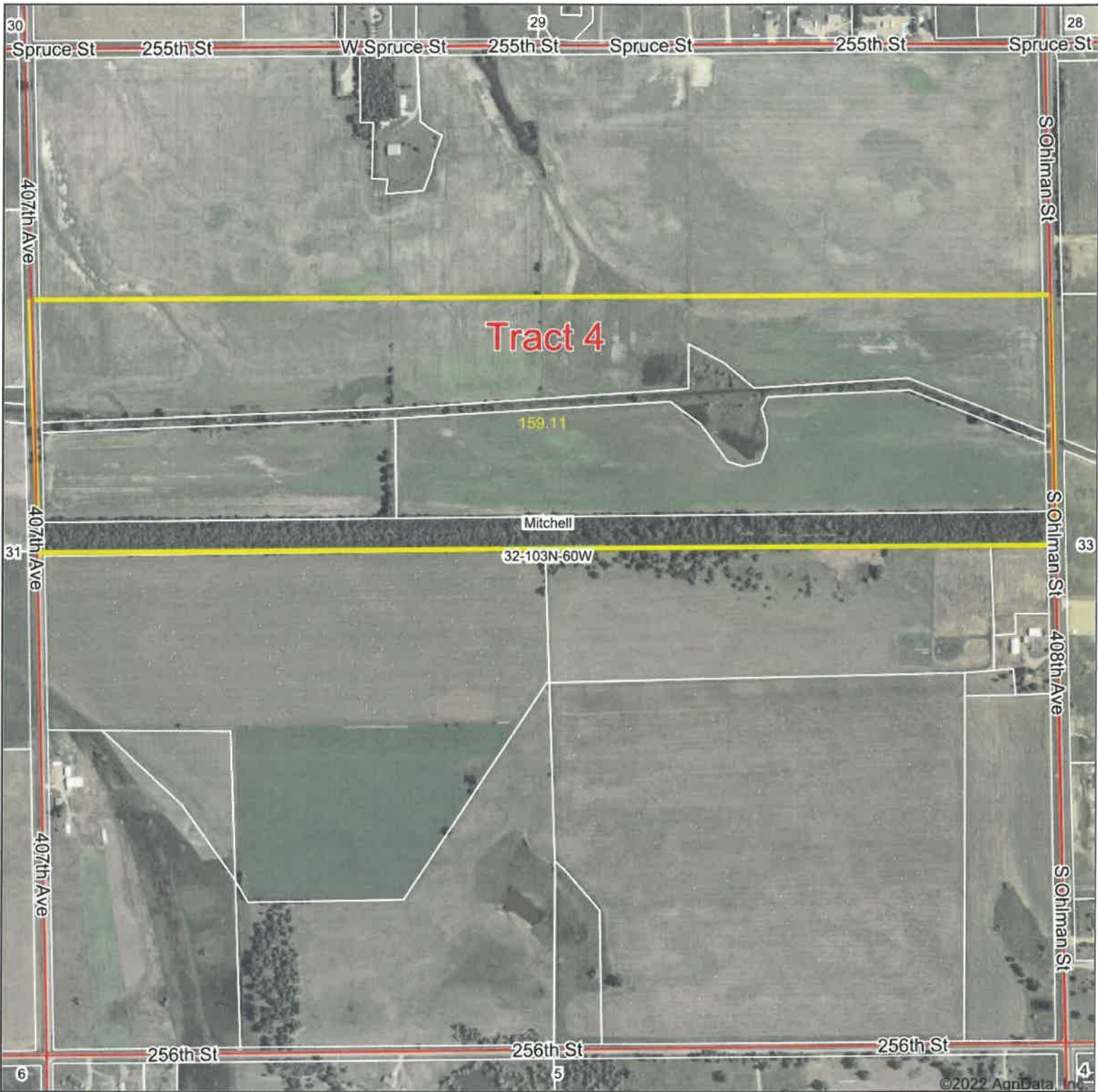
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Range: 19.5  
Average: 1,331.3  
Standard Deviation: 3.77 ft



**32-103N-60W**  
**Davison County**  
**South Dakota**

11/14/2022  
map center: 43° 40' 48.65, -98° 3' 23.4

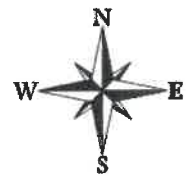




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**32-103N-60W**  
**Davison County**  
**South Dakota**



11/14/2022

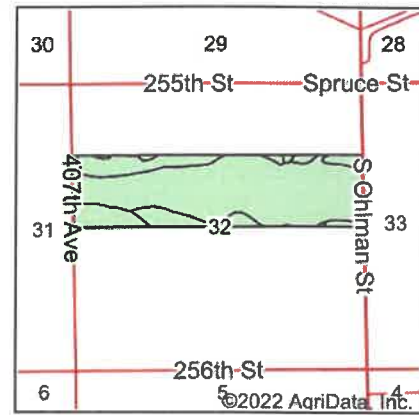
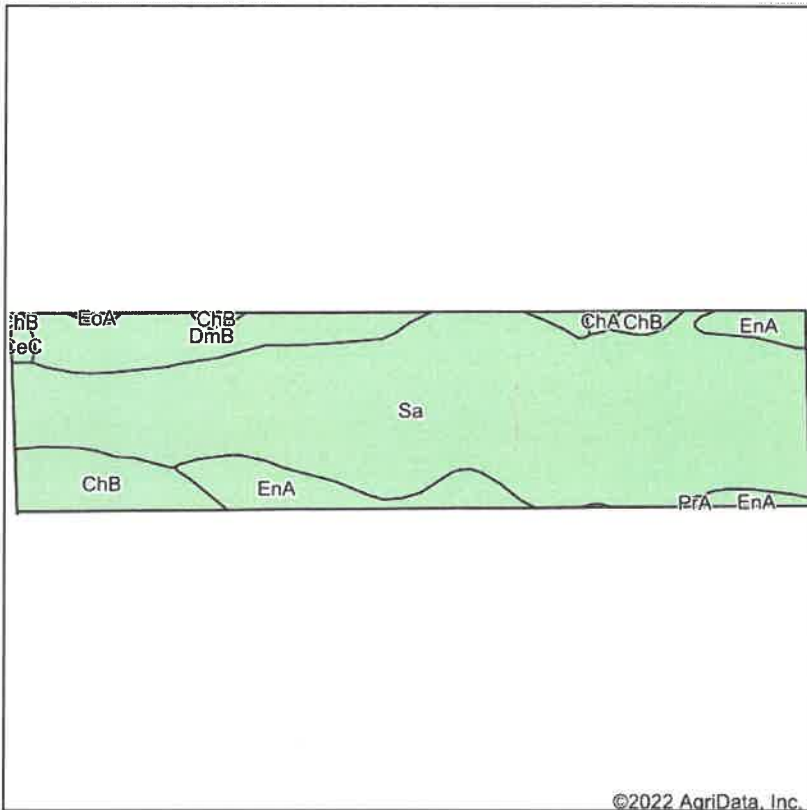


Maps Provided By:



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### Soils Map



State: **South Dakota**  
 County: **Davison**  
 Location: **32-103N-60W**  
 Township: **Mitchell**  
 Acres: **159.11**  
 Date: **11/14/2022**



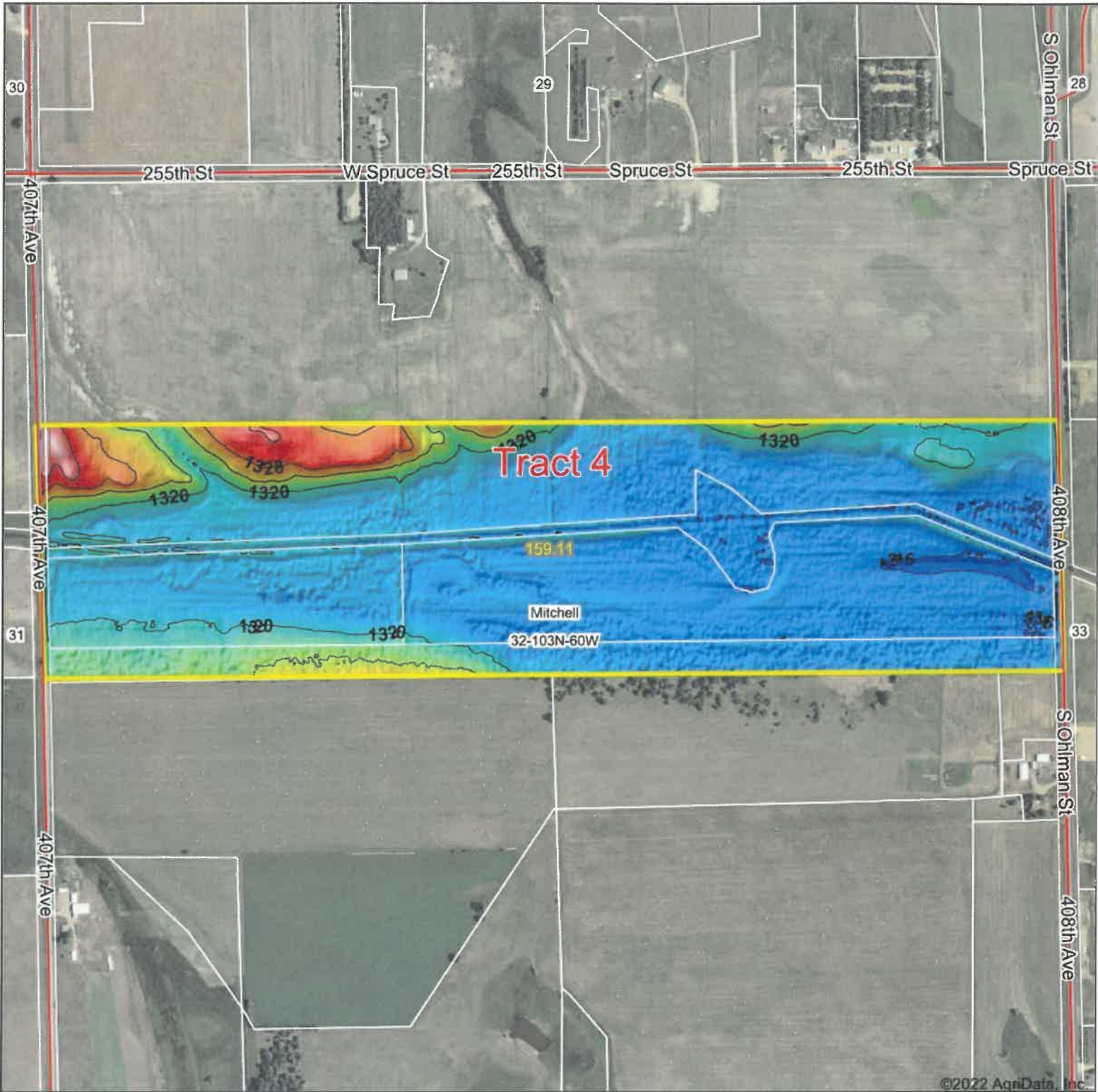
Soils data provided by USDA and NRCS.

Area Symbol: SD035, Soil Area Version: 25

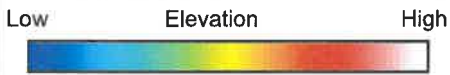
Code	Soil Description	Acres	Percent of field	Non-Irr Class *c	Productivity Index
Sa	Salmo silt loam	113.10	71.1%	IVw	36
DmB	Delmont loam, 2 to 6 percent slopes	16.50	10.4%	IVe	39
EnA	Enet loam, 0 to 2 percent slopes	15.16	9.5%	IIIIs	60
ChB	Clarno-Ethan-Bonilla loams, 1 to 6 percent slopes	12.51	7.9%	IIe	78
CeC	Clarno-Ethan-Bonilla loams, 2 to 9 percent slopes	0.76	0.5%	IIIe	69
ChA	Clarno-Bonilla loams, 0 to 2 percent slopes	0.56	0.4%	IIc	88
EoA	Delmont-Enet loams, 0 to 2 percent slopes	0.37	0.2%	IVs	50
PrA	Prosper silt loam, 0 to 3 percent slopes	0.15	0.1%	IIc	92
<b>Weighted Average</b>				<b>3.73</b>	<b>42.3</b>

\*c: Using Capabilities Class Dominant Condition Aggregation Method

Soils data provided by USDA and NRCS.



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Source: USGS 3 meter dem  
 Interval(ft): 4  
 Min: 1,314.3  
 Max: 1,336.1  
 Range: 21.8  
 Average: 1,319.0  
 Standard Deviation: 3.44 ft



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

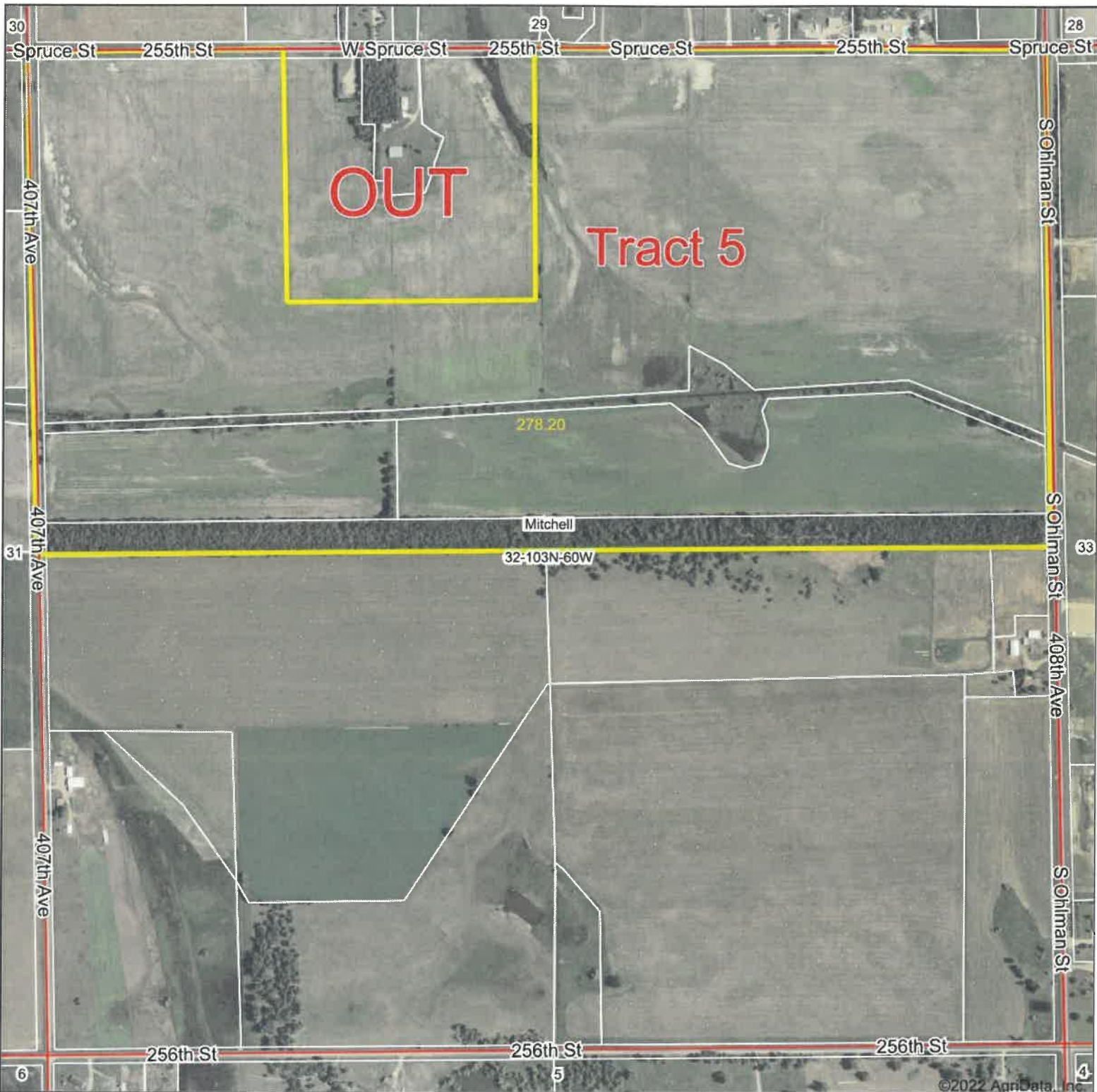


11/14/2022

**32-103N-60W**  
**Davison County**  
**South Dakota**

map center: 43° 40' 48.65, -98° 3' 23.33

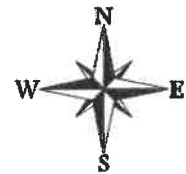




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**32-103N-60W**  
**Davison County**  
**South Dakota**



11/14/2022



Maps Provided By:

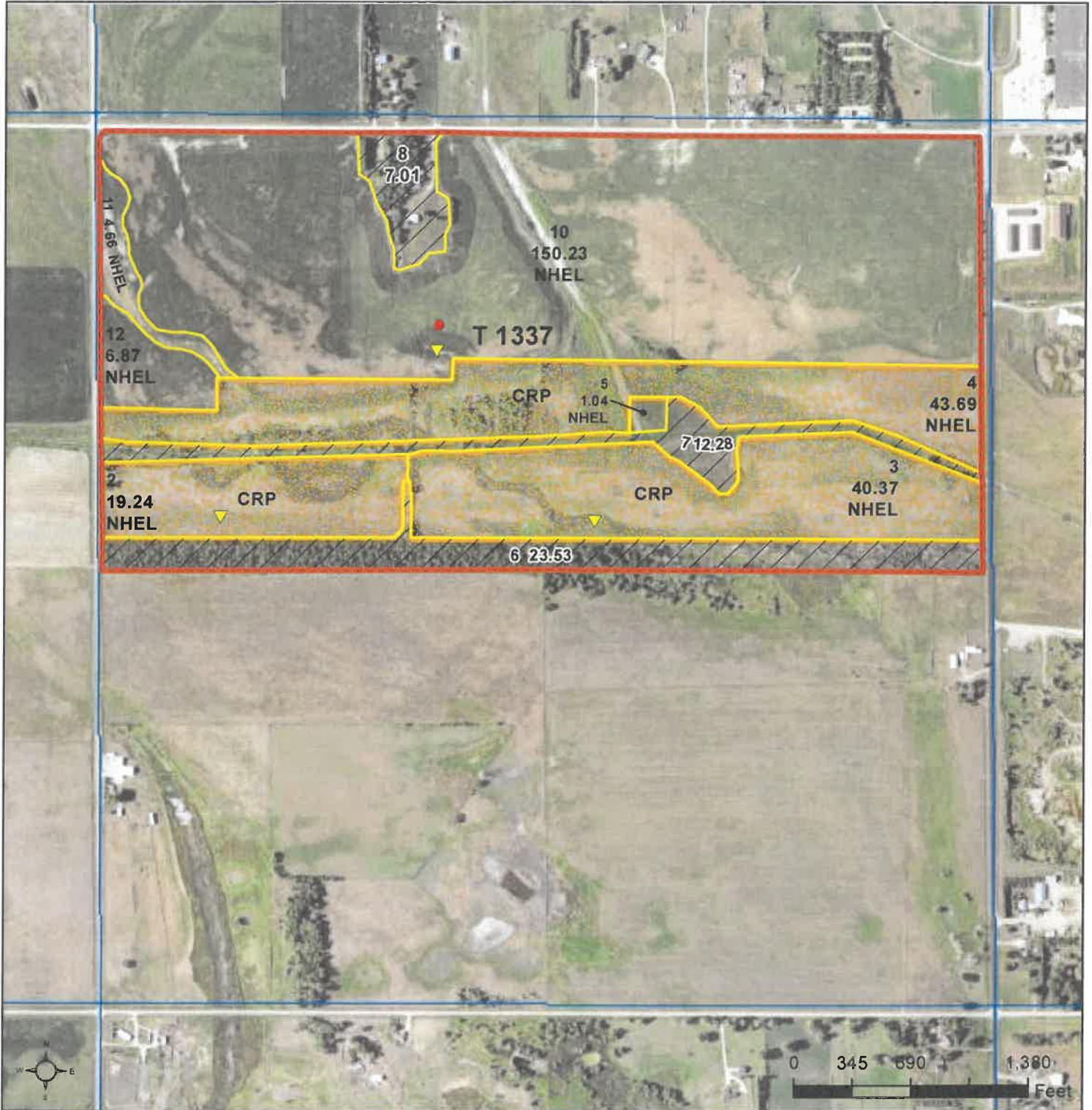


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# TRACT 5



## Davison County, South Dakota



- Common Land Unit**
- CRP
  - Tract Boundary
  - Cropland
  - PLSS
  - Non-Cropland

**Wetland Determination Identifiers**

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

Unless otherwise noted, crops listed below are:  
 Non-Irrigated Intended for Grain  
 Corn = Yellow  
 Soybeans = Common  
 Wheat - HRS or HRW  
 Sunflowers = Oil or Non-oil

Producer initial \_\_\_\_\_  
 Date \_\_\_\_\_

2022 Program Year

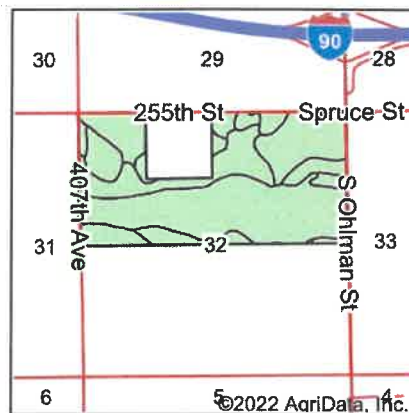
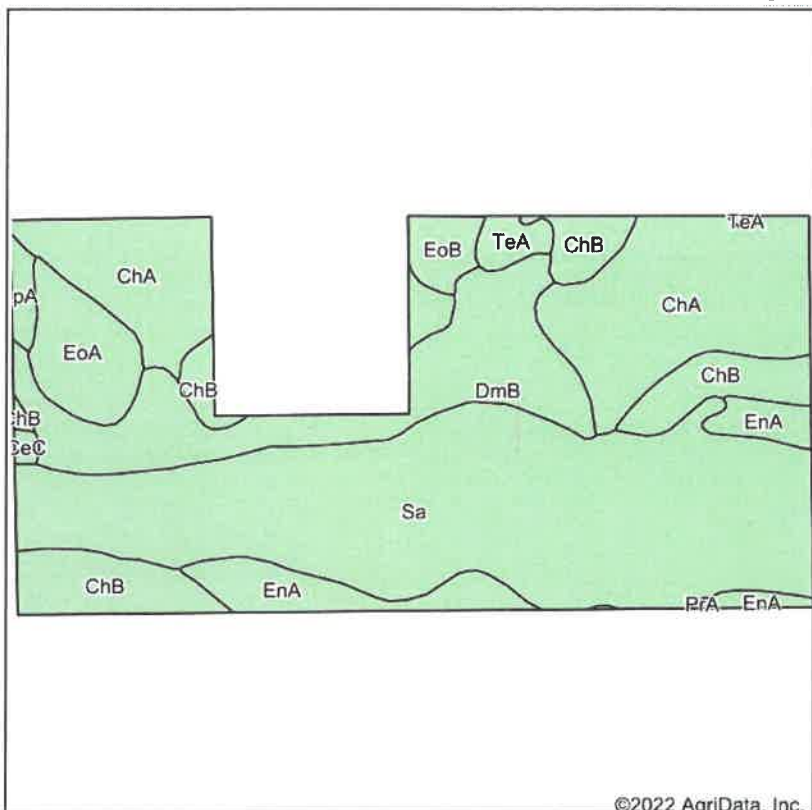
Map Created August 25, 2022

**Farm 458**

**32-103N-60W-Davison**

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### Soils Map



State: **South Dakota**  
 County: **Davison**  
 Location: **32-103N-60W**  
 Township: **Mitchell**  
 Acres: **278.2**  
 Date: **11/14/2022**



Soils data provided by USDA and NRCS.

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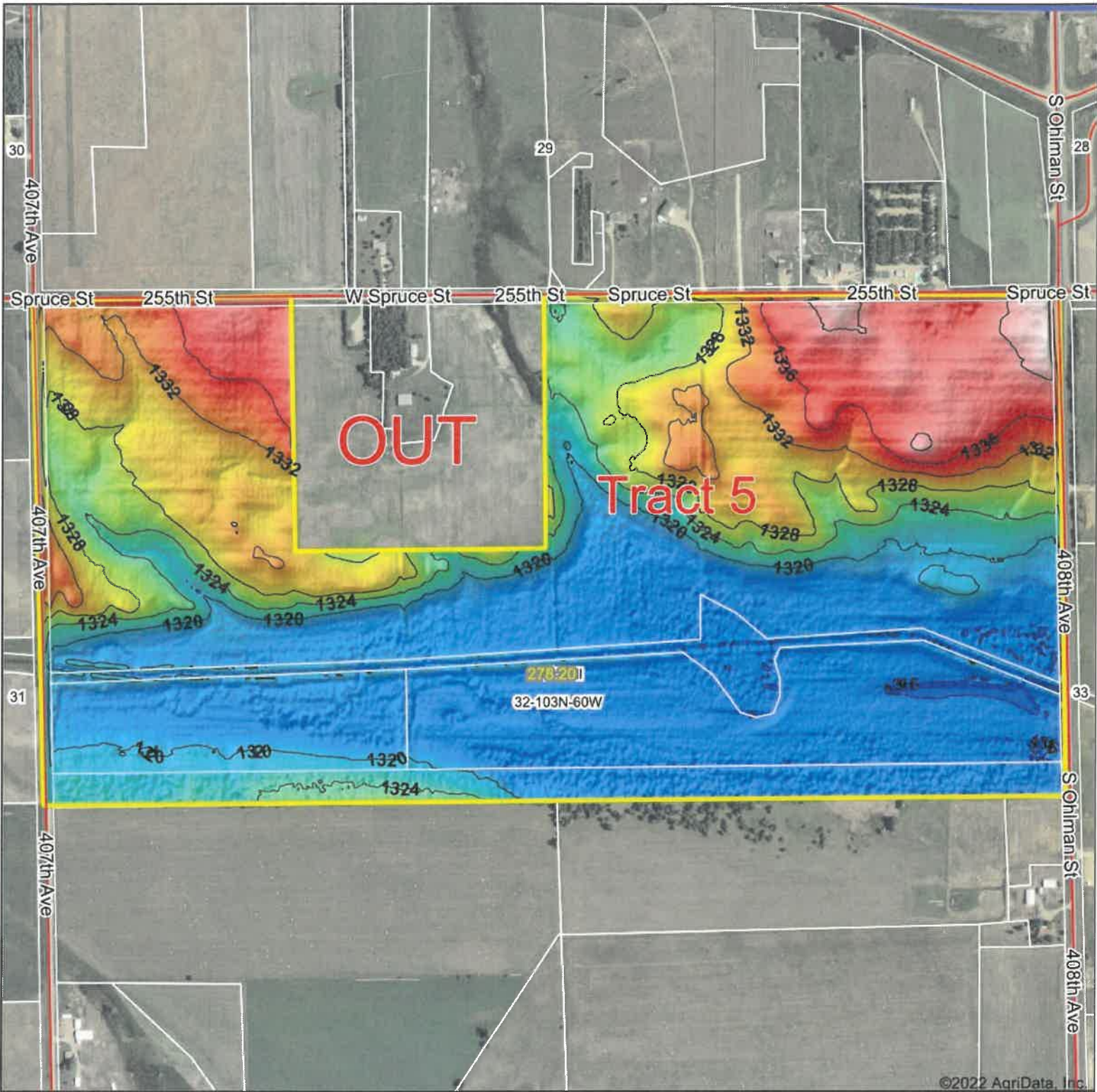
www.AgriDataInc.com

Area Symbol: SD035, Soil Area Version: 25

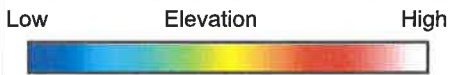
Code	Soil Description	Acres	Percent of field	Non-Irr Class *c	Productivity Index
Sa	Salmo silt loam	113.85	40.9%	IVw	36
ChA	Clarno-Bonilla loams, 0 to 2 percent slopes	56.30	20.2%	IIc	88
DmB	Delmont loam, 2 to 6 percent slopes	38.75	13.9%	IVe	39
ChB	Clarno-Ethan-Bonilla loams, 1 to 6 percent slopes	29.23	10.5%	IIe	78
EnA	Enet loam, 0 to 2 percent slopes	16.06	5.8%	IIIIs	60
EoA	Delmont-Enet loams, 0 to 2 percent slopes	12.48	4.5%	IVs	50
EoB	Delmont-Enet loams, 2 to 6 percent slopes	4.68	1.7%	IVe	44
TeA	Tetonka silt loam, 0 to 1 percent slopes	3.53	1.3%	IVw	56
LpA	Lamo and Prosper soils, 0 to 3 percent slopes	2.38	0.9%	IIw	77
CeC	Clarno-Ethan-Bonilla loams, 2 to 9 percent slopes	0.79	0.3%	IIIe	69
PrA	Prosper silt loam, 0 to 3 percent slopes	0.15	0.1%	IIc	92
<b>Weighted Average</b>				<b>3.31</b>	<b>54.2</b>

\*c: Using Capabilities Class Dominant Condition Aggregation Method

Soils data provided by USDA and NRCS.



©2022 AgriData, Inc.



Source: USGS 3 meter dem  
 Interval(ft): 4  
 Min: 1,314.3  
 Max: 1,343.6  
 Range: 29.3  
 Average: 1,324.3  
 Standard Deviation: 7.48 ft

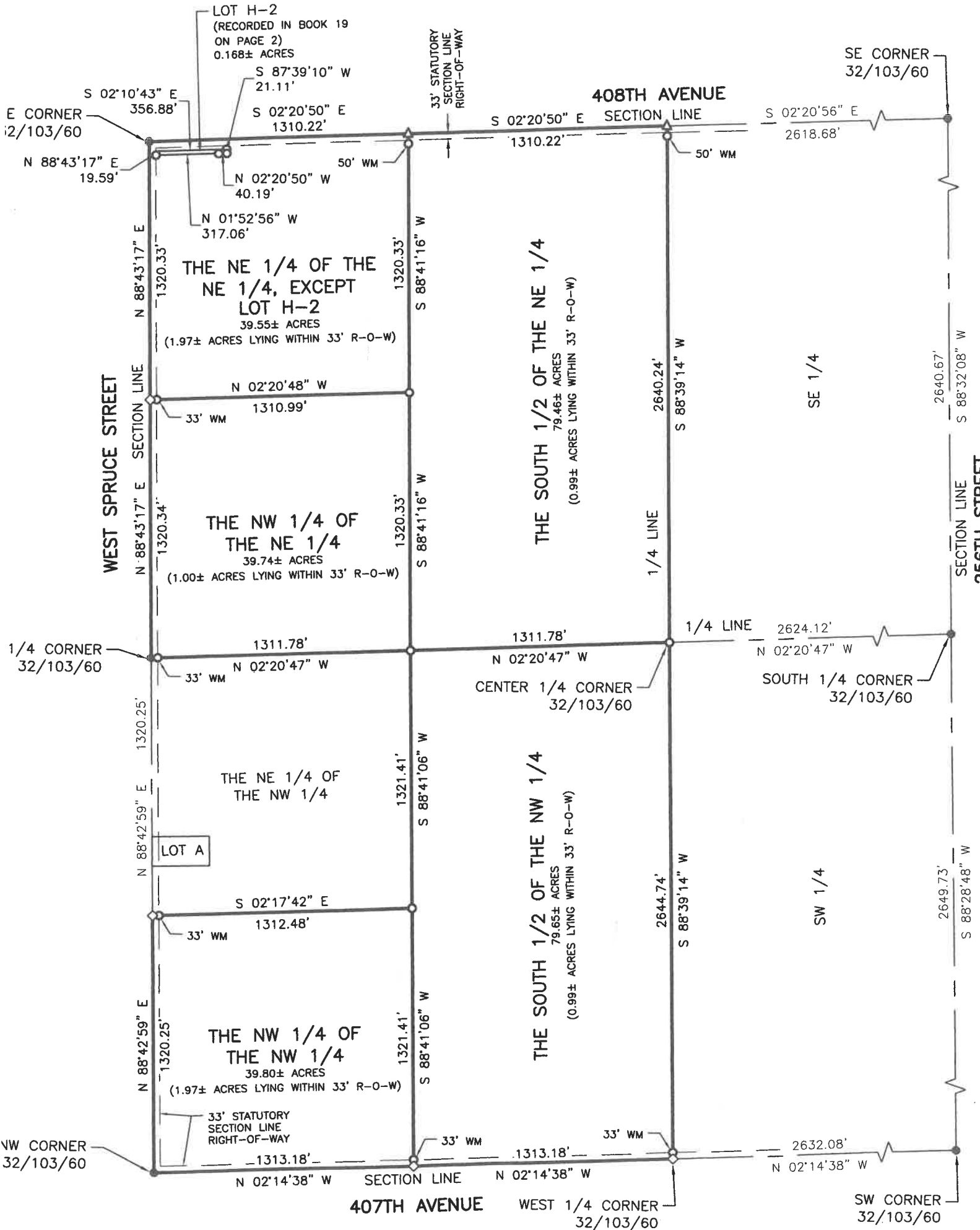


**32-103N-60W**  
**Davison County**  
**South Dakota**

map center: 43° 40' 48.65, -98° 3' 23.4



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



LOT H-2  
 (RECORDED IN BOOK 19  
 ON PAGE 2)  
 0.168± ACRES

E CORNER  
 2/103/60  
 S 02°10'43" E  
 356.88'

S 87°39'10" W  
 21.11'

S 02°20'50" E  
 1310.22'

33' STATUTORY  
 SECTION LINE  
 RIGHT-OF-WAY

408TH AVENUE

SE CORNER  
 32/103/60

S 02°20'56" E  
 2618.68'

N 88°43'17" E  
 19.59'

N 02°20'50" W  
 40.19'

N 01°52'56" W  
 317.06'

THE NE 1/4 OF THE  
 NE 1/4, EXCEPT  
 LOT H-2  
 39.55± ACRES  
 (1.97± ACRES LYING WITHIN 33' R-O-W)

N 02°20'48" W  
 1310.99'

WEST SPRUCE STREET

N 88°43'17" E  
 1320.33'

N 88°43'17" E  
 1320.33'

N 88°43'17" E  
 1320.34'

N 88°42'59" E  
 1320.25'

N 88°42'59" E  
 1320.25'

N 88°42'59" E  
 1320.25'

LOT A

THE NE 1/4 OF  
 THE NW 1/4

S 02°17'42" E  
 1312.48'

THE NW 1/4 OF  
 THE NW 1/4  
 39.80± ACRES  
 (1.97± ACRES LYING WITHIN 33' R-O-W)

33' STATUTORY  
 SECTION LINE  
 RIGHT-OF-WAY

N 02°14'38" W  
 1313.18'

1320.33'

1320.33'

1321.41'

1321.41'

S 88°41'16" W

S 88°41'16" W

S 88°41'06" W

S 88°41'06" W

THE SOUTH 1/2 OF THE NE 1/4  
 79.46± ACRES  
 (0.99± ACRES LYING WITHIN 33' R-O-W)

S 02°20'50" E  
 1310.22'

N 02°20'47" W  
 1311.78'

CENTER 1/4 CORNER  
 32/103/60

THE SOUTH 1/2 OF THE NW 1/4  
 79.65± ACRES  
 (0.99± ACRES LYING WITHIN 33' R-O-W)

N 02°14'38" W  
 1313.18'

50' WM

2640.24'

1/4 LINE

2644.74'

33' WM

WEST 1/4 CORNER  
 32/103/60

SE 1/4

SW 1/4

2640.67'

2649.73'

S 88°32'08" W

S 88°28'48" W

SECTION LINE

WEST SPRUCE STREET

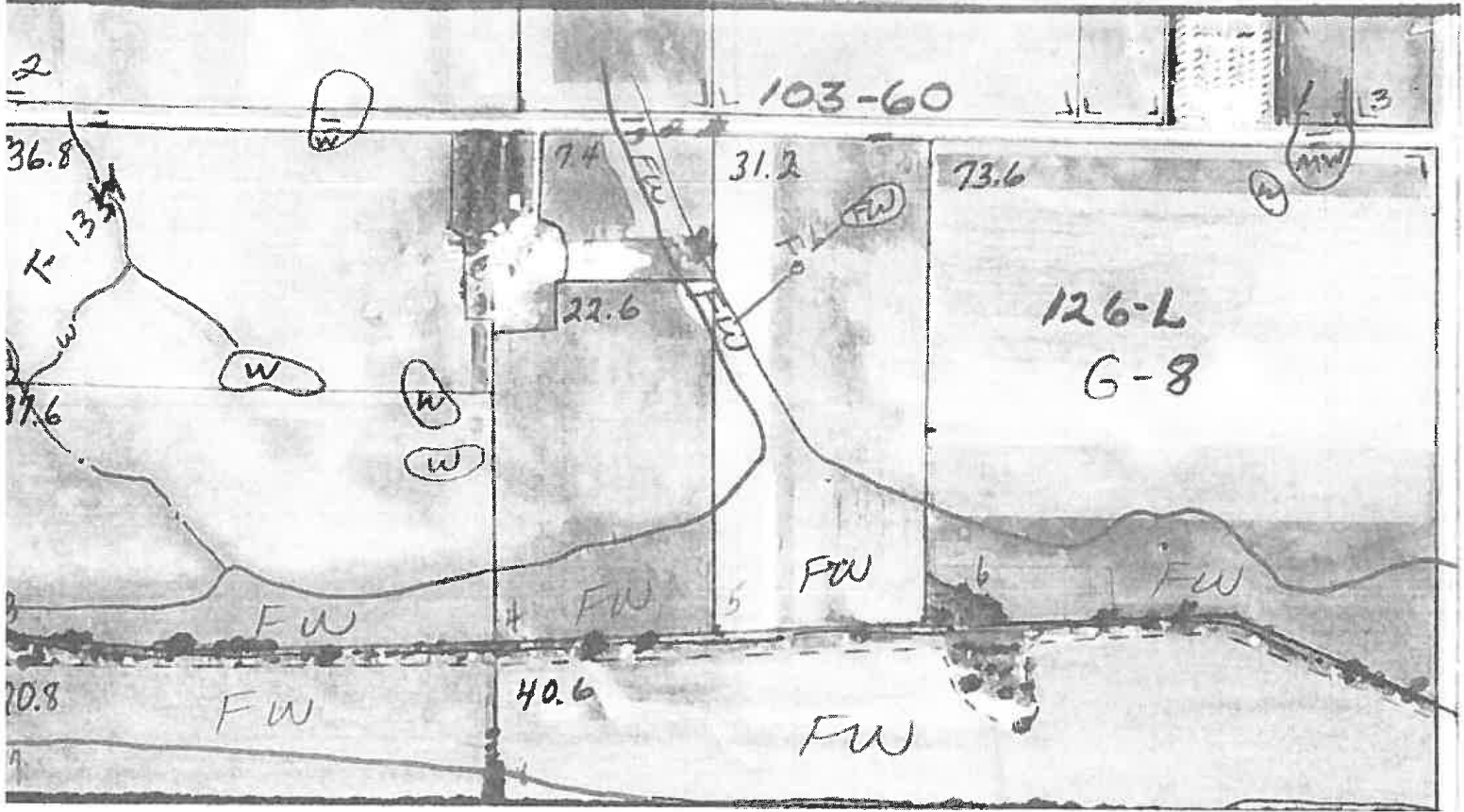
N 02°20'47" W  
 2624.12'

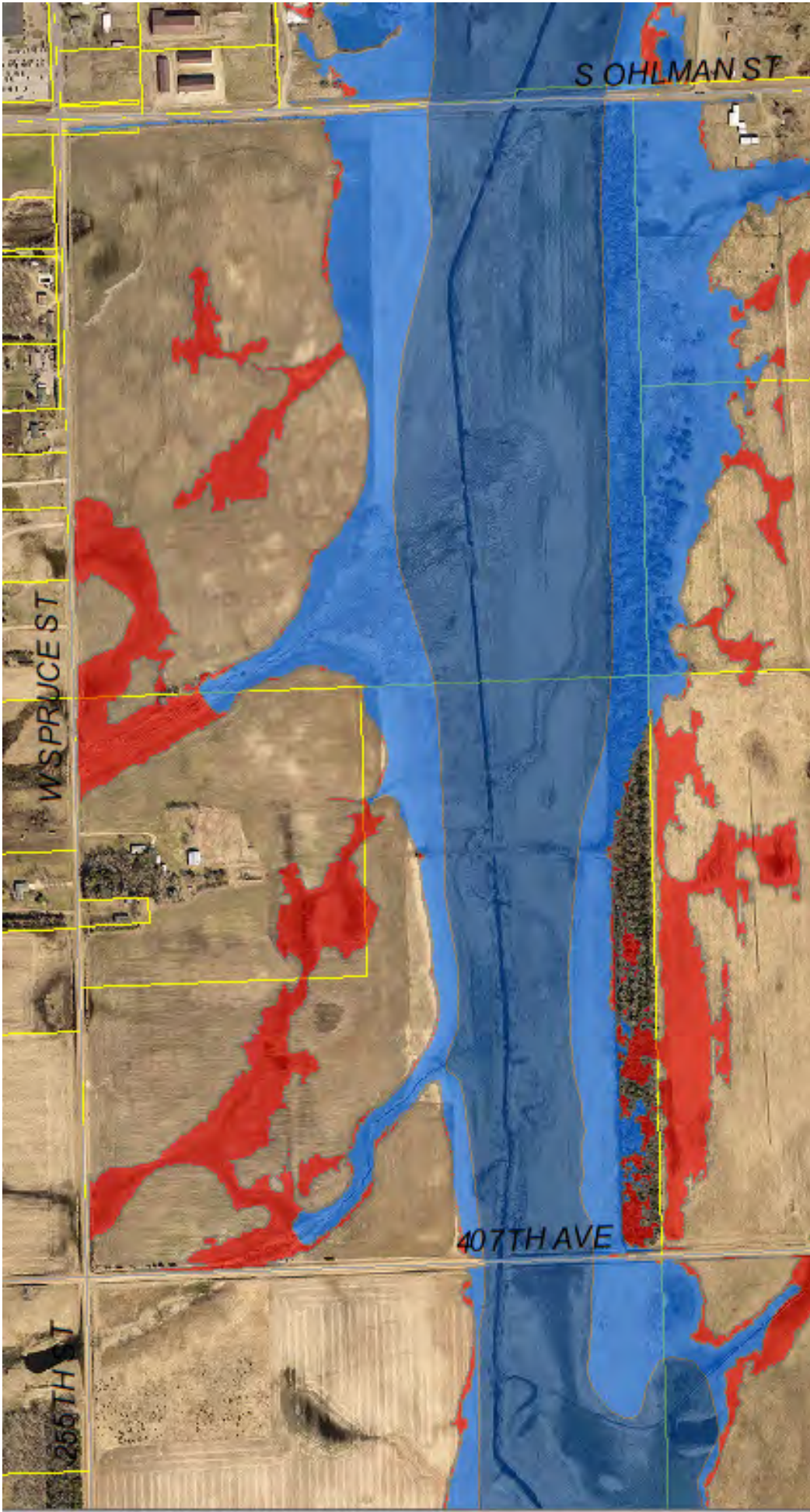
SOUTH 1/4 CORNER  
 32/103/60

N 02°14'38" W  
 2632.08'

SW CORNER  
 32/103/60

NOT TO SCALE





- DOT nstri
  - LOCAL\_SYSTEM
  - 0 - Other Administration
  - County System
  - 6 - Township System
  - 7 - City Street
  - 99 - Not Attributed
  - ROADS NG911
  - 2020 PRELIM FLOOD PLAIN
  - FLD\_ZONE\_ZONE\_SUBTY
- 
- A
  - AE
  - AE, FLOODWAY
  - X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
  - X, AREA OF MINIMAL FLOOD HAZARD
  - Under\_5K\_Home\_properties
  - possible\_vacant\_properties
  - CITY\_OWNED
  - CITY\_LIMITS

SOUTH DAKOTA  
 DAVISON  
 Form: FSA-156EZ



United States Department of Agriculture  
 Farm Service Agency

FARM : 458

Prepared : 10/6/22 3:54 PM CST

Crop Year : 2023

See Page 2 for non-discriminatory Statements.

Abbreviated 156 Farm Record

Operator Name : CORY J EASTON  
 CRP Contract Number(s) : None  
 Recon ID : None  
 Transferred From : None  
 ARCPLC G//F Eligibility : Eligible

Farm Land Data

Farmland	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane	Farm Status	Number Of Tracts
308.92	266.10	266.10	0.00	0.00	0.00	0.00	0.00	Active	1
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	266.10	0.00		0.00		0.00	0.00	0.00

Crop Election Choice

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

DCP Crop Data

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	PLC Yield	HIP
Wheat	42.10	0.00	38	
Corn	93.80	0.00	112	0
Soybeans	130.20	0.00	35	
<b>TOTAL</b>	<b>266.10</b>	<b>0.00</b>		

NOTES

Tract Number : 1337

Description : N 32 103 60

FSA Physical Location : SOUTH DAKOTA/DAVISON

ANSI Physical Location : SOUTH DAKOTA/DAVISON

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 : SYLVIA A MILLER ESTATE

Other Producers : None

Recon ID : None

Tract Land Data

Farm Land	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane
308.92	266.10	266.10	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	266.10	0.00	0.00	0.00	0.00	0.00

DCP Crop Data

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	PLC Yield



SOUTH DAKOTA

DAVISON

Form: FSA-156EZ



United States Department of Agriculture  
Farm Service Agency

FARM : 458

Prepared : 10/6/22 3:54 PM CST

Crop Year : 2023

Abbreviated 156 Farm Record

Tract 1337 Continued ...

Wheat	42.10	0.00	38
Corn	93.80	0.00	112
Soybeans	130.20	0.00	35
<b>TOTAL</b>	<b>266.10</b>	<b>0.00</b>	

NOTES

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To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) e-mail: [program.intake@usda.gov](mailto:program.intake@usda.gov). USDA is an equal opportunity provider, employer, and lender.



Outdoor recreational facilities.

Public and private parks.

Roadside stands.

Single-family dwellings. (Ord. 2408, 10-1-2012)

**10-8B-3: CONDITIONAL USES:**

Agricultural activity.

Golf courses, country clubs, golf clubhouses.

Indoor recreation facilities.

Utility stations. (Ord. 2408, 10-1-2012)

**10-8B-4: ACCESSORY USES:**

Accessory buildings/uses to the permitted uses. (Ord. 2408, 10-1-2012)

**10-8B-5: DENSITY, AREA, AND HEIGHT REGULATIONS:**

A. The maximum zoning lot coverage is ten percent (10%).

B. There are no limitations; except, that within one hundred feet (100') of a residential district, no building shall be higher than sixty five feet (65'). (Ord. 2408, 10-1-2012)



**ARTICLE C. UD URBAN DEVELOPMENT DISTRICT**

**SECTION:**

**10-8C-1: Intent**

**10-8C-2: Permitted Uses**

**10-8C-3: Conditional Uses**

**10-8C-4: Accessory Uses**

**10-8C-5: Density, Area And Height Regulations**

**10-8C-1: INTENT:**

The intent of this district is providing for land located on the periphery of the city's urban area. The goal is to provide a compatible transition from agricultural activities to residential and commercial development, while maintaining the rural character of the land. (Ord. 2408, 10-1-2012)

**10-8C-2: PERMITTED USES:**

Agricultural activity.

Airport.

Cemetery.

Farm (hobby).

Farm occupation.

Farm unit.

Farmstead.

Fireworks sales if outside the city limits.

Game farm.

Hangar.

Heliport.

Historic sites.

Horticulture.

Parks and playgrounds.

Roadside stand.

Single-family residential if included within a platted subdivision.

Utility station. (Ord. 2408, 10-1-2012)

**10-8C-3: CONDITIONAL USES:**

Agricultural product processing facility.

Alcohol sales (on- and off-sale).

Amphitheaters, stadia, drive-in theaters, arenas and field houses.

Animal shelter and clinics and boarding.

Assembly hall.

Automotive sales, repair, parts, detailing.

Bed and breakfast.

Campgrounds.

Childcare, preschool.

Educational institutions.

Exploration of minerals.

Extraction of minerals.

Family residential daycare.

Game lodge.

Home occupations.

Manufactured home communities.

Multi-family dwellings.

Outdoor recreational facilities.

Outside commercial storage.

Outside storage.

Private shooting range.

Quarry.

Religious institutions.

Retail sales and trade.

Riding stable.

Self-service storage facility.

Sewage treatment.

Shooting range.

Single-family dwelling not included within a platted subdivision.

Single-family manufactured housing on parcels owned by the occupant. (Ord. 2408, 10-1-2012; amd. Ord. 2512, 4-6-2015; Ord. O2018-07, 6-4-2018)

**10-8C-4: ACCESSORY USES:**

Agricultural accessory buildings.

Residential accessory buildings. (Ord. 2408, 10-1-2012)

**10-8C-5: DENSITY, AREA AND HEIGHT REGULATIONS:**

<i>Urban Development District UD</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>	<i>Minimum Front Yard</i>	<i>Minimum Rear Yard</i>	<i>Minimum Side Yard</i>	<i>Minimum Side Yard Corner Lot</i>	<i>Maximum Zoning Lot Coverage</i>	<i>Maximum Height</i>
Within a platted subdivision, residential	10,000 sq. ft.	150'	35'	35'	8'	20'	45%	2 <sup>1</sup> / <sub>2</sub> stories or 35'
Within a platted subdivision, nonresidential	10,000 sq. ft.	100'	35'	35'	8'	20'	45%	2 <sup>1</sup> / <sub>2</sub> stories or 35'
Outside a platted subdivision, all uses	1 acre <sup>1</sup>	100'	50'	35'	8'	20'	45%	0

Note:

1. Minimum lot area may reduce to no less than 20,000 square feet if a public water supply is available.

(Ord. 2408, 10-1-2012)

Old Republic National Title Insurance Company

**SCHEDULE A**

Address reference (not applicable to coverage):  
ag land , SD

Office File Number: 04-22-00583

- 1. Commitment Date: October 13, 2022 at 07:30 AM
- 2. Policy or policies to be issued:
  - a. ALTA Own. Policy (06/17/06)  
 Standard Coverage     Extended Coverage  
 Proposed Insured: Purchaser with contractual rights under a purchase agreement with the vested owner  
 Proposed Policy Amount:
  - b. ALTA Loan Policy (06/17/06)  
 Standard Coverage     Extended Coverage  
 Proposed Insured:  
 Proposed Policy Amount:
- 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:  
Darwin J. Miiller, Shirley A. Hendrix, Julie Miiller and Cheryl F. Bealsey
- 5. The Land is described as follows:  
Northeast Quarter (NE¼), less Lot H2 platted therein, Section Thirty-two (32), Township One Hundred Three (103) North, Range Sixty (60), West of the 5th P.M., Davison County, South Dakota.

**Vernon Holding Co Inc/The Title Company**

By:   
**Vernon Holding Co. Inc./The Title Company**  
 213 E. 4th Avenue., Mitchell, SD 57301  
 (605)996-4900

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Old Republic National Title Insurance Company

## SCHEDULE B - PART I

### ALTA COMMITMENT

#### Requirements

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.

(A) Deed executed by Darwin J. Miiller, Shirley A. Hendrix, Julie Miiller and Cheryl F. Miiller formerly Cheryl F. Bealsey -to- Purchaser with contractual rights under a purchase agreement with the vested owner.

NOTE: Marital Status of the Vestees, Darwin J. Miiller, Shirley A. Hendrix, Julie Miiller and Cheryl F. Miiller, formerly Cheryl F. Bealsey is not disclosed by public records, however, spousal homestead interest, if any, must be extinguished at time of conveyance by joining vestee's spouse, if any, in the conveyance or, a separate homestead rights affidavit should be executed and recorded.

In lieu of the above, and in the event that the real estate described in Schedule A herein is NOT the homestead of the vestees or their immediate families, a homestead disclaimer may be set forth in the deed of conveyance.

5. We require that standard form of affidavit or affidavits, be furnished to us at closing.
6. 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.
7. The Proposed Policy Amount(s) must be increased to the full value of the estate or interest being insured, and any additional premium must be paid at that time. An Owner's Policy should reflect the purchase price or full value of the land. A Loan Policy should reflect the loan amount or value of the property as collateral. Proposed Policy Amount(s) will be revised and premiums charged consistent herewith when the final amounts are approved.
8. For each policy to be issued as identified in Schedule A, Item 2, the Company shall not be liable under the commitment until it receives a designation for a Proposed Insured, acceptable to the company. As provided in Commitment Condition 4, the Company may amend this commitment to add, among other things, additional exceptions or requirements after the designation of the Proposed Insured.

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**SCHEDULE B**  
(Continued)

9. Prior to closing, the name of the BUYER must be searched at the courthouse pursuant to the policy of the company. We reserve the right to raise further exceptions based upon review of same.

**END OF SCHEDULE B - PART I**

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Old Republic National Title Insurance Company

**SCHEDULE B - PART II**  
ALTA COMMITMENT

**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:

1. 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 .
2. Rights or claims of parties in possession not shown by the public records.
3. 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.
4. Easements, or claims of easements, or roads and highways, 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. (A) Unpatented mining claims; (B) reservations or exceptions in patents, or any act 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.
7. 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.
8. Any Service, installation or connection charge for sewer, water or electricity.
9. Any right, title, or interest in minerals, mineral rights, or related matters, including but not limited to oil, gas, coal, and other hydrocarbons.

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*form.*  
Adopted 6-17-06 Revised 08-01-2016

(04-22-00583.PFD/04-22-00583/8)



**SCHEDULE B - PART II**  
**EXCEPTIONS**  
(Continued)

10. General and special taxes and assessments as hereafter listed, if any (all amounts shown being exclusive of interest, penalties and costs):  
  
2021 real estate taxes due and payable in 2022 in the amount of \$1,862.66 and are paid in full. Tax Bill #1592 Tax ID#06000-10360-32100
11. (A) Unpatented mining claims; (B) reservations or exceptions in patents, or any act 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.
12. Statutory easement for highway along the section line (or lines bounding or within) the land herein described.
13. Davison Rural Water System, Inc. Right-Of-Way Easement dated May 14, 1985, filed March 7, 1986 and recorded in Book 47 on page 480. (copy provided)
14. Davison Rural Water System, Inc. Right-Of-Way Easement dated March 4, 1997, filed December 2, 1997 and recorded in Book 58 on Page 557. (copy provided)
15. VESTED DRAINAGE RIGHT REGISTRATION FORM dated April 20, 1992, filed April 20, 1992 and recorded in Book 53 of Misc. Records on Page 188. (copy provided)
16. VESTED DRAINAGE RIGHT REGISTRATION FROM dated and filed April 20, 1992 and recorded in Book 53 of Misc. Records on Page 189. (copy provided)
17. Davison Rural Water System, Inc. Right-of-Way Easement dated April 16, 2004, filed April 19, 2004 and recorded in Book 65 of Misc. Records on page 129. (copy provided)
18. Right of Way Easement entered into with Central Electric Cooperative Association dated July 9, 2007, filed July 11, 2007 and recorded in Book 67 of Misc. Records on Page 303. (copy provided)
19. Agreement entered into August 20, 2017, filed August 29, 2017 and recorded in Book 77 of Misc. Records on page 378. (copy provided)
20. Permanent Easement for Drainage, and Construction and Maintenance of Drainway dated October 21, 2017, filed November 8, 2017 and recorded in Book 77 of Misc. Records on Page 469. (copy provided)
21. Subject to tenancy rights of parties in possession of all or a portion of the real estate.  
  
Subject to unrecorded leases, if any.

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Adopted 6-17-06 Revised 08-01-2016

(04-22-00583.PFD/04-22-00583/8)

**SCHEDULE B - PART II**  
**EXCEPTIONS**  
(Continued)

22. THE FOLLOWING NOTE IS FOR INFORMATIONAL PURPOSES ONLY:

The following deed(s) or transfer(s) affecting said land were recorded within twenty-four (24) months of the effective date of this title commitment:

Warranty Deed dated January 16, 2006, filed August 8, 2006 and recorded in Book 606 on Page 466 and executed by Sylvia A. Miiller, a single person -to- Darwin J. Miiller, Shirley A. Hendrix, Gerald L. Miiller and Cheryl F. Bealsey

Personal Representative's Deed dated April 23, 2019, filed May 28, 2019 and recorded in Book 619 on Page 207 and executed by Julie Miiller, personal representative of the estate of Gerald Lee Miiller a/k/a Gerald L. Miiller -to- Julie Miiller.

**END OF SCHEDULE B - PART II**

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**Adopted 6-17-06 Revised 08-01-2016**

(04-22-00583.PFD/04-22-00583/8)

Old Republic National Title Insurance Company

**SCHEDULE A**

Address reference (not applicable to coverage):  
ag land , SD

Office File Number: 04-22-00582

- 1. Commitment Date: October 13, 2022 at 07:30 AM
- 2. Policy or policies to be issued:
  - a. ALTA Own. Policy (06/17/06)
    - Standard Coverage     Extended Coverage
    - Proposed Insured: Purchaser with contractual rights under a purchase agreement with the vested owner
    - Proposed Policy Amount: \$ 15,000.00
  - b. ALTA Loan Policy (06/17/06)
    - Standard Coverage     Extended Coverage
    - Proposed Insured:
    - Proposed Policy Amount:
- 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:  
Darwin J. Miiller, Shirley A. Hendrix, Julie Miiller and Cheryl F. Beasley
- 5. The Land is described as follows:  
The Northwest Quarter of the Northwest Quarter (NW¼NW¼), except a parcel of land conveyed for school purposes and described as commencing at the NW corner of the NW1/4, thence East 12 rods, thence South 13.3 rods, thence West 12 rods, thence North 13.3 rods to the place of beginning; and the South Half of the Northwest Quarter (S½NW¼) of Section Thirty-two (32), Township One Hundred Three (103) North, Range Sixty (60), West of the 5th P.M., Davison County, South Dakota.

**Vernon Holding Co Inc/The Title Company**

By: Sharon Heyings  
**Vernon Holding Co. Inc./The Title Company**  
 213 E. 4th Avenue., Mitchell, SD 57301  
 (605)996-4900

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Old Republic National Title Insurance Company

**SCHEDULE B - PART I**  
ALTA COMMITMENT

**Requirements**

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.

(A) Deed executed by Darwin J. Miiller, Shirley A. Hendrix, Julie Miiller and Cheryl F. Miiller formerly Cheryl F. Bealsey -to- Purchaser with contractual rights under a purchase agreement with the vested owner.

NOTE: Marital Status of the Vestee, Darwin J. Miiller, Shirley A. Hendrix, Julie Miiller and Cheryl F. Miiller are not disclosed by public records, however, spousal homestead interest, if any, must be extinguished at time of conveyance by joining vestee's spouse, if any, in the conveyance or, a separate homestead rights affidavit should be executed and recorded.

In lieu of the above, and in the event that the real estate described in Schedule A herein is NOT the homestead of the vestees or their immediate families, a homestead disclaimer may be set forth in the deed of conveyance.

5. We require that standard form of affidavit or affidavits, be furnished to us at closing.
6. 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.
7. The Proposed Policy Amount(s) must be increased to the full value of the estate or interest being insured, and any additional premium must be paid at that time. An Owner's Policy should reflect the purchase price or full value of the land. A Loan Policy should reflect the loan amount or value of the property as collateral. Proposed Policy Amount(s) will be revised and premiums charged consistent herewith when the final amounts are approved.
8. For each policy to be issued as identified in Schedule A, Item 2, the Company shall not be liable under the commitment until it receives a designation for a Proposed Insured, acceptable to the company. As provided in Commitment Condition 4, the Company may amend this commitment to add, among other things, additional exceptions or requirements after the designation of the Proposed Insured.

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**SCHEDULE B**  
(Continued)

9. REVERTER CLAUSE contained in Deed filed February 28, 1887 in Book 50, Page 102, executed by Philetus Shephard and Margaret Shephard, husband and wife -to- Mitchell School Township, that parcel of land described as commencing at the Northwest corner of the Northwest Quarter of 32-103-60, thence East 12 rods, thence South 13.3 rods, thence West 12 rods, thence North 13.3 rods to place of beginning:

This grant is made upon the condition that the land herein conveyed shall be used for school house purposes only and when it ceases to be so used the title shall revert to the parties of their heirs, assigns or successors in interest. (copy provided upon request)

NOTE: If the sellers wish to include the above described property in the legal description and in the conveyance to a new purchaser, a Quit Claim Deed will need to be obtained from the Mitchell School District, as grantor to the sellers, stating the property is no longer being used for school house purposes and reverts back to grantee. If a conveyance is not obtained, the description shown above will remain excepted from the legal description.

**END OF SCHEDULE B - PART I**

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Old Republic National Title Insurance Company

**SCHEDULE B - PART II**  
ALTA COMMITMENT

**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:

1. 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 .
2. Rights or claims of parties in possession not shown by the public records.
3. 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.
4. Easements, or claims of easements, or roads and highways, 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. (A) Unpatented mining claims; (B) reservations or exceptions in patents, or any act 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.
7. 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.
8. Any Service, installation or connection charge for sewer, water or electricity.
9. Any right, title, or interest in minerals, mineral rights, or related matters, including but not limited to oil, gas, coal, and other hydrocarbons.

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Adopted 6-17-06 Revised 08-01-2016

(04-22-00582.PFD/04-22-00582/9)

**SCHEDULE B - PART II**  
**EXCEPTIONS**  
(Continued)

10. General and special taxes and assessments as hereafter listed, if any (all amounts shown being exclusive of interest, penalties and costs):  
  
2021 real estate taxes due and payable in 2022 in the amount of \$1,389.58 and are paid in full. Tax Bill #1592; Tax ID#06000-10360-32205
11. (A) Unpatented mining claims; (B) reservations or exceptions in patents, or any act 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.
12. Statutory easement for highway along the section line (or lines bounding or within) the land herein described.
13. REVERTER CLAUSE contained in Deed filed February 28, 1887 in Book 50, Page 102, executed by Philetus Shephard and Margaret Shephard, husband and wife -to- Mitchell School Township, that parcel of land described as commencing at the Northwest corner of the Northwest Quarter of 32-103-60, thence East 12 rods, thence South 13.3 rods, thence West 12 rods, thence North 13.3 rods to place of beginning:  
This grant is made upon the condition that the land herein conveyed shall be used for school house purposes only and when it ceases to be so used the title shall revert to the parties of their heirs, assigns or successors in interest. (copy provided upon request)
14. VESTED DRAINAGE RIGHTS filed April 20, 1992 in Book 53, Pages 188 and 189. (copy provided upon request)
15. VESTED DRAINAGE RIGHT filed June 3, 1992 in Book 53, Page 293. (copy provided upon request)
16. VESTED DRAINAGE RIGHT filed June 29, 1992 in Book 53, Page 442. (copy provided upon request)
17. RIGHT-OF-WAY EASEMENT to Davison Rural Water System, Inc. filed December 2, 1997 in Book 58, Page 557. (copy provided upon request)
18. RIGHT-OF-WAY EASEMENT to Central Electric Cooperative Association filed July 1, 2007 in Book 67, Page 304. (copy provided upon request)
19. AGREEMENT filed August 29, 2017 in Book 77, Page 378, executed by and between Sylvia A. Miiller, Darwin J. Miiller, Shirley A. Hendrix, Gerald L. Miiller and Cheryl F. Miiller, Merlin Bechen and Diane Bechen, City of Mitchell, MCPPM LLC and Davison County. (copy provided upon request)
20. PERMANENT EASEMENT FOR DRAINAGE, AND CONSTRUCTION AND MAINTENANCE OF DRAINWAY filed November 8, 2017 in Book 77, Page 469, executed by Darwin J. Miiller, Shirley A. Hendrix, Gerald L. Miiller and Cheryl F. Miiller -to- Davison County, South Dakota and the City of Mitchell. (copy provided upon request)
21. Tenancy rights of parties in possession of all or a portion of the real estate

Subject to unrecorded leases, if any.

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Adopted 6-17-06 Revised 08-01-2016

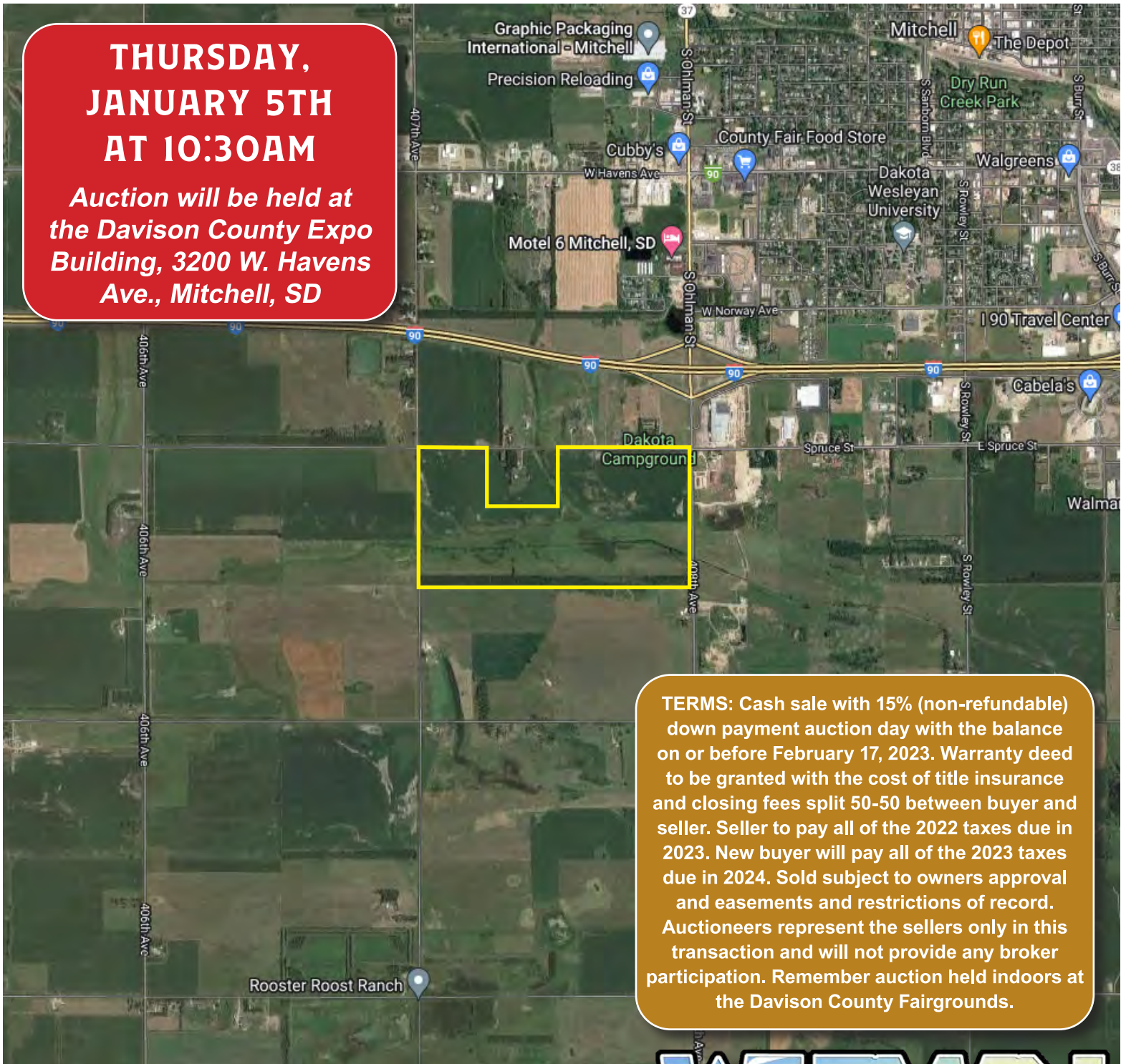
(04-22-00582.PFD/04-22-00582/9)

# 278.20 ACRES

## DAVISON COUNTY LAND

**THURSDAY,  
JANUARY 5TH  
AT 10:30AM**

*Auction will be held at  
the Davison County Expo  
Building, 3200 W. Havens  
Ave., Mitchell, SD*



**TERMS:** Cash sale with 15% (non-refundable) down payment auction day with the balance on or before February 17, 2023. Warranty deed to be granted with the cost of title insurance and closing fees split 50-50 between buyer and seller. Seller to pay all of the 2022 taxes due in 2023. New buyer will pay all of the 2023 taxes due in 2024. Sold subject to owners approval and easements and restrictions of record. Auctioneers represent the sellers only in this transaction and will not provide any broker participation. Remember auction held indoors at the Davison County Fairgrounds.

*"We Sell The Earth And Everything On It!"*

800.251.3111 | Marion, SD | [WiemanAuction.com](http://WiemanAuction.com)

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

