

AUCTION

FRIDAY APRIL 7TH AT 10:30 A.M.

278.98 ACRES OF WITTENBERG TWP. HUTCHINSON COUNTY LAND
OFFERED IN TWO TRACTS WITH IMMEDIATE POSSESSION



OWNER:

FRANCES WIETERS 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!"

**278.98 ACRES OF WITTENBERG TWP. HUTCHINSON COUNTY LAND
OFFERED IN TWO TRACTS WITH IMMEDIATE POSSESSION AT AUCTION**

In order to settle the estate, we will offer the following land for sale at public auction in the Scotland City Hall on:

**FRIDAY APRIL 7TH
10:30 A.M.**

It is our privilege to offer these two tracts of land located in the tightly held Wittenberg Township of Hutchinson County, SD. Both tracts are bordered by oil roads with good access. New buyer will receive immediate possession on auction day and can farm or lease out for the 2017 crop year. If adding acres to your operation or portfolio is in your future come take a look at these properties! Great Location, Great Opportunity, Great Auction!

TRACT ONE: 118.98 ACRES

LEGAL: The S ½ of the NW ¼ and the NW ¼ of the NW ¼ of Section 16, 98-58 Hutchinson County, SD.

LOCATION: From the Junction of Hwy. 44 and 424th Ave go 5-miles south east side of the road or from Junction of Hwy. 18 & 424th Ave (Scotland Corner) go 4 ½ miles north east side of the road

- 114.98 Acres tillable with the balance found in RROW.
- Soil Production rating of 69.7. Predominate Soils include Clarno loam (82), Tetonka & Whitewood soils (74).
- Approx. 40-acres seeded to alfalfa. New buyer able to farm or lease out for 2017 crop year
- Currently enrolled in the ARCH County with the FSA office. Annual Taxes are \$2,051.54.
- Aerial & Soils maps, wetland maps, Base & Yield and other pertinent info found in the buyers packet.

TRACT TWO: 160-ACRES

LEGAL: The SW ¼ of Section 5, 98-58 Hutchinson County, South Dakota.

LOCATION: From Tract One 1-mile north, ½ mile west north side of the road or at 280th St. and the 423rd Ave.

- 157.37 acres tillable with the balance found in RROW acres. Bordered to the south by oil road and gravel township road to the west.
- Soil production rating of 81.2 with the predominant soils of Clarno-Bonilla (88) and Tetonka and Whitewood loams (74).
- Approx. 45-acres is seeded to alfalfa coming on its 3rd year of production.
- Currently enrolled in the ARCH County with the FSA office. Annual Taxes are \$3,044.52.
- Aerial and Soils maps, wetland maps, Base & Yield and other pertinent info found in the buyer's packet.

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 buyer's packet can be mailed out. Virtual tour of the property via drone can be viewed on our web-site as well.

TERMS: Cash sale with 15% (non-refundable) down payment auction day with the balance on or before May 10th 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 not tied together. Sold subject to owners approval and all reservations of record if any. New buyer to receive full possession on auction day. Come prepared to buy!! Remember land auction to be held indoors at the Scotland City Hall.

**FRANCES WIETERS ESTATE – OWNER
SANDRA K. STREETER –PERSONAL REP.**

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

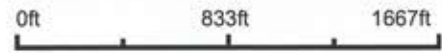
Turner County Title
Parker, SD 605-297-5555
Closing Agent

Aerial Map

TRACT ONE
118.98 ACRES



map center: 43° 18' 23.8, -97° 42' 28.28



16-98N-58W
Hutchinson County
South Dakota

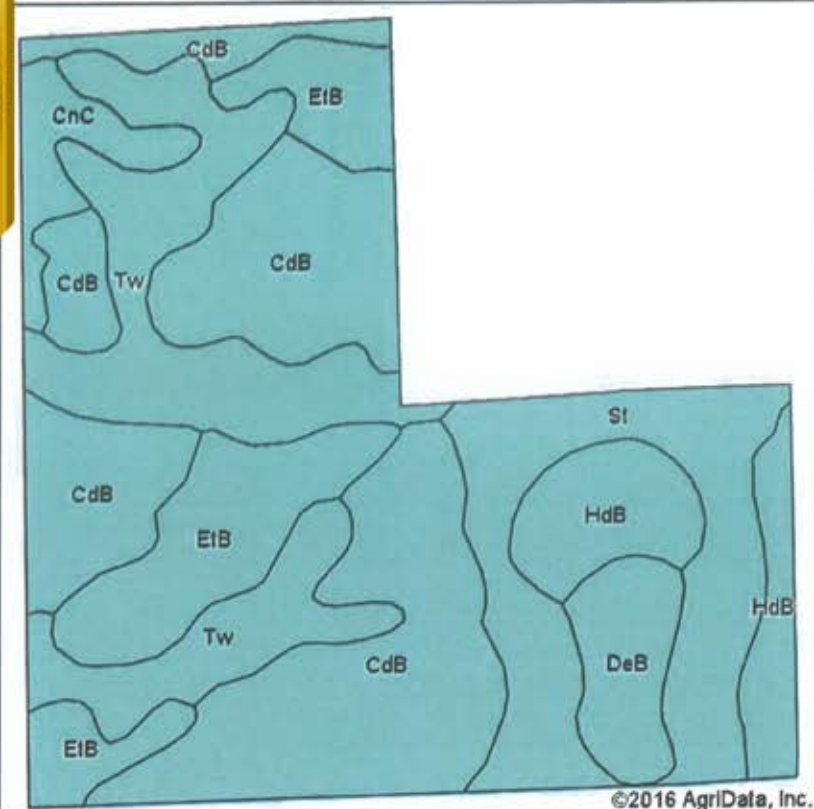


3/9/2017

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

Soils Map



State: **South Dakota**
 County: **Hutchinson**
 Location: **16-98N-58W**
 Township: **Wittenberg**
 Acres: **114.98**
 Date: **1/10/2017**



Area Symbol: SD602, Soil Area Version: 18

Code	Soil Description	Acres	Percent of field	Non-Irr Class *c	Productivity Index	Alfalfa hay	Corn	Grain sorghum	Oats	Soybeans	
CdB	Clarno loam, 2 to 6 percent slopes	40.72	35.4%	Ile	82						
Tw	Tetonka and Whitewood silty clay loams	22.24	19.3%	IIw	74						
St	Ario loam	17.74	15.4%	IVw	48	0.3	37			11	
EtB	Ethan-Betts loams, 3 to 6 percent slopes	15.72	13.7%	IIIe	61	2.9	57		50	64	
HdB	Hand-Davison loams, 3 to 6 percent slopes	9.40	8.2%	Ile	78	3.1	75		59	72	
DeB	Delmont loam, 3 to 6 percent slopes	5.18	4.5%	IVe	40	1.6	32		25	39	
CnC	Clarno-Ethan-Bonilla loams, 2 to 9 percent slopes	3.98	3.5%	IIIe	69						
Weighted Average					69.7	0.8	21.1		12.8	16.4	5.2

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
18,98 ACRES



Common Land Unit Tract Boundary
 PLSS
 Cropland

Wetland Determination Identifiers

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



2017 Program Year

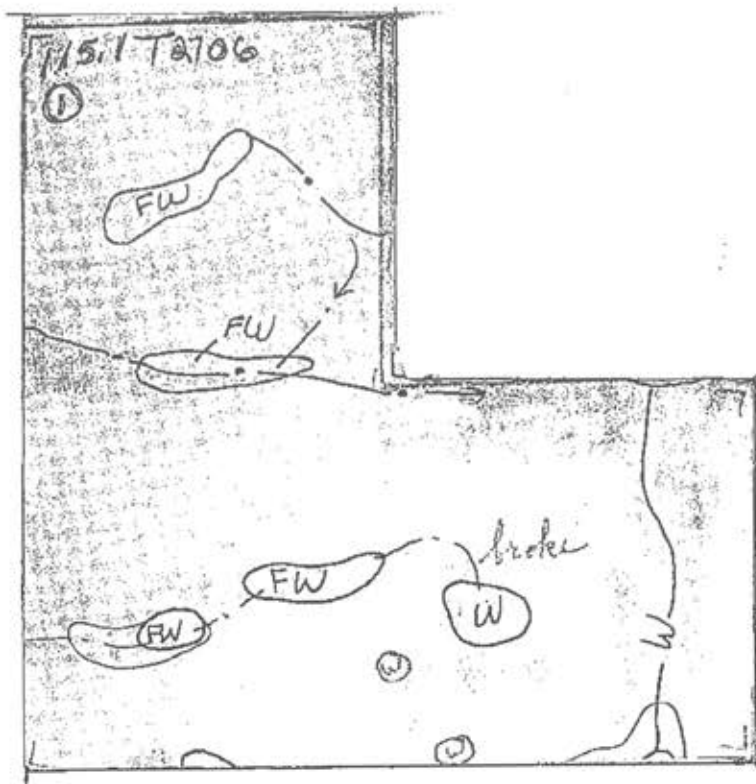
Map Created October 25, 2016

Farm 1784

16 -98N -58W

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



W² + SE⁴ NW⁴

SOUTH DAKOTA STATE PATENT LAW

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 abstractors 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.

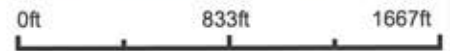
A 1919 statute, as amended, provides that all sales, leases and conveyances of lands belonging to the state are subject to and contain a reservation to the state of South Dakota of all deposits of coal, ores, metals, and other minerals, asphaltum, oil, gas, geothermal resources, and other like substance 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
160 ACRES



map center: 43° 20' 7.28, -97° 43' 39.83



Maps Provided By:



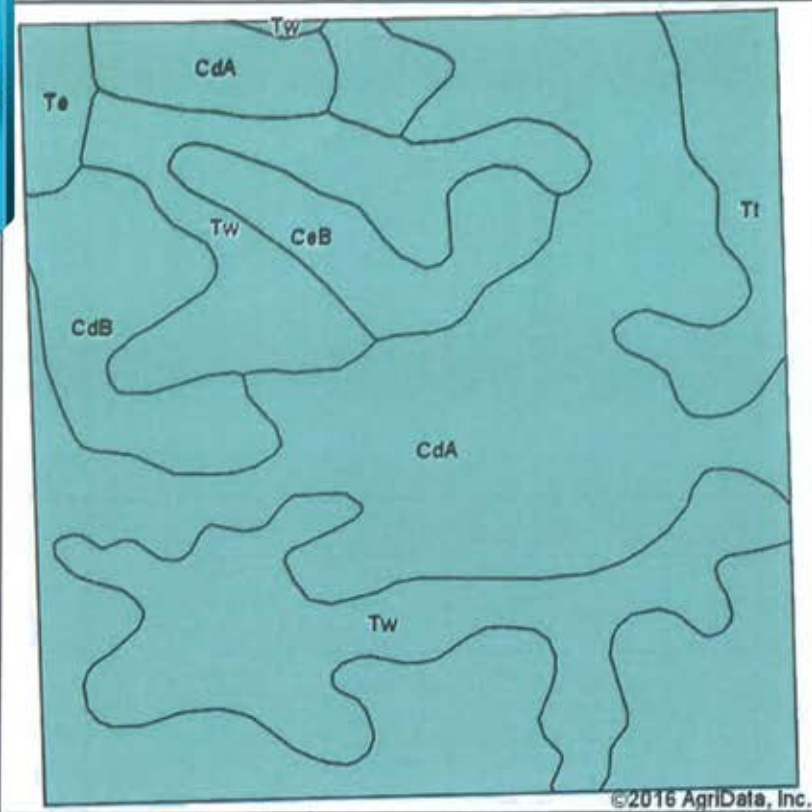
5-98N-58W
Hutchinson County
South Dakota



3/9/2017

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

Soils Map



Soils data provided by USDA and NRCS.



State: **South Dakota**
 County: **Hutchinson**
 Location: **5-98N-58W**
 Township: **Wittenberg**
 Acres: **157.37**
 Date: **1/10/2017**



Area Symbol: SD602, Soil Area Version: 18

Code	Soil Description	Acres	Percent of field	Non-Irr Class *c	Irr Class *c	Productivity Index	Alfalfa hay	Corn	Grain sorghum	Oats	Soybeans
CdA	Clarno-Bonilla loams, 0 to 2 percent slopes	81.56	51.6%	Ilc		88					
Tw	Tetonka and Whitewood silty clay loams	40.66	25.8%	Ilw		74					
Tt	Tetonka-Harps complex	12.30	7.8%	IVw		67					
CdB	Clarno loam, 2 to 6 percent slopes	11.39	7.2%	Ile		82					
CeB	Clarno-Davison loams, 2 to 4 percent slopes	8.59	5.5%	Ile	Iile	79	3.1	72	54	75	27
Te	Tetonka silt loam, 0 to 1 percent slopes	2.87	1.8%	IVw		56					
Weighted Average						81.2	0.2	3.9	2.9	4.1	1.5

Area Symbol: SD602, Soil Area Version: 18

*c: Using Capabilities Class Dominant Condition Aggregation Method

Soils data provided by USDA and NRCS.



Common Land Unit Tract Boundary
 PLSS
 Cropland

Wetland Determination Identifiers

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



2017 Program Year

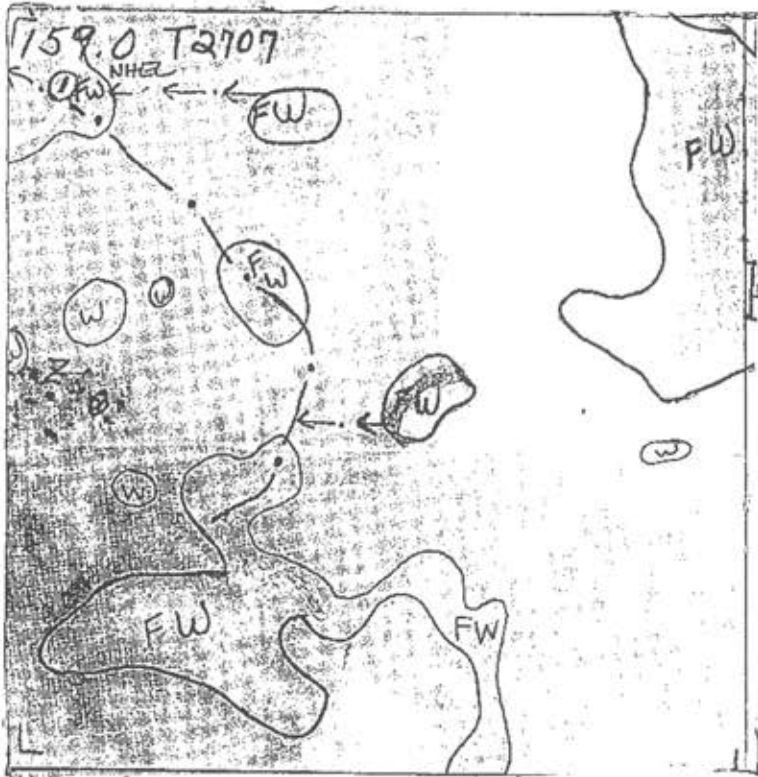
Map Created October 25, 2016

Farm 1784

5 -98N -58W

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WETLANDS MAP



W⁴ -
5-98-58

South Dakota

U.S. Department of Agriculture

FARM: 1784

Hutchinson

Farm Service Agency

Prepared: 3/7/17 7:19 AM

Report ID: FSA-156EZ

Abbreviated 156 Farm Record

Crop Year: 2017

Page: 1 of 2

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 Farm Identifier Recon Number

Farms Associated with Operator:

CRP Contract Number(s): None

Farmland	Cropland	DCP Cropland	WBP	WRP/EWP	CRP Cropland	GRP	Farm Status	Number of Tracts
272.34	272.34	272.34	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	272.34	0.0	0.0	0.0			

ARC/PLC

ARC-IC NONE

ARC-CO CORN, SOYBN

PLC NONE

PLC-Default NONE

Crop	Base Acreage	CTAP Tran Yield	PLC Yield	CCC-505 CRP Reduction
CORN	231.5		104	0.0
SOYBEANS	7.8		30	0.0
Total Base Acres:	239.3			

Tract Number: 2706 Description: G7R/ WNW; SENW 16-98-58

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
114.97	114.97	114.97	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	114.97	0.0	0.0	0.0	

Crop	Base Acreage	CTAP Tran Yield	PLC Yield	CCC-505 CRP Reduction
CORN	97.2		104	0.0
SOYBEANS	3.3		30	0.0
Total Base Acres:	100.5			

Owners: ESTATE OF FRANCES F WIETERS

Other Producers: None

South Dakota

Hutchinson

Report ID: FSA-156EZ

U.S. Department of Agriculture

Farm Service Agency

Abbreviated 156 Farm Record

FARM: 1784

Prepared: 3/7/17 7:19 AM

Crop Year: 2017

Page: 2 of 2

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: 2707 Description: G6R/ SW 5-98-58

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
157.37	157.37	157.37	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	157.37	0.0	0.0	0.0	

Crop	Base Acreage	CTAP Tran Yield	PLC Yield	CCC-505 CRP Reduction
CORN	134.3		104	0.0
SOYBEANS	4.5		30	0.0
Total Base Acres:	138.8			

Owners: ESTATE OF FRANCES F WIETERS

Other Producers: None

**COMMITMENT FOR TITLE INSURANCE
SCHEDULE A**

Oplinger Abstract & Title, Inc.
PO Box 133
Olivet, SD 57052-0133
Telephone: (605) 387-2335
Fax: (605) 387-2337

Office File No.: TI-4175

1. Effective Date: February 27, 2017, 8 AM

2. Policy or Policies to be issued:

A. Owner's Policy(6/17/06) Standard Coverage Extended Coverage

Amount: To Be Determined.

Proposed Insured: To Be Determined.

B. ALTA Loan Policy(6/17/06) Standard Coverage Extended Coverage

Amount:

Proposed Insured:

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

FEE SIMPLE

4. Title to the FEE SIMPLE estate or interest in said land is at the effective date hereof vested in:

Frances Wieters.

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

The SW $\frac{1}{4}$ of Section 5;

AND

The S $\frac{1}{2}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16;

ALL BEING IN Township 98 North, Range 58 West 5th P.M.,
Hutchinson County, South Dakota.

Parcel Identification Numbers: 098.58.05.3000 SW $\frac{1}{4}$ -5-98-58
098.58.16.2030 S $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ -16-98-58

SCHEDULE A

Commitment – Stewart Title Guaranty Company

0042 ALTA Commitment (6/17/06)

SCHEDULE B-SECTION 1

Office File No.: TI-4175

Page 1

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.

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 of record for value the estate or interest or mortgage thereon covered by this Commitment.

GENERAL EXCEPTIONS:

1. Rights or claims 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 and not shown by the Public Records 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.

C. SPECIAL EXCEPTIONS:

(See Schedule B-Section 2 beginning on next page)

SCHEDULE B-SECTION 1

Commitment – Stewart Title Guaranty Company

SCHEDULE B-SECTION 2

Office File No.: TI-4175

Page 1

SPECIAL EXCEPTIONS:

1. Real Estate Taxes for year 2016, due and payable in year 2017, in the following amounts:
 - \$3,044.52 upon the SW $\frac{1}{4}$ -5-98-58.
 - \$2,051.54 upon the S $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ -16-98-58.
2. Rights of the public in and to the following described parcels of land used for road purposes:
 - The statutory easement for section line road right-of-way.
 - Lot H-1 in the W $\frac{1}{2}$ NW $\frac{1}{4}$ -16-98-58, as recorded in PC 1-#17(98-58) on August 30, 1955.
3. Mineral Reservations and rights incidental thereto as reserved by the State of South Dakota in its State Patent and as recited in SDCL 5-2-12, recorded in the following documents:
 - Book X page 271 on February 7, 1907, affecting the SW $\frac{1}{4}$ NW $\frac{1}{4}$ -16-98-58.
 - Book X page 415 on March 14, 1910, affecting the NW $\frac{1}{4}$ NW $\frac{1}{4}$ -16-98-58.
 - Book X page 433 on July 5, 1911, affecting the SE $\frac{1}{4}$ NW $\frac{1}{4}$ -16-98-58.
4. Easements for the construction, operation, and maintenance of telecommunications facilities and rights incidental thereto as set forth in documents granted to GOLDEN WEST TELECOMMUNICATIONS COOPERATIVE, INC. (no representation is made as to the present ownership of said easements) affecting a strip of land 16.5 feet in width lying parallel with and adjacent to the East right-of-way line of 424th Avenue across the NW $\frac{1}{4}$ NW $\frac{1}{4}$ -16-98-58, as recorded in Book E8 page 172 on November 18, 2008, **and** as recorded in Book E8 page 173 on November 13, 2008.
5. Easement whereby the owner of the S $\frac{1}{2}$ NW $\frac{1}{4}$ -16-98-58 grant the owner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ -16-98-58 an ingress and egress over a 20 foot strip of land across the South boundary line of said S $\frac{1}{2}$ NW $\frac{1}{4}$ -16-98-58 to properly cultivate and farm the SW $\frac{1}{4}$ NE $\frac{1}{4}$ -16-98-58, as recorded in Book M14 page 86 on May 22, 1967. **Upon the sale of any or both parcels, it is agreed that this Easement shall immediately terminate.**

----- End of Schedule B -----

This Commitment is not valid without Schedule B-Section 1

SCHEDULE B-SECTION 2

Commitment - Stewart Title Guaranty Company

AUCTION

FRIDAY APRIL 7TH AT 10:30 A.M.



Terms and Conditions: Cash sale with 15% (non-refundable) down payment auction day with the balance on or before May 10th 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 not tied together. Sold subject to owners approval and all reservations of record if any. New buyer to receive full possession on auction day. Come prepared to buy!!

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