

Turner County

# FARMLAND AUCTION

**183.08  
Acres**

Thursday  
**November 2nd**  
at 10:30 AM

OWNER:

**ROBERT MISNER SR.  
SMITH LIVING TRUST  
SAM & JUDITH A. RUNDELL LIVING**

**WIEMAN**  
LAND & AUCTION

44628 SD HWY, Marion SD

phone: 800-251-3111

web: [wiemanauction.com](http://wiemanauction.com)

fax: 605-648-3102

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

**183.08 ACRES HURLEY TOWNSHIP – TURNER COUNTY LAND**

**OFFERED IN TWO TRACTS AT AUCTION**

We have decided to sell the following land at Public Auction located at the Wieman Auction Facility located from Marion, SD 1-mile south and ½ mile west on:

**THURSDAY NOVEMBER 2<sup>ND</sup>**

**10:30 A.M.**

It is our privilege to offer this well balanced Turner County Land that offers some of the best soils in Turner County along with a great new home/acreage site or add on tracts for the farmer/investor with great hunting potential. Come take a look!

**TRACT ONE: 63.33 ACRES**

**LEGAL:** The W ½ of the S ½ of the NE ¼ and the W ½ of the E ½ of the S ½ of the NE ¼ and Tract 4 of Rundell's Add all in Section 4, 98-53 Turner County, SD.

**LOCATION:** From Hurley, SD go 3-miles north on Hwy. 19 then 1-mile west on 280<sup>th</sup> St. then ½ mile north on 455<sup>th</sup> St. west side of the road or near the junction of 279<sup>th</sup> St. and 455<sup>th</sup> Ave.

- 59.44 acres tillable with 2.49 acres in trees and the balance found in RROW.
- Soil Production Rating of 88 with only one soil type Clarno-Bonilla loam which provides predictable yield potential and ease of management.
- Planted to soybeans in 2017. If trees were removed this tract would be 100% tillable.
- Good potential for new home/acreage site located ½ mile from oil road.
- New Buyer able to farm/operate or lease out for the 2018 crop year. Soil, Aerial and Wetland Maps found in the buyers packet along with all pertinent information.
- Annual Real Estate Taxes are estimated at \$1,465.46.

**TRACT TWO: 119.75 ACRES**

**LEGAL:** Tract 2 & 3 of Rundell's Add. In Section 3 & 4 98-53 Turner County, SD.

**LOCATION:** Located directly east of Tract One.

- 117 acres of tillable land, 2.75 acres in trees and the balance in RROW
- Soil Production Rating of 74.4 with the predominant soils of Clarno-Crossplain-Davison Complex (82), Dimo loam (72), Blendon Fine sandy loam (68)
- Access to the property is only found on the west side or 455<sup>th</sup> Ave north of the improved acreage. Property also has a 30' access easement along the south side of the acreage.
- New buyer able to farm/operate or lease out for the 2018 crop year.
- Aerial, Soil, & Wetland maps along with all pertinent information is found in the buyers packet.
- Annual Real Estate taxes are estimated at \$2,589.00. Property recently surveyed and surveyor pins establish east boundary line.

**TO INSPECT THE PROPERTY:**

We invite you to inspect the property at your convenience, Buyers packets can be mailed out by calling the auctioneers at 800-251-3111. Video of the property can be reviewed on our web site [www.wiemanauktion.com](http://www.wiemanauktion.com).

**TERMS:** Cash sale with 15% (non-refundable) down payment on auction day with the balance on or before December 5, 2017. Trustees Deed to be granted and the cost of title insurance will be split 50-50 between buyer and seller. Sellers to pay all of the 2017 taxes. Buyer will be responsible for all 2018 taxes due in 2019. Sold subject to owners approval and all restrictions and reservations of record if any. Remember auction to be held indoors at the Wieman Auction Facility.

**ROBERT MISNER SR. – OWNER**

**SMITH LIVING TRUST – OWNER**

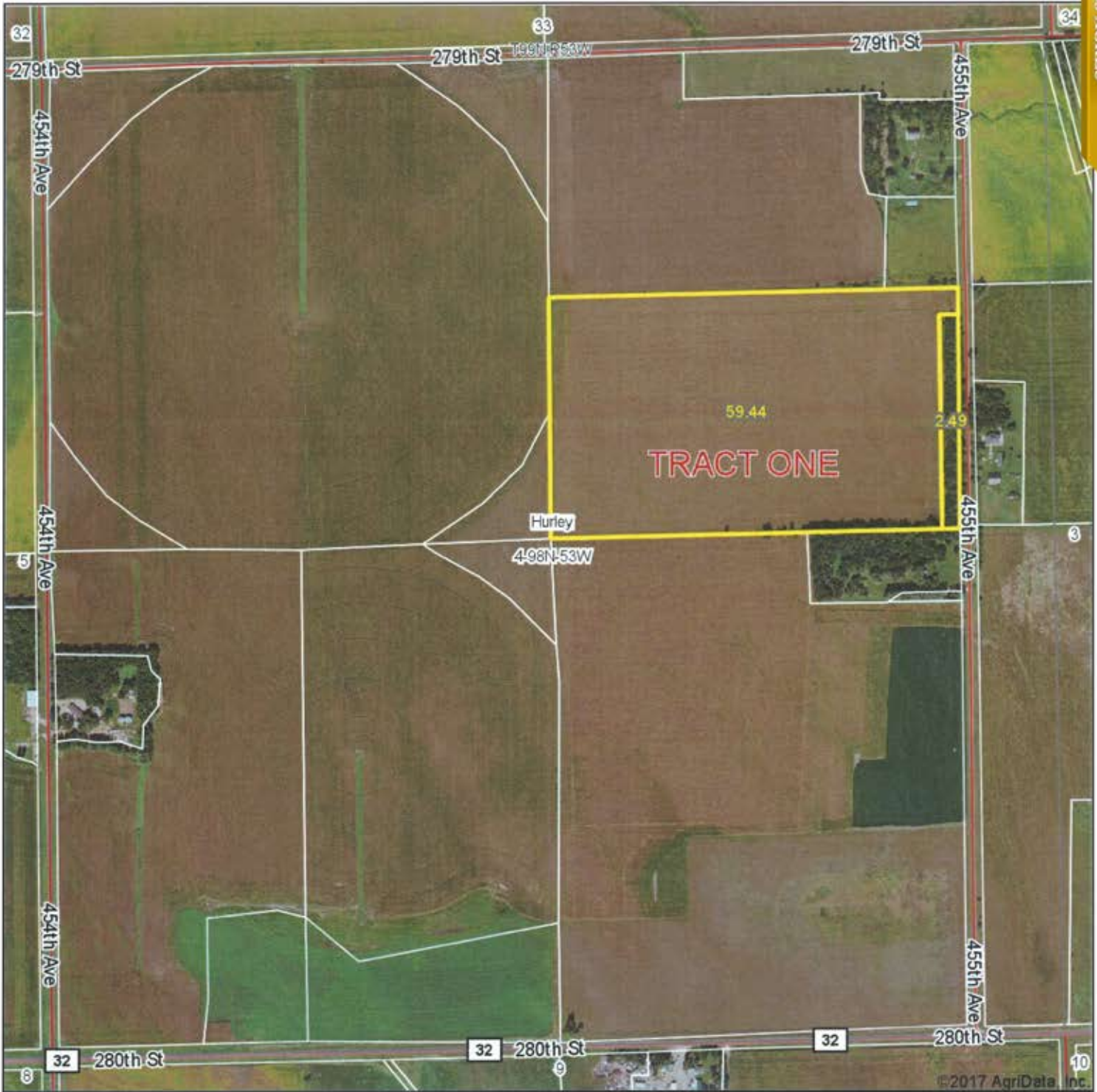
**SAM & JUDITH A. RUNDELL LIVING TRUST – OWNER**

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

Gary Ward  
Closing Attorney  
605-326-5282

# Aerial Map

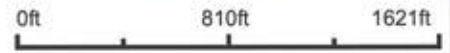
TRACT ONE  
63.33 ACRES



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map center: 43° 20' 12.22, -97° 6' 43.78



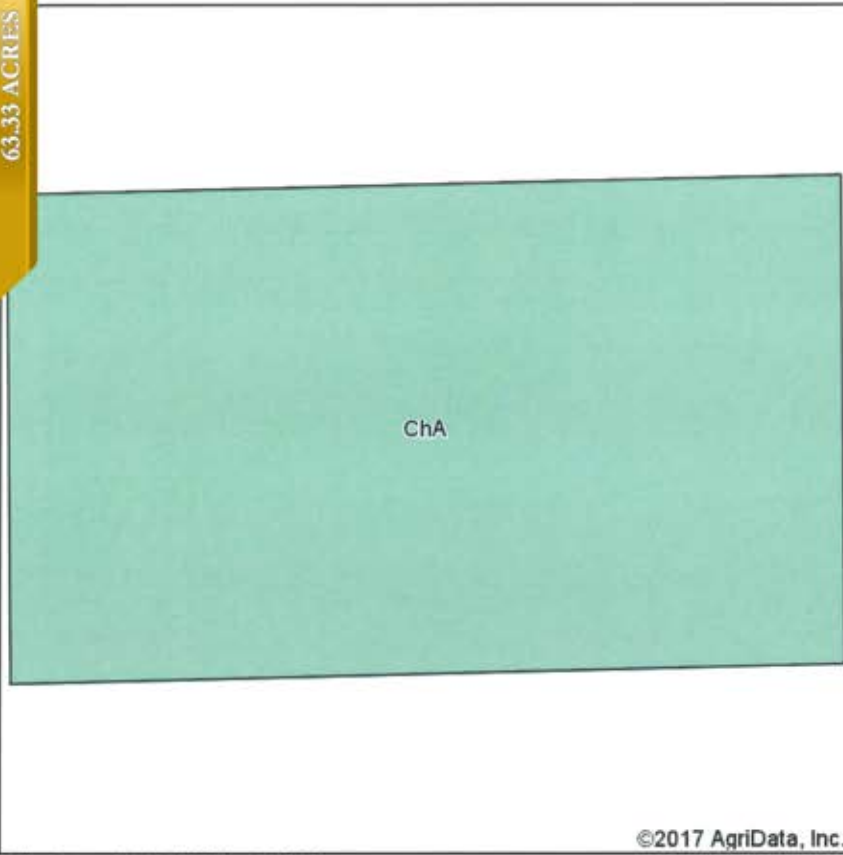
4-98N-53W  
Turner County  
South Dakota



8/17/2017

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: **Turner**  
 Location: **4-98N-53W**  
 Township: **Hurley**  
 Acres: **61.93**  
 Date: **8/17/2017**



Area Symbol: SD125, Soil Area Version: 18

Code	Soil Description	Acres	Percent of field	Non-Irr Class *c	Productivity Index
ChA	Clarno-Bonilla loams, 0 to 2 percent slopes	61.93	100.0%	IIc	88
<b>Weighted Average</b>					<b>88</b>

\*c: Using Capabilities Class Dominant Condition Aggregation Method

Soils data provided by USDA and NRCS.



United States  
Department of  
Agriculture

# Turner County, South Dakota

TRACT ONE  
63.33 ACRES



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

**Wetland Determination Identifiers**

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

2017 Program Year

Map Created January 20, 2017

Farm 739

4 -98N -53W

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).

SOUTH DAKOTA  
OWNER  
Farm: FSA-156EZ  
Page 2 for non-discriminatory Statements.



FARM : 739  
Prepared : Aug 3, 2017  
Crop Year : 2017

**Abbreviated 156 Farm Record**

Operator Name : JEFFREY RICHARD HORTON  
 Farms Associated with Operator :  
 ERP Contract Number(s) : None

**Farm Land Data**

Farmland	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane	Farm Status	Number Of Tracts
61.93	59.44	59.44	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. Related Activity	
0.00	0.00	59.44	0.00		0.00	No	0.00	0.00	

**Crop Election Choice**

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

**DCP Crop Data**

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	CTAP Yield	PLC Yield	HIP
Corn	29.80	0.00	0	91	
Soybeans	26.40	0.00	0	27	
<b>TOTAL</b>	<b>56.20</b>	<b>0.00</b>			

**NOTES**

Tract Number : 1121  
 Description : SNE 4 98 53  
 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 : DEBORAH SMITH, ROBERT MISNER  
 Other Producers : None

**Tract Land Data**

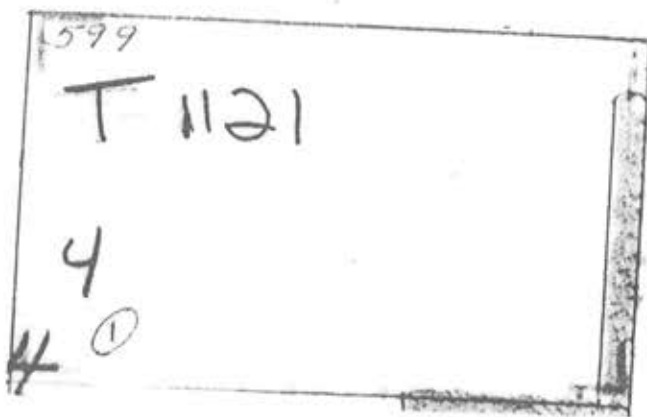
Farm Land	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane
61.93	59.44	59.44	0.00	0.00	0.00	0.00	0.00
State Conservation	Other Conservation	Effective DCP Cropland	Double Cropped	MPL	EWP	DCP Ag. Related Activity	
0.00	0.00	59.44	0.00	0.00	0.00	0.00	

**DCP Crop Data**

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	CTAP Yield	PLC Yield
Corn	29.80	0.00	0	91
Soybeans	26.40	0.00	0	27
<b>TOTAL</b>	<b>56.20</b>	<b>0.00</b>		

**NOTES**

# WETLANDS MAP



**Dakota Homestead Title Insurance Company**

315 S. Phillips Avenue, Sioux Falls, SD 57104-6318  
(605)336-0388 FAX (605)336-5649

**"UPDATED"  
SCHEDULE A**

Issued by: Turner County Title Company  
255 North Main, P.O. Box 489  
Parker, SD 57053

File No.: 17-TI-11335  
Applicant Order No.:

Loan No.:

1. Effective date: September 15, 2017 at 07:30 AM
2. Policy or Policies to be issued: Policy Amount
  - (a) Owner's Policy ( ALTA Own. Policy (06/17/06) ) \$ 1,000.00  
Proposed Insured: ( X ) Standard Coverage ( ) Extended Coverage  
TO BE DETERMINED
  - (b) Loan Policy ( ALTA Loan Policy (06/17/06) ) \$ 0.00  
Proposed Insured: ( ) Standard Coverage ( ) Extended Coverage
3. The estate or interest in the land described or referred to in this Commitment is:  
Fee Simple
4. Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:  
Parcel 1: Robert Misner, Sr. and Deborah and Wayne Smith as Trustees of the Smith Living Trust  
Parcel 2: Robert Misner, Sr. and Deborah and Wayne Smith as Trustees of the Smith Living Trust
5. The land referred to in this Commitment is described as follows:  
Parcel 1: The West Half of the South Half of the Northeast Quarter (W 1/2 S 1/2 NE 1/4) and the West Half of the East Half of the South Half of the Northeast Quarter (W 1/2 E 1/2 S1/2 NE 1/4) of Section Four (4), Township Ninety-Eight (98) North, Range Fifty-Three (53) West of the 5th P.M., Turner County, South Dakota.  
Parcel 2: Tract 4 of Rundell's Addition in Section Three (3) and Section Four (4), Township Ninety-Eight (98) North, Range Fifty-Three (53) West of the 5th P.M., Turner County, South Dakota, according to the recorded plat thereof.



**SCHEDULE B - SECTION I  
REQUIREMENTS**

1. Parcels 1 and 2:
2. THE COMPANY requires that a Warranty Deed be executed and recorded conveying title from Robert Misner, Sr. to the purchaser of the property. The spouse of Robert Misner, Sr. is not disclosed by public records, however, his/her homestead interest must be extinguished at time of conveyance by joining vestee in the conveyance or by reciting in deed of conveyance a separate disclaimer of homestead rights.
3. THE COMPANY requires a Trustee's Deed must be executed and recorded conveying title from Deborah Smith, aka Deborah R. Smith and Wayne Smith as Trustees of the Smith Living Trust to the purchasers of the property.
4. The enclosed Certificate of Trust must be executed and attached to the Trustees Deed and recorded with the Register of Deeds Office.
5. THE COMPANY requires that an Affidavit be filed of record identifying Deborah R. Smith, a grantee in a Warranty Deed, dated October 16, 1991, filed October 21, 1991 @ 8:30 A.M. and recorded in Book 101 of Deeds, page 329, Turner County Records as one and the same as Deborah Smith, a grantor in a Warranty Deed, dated March 8, 2007, filed October 1, 2007 @ 8:30 A.M. and recorded in Book 111 of Deeds, page 761, Turner County Records. This identification may be made within the Trustee's Deed.
6. NOTE: Please contact the Turner County Assessor's Office in order to obtain the property tax break-out information.
7. ANY CLAIMS or liabilities arising from purported Easements as stated and shown in the recorded plat of Tracts 1, 2, 3 and 4 of Rundell's Addition, an Addition in Section 3 and in Section 4, Township 98 North, Range 53 West of the 5th P.M.; filed May 2, 2017 @ 11:10 A.M. and recorded in Book 8 of Plats, Page 213, Turner County Records (see copy enclosed). While the Company expresses no opinion as the validity of said easement, it is nonetheless advisable to actually create such easement via separate recorded easement if it is the intention of the parties to allow the adjacent land owner to access his land via this purported easement.
8. 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.
9. Documents in insurable form and satisfactory to us must be signed, delivered and duly filed of record.
10. Payment to Turner County Title for the Policy premiums, fees and/or charges.

**END OF SCHEDULE B - SECTION I**

**SCHEDULE B - SECTION II  
EXCEPTIONS**

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

1. 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 lien 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, minerals rights or related matters, including but not limited to oil, gas, coal and other hydrocarbons.
9. 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.
10. Parcel 1:
11. THE COMPANY requires that an Affidavit be filed of record identifying Deborah R. Smith, a grantee in a Warranty Deed, dated October 16, 1991, filed October 21, 1991 @ 8:30 A.M. and recorded in Book 101 of Deeds, page 329, Turner County Records as one and the same as Deborah Smith, a grantor in a Warranty Deed, dated March 8, 2007, filed October 1, 2007 @ 8:30 A.M. and recorded in Book 111 of Deeds, page 761, Turner County Records.
12. REAL ESTATE TAXES for the year 2017 and subsequent years which constitute a lien but are not due and payable. Real Estate Taxes for the first half of 2016 payable by April 30, 2017 in the amount of \$694.29 have been paid; the last half of the 2016 Real Estate Taxes payable by October 31, 2017 in the amount of \$694.29 are unpaid on the property described as the W 1/2 S 1/2 NE 1/4 and W 1/2 E 1/2 S 1/2 NE 1/4 Sec 4-98-53. Parcel ID#: 08000-09853-041-20
13. Parcel 2:

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

14. ANY CLAIMS or liabilities arising from purported Easements as stated and shown in the recorded plat of Tracts 1, 2, 3 and 4 of Rundell's Addition, an Addition in Section 3 and in Section 4, Township 98 North, Range 53 West of the 5th P.M.; filed May 2, 2017 @ 11:10 A.M. and recorded in Book 8 of Plats, Page 213, Turner County Records (see copy enclosed). While the Company expresses no opinion as the validity of said easement, it is nonetheless advisable to actually create such easement via separate recorded easement if it is the intention of the parties to allow the adjacent land owner to access his land via this purported easement.
15. REAL ESTATE TAXES for the year 2017 and subsequent years which constitute a lien but are not due and payable. Real Estate Taxes for the year 2016 payable in 2017 in the total amount of \$357.32 are paid in full on the property described as the E 1/2 E 1/2 S 1/2 NE 1/4 except Olesen Tract 1, Sec 4-98-53. Parcel ID# 08000-09853-041-10
16. Note: Coverage of this Commitment extends only to filings in the records of the Register of Deeds, Treasurer and Clerk of Courts of Turner County. Search was not made of filings in the Central Filing Office of the Secretary of State of South Dakota, and any filings in that office are not covered by this Commitment.

**END OF SCHEDULE B - SECTION II**

TRACT TWO  
119.75 ACRES

# Aerial Map



©2017 AgriData, Inc.



map center: 43° 20' 10.7, -97° 5' 45.51



**3-98N-53W**  
**Turner County**  
**South Dakota**

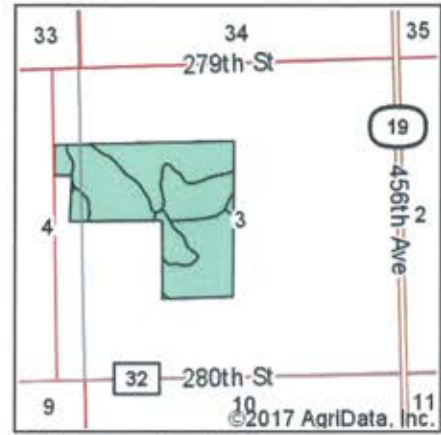
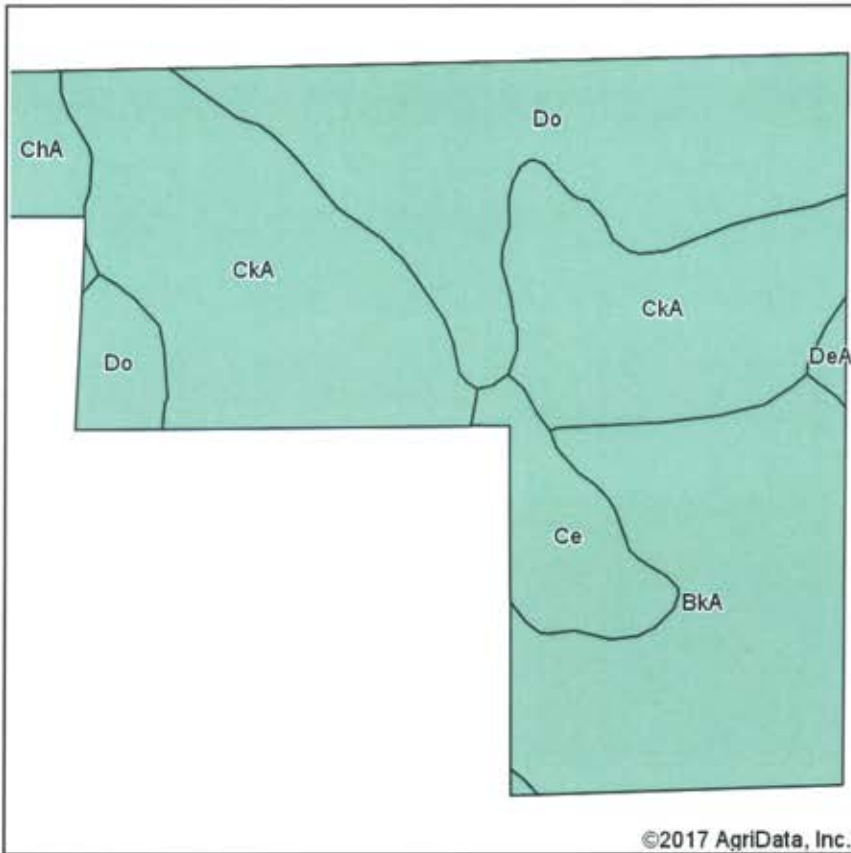


8/17/2017

Maps Provided By:  
 **surety**  
CUSTOMIZED ONLINE MAPPING  
© AgriData, Inc. 2017 www.AgrIDataInc.com

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

# Soils Map



State: **South Dakota**  
 County: **Turner**  
 Location: **3-98N-53W**  
 Township: **Hurley**  
 Acres: **119.75**  
 Date: **8/17/2017**



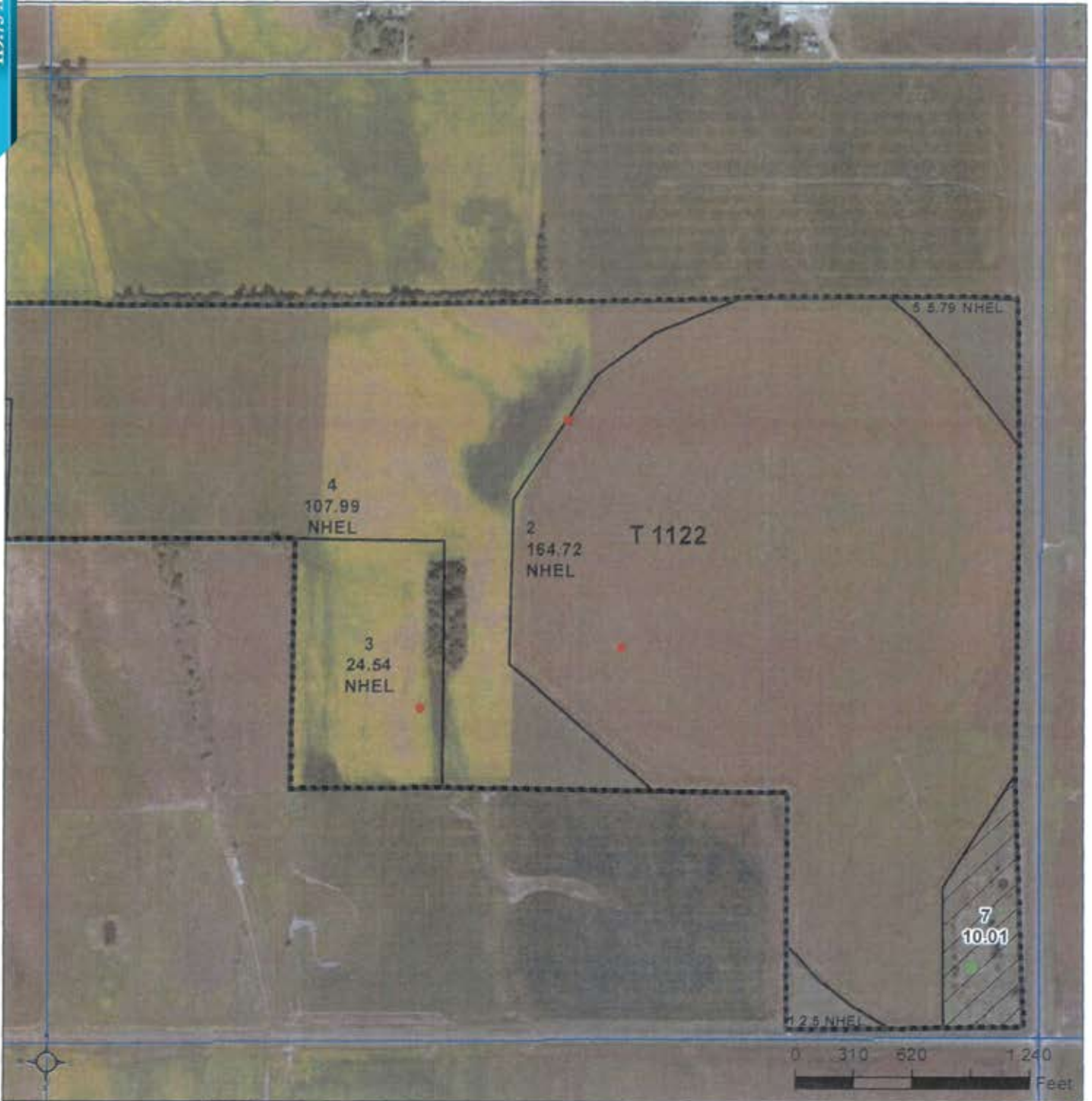
Soils data provided by USDA and NRCS.

Area Symbol: SD125. Soil Area Version: 18

Code	Soil Description	Acres	Percent of field	Non-Irr Class *c	Irr Class *c	Productivity Index	Alfalfa hay	Barley	Corn	Corn silage	Grain sorghum	Oats	Soybeans	Winter wheat
CkA	Clarno-Crossplain-Davison complex, 0 to 3 percent slopes	45.14	37.7%	IIC		82	3.2	42	78	9.1	46	53	30	33
Do	Dimo clay loam	33.55	28.0%	IIS		72	3.8	42	75	8.7	44	50	30	30
BkA	Blendon fine sandy loam, 0 to 2 percent slopes	29.76	24.9%	IIS	IIS	68	3.7	44	66	7.7	40	52	26	33
Ce	Clarno clay, gravelly substratum	7.33	6.1%	IVW		61	0.6	21	60	7	35	25	23	8
ChA	Clarno-Bonilla loams, 0 to 2 percent slopes	3.27	2.7%	IIC		88								
DeA	Delmont-Enet loams, 0 to 2 percent slopes	0.70	0.6%	IIIS		49	2.7	30	36	4.2	22	35	14	23
<b>Weighted Average</b>						<b>74.4</b>	<b>3.2</b>	<b>40</b>	<b>70.7</b>	<b>8.2</b>	<b>41.9</b>	<b>48.6</b>	<b>27.7</b>	<b>29.7</b>

\*c: Using Capabilities Class Dominant Condition Aggregation Method

Soils data provided by USDA and NRCS.



**Common Land Unit** Tract Boundary  
 PLSS

Non-Cropland  
 Cropland

**Wetland Determination Identifiers**

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

2017 Program Year

Map Created January 20, 2017

Farm 8300

3 -98N -53W

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United States  
Department of  
Agriculture

# Turner County, South Dakota

TRACT TWO  
119.75 ACRES



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

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

2017 Program Year

Map Created January 20, 2017

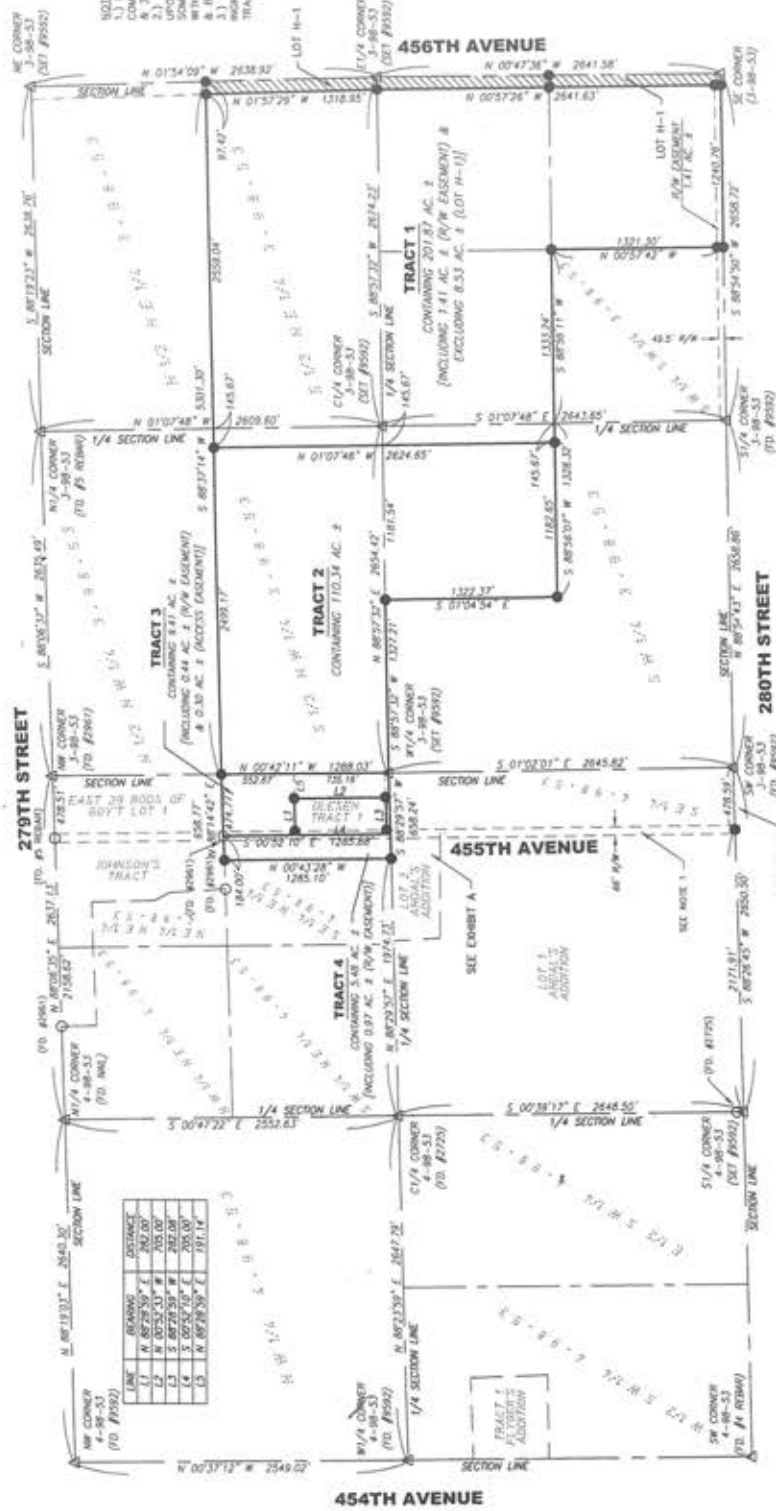
**Farm 8300**

**4 -98N -53W**

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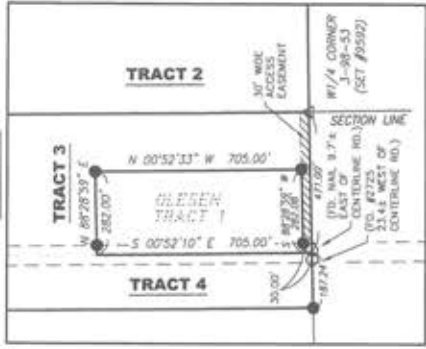
# PLAT OF TRACTS 1, 2, 3 AND 4 OF RUNDELL'S ADDITION

AN ADDITION IN SECTION 3 AND IN SECTION 4, TOWNSHIP 98 NORTH, RANGE 53 WEST OF THE 5TH PRINCIPAL MERIDIAN, TURNER COUNTY, SOUTH DAKOTA



**NOTES:**  
1.) ROAD WAS DEDICATED BY K. J. JOHNSON'S RECORD A, PAGE 289  
2.) ROAD WAS RE-ESTABLISHED BASED UPON COMMISSIONER'S RECORD AND SOME DIMENSIONS ARE IN CONFLICT WITH RECORD A.  
3.) THERE IS A 30' WIDE WREGGESS/FORESS EASEMENT FOR TRACT 2 (SEE EXHIBIT A)

**EXHIBIT A**



**AREA MAP**  
U.S.S.  
SECTION 3 & 4, T98N, R53W  
TURNER COUNTY, SD

**PREPARED BY:**  
**Midwest Land Surveying, Inc.**  
Land Surveying and GPS Consulting  
211 E. 14th Street, Suite 100  
Sioux Falls, South Dakota 57104  
Phone: (605) 339-9901 FAX: (605) 274-8951

- LEGEND:**
- △ SECTION CORNER
  - SET 5/8" REBAR W/CAP #592
  - FD. MONUMENT (AS NOTED)
  - (N) RECORD INFORMATION
  - AC. ACRES
  - S.F. SQUARE FEET
  - U.E. UTILITY EASEMENT
  - D.E. DRAINAGE EASEMENT
  - M.A.E. MUTUAL ACCESS EASEMENT
  - N/W RIGHT-OF-WAY
  - A.T.C. RECORDS OF TURNER COUNTY
  - N.T.S. NOT TO SCALE
  - PREVIOUSLY PLATTED LINE
  - - - EASEMENT LINE

**NOTES:**  
BASIS OF BEARINGS IS UTM-ZONE 14  
THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.  
EASEMENTS OF RECORD WERE NOT RESEARCHED AND ARE NOT SHOWN ON THE PLAN.



SOUTH DAKOTA  
TURNER

Form: FSA-156EZ

See Page 2 for non-discriminatory Statements.



United States Department of Agriculture  
Farm Service Agency

Abbreviated 156 Farm Record

FARM : 8300

Prepared : Aug 3, 2017

Crop Year : 2017

TRACT TWO  
119.75 ACRES

Operator Name : RICHARD LEE HORTON  
Farms Associated with Operator :  
CRP Contract Number(s) : None

Farm Land Data

Farmland	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane	Farm Status	Number Of Tracts
319.89	305.54	305.54	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. Related Activity	
0.00	0.00	305.54	0.00		0.00	No	0.00	0.00	

Crop Election Choice

ARC Individual	ARC County	Price Loss Coverage
None	CORN	None

DCP Crop Data

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	CTAP Yield	PLC Yield	HIP
Corn	263.30	0.00	0	147	
<b>TOTAL</b>	<b>263.30</b>	<b>0.00</b>			

NOTES

Tract Number : 1122  
Description : SNW;SNE;ESE;ENESW;NWSE 3 98 53  
BIA Unit Range Number :  
HEL Status : NHEL: No agricultural commodity planted on undetermined fields  
Wetland Status : Wetland determinations not complete  
WL Violations : None  
Owners : MARY DEMOREST, SAM CLARK RUNDELL  
Other Producers : None

Tract Land Data

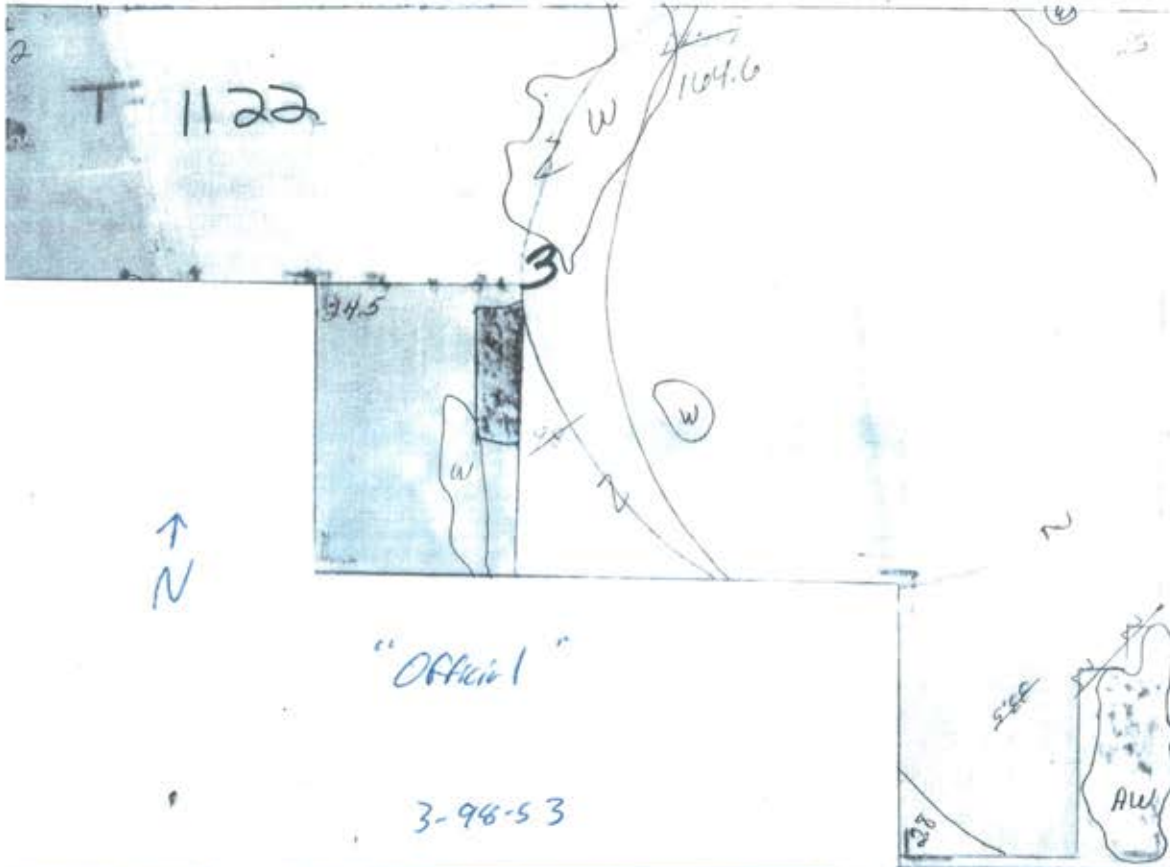
Farm Land	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane
319.89	305.54	305.54	0.00	0.00	0.00	0.00	0.00
State Conservation	Other Conservation	Effective DCP Cropland	Double Cropped	MPL	EWP	DCP Ag. Related Activity	
0.00	0.00	305.54	0.00	0.00	0.00	0.00	

DCP Crop Data

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	CTAP Yield	PLC Yield
Corn	263.30	0.00	0	147
<b>TOTAL</b>	<b>263.30</b>	<b>0.00</b>		

NOTES

# WETLANDS MAP



**Dakota Homestead Title Insurance Company**

315 S. Phillips Avenue, Sioux Falls, SD 57104-6318  
(605)336-0388 FAX (605)336-5649

**"UPDATED"  
SCHEDULE A**

Issued by: Turner County Title Company  
255 North Main, P.O. Box 489  
Parker, SD 57053

File No.: 17-TI-11204  
Applicant Order No.:

Loan No.:

1. Effective date: September 15, 2017 at 07:30 AM
2. Policy or Policies to be issued: Policy Amount

(a) Owner's Policy	( ALTA Own. Policy (06/17/06) )	\$ 1,000.00
Proposed Insured:	( X ) Standard Coverage ( ) Extended Coverage	
TO BE DETERMINED		
(b) Loan Policy	( ALTA Loan Policy (06/17/06) )	\$ 0.00
Proposed Insured:	( ) Standard Coverage ( ) Extended Coverage	
3. The estate or interest in the land described or referred to in this Commitment is:  
Fee Simple
4. Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:  
Sam C. Rundell and Judith A. Rundell, as Trustees of the Sam and Judith A. Rundell Living Trust, dated August 10, 1992
5. The land referred to in this Commitment is described as follows:  
  
Parcel 1: Tract 2 of Rundell's Addition, an Addition in Section Three (3) and Section Four (4), Township Ninety-Eight (98) North, Range Fifty-Three (53) West of the 5th P.M., Turner County, South Dakota, according to the recorded plat thereof.  
  
Parcel 2: Tract 3 of Rundell's Addition, an Addition in Section Three (3) and Section Four (4), Township Ninety-Eight (98) North, Range Fifty-Three (53) West of the 5th P.M., Turner County, South Dakota, according to the recorded plat thereof.

**SCHEDULE B - SECTION I  
REQUIREMENTS**

1. Parcels 1 and 2:
2. THE COMPANY requires a Trustee's Deed must be executed and recorded conveying title from Sam C. Rundell and Judith A. Rundell, as Trustees of the Sam and Judith Rundell Living Trust, dated August 10, 1992 to the purchaser of the property.
3. The enclosed Certificate of Trusts must be executed and attached to the Trustees Deed and recorded with the Register of Deeds Office.
4. NOTE: Please contact the Turner County Assessor's Office in order to obtain the property tax break-out information.
5. ANY CLAIMS or liabilities arising from purported Easements as stated and shown in the recorded plat of Tracts 1, 2, 3 and 4 of Rundell's Addition, an Addition in Section 3 and in Section 4, Township 98 North, Range 53 West of the 5th P.M.; filed May 2, 2017 @ 11:10 A.M. and recorded in Book 8 of Plats, Page 213, Turner County Records (see copy enclosed). While the Company expresses no opinion as the validity of said easement, it is nonetheless advisable to actually create such easement via separate recorded easement if it is the intention of the parties to allow the adjacent land owner to access his land via this purported easement.
6. THE COMPANY requires the complete "MAILING" address of the Buyers so that we may issue their final policy to them.
7. 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.
8. Documents in insurable form and satisfactory to us must be signed, delivered and duly filed of record.
9. Payment to Turner County Title for the Policy premiums, fees and/or charges.

**END OF SCHEDULE B - SECTION I**

**SCHEDULE B - SECTION II  
EXCEPTIONS**

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

1. 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 lien 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, minerals rights or related matters, including but not limited to oil, gas, coal and other hydrocarbons.
9. 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.
10. Parcel 1
11. RIGHT-OF-WAY EASEMENT, dated October 25, 1983, filed May 1, 1984 @ 2:00 P.M. and recorded in Book 36 of Misc., page 450, Turner County Records, grants unto TM Rural Water District, it's successors and assigns, a perpetual easement in conjunction with the operation of a rural water system over, under, across and through the S 1/2 NW 1/4 Sec 3-98-53.
12. SUPPORTING INFORMATION FOR GROUND WATER APPROPRIATION, filed June 12, 1985 @ 8:30 A.M. and recorded in Book 37 of Misc., page 782, Turner County Records, which describes the property as the the SE 1/4 NW 1/4; SW 1/4 NW 1/4 lying East of the railroad tracks; S 1/2 NE 1/4; NE 1/4 SW 1/4; NE 1/4 SE 1/4 and SE 1/4 SE 1/4 less gravel pit all in Sec 3-98-53.
13. DEED, dated March 10, 1883, filed March 14, 1883 @ 11:00 A.M. and recorded in Book C of Deeds, page 475, Turner County Records, grants unto Dakota Central Railway Company, a Corporation, a strip for right-of-way 100 Feet wide; 50 Feet on each side of center line of said railway as now located over the SW 1/4 Sec 3-98-53 commencing on the south line of said land and running thence north.

SCHEDULE B - SECTION II  
EXCEPTIONS  
(Continued)

14. QUIT CLAIM DEED, dated January 30, 1980, filed March 10, 1980 @ 1:30 P.M. and recorded in Book 92 of Deeds, page 168, Turner County Records, grants unto North Western Leasing Company, a Delaware Corporation all of the right-of-way of the Chicago and Northwestern Transportation Company extending over and across Sec 3-98-53.
15. ANY CLAIMS or liabilities arising from any defects in or unmarketability of the title to any portion of the land described or formally occupied as a railroad right of way.
16. PLEASE be advised that no search of the records on file at the Office of the South Dakota Secretary of State has been or will be conducted in connection with any of the land described in this Commitment / Policy and any such records and/or their effect on title to said land are hereby excluded from coverage in this Commitment / Policy.
17. ANY CLAIMS or liabilities arising from purported Easements as stated and shown in the recorded plat of Tracts 1, 2, 3 and 4 of Rundell's Addition, an Addition in Section 3 and in Section 4, Township 98 North, Range 53 West of the 5th P.M.; filed May 2, 2017 @ 11:10 A.M. and recorded in Book 8 of Plats, Page 213, Turner County Records (see copy enclosed). While the Company expresses no opinion as the validity of said easement, it is nonetheless advisable to actually create such easement via separate recorded easement if it is the intention of the parties to allow the adjacent land owner to access his land via this purported easement.

NOTE: Currently, Tract 2 of Rundell's Addition enjoys legal access solely via common ownership with Tract 3 of Rundell's Addition, which is physically adjacent to 455th Avenue, a public right of way. In addition, the 30' wide access easement as located in the Plat of Tracts 1, 2, 3 and 4 of Rundell's Addition did not create legal access in favor of Tract 2 across Tract 3 due to common ownership of the relevant land at date of said Plat. Also, the Section Line adjacent to Tract 2 was vacated by the Township Supervisors in 1884. Thus, in the event uncommon ownership of Tract 2 and Tract 3 develops, Tract 2 will become landlocked and legal access in its favor will need to be obtained. In such an event, such legal access will be produced from a grant of an appurtenant access easement by the owner of Tract 3 across Tract 3 and for the benefit and use of Tract 2, as located in depicted in the Plat of Tracts 1, 2, 3 and 4 of Rundell's Addition.

18. EASEMENT, dated April 1, 1964, filed October 26, 1964 @ 10:00 A.M. and recorded in Book 1 of Easements, page 171, Turner County Records, conveys to Turner County, South Dakota, a strip of land parallel to and adjacent to the regular public road right-of-way along the south side of the SE 1/4 SE 1/4 Sec 3-98-53; said strip of land being 16 1/2 Feet wide and 80 rods more or less long.
19. WARRANTY DEED, dated April 26, 1965, filed June 2, 1965 @ 11:00 A.M. and recorded in Book 81 of Deeds, page 591, Turner County Records, conveys to the State of South Dakota, Lot H-1 in the N 1/2 SE 1/4 and SE 1/4 SE 1/4 Sec 3-98-53. This Deed is given for highway purposes only, will full reversionary rights.
20. RIGHT-OF-WAY EASEMENT, dated October 21, 1983, filed May 1, 1984 @ 2:00 P.M. and recorded in Book 36 of Misc., page 451, Turner County Records, grants unto TM Rural Water District, it's successors and assigns, a perpetual easement in conjunction with the operation of a rural water system over, under, across and through the SE 1/4 Sec 3-98-54.

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

21. SUPPORTING INFORMATION FOR GROUND WATER APPROPRIATION, filed June 12, 1985 @ 8:30 A.M. and recorded in Book 37 of Misc., page 782, Turner County Records, which describes the property as the the SE 1/4 NW 1/4; SW 1/4 NW 1/4 lying East of the railroad tracks; S 1/2 NE 1/4; NE 1/4 SW 1/4; NE 1/4 SE 1/4 and SE 1/4 SE 1/4 less gravel pit all in Sec 3-98-53.
22. SOIL/WATER COMPATIBILITY PERMIT, filed July 24, 1991 @ 8:30 A.M. and recorded in Book 40 of Misc., page 535, Turner County Records, which describes the property as the SE 1/4 SW 1/4 Sec 3-98-53 and the SW 1/4 SE 1/4 Sec 3-98-53.
23. APPLICATION AND AGREEMENT FOR THREE PHASE ELECTRIC SERVICE from Turner-Hutchinson Electric Cooperative, Inc. of Marion, SD for the SE 1/4 Sec 3-98-53, dated April 25, 1991, filed July 18, 1991 @ 8:30 A.M. and recorded in Book 153 of Mortgages, page 65, Tuner County Records.
24. REAL ESTATE TAXES for the year 2017 and subsequent years which constitute a lien but are not due and payable. Real Estate Taxes for the year 2016 payable in 2017 in the total amount of \$1,729.20 are paid in full on the property described as the S 1/2 NW 1/4 Sec 3-98-53. Parcel ID# 08000-09853-032-10
25. REAL ESTATE TAXES for the year 2017 and subsequent years which constitute a lien but are not due and payable. Real Estate Taxes for the year 2016 payable in 2017 in the total amount of \$1,125.50 are paid in full on the property described as the NE 1/4 SW 1/4 and SE 1/4 SE 1/4 Sec 3-98-53. Parcel ID#: 08000-09853-033-10
26. Parcel 2:
27. ANY CLAIMS or liabilities arising from purported Easements as stated and shown in the recorded plat of Tracts 1, 2, 3 and 4 of Rundell's Addition, an Addition in Section 3 and in Section 4, Township 98 North, Range 53 West of the 5th P.M.; filed May 2, 2017 @ 11:10 A.M. and recorded in Book 8 of Plats, Page 213, Turner County Records (see copy enclosed). While the Company expresses no opinion as the validity of said easement, it is nonetheless advisable to actually create such easement via separate recorded easement if it is the intention of the parties to allow the adjacent land owner to access his land via this purported easement.
28. REAL ESTATE TAXES for the year 2017 and subsequent years which constitute a lien but are not due and payable. Real Estate Taxes for the year 2016 payable in 2017 in the total amount of \$357.32 are paid in full on the property described as the E 1/2 E 1/2 S 1/2 NE 1/4 except Olesen Tract 1 of Sec 4-98-53. Parcel ID#: 08000-09853-041-10
29. Note: Coverage of this Commitment extends only to filings in the records of the Register of Deeds, Treasurer and Clerk of Courts of Turner County. Search was not made of filings in the Central Filing Office of the Secretary of State of South Dakota, and any filings in that office are not covered by this Commitment.

**END OF SCHEDULE B - SECTION II**

Turner County

# FARMLAND AUCTION

**183.08  
Acres**



**TERMS:** Cash sale with 15% (non-refundable) down payment on auction day with the balance on or before December 5, 2017. Trustees Deed to be granted and the cost of title insurance will be split 50-50 between buyer and seller. Sellers to pay all of the 2017 taxes. Buyer will be responsible for all 2018 taxes due in 2019. Sold subject to owners approval and all restrictions and reservations of record if any. Remember auction to be held indoors at the Wieman Auction Facility.

Thursday  
**November 2nd**  
at 10:30 AM



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fax: 605-648-3102

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