

*Turner County*

# LAND AUCTION

**78  
Acres**

*Wednesday*  
**October 30th**  
*at 10:30 AM*

OWNER:

**Jesse J & Vivian J Hofer  
Revocable Living Trust**



44628 SD HWY 44, Marion SD phone: 800-251-3111

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

fax: 605-648-3102

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

**78 ACRES + or - OF TILLABLE ROSEFIELD TOWNSHIP – TURNER COUNTY LAND  
AT AUCTION**

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

**WEDNESDAY OCTOBER 30<sup>TH</sup>  
10:30 A.M.**

It is our privilege to offer this mostly all tillable tract of land with powerful soils, located in the tightly held Rosefield Twp. Great location only ½ mile off an oil road and 6-miles from major grain markets. Come take a look at an excellent add-on tract for the farmer or investor.

**LEGAL:** The N ½ of the SW ¼ of Section 5, 99-55 Turner County, South Dakota.

**LOCATION:** From Hwy. 44 and 81 junction go 2-miles east 1 ¼ mile north east side of the road

- 78 acres more or less of unimproved farmland with 74.44 acres tillable balance in low spots and RROW.
- Soil Production rating of 79.4. Predominant Soils include Clarno Bonilla (88), Clarno Crossplain Davison (82) and others.
- Available to farm for the 2020 crop year. Annual Taxes \$1,046.90. Property to be surveyed to determine the exact acres.
- Soil & Aerial Maps, wetland maps, and title insurance can be found in the buyers packet or view drone video footage at [www.wiemanauktion.com](http://www.wiemanauktion.com)

**TO INSPECT THE PROPERTY:** We invite you to inspect the property at your convenience or view drone video footage. Buyers packet can be mailed by calling the auctioneers at 800-251-3111 or visit [www.wiemanauktion.com](http://www.wiemanauktion.com)

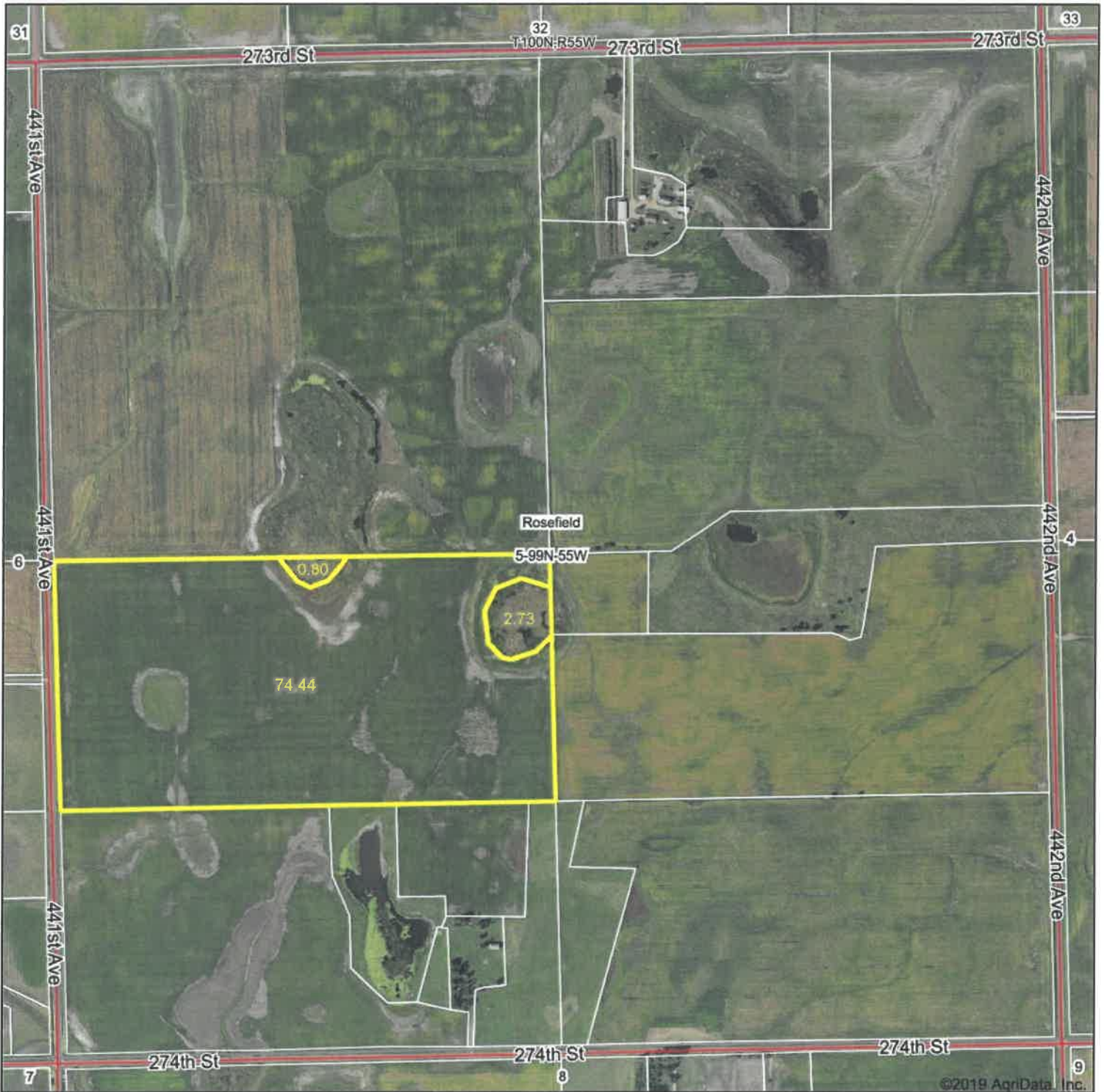
**TERMS:** Cash sale with 15% (non-refundable) auction day with the balance on or before December 5, 2019. Trustee's Deed to be granted with the cost of title insurance split 50-50. Seller to pay 2019 taxes in full. No buyer contingencies accepted. Come prepared to buy! Remember auction held indoors at Wieman Auction Facility.

**JESSE J. & VIVIAN J. HOFER REVOCABLE LIVING TRUST – OWNER  
LINDA HEIRIGS & DAVID HOFER CO-TRUSTEES**

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

Strasser Law Office  
605-925-7745  
Closing Attorney

# Aerial Map



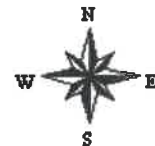
©2019 AgriData, Inc.

Map Center: 43° 25' 21.22, -97° 22' 10.83



Maps Provided By  
 **surety**  
CUSTOMIZED ONLINE MAPPING  
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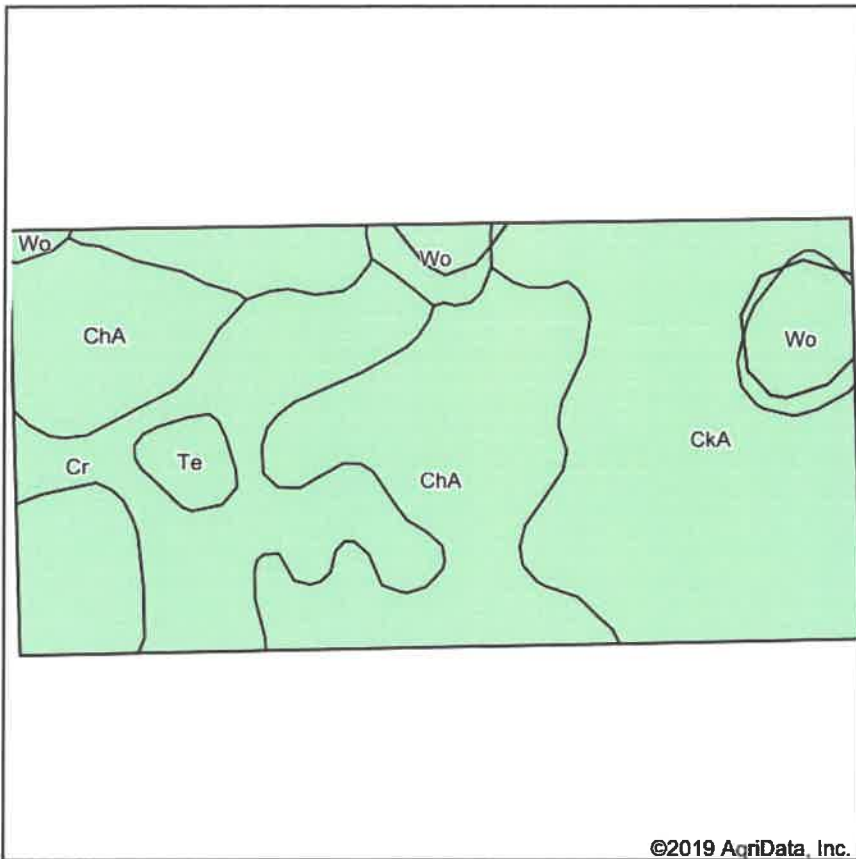
**5-99N-55W**  
**Turner County**  
**South Dakota**



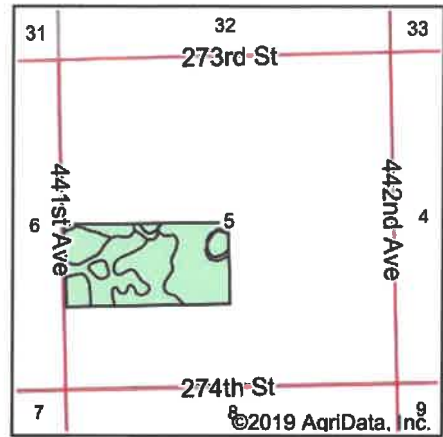
8/29/2019

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

# Soils Map



Soils data provided by USDA and NRCS.

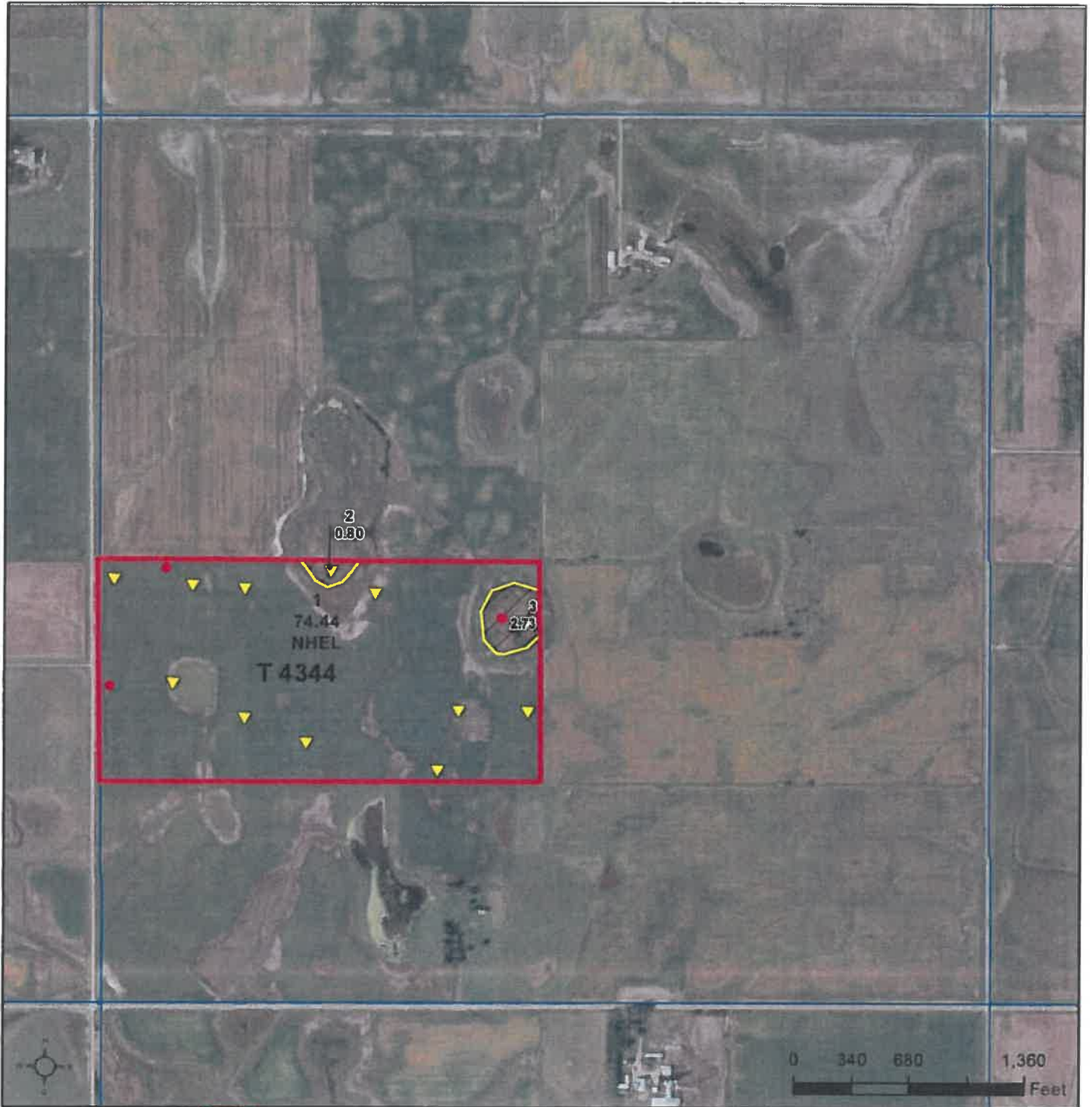


State: **South Dakota**  
 County: **Turner**  
 Location: **5-99N-55W**  
 Township: **Rosefield**  
 Acres: **77.97**  
 Date: **8/29/2019**



Area Symbol: SD125, Soil Area Version: 20					
Code	Soil Description	Acres	Percent of field	Non-Irr Class *c	Productivity Index
ChA	Clarno-Bonilla loams, 0 to 2 percent slopes	28.45	36.5%	IIc	88
CkA	Clarno-Crossplain-Davison complex, 0 to 2 percent slopes	27.91	35.8%	IIc	82
Cr	Crossplain clay loam	14.78	19.0%	IIw	78
Wo	Worthing silty clay loam, 0 to 1 percent slopes	5.31	6.8%	Vw	30
Te	Tetonka silt loam, 0 to 1 percent slopes	1.52	1.9%	IVw	56
<b>Weighted Average</b>					<b>79.4</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

**2019 Program Year**  
 Map Created May 22, 2019  
**Farm 7598**

**5 -99N -55W**

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

TURNER

Form: FSA-156EZ

See Page 2 for non-discriminatory Statements.


 United States Department of Agriculture  
 Farm Service Agency

FARM : 7598

Prepared : Sep 26, 2019

Crop Year : 2020

## Abbreviated 156 Farm Record

Operator Name : PATRICK EDWARD HEIRIGS  
 Farms Associated with Operator :  
 CRP Contract Number(s) : None  
 Recon ID : None  
 ARCPLC G/IF Eligibility : Eligible

## Farm Land Data

Farmland	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane	Farm Status	Number Of Tracts
77.97	74.44	74.44	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.Rel. Activity	Broken From Native Sod
0.00	0.00	74.44	0.00		0.00		0.00	0.00	0.00

## Crop Election Choice

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

## DCP Crop Data

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	PLC Yield	HIP
Corn	36.80	0.00	137	
Soybeans	36.80	0.00	34	
<b>TOTAL</b>	<b>73.60</b>	<b>0.00</b>		

## NOTES

Tract Number : 4344

Description : NSW 5 99 55

FSA Physical Location : SOUTH DAKOTA/TURNER

ANSI Physical Location : SOUTH DAKOTA/TURNER

BIA Unit Range Number :

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

Wetland Status : Wetland determinations not complete

WL Violations : None

Owners : DAVID J HOFER, ALLEN HOFER, LINDA KAY HEIRIGS, MELODY BUCHMANN, MICHAEL J HOFER, SANDRA MAE WOCKENFUSS, CHRISTINE ANN SAENZ

Other Producers : None

Recon ID : None

## Tract Land Data

Farm Land	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane
77.97	74.44	74.44	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	74.44	0.00	0.00	0.00	0.00	0.00

SOUTH DAKOTA  
TURNER  
Form: FSA-156EZ



FARM : 7598  
Prepared : Sep 26, 2019  
Crop Year : 2020

Abbreviated 156 Farm Record

DCP Crop Data

Tract 4344 Continued ...

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	PLC Yield
Corn	36.80	0.00	137
Soybeans	36.80	0.00	34
<b>TOTAL</b>	<b>73.60</b>	<b>0.00</b>	

NOTES

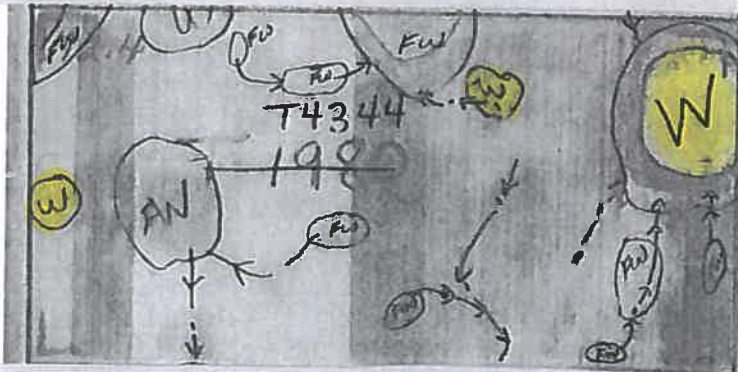
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Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

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.

WETLAND MAP FOR PROPERTY FOUND BELOW

N 1/2 SW 1/4 5-99-55

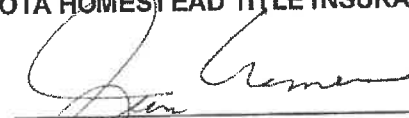


Issuing Agent: Turner County Title Company  
Issuing Office File Number: 19-TI-12234

**SCHEDULE A**

1. Commitment Date: September 23, 2019 at 07:30 AM
2. Policy or policies to be issued:
  - a. ALTA Own. Policy (08/01/16)  
 Standard Coverage     Extended Coverage  
 Proposed Insured: TO BE DETERMINED  
 Proposed Policy Amount: \$ 1,000.00
  - b. ALTA Loan Policy (08/01/16)  
 Standard Coverage     Extended Coverage  
 Proposed Insured:  
 Proposed Policy Amount: \$ 0.00
3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple.
4. Title to the estate or interest in the Land is at the Commitment Date vested in Jesse J. Hofer and Vivian J. Hofer as Trustees of the Jesse J. Hofer and Vivian J. Hofer Revocable Living Trust, dated August 18, 2011.
5. The Land is described as follows:  
 The North Half of the Southwest Quarter (N 1/2 SW 1/4) of Section Five (5), Township Ninety-Nine (99) North, Range Fifty-Five (55) West of the 5th P.M., Turner County, South Dakota.

**DAKOTA HOMESTEAD TITLE INSURANCE COMPANY**

By:   
 \_\_\_\_\_  
 Turner County Title Company

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



**SCHEDULE B, PART I**  
**Requirements**

File Number: 19-TI-12234

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. from Jesse J. Hofer and Vivian J. Hofer as Trustees of the Jesse J. Hofer and Vivian J. Hofer Revocable Living Trust, dated August 18, 2011 to TO BE DETERMINED
  - b. Mortgage from TO BE DETERMINED to TO BE DETERMINED, securing the principal amount of \$
5. THE COMPANY requires a Trustee's Deed must executed and recorded conveying title from Jesse J. Hofer and Vivian J. Hofer as Trustees of the Jesse J. Hofer and Vivian J. Hofer Revocable Living Trust, dated August 18, 2011 to the purchaser of the property.
6. The enclosed Certificate of Trust must be executed and attached to the Trustees Deed and recorded with the Register of Deeds Office. NOTE: This will be required at time of Closing.
7. The enclosed Affidavit of Entity as to Liens and Encumbrances must be completed, signed and returned to our office. NOTE: This will be required at time of Closing.
8. The enclosed Affidavit of Purchaser as to Liens and Encumbrances must be completed, signed and returned to our office. NOTE: This will be required at time of Closing.
9. The enclosed Residential Property Affidavit must be completed, signed and returned to our office. NOTE: This will be required at time of Closing.
10. 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.
11. THE COMPANY requires the complete "MAILING" address of the Buyers so that we may issue their final policy to them.

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**SCHEDULE BI & BII**  
(Continued)

File Number: 19-TI-12234

**SCHEDULE B, PART II**  
**Exceptions**

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

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

- A. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.
- B. General Exceptions:
1. Rights or claims of parties in possession not shown by the public records.\*
  2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.\*
  3. Easements, or claims of easements, not shown by the public records.\*
  4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.\*
  5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.\*
  6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.\*
  7. Any Service, installation or connection charge for sewer, water or electricity.\*
  8. Any right, title, or interest in any minerals, mineral rights, or related matters, including but not limited to oil, gas, coal, and other hydrocarbons.\*

\*Paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 will not appear as printed exceptions on extended coverage policies, except as to such parts thereof which may be typed as a Special Exception.

C. Special Exceptions:

1. Any change in title occurring subsequent to the effective date of this Commitment and prior to the date of issuance of the final title policy.
2. VESTED DRAINAGE RIGHT FORM, dated June 30, 1992, filed July 1, 1992 @ 11:50 A.M. and recorded in Book 42 of Misc., page 12, Turner County Records, claims the right of drainage from the N 1/2 SW 1/4 and the S 1/2 SE 1/4 Sec 5-99-55 through ditches onto the S 1/2 SW 1/4 Sec 5-99-55 and the S 1/2 SW 1/4 Sec 4-99-55.

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**SCHEDULE BI & BII**  
(Continued)

File Number: 19-TI-12234

3. 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.,
4. THIS COMMITMENT shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.
5. REAL ESTATE TAXES for the year 2019 and subsequent years which constitute a lien but are not due and payable. Real Estate Taxes for the first half of 2018 payable by April 30, 2019 in the amount of \$1,046.90 are paid; the last half of the 2018 Real Estate Taxes payable by October 31, 2019 in the amount of \$1,046.90 are unpaid. Parcel ID#: 14000-09955-053-00
6. 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.

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