

188.2 +/- Acres off 1150 Rd. | Fredonia, KS 66736 AUCTION: Bidding Ends: Thursday, August 6th 2020 @ 2:00 PM







## **Table of Contents**

PROPERTY DETAIL PAGE
WATER WELL ORDINANCE
SECURITY 1<sup>ST</sup> TITLE WIRE FRAUD ALERT
FSA REPORT & MAP
ZONING MAP
FLOOD ZONE MAP
AERIAL MAP
FSA MAP
SOIL MAP & REPORT
ACREVALUE MAPS
TERMS AND CONDITIONS
GUIDE TO AUCTION COSTS

The real estate is offered at public auction in its present, "as is where is" condition and is accepted by the buyer without any expressed or implied warranties or representations from the seller or McCurdy Auction, LLC. It is incumbent upon buyer to exercise buyer's own due diligence, investigation, and evaluation of suitability of use for the real estate prior to bidding. It is buyer's responsibility to have any and all desired inspections completed prior to bidding including, but not limited to, the following: roof; structure; termite; environmental; survey; encroachments; groundwater; flood designation; presence of lead-based paint or lead based paint hazards; presence of radon; presence of asbestos; presence of mold; electrical; appliances; heating; air conditioning; mechanical; plumbing (including water well, septic, or lagoon compliance); sex offender registry information; flight patterns, or any other desired inspection. Any information provided or to be provided by seller or McCurdy was obtained from a variety of sources and seller and McCurdy have not made any independent investigation or verification of such information and make no representation as to the accuracy or completeness of such information. Auction announcements take precedence over anything previously stated or printed. Total purchase price will include a 10% buyer's premium (\$1,500.00 minimum) added to the final bid.

#### ALL FIELDS CUSTOMIZABLE



MLS# 583865 Class Land **Property Type** Farm County Wilson

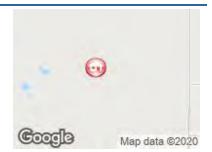
OUT - Out of Area Area Address 188.2 +/- Acres 1150 Rd.

Address 2

City Fredonia State KS 66736 Zip **Status** Active

**Contingency Reason** 

**Asking Price** \$0 For Sale/Auction/For Rent Auction Associated Document Count 0



#### **GENERAL**

**List Agent - Agent Name and Phone** Ty Patton

List Office - Office Name and Phone McCurdy Auction, LLC - OFF:

316-867-3600

Co-List Agent - Agent Name and Phone Co-List Office - Office Name and Phone

**Showing Phone** 1-800-301-2055 **Zoning Usage** Agriculture

Parcel ID 10315-10100000008000

188.20

**Number of Acres Price Per Acre** 

8197992 Lot Size/SqFt

**School District** Fredonia School District (USD

484) Lincoln

**Elementary School** Middle School Fredonia **High School** Fredonia Subdivision MNONE

Legal

7/14/2020 **List Date** Realtor.com Y/N Yes

**Display on Public Websites** Yes **Display Address** Yes VOW: Allow AVM Yes VOW: Allow 3rd Party Comm Yes **Sub-Agent Comm Buyer-Broker Comm** 3

**Transact Broker Comm** 3 Variable Comm Non-Variable

Virtual Tour Y/N

#### **DIRECTIONS**

Directions (Fredonia) 1150 Rd. & Barber Rd.

#### **FEATURES**

SHAPE / LOCATION **UTILITIES AVAILABLE** Rectangular Electricity Private Water Corner Other/See Remarks **IMPROVEMENTS** 

**TOPOGRAPHIC** Fencing **OUTBUILDINGS** Level Other/See Remarks **Equipment Barn** 

PRESENT USAGE **MISCELLANEOUS FEATURES** Recreational

None

**DOCUMENTS ON FILE ROAD FRONTAGE** 

**Aerial Photos** Photographs

**FLOOD INSURANCE** 

Unknown **SALE OPTIONS** 

None

**EXISTING FINANCING** Other/See Remarks

PROPOSED FINANCING Other/See Remarks

**POSSESSION** At Closing

SHOWING INSTRUCTIONS

Call Showing #

**LOCKBOX** None **AGENT TYPE** 

Sellers Agent **OWNERSHIP** Trust

**TYPE OF LISTING** Excl Right w/o Reserve **BUILDER OPTIONS** 

Open Builder

#### **FINANCIAL**

Tillable

Gravel

Assumable Y/N No **General Taxes** \$1,497.26 **General Tax Year** 2019 \$0.00 **Yearly Specials Total Specials** \$0.00 HOA Y/N No

**Yearly HOA Dues HOA Initiation Fee** 

Earnest \$ Deposited With Security 1st Title

#### MARKETING REMARKS

Marketing Remarks This property is offered by Ty Patton with McCurdy Auction, LLC. Office: 316-867-3600 Email: tpatton@mccurdyauction.com. Property offered at ONLINE ONLY auction. | 10% Buyer's Premium will be added to the final bid. | BIDDING OPENS: Thursday, July 16th, 2020 at 2:00 PM (cst) | BIDDING CLOSES: Thursday, August 6th, 2020 at 2:00 PM) (cst). Bidding will remain open on this property until 1 minute has passed without receiving a bid. No scheduled open house. Property will be available to preview by appointment only. CLEAR TITLE AT CLOSING, NO BACK TAXES Great opportunity to purchase 3 lots, totaling 188.2 +/- acres, selling together in Wilson county, along Fall River! There is approximately 57 acres of timber with the bulk of the remaining acreage planted to soybeans. Possession of the tileable average will be given once farmer removes soybean crop in the fall. Fantastic opportunity to invest in land! Crops planted at the time of sale do not transfer with the property. \*Buyer should verify school assignments as they are subject to change. The real estate is offered at public auction in its present, "as is where is" condition and is accepted by the buyer without any expressed or implied warranties or representations from the seller or seller's agents. It is incumbent upon buyer to exercise buyer's own due diligence, investigation, and evaluation of suitability of use for the real estate prior to bidding. It is buyer's responsibility to have any and all desired inspections completed prior to bidding including, but not limited to, the following: roof; structure; termite; environmental; survey; encroachments; groundwater; flood designation; presence of lead -based paint or lead based paint hazards; presence of radon; presence of asbestos; presence of mold; electrical; appliances; heating; air conditioning; mechanical; plumbing (including water well, septic, or lagoon compliance); sex offender registry information; flight patterns, or any other desired inspection. Any information provided or to be provided by seller or seller's agents was obtained from a variety of sources and neither seller nor seller's agents have made any independent investigation or verification of such information and make no representation as to the accuracy or completeness of such information. Auction announcements take precedence over anything previously stated or printed. Total purchase price will include a 10% buyer's premium (\$1,500.00 minimum) added to the final bid. Earnest money is due from the high bidder at the auction in the form of cash, check, or immediately available, certified funds in the amount \$25,000.

#### **AUCTION**

**Auction Date Auction Offering** 1 - Open for Preview 7/16/2020 Real Estate Only

**Broker Reg Deadline** 08/05/2020 by 5:00 PM Yes

**Buyer Premium Y/N** 

Auction Location www.mccurdyauction.com **Auction Start Time** 2:00 PM

1 - Open End Time

Broker Registration Req Yes

## **TERMS OF SALE**

**Terms of Sale** 

#### **PERSONAL PROPERTY**

**Personal Property** 

#### **ADDITIONAL PICTURES**



































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**Betty Taylor, Trustee** 

# WATER WELL AND WASTEWATER SYSTEM INFORMATION

Property Address: 2242 1150 RD - Fredonia, KS 66736	
DOES THE PROPERTY HAVE A WELL? YES NO	
If yes, what type? Irrigation Drinking Other	
Location of Well: By homesite	
DOES THE PROPERTY HAVE A LAGOON OR SEPTIC SYSTEM? YES NO	
If yes, what type? Septic Lagoon	
Location of Lagoon/Septic Access:  By homesite	-
Authentisch  Famberly Baker  Owner  Date	
Owner Date Authentiscan Feyn Baker 07/10/2020	
OWINGD20 11:38:13 PM CDT	_
Signature Date	
Tommy Taylor, Trustee	
Alle Copar Trustee 7-14-20	
Signature Date	



**Betty Taylor, Trustee** 

# WATER WELL AND WASTEWATER SYSTEM INFORMATION

Property Address: BARBER RD - Fredonia, KS 66736	
DOES THE PROPERTY HAVE A WELL? YES NO	
If yes, what type? Irrigation Orinking Other	
Location of Well:	
DOES THE PROPERTY HAVE A LAGOON OR SEPTIC SYSTEM? YES	NO <u> </u>
If yes, what type? Septic Lagoon	
Location of Lagoon/Septic Access:	
Authentissen  Tamberly Baker  OWHBZ020 2:56:02 PM CDT  Authentissen  Feyn Baker	07/08/2020 Date 07/10/2020
Signature Date	Date
Tommy Taylor, Trustee	
Signature Date	



File #:

**Property Address:** 

1200 RD, 2242 1150 RD, And BARBER RD Fredonia, KS 66736

## WIRE FRAUD ALERT

## IMPORTANT! YOUR FUNDS MAY BE AT RISK

### \*\*SECURITY 1st TITLE DOES NOT SEND WIRE INSTRUCTIONS UNLESS REQUESTED\*\*

This Alert is not intended to provide legal or professional advice. If you have any questions, please consult with a lawyer. Realtors®, Real Estate Brokers, Title Companies, Closing Attorneys, Buyers and Sellers are targets for fraudsters to gain access to information for the purpose of wire fraud schemes. Many homebuyers have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification.

A fraudster will hack into a participant's email account to obtain information about upcoming real estate transactions. After monitoring the account to determine the likely timing of a closing, the fraudster will send an email to the Buyer purporting to be the escrow agent or another party to the transaction. The fraudulent email will contain wiring instructions or routing information, and will request that the Buyer send funds to an account controlled by the fraudster.

Security 1st Title does not require your funds to be wired. We accept certified checks. If you prefer to wire, you must contact us by phone to request our wire instructions. We will give them verbally or send via SECURED email. After receipt, if you receive another email or unsolicited call purporting to alter these instructions please disregard and immediately contact us.

## \*\*\*Closing funds in the form of ACH Electronic Transfers will NOT be accepted\*\*\*

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- NEVER RELY on emails or other communications purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- DO NOT FORWARD wire instructions to any other parties.
- ALWAYS VERIFY WIRE INSTRUCTIONS, specifically the ABA routing number and account number, by calling the party who is receiving the funds.
- DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify with a phone directory.
- DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.

ACKNOWLEDGEMENT OF RECEIPT - YOU MUST SIGN BELOW

Your signature b	elow acknowledges receipt of this Wire Fraud Alert.
	Tamberly Baker Feyn Baker
Buyer ,	Sell-0 18/2020 2:56:26 PM CDT) 7/10/2020 11:38:35 PM CDT
	Belly legle James Tout
For more information on wire-fra	ud scams or to report an incident, please refer to the following links: 7-/

Federal Bureau of Investigation:

http://www.fbi.gov

Internet Crime Complaint Center: http://www.ic3.gov

**KANSAS** WILSON

Form: FSA-156EZ See Page 2 for non-discriminatory Statements.



### **United States Department of Agriculture** Farm Service Agency

Prepared: 7/17/20 3:06 PM

**FARM**: 311

Crop Year: 2020

**Abbreviated 156 Farm Record** 

**Operator Name** MARK R BAKER

20-205-311, 20-205-488, 20-205-2438, 20-205-2662, 20-205-3410, 20-205-4171, 20-205-4192, 20-205-4847, Farms Associated with Operator:

20-205-5311, 20-205-5312, 20-205-5494, 20-205-5626

**CRP Contract Number(s)** None Recon ID None **Transferred From** None ARCPLC G/I/F Eligibility Eligible

Farm Land Data									
Farmland	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane	Farm Status	Number Of Tracts
185.49	133.46	133.46	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	133.46	0.	00	0.00		0.00	0.00	0.00

Crop Election Choice					
ARC Individual ARC County Price Loss Coverage					
None	CORN, SOYBN	WHEAT, SORGH			

DCP Crop Data						
Crop Name Base Acres CCC-505 CRP Reduction Acres PLC Yield				HIP		
Wheat	15.04	0.00	50			
Corn	31.01	0.00	75			
Grain Sorghum	8.76	0.00	61			
Soybeans	69.49	0.00	25	0		

**TOTAL** 124.30 0.00

#### **NOTES**

**Tract Number** 607

B8 1A W2NE4,S2NW4 122913;SW4SE4 012913 Description

**FSA Physical Location** KANSAS/WILSON ANSI Physical Location : KANSAS/WILSON

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

BETTY M TAYLOR, FEYN BAKER **Owners** 

**Other Producers** None Recon ID None

Tract Land Data							
Farm Land	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane
185.49	133.46	133.46	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	133.46	0.00	0.00	0.00	0.00	0.00

**KANSAS** WILSON

Form: FSA-156EZ



### **United States Department of Agriculture Farm Service Agency**

**FARM: 311** 

Prepared: 7/17/20 3:06 PM

Crop Year: 2020

#### Tract 607 Continued ...

	DCP Crop Data		
Crop Name	Base Acres	CCC-505 CRP Reduction Acres	PLC Yield
Wheat	15.04	0.00	50
Corn	31.01	0.00	75
Grain Sorghum	8.76	0.00	61
Soybeans	69.49	0.00	25

**TOTAL** 124.30 0.00

#### **NOTES**

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

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## Wilson County, Kansas

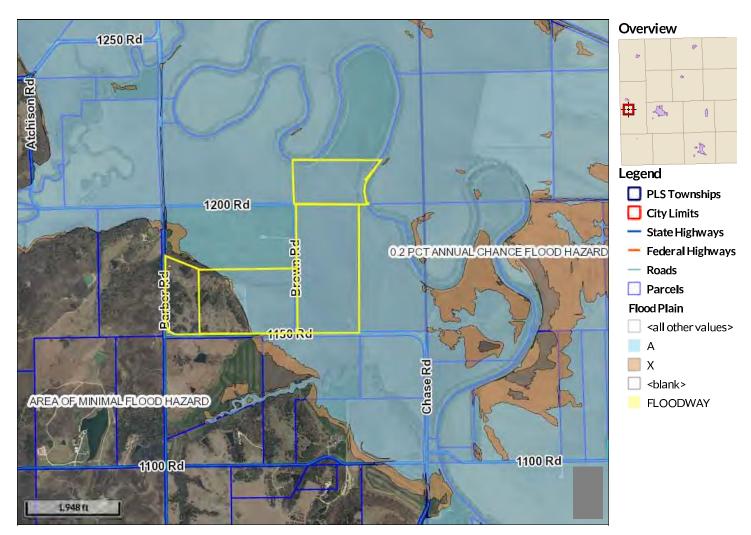


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Boundary



Parcel ID 103143070000011010 Sec/Twp/Rng 07-29-14

Property Address 3698 1100 RD

Fredonia

District 047

**Brief Tax Description** S07, T29, R14, ACRES 1.9, BEG SW/C OF E 22 AC W2 SE4 N 414.86' W 210' TO POB LESS R/W

1.9

Alternate ID R6097

Class

Acreage

(Note: Not to be used on legal documents)

Disclaimer: Map features are representations of original data sources and do not intend to replace or modify land surveys, deeds or other legal instruments used to describe land ownership or use. Every effort has been made to assure accuracy of data displayed on this map. Information contained on this map may have changed since such information was compiled. Under no circumstances shall Wilson County be responsible to any party for any costs, expenses, damages, to any person or property arising from the use, misuse, sale or reliance on this map.

R - Residential

Owner Address BAKER, FEYN M & TAMBERLY S

3698 1100 RD

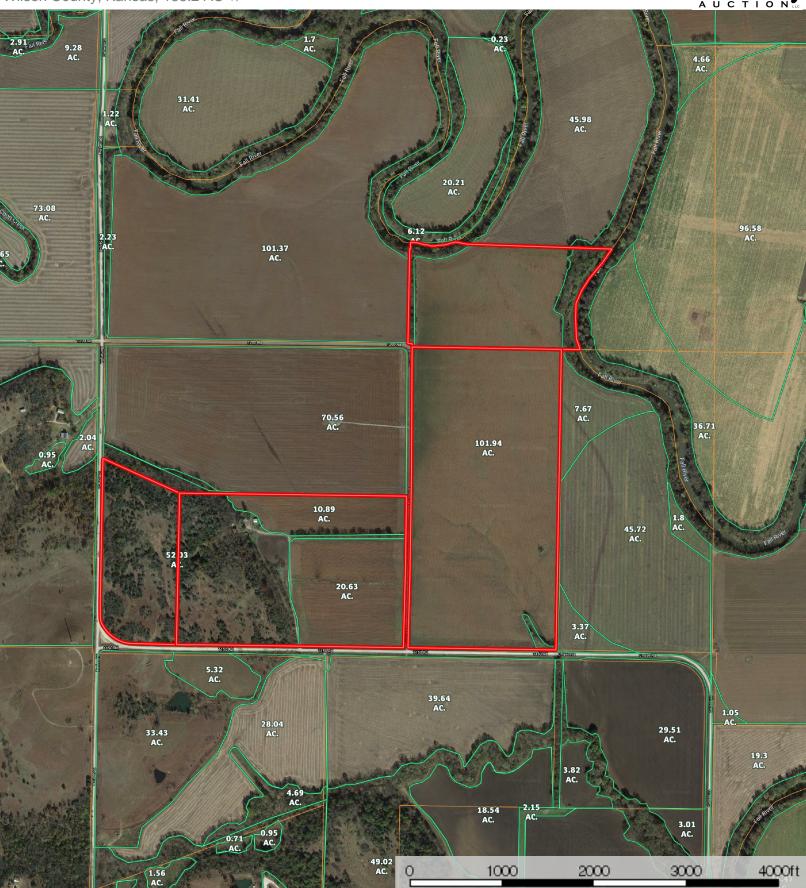
FREDONIA, KS 66736

Date created: 7/16/2020 Last Data Uploaded: 7/15/2020 6:33:51 PM



## 188.2 +/- Acres - Fredonia, KS (3 Parcels)

Wilson County, Kansas, 188.2 AC +/-





## 188.2 +/- Acres - Fredonia, KS (3 Parcels)

Wilson County, Kansas, 188.2 AC +/-







## | All Polygons 188.5 ac

SOIL CODE	SOIL DESCRIPTION	ACRES	%	CAP
8201	Osage silty clay loam, 0 to 1 percent slopes, occasionally flooded	17.0	9.02	2w
8628	Bates-Collinsville complex, 7 to 20 percent slopes	40.5	21.49	6e
6970	Steedman gravelly silt loam, 4 to 25 percent slopes, stony	4.2	2.24	6e
8203	Osage silty clay, 0 to 1 percent slopes, occasionally flooded	109.6	58.11	3w
8302	Verdigris silt loam, 0 to 1 percent slopes, occasionally flooded	15.0	7.98	2w
9999	Water	2.1	1.1	1
4052	Ivan silt loam, occasionally flooded	0.1	0.06	2w
TOTALS		188.5	100%	3.51

## | Boundary 21.9 ac

SOIL CODE	SOIL DESCRIPTION	ACRES	%	CAP
8201	Osage silty clay loam, 0 to 1 percent slopes, occasionally flooded	0.0	0.04	2w
8628	Bates-Collinsville complex, 7 to 20 percent slopes	17.6	80.65	6e
6970	Steedman gravelly silt loam, 4 to 25 percent slopes, stony	4.2	19.31	6e
TOTALS		21.9	100%	6.0

## | Boundary 59.1 ac

SOIL CODE	SOIL DESCRIPTION	ACRES	%	CAP
8201	Osage silty clay loam, 0 to 1 percent slopes, occasionally flooded	3.9	6.59	2w
8628	Bates-Collinsville complex, 7 to 20 percent slopes	22.9	38.7	6e
8203	Osage silty clay, 0 to 1 percent slopes, occasionally flooded	32.3	54.72	3w
TOTALS		59.1	100%	4.09

## | Boundary 76.4 ac

SOIL CODE	SOIL DESCRIPTION	ACRES	%	CAP
8201	Osage silty clay loam, 0 to 1 percent slopes, occasionally flooded	2.9	3.8	2w
8203	Osage silty clay, 0 to 1 percent slopes, occasionally flooded	73.4	96.08	3w
8302	Verdigris silt loam, 0 to 1 percent slopes, occasionally flooded	0.1	0.12	2w
TOTALS		76.4	100%	2.96

## | Boundary 31.1 ac

SOIL CODE	SOIL DESCRIPTION	ACRES	%	CAP
9999	Water	2.1	6.65	1

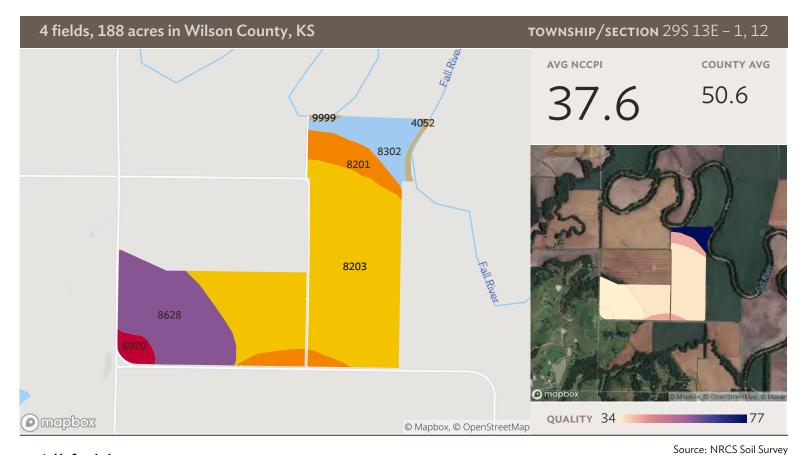
4052	Ivan silt loam, occasionally flooded	0.1	0.35	2w
8203	Osage silty clay, 0 to 1 percent slopes, occasionally flooded	3.8	12.25	3w
8201	Osage silty clay loam, 0 to 1 percent slopes, occasionally flooded	10.2	32.74	2w
8302	Verdigris silt loam, 0 to 1 percent slopes, occasionally flooded	14.9	48.01	2w
TOTALS		31.1	100%	1.99

## 

## **Grazing Cultivation**

- (c) climatic limitations (e) susceptibility to erosion
- (s) soil limitations within the rooting zone (w) excess of water

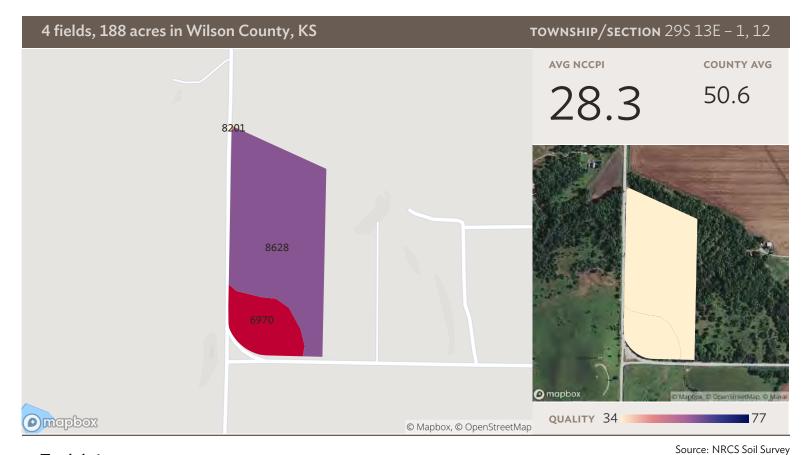




## All fields

SOIL CODE	SOIL DESCRIPTION	ACRES PEI	RCENTAGE OF FIELD	SOIL CLASS	NCCPI
8203	Osage silty clay, 0 to 1 percent slopes, occasionally flooded	109.46	58.1%	3	35.1
■ 8628	Bates-Collinsville complex, 7 to 20 percent slopes	40.48	21.5%	6	28.1
<b>8201</b>	Osage silty clay loam, 0 to 1 percent slopes, occasionally flooded	16.99	9.0%	2	41.4
8302	Verdigris silt loam, 0 to 1 percent slopes, occasionally flooded	15.03	8.0%	2	79.3
<b>6970</b>	Steedman gravelly silt loam, 4 to 25 percent slopes, stony	4.22	2.2%	6	29.1
9999	Water	2.07	1.1%		N/A
■ 4052	Ivan silt loam, occasionally flooded	0.11	0.1%	2	63.4
		186.29	98.9%		37.6

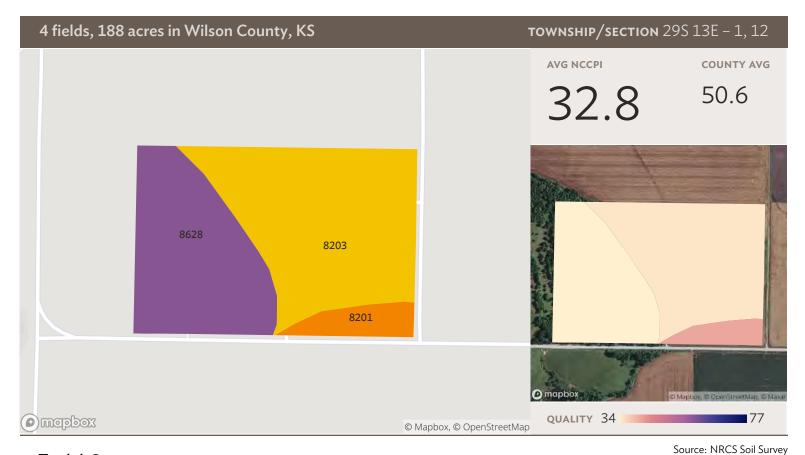




## Field 1

	SOIL CODE	SOIL DESCRIPTION	ACRES PER	CENTAGE OF FIELD	SOIL CLASS	NCCPI
	CODE			FIELD	CLASS	
	8628	Bates-Collinsville complex, 7 to 20 percent slopes	17.63	80.6%	6	28.1
•	6970	Steedman gravelly silt loam, 4 to 25 percent slopes, stony	4.22	19.3%	6	29.1
	8201	Osage silty clay loam, 0 to 1 percent slopes, occasionally flooded	0.01	0.0%	2	41.4
			21.86			28.3

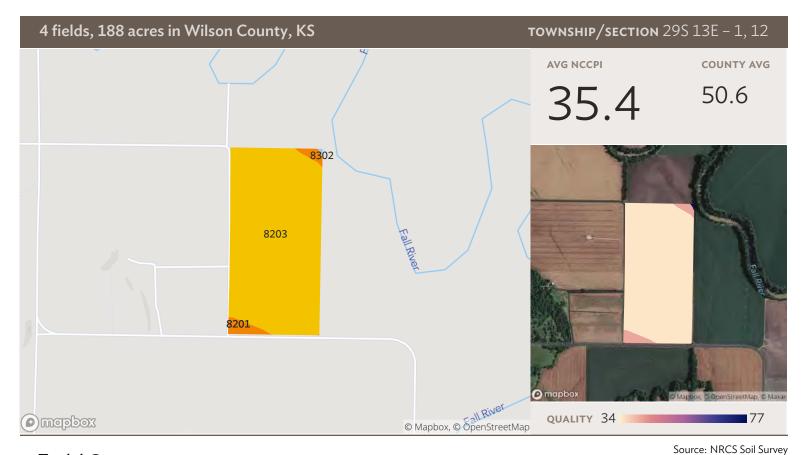




## Field 2

SOIL CODE	SOIL DESCRIPTION	ACRES PER	CENTAGE OF FIELD	SOIL CLASS	NCCPI
8203	Osage silty clay, 0 to 1 percent slopes, occasionally flooded	32.31	54.7%	3	35.1
8628	Bates-Collinsville complex, 7 to 20 percent slopes	22.84	38.7%	6	28.1
8201	Osage silty clay loam, 0 to 1 percent slopes, occasionally flooded	3.89	6.6%	2	41.4
		59.04			32.8

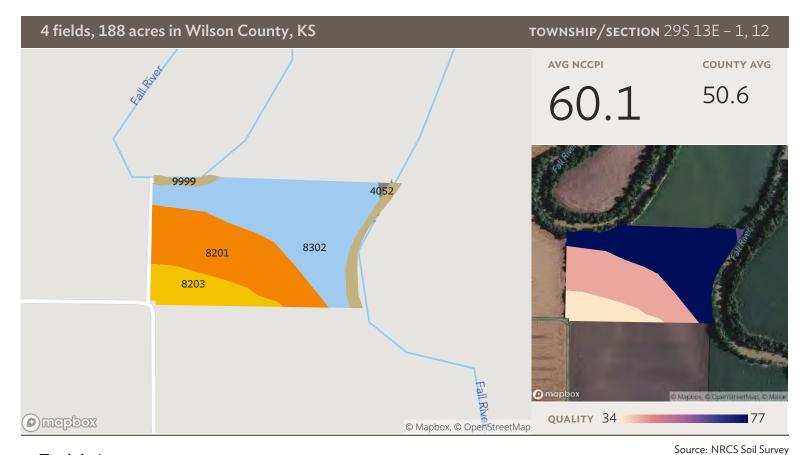




Field 3

SOIL	SOIL DESCRIPTION	ACRES PER	CENTAGE OF	SOIL	NCCPI
CODE			FIELD	CLASS	
8203	Osage silty clay, 0 to 1 percent slopes, occasionally flooded	73.34	96.1%	3	35.1
<b>820</b> 2	Osage silty clay loam, 0 to 1 percent slopes, occasionally flooded	2.90	3.8%	2	41.4
8302	Verdigris silt loam, 0 to 1 percent slopes, occasionally flooded	0.09	0.1%	2	79.3
		76.34			35.4





Field 4

	SOIL CODE	SOIL DESCRIPTION	ACRES PER	CENTAGE OF FIELD	SOIL CLASS	NCCPI
-	8302	Verdigris silt loam, 0 to 1 percent slopes, occasionally flooded	14.94	48.0%	2	79.3
	8201	Osage silty clay loam, 0 to 1 percent slopes, occasionally flooded	10.19	32.7%	2	41.4
_	8203	Osage silty clay, 0 to 1 percent slopes, occasionally flooded	3.81	12.3%	3	35.1
-	9999	Water	2.07	6.6%		N/A
-	4052	Ivan silt loam, occasionally flooded	0.11	0.3%	2	63.4
			29.04	93.4%		60.1



#### 4 fields, 188 acres in Wilson County, KS **TOWNSHIP/SECTION** 29S 13E - 1, 12 All fields 188 ac 2016 2015 Soybeans 65.8% 65.6% 65.2% 65.7% 46.8% **Forest** 20.0% 16.9% 17.6% 16.0% 17.3% Grass/Pasture 7.1% 10.0% 9.6% 9.9% 10.3% Non-Cropland 4.5% 6.5% 6.5% 7.2% 6.2% Double Crop 0.3% 18.1% Other 2.6% 0.9% 1.2% 0.9% 1.4% Field 1 22 ac 2019 2018 2017 2015 2016 67.2% 51.3% 55.7% 46.5% 54.7% Forest Grass/Pasture 25.1% 38.0% 32.5% 33.5% 34.5% Developed 6.1% 5.2% 4.6% 5.6% 7.0% Non-Cropland 5.5% 7.2% 1.6% 14.3% 3.8%



4 fields, 188 acres in Wilson County, KS			rownship	/SECTION	29S 13E	- 1, 12
	Field 2 59 ac	2019	2018	2017	2016	2015
	■ Soybeans	46.8%	48.1%	47.2%	48.0%	45.9%
	■ Forest	29.7%	23.8%	24.1%	23.1%	24.1%
	■ Grass/Pasture	12.7%	16.5%	16.6%	17.0%	16.9%
	■ Non-Cropland	5.9%	11.4%	11.2%	11.5%	11.2%
② mapbox □ OpenStreetMep, □ Maiar	Other	4.8%	0.2%	1.0%	0.4%	1.9%
	Field 3	0	0	0	0	0
		2019	2018	2017	2016	2015
	Soybeans	95.4%	95.8%	95.0%	96.1%	67.4%
	■ Double Crop	_	0.1%	-	0.6%	28.3%
	Other	4.6%	4.1%	5.0%	3.3%	4.3%



4 fields, 188 acres in Wilson County, KS		т	<b>TOWNSHIP/SECTION</b> 29S 13E – 1, 12			
	Field 4 31 ac	2019	2018	2017	2016	2015
	Soybeans	75.3%	70.8%	72.2%	70.8%	30.7%
	■ Forest	17.5%	20.3%	20.6%	19.5%	19.6%
	■ Non-Cropland	7.3%	6.1%	5.1%	6.2%	5.3%
	■ Double Crop	-	-	-	0.6%	40.0%
● maploox	Other	-	2.9%	2.1%	2.9%	4.3%

Source: NASS Cropland Data Layer

4 fields, 188 acres in Wilson County, KS

**TOWNSHIP/SECTION** 29S 13E – 1, 12

## Wilson County, KS

FIELD	ACRES	LOCATION	OWNER (LAST UPDATED)	OWNER ADDRESS
1	21.86	29S 13E - 12 APN: 1511200000005000	TAYLOR, TOMMY & BETTY (08/12/2019)	3698 1100 RD, FREDONIA, KS 66736
2	59.04	29S 13E - 12 APN: 1511200000003000	TAYLOR, TOMMY & BETTY (08/12/2019)	3698 1100 RD, FREDONIA, KS 66736
3	76.34	29S 13E - 1, 12 APN: 151120000003000	TAYLOR, TOMMY & BETTY (08/12/2019)	3698 1100 RD, FREDONIA, KS 66736
4	31.11	29S 13E - 1 APN: 1510100000008000	TAYLOR, TOMMY & BETTY (08/12/2019)	3698 1100 RD, FREDONIA, KS 66736

188.35





## **TERMS AND CONDITIONS**

Thank you for participating in today's auction. The auction will be conducted by McCurdy Auction, LLC ("McCurdy") on behalf of the owner of the real estate (the "Seller"). The real estate offered for sale at auction (the "Real Estate") is fully described in the Contract for Purchase and Sale, a copy of which is available for inspection from McCurdy.

- 1. Any person who registers or bids at this Auction (the "Bidder") agrees to be bound by these Terms and Conditions, the auction announcements, and, in the event that Bidder is the successful bidder, the Contract for Purchase and Sale.
- The Real Estate is not offered contingent upon inspections. The Real Estate is offered at public auction in its present, "as is where is" condition and is accepted by Bidder without any expressed or implied warranties or representations from Seller or McCurdy, including, but not limited to, the following: the condition of the Real Estate; the Real Estate's suitability for any or all activities or uses; the Real Estate's compliance with any laws, rules, ordinances, regulations, or codes of any applicable government authority; the Real Estate's compliance with environmental protection, pollution, or land use laws, rules, regulations, orders, or requirements; the disposal, existence in, on, or under the Real Estate of any hazardous materials or substances; or any other matter concerning the Real Estate. It is incumbent upon Bidder to exercise Bidder's own due diligence, investigation, and evaluation of suitability of use for the Real Estate prior to bidding. It is Bidder's responsibility to have any and all desired inspections completed prior to bidding including, but not limited to, the following: roof; structure; termite; environmental; survey; encroachments; groundwater; flood designation; presence of lead-based paint or lead based paint hazards; presence of radon; presence of asbestos; presence of mold; electrical; appliances; heating; air conditioning; mechanical; plumbing (including water well, septic, or lagoon compliance); sex offender registry information; flight patterns; or any other desired inspection. Bidder acknowledges that Bidder has been provided an opportunity to inspect the Real Estate prior to the auction and that Bidder has either performed all desired inspections or accepts the risk of not having done so. Any information provided by Seller or McCurdy has been obtained from a variety of sources. Seller and McCurdy have not made any independent investigation or verification of the information and make no representation as to its accuracy or completeness. In bidding on the Real Estate, Bidder is relying solely on Bidder's own investigation of the Real Estate and not on any information provided or to be provided by Seller or McCurdy.
- 3. Notwithstanding anything herein to the contrary, to the extent any warranties or representations may be found to exist, the warranties or representations are between Seller and Bidder. McCurdy may not be held responsible for the correctness of any such representations or warranties or for the accuracy of the description of the Real Estate. There will be a 10% buyer's premium (\$1,500.00 minimum) added to the final bid. The buyer's premium, together with the final bid amount, will constitute the total purchase price of the Real Estate.
- 4. There will be a 10% buyer's premium (\$1,500.00 minimum) added to the final bid. The buyer's premium, together with the final bid amount, will constitute the total purchase price of the Real Estate.
- 5. The Real Estate is not offered contingent upon financing.
- 6. In the event that Bidder is the successful bidder, Bidder must immediately execute the Contract for Purchase and Sale and tender a nonrefundable earnest money deposit in the form of cash, check, or immediately available, certified funds and in the amount set forth by McCurdy. The balance of the purchase price will be due in immediately available, certified funds at closing on the specified closing date. The Real Estate must close within 30 days of the date of the auction, or as otherwise agreed to by Seller and Bidder.
- 7. Auction announcements take precedence over anything previously stated or printed, including these Terms and Conditions.
- 8. A bid placed by Bidder will be deemed conclusive proof that Bidder has read, understands, and agrees to be bound by these Terms and Conditions.
- 9. These Terms and Conditions, especially as they relate to the qualifications of potential bidders, are designed for the



- protection and benefit of Seller and do not create any additional rights or causes of action for Bidder. On a case-by-case basis, and at the sole discretion of Seller or McCurdy, exceptions to certain Terms and Conditions may be made.
- 10. In the event Bidder is the successful bidder at the auction, Bidder's bid constitutes an irrevocable offer to purchase the Real Estate and Bidder will be bound by said offer. In the event that Bidder is the successful bidder but fails or refuses to execute the Contract for Purchase and Sale, Bidder acknowledges that, at the sole discretion of Seller, these signed Terms and Conditions together with the Contract for Purchase and Sale executed by the Seller are to be construed together for the purposes of satisfying the statute of frauds and will collectively constitute an enforceable agreement between Bidder and Seller for the sale and purchase of the Real Estate.
- 11. It is the responsibility of Bidder to make sure that McCurdy is aware of Bidder's attempt to place a bid. McCurdy disclaims any liability for damages resulting from bids not spotted, executed, or acknowledged. McCurdy is not responsible for errors in bidding and Bidder releases and waives any claims against McCurdy for bidding errors. Once a bid has been acknowledged by the auctioneer, the bid cannot be retracted.
- 12. Bidder authorizes McCurdy to film, photograph, or otherwise record the voice or image of Bidder and any guests or minors accompanying Bidder at this auction and to use the films, photographs, recordings, or other information about the auction, including the sales price of the Real Estate, for promotional or other commercial purposes.
- 13. Broker/agent participation is invited. Broker/agents must pre-register with McCurdy no later than 5 p.m. on the business day prior to the auction by completing the Broker Registration Form, available on McCurdy's website.
- 14. McCurdy is acting solely as agent for Seller and not as an agent for Bidder. McCurdy is not a party to any Contract for Purchase and Sale between Seller and Bidder. In no event will McCurdy be liable to Bidder for any damages, including incidental or consequential damages, arising out of or related to this auction, the Contract for Purchase and Sale, or Seller's failure to execute or abide by the Contract for Purchase and Sale.
- 15. Neither Seller nor McCurdy, including its employees and agents, will be liable for any damage or injury to any property or person at or upon the premises. Any person entering on the premises assumes any and all risks whatsoever for their safety and for any minors or guests accompanying them. Seller and McCurdy expressly disclaim any "invitee" relationship and are not responsible for any defects or dangerous conditions on the premises, whether obvious or hidden. Seller and McCurdy are not responsible for any lost, stolen, or damaged property.
- 16. McCurdy reserves the right to establish all bidding increments.
- 17. McCurdy may, in its sole discretion, reject, disqualify, or refuse any bid believed to be fraudulent, illegitimate, not in good faith, made by someone who is not competent, or made in violation of these Terms and Conditions or applicable law.
- 18. Bidder represents and warrants that they are bidding on their own behalf and not on behalf of or at the direction of Seller.
- 19. The Real Estate is offered for sale to all persons without regard to race, color, religion, sex, handicap, familial status, or national origin.
- 20. These Terms and Conditions are binding on Bidder and on Bidder's partners, representatives, employees, successors, executors, administrators, and assigns.
- 21. In the event that any provision contained in these Terms and Conditions is determined to be invalid, illegal, or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining provisions of the Terms and Conditions will not be in any way impaired.
- 22. These Terms and Conditions are to be governed by and construed in accordance with the laws of Kansas, but without regard to Kansas's rules governing conflict of laws. Exclusive venue for all disputes lies in either the Sedgwick County, Kansas District Court or the United States District Court in Wichita, Kansas. Bidder submits to and accepts the jurisdiction of such courts.

# GUIDE TO AUCTION COSTS

## WHAT TO EXPECT

## THE SELLER CAN EXPECT TO PAY

- Half of the Owner's Title Insurance
- Half of the Title Company's Closing Fee
- Real Estate Commission (If Applicable)
- Advertising Costs
- Payoff of All Loans, Including Accrued Interest, Statement Fees, Reconveyance Fees and Any Prepayment Penalties
- Any Judgments, Tax Liens, etc. Against the Seller
- Recording Charges Required to Convey Clear Title
- Any Unpaid Taxes and Tax Proration for the Current Year
- Any Unpaid Homeowner's Association Dues
- Rent Deposits and Prorated Rents (If Applicable)

## THE BUYER CAN GENERALLY EXPECT TO PAY

- Half of the Owner's Title Insurance
- Half of the Title Company's Closing Fee
- 10% Buyer's Premium (*If Applicable*)
- Document Preparation (If Applicable)
- Notary Fees (If Applicable)
- Recording Charges for All Documents in Buyer's Name
- Homeowner's Association Transfer / Setup Fee (If Applicable)
- All New Loan Charges (If Obtaining Financing)
- Lender's Title Policy Premiums (If Obtaining Financing)
- Homeowner's Insurance Premium for First Year
- All Prepaid Deposits for Taxes, Insurance, PMI, etc. (If Applicable)





