



TX Auctioneer License #16802 TX Broker License #588891

The Marlin M. Meyer Trust
Absolute Land Auction
Thursday, October 17, 2019

AUCTION TERMS & CONDITIONS

PROCEDURE: This 985 ± Acres will be offered in two (2) individual tracts. There will be open bidding on all tracts and combinations until the close of the auction. The property will be sold in the manner resulting in the highest total sale price.

BUYER'S PREMIUM: A five percent (5%) Buyer's Premium is in effect for all purchases. The Buyer's Premium will be added to the "Auction Price" to determine the "Sales Price" or "Contract Price".

ACCEPTANCE OF BID PRICES: This is an Absolute Auction. All successful bidders will sign a purchase agreement at the auction site immediately following the close of the auction.

DOWN PAYMENT: Ten percent (10%) down payment on the day of the auction, upon signing a purchase agreement immediately following the close of bidding. The down payment may be paid in the form of personal check, business check, or cashier's check. The remainder of the purchase price is payable in cash at closing. **YOUR BIDDING IS NOT CONDITIONAL UPON FINANCING**, so be sure you have arranged financing, if needed, and are capable of paying cash at closing.

REAL ESTATE TAXES AND ASSESSMENTS: The Property Taxes will be prorated to the date of closing. Seller shall have paid all Property Taxes for prior years before closing. The Buyer(s) will be responsible for any "rollback" in the property taxes. The Buyer(s) will be responsible for all additional taxes imposed after the date of execution of the Special Warranty Deed by seller as a result of any change in use of any part of the subject property, the intent being that all such additional taxes shall be the responsibility of the Buyer(s) and the Buyer's heirs, personal representatives and assigns.

BROKER PARTICIPATION: Contact the Auction office to obtain the broker participation guidelines.

CLOSING: Will take place on or before December 20, 2019, or as soon as applicable closing documents and surveys (if needed) are completed.

POSSESSION: Possession will be given on January 1, 2020.

TITLE: Seller shall provide an Owner's Policy of Title Insurance on the surface tracts in the amount of the purchase price. Buyer(s) will be responsible for all expenses related to acquiring a mortgagee's title policy, if required. Seller shall execute a Special Warranty Deed conveying the real estate to the Buyer.

PROPERTY CONDITION: Property to be sold AS IS—WHERE IS and no warranty or representation, either express or implied, will be given to any bidder or Buyer. Buyer shall release Seller of any and all liability.

EASEMENTS AND LEASES: Sale of the property is subject to any and all easements of record and any and all leases. **The current surface lease will terminate on December 31, 2019.**

SURVEY: Seller shall not pay for the cost of a survey of this property. All advertised acreages are approximate and have been estimated based on current legal descriptions and/or aerial photos.

MINERAL RIGHTS: This auction is for Surface Estate only.

CONSERVATION RESERVE PROGRAM: Buyer(s) shall become successor to any and all USDA FSA Conservation Reserve Program contracts.

The 2019/2020 CRP payment shall be prorated to December 31, 2019. 100% of all subsequent payments shall convey to the Buyer(s). The CRP contract shall be in compliance at the time of closing. Buyer(s) are encouraged to contact the Ochiltree County Farm Service Agency 800 N. Main St., Ste. D, Perryton, TX (806) 435-6597.

AGENCY: Clift Land Auctions, LP and Clift Land Brokers and its representatives are exclusive agents of the Seller.

DISCLAIMER AND ABSENCE OF WARRANTIES: All information contained in this brochure and all related materials are subject to the terms and conditions outlined in the agreement to purchase. **ANNOUNCEMENTS MADE BY THE AUCTIONEER AT THE AUCTION PODIUM DURING THE TIME OF THE SALE WILL TAKE PRECEDENCE OVER ANY PREVIOUSLY PRINTED MATERIAL OR ANY OTHER ORAL STATEMENTS MADE.** The property is being sold on an "AS IS, WHERE IS" basis, and no warranty or representation, either express or implied, concerning the property is made by the seller or the auction company. Each potential bidder is responsible for conducting his or her own independent inspections, investigations, inquiries, and due diligence concerning the property. The information contained in this brochure is believed to be accurate but is subject to verification by all parties relying on it. No liability for its accuracy, errors or omissions is assumed by the seller, the broker, the auction company or any of their respective representatives. All sketches and dimensions in this brochure are approximate. All acreages are approximate and have been estimated based on legal descriptions or aerial photographs. Conduct at the auction and increments of bidding are at the direction and discretion of the auctioneer. The seller, broker and auction company reserve the right to preclude any person from bidding if there is any question as to the person's credentials, fitness, etc. All decisions of the auctioneer are final.

NEW DATA, CORRECTIONS AND CHANGES: Please arrive prior to scheduled auction time to inspect any changes, corrections or additions to the property information.

NOTE: Videotaping, flash photography and/or public announcements will be allowed on auction day ONLY with prior approval from Clift Land Auctions, LP.

SELLERS: The Marlin M. Meyer Living Trust by Kenneth Meyer and Jo Ann Dew, Co-Trustees