



Clift Land Auctions

TX Auctioneer License #16802 TX Broker License #458389

Dallam Co. 790 ± Ac Land Auction

AUCTION TERMS & CONDITIONS

PROCEDURE: This 790 ± Acres of land will be offered in five (5) individual tracts or as a combination of tracts. There will be open bidding on tracts and combinations until the close of the auction. The property will be sold in the manner resulting in the highest total sale price, with the above restriction. 544 ± Net Mineral Acres will be available in five (5) tracts, being Tracts 6 through 10.

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

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 cash, 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.

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.

REAL ESTATE TAXES AND ASSESSMENTS: The 2012 Property Taxes will be prorated to the date of 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 and the buyer's heirs, personal representatives and assigns.

BROKER PARTICIPATION: A 2.0% commission of the submitted written opening bid and 1.0% commission of the amount above the written opening bid will be paid to the properly licensed Broker whose prospect purchases and closes on the real estate per Clift Land Auctions, LP cooperating Broker Guidelines. A broker cannot act as a principal and a broker on the same transaction. To obtain these guidelines, please contact the Auction Office.

CLOSING: Will take place on or before August 13, 2012, or as soon as applicable closing documents and surveys (if needed) are completed.

POSSESSION: Full possession will be given at closing on all tracts.

TITLE: Seller shall provide an Owner's Policy of Title Insurance 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(s) shall execute a Special Warranty Deed conveying the real estate to the buyer(s).

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(s) shall release seller(s) from 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.

SURVEY: AT THE SELLER'S OPTION, the seller shall provide a new survey where there is no existing legal description or where new boundaries are created by the tract divisions in the auction. Any need for a new survey will be determined solely by the seller. The seller will provide a survey at it's own cost, if needed. The type of survey performed shall be at the seller's option and sufficient for providing title insurance. All advertised acreages are approximate and have been estimated based on current legal descriptions and/or aerial photos.

MINERAL RIGHTS: Mineral rights currently owned by Seller will convey by auction, offered in five (5) tracts, being Tracts 6 through 10.

CONSERVATION RESERVE PROGRAM: There are two CRP contracts on this property. One expires 9-30-2012 and the other expires 9-30-2018. Seller shall receive the 2012 CRP payments. Seller shall relinquish all rights and obligations to Buyer(s) upon closing. Buyer(s) should consult the Dallam County TX FSA office for Conservation Reserve Program compliance details. CRP payments will not be prorated. Tract #1 Buyer is to receive 2013 CRP payment and all future CRP payments per current contract.

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

SELLERS: Mary Elizabeth Foster