



BENSON LAND AUCTION

**ATTENTION – Livestock/Row Crop Producers -
+/-152.64 Acres of Clinton Twp., Miner County, SD Land –
Presently All Being Utilized as Pasture &
+/-108 Acres has a Cropland History**

We will offer the following Land at public auction "On Site" at the land – Located from Howard, SD – 11 miles west on Hwy. #34 with the Se Corner of the land at the Jct. of 423rd Ave. & SD Hwy. 34; from Fedora, SD – 1½ miles east on Hwy #34 to the SW Corner of the Farm.

**WEDNESDAY
DECEMBER 8, 2021
Sale Time: 10:00 am**

DERRY & JAN BENSON LIVING TRUST, Owner

CHUCK SUTTON - Auctioneer & Land Broker

Sioux Falls, SD - ph. 605-336-6315 & Flandreau, SD – ph. 605-997-3777

TERRY HAIAR - RE Auctioneer – Alexandria, SD – ph. 605-239-4626

JARED SUTTON – RE Auctioneer & Broker Assoc. - Flandreau, SD

ph. 605-864-8527



AUCTIONEER'S NOTE: As we have discontinued our Stock Cow Operation, we have decided to offer the following pasture & cropland at public auction. This land has an excellent location, clean established quality grass, developed rural water and electricity on site.

This is an excellent crop/livestock farm with a mixture of native grass and tame grass pasture. This property has excellent visibility and highway access. This farm has some high quality well managed unpunished grass and excellent weed control. This property will be surveyed at the expense of the sellers, with the acres sold to be in accordance with the surveyed acres. According to FSA information this farm has approx. 108.14 acres of cropland with no present established yields and bases, with all of the cropland acres currently sowed to grass. Kingbrook Rural Water is on the property with a pit and shut-off valve located at a location near the east central portion of the property, also Excel Energy electricity is in service on the property and there also is a well on the property which is not currently in use. The general topography of this land is level to gently rolling. According to the Miner County Assessor this land has a respectable soil rating of .835, similarly information obtained from Surety Agri-Data indicates this land has a soil productivity index of 78.9. Certain lowland areas within portions of the SE ¼ are subject to a US Fish & Wildlife Waterfowl Production Easement, which prohibits, filling, burning, draining within the wetland areas, but does not prohibit or restrict cropping, grazing or haying. According to Miner County Treasurer 2020 RE Taxes payable in 2021 on this property were \$2,729.98. If you are in the market for Miner County Land with high quality grass, acres with potential for conversion to use as cropland and respectable soils, then make plans to inspect this property and be in attendance at this auction. ****Note if Cattle are Present, Be Respectful and Make Sure any Gates You've Opened Have Been Properly Closed & Secured!****

LEGAL DESC.: The SE ¼, Less RR, Sec. 2, T. 106N., R.58W. (Clinton Twp.), Miner County, SD

TERMS: Cash - A 10% nonrefundable earnest money payment sale day with the balance on or before January 21, 2022, with full possession for the 2022 pasture/crop year. Marketable Title will be conveyed and an Owner's Title Insurance Policy will be provided with the cost divided 50-50 between the buyer & seller. Title Company Closing Fees, if any will be divided 50-50. This property is being sold based on the acres as determined by a survey as completed by Midwest Land Surveying, Inc., with acres understood to be more or less. All of the 2021 RE taxes payable in 2022 will be paid by the sellers. The seller does not warranty or guarantee that existing fences lie on the true & correct boundary and new fencing, if any, will be the responsibility of the purchaser pursuant to SD law. FSA cropland acres, yields, bases, payments & other information are estimated and not guaranteed and are subject to County Committee Approval. This property is sold in "AS IS" CONDITION and subject to any existing easements, restrictions, reservations or highways of record if any, as well as any or all Miner County Zoning Ordinances, with portions being subject to US Fish & Wildlife Waterfowl Production easements. The RE licensees in this transaction are acting as agents for the sellers. The seller may desire to utilize this property in connection with a 1031 tax free exchange, and if so, the buyer will agree to cooperate with the facilitation of the exchange, although any costs associated with said exchange will be paid by the owner. Sold subject to confirmation of the Trustee/Owner.

Please mark your calendars and plan to attend this auction, or if you are unable to attend and need to make arrangements to bid absentee, then contact the auctioneers prior to sale day to make arrangements. To View FSA Maps, Soils or add'l information, see www.suttonauction.com or contact the auctioneers.

DERRY & JAN BENSON LIVING TRUST, Owner

CHUCK SUTTON - Auctioneer & Land Broker

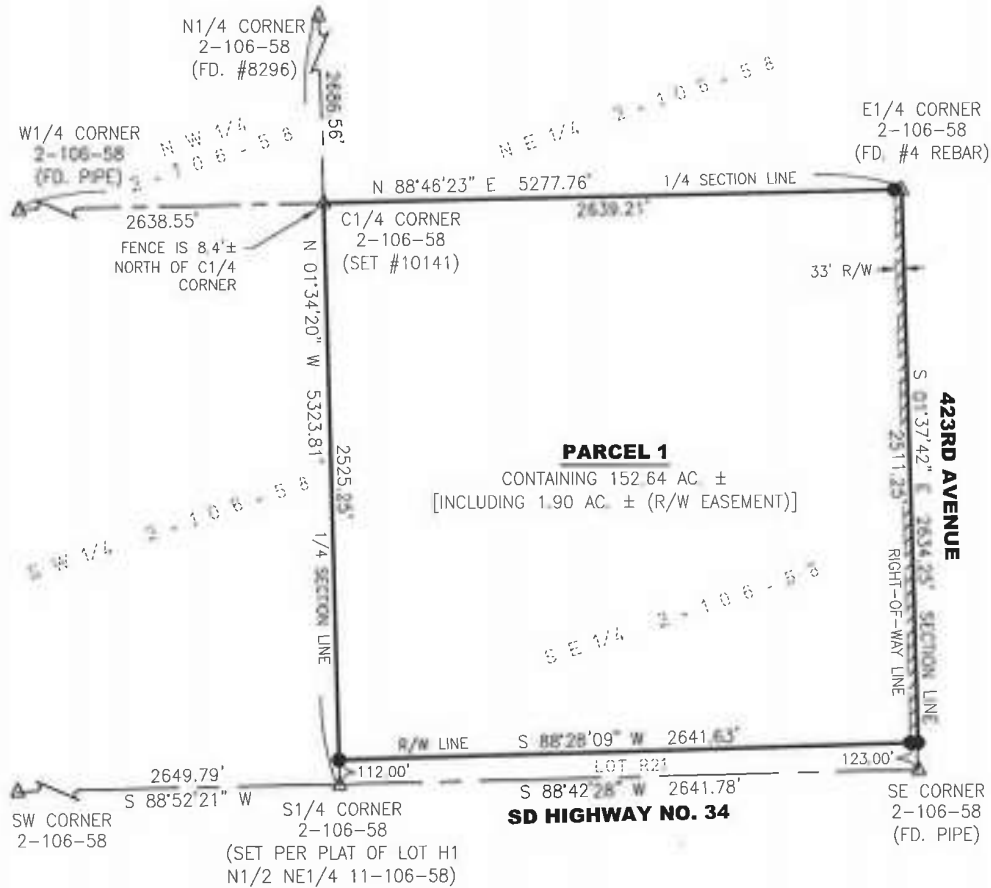
- Sioux Falls, SD - ph. 605-336-6315 & Flandreau, SD – ph. 605-997-3777;

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JARED SUTTON – RE Auctioneer & Broker Assoc. - Flandreau, SD - ph. 605-864-8527

SALE DRAWING - PARCEL 1

IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 106 NORTH, RANGE 58 WEST OF THE 5TH P.M., MINER COUNTY, SD



OWNERS: DERRY & JAN BENSON

CLIENT: SUTTON AUCTION SERVICE

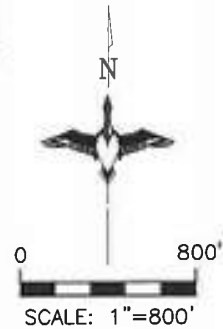
PARCEL 1 LEGAL DESCRIPTION:
THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 106 NORTH, RANGE 58 WEST OF THE 5TH PRINCIPAL MERIDIAN, MINER COUNTY, SOUTH DAKOTA; EXCEPT LOT R21 THEREOF.

- LEGEND:**
- SET PROPERTY CORNER
 - △ SECTION CORNER
 - AC. ACRES
 - R/W RIGHT-OF-WAY
 - PREVIOUSLY PLATTED LINE
 - - - RIGHT OF WAY LINE

NOTES:
BASIS OF BEARINGS IS
UTM-ZONE 14.
PROJECT #21-857
DRAWN BY: JEB

TOTAL ACRES FOR PARCEL 1
152.64 ACRES±
[INCLUDING 1.90 AC.± OF R/W (EASEMENT)]

PREPARED BY:
Midwest
Land Surveying, Inc.
Land Surveying and GPS Consulting
211 E. 14th Street Suite 100
Sioux Falls, South Dakota 57104
Phone: (605) 339-8901 FAX:(605) 274-8951



SALE DRAWING - PARCEL 1

IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 106 NORTH, RANGE 58 WEST OF THE 5TH P.M., MINER COUNTY, SD



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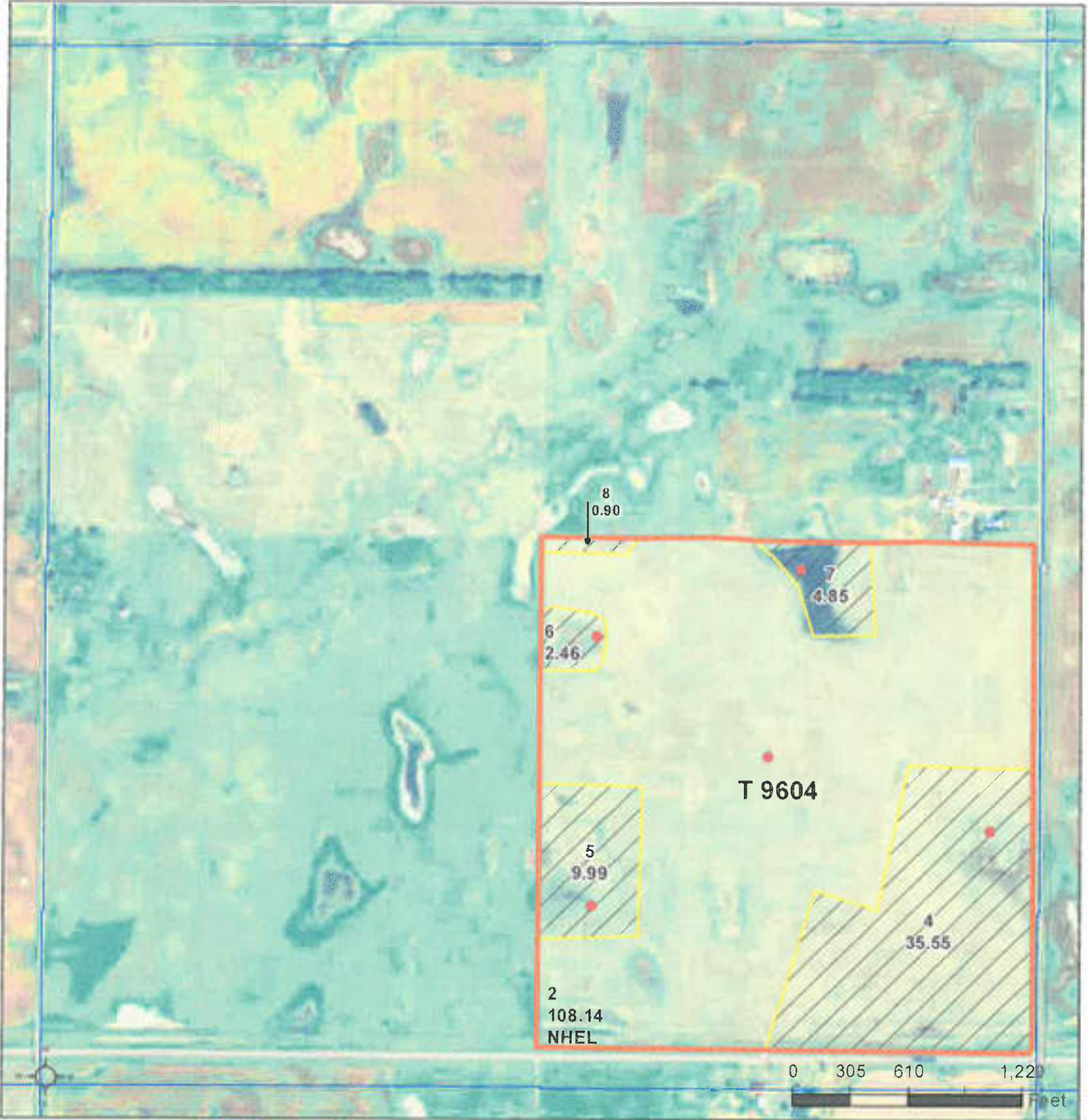
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Common Land Unit Fract Boundary PLSS

 Non-Cropland
 Cropland

Wetland Determination Identifiers

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

2021 Program Year

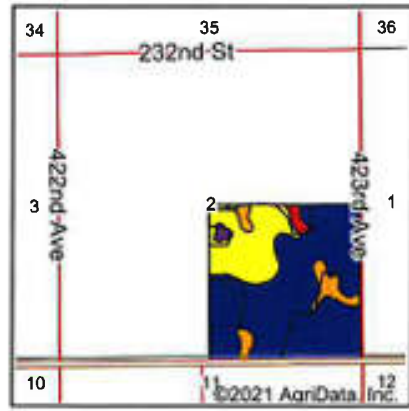
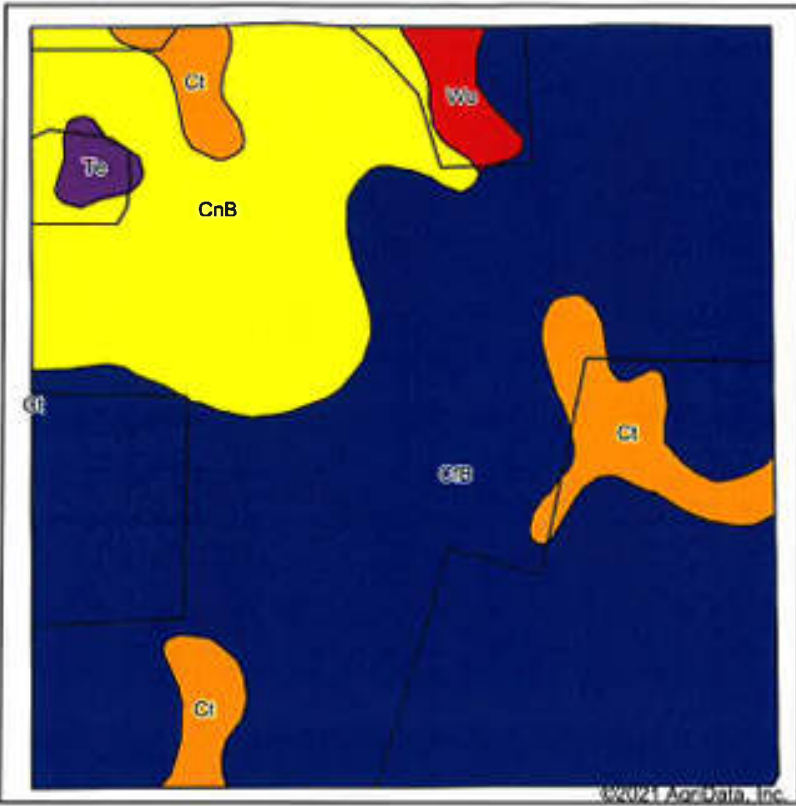
Map Created May 20, 2021

Farm 5959

2-106N-58W-Miner

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).

Soils Map



State: **South Dakota**
 County: **Miner**
 Location: **2-106N-58W**
 Township: **Clinton**
 Acres: **161.89**
 Date: **10/20/2021**



Maps Provided By



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www.AgrIDataInc.com

Soils data provided by USDA and NRCS.

Area Symbol: SD097, Soil Area Version: 22

Code	Soil Description	Acres	Percent of field	PI Legend	Non-Irr Class *c	Productivity Index
CfB	Clarno-Bonilla loams, 1 to 6 percent slopes	112.85	69.7%		Ile	84
CnB	Clarno-Stickney-Tetonka complex, 0 to 6 percent slopes	33.59	20.7%		Ile	69
Ct	Crossplain-Tetonka complex	11.39	7.0%		Ilw	72
Wo	Worthing silty clay loam, 0 to 1 percent slopes	2.56	1.6%		Vw	30
Te	Tetonka silt loam, 0 to 1 percent slopes	1.50	0.9%		IVw	56
Weighted Average					2.07	78.9

*c: Using Capabilities Class Dominant Condition Aggregation Method
 Soils data provided by USDA and NRCS.

UNITED STATES DEPARTMENT OF THE INTERIOR
U. S. FISH AND WILDLIFE SERVICE
BUREAU OF SPORT FISHERIES AND WILDLIFE
CONVEYANCE OF EASEMENT FOR WATERFOWL MANAGEMENT RIGHTS 106X

THIS INDENTURE, by and between Frances Kramer, a widow, of Artesian, South Dakota

parties of the first part, and the UNITED STATES OF AMERICA, acting by and through the Secretary of the Interior or his authorized representative, party of the second part.

WITNESSETH:

WHEREAS, section 4 of the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended by section 3 of the Act of August 1, 1958 (72 Stat. 486, 16 U.S.C., sec. 718d (c)), authorizes the Secretary of the Interior to acquire small wetland or pothole areas suitable for use as waterfowl production areas:

WHEREAS, the lands described below contain or include small wetland or pothole areas suitable for use as waterfowl production areas:

NW, THEREFORE, for and in consideration of the sum of _____ Dollars _____, the parties of the first part hereby convey to the United States, commencing with the acceptance of this indenture by the Secretary of the Interior or his authorized representative which acceptance must be made within SIX months of the execution of this indenture by the parties of the first part, or any subsequent date as may be mutually agreed upon during the term of this option, an easement or right of use for the maintenance of the land described below as a waterfowl production area in perpetuity, including the right of access thereto by authorized representatives of the United States:

T. 106 N., R. 58 W., 5th P.M. Miner County, South Dakota
section 2, N¹/₄SW¹/₄, N²/₄SE¹/₄ and W²/₄SW¹/₄ except R.R. R/W

Subject, however, to all existing rights-of-way for highways, roads, railroads, pipelines, canals, laterals, electrical transmission lines, telegraph and telephone lines, and all outstanding mineral rights.

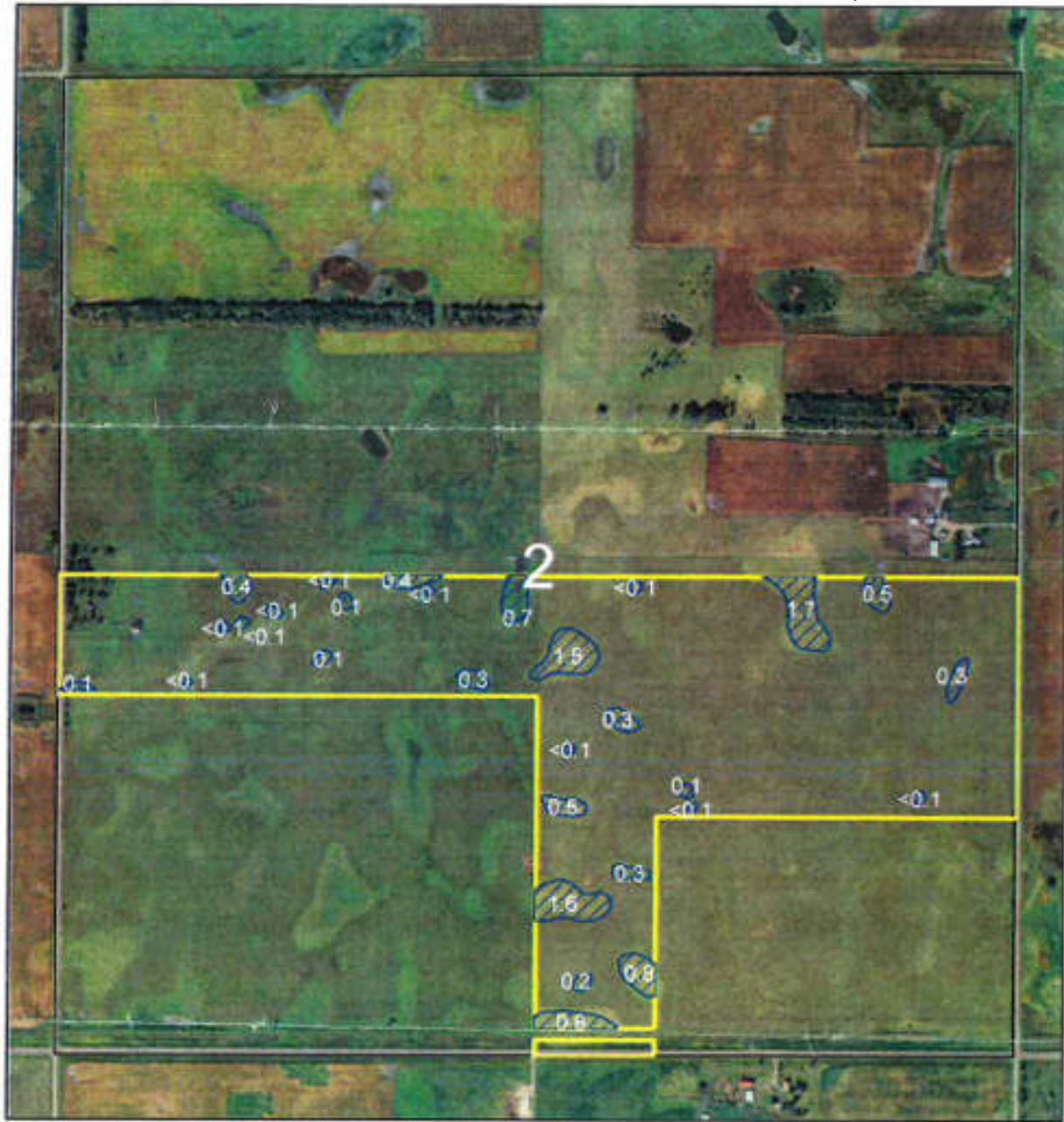
The parties of the first part, for themselves and for their heirs, successors and assigns, covenant and agree that they will cooperate in the maintenance of the aforesaid lands as a waterfowl production area by not draining or permitting the draining, through the transfer of appurtenant water rights or otherwise, of any surface water including lakes, ponds, marshes, sloughs, swales, swamps, or potholes, now existing or reoccurring due to natural causes on the above-described tract, by ditching or any other means; by not filling in with earth or any other material or leveling, any part or portion of the above-described tract on which surface water or marsh vegetation is now existing or hereafter reoccurs due to natural causes; and by not burning any areas covered with marsh vegetation. It is understood and agreed that this indenture imposes no other obligations or restrictions upon the parties of the first part and that neither they nor their successors, assigns, leases, or any other person or party claiming under them shall in any way be restricted from carrying on farming practices such as grazing, hay cutting, plowing, working and cropping wetlands when the same are dry of natural causes, and that they may utilize all of the subject lands in the customary manner except for the draining, filling, leveling, and burning provisions mentioned above. Located as online drainage ditches which the parties of the first part may maintain and/or wetlands which are deleted from the pro- areas of this easement. The above exceptions are shown on a map created by the Regional Director at the time of acceptance.

SPECIAL PROVISIONS

1. This indenture shall not be binding upon the UNITED STATES OF AMERICA until accepted on behalf of the United States by the Secretary of the Interior or his authorized representative, although this indenture is acknowledged by the parties of the first part to be presently binding upon the parties of the first part and to remain so until the expiration of said period for acceptance, as hereinabove described, by virtue of the payment to parties of the first part, by the UNITED STATES OF AMERICA, of the sum of One Dollar, the receipt of which is hereby expressly acknowledged by parties of the first part.
2. Notice of acceptance of this agreement shall be given the parties of the first part by certified mail addressed to Frances Kramer at Artesian, South Dakota 57314 and such notice shall be binding upon all the parties of the first part without sending a separate notice to each.
3. The parties of the first part warrant that no person or selling agency has been employed or retained to solicit or secure this contract upon agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the vendors for the purpose of securing business. For breach or violation of this warranty the United States shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration the full amount of such commission, percentage, brokerage, or contingent fee.

T 106 N. R 58 W.




SECTION 2, N1/2N1/2SW1/4, N1/2SE1/4, and W1/2SW1/4SE1/4 except R.R. R/W



Scale: 1:10,560



The U.S. Fish & Wildlife Service (Service) has purchased and owns a perpetual easement which restricts the rights to drain, burn, fill or level any wetland areas depicted on this map. This map represents the Service's effort to depict the approximate sizes, shapes, and locations of all protected wetland areas and is not intended to depict water levels in wetland areas for any given year. Wetland area acre estimates are provided to demonstrate that mapped wetland areas are consistent with the acres for which the Service paid. Any other interpretation of the estimated wetland area acreages may lead to a mischaracterization of the easement conveyance. A permit is required from the Service before conducting activities that result in the draining, burning, filling or leveling of wetland areas identified on this map.

-  Section Boundary
-  Boundary of Easement Description
-  Wetland Areas Covered by Provisions of the Easement

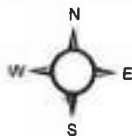
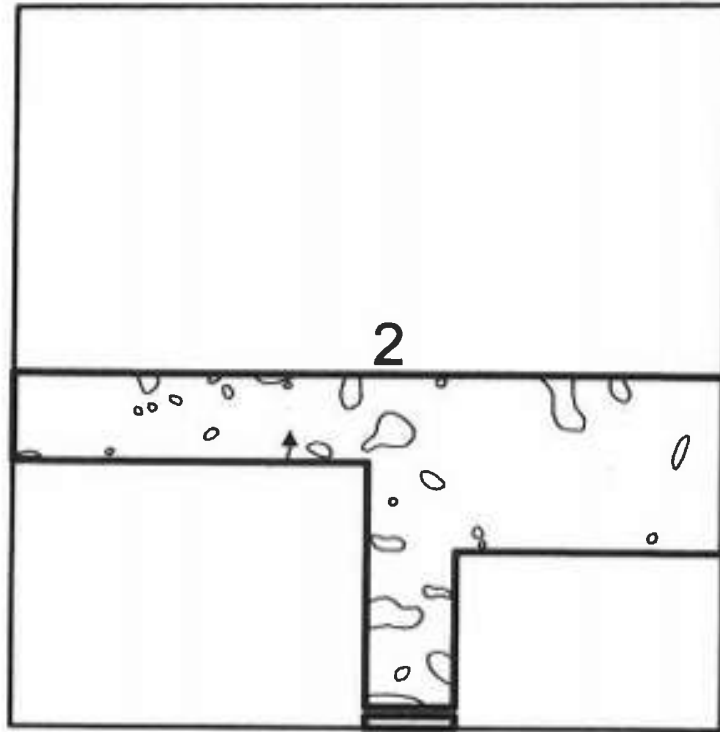
UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

Tract: 106X

Map 1 of 1

WATERFOWL PRODUCTION AREA MINER COUNTY, STATE OF SOUTH DAKOTA EASEMENT
AUTHORIZED BY MIGRATORY BIRD HUNTING STAMP ACT OF MARCH 16, 1934, AS AMENDED.
T. 106 N., R. 58 W., 5th PRINCIPAL MERIDIAN

SECTION 2, N1/2N1/2SW1/4, N1/2SE1/4 and W1/2SW1/4SE1/4 except R.R. R/W



1 inch = 0.25 miles






The U.S. Fish and Wildlife Service (Service) has purchased and owns perpetual rights which restrict or prohibit the right to drain, burn, level, and fill any wetland basins depicted on this map. This map represents the Service's effort to depict the approximate location, size and shape of all protected wetlands based on information and maps available at the time this map was prepared. However, wetlands are hydrologically dynamic systems, with expanding and contracting water levels. This map is not meant to depict water levels in the wetland in any given year. The Service reserves the right to revise this map, provided the mapped acreage remains consistent with the Easement's Summary Acres.

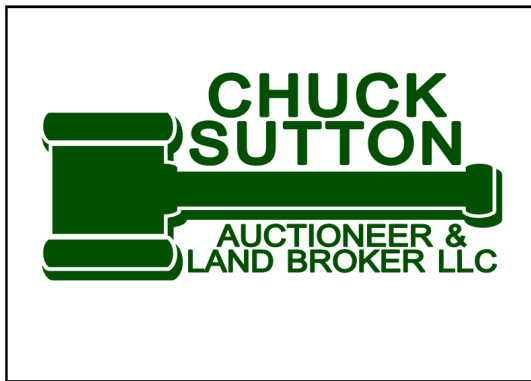
Prepared by: Tony Arampatzis
Tony Arampatzis

Approved by: Bryan Schultz
Bryan Schultz

Date: 11/10/15

LEGEND

-  Section Boundary
-  Boundary of Easement Description
-  Wetlands Covered by Provisions of the Easement
-  Wetlands Deleted from the Easement
-  Approved Drainage Facility



www.suttonauction.com

The Sale of your property may be a once in a lifetime event...

Our company has been serving the auction needs of clients since 1932 & presently we are licensed real estate brokers in SD, MN, IA, & NEB. Our firm has grown to be recognized as industry leaders in the Auction Industry.

In the last 10 years our firm has sold over 115,000 acres of Property including Ag Land, Acreages & Development Property. We have also sold numerous Farm Equipment, Construction Equipment & other Personal Property Auctions.

"Successful Auctions Don't Just Happen They're Planned" - The Sale of your property may be a once in a lifetime event, so it is important that you rely on an auctioneer with experience, knowledge, education, marketing & promotional skills, established contacts with numerous qualified prospective buyers and last but not least - a track record of success! Our auction company has been serving the auction needs of clients since 1932 and currently we are licensed RE Brokers in South Dakota, Minnesota, Iowa and Nebraska. Our firm has grown to be recognized as a leader in the auction industry. Furthermore, auctions have become ***the marketing method of choice for farmland***, being the most tried and true method of marketing with a proven record of results surpassing such methods as sealed bids and negotiated sales, ***with auctions providing the "Ultimate Marketplace" - by maximizing the number of prospective buyers and also allows the seller to set the terms of sale and puts all buyers on an equal playing field, where all parties have a fair and equal opportunity to bid and buy.***

If you are considering the sale of your land, contact, Chuck Sutton and his staff at Chuck Sutton Auctioneer & Land Broker, LLC or any of our other affiliated offices, and let him and his professional associates put their years of experience to work for You!!

"Remember, Successful Auctions Don't Just Happen, They're Planned!!"

www.suttonauction.com

<p>Chuck Sutton Auctioneer & Land Broker, LLC 1116 N. West Ave Sioux Falls, SD ph. 605-336-6315</p>	<p>Kuhle-Sutton Agency, LLC 127 2nd Ave. W Flandreau, SD ph. 605-997-3777 www.kuhlesutton.com</p>	<p>Pipestone Realty, LLC 120 N. Hiawatha Ave. Pipestone, MN ph. 507-825-3389 www.pipestonerealty.com</p>
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