

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF LYMAN)

IN CIRCUIT COURT

SIXTH JUDICIAL CIRCUIT

<p>In the Matter of the Partition of:</p> <p>Multiple Parcels Located in Lyman County, South Dakota,</p> <p>Dennis and Carol Stewart, Marilyn and DeeJay Robinson</p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>Eileen Wheeler, Leland and Sally Stewart, Douglas Stewart, Donna Stewart, Gordon Stewart, County of Lyman, Don McManus, John Cosgrove, Warren Karlen, Brad Karlen, John Doe #1, and John Doe #2,</p> <p style="text-align: right;">Defendants.</p>	<p style="text-align: center;">42CIV20-000018</p>
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AMENDED
COMPREHENSIVE ORDER ON SALE OF PROPERTY SUBJECT TO PARTITION

This matter is a partition matter brought pursuant to SDCL § 21-45 *et seq.* Prior to this Order, the Court has entered various Orders which will not be repeated here, but are incorporated by this reference as though fully set forth herein. The Court has been advised that the Court's

appointed Referee, Robert L. Morris, aka Bob Morris, has set a sale at public auction for April 22, 2022, pursuant to the Court's previous Orders, of the following described property:

LOTS 5 & 6 IN BLOCK 10, MILWAUKEE LAND COMPANY'S FIRST ADDITION TO THE TOWN OF RELIANCE, LYMAN COUNTY, SOUTH DAKOTA, according to the recorded plat thereof.

TOWNSHIP 104 North, RANGE 73 WEST OF THE 5TH P.M. Lyman County, South Dakota

SECTION 5: SW1/4

SECTION 6: LOTS 6-7 & E1/2SW1/4; SE1/4

SECTION 7: S1/2NE1/4

SECTION 8: NE1/4 & W1/2, except Road as conveyed by Deed in Book 72, Page 305

TOWNSHIP 105 North, RANGE 73 WEST OF THE 5TH P.M., Lyman County, South Dakota

SECTION 18: LOTS 3-4 & E1/2SW1/4

TOWNSHIP 105 North, RANGE 74 WEST OF THE 5TH P.M., Lyman County, South Dakota

SECTION 11: SW1/4

SECTION 12: NE1/4 & S1/2

SECTION 13: S1/2

SECTION 14: NE1/4; SW1/4; W1/2SE1/4;

SECTION 15: SE1/4

Based upon the Court's entered Orders, this **AMENDED COMPREHENSIVE ORDER ON SALE OF PROPERTY SUBJECT TO PARTITION** is executed by the Court regarding the above described real property and, **IT IS HEREBY:**

ORDERED, ADJUDGED and DECREED that the Referee is directed to sell the above described real property, in such Tracts as he deems advisable, at public auction at a location of his choosing, upon such terms and conditions he deems advisable to obtain the highest bidder at a cash sale with no financing contingency, on April 22, 2022, and it is further;

ORDERED, ADJUDGED and DECREED, that none of the purchase money is required to be invested for the benefit of unknown owners, infants, or parties out of state, and it is further;

ORDERED, ADJUDGED and DECREED that the real estate above described shall be sold free and clear of any prior estates, leases, charges or liens, real estate taxes and special assessments not yet due, excepted, but shall be sold subject to all rights of way, easements, building covenants and restrictions, mineral rights, water rights, fossil rights, reservations and other restrictions and covenants of record, and rights of the municipal, county, state and federal governments, if any, pertaining to the use of the land, and it is further;

ORDERED, ADJUDGED and DECREED, that any alleged prior agricultural leases or any alleged prior agricultural lease possessory interests on the described property have been terminated and are terminated thereby allowing the property to be sold free of any alleged prior agricultural lease or alleged prior agricultural lease possessory interests in the property, and it is further;

ORDERED, ADJUDGED and DECREED, that the Referee will file his Report of Sale electronically with the Lyman County Clerk of Courts before or on May 6, 2022, which is ten days after the sale of the property not including weekends and holidays, and it is further;

ORDERED, ADJUDGED and DECREED, that a hearing will be held at the Lyman County Courthouse on **Monday, May 23, 2022 at 1 p.m.** on the Report of Sale and for the purpose of addressing any exceptions filed and for confirmation of sale of the property. The

Referee shall file a Notice of Hearing at the time he files his Report of Sale. In addition to filing the Notice of Hearing electronically with the Lyman County Clerk of Courts, he shall serve the same on the high bidder of each Tract sold at the public auction via email or via First Class Mail.

ORDERED, ADJUDGED and DECREED, that if after the Referee files his Report of Sale with the Lyman County Clerk of Courts, and before confirmation of sale, that pursuant to SDCL 21-45-31 the Court will only accept a higher and better bid for each Tract, filed pursuant to SDCL 21-45-43, of not less than an additional 15% per acre above the auction sale price along with 15% percent down payment, and if so made, the procedure in SDCL 21-45-44 will be followed, and it is further;

ORDERED, ADJUDGED and DECREED, that upon the filing of this **AMENDED COMPREHENSIVE ORDER ON SALE OF PROPERTY SUBJECT TO PARTITION** with the Lyman County Clerk of Courts, the Lyman County Clerk of Courts is directed to file a Certified Copy of this Order with the Lyman County Register of Deeds, and it is further;

ORDERED, ADJUDGED and DECREED, that the Court retains the right to modify, amend, or revise this Order as necessary.

Dated this 21st day of March, 2022.

BY THE COURT:

M. Bridget Mayer
Honorable M. Bridget Mayer
Circuit Court Judge

ATTEST:

Clerk of Courts

By Lindsay Johnson

(SEAL)



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STATE OF SOUTH DAKOTA
CIRCUIT COURT, LYMAN CO.

FILED

MAR 21 2022

By Lindsay Johnson Clerk