

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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NOTICE OF COURT ORDERED PARTITION SALE

This matter is a partition matter brought pursuant to SDCL § 21-45 *et seq.* The Honorable Bridget M. Mayer entered an Order of Default Judgment filed on December 2, 2020; Order for Summary Judgment filed on December 2, 2020; Order Approving Settlement Agreement filed on July 14, 2020; and Order Approving Settlement Agreement filed on August

Matter of the Partition – Stewart et al
42CIV20-000018
Notice of Court Ordered Sale – Partition Action
Page 1 of 5

9, 2021. Pursuant to the Orders filed July 14, 2021 and August 9, 2021, the undersigned Referee was directed to sell certain described real property pursuant to SDCL Chapter 21-45.

NOTICE IS HEREBY GIVEN, that subject to SDCL Chapter 21-45, the following described real property will be sold at public auction to the highest bidder:

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

Matter of the Partition – Stewart et al
42CIV20-000018
Notice of Court Ordered Sale – Partition Action
Page 2 of 5

NOTICE IS FURTHER GIVEN, that the public auction sale will be held on Friday, April 22, 2022, at 10 a.m. CDT at Arrowwood Resort at Cedar Shore, 1500 Shoreline Drive, Oacoma, SD, 57365, and such sale will be conducted by the undersigned Referee through Ron Ensz, Clark & Associates Land Brokers, Belle Fourche, SD, 57717 and Chisum Peterson, Peterson Land & Auction, Chamberlain, SD, 57325.

NOTICE IS FURTHER GIVEN, the terms of the sale are:

1. 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.
2. All real estate and improvements thereon will be sold "as is" in its present condition as a cash sale with no financing contingency
3. There shall be no reservation of mineral or fossil rights.
4. Property will be offered in 14 individual Tracts. See Peterson Land and Auction website for particulars. <https://petersonlandauction.com/details.php?listingID=283>
5. 10% non-refundable down payment and signed purchase agreement required the day of the auction with balance due at closing which is expected to be scheduled for on or before June 1, 2022, or other such time after June 1, 2022 if circumstances warrant.
6. The high bidder at the auction will also sign a one-year cash rent lease for the acres purchased by the high bidder. The purpose of the lease so the high bidder can take possession of the property on April 23, 2022, in order to immediately prepare the property for planting or grazing. If the high bidder is the ultimate purchaser of the property, the lease will merge with the transfer of the property via Referee's Deed.
7. Tract 5 lease will be for cropland and pasture only. The lease will not include the house and buildings.

8. The amount of cash rent for each Tract, except Tract 14, is as follows: Tract 1:\$21,450.00; Tract 2:\$9,900.00; Tract 3:\$5,325.00; Tract 4:\$15,750.00; Tract 5:\$7,130.00; Tract 6:\$11,325.00; Tract 7:\$10,965.00; Tract 8:\$7,735.00; Tract 9:\$10,345.00; Tract 10:\$5,700; Tract 11:\$14,340.00; Tract 12:\$11,115.00; Tract 13:\$5,620.00.
9. Title insurance will be provided. A copy of the title insurance commitment will be provided to all interested persons who request a copy prior to the public auction.
10. Transfer fees paid by seller. Recording fees paid by buyer.
11. Title insurance premium and closing service fee shall be split equally between buyer and seller.
12. The 2021 real estate taxes due in 2022 shall be paid by the seller out of sale proceeds if not paid before the auction. 2022 real estate taxes payable in 2023 will be prorated to date closing and shall be the buyer's responsibility thereafter.
13. The sellers and Referee do not warranty or guarantee that the existing fences lie on the true and correct boundary and new fencing, if any, will be the responsibility of the purchaser pursuant to South Dakota statutes.
14. Transfer of property will be via Referee's Deed.

NOTICE IS FURTHER GIVEN, that this sale is subject to confirmation by the Honorable M. Bridget Mayer, Circuit Court Judge, Sixth Judicial Circuit, Lyman County, South Dakota and such confirmation will take place at a hearing to be scheduled after the Referee's Report of Sale is filed with the Lyman County Clerk of Courts.

NOTICE IS FURTHER GIVEN, that if other and higher bids are received after completion of the sale herein noticed, then pursuant to SDCL 21-45-31, this sale may not be confirmed should a higher of better bid be filed in writing after the Referee's Report of Sale but before confirmation of sale.

NOTICE IS FURTHER GIVEN, that only a higher and better bid, in writing, 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, will be considered by the Court and if so made, the procedure in SDCL 21-45-44 will be followed.

NOTICE IS FURTHER GIVEN, that if a higher and better bid is filed and after the procedure in SDCL 21-45-44 is followed, should the ultimate purchaser not be the same person or entity who was the high bidder at the public sale, the ultimate purchaser will be purchasing the property subject to the one-year cash rent lease executed by the high bidder at the public sale.

NOTICE IS FURTHER GIVEN, that any prospective purchaser is referred to the Orders and Judgments on file in the office of the Lyman County Clerk of Courts, 300 Main Street, Kennebec, South Dakota, 57544, for further particulars.

Dated this 21st day of March, 2022.

MORRIS LAW FIRM, PROF. LLC
Court Appointed Referee

/s/ Robert L. Morris
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Matter of the Partition – Stewart et al
42CIV20-000018
Notice of Court Ordered Sale – Partition Action
Page 5 of 5