

# ◆ JOHNSON COUNTY LAND AUCTION ◆

102 Palisades Road, Mount Vernon, IA 52314  
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***117.00 Acres, m/l –April 11, 2023 @ 10:00 A.M.***

Hybrid Auction: In-Person and Online Bidding

**SELLER**

***COLONY FARMS, INC.***

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## **AUCTION METHOD & TERMS OF SALE**

1. All bidding is open and public. Registered bidders may be bidding in the room, through the Hertz website, through the Hertz app, or by phone with the assistance of a Hertz staff member.
2. By registering to bid and obtaining a bidder's number, you are agreeing to abide by the auction method and the terms and conditions of sale at this auction.
3. Hertz Real Estate Services, its auctioneer, and its representatives are agents of the Seller.
4. This land is being offered as two parcel(s) and will be offered by the **Choice and Privilege Method** with the choice to the high bidder to take one or both parcels. Should the high bidder not select both parcels, the contending bidder will have the privilege to select the remaining parcel at the high bid. Should the contending bidder elect not to purchase the parcel that remains, the remaining parcel will be offered with another round of bidding.
5. All bidding will be on a "dollars per acre" basis. The final total purchase price will be calculated by multiplying the per acre bid amount times the number of acres per the auction brochure.
6. ***YOUR BIDDING IS NOT CONDITIONAL UPON FINANCING***, so be sure you have arranged financing, if needed, and are capable of paying cash at closing. In addition, ***YOUR BIDDING IS NOT CONDITIONAL UPON ANY BUYER OR LENDER INSPECTION***, so be certain you have completed your due diligence on the property prior to bidding.
7. Minimum bid increments are at the discretion of the auctioneer throughout the auction.
8. The successful bidder(s) will be required to execute a Real Estate Sales Agreement at the conclusion of the auction.
9. The successful bidder(s) will provide a 10% cash down payment at the close of the auction upon signing a Real Estate Sales Agreement. As successful buyer, within 24 hours of contract signing, your 10% down payment will need to either be wire transferred from your bank to the trust account of Hertz Real Estate Services or given by physical check to the Sales Manager, Troy Louwagie.
10. The sale is subject to final confirmation and acceptance of the final bid prices by the Seller(s).
11. Closing will take place on or before May 12, 2023, or as soon thereafter as applicable closing documents are completed.
12. The Seller(s) will provide a deed and an updated abstract upon full payment of the purchase price at the time of closing.

13. Possession is as follows:

- Parcel 1: There is a Cash Rent Lease in place for the 2023 crop year. Buyer(s) to have possession of the cropland at closing, subject to the existing lease. Buyer(s) will receive full possession of the cropland on March 1, 2024, and will have full farming rights for the 2024 crop year. Buyer to have full possession of the grain bins to be August 30, 2023, and full possession of the crib and hog house to be at closing.
- Parcel 2: There is a Cash Rent Lease in place for the 2023 crop year. Buyer(s) to have possession of the cropland at closing, subject to the existing lease. Buyer(s) will receive full possession of the cropland on March 1, 2024, and will have full farming rights for the 2024 crop year.

14. Cash Rent Payments are as follows:

- Parcel 1: The cash rent for the 2023 crop year is based on 75.00 tillable acres x ~\$280.67 per acre = \$21,050.50. At closing, Buyer shall receive the first half rent in the amount of \$10,525.25. Buyer to collect the second half rent in the amount of \$10,525.25 from the Tenant on December 1, 2023.
- Parcel 2: The cash rent for the 2023 crop year is based on 37.23 tillable acres x ~\$280.67 per acre = \$10,449.50. At closing, Buyer shall receive the first half rent in the amount of \$5,224.75. Buyer to collect the second half rent in the amount of \$5,224.75 from the Tenant on December 1, 2023.

15. All personal property on Parcel 1 is reserved.

16. Real Estate Taxes will be prorated to the date of closing. Any closing credits shall be based upon the most recently ascertainable real estate tax information, and the Buyer(s) will be responsible for all real estate tax payments thereafter.

17. Any mineral rights owned by the Seller(s) will be transferred to the Buyer(s) at closing.

18. Your bidding at this auction is based solely upon your inspection and due diligence. All real estate and any improvements are sold on an "AS IS, WHERE IS, WITH ALL FAULTS" basis without any warranties or representations as to fitness for a particular use, access, water quantity or quality, physical or environmental condition. Neither the Seller(s) nor the Auction Company are warranting any specific zoning classification, location of utilities, assurance of building permits, driveway permits or water or septic permits. Please refer to the auction brochure and the Purchase Agreement, each of which is available for your review, for any applicable disclaimers and disclosures. It is the responsibility of each bidder to become familiar with this information.

19. Bid Assistants in the room will be directing their bids to auctioneer, while the auction Clerk will be doing the same for online bids. At any time during the auction there may be occasion where in-room bids are received and accepted prior to an online bid, thereby creating a rejection of the online bid, and vice versa. Since we have a hybrid of in-person and online bidders, all bidders should be aware that the Auctioneer will determine the order of bid acceptance.

20. For online bidders, we will not accept any max bids that are placed through the bidding platform, as in-room bidders do not have that option.

21. We will not be taking any planned breaks. Online bidders should use the "Request a Break" phone number to request a break, if needed; while in-room bidders should address a break request to one of the bid assistants in the room.

22. As bidding in any round slows, the auctioneer will wind up that round of bidding with a countdown. If a bid comes in during the countdown, bidding will resume. This process will repeat throughout the round until a countdown reaches ZERO with no new bids.

23. All real estate is sold subject to all other terms and conditions set forth in the Real Estate Sales Agreement.

**Thanks very much for your interest in this auction!**  
**Please contact Sales Manager/Auctioneer, Troy Louwagie, with Hertz Real Estate Services**  
**if you have any questions.**

*Day of Auction*  
**IMPORTANT PHONE NUMBER**

**Property Questions, Bidding  
Questions, or Request a Break**

**515-766-0846**