

# INDEPENDENCE COUNTY ABSOLUTE HOME & LAND AUCTION



**On-Site & Online Auction**

**Wednesday | September 25, 2019 | 3:00 P.M.**

**315 Mose Mountain Rd. | Batesville, AR 72501**

**[WilsonAuctioneers.com](http://WilsonAuctioneers.com)**



August 28, 2019

Dear Prospective Buyer:

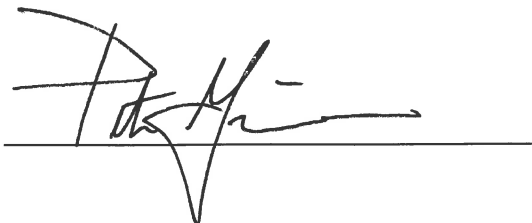
This (5) bedroom and (5) bathroom estate, on 240+/- surveyed acres of mature hardwood timber and fenced Bermuda pasture, will be offered in 3 tracts and any combination on auction day. You can feel the peacefulness of the country as you wind through the 1/2-mile private drive to the house. The estate is surrounded by 50-60+/- acres of planted Bermuda pasture that is fenced and cross fenced with a small pond. The remaining 190+/- acres, covered in mature hardwood timber, could be select cut at any time. There is a trail from behind the house which takes you to a picturesque overlook atop Mose Mountain. A large spring on the east side of the property runs year-round and forms the creek. This property also contains, a metal barn, cattle working pen with a squeeze chute, storage shed, and a dog run. A large portion of the fencing is electric, and city water runs to the barn and several pasture cells. ***This beautiful farm is selling regardless of price to the Highest Bidder on Auction Day!***

**Tract 1** contains 40+/- acres with a (5) bedroom/ (5) bath home, custom-built with attention to detail by JB Henley in 1997. The house features solid oak wood flooring throughout the main level, 22-foot ceilings in the entryway, and a solid oak staircase. The formal dining room has built-in cabinets, and there is a sitting room/office. The large kitchen features matching black appliances, gas range, double ovens, sitting bar, breakfast area, custom oak cabinets, and sliding door access to the spacious deck. The living room has vaulted ceiling with wall-to-wall custom wooden windows and wooden beams, plus solid oak built-ins. Master suite features a private sitting porch, walk-in his/hers closets, en-suite bathroom with a large walk-in shower and Jacuzzi tub. The first-level features a guest bedroom or office, spacious mudroom area off the garage containing a full bath, and a double garage with lots of storage. Second-floor offers (3) large bedrooms, each with walk-in closets, built-ins, (2) full bathrooms as well as (2) walk-in attic accesses. This home offers extensive landscaping surrounded by native stone edging and spacious decks for entertaining. Also included are cattle working pens, a barn, and a shed.

**Tract 2** consists of 120+/- acres of hardwood off Mose Mountain Road. This tract features a year-round spring, mature hardwood, city water, and electric access; it would make a fantastic hunting retreat or homesite.

**Tract 3** contains 80+/- acres off O'Neal Road covered in mature hardwood, and it also has a large Bermuda pasture. This tract would make a wonderful hunting retreat to build a home or cabin and to raise livestock. There is utility access off O'Neal Road.

If you have further questions after reviewing this information packet, please don't hesitate to call me, **Peter Guerin, at (501) 733-6795**. We look forward to working with you on auction day at **315 Mose Mountain Road in Batesville, Arkansas at 3:00 p.m. on September 25th**.

A handwritten signature in black ink, appearing to read 'Peter Guerin', is written over a horizontal line.

Peter Guerin, Agent  
Wilson Real Estate Auctioneers, Inc.

## GENERAL INFORMATION

**LEGAL DESCRIPTION:** See Attachment

**TERMS AND CONDITIONS:** \$20,000.00 (PER TRACT) Cashier's Check ***made Payable in Your Name or Wilson Auctioneers, Inc.*** Down Day of Auction, as Earnest Money ~ Balance Due at Closing ~ Closing within 30 Days ~ Title Insurance with Warranty Deed Provided at Closing ~ Property Sold Free & Clear of any Liens & Encumbrances ~ 10% Buyer's Premium ~ **Offers Prior to Auction are Welcome.**

**CLOSING COMPANY:** Independence County Abstract Company, Inc. ~ Closing Agent: Kyle McMullin ([kyle@indcoabstract.com](mailto:kyle@indcoabstract.com)) ~ 150 S. Broad Street, Batesville, Arkansas 72501 ~ (870) 793-3333 ~ Fax/793-3343.

**GENERAL INFORMATION:** This 5BR/ 5BA Estate on 240+/- Surveyed Acres of Mature Hardwood Timber & Fenced Bermuda Pasture will be Offered in 3 Tracts & Any Combination on Auction Day ~ You can feel the Peacefulness of the Country as you Wind Through the 0.5 Mi. of Private Drive to this Home ~ This Estate is Surrounded by 50-60+/- Acres of Planted Bermuda Pasture Fenced/ Cross Fenced w/a Small Pond ~ The Remaining 190+/- Acres is Covered in Mature Hardwood Timber that Could be Select cut at any time ~ Trail from Behind the Home Takes you to a Picturesque Overlook Atop Mose Mountain ~ Large Spring on the East Side of the Property Runs Year-Round & Forms the Creek ~ Metal Barn ~ Cattle Working Pen w/Squeeze Chute ~ Storage Shed ~ Dog Run ~ Large Portion of Fencing is Electric ~ City Water Runs to Barn & Several Pasture Cells ~ **This Beautiful Farm is Selling Regardless of Price to the Highest Bidder on Auction Day!** ~ **(TRACT 1)** 40+/- Acres w/a 5BR/ 5BA Home, Custom-Built w/Attention to Detail by JB Henley in 1997 ~ It Features Solid Oak Wood Flooring Throughout the Main Level ~ 22 Ft. Ceilings in the Entryway ~ Solid Oak Staircase ~ Formal Dining Room w/Oak Built-ins ~ Sitting Room/Office ~ Large Kitchen Features Matching Black Appliances, Gas Range, Double Ovens, Sitting Bar, Breakfast Area, Custom Oak Cabinets & Sliding Door Access to the Spacious Deck ~ Vaulted Living Room w/Wall-to-Wall Custom Wooden Windows & Wooden Beams, Plus Solid Oak Built-ins ~ Master Suite Features its Own Private Sitting Porch, Walk-in His/Hers Closets, En-Suite Bath w/Large Walk-in Shower & Jacuzzi Tub ~ First Level Also Features Guest Bedroom or Office, Spacious Mudroom Area off Garage that has its Own Full Bathroom & Double Garage w/Lots of Storage ~ Second Floor Offers (3) Large Bedrooms, each w/Walk-in Closets, Built-ins, (2) Full Bathrooms as well as (2) Walk-in Attic Accesses ~ This Home Offers Extensive Landscaping Surrounded by Native Stone Edging & Spacious Decks for Entertaining ~ Also Includes Cattle Working Pens, Barn, & Shed ~ **(TRACT 2)** 120+/- Acres of Hardwood off of Mose Mountain Road ~ This Tract Features a Year-Round Spring, Mature Hardwood, City Water & Electric Access ~ Would Make a Fantastic Hunting Retreat or Homesite ~ **(TRACT 3)** 80+/- Acres off of O'Neal Road is Covered in Mature Hardwood & Also Features a Large Bermuda Pasture ~ Would Make a Wonderful Hunting Retreat to Build a Home or Cabin & Raise Livestock ~ Utility Access off of O'Neal Road ~ **Offers Prior to Auction are Welcome!**

**REAL ESTATE TAXES FOR YEAR 2018:** \$2,993.00

**SCHOOL DISTRICT:** Batesville

The information in this packet is believed to be accurate and from reliable sources, but we make no representation or warranties, expressed or implied, as to the accuracy of the information. All references to age, square footage, income, taxes, aerials, plats, surveys and expenses, but not limited to, are approximate. Buyers should conduct their own independent investigations and rely only on those results. Neither Wilson Real Estate Auctioneers, Inc. nor the Seller assumes liability for the information provided.

## **LEGAL DESCRIPTION:**

### **TRACT 1:**

A TRACT OF LAND BEING IN PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 13 NORTH, RANGE 8 WEST, INDEPENDENCE COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 1/2" REBAR, SAID POINT BEING AT THE SOUTHEAST CORNER OF SAID NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 3; THENCE ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTHEAST QUARTER, N89°12'36"W A DISTANCE OF 1346.88 FEET TO A FOUND REBAR WITH ALUMINUM CAP, SAID POINT BEING AT THE THE SOUTHEAST CORNER OF NORTHWEST QUARTER OF NORTHEAST QUARTER; THENCE CONTINUING ALONG SAID SOUTH LINE OF NORTH HALF OF THE NORTHEAST QUARTER, N89°08'15"W A DISTANCE OF 362.52 FEET TO A SET 5/8" REBAR; THENCE N1°22'50"E A DISTANCE OF 1019.50 FEET TO A SET 5/8" REBAR; THENCE S89°11'41"E A DISTANCE OF 1708.72 FEET TO A SET 5/8" REBAR, SAID POINT BEING ON THE EAST LINE OF SAID NORTH HALF OF THE NORTHEAST QUARTER; THENCE ALONG SAID EAST LINE OF NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 3, S1°20'32"W A DISTANCE OF 1019.50 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 40.00 ACRES MORE OR LESS.

### **TRACT 2:**

A TRACT OF LAND BEING IN PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 13 NORTH, RANGE 8 WEST, AND PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 14 NORTH, RANGE 8 WEST, INDEPENDENCE COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND PLOW BLADE, SAID POINT BEING AT THE SOUTHEAST CORNER OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 34; THENCE ALONG THE SOUTH LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 34, N89°02'38"W A DISTANCE OF 19.07 FEET TO A FOUND 1/2" REBAR, SAID POINT BEING AT THE NORTHEAST CORNER OF SAID NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 3; THENCE ALONG THE EAST LINE OF SAID NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 3, S1°20'32"W A DISTANCE OF 321.77 FEET TO A SET 5/8" REBAR; THENCE N89°11'41"W A DISTANCE OF 1708.72 FEET TO A SET 5/8" REBAR; THENCE S1°22'50"W A DISTANCE OF 1019.50 FEET TO A SET 5/8" REBAR, SAID POINT BEING ON THE SOUTH LINE OF SAID NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 3; THENCE ALONG SAID SOUTH LINE OF NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 3, N89°08'15"W A DISTANCE OF 984.61 FEET TO A FOUND REBAR WITH ALUMINUM CAP, SAID POINT BEING AT THE SOUTHWEST CORNER OF SAID NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 3; THENCE ALONG THE WEST LINE OF SAID NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 3, N1°25'49"E A DISTANCE OF 1347.39 FEET TO A SET 5/8" REBAR, SAID POINT BEING AT THE NORTHWEST CORNER OF SAID NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 3; THENCE ALONG SAID NORTH LINE OF NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 3, S89°02'38"E A DISTANCE OF 20.36 FEET TO A FOUND 1.5" PIPE, SAID POINT BEING AT THE SOUTHWEST CORNER OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 34; THENCE ALONG THE WEST LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER, N0°30'36"E A DISTANCE OF 1331.46 FEET TO A FOUND 1.5" PIPE, SAID POINT BEING AT THE NORTHWEST CORNER OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER; THENCE ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER, S89°01'59"E A DISTANCE OF 2693.74 FEET TO A FOUND PLOW BLADE, SAID POINT BEING AT THE NORTHEAST CORNER OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER; THENCE ALONG THE EAST LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER, S0°38'42"W A DISTANCE OF 1330.93 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 125.40 ACRES MORE OR LESS.

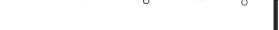
**TRACT 3:**

A TRACT OF LAND BEING ALL OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND ALL OF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, ALL IN SECTION 3, TOWNSHIP 13 NORTH, RANGE 8 WEST, INDEPENDENCE COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 1/2" REBAR, SAID POINT BEING AT THE SOUTHEAST CORNER OF SAID NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 3; THENCE ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, S1°20'32"W A DISTANCE OF 1341.27 FEET TO A SET 5/8" REBAR, SAID POINT BEING THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE ALONG THE EAST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, S1°20'32"W A DISTANCE OF 1334.97 FEET TO A SET 5/8" REBAR, SAID POINT BEING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, N89°17'06"W A DISTANCE OF 1343.71 FEET TO A FOUND REBAR WITH ALUMINUM CAP, SAID POINT BEING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, N1°18'56"E A DISTANCE OF 1334.34 FEET TO A FOUND REBAR WITH ALUMINUM CAP, SAID POINT BEING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, N1°13'57"E A DISTANCE OF 1343.63 FEET TO A FOUND REBAR WITH ALUMINUM CAP, SAID POINT BEING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, S89°12'36"E A DISTANCE OF 1346.88 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 82.65 ACRES MORE OR LESS.



○ 1355 42'



THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTIONS, TOWNSHIP 13 NORTH, RANGE 8 WEST, CONTAINING 40 ACRES, MORE OR LESS

A TRACT OF LAND BEING A PART OF THE NE1/4 OF THE SE1/4 IN SECTION 34, TOWNSHIP 14 NORTH, RANGE 8 WEST IN INDEPENDENCE COUNTY, ARKANSAS, BEING 15 FEET IN WIDTH, 7.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, COMMENCING AT THE SOUTHEAST CORNER OF SAID NE1/4, SE1/4, THENCE NORTH 88 DEGREES 44 MINUTES 55 SECONDS WEST ALONG THE SOUTH LINE OF SAID NE1/4, SE1/4, 400.00 FEET TO SAID CENTERLINE AND THE POINT OF BEGINNING (POB), THENCE ALONG SAID CENTERLINE THE FOLLOWING: NORTH 88 DEGREES 20 MINUTES 20 SECONDS EAST, 30.16 FEET; NORTH 24 DEGREES 30 MINUTES EAST, 120.0 FEET; NORTH 88 DEGREES 44 MINUTES 55 SECONDS EAST, 115.0 FEET TO THE SOUTH RIGHT OF WAY LINE OF MOSE MOUNTAIN ROAD.

**ROAD EASEMENT DESCRIPTION:**

A TRACT OF LAND BEING A PART OF THE NE¼ OF THE NE¼ IN SECTION 3 T 13 N R 8 W AND  
PART OF THE SE¼ OF SAID SECTION 3, T 13 N R 8 W IN INDEPENDENCE COUNTY,  
ARKANSAS, BEING 15 FEET IN WIDTH, 7.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED  
CENTERLINE, COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 3, THENCE  
S 0° 05' 15" W ALONG THE EAST LINE OF SAID SECTION 3, 69.5 FEET TO AN IRON  
PICKET, THENCE S 85° 05' 15" E 120.0 FEET TO THE POINT OF BEGINNING, POB; THENCE ALONG SAID  
CENTERLINE THE FOLLOWING: N 10° 28' E, 120.0 FEET; N 29° 58' E, 100.0 FEET; N 73° E, 90.0  
FEET; N 42° 76' E, 80.0 FEET; N 13° 30' 30" E, 131.50 FEET; N 00° 45' E, 111.0 FEET; N 25° 48' E, 72  
FEET; N 0° 05' 15" E, 90.0 FEET; N 04° 38' E, 105.0 FEET; N 00° 05' E, 100.0 FEET; N 05° 52'  
E, 97.0 FEET; N 33° 11' E, 40.50 FEET; N 03° 15' E, 103.5 FEET; N 00° 45' E, 100.0 FEET; N 05° 52' E,

115.0 FEET TO THE SOUTH RIGHT OF WAY LINE OF MOSE MOUNTAIN ROAD

PROPERTY LINE  
SECTION LINES  
QUARTER LINES  
SIXTEENTH LINES

GRAPHIC SCALE IN FEET  
200' 0 200'

GENERAL STUDY NOTES

SHOWN HERE

# Preliminary

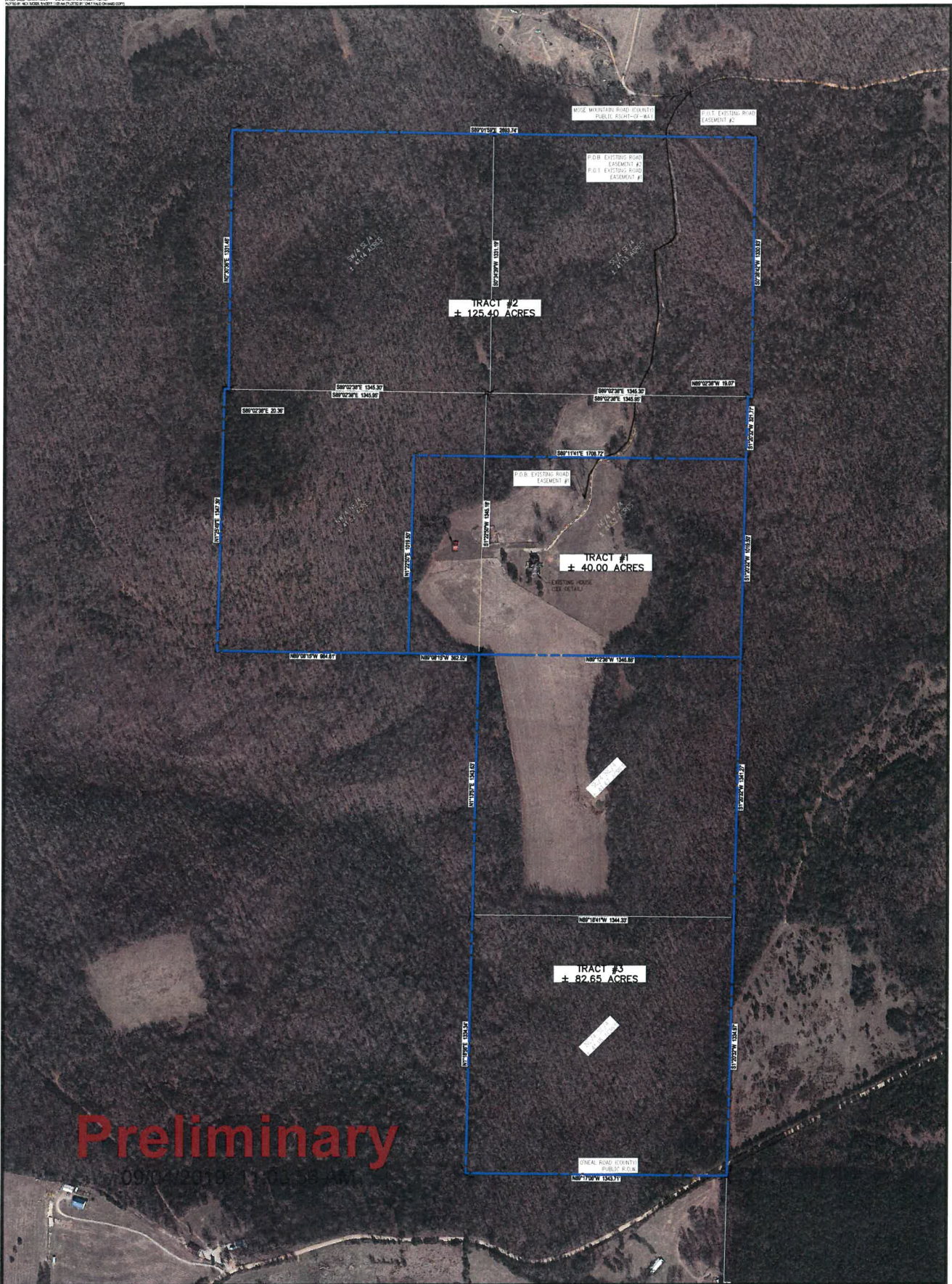
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DELTA	DESCRIPTION	DATE
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PH 01573-300 192076000

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- RECORD INFORMATION
1. GLO PLAT OF RECORD FOR TOWNSHIP 14 NORTH, RANGE 8 WEST AND GLO PLAT OF RECORD FOR TOWNSHIP 13 NORTH, RANGE 8 WEST
  2. WARRANTY DEED, BOOK N-11, PAGE 381-382, BOOK O-11, PAGE 127-128, BOOK A-15, PAGE 277-288, INDEPENDENCE COUNTY CIRCUIT CLERK'S OFFICE
  3. PREVIOUS SURVEY PERFORMED BY LS #925, DATED 08/04/1986 FOR DENNIS DOBBS
  4. PREVIOUS SURVEY PERFORMED BY LS #1525, DATED 10/01/2007 FOR TREY LAMB

FOR GRAPHICAL  
PURPOSES ONLY  
NOT A VALID  
SURVEY PLAT



BOUNDARY SURVEY  
SECTION 34, TOWNSHIP 14 NORTH, RANGE 8 WEST  
SECTION 3, TOWNSHIP 13 NORTH, RANGE 8 WEST  
315 MOSE MOUNTAIN ROAD

PREPARED FOR:  
DENNIS AND GWENDA DOBBS

BATESVILLE, INDEPENDENCE COUNTY ARKANSAS

DATE	DESCRIPTION	DATE

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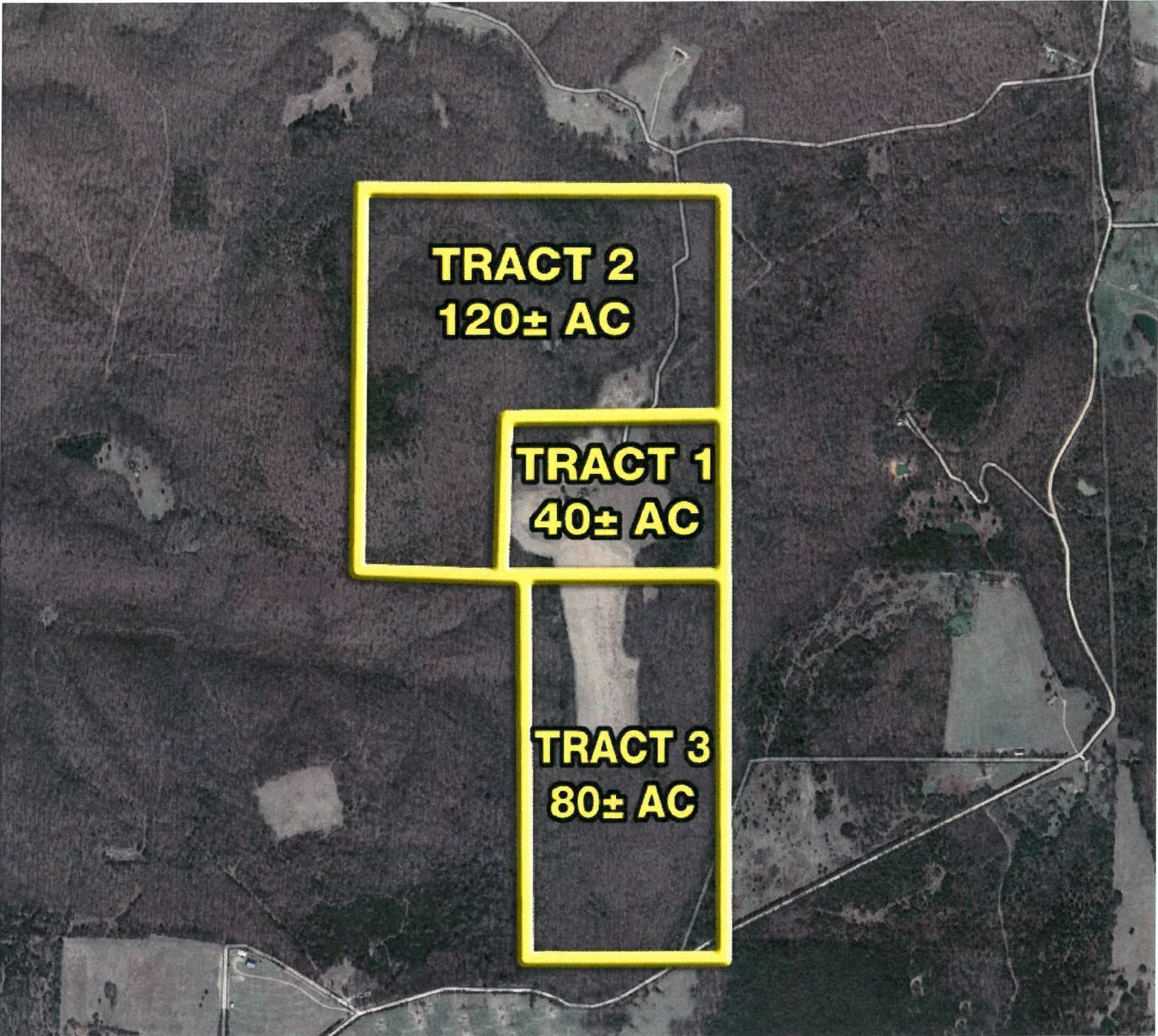
3000 Lakeshore Dr.  
Crawley, AR 72626-7004

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PROJECT NO.	1000000000
DATE	08/04/2007
CONTACT	RENEE KEE
CHECKED BY	
SHEET NO.	



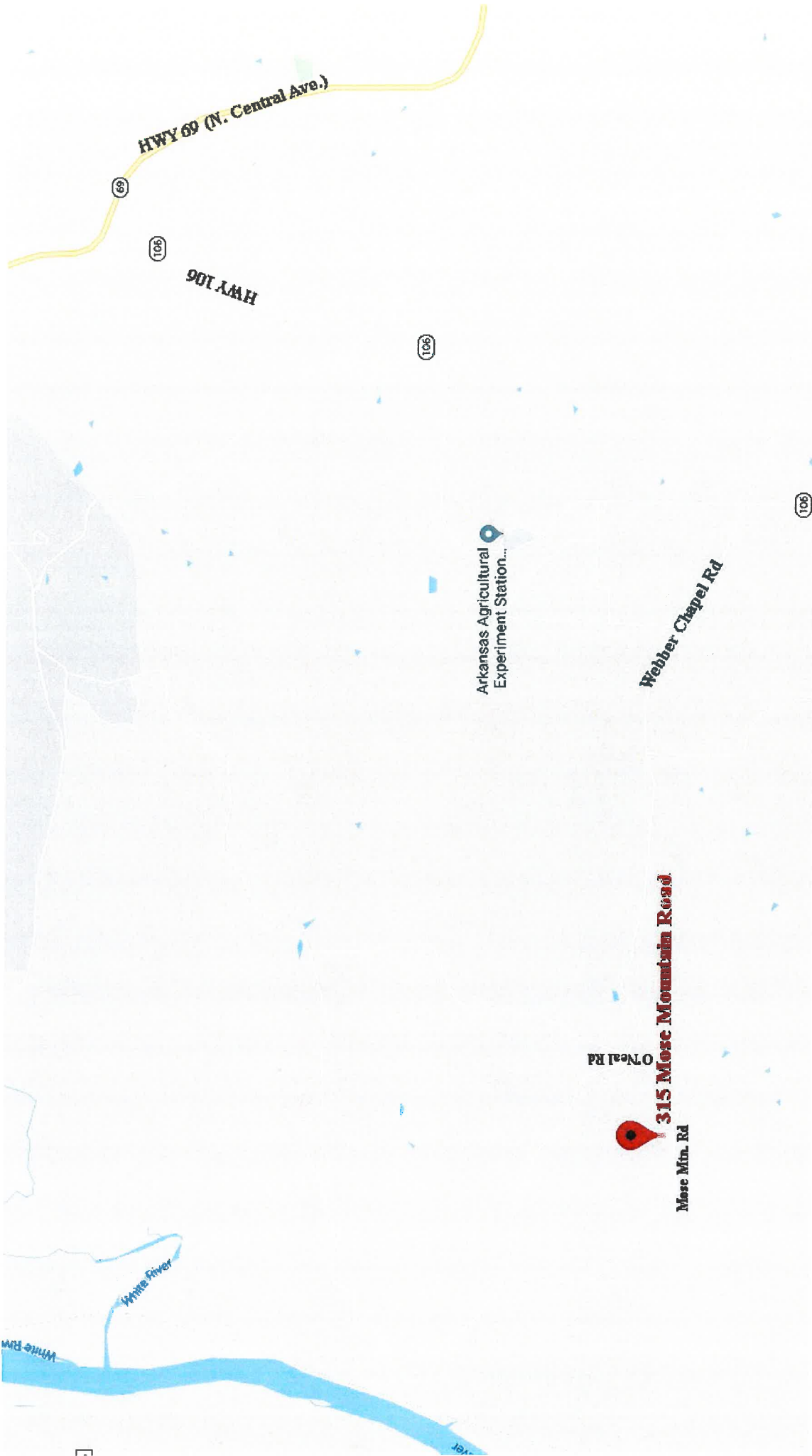


**TRACT 2**  
**120± AC**

**TRACT 1**  
**40± AC**

**TRACT 3**  
**80± AC**





HWY 69 (N. Central Ave.)

69

106

HWY 106

106

106

Arkansas Agricultural  
Experiment Station...

Webber Chapel Rd

O'Neal Rd

315 Mose Mountain Road

Mose Min. Rd

White River

White River

## **Multi-Par Auction Method**

The Multi-Parcel (multi-par) auction method allows the buyer to maintain control of any tracts or parcel throughout the auction, regardless of the combination of the tracts.

With the multi-par you select the lots you wish to purchase and bid on them, first by the acre and then in whole dollars.

After a per acre price has been established by individual tracts, for the entire acreage, any bidder may add to the total amount bid on any tracts in the preset dollar amount established at the beginning of the auction or as new bids are posted.

If no advance of bid is made within a specified time frame, then the lots will be announced closed.

## **Advantage of the Multi-Par Method**

- No one is knocked out of bidding at any time. In phase II, you may bid on any tract or combination of tracts.
- You may combine any or all tracts in any grouping throughout phase II of the auction as well post new bids on any single tract bid or combination bids already posted.
- At any time you can look at the lots displayed on large boards and see the high bid and whether you have control of that tract. The High Bidders will have a star (\*) beside their winning bid or combination.
- Since everyone who is participating in the auction event can choose which property they want to buy and the price is set by the bidder, everyone has the same opportunity to buy regardless of the other bidder's possible wealth or bidding strength.

## **Helpful bidding tips**

- Bid on only the tracts or items that you want to own. If you only want a single tract then bid when it is available. If you want multiple tracts or none at all then bid when combination of tracts are permitted. Remember, any bid posted is considered active and could be back in winning position at any time during the auction.
- Don't wait to bid at the end... prices don't go down. Waiting only invites more people to jump in at the last moment. Remember, it is better to defend your position than to take it from someone else.
- Prior to the auction determine your buying strategy. Determine what you want to buy and how much you can spend. Use the auction floor staff to help you with the math during the auction event.



# WILSON REAL ESTATE AUCTIONEERS, INC.

## TERMS OF AUCTION

Wilson Real Estate Auctioneers, Inc., an Arkansas corporation headquartered at 929 Airport Road, Hot Springs, Arkansas 71913 (telephone 877-243-2289 or 501-624-1825 and facsimile 501-624-3473) and its Arkansas broker, Joe R. Wilson (“Broker”) whose address is 929 Airport Road, Hot Springs, Arkansas 71913 (these parties collectively “Auctioneer”) have contracted with (“Seller”) to offer to sell at public auction (“Auction”) certain real property (“Property”). These terms, plus any additions, deletions, and/or revisions announced by Auctioneer before the commencement of the Auction, represent the exclusive terms for the Auction (“Terms of Auction”).

1. **AGENCY:** Auctioneer is acting exclusively as an agent for Seller and not as an agent for any Bidder or Buyer. No third-party broker is acting as a sub-agent of Auctioneers.
2. **PROPERTY:** The Property is described in the Property Information Packet (“Information Packet”), a copy of which is available from Auctioneer and posted at the Auction.
3. **DUE DILIGENCE:** Seller and Auctioneer do not attempt to provide Bidder with all of the information Bidder may need to make an informed decision about the Auction and Property. Bidder should obtain professional advice and conduct due diligence on the Property, title commitment (available from Auctioneer and posted at the Auction), surrounding area, all information provided by Seller or Auctioneer, “Property Information Packet” (available from Auctioneer, online at [www.wilsonauctioneers.com](http://www.wilsonauctioneers.com), and posted at the Auction), public records, Terms of Auction, Auction, Sale Contract, transaction contemplated, and all circumstances, defects, facts, issues, matters, problems, and other relevant matters (collectively “Property Issues”). All information provided by Auctioneer came from Seller and is believed to be accurate, but neither Seller nor Auctioneer guarantees, represents, or warrants its accuracy or completeness and Bidder should not rely upon it without independent inspection and verification from sources Bidder knows to be reliable. Seller and Auctioneer are not required to update any information provided or published and shall have no liability on any basis for failing to do so.
4. **DISCLAIMER:** Participation in the Auction is at Bidder’s sole risk and Seller and Auctioneer, plus their agents, contractors and employees, shall have no liability on any basis. The Property will be offered in “**AS IS, WHERE IS**” condition. To the fullest extent allowed by law, Seller and Auctioneer unconditionally disclaim any guarantee, representation, or warranty of every kind, whether expressed, implied, or statutory, whether oral or written, whether past, present, or future, with respect to all Property Issues, except as expressly provided in the Terms of Auction and the Sale Contract.
5. **DISCLOSURES:** The Property will be offered for sale and conveyed subject to all conditions, covenants, deeds, easements, reservations, restrictions, right-of-ways, title exceptions and matters of record. Maps, depictions and sketches in any materials related to the Property are for illustration purposes only and Seller and Auctioneer do not guarantee, represent, or warrant their accuracy or completeness, Residential dwellings built prior to 1978 may include lead-based paint. Buyer of such property must immediately execute a “Lead-Based Paint Waiver” in favor of Seller to be made part of the Sale Contract, thereby waiving Buyer’s right to conduct any risk assessment or inspection for lead-based paint hazards. Every Bidder should read and understand the lead hazard information pamphlet provided and the “Lead Warning Statement” in the Sale Contract.
6. **REGISTRATION:** Any competent adult with a satisfactory photo identification who properly registers and complies with the Terms of Auction may bid. Auctioneer may refuse to register or expel any person who is disruptive, noncompliant, or previously caused a problem for Seller or Auctioneer. Bidder must present a cashier’s check in the amount specified under “Terms on Real Estate” to Auctioneer at registration. This must be in the form of cashier’s check, made payable to Bidder. Any person intending to bid on behalf of another must present Auctioneer with an executed, enforceable, recorded and unexpired power of attorney which is subject to Auctioneer’s approval. The requirements for Bidder registration may be waived by Auctioneer with respect to any Bidder, without waiving same for any other Bidder. By registering, Bidder acknowledges receipt of the Terms of Auction and access to the Sale Contract and unconditionally and irrevocably agrees to be bound by both.

7. **BUYER'S PREMIUM:** A ten-percent (10.00%) buyer's premium shall be in effect for the Auction and added to the amount of the highest bid to arrive at the selling price for the Property ("total contract price").
8. **AUCTION:** Auctioneer's discretion includes, but is not limited to, the auction method, bid-calling, bid increments and determining the buyer. The decision of Auctioneer is final regarding all matters that arise before, during, or after the Auction. Seller shall not bid. Bidder shall not retract any bid. Bidder's purchase shall be considered a single transaction whether of the whole or a fraction of the Property. The sale of any fraction of the Property shall not be contingent upon the sale of any other portion thereof, whether purchased by the same Buyer or not.
9. **SALE CONTRACT:** This is a cash sale and not contingent upon any matter, including Buyer obtaining financing. Buyer shall immediately execute the Sale Contract and all related documents presented by Auctioneer to bind Bidder and Seller to the sale of the Property. Any Buyer purchasing on behalf of a business or arm of government ("artificial person") shall immediately execute the Sale Contract in both the artificial person's and buyer's names, until such time as the artificial person presents Auctioneer with acceptable, written evidence of the artificial person's good standing in its state of formation, plus written authority, in a form acceptable to Auctioneer, agreeing to be bound by the Sale Contract. The Terms of Auction are incorporated into the Sale Contract which defines the entire agreement between Seller and Buyer. The Terms of Auction complement the Sale Contract and, in the event of any conflict between them, the Sale Contract shall control in all instances. Buyer shall execute the Sale Contract and no addition, deletion, or revision shall be permitted.
10. **DEPOSIT:** Buyer shall immediately pay to Wilson Real Estate Auctioneers, Inc. a cashier's check in the amount specified under "Terms on Real Estate". If for any reason Buyer fails to timely execute the Sale Contract or pay the deposit, Seller has sole discretion, to: (a) pursue all legal and equitable remedies available against Buyer, or (b) declare Buyer's bid to be immediately forfeited, null and void, without any requirement of notice, and immediately re-sell the Property to another buyer.
11. **ARBITRATION:** Any action, claim, controversy, counterclaim, dispute, or proceeding arising out of the Property Issues and involving Seller, Bidder, Buyer, or Auctioneer, in any combination, whether controlled by federal or state law, and whether an issue of law or equity, including the determination of the scope and applicability of this agreement to arbitrate, shall be determined and resolved exclusively by final and binding arbitration, with no appeal permitted, except as provided by applicable law for the judicial review or enforcement of arbitration decisions. The arbitration shall be administered by Judicial Arbitration and Mediation Services, Inc., or its successor, and decided by a panel of three (3) independent arbitrators. Judgment on the arbitration award may be entered in any court having jurisdiction. The parties waive the right to any legal action and trial by jury. The costs of arbitration, including the fees and expenses of the arbitrators, but not including the parties' attorneys' fees, shall initially be paid equally by them. The prevailing party shall be entitled to collect from the other its full costs associated with the arbitration, including reasonable attorneys' fees. All aspects of any arbitration shall be permanently kept confidential and not disclosed in any form or manner to any entity, media, or person, and the parties shall jointly move the court entering judgment on the arbitration award to so order. Any arbitration must be commenced within two (2) years from the date when the cause of arbitration accrues or it will be forever barred. The right of arbitration shall accrue, and the two (2) year limitation period shall begin to run on the date the breach, damage, or injury is sustained and not when the resulting damage or harm is discovered.
12. **CHOICE OF LAW, JURISDICTION AND VENUE:** Any Auction matter shall be exclusively construed and governed in accordance with the laws of the State of Arkansas without regard to its conflict of laws principles. The exclusive jurisdiction and venue for any controversy or claim between the parties shall be the County of Garland in the State of Arkansas.
13. **MISCELLANEOUS:** The Terms of Auction shall bind Bidders and their agents, assigns, attorneys, beneficiaries, brokers, directors, distributes, employees, executors, heirs, legatees, officers, representatives, shareholders and successors in interest. No deletion, modification, supplement, or waiver of any provision of the Terms of Auction shall be made, except by Auctioneer's written revision or announcement at the Auction.



**ATTN: BATESVILLE HOME BUYERS, LAND BUYERS & REAL ESTATE INVESTORS!**

**4,000+/- SF, 5BR/ 5BA Custom-Built Henley Home Sitting on a Secluded 240+/- Acres just West of Downtown Batesville ~ This Amazing Home & Land will be Offered in 3 Tracts & Any Combination on Auction Day ~ Selling On-Site w/Live Online Bidding Available ~ REMEMBER, ALL TRACTS WILL SELL REGARDLESS OF PRICE TO THE HIGHEST BIDDER!**

# **INDEPENDENCE COUNTY ABSOLUTE HOME & LAND AUCTION**

**WEDNESDAY ~ SEPTEMBER 25, 2019 ~ 3:00 P.M.**

**315 MOSE MOUNTAIN ROAD ~ BATESVILLE, AR 72501**

**DIRECTIONS:** *From the Junction of HWY 69 (N. Central Ave.) & HWY 106 in Downtown Batesville, Travel West on HWY 106 for 8.0 Mi. to Webber Chapel Rd. ~ Turn Right & Travel 3.0 Mi. to O'Neal Rd. ~ Turn Left & Travel 0.2 Mi. to Mose Mountain Rd. ~ Watch for Auction Signs & Driveway on Right (Home is Down Private Drive Approx. 0.5 Mi.)*

**REAL ESTATE DESCRIPTION:** This 5BR/ 5BA Estate on 240+/- Surveyed Acres of Mature Hardwood Timber & Fenced Bermuda Pasture will be Offered in 3 Tracts & Any Combination on Auction Day ~ You can feel the Peacefulness of the Country as you Wind Through the 0.5 Mi. of Private Drive to this Home ~ This Estate is Surrounded by 50-60+/- Acres of Planted Bermuda Pasture Fenced/ Cross Fenced w/a Small Pond ~ The Remaining 190+/- Acres is Covered in Mature Hardwood Timber that Could be Select cut at any time ~ Trail from Behind the Home Takes you to a Picturesque Overlook Atop Mose Mountain ~ Large Spring on the East Side of the Property Runs Year-Round & Forms the Creek ~ Metal Barn ~ Cattle Working Pen w/Squeeze Chute ~ Storage Shed ~ Dog Run ~ Large Portion of Fencing is Electric ~ City Water Runs to Barn & Several Pasture Cells ~ **This Beautiful Farm is Selling Regardless of Price to the Highest Bidder on Auction Day!** ~ **(TRACT 1)** 40+/- Acres w/a 5BR/ 5BA Home, Custom-Built w/Attention to Detail by JB Henley in 1997 ~ It Features Solid Oak Wood Flooring Throughout the Main Level ~ 22 Ft. Ceilings in the Entryway ~ Solid Oak Staircase ~ Formal Dining Room w/Oak Built-ins ~ Sitting Room/Office ~ Large Kitchen Features Matching Black Appliances, Gas Range, Double Ovens, Sitting Bar, Breakfast Area, Custom Oak Cabinets & Sliding Door Access to the Spacious Deck ~ Vaulted Living Room w/Wall-to-Wall Custom Wooden Windows & Wooden Beams, Plus Solid Oak Built-ins ~ Master Suite Features its Own Private Sitting Porch, Walk-in His/Hers Closets, En-Suite Bath w/Large Walk-in Shower & Jacuzzi Tub ~ First Level Also Features Guest Bedroom or Office, Spacious Mudroom Area off Garage that has its Own Full Bathroom & Double Garage w/Lots of Storage ~ Second Floor Offers (3) Large Bedrooms, each w/Walk-in Closets, Built-ins, (2) Full Bathrooms as well as (2) Walk-in Attic Accesses ~ This Home Offers Extensive Landscaping Surrounded by Native Stone Edging & Spacious Decks for Entertaining ~ Also Includes Cattle Working Pens, Barn, & Shed ~ **(TRACT 2)** 120+/- Acres of Hardwood off of Mose Mountain Road ~ This Tract Features a Year-Round Spring, Mature Hardwood, City Water & Electric Access ~ Would Make a Fantastic Hunting Retreat or Homesite ~ **(TRACT 3)** 80+/- Acres off of O'Neal Road is Covered in Mature Hardwood & Also Features a Large Bermuda Pasture ~ Would Make a Wonderful Hunting Retreat to Build a Home or Cabin & Raise Livestock ~ Utility Access off of O'Neal Road ~ **Offers Prior to Auction are Welcome!** ~ **For Additional Information, Photos & Online Bidding Instructions, Visit [WilsonAuctioneers.com](http://WilsonAuctioneers.com) or Contact our Office at 501-624-1825.**

**TERMS ON REAL ESTATE:** \$20,000.00 (PER TRACT) Cashier's Check ***made Payable in Your Name or Wilson Auctioneers, Inc.*** Down Day of Auction, as Earnest Money ~ Balance Due at Closing ~ Closing within 30 Days ~ Title Insurance with Warranty Deed Provided at Closing ~ Property Sold Free & Clear of any Liens & Encumbrances ~ 10% Buyer's Premium ~ **Offers Prior to Auction are Welcome.**

**INSPECTION:** Home can be Inspected by Appointment Only ~ **(Open House)** ***Sunday, September 22nd from 12:00 p.m. - 3:00 p.m.*** ~ Contact Agent, ***Peter Guerin at 501-733-6795/ [peter@wilsonauctioneers.com](mailto:peter@wilsonauctioneers.com)*** to View this Home Today! ~ **Doors Open & Auctioneers will be On-site at 2:00 p.m. Day of Auction.**

***Announcements made day of sale take precedence over printed material.***

**WILSON REAL ESTATE AUCTIONEERS, INC.**

***Leading Real Estate Auctioneers "Since 1961"***

***501-624-1825 \* PB00000481, Joe Wilson***

***WEBSITE: [WilsonAuctioneers.com](http://WilsonAuctioneers.com) - AAL #4***