

**STATE OF MONTANA - DEPARTMENT OF TRANSPORTATION**  
**Right-of-Way Bureau, Helena**

**MICHAEL T. TOOLEY**  
**DIRECTOR OF TRANSPORTATION**

**RICK GRIFFITH**  
**CHAIRMAN**

.....  
**NOTICE OF SALE OF REAL ESTATE**

NOTICE IS HEREBY GIVEN under statutory authority, the Montana Department of Transportation will sell, at public auction, with reserve, to the highest bidder, the parcel being more particularly described as follows:

A tract of land situated within Tracts A and B of Certificate of Survey No. 1115 Amended, being located in U.S. Government Lots 5 and 6, and SW $\frac{1}{4}$ NW $\frac{1}{4}$  and the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 25, Township 7 South, Range 22 East, P.M., M., Carbon County, Montana, shown as the shaded area on the attached Exhibit, containing an area of 5.556 ha (13.73 acres), more or less.

SUBJECT TO an existing irrigation easement recorded October 20, 2010, in document 343575 in Carbon County, MT.

SUBJECT TO a highway easement to Carbon County recorded January 5, 2015, in document 360186 in Carbon County, MT.

Subject to any and all easements apparent and/or of record.

It is expressly intended and agreed that these reservations, burdens, and restrictions shall run with the land and shall forever bind the Grantees, their heirs, successors or assigns.

**Description of property:** A vacant tract of irrigated land.

**Directions to the property:** The property is located approximately 3.7 miles north of Belfry, MT, along the west side Hwy 72.

The **appraised value** of the tract is **\$48,100.00**. This property is being sold "**AS IS**."

The **public, oral auction** will be held on Thursday, October 13, 2016 beginning at 1:00 p.m., in the Jury Room (1st Floor) of the Carbon County District Courthouse, 102 N. Broadway, Red Lodge, Montana 59068. The sale of said real estate is subject to the "Detailed Terms and Conditions of Sale" as set forth herein.

**DETAILED TERMS AND CONDITIONS OF SALE**

1. **BIDS:** Bids may be either written or oral. Written bids must be submitted on the appropriate form to the Real Estate Services Section, Montana Department of Transportation (MDT), 2701 Prospect Ave., P.O. Box 201001, Helena, MT, 59620-1001 and received by MDT on or before close of business on Tuesday, October 11, 2016. Written bids will be opened and announced by the auctioneer at the beginning of the auction. After all written bids are announced, oral bidding may continue by all bidders present.

Bid forms and envelopes for submitting written bids may be obtained by contacting the Real Estate Services Section, Montana Department of Transportation, P.O. Box 201001, Helena, MT, 59620; (406)444-9429 or TTY 1-800-335-7592 for the hearing impaired.

2. **BID DEPOSIT:** The successful bidder must submit a deposit of 10% of the bid amount. Written bids that do not contain the required 10% deposit will be disregarded at the auction. Personal Check, Postal Money Order, Bank Draft, or Cashier's Check, should be made payable to the Montana Department of Transportation.
3. **BID BALANCE:** The successful bidder must submit the balance (bid amount less deposit) within 45 days of the date of the auction made payable to the "Montana Department of Transportation" and mailed or delivered to the Montana Department of Transportation, Real Estate Services Section, P.O. Box 201001, 2701 Prospect Avenue, Helena, Montana, 59620 on or before 5:00 p.m., November 28, 2016.
4. **APPRAISAL:** The appraised value as determined by the Montana Department of Transportation is for Montana Department of Transportation purposes only. Under statutory restrictions, the State cannot accept any bid under 90% of the appraised value.
5. **RESERVATION:** The Montana Department of Transportation reserves the right to reject any or all bids and waive technicalities as may be deemed necessary in the interest of the State of Montana.
6. **HOW PAYMENT IS TO BE MADE:** All payments in connection with this sale must be made by one or a combination of the following: Cash, Personal Check, Postal Money Order, Bank Draft, or Cashier's Check, payable to the Montana Department of Transportation.
7. **DEFAULT:** In the event of default by the high bidder, his bid deposit shall be forfeited to the State. If the Montana Department of Transportation does not receive any acceptable bids at the auction, the property may be sold at a private sale for 90% of the appraised value, at a later date. If the Montana Department of Transportation does receive any acceptable bids at the auction, the Montana Department of Transportation will hold another auction to sell the property.
8. **COMPLETION OF THE AUCTION:** The auction is complete when the auctioneer announces that the down payment has been paid.
9. **INSTRUMENT OF CONVEYANCE:** Conveyance will be made pursuant to Section 60-4-207, M.C.A., and the successful bidder shall accept such title as possessed by the Montana Department of Transportation.
10. **TAXES:** The Montana Department of Transportation cannot legally pay general taxes; therefore, any delinquent or current tax must necessarily be the responsibility of the purchaser.
11. **EXISTING RIGHTS:** The above land will be sold subject to all valid existing easements upon and across said lands.
12. **CERTIFICATE OF SURVEY:** If needed for recording or other purposes, the successful bidder may be required to provide a Survey at his own expense. When the successful bidder has paid the remaining balance due for the property and has provided any required Survey, the Montana Department of Transportation will prepare and issue the Deed.
13. **RECORDATION:** The Montana Department of Transportation will record the Deed for the tract of land being conveyed herein. Once recorded, the Montana Department of Transportation will transmit the recorded Deed to the purchaser.
14. **ENVIRONMENTAL IMPACT:** If the development of this tract will require a negative environmental declaration or an environmental impact statement, the successful bidder must furnish them at his own expense to the Montana Department of Environmental Quality and any other appropriate governmental agencies.
15. **ZONING:** Property is subject to any existing or future zoning ordinances.

Date: \_\_\_\_\_

Project: STPP 72-1(12)10  
Designation: Belfry - North  
Parcel No.: 25

**B I D F O R M**

State of Montana  
Department of Transportation  
2701 Prospect Avenue  
P.O. Box 201001  
Helena, MT 59620

Pursuant to your "Notice of Sale of Real Estate" as first published in the **Carbon County News**, dated **September 8, 2016**, and pursuant to the "Terms and Conditions of Sale", I/We submit the following bid on the real estate described as follows:

A tract of land situated within Tracts A and B of Certificate of Survey No. 1115 Amended, being located in U.S. Government Lots 5 and 6, and SW¼NW¼ and the SE¼NW¼ of Section 25, Township 7 South, Range 22 East, P.M., M., Carbon County, Montana, shown as the shaded area on the attached Exhibit, containing an area of 5.556 ha (13.73 acres), more or less.

SUBJECT TO an existing irrigation easement recorded October 20, 2010, in document 343575 in Carbon County, MT.

SUBJECT TO a highway easement to Carbon County recorded January 5, 2015, in document 360186 in Carbon County, MT.

Subject to any and all easements apparent and/or of record.

It is expressly intended and agreed that these reservations, burdens, and restrictions shall run with the land and shall forever bind the Grantees, their heirs, successors or assigns.

This property is being sold "**AS IS**".

<u>AMOUNT OF BID</u>	<u>AMOUNT OF DEPOSIT</u>	<u>BALANCE DUE</u>
\$ _____	\$ _____	\$ _____

APPRAISED VALUE \$48,100.00

.....

**INSTRUCTION TO BIDDERS:** (1) Bidder must submit a check for 10 percent of the bid amount. (2) The State can give only a Quitclaim Deed as provided under Section 60-4-207, M.C.A. (3) Under statutory restrictions, the State cannot accept any bid under 90% of the appraised value.

.....

I HEREBY AFFIRM that I am fully aware of the conditions of the sale as set forth in the "Terms and Conditions of the Sale" and as set forth under "Instruction to Bidders" above.

\_\_\_\_\_  
(Signature of Bidder)

\_\_\_\_\_  
(Address of Bidder)

\_\_\_\_\_  
(Printed Name of Bidder)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number)

.....

The name(s) of the Grantee(s) to be inserted in the deed is/are as follows:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

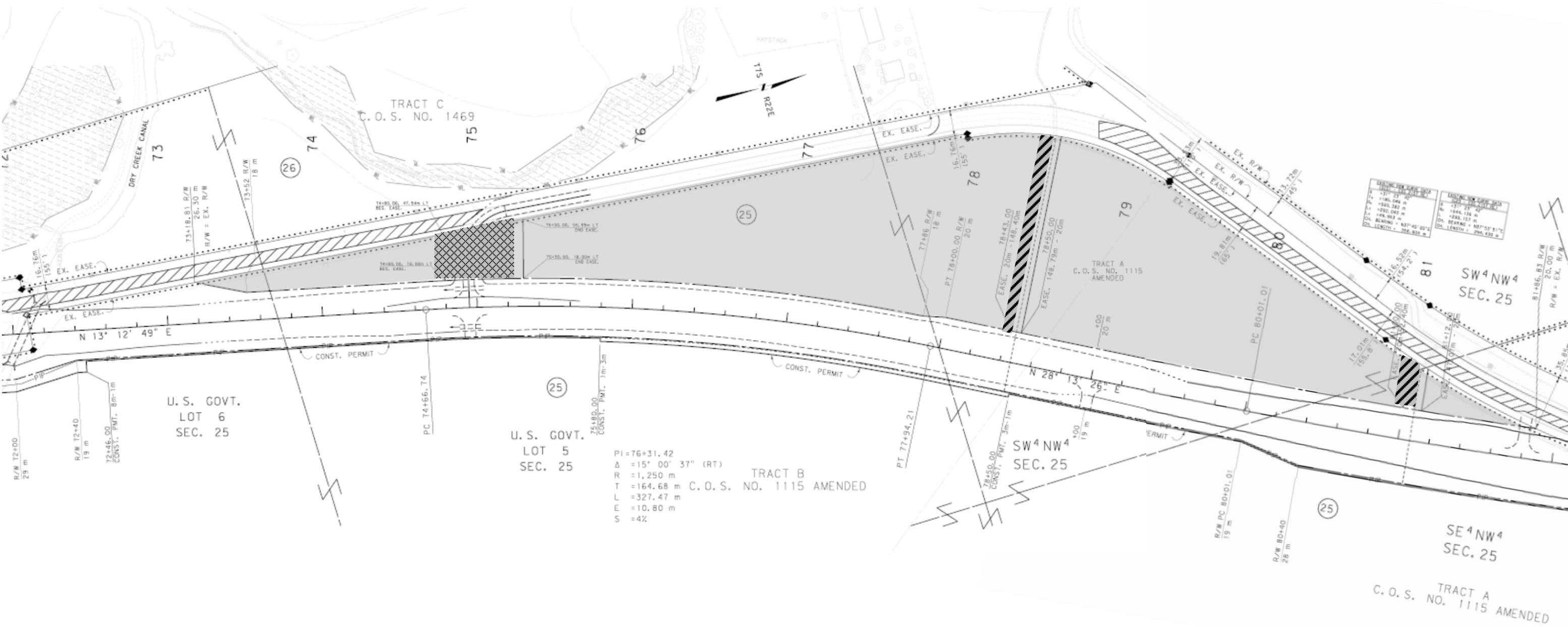
\_\_\_\_\_  
City, State, Zip Code

(a)  Joint Tenants with right of survivorship.

(b)  Tenants in Common.

**NOTE:** If conveyance is to be made to more than one person, check either (a) or (b) above.

# Exhibit



- = Tract Conveyed
- = Highway Easement  
Doc 360186
- = Irrigation Easement  
Doc 343575