

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

MICHAEL T. TOOLEY
DIRECTOR OF TRANSPORTATION

RICK GRIFFITH
CHAIRMAN

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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 tract of land being more particularly described as follows:

A vacant tract of land in the NE¼SE¼ Section 16, Township 4 South, Range 35 East, P.M., M., Big Horn County, Montana, containing an area of 12.88 acres ±, as depicted by the red shaded area on the attached plan sheet.

The appraised value: \$23,200.00. This property is being sold "AS IS".

Directions to the property: Take Exit 514 off of I-90 at Garryowen, get on the west frontage road and drive south 3.3 miles ±. The property is located on the east side of the frontage road at MP 3.5 ±.

The auction will be held beginning at 3:00 p.m. on Wednesday, December 16, 2015 in the Basement Conference Room of the Big Horn County Courthouse, 121 3rd Street West, Hardin, Montana 59034.

The sale of said real estate is subject to the **Revised** "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 **Revised** 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 5:00 p.m., December 14, 2015. 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)444-6075 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 30 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., January 15, 2016**.

4. **APPRAISAL:** The appraised value as determined by the Department of Transportation is for 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 other bids at the auction that would have been acceptable, 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 or special assessments; therefore, any delinquent or current tax or special assessment 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/her 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 Department of Transportation will transmit the 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.
16. **WATER RIGHT OWNERSHIP UPDATE DISCLOSURE**: By Montana law, failure of the parties at closing or transfer of real property to pay the required fee to Montana Department of Natural Resources and Conservation for updating water right ownership may result in the transferee of the property being subject to a penalty. Additionally, in the case of water rights being exempted, severed, or divided, the failure of the parties to comply with Section 85-2-424, MCA, could result in a penalty against the transferee and rejection of the deed for recording.
17. **SPECIAL CONDITIONS**: The acreage on the Property is currently leased for agricultural purposes. Upon payment in full of the purchase price, Montana Department of Transportation will issue the Lessee the 10-day written notice to vacate the property, as provided for in the agricultural lease.

Project: IN 212(12)
Designation: Crow Agency-South
Parcel: 37

Date: _____

BID FORM

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

Pursuant to the "Notice of Sale of Real Estate" as first published in the Big Horn County News, dated November 12, 2015, and pursuant to the **REVISED** "Terms and Conditions of Sale" dated **November 9, 2015**, I/We submit the following bid on the real estate described as follows:

A vacant tract of land in the NE¼SE¼ Section 16, Township 4 South, Range 35 East, P.M., M., Big Horn County, Montana, situated 9 miles ± south of Crow Agency, Montana, containing 12.88 acres ± as depicted as the red shaded area on the attached plan sheet.

APPRAISED VALUED \$23,200.00 This property is being sold "AS IS".

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

INSTRUCTION TO BIDDERS:

- (1) Bidder must submit a check for at least 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 Section 60-4-203, M.C.A., 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)

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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.