



COLDWELL BANKER | SELECT

CHUPPS AUCTION COMPANY

TERMS & CONDITIONS

16728 South 35th St East Warner, OK 74469

- Properties sold at auction are sold “As Is”, “Where Is” with no warranties expressed or implied. Properties are sold to the highest bidder with no Buyer contingencies allowed. Property is selling absolute.
- High bidder is required by seller to put 10% of the purchase price, as earnest money, with a minimum of \$10,000.00, per parcel, down at the time of sale, with the balance being due within 30 days at closing. The earnest money amount is **NON REFUNDABLE** unless the property fails to close due to fault of the seller. Earnest money may be paid by personal check with proper ID, wire or cashiers check.
- All buyer inspections are to be done prior to the auction. They may be done at the public open house times or by appointment. Neither Coldwell Banker Neokla Select nor Chupps Auction inspects the property on the buyer’s behalf. Read the contract and determine the existence of any disclosures, exclusions, representations or disclaimers. Do not bid if you have not inspected the property. By bidding, you agree to all disclosures and auction terms and conditions. **DO NOT BID** if you have not registered (day of auction), received a Bidder’s Card and and have read and agreed to be bound by the terms of sale in the Contract as they are enforceable against you upon becoming the high bidder.
- Seller does not provide survey of any kind to buyer. Buyer costs include but are not limited to; 5% Buyers Premium, (all approximated) Closing company fee \$350, Title opinion fee \$350, Title insurance fee TBD, Final abstracting \$250, Filing deed \$15, Federal & state name checks \$75 plus any other fees to buyer required to close the sale. Any costs incurred by the Buyer to obtain financing are the sole responsibility of the Buyer.
- Square footage data is provided by the County Courthouse or appraiser and are considered an estimate.
- Upon closing, Buyer receives a deed and insurable title to each property as evidenced by the Title Insurance offered by the Closing Company.
- **ANY ANNOUNCEMENTS DAY OF SALE SUPERSEDE WRITTEN TERMS**

*For further information or questions, contact Dale Chupp 918-630-0495 or Maria Chupp 918-697-6589

Residential Client Full

16728 S 35th Street East Warner, OK 74469

MLS#: **2138129** County: **Muskogee** Census Tract: **12N-19E-17**
 Status: **Withdrawn 11/04/21** School District: **Warner - Sch Dist (K9)** TRS: **12N-19E-17**
 Type: **House** Subdivision: **Muskogee Co Unplatted**
 Multiple Parcels: **No**

List Price:
 LP/SQ:
 List Date:



General Information

Style: **Ranch** Size: **2186/Court House**
 Beds: **3** Acres: **79.70** SqFt: **2186/Court House**
 Baths: **2/0** Lt Sze-Sqft: **3,471,732** SqFt2:
 Dir Hse Faces: **W** SqFt3:
 Year Built: **1995/Court House** Under Const:
 Pool: **None** Handicap: **No**
 Mineral Rights: Storm Shelter: **Safe Room (indoor)**
 Roof: **Metal**

Lot Description: **Farm and Ranch, Mature Trees**
 Legal: **T12N R19E S17 SW NW LESS .30 ACRES RAILROAD 7 T12N R19E S17 N1/2 SE NW & S1/2 NW NW**

Remarks: **Auction Property! Tues Dec 14 12:01 PM. 80 Acres +/- fenced and cross fenced with pasture/hay meadow, creek, pond & hunting land. Well built 1 owner 3 bed 2 bath home with attached 2 car garage needs remodeling. Includes Corral and 2 barns. Sells Absolute!**

Directions: **From Warner take Hwy 64 N to E 163rd St S. take E 163rd St S, West 1 mile to S 35th St East turn left, go 1/2 mi to property on left.**

Listing Information

Counter Top Material: **None** Windows: **Aluminum**
 Garage: **2, Attached, Elec Overhead Door** Patio/Deck: **Covered Patio, Covered Porch**
 Foundation: **Slab** Fence: **Barbed, Cross Fenced, Full**
 Exterior: **Full Brick** Exterior Features: **Horse Permitted**
 Floors: **None** Additional Bldgs: **Barn, Storage**
 Basement: **None** Construction: **Wood Frame**

Features & Utilities

Water: **Rural** Hot Water: **Electric** Sewer: **Septic Tank**
 Fireplaces: **1/ Wood Burning** Appliances Incl: **None**
 Heating: **Electric/Central** Cooling: **Central AC**
 Range Description: **None** Oven Description: **None**
 Energy: **Insulated Windows**
 Interior: **9+ Ceilings**
 Utility Connect Avail: **Electric, Phone, Water**
 Appliance Connections: **Electric, Hot Water Heater-Electric, Ice Maker Connection, Washer Connection**

Room Features

Stories: **1.0** # of Liv Areas: **1**

School Information

School District: **Warner - Sch Dist (K9)** Grade School: **Warner**
 Middle/Jr High School: **Warner** High School: **Warner**

HOA Information

HOA: **No** HOA Fee: **/** Unit: % Interest:

Taxes

Taxes/Tax Yr/Tax ID: **\$898/2020/** Homestead: **No**

Green Rating & Features

Green Certified: **No** Rating Org: Energy Star Rated: HERS Rated:

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APPENDIX A. RESIDENTIAL PROPERTY CONDITION DISCLOSURE STATEMENT

Notice to Seller: Oklahoma Law (the "Residential Property Condition Disclosure Act," Title 60, O.S., §831 et.seq., effective July 1, 1995) requires Sellers of 1 and/or 2 residential dwelling units to complete this form. A Seller must complete, sign and date this disclosure form and deliver it or cause it to be delivered to a purchaser as soon as practicable, but in any event no later than before an offer is accepted by the Seller. If the Seller becomes aware of a defect after delivery of this statement, but before the Seller accepts an offer to purchase, the Seller must deliver or cause to be delivered an amended disclosure statement disclosing the newly discovered defect to the Purchaser. If the disclosure form or amendment is delivered to a Purchaser after an offer to purchase has been made by the Purchaser, the offer to purchase shall be accepted by the Seller only after a Purchaser has acknowledged receipt of this statement and confirmed the offer to purchase in writing.

Notice to Purchaser: The declarations and information contained in this disclosure statement are not warranties, express or implied of any kind, and are not a substitute for any inspections or warranties the Purchaser may wish to obtain. The information contained in this disclosure statement is not intended to be a part of any contract between the Purchaser and Seller. The information and statements contained in this disclosure statement are declarations and representations of the Seller and are not the representations of the real estate licensee.

LOCATION OF SUBJECT PROPERTY _____

16728 South 35th Street East, Warner, OK 74469

SELLER IS IS NOT OCCUPYING THE SUBJECT PROPERTY.

Instructions to the Seller: (1) Answer ALL questions. (2) Report known conditions affecting the property. (3) Complete this form yourself. (4) If an item is not on the property, or will not be included in the sale, mark "None/Not Included." If you do not know the facts, mark "Do Not Know if Working." (5) The date of completion by you may not be more than 180 days prior to the date this form is received by a purchaser.

ARE THE ITEMS LISTED BELOW IN NORMAL WORKING ORDER?

Appliances/Systems/Services	Working	Not Working	Do Not Know if Working	None/Not Included
Sprinkler System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Swimming Pool	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hot Tub/Spa	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water Heater <input checked="" type="checkbox"/> Electric <input type="checkbox"/> Gas <input type="checkbox"/> Solar	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water Purifier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water Softener <input type="checkbox"/> Leased <input type="checkbox"/> Owned	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sump Pump	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Plumbing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Whirlpool Tub	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sewer System <input type="checkbox"/> Public <input checked="" type="checkbox"/> Septic <input type="checkbox"/> Lagoon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air Conditioning System <input checked="" type="checkbox"/> Electric <input type="checkbox"/> Gas <input type="checkbox"/> Heat Pump	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Window Air Conditioner(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Attic Fan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fireplaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Heating System <input checked="" type="checkbox"/> Electric <input type="checkbox"/> Gas <input type="checkbox"/> Heat Pump	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Humidifier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ceiling Fans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

New 7/20/20

Appliances/Systems/Services	Working	Not Working	Do Not Know if Working	None/Not Included
Gas Supply <input type="checkbox"/> Public <input type="checkbox"/> Propane <input type="checkbox"/> Butane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Propane Tank <input type="checkbox"/> Leased <input type="checkbox"/> Owned	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Electric Air Purifier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Garage Door Opener	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Intercom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Central Vacuum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Security System <input type="checkbox"/> Rent <input type="checkbox"/> Own <input type="checkbox"/> Monitored	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Smoke Detectors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dishwasher	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Electrical Wiring	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Garbage Disposal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gas Grill	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vent Hood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Microwave Oven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Built-in Oven/Range	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Kitchen Stove	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Trash Compactor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Source of Household Water <input type="checkbox"/> Public <input type="checkbox"/> Well <input checked="" type="checkbox"/> Private/Rural District	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Buyer's Initials _____ Buyer's Initials _____

Seller's Initials BO Seller's Initials _____

LOCATION OF SUBJECT PROPERTY
 16728 South 35th Street East, Warner, OK 74469

IF YOU ANSWERED Not Working to any items on page one, please explain. Attach additional pages with your signature.

Plumbing currently a leak, Master bathroom

Zoning and Historical

1. Property is zoned: (Check One) residential commercial historical office agricultural industrial
 urban conservation other unknown
2. Is the property designated as historical or located in a registered historical district? Yes No

Flood and Water

- | | Yes | No |
|---|--------------------------|-------------------------------------|
| 3. What is the flood zone status of the property? <u>UNKNOWN</u> | | |
| 4. Are you aware if the property is located in a floodway as defined in the Oklahoma Floodplain Management Act? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Are you aware of any flood insurance requirements concerning the property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Are you aware of any flood insurance on the property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Are you aware of the property being damaged or affected by flood, storm run-off, sewer backup, draining or grading problems? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. Are you aware of any surface or ground water drainage systems which assist in draining the property, e.g. "French Drains?" | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9. Are you aware of any occurrence of water in the heating and air conditioning duct system? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10. Are you aware of water seepage, leakage or other draining problems in any of the improvements on the property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Additions/Alterations/Repairs

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 11. Are you aware of any additions being made without required permits? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 12. Are you aware of any previous foundation repairs? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 13. Are you aware of any alterations or repairs having been made to correct defects or problems? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 14. Are you aware of any defect or condition affecting the interior or exterior walls, ceilings, roof structure, slab/foundation, basement/storm cellar, floors, windows, doors, fences or garage? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 15. Are you aware of the roof covering ever being repaired or replaced during your ownership of the property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 16. Approximate age of roof covering, if known <u>?</u> number of layers, if known _____ | | |
| 17. Do you know of any current problems with the roof covering? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 18. Are you aware of treatment for termite or wood-destroying organism infestation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 19. Are you aware of a termite bait system installed on the property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 20. If yes, is it being monitored by a licensed exterminating company? If yes, annual cost \$ _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 21. Are you aware of any damage caused by termites or wood-destroying organisms? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 22. Are you aware of major fire, tornado, hail, earthquake or wind damage? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 23. Have you ever received payment on an insurance claim for damages to residential property and/or any improvements which were not repaired? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 24. Are you aware of problems pertaining to sewer, septic, lateral lines or aerobic system? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental (Continued on Page 3)

- | | Yes | No |
|---|--------------------------|-------------------------------------|
| 25. Are you aware of the presence of asbestos? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 26. Are you aware of the presence of radon gas? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 27. Have you tested for radon gas? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 28. Are you aware of the presence of lead-based paint? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 29. Have you tested for lead-based paint? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 30. Are you aware of any underground storage tanks on the property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 31. Are you aware of the presence of a landfill on the property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 32. Are you aware of the existence of hazardous or regulated materials and other conditions having an environmental impact? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 33. Are you aware of the existence of prior manufacturing of methamphetamine? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 34. Have you had the property inspected for mold? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 35. Are you aware of any remedial treatment for mold on the property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 36. Are you aware of any condition on the property that would impair the health or safety of the occupants? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Buyer's Initials Buyer's Initials

Seller's Initials BB Seller's Initials

LOCATION OF SUBJECT PROPERTY

16728 South 35th Street East, Warner, OK 74469

Environmental (Continued from Page 2)	Yes	No
37. Are you aware of any wells located on the property?	<input type="checkbox"/>	<input type="checkbox"/>
38. Are you aware of any dams located on the property? If yes, are you responsible for the maintenance of that dam? <input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Property Shared in Common, Easements, Homeowner's Associations and Legal	Yes	No
39. Are you aware of features of the property shared in common with the adjoining landowners, such as fences, driveways, and roads whose use or responsibility has an effect on the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
40. Other than utility easements serving the property, are you aware of any easements or right-of-ways affecting the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
41. Are you aware of encroachments affecting the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
42. Are you aware of a mandatory homeowner's association? Amount of dues \$ _____ Special Assessment \$ _____ Payable: (check one) <input type="checkbox"/> monthly <input type="checkbox"/> quarterly <input type="checkbox"/> annually Are there unpaid dues or assessments for the property? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, what is the amount? \$ _____ Manager's Name _____ Phone Number _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
43. Are you aware of any zoning, building code or setback requirement violations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
44. Are you aware of any notices from any government or government-sponsored agencies or any other entities affecting the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
45. Are you aware of any surface leases, including but not limited to agricultural, commercial or oil and gas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
46. Are you aware of any filed litigation or lawsuits directly or indirectly affecting the property, including a foreclosure?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
47. Is the property located in a fire district which requires payment? If yes, amount of fee \$ _____ Paid to Whom _____ Payable: (check one) <input type="checkbox"/> monthly <input type="checkbox"/> quarterly <input type="checkbox"/> annually	<input type="checkbox"/>	<input checked="" type="checkbox"/>
48. Is the property located in a private utility district? Check applicable <input type="checkbox"/> Water <input type="checkbox"/> Garbage <input type="checkbox"/> Sewer <input type="checkbox"/> Other If other, explain _____ Initial membership fee \$ _____ Annual membership fee \$ _____ (if more than one utility attach additional pages)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Miscellaneous	Yes	No
49. Are you aware of other defect(s) affecting the property not disclosed above?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
50. Are you aware of any other fees or dues required on the property that you have not disclosed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answered YES to any of the items on pages two and three, list the item number(s) and explain. If needed, attach additional pages with your signature(s), date(s) and location of the subject property.

#14 + 23 - Water leak + damage to some walls + cabinets and removed and not repaired.

On the date this form is signed, the seller states that based on seller's **CURRENT ACTUAL KNOWLEDGE** of the property, the information contained above is true and accurate.

Are there any additional pages attached to this disclosure? (circle one): YES NO If yes, how many? _____

<i>Brenda Bales</i>	11-1-21		
Seller's Signature	Date	Seller's Signature	Date

A real estate licensee has no duty to the Seller or the Purchaser to conduct an independent inspection of the property and has no duty to independently verify the accuracy or completeness of any statement made by the Seller in the disclosure statement.

The Purchaser understands that the disclosures given by the Seller on this statement are not a warranty of condition. The Purchaser is urged to carefully inspect the property, and, if desired, to have the property inspected by a licensed expert. For specific uses, restrictions and flood zone status, contact the local planning, zoning and/or engineering department. The Purchaser acknowledges that the Purchaser has read and received a signed copy of this statement. This completed acknowledgement should accompany an offer to purchase on the property identified. This is to advise that this disclosure statement is not valid after 180 days from the date completed by the Seller.

Purchaser's Signature	Date	Purchaser's Signature	Date

The disclosure and disclaimer statement forms and the Oklahoma Residential Property Condition Disclosure Act information pamphlet are made available at the Oklahoma Real Estate Commission (OREC), Denver N. Davison Building, 1915 N. Stiles, Suite 200, Oklahoma City, OK 73105, or visit OREC's Web site www.orec.ok.gov.