



**Burton Realty
& Auction**

Terms & Conditions

All bidders and participants in this auction sale hereby agree that they have read and fully understand the following terms. By participating in this auction sale, bidders and participants further agree to be bound by the terms and conditions of auction contained herein.

AUCTION DATE & TIME: Auction will begin to close September 28th at 6:00pm.

METHOD OF SALE: ONLINE ONLY auction.

SUBJECT TO PRIOR SALE: All pre-auction offers must be submitted to United Country – Burton Realty & Auction. A **2% commission** will be paid to any licensed real estate broker representing a buyer who successfully closes on the property.

BUYERS PREMIUM: There will be a 10% buyer's premium for this specific auction.

DOWN PAYMENT: A down payment of TEN PERCENT (10%) of the final purchase price must be paid by the successful bidder by direct wire transfer or check within 72 hours of acceptance of the auction contract by the sellers. The down payment deposit will be non-refundable; your bidding is not conditional upon financing, so be sure you have arranged financing if needed, and are capable of paying cash at closing. The balance of the purchase price will be due via a wire transfer or check to the closing company, on delivery of insurable title on or before close of business. A promissory note will be signed along with the down payment. This is NOT an absolute auction. The final bid must be accepted or rejected by the seller.

NOT SUBJECT TO FINANCING: The real estate purchase agreement is NOT subject to the Bidders ability to obtain financing, so all Bidders must have any needed financing arranged prior to bidding at the auction. Down Payment deposits are "non-refundable" in the event a Bidder cannot complete closing.

ACCEPTANCE OF BID PRICES: Any successful bidder will be required to enter into Purchase Agreement immediately following the close of the auction.

EVIDENCE OF TITLE: A current Owners Title Policy will be provided by the seller at seller's discretion.

DEED: Title shall transfer by Warranty Deed

CLOSING: The balance of the real estate purchase price is due at closing, which will take place on or before close of business approximately 60 days after the end of auction.



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& Auction**

Closing will be held at First Title Services, LLC out of Tucumcari NM. Closing and Recording fees to be paid by the buyer.

POSSESSION: Possession stated herein is subject to successful closing and transfer of title.

REAL ESTATE TAXES: All real estate taxes will be prorated to day of closing

PROPERTY INSPECTION: Auctioneer strongly recommends that any prospective Bidder personally inspect the Property prior to the Auction. Each potential Bidder is responsible for conducting, at their own risk, their own independent inspections, investigations, inquiries, and due diligence concerning the property. Inspection dates have been scheduled and will be staffed with auction personnel. Further, Seller disclaims any and all responsibility for Bidders safety during any physical inspection of the property. No party shall be deemed an invitee of the property by virtue of the offering of the property for sale. Preview dates: By appointment only. Contact Scott Burton at 575-760-8088 or Kaylee Mitchell (806)443-2784 to schedule showing.

ACREAGE: All acreage, dimensions, and proposed boundaries are approximate and have been estimated based on current legal descriptions and/or aerial photos and mapping program.

SURVEY: Buyer will be responsible for any survey requirements.

AGENCY: United Country | Burton Realty & Auction along with its representatives are exclusive agents of the Seller.

ONLINE AUCTION TECHNOLOGY DISCLAIMER: Under no circumstances shall bidder have any kind of claim against United Country – Burton Realty, broker of record or anyone else if the internet service fails to work correctly before or during the auction. Online bidding is subject to technology faults and issues which are outside the control of the auction company. Bidder(s) are encouraged to use the “Maximum Bid” feature on the bidding platform and lock in their maximum bid amount If they are concerned about technology failure during the auction. The SELLER and/or Auction Company reserves the right to (pause) the online auction bidding in the event of any internal or external technology failure, to preserve the integrity of the auction event and maintain a fair and impartial bidding environment.

SELLER DISCLAIMER AND ABSENCE OF WARRANTIES: All information contained in the bidder’s packet, brochure and all related materials are subject to the terms and conditions outlined in the Purchase Agreement. The property is being sold on an AS IS, WHERE IS



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& Auction**

basis, and no warranty or representation, either expressed or implied, concerning the property is made by the Seller or the Auction Company. Each potential bidder is responsible for conducting his or her own independent inspections, investigations, inquiries, and due diligence concerning the property. The information contained in this brochure is subject to verification by all parties relying on it. No liability for its accuracy, errors, or omissions is assumed by the Seller or the Auction Company. Conduct of the auction and increments of bidding are at the direction and discretion of the Auctioneer. The Seller and Selling Agents reserve the right to preclude any person from bidding if there is any question as to the persons credentials, fitness, etc. All decisions of the Auctioneer are final. For questions call: United Country | Burton Realty & Auction – Scott Burton 575-760-8088 or Kaylee Mitchell (806)443-2784.

I do hereby agree to these Auction Terms & Conditions.

Bidder_____ Date_____

Bidder_____ Date_____

BID CERTIFICATION *DOCUMENT*

By signing this certification and returning it to the offices of United Country | Burton Realty & Auction or an employee therein. I hereby certify that:

1. I have read the auction rules and bidding format as set out by the Auctioneers and contained in the terms and I completely understand them
2. I understand that the terms and rules of the auction will be strictly enforced and that there will be no exceptions.
3. I currently have sufficient funds to meet the “Down payment” and “Further sum” requirements as called for by the agreement of purchase and sale.
4. I have examined the proposed agreement of purchase and sale given to me as part of the bidders packet and understand that it is a legally binding contract and is not contingent upon financing or anything else.
5. I understand that if I am the successful bidder, I will be required to sign the agreement of purchase and sale immediately upon notice of being the successful bidder. I agree to



Burton Realty & Auction

complete and sign the agreement of purchase and sale immediately upon such transmitted notice.

6. I understand that a 10% Buyers Premium will be added to my final bid and is due in addition to my final bid to complete the final purchase price.

7. I understand that the Auctioneers are working for the Seller and there is no relationship of Intermediary.

8. I understand that my registration for the auction will not be accepted without providing ALL of the information below and signing and returning a copy of the Terms & Conditions of this auction and by doing so you are agreeing to the terms of the auction.

9. I understand that I am responsible for the down payment and that the wire transfer must be received by the time stated on the terms and conditions of the auction.

Property Address: : Dwelling located on: Lots 3 and 4, Block 11, Shields Heights Addition, Town of Clayton, Union County, New Mexico. Address: 3 Otto Street, Clayton NM 88415

Additional Vacant Site: Lots 5 and 6, Block 11, Shields Heights Addition, Town of Clayton, Union County, New Mexico

Additional Property: Section-22 Township-26N Range-35E A TR. IN SE4SW4 and Section-27 Township-26N Range-35E A TR. IN NE4NW4 (15.03 +/- acres)

Name: _____

Bidder

Address: _____



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Phone: _____

Email: _____

Address: _____

Signature: _____

Realtor:

Name: _____

License #: _____

Phone: _____

Email: _____

Signature: _____

Return to: Burton Realty & Auction - 575-760-8088 or 806-443-2784

 LAND AUCTION – BIDDER REGISTRATION FORM (REAL ESTATE AGENTS)

Auction Closing Date: September 28th, 2026

Location: Clayton, NM

◆ **1. SIGNATURES**

Bidder Signature: _____ **Date:** _____

Bidder Signature: _____ **Date:** _____



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◆ **Submit Form To:**

✉ kaylee@sburtonrealty.com & scott@sburtonrealty.com together please.

📞 575-760-8088 or 806-443-2784



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