



**CLARK & ASSOCIATES  
LAND BROKERS, LLC**

Specializing in Farm, Ranch, Recreational & Auction Properties

*Proudly Presents*



***MILLS HOME RANCH***  
***Casper, Natrona County, Wyoming***

*The historic Mills Home Ranch is a highly productive grass ranch located 15 miles west of Casper, Wyoming.*

***ALL SHOWINGS OF PROPERTIES ARE BY APPOINTMENT ONLY.***

***CONTACT CLARK AND ASSOCIATES @ 307-334-2025 TO SCHEDULE YOUR SHOWING.***

## RANCH SUMMARY

The historic Mills Home Ranch, located 15 miles west of Casper Wyoming, is a highly productive, low overhead grass ranch. The Mills Home Ranch exemplifies the West and the best Wyoming has to offer. Today, this historic ranch is being offered on the market for only the second time since it was first homesteaded.

Home to seven hundred head of mother cows, and thirty head of bulls and a handful of saddle horses the Mills Home Ranch is expansive, has unparalleled access, and is conveniently located only fifteen miles from Casper. The ranch consists of 19,944.56± deeded acres, 2,085.08± State of Wyoming lease acres, and 3,539.85± BLM lease acres for a total of approximately 25,569.49 acres. Reservoirs and wells provide water to the rest of the rangeland.

This is a rare opportunity to own a large, fully improved, grass ranch with almost five hundred irrigated acres. The topography is rolling to rough and the vegetation is native grasses, sagebrush, greasewood, and a variety of shrubs and rocks. The ranch is fenced and cross fenced with four and five barbwire fences. Livestock water is provided by the Casper Alcova Irrigation Canal which runs through the ranch. Poison Spider Creek and Soldier Creek both run through Mills Home Ranch. Additional water is provided by a submersible well with underground pipeline to several stock tanks. There are several reservoirs that provide adequate water as well.





## LOCATION & ACCESS

The Mills Home Ranch is located approximately 15 miles west of Casper, Wyoming. To access this parcel from the intersection of U.S. Highway 20/26 and West Zero Road in Casper, travel west on West Zero Road approximately 6.5 miles, the road becomes Poison Spider road and travel approximately 5 miles to the access road on the right. The following are several towns and cities that are in close proximity to and are easily accessible from the ranch:

Casper, Wyoming (population 55,316)	15 miles east
Laramie, Wyoming (population 30,816)	157 miles southeast
Riverton, Wyoming (population 10,615)	117 miles west
Torrington, Wyoming (population 6,501)	161 miles southeast
Rapid City, South Dakota (population 67,956)	178 miles northeast
Scottsbluff, Nebraska (population 15,039)	190 miles southeast
Cheyenne, Wyoming (population 59,466)	197 miles southeast
Billings, Montana (population 104,170)	289 miles northwest
Denver, Colorado (population 701,621)	291 miles south



### SIZE & DESCRIPTION

19,944.56± Deeded Acres of Land  
2,085.08± Acres State of Wyoming Lease  
3,539.85± Acres BLM Lease  
**25,569.49± TOTAL ACRES**

The Mills Home Ranch is an expansive, grass ranch made up of diverse topography. The varied terrain provides a range of vegetation as well as natural draws and ravines that offer protection to livestock and wildlife. In addition, this low overhead, year-round cattle ranch has majestic views of Casper Mountain from almost any place on the ranch. Approximately 506 irrigated acres, of which 232 are irrigated via two low pressure pivots and the balance 274 acres are flood irrigated.

The topography of the ranch is rolling hills with native grass vegetation. This easily-accessible property can be used as a year-round pasture or seasonally depending on the needs of the owner. The land is contiguous with a good perimeter fence and interior fences.





## LEASE INFORMATION

There is a State of Wyoming grazing lease and Bureau of Land Management (BLM) lease associated with this property. Upon approval of the appropriate agency, these leases will be transferred to the new owners.

That portion of State of Wyoming lease number 1-7912 associated with the Mills Home Ranch consists of 3,659.85± acres, and expires in 2020. State of Wyoming leases are renewable every ten (10) years with an annual payment due each year. An Animal Unit Month (AUM) is the amount of forage required by one animal unit (cow/calf pair) for one month. The annual payments are assessed per AUM with the cost per AUM varying year to year as determined by the Office of Lands and Investments for the State of Wyoming. For 2020, the cost per AUM is \$5.88 and with 364 AUMs allotted with the State lease acres, this equates to a total of \$2,140.32 for the 2020 annual lease payment on the Mills Home Ranch. Contact the Wyoming Office of State Lands and Investments at (307) 777-7331 for further information.

That portion of the Bureau of Land Management lease, known as the Poison Spider allotment, number 10045, that is associated with the Mills Home Ranch consists of a total of 3,539.85± acres. BLM leases are renewable every ten years, and for 2020, is assessed \$1.35 per AUM per year. The Mills Home Ranch BLM lease is allotted 600.6 AUMs per year which equates to a cost of \$810.81 for 2020. You may call the Casper BLM office at (307) 261-7600 for further information.



## IRRIGATED FARM GROUND

The Casper Alcova Irrigation District has the main canal which runs through the ranch. The canal and Poison Spider Creek provide irrigation water for the 506 acres of irrigated hay ground. Two low-pressure pivots irrigate 232 acres of the hay ground with the balance of 274 acres being flood irrigated.

## WATER

There are two flowing wells on the property which produce approximately five GPM (gallons per minute). Livestock water is provided by the Casper Alcova Irrigation Main Canal which runs through the Mills Home Ranch as do Poison Spider Creek and Soldier Creek. A submersible well provides water to an underground pipeline that travels to several stock tanks throughout the ranch. Additional water is provided by several reservoirs, along with a flowing well.

A complete description of the surface and ground water will be readily available to prospective buyers upon request. In the event of a sale, all water rights, permitted and adjudicated to the property shall be transferred to the buyer.

## CARRYING CAPACITY / RANCH OPERATIONS

The Mills Home Ranch has been used for year-round grazing as well as seasonally depending on the precipitation and the needs of the current owners. The owners estimate the carrying capacity to be 550 cow/calf pairs, approximately 25 bulls and enough saddle horses to operate the ranch on a year-round basis.

The ranch is located in the heart of cattle country which is known for its high-protein hard grass. Historically, the primary objective is to rotate the livestock in a grazing pattern that maximizes grass utilization. Weaning weights on the Mills Home Ranch average 520 pounds on heifer calves with the steers weighing in at slightly more than 550 pounds.

**NOTE:** Carrying capacity can vary due to weather conditions and management practices. Interested parties should conduct their own analysis.







*232 acres of pivot-irrigated hay ground*



*274 acres of flood-irrigated hay ground*



### IMPROVEMENTS

The improvements on the Mills Home Ranch headquarters consist of several outbuildings, granaries and three homes.

The main home is a 2,487 square foot modular home with an attached 870 square foot garage in very good condition. In 2019, the home and garage have new paint, new roofs and new doors. The owners also installed a new sprinkler system in the yard.

There is also a 1,236 square foot log home in fair condition and a stone home which is 400 square feet in fair condition.

In 2019, the owners had a new shop constructed. This Cleary metal building measures 78'X42' and has a full concrete floor as well as power throughout the building and water is located at the door.

The Mills Home Ranch has two barns: a pole construction sheep barn that is 4,800 square feet and a pole barn that is 3,200 square feet. A frame constructed 1,000 square foot tack shed with a dirt floor rounds out the barns. Two metal frame shops with concrete floors: one consists of 5,000 square feet and the other measures 2,400 square feet. Both shops provide ample machine storage and work space.

There are three granaries all in good condition: two 750 bushel and a 1,500 bushel.

The corrals consist of pole and plank construction, with approximately 500 linear feet. These are in fair condition. Along with the corrals is a Fairbanks-Morse 10,500 pound capacity scale that is in good working condition.















## REAL ESTATE TAXES

The real estate taxes on the Mills Home Ranch will be determined by the Natrona County Assessor.

## UTILITIES

- Electricity – Rocky Mountain Power
- Natural Gas – Black Hills Energy (formerly SourceGas)
- Communications – Verizon cell phone is excellent at the ranch and land line capability is available through Century Link
- Internet and TV – satellite
- Water – Poison Spider Water District. There is a 2± inch pipeline from the main water line to the ranch.
- Sewer – private septic

## MINERAL RIGHTS

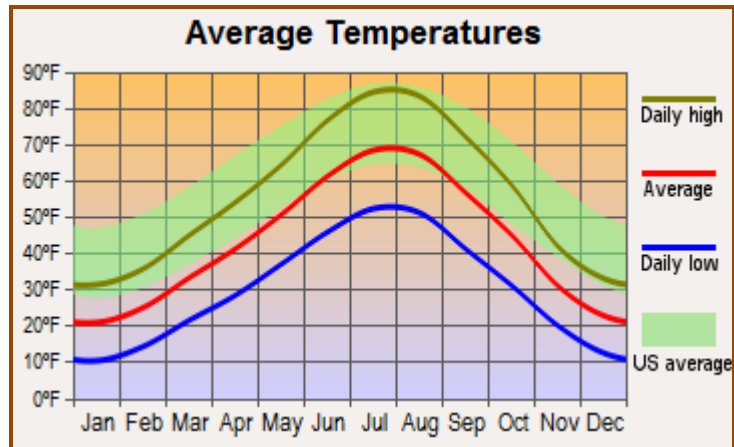
None. All mineral rights will be reserved by the owner.





## CLIMATE

According to the High Plains Regional Climate Center at the University of Nebraska, the average annual precipitation for the Casper, Wyoming area is approximately 12 inches including 76 inches of snowfall. The average high temperature in January is 34 degrees, while the low is 13 degrees. The average high temperature in July is 88 degrees, while the low is 54 degrees. The charts to the right are courtesy of [www.city-data.com](http://www.city-data.com).



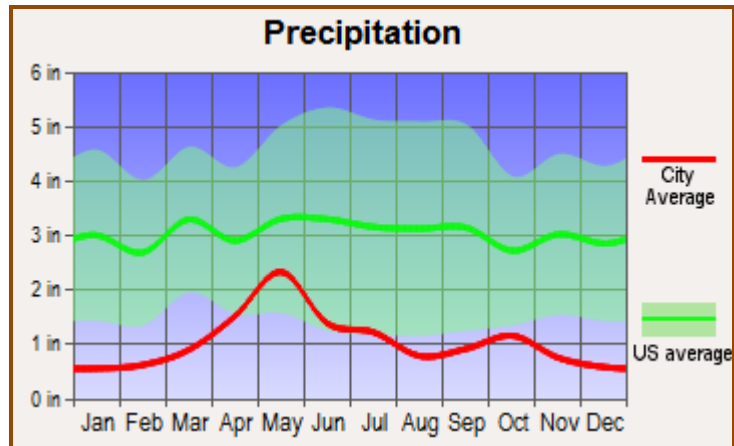
## STATE OF WYOMING

Wyoming is a state that offers an incredible diversity of activities, geography, climate, and history. Just a territory in 1869, Wyoming became the 44th state in 1890. The state's population is 563,626, and provides a variety of opportunities and advantages for persons wishing to establish residency.

Wyoming's energy costs are the second lowest in the nation, and the cost of living index is below the national average. Wyoming ranks among the top 10 in the entire United States for educational performance. There is no state income tax, and Wyoming offers an extremely favorable tax climate:

- No personal income tax
- No corporate income tax
- No gross receipts tax
- No inventory tax
- Low retail sales tax
- Low property tax
- Favorable inheritance tax
- Favorable unemployment tax

According to Michael B. Sauter, Alexander E. M. Hess, Samuel Weigley, and Ashley C. Allen of 24/7 Wall Street, Wyoming is a model of good management and a prospering population. The state is particularly efficient at managing its debt, owing the equivalent of just 20.4% of annual revenue in fiscal 2010. Wyoming also has a tax structure that, according to the Tax Foundation, is the nation's most-favorable for businesses - it does not have any corporate income taxes. The state has experienced an energy boom in recent years. The mining industry, which includes oil and gas extracting, accounted for 29.4% of the state's GDP, which shrunk by 1.2% in 2011 alone; more than in any other state. As of last year, Wyoming's poverty, home foreclosure, and unemployment rates were all among the lowest in the nation.





### COMMUNITY AMENITIES

Casper, Wyoming is located in central Wyoming and is the second largest city in the state. Casper is the county seat of Natrona County and in addition to city and county government offices, it also has several federal government offices including a branch office of the 10th Circuit Federal Court, Social Security Administration, and the Federal Bureau of Investigation to name a few.

The official website for the City of Casper at [www.casperwy.gov](http://www.casperwy.gov) states as follows:

Casper is a great place to relax and have fun. The Casper Events Center is the largest indoor venue in the state; it draws in national artists and concerts on a regular basis, seats up to 9,500 people at a time and attracts more than 250,000 visitors each year.

If you prefer downhill skiing, Casper is home to the Hogadon Ski Area, which offers 14 trails and over 600 feet of vertical drop. The city boasts 42 parks, a large recreation center, an ice arena and an indoor aquatics center. The city also offers nine family sports leagues featuring 500 teams totaling 5,268 players.

Still haven't found what you're looking for? The city also is the home to four golf courses, including the 27-hole Municipal Golf Course. It also boasts five museums, two minor league sports teams, the Stuckenhoff shooting range, and the Central Wyoming Symphony Orchestra.

Casper is the site of the Central Wyoming Fair & Rodeo which is held annually during the second week of July featuring PRCA rodeo action, carnivals, 4-H and open exhibits and



concerts. The National Collegiate Rodeo Finals are also held in Casper in June of each year and showcase the best of the nation's young college rodeo stars.

Commercial airline service is available at Casper, Wyoming and Denver, Colorado. The following is information on each of these airports:

**Casper, Wyoming:** Delta and United provide daily air service with connections to Denver, and Salt Lake City, Utah, while Allegiant provides service to select locations from the Natrona County International Airport. This airport also has charter flights and rental cars available. For more information, please visit <http://iflycasper.com>. Complete aeronautical information can be found at <http://www.airnav.com/airport/CPR>.

**Denver, Colorado:** Denver International Airport is open 24-hours-a-day, seven days a week and is served by most major airlines and select charters, providing nonstop daily service to more than 170 national and international destinations. For more information, visit the official web site for Denver International Airport: <http://www.flydenver.com>.

### RECREATION & WILDLIFE

There are mule deer and antelope on the property in addition to small game animals. The North Platte River flows through Natrona County as well as through Casper. Three large reservoirs have been created along the North Platte River: Alcova, Seminoe, and Gray Reef. In addition to the many recreational resources, all three of the reservoirs provide irrigation water for Wyoming and Nebraska. Below Gray Reef Dam, there exists a tail-water fishery that is known for large rainbow, cutthroat, and brown trout. Gray Reef Dam and Miracle Mile near Alcova Reservoir are known as premier fly fishing destinations with world-wide recognition.



## OFFERING PRICE

### **Price Reduced to \$10,965,000 (Offered at Appraised Value)**

Acceptable terms for purchasing this property include, but are not limited to cash at closing, new loan, or 1031 tax exchange. No portion of the purchase transaction will be financed by the seller. The Seller reserves the right to effectuate a tax-deferred real estate exchange for all or part of the sales price, pursuant to Section 1031 of the Internal Revenue Code and the Treasury Regulations promulgated there under with no liability or expense to be incurred by the Buyer (in connection with the Seller's tax-deferred exchange).



## CONDITIONS OF SALE

- I. All offers shall be:
  - A. in writing;
  - B. accompanied by an earnest money deposit check in the minimum amount of \$575,000 (Five Hundred Seventy-Five Thousand Dollars); and
  - C. be accompanied with the name, telephone number, and address of the Buyer's personal banker in order to determine financial capability to consummate a purchase.
- II. All earnest money deposits will be deposited in the title company/closing agent's trust account.
- III. The Seller shall provide and pay for an owner's title insurance policy in full satisfaction of the negotiated purchase price.
- IV. Both Buyer and Seller shall be responsible for their own attorney fees.



## FENCES AND BOUNDARY LINES

The seller is making known to all potential purchasers that there may be variations between the deeded property lines and the location of the existing fence boundary lines on the subject property. Seller makes no warranties with regard to location of the fence lines in relationship to the deeded property lines, nor does the seller make any warranties or representations with regard to specific acreage within the fenced property lines. Seller is selling the property in an “as is” condition which includes the location of the fences as they exist. Boundaries shown on accompanying maps are approximate based on the legal description and may not indicate a survey. Maps are not to scale and are for visual aid only. Their accuracy is not guaranteed.



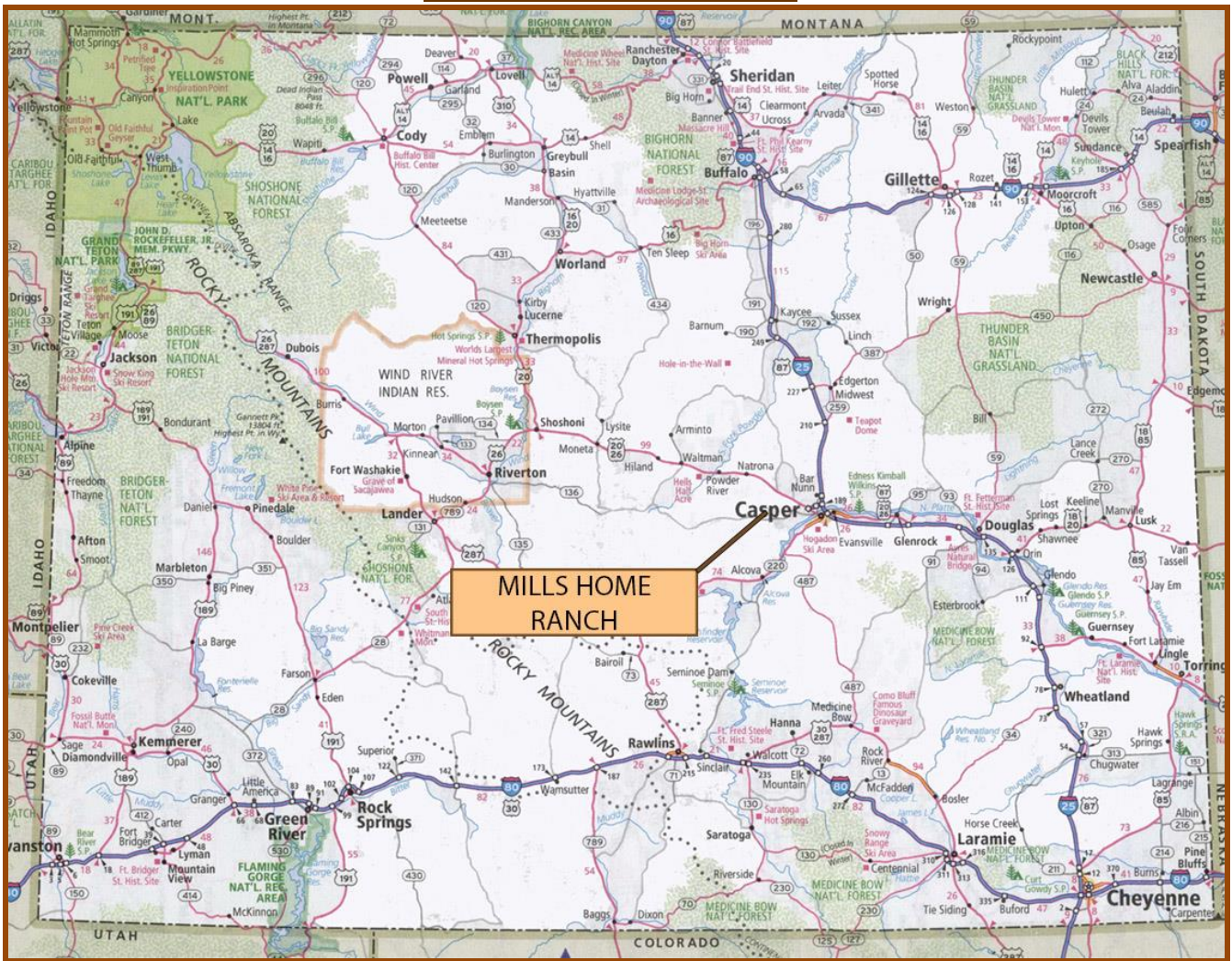
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Clark & Associates Land Brokers, LLC and Western Land Sales are pleased to have been selected as the Exclusive Agents for the Seller of this outstanding offering. All information has been obtained from sources deemed reliable by Clark & Associates Land Brokers, LLC and Western Land Sales; however, the accuracy of this information is not guaranteed or warranted by either Clark & Associates Land Brokers, LLC, Western Land Sales, or the Sellers, and prospective buyers are charged with making and are expected to conduct their own independent investigation of the information contained herein. This offering is subject to prior sale, price change, correction or withdrawal without notice.

**Notice to Buyers:** Wyoming Real Estate Law requires that the listing Broker and all licensees with the listing Broker make a full disclosure, in all real estate transactions, of whom they are agents and represent in that transaction. All prospective buyers must read, review and sign a Real Estate Brokerage Disclosure form prior to any showings. **Clark & Associates Land Brokers, LLC with its sales staff is an agent of the seller in this listing.**

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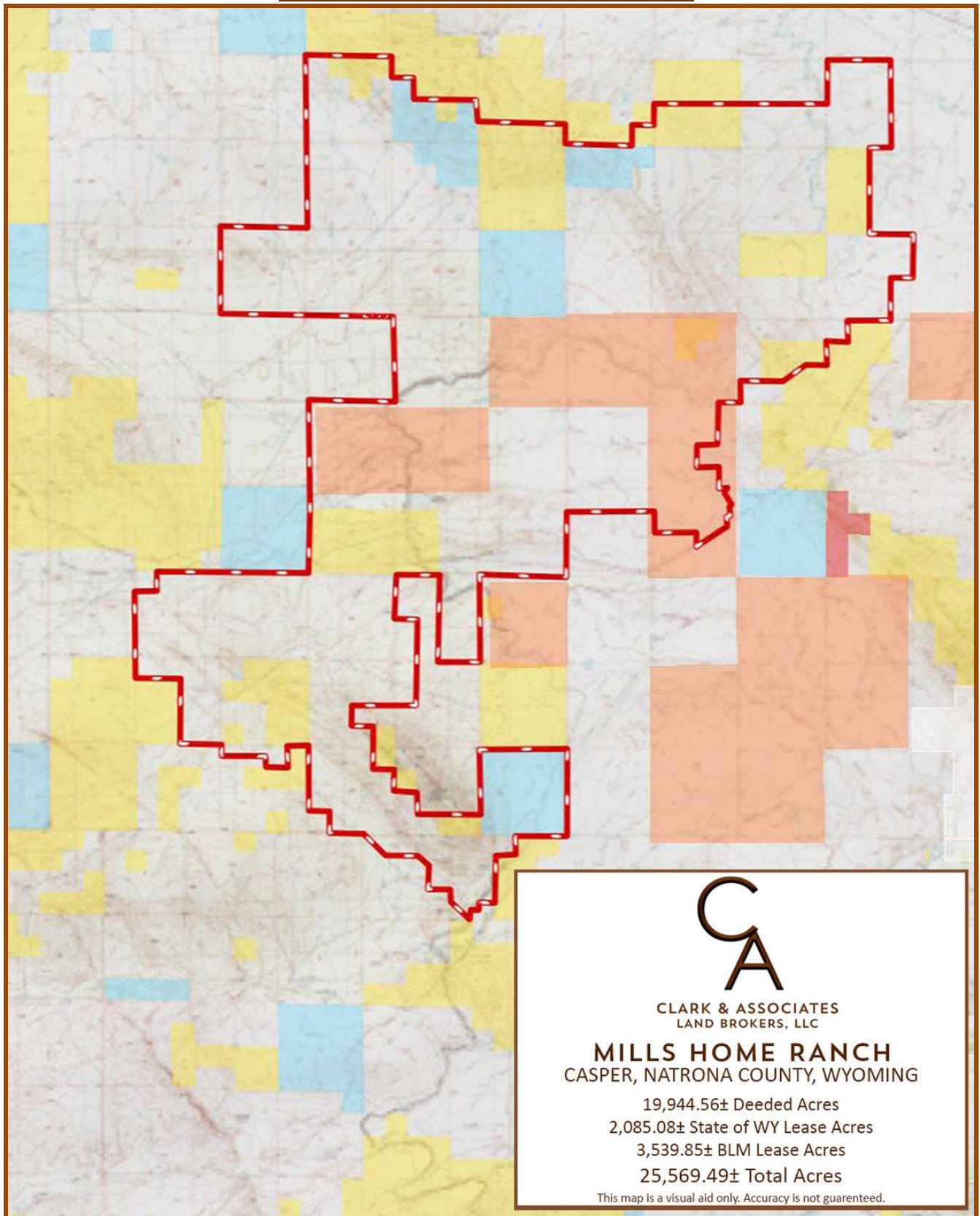
## STATE LOCATION MAP



## NOTES

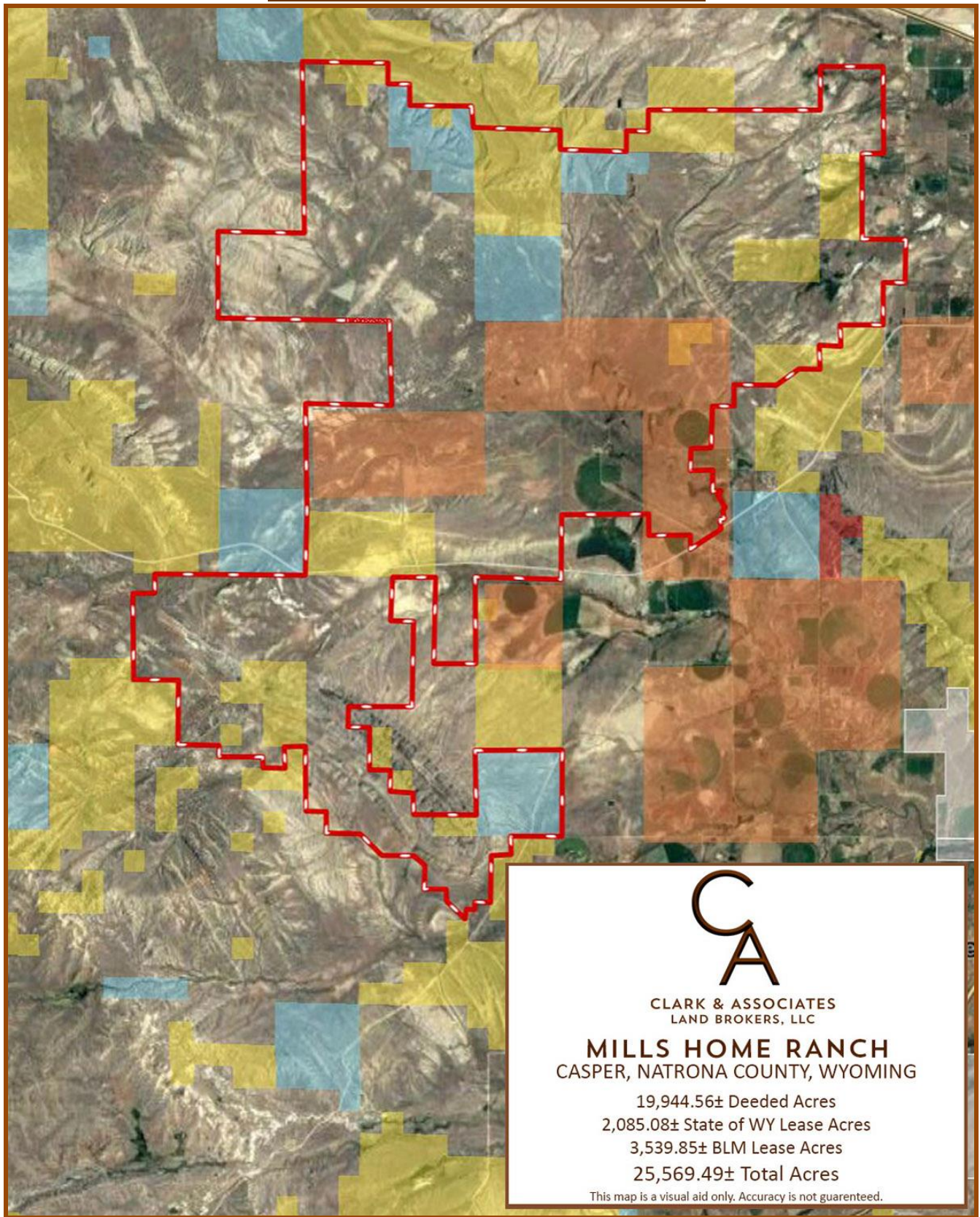


## MILLS HOME RANCH TOPO MAP





## MILLS HOME RANCH ORTHO MAP





## JR Barnes Consulting, LLC

502 Dayshia Lane  
Cheyenne, WY 82007  
307-630-8982  
[dtmjohn@bresnan.net](mailto:dtmjohn@bresnan.net)

March 18, 2020

Mr. Cory Clark  
Clark & Associates Land Brokers  
PO Box 47  
Lusk, WY 82225

Re: Water Rights Search: Mills Home Ranch (See attached legal description)

Dear Mr. Clark,

A search of the State Office e-permit system was conducted and the records were checked against the original records in the State Engineer's Office for the attached land description. The following are the water rights were found in the records for the attached land description:

### **SURFACE WATER**

#### **Permit No. 7469D**

Oral No. 2 Ditch, Priority Date: November 7, 1906. Certificate Record No. 37, Page No. 175, Order Record No. 5, Page 143, Proof No. 13796. Source: Poison Spider Creek, trib North Platte River. The permit is for original supply irrigation to the following lands:

#### **T33N, R83W**

Section 11	NESW	22.0 acres
	SESW	39.0 acres
	NESE	30.0 acres
	NWSE	10.0 acres
	SWSE	40.0 acres
	SESE	30.0 acres

Section 12	SWSW	26.0 acres
	SESW	25.0 acres
	SWSE	35.0 acres
	SESE	40.0 acres
Section 14	<u>NENW</u>	<u>4.0 acres</u>
	TOTAL	301.0 acres

**Permit No. 7511D**

Oral Supply No. 1 Ditch, Priority Date: November 7, 1906. Certificate No. 37, Page 174; Order Record No. 5, Page 143, Proof No. 13795. Source: Poison Spider Creek, trib North Platte River. This permit is for reservoir supply and domestic use for the Oral Reservoir, Permit No. 933R.

**Permit No. 14892D**

Midwest Refining Company Pipeline No. 2 as changed to Amoco Pipeline as change to Casper Water Treatment Plant No. 1, Priority Date: Oct. 30, 1917. Certificate Record No. 97, page 58, Order Record No. 99, page 321; Proof No. 17309. This is one source for the City of Casper Regional water system to provide 6.41 cfs. The following lands are within the service area:

T33N, R82W

Section 13	NENE	
	SENE	
	NESE	
	SESE	

**Permit No. 18488D**

Casper Canal, Priority Date: July 27, 1934. Certificate Record No. 68, Page 68; Order Record No. 17, Page 146; Proof No. 28117. Source: North Platte River. This permit is for original supply irrigation for the following lands:

T33N, R81W

Section 5	SWSW	15.90 acres
	SESW	0.60 acres



Section 6	SENW	2.50 acres
	NESW	36.30 acres
	NWSW	23.00 acres
	SWSW	18.60 acres
	SESW	13.80 acres
	NWSE	6.60 acres
	SWSE	34.20 acres
	SESE	23.40 acres
Section 7	NENE	24.90 acres
	SENE	36.60 acres
	NESW	9.50 acres
	NWSW	23.00 acres
	SWSW	18.60 acres
	SESW	13.80 acres
	NESE	4.60 acres
	NWSE	1.70 acres
	SWSE	24.80 acres
Section 8	NWNE	29.74 acres
	SWNE	30.12 acres
	NENW	37.00 acres
	NWNW	39.40 acres
	SWNW	38.80 acres
	SENW	31.34 acres
	NESW	36.00 acres
	NWSW	18.40 acres
Section 17	SENW	18.90 acres
Section 18	NENE	12.70 acres
	NWNE	23.20 acres

NENW	32.20 acres
<u>NWNW</u>	<u>6.60 acres</u>
TOTAL	686.80 acres

Section 12    SWSE            0.30 acres (supplemental supply)  
                   SESE            24.00 acres (supplemental supply)  
                   Original supply under the Oral No. 2 Ditch, Permit No. 7469D

**Permit No. 18682**

Casper Canal, Priority Date: April 25, 1936. Certificate Record No. 68, Page 69; Order Record No. 17, Page 146; Proof No. 28118. Source: Alcova Reservoir. The permit is for secondary (reservoir water stored in Alcova Reservoir for the following lands:

See the land description listed above under Permit No. 18488.

**Permit No. 18683**

Casper Canal, Priority Date: December 1, 1931. Certificate Record No. 68, Page 70; Order Record No. 17, Page 146; Proof No. 28119. Source: Seminoe Reservoir. The permit is for secondary (reservoir water stored in Seminoe Reservoir for the following lands:

See the land description listed above under Permit No. 18488.

**Permit No. 933R**

Oral Reservoir, Priority Date: November 7, 1906. Certificate Record No. 37, Page 173; Order Record No. 5, Page 143; Proof No. 13794. Source: Poison Spider Creek, trib North Platte River. This reservoir is for irrigation of land under Permit No. 7469 and domestic use.

**Permit No. 2204R**

Blue Bank Reservoir, Priority Date: July 12, 1911. Certificate Record No. 38, Page 583; Order Record No. 5, Page 345 Proof No. 14753. Source: Blue Bank Draw, trib Poison Spider Creek, trib North Platte River. This reservoir is for irrigation of land under Permit No. 10949, stock, and domestic use. This reservoir is located with the land description but the points of use are outside the land description.



**Permit No. 540S**

Mills Iron No. 1 Stock Reservoir, Priority Date: November 30, 1953. Source: Oil Gulch, trib Iron Creek, trib Poison Spider Creek, trib North Platte River. This permit is for stock use in the amount of 3.3 acre-feet at the following location:

T33N, R82W

Section 34      SWNW

**Permit No. 542S**

Mills Willow Stock Reservoir, Priority Date: November 30, 1953. Source: Willow Draw, trib Clevidence Draw, trib Poison Spider Creek, trib North Platte River. This permit is for stock use in the amount of 4.7 acre-feet at the following location:

T33N, R82W

Section 28      NWNW

## GROUNDWATER

**Permit No. SC UW 376**

Government No.1 Well, Priority Date: May 6, 1948. Source: Groundwater. This permit is for irrigation and stock use at 25 gpm. The well is located at the following location:

T33N, R82W

Section 23      NWSE

It is to irrigate the lands shown under Permit No. 10949, the Blue Bank Ditch. The well is located within the land description but the points of use are outside the land description.

**Permit No. WR UW 601**

Casper No. 14 Well, Priority Date: Apr. 8, 1957. Certificate Record No. UW 15, page 150; Order Record No. 69, page 337; Proof No. UW 5455. Source: Groundwater. This is part of the Central

Wyoming Regional Water System Joint Powers Board. The following lands lie within their service area:

T33N, R81W

Section 8      NWNE  
                    SWNE

NENW  
SENW

NESW  
SESW

SWSE

Section 17    NENW  
                    SENW

NWSE

**Permit No. UW 103733**

Morad 13 Well, Priority Date: Aug 20, 1996. Certificate Record No. UW 15, page 155; Order Record No. 69, page 337; Proof No. UW 5460. Source: Groundwater. This is part of the Central Wyoming Regional Water System Joint Powers Board. The following lands lie within their service area:

T33N, R81W

Section 8      NWNE  
                    SWNE

NENW  
SENW

NESW  
SESW

SWSE



Section 17    NENW  
                  SENW  
  
                  NWSE

These are records found in the State Engineer's Office and Board of Control records as of March 16, 2020, and may or may not reflect the actual situation on the ground. Failure to use water for five (5) consecutive years when water is available may constitute grounds for forfeiture of the water right.

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John R. Barnes, President  
J R Barnes Consulting, LLC

For additional information or to schedule a showing, please contact:



**Cory Clark**  
Broker / Owner

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Mobile: (307) 351-9556  
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[clark@clarklandbrokers.com](mailto:clark@clarklandbrokers.com)

Licensed in WY, MT, SD, ND, NE & CO



**Denver Gilbert**  
Broker / Owner

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**Mark McNamee**  
Broker/Owner/Auctioneer

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Licensed in WY, MT, SD, & NE

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## Clark & Associates Land Brokers, LLC

Specializing in Farm, Ranch, Recreational & Auction Properties

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### Lusk, WY Office

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Lusk, WY 82225

### **Cory G. Clark - Broker / Owner**

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### **Mark McNamee - Associate Broker/Auctioneer/Owner**

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Licensed in WY, MT, SD & NE

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Billings, MT 59105

### **Denver Gilbert - Associate Broker / Owner**

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### Belle Fourche, SD Office

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Belle Fourche, SD 57717

### **Ronald L. Ensz - Associate Broker**

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Licensed in SD, WY & MT

### Torrington, WY Office

2210 Main St  
Torrington, WY 82240

### **Logan Schlinz - Associate Broker**

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Licensed in CO, NE, SD & WY

### Douglas, WY Office

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### **Scott Leach - Associate Broker**

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Licensed in WY, CO, SD & NE

### Wheatland, WY Office

4398 Palmer Canyon Road  
Wheatland, WY 82201

### **Jon Keil – Associate Broker**

(307) 331-2833 ~ [jon@keil.land](mailto:jon@keil.land)  
Licensed in WY & CO

### Greybull, WY Office

3625 Greybull River Road, PO Box 806  
Greybull, WY 82426

### **Ken Weekes – Sales Associate**

(307) 272-1098 ~ [kenrweekes@gmail.com](mailto:kenrweekes@gmail.com)  
Licensed in WY



## IMPORTANT NOTICE

### **Clark & Associates Land Brokers, LLC** (Name of Brokerage Company)

#### **REAL ESTATE BROKERAGE DISCLOSURE**

When you select a Real Estate Broker Firm, Broker or sales person (all referred to as "Broker") to assist you in a real estate transaction, the Broker may do so in one of several capacities. In accordance with Wyoming's Brokerage Relationships Act, this notice discloses the types of working relationships that are available to you.

#### **Seller's Agent.** (Requires written agreement with Seller)

If a Seller signs a written listing agreement with a Broker and engages the Broker as a Seller's agent, the Broker represents the Seller. On properties listed with other brokerage companies, the Broker may work as an agent for the Seller if the Seller agrees to have the Broker work as a subagent. As an agent or subagent for the Seller, the Broker represents the Seller and owes the Seller a duty of utmost good faith, loyalty, and fidelity in addition to the **obligations** enumerated below for Intermediaries. Wyo. Stat. § 33-28-303(a). The Seller may be vicariously liable for the acts of the Seller's Agent or Seller's subagent that are approved, directed or ratified by the Seller.

#### **Customer.** (No written agreement with Buyer)

A customer is a party to a real estate transaction who has established no intermediary or agency relationship with any Broker in that transaction. A Broker may work as an agent for the Seller treating the Buyer as a customer or as an agent for the Buyer treating the Seller as a customer. Also when a Buyer or Seller is represented by another Broker, a Broker may work with the other Buyer or Seller as a customer, having no written agreement, agency or intermediary relationship with either party. A Broker working with a customer shall owe no duty of confidentiality to a customer. Any information shared with Broker may be shared with the other party to the transaction at customer's risk. The customer should not tell the Broker any information which the customer does not want shared with the other party to the transaction. The customer should not tell the Broker any information which the customer does not want shared with the other party to the transaction. The Broker must treat the customer honestly and with fairness disclosing all material matters actually known by the Broker. The Broker owes the customer the **obligations** enumerated below for Intermediaries which are marked with asterisks. W.S. § 33-28-310(a).

#### **Buyer's Agent.** (Requires written agreement with Buyer)

If a Buyer signs a written Buyer Agency Agreement with a Broker, the Broker will act as an agent for the Buyer. If so, the Broker represents the Buyer and owes the Buyer a duty of utmost good faith, loyalty and fidelity in addition to the **obligations** enumerated below for Intermediaries. The Buyer may be vicariously liable for the acts of the Buyer's Agent that are approved, directed or ratified by the Buyer. As a Buyer's Agent, Wyoming law requires the Broker to disclose to potential Sellers all adverse material facts, which may include material facts regarding the Buyer's financial ability to perform the terms of the transaction. Wyo. Stat. § 33-28-304(c). As a Buyer's Agent, the Broker has duties to disclose to the Buyer certain information; therefore, the Seller should not tell the Broker any information which the Seller does not want shared with the Buyer.

#### **Intermediary.** (Requires written agreement with Seller and/or Buyer)

The Intermediary relationship is a non-agency relationship which may be established between a Broker and a Seller and/or a Broker and a Buyer. A Seller may choose to engage a Broker as an Intermediary when listing a property. A Buyer may also choose to engage a Broker as an Intermediary. An Intermediary shall not act as an agent or advocate for any party and shall be limited to providing those services set forth below. Wyo. Stat. § 33-28-305.

As an Intermediary (Non-Agent), Broker will not represent you or act as your agent. The parties to a transaction are not legally responsible for the actions of an Intermediary and an Intermediary does not owe the parties the duties of an agent, including the fiduciary duties of loyalty and fidelity. Broker will have the following **obligations** to you:

- perform the terms of any written agreement made by the Intermediary with any party or parties to the transaction;
- exercise reasonable skill and care;\*

- advise the parties to obtain expert advice as to material matters about which the Intermediary knows but the specifics of which are beyond the expertise of the Intermediary;\*
- present all offers and counteroffers in a timely manner;\*
- account promptly for all money and property the Broker received;\*
- keep you fully informed regarding the transaction;\*
- obtain the written consent of the parties before assisting the Buyer and Seller in the same real estate transaction as an Intermediary to both parties to the transaction;
- assist in complying with the terms and conditions of any contract and with the closing of the transaction;\*
- disclose to the parties any interests the Intermediary may have which are adverse to the interest of either party;
- disclose to prospective Buyers, known adverse material facts about the property;\*
- disclose to prospective Sellers, any known adverse material facts, including adverse material facts pertaining to the Buyer's financial ability to perform the terms of the transaction;\*
- disclose to the parties that an Intermediary owes no fiduciary duty either to Buyer or Seller, is not allowed to negotiate on behalf of the Buyer or Seller, and may be prohibited from disclosing information about the other party, which if known, could materially affect negotiations in the real estate transaction.

As Intermediary, the Broker will disclose all information to each party, but will not disclose the following information without your informed consent:

- the motivating factors for buying or selling the property;
- that you will agree to financing terms other than those offered, or
- any material information about you, unless disclosure is required by law or if lack of disclosure would constitute dishonest dealing or fraud.

#### **Change From Agent to Intermediary – In – House Transaction**

If a Buyer who has signed a Buyer Agency Agreement with the Broker wants to look at or submit an offer on property Broker has listed as an agent for the Seller, the Seller and the Buyer may consent in writing to allow Broker to change to an Intermediary (non-agency) relationship with both the Buyer and the Seller. Wyo. Stat. § 33-28-307.

An established relationship cannot be modified without the written consent of the Buyer or the Seller. The Buyer or Seller may, but are not required to, negotiate different commission fees as a condition to consenting to a change in relationship.

**Designated Agent.** (requires written designation by the brokerage firm and acknowledgement by the Buyer or Seller)

A designated agent means a licensee who is designated by a responsible broker to serve as an agent or intermediary for a Seller or Buyer in a real estate transaction. Wyo. Stat. § 33-28-301 (a)(x).

In order to facilitate a real estate transaction a Brokerage Firm may designate a licensee as your agent or intermediary. The Designated Agent will have the same duties to the Buyer and Seller as a Buyer's or Seller's Agent or Intermediary. The Broker or an appointed "transaction manager" will supervise the transaction and will not disclose to either party confidential information about the Buyer or Seller. The designation of agency may occur at the time the Buyer or Seller enters into an agency agreement with the Brokerage Firm or the designation of agency may occur later if an "in house" real estate transaction occurs. At that time, the Broker or "transaction manager" will immediately disclose to the Buyer and Seller that designated agency will occur.

#### **Duties Owed by An Agent But Not Owed By An Intermediary.**

**WHEN ACTING AS THE AGENT FOR ONE PARTY (EITHER BUYER OR SELLER), BROKER HAS FIDUCIARY DUTIES OF UTMOST GOOD FAITH, LOYALTY, AND FIDELITY TO THAT ONE PARTY. A BROKER ENGAGED AS AN INTERMEDIARY DOES NOT REPRESENT THE BUYER OR THE SELLER AND WILL NOT OWE EITHER PARTY THOSE FIDUCIARY DUTIES. HOWEVER, THE INTERMEDIARY MUST EXERCISE REASONABLE SKILL AND CARE AND MUST COMPLY WITH WYOMING LAW. AN INTERMEDIARY IS NOT AN AGENT OR ADVOCATE FOR EITHER PARTY. SELLER AND BUYER SHALL NOT BE LIABLE FOR ACTS OF AN INTERMEDIARY, SO LONG AS THE INTERMEDIARY COMPLIES WITH THE REQUIREMENTS OF WYOMING'S BROKERAGE RELATIONSHIPS ACT. WYO. STAT. § 33-28-306(a)(iii).**



THIS WRITTEN DISCLOSURE AND ACKNOWLEDGMENT, BY ITSELF, SHALL NOT CONSTITUTE A CONTRACT OR AGREEMENT WITH THE BROKER OR HIS/HER FIRM. UNTIL THE BUYER OR SELLER EXECUTES THIS DISCLOSURE AND ACKNOWLEDGEMENT, NO REPRESENTATION AGREEMENT SHALL BE EXECUTED OR VALID. WYO. STAT. § 33-28-306(b).

NO MATTER WHICH RELATIONSHIP IS ESTABLISHED, A REAL ESTATE BROKER IS NOT ALLOWED TO GIVE LEGAL ADVICE. IF YOU HAVE QUESTIONS ABOUT THIS NOTICE OR ANY DOCUMENT IN A REAL ESTATE TRANSACTION, CONSULT LEGAL COUNSEL AND OTHER COUNSEL BEFORE SIGNING.

The amount or rate of a real estate commission for any brokerage relationships is not fixed by law. It is set by each Broker individually and may be negotiable between the Buyer or Seller and the Broker.

On \_\_\_\_\_, I provided (Seller) (Buyer) with a copy of this Real Estate Brokerage Disclosure and have kept a copy for our records.

Brokerage Company

**Clark & Associates Land Brokers, LLC**  
PO Box 47  
Lusk, WY 82225  
Phone: 307-334-2025 Fax: 307-334-0901

By \_\_\_\_\_

I/We have been given a copy and have read this Real Estate Brokerage Disclosure on (date) \_\_\_\_\_, (time) \_\_\_\_\_ and hereby acknowledge receipt and understanding of this Disclosure.

SELLER \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_

BUYER \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_