

Simond & Oakes Auctioneers & Appraisers LLC

Terms and Conditions of Personal Property Sale

These Terms and Conditions of the Personal Property Sale are by and between those bidders and buyers, herein after called buyer, and Simond & Oakes Auctioneers & Appraisers LLC, herein after called Auctioneer.

1. BUYERS PREMIUM: A BUYER'S PREMIUM OF 20% WILL BE APPLIED TO THE SALE PRICE, TO BE PAID BY THE BUYER AS PART OF THE PURCHASE PRICE FOR BUYERS WHO PURCHASE ITEMS.

ACCEPTABLE FORMS OF PAYMENT: CASH & CHECK.

2. The Auctioneer will hold items purchased until full payment is made by the buyer.

3. The Auctioneer reserves the right to reject any and all bids, set minimum bids, and determine bid increase increments. The highest bidder, as determined solely by the Auctioneer shall be the purchaser. In case of a disputed bid: the auctioneer shall have the sole discretion to determine the purchaser and may also at his or her election withdraw the lot or re-offer it for sale or sell the lot to the second highest bidder if the highest bidder defaults.

4. **ALL SALES ARE AS IS AND WHERE IS.** Any description of the property by the Auctioneer or the Consigner of the property in the catalog or at the sale or on the bill of sale or on the invoice or any other statement is only an opinion and is not a statement of fact. No statement oral or written in the catalog, at the auction or elsewhere shall be deemed such a warranty or representation, or assumption of responsibility. The Auctioneer shall not be held responsible for any error or omission. The buyer should expect day to day wear and tear, and aging of items for sale. The Auctioneer reserves the right to make verbal changes or to provide additional information at the time of sale. All measurements are approximate.

5. All purchases are subject to the Massachusetts 6.25% sales tax. Sales taxes will be based on the total bid price, including the hammer price plus the buyer's premium. Any sales tax-exempt buyer must present the original sales tax-exempt certificate to the Auctioneer to be granted an exemption from sales taxes. There are NO exceptions to this policy.

6. **Payment is due immediately upon sale.**

7. Removal of items from the property is required by 3 pm on Sunday, April 29, 2023, unless special arrangements are made between the buyer and the Auctioneer. But any item remaining on the property after 14 days is considered to be abandoned by the buyer and the buyer forfeits any deposit or payment made on that item, agrees said deposit or payment will be kept by the Auctioneer as damages and agrees the seller retains ownership of the item without further recourse by any party.

7. No items will be removed without proper identification and a paid invoice. The buyer is solely responsible for providing any tools, labor, and any packing materials necessary to move purchased items off site.

8. No Shipping is available for this auction.

9. If the purchaser breaches any obligations under the Terms & Conditions of Sale, including the obligation to pay in full for the purchase price of all items for which they were the highest successful bidder, the Auctioneer may exercise rights and remedies under the law, including without limitation: (1) canceling the sale and applying any payments made by the purchaser to the damages caused by the purchasers breach, and/or (2) offering at public auction, without reserve, any lot or item for which the purchaser has failed to pay in full for the purchase price, holding the purchaser liable for any deficiency, plus all costs of the sale. The Auctioneer shall have no liability for any damage to any item not paid for, and the Auctioneer shall have no liability for any purchased item considered abandoned as set forth in paragraph 7.

10. In no event will the liability of the Auctioneer to any buyer exceed the purchase price actually paid by such purchaser for such an item.

11. Registering to bid on any item shall constitute your acceptance of these Terms and Conditions of the Personal Property Sale – and these Terms and Conditions of the Personal Property Sale supersede any and all others in connection with this Sale at 38 Forrester Street, Newburyport, MA.

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