



Deanco Auction Co. of Mississippi, Inc.  
Post Office Box 1248 1042 Holland Avenue  
Philadelphia, Mississippi 39350  
Phone: 601-656-9768 Fax: 601-656-0192  
Website: http://www.deancoauction.com

**Contractual Agreement**

This contract entered into this 9th day of May 2006, by and between City of Jonesboro (hereinafter referred to as Seller), Address P.O. Box 1845 Jonesboro, AR 72403 Phone: 870-932-0660 Fax: 870-972-5862 and Deanco Auction Co. of Mississippi, Inc., PO Box 1248, Philadelphia, MS 39350 (hereinafter referred to as Auctioneer).

**Location and Date of Sale**

The auction shall be held May 2007 or later regularly scheduled sale date at Auctioneer's facility located at 1042 Holland Avenue (Highway 19 South) in the city of Philadelphia, County of Neshoba, State of Mississippi.

**Property to be Sold**

Auctioneer is hereby contracted by Seller to sell the following surplus property at absolute public auction:

**Exhibit A**

**Compensation of Auctioneer**

- **Commission on Property Sold:** In consideration of performance of this contract by Auctioneer the acceptance of the bids and the consummation of sale, Auctioneer shall receive and Seller shall pay seven percent (7%) commission of the last bid made or received on all personal property described above or included in the exhibit attached hereto. Said commission due and payable on day of auction. Auctioneer will be responsible for all advertising expenses, conducting the auction, supply of all labor needed to setup and conduct auction, and collecting of the proceeds from the auction.
- **Repairs & Refurbishment:** Any cost such as repairs or any expenses incurred by Auctioneer that are needed to meet the terms and conditions attached, shall be withheld from auction proceeds, regardless of guarantee amount. City of Jonesboro shall have ample opportunity to make any needed repairs or refurbishment needed to meet the "terms and conditions".

**Responsibilities of Seller**

- Seller hereby agrees that the personal property described above or included in the exhibit attached hereto will be available for delivery to the auction site in Philadelphia, Mississippi by May 2007 (or later date in the event of a different sale date).
- Seller agrees that any and all liens and encumbrances held on personal property described above or included in the exhibit attached hereto must be satisfied or disclosed to Auctioneer upon the signing of the contract.

**Settlement of Auction Proceeds**

- After completion of the auction, Auctioneer will balance all auction invoices, so that each item is accounted for. Once the auction is settled, Auctioneer will deduct any commission earned and any additional agreed upon expenses incurred from the gross proceeds from the sell of personal property described above in the exhibit attached hereto, and pay proceeds to Seller within ten (10) days of the sale. City of Jonesboro, Arkansas will receive full settlement no later than May, 2007 (or later date in the event of a different sale date).
- It is hereby agreed that the Auctioneer guarantees the Seller that the above listed dump trucks will bring a gross total of no less than \$408,000.00 or \$102,000.00 each less the seven percent (7%) commission charged for the guaranteed sale. Auctioneer further guarantees that Seller will receive no less than \$379,440.00 or \$94,860 each as minimum net proceeds from this sale. Any proceeds in excess of the guaranteed gross amount shall be split 93% to Seller and 7% to Auctioneer. However, Seller will be responsible for any repairs or refurbishment that are required to meet the "terms and conditions" as specified in the attached sheet.

**THIS CONTRACTUAL AGREEMENT CONTAINS THE COMPLETE AGREEMENT OF ALL PARTIES AND SHALL BE BINDING ON ALL PARTIES, RESPECTIVE HEIRS, PERSONAL REPRESENTATIVES AND AGENTS, SUCCESSORS OR ASSIGNS. NO PARTY HERETO IS ENTITLED TO RELY ON ANY REPRESENTATION, EITHER WRITTEN OR ORAL, WHICH PURPORTS TO ALTER OR VARY THE TERMS OF THIS CONTRACT.**

**FILED**  
DATE 5/22/06  
DONNA K. JACKSON  
CITY CLERK

*[Handwritten Signature]*

Deanco Auction Company of MS, Inc. Date 5-9-06