

## **TERMS & CONDITIONS**

### **FOR ALL ITEMS**

### **PURCHASED BY PROXIBID BUYERS, ABSENTEE BUYERS AND ON SITE BUYERS**

### **AT ANY AND ALL SIMMONS AND COMPANY AUCTIONS.**

### **BUYER REGISTRATION IS REQUIRED FOR BIDDING AT ALL SIMMONS AND COMPANY AUCTIONS.**

All Bidders must be issued a BID NUMBER. Registration at this auction constitutes a Binding Contract between the Registered Bidder and the Seller represented by the Auction Company and the fulfillment of the following obligations: 1) payment in full for any purchases made on that bid number; 2) the acceptance of all related terms and conditions. 3) payment in full for all associated charges and fees, including shipping and handling. All Absentee Bidders are required to register and secure payment options prior to the auction. Proxibid Bidders are required to submit a current, valid credit card having a verifiable physical address with sufficient credit limits to cover all purchases and shipping charges. Absentee Bidders are treated as if they were present. We do not start the bidding with such bids...bidding starts on the floor. When the bidding on the floor stops, if the amount of the absentee bid is higher, they will successfully buy that item for one bidding increment more.

**ACCEPTED PAYMENT OPTIONS:** Cash, Traveler's Checks, Personal Checks (US funds only) or Credit Card, with photo identification or valid driver's license. Social Security and Date of Birth may also be required. MasterCard, Visa or Discover may also be used (a 5% convenience fee for c/c use). All Bidders (Floor, Absentee, or Phone) must register and be issued a bid number. On-Line bidders register through Proxibid and are issued a paddle number. All information is kept strictly confidential and is for the protection of all parties. Absentee (Phone or Mail-In) & On-Line (Proxibid) Bidders may use Pay Pal as well.

**EVERYTHING IS SOLD "AS IS, WHERE IS" WITH NO WARRANTIES AS TO AGE, VALUE, CONDITION OR AUTHENTICITY IMPLIED OR EXPRESSED BY THE AUCTION COMPANY, AUCTIONEERS, AUCTION PERSONNEL OR OWNERS.** This applies to all purchases: those sold to absentee bidders, phone bidders, on-site bidders and all Proxibid purchases. Statements used as part of the "selling" chant are strictly "bidding" enhancements and do not constitute an appraisal, judgment or guarantee as to the quality or value of any said item. Potential buyers should inspect all items prior to executing any bid and then bid their own personal judgment. Caveat Emptor applies.

**THE AUCTION COMPANY IS NOT RESPONSIBLE FOR POSSIBLE ERRORS OR OMISSIONS, NOR INACCURACIES IN CATALOG DESCRIPTIONS, ADVERTISING MEDIA OR SIMILAR STATEMENTS BY THE AUCTIONEERS NOR RINGMEN** as to serial numbers, make, model, style or other such indicators. This applies to ALL purchases: those sold to absentee bidders, phone bidders, on-site bidders and ALL Proxibid bidders. Buyers are to inspect the items before bidding and determine for themselves if the item is the one they want. If you are a potential or registered on-line bidder, you may call the week of the auction when all the items are out for preview and we will answer your questions to the best of our ability. The Auction Building phone number is 1-816-776-8056. Again, Caveat Emptor applies. We are not appraisers nor experts in every field of collecting, and, as with yourselves, our knowledge is limited by our experience, and every evaluation is subjective.

I, the registered bidder and prospective buyer, understand that all sales are final and all items are sold: "as is, where is" with all faults and without guarantee of any kind; with no warranties as to age, condition, value or authenticity expressed or implied by the Auction Company, Owner (s) or any printed material and that

statements made day of auction sale take precedence over all printed materials. There will be no refunds. This applies to all items sold, whether live, absentee, phone bids or Proxibid. I further understand that the auction company can only furnish me with whatever information is available to them and that I will bid my own judgment. Also I understand that the Auction Company makes no valuations or guarantees when identifying or describing items. I understand that statements made day of auction about the items take precedence over all advertising media. **Proxibidders: If you are placing pre-bids and do not check your bids, or the auction as it is going live, be advised that there may be changes including live and current occurring updates as the auction progresses. All statements & changes made prior to and during the auction will take precedence over whatever description or information was previously published or listed on-line. It is your responsibility to stay current. We sell by item description, including pictures as a courtesy.**

I, the registered bidder and prospective buyer, also understand that my total bill will include the selling price of the item, the cost of professional shipping, packing and insurance. If a successful bid is made, the bidder's total bill will include the selling price of the item, plus cost of our professional shipping & insurance & any handling & processing fees. Items will be ship USPS or UPS, at our discretion based on costs, weight & size. We will carefully package your purchases. Lightweight items or items which can be shipped economically at the USPS flat rate will be shipped that way. Other items will have to go UPS. Shipping charges will be based on the labor, materials & actual shipping cost by the designated carrier service (insurance & shipping.)

If you desire a different carrier than USPS or UPS, you must make that known to the auction company prior to the auction. If you have shipping questions, call us. Remember tools, cast iron cookware, sad irons, traps, etc. are heavy; shipping is based on what they weigh and the destination, not what you paid for the item. Many items are unusually heavy or not standard in size and shipping charges will be based on weight and dimensions of the actual box necessary to insure safe shipping, packaging materials needed, as well as destination. If we have to build a special box to accommodate the shape of your item, we will do that, but there will be additional labor charges. Remember that quoted prices on shipping websites: USPS, UPS, etc. do not include labor and materials. We generally will not ship long handled tools, large bulky items, or display cases with glass, or framed items with glass. Shipping charges also include the boxes, packing material and all labor involved. To insure safe delivery, double boxing is often required.

Buyers should expect a minimum of three weeks before items are shipped. You may call to see if your items have been shipped. Any insurance claims will be between the buyer and UPS or USPS, the auction company is not responsible for lost or damaged items, but will assist you as much as possible in resolving any issues with carrier. Remember, if you need a different carrier than USPS or UPS, such as Fed Ex, please let us know. Shipping is a convenience, not a right. If you are not prepared to pay for the costs of shipping, whatever they turn out to be, either don't bid or come to the auction and pick up your items yourself.

FYI: Shipping, Handling & Storage: Full payment in advance is required before any item will be shipped. All shipping charges must be paid before items are shipped. The buyer agrees that if he or she does not pay for his items or the shipping and handling charges of his or her items in a timely manner, said items will become the property of the auction company and disposed of at their discretion. If communication and response from the buyer is not forthcoming or sporadic in nature, auction company will consider that the buyer is no longer willing to fulfill the terms of his bidding contract with the auction company. No refunds of previous payments may be expected. Only receipt of full payment for purchases and associated shipping charges in a timely manner (within 30 days of the close of the auction for purchases, 60 days for shipping charges) will release those items to the buyer. If items are not paid for in full and picked up from the auction company within that time frame or full payment for shipping expense is not received, buyers will be charged

\$30.00 a month for storage. After one year of storage, the items may be sold at the auction company's discretion.

If special circumstances arise and the buyer contacts the auction company prior to that the deadline to discuss the situation, some adjustments may be made, at the discretion of the auction company. The buyer is responsible for maintaining consistent and timely contact with the auction company. We are not a storage company, nor do we want to be. It is not convenient for us to store purchased items past the 60 day period nor are we prepared to do so. **Registration at this auction constitutes a Binding Contract between the Registered Bidder and the Seller, represented by the Auction Company, and the fulfillment of the following obligations: 1) payment in full for any purchases made on that bid number; 2) the acceptance of all related terms and conditions. 3) payment in full for all associated fees and charges including shipping and handling and storage for items purchased.**