

# **SELLER'S PROPERTY DISCLOSURE STATEMENT**

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1. Date 10/23/2013  
2. Page 1 of 9 pages

## **3. THE INFORMATION DISCLOSED IS GIVEN TO THE BEST OF SELLER'S KNOWLEDGE.**

4. **NOTICE:** This Disclosure Statement satisfies the disclosure requirements of MN Statutes 513.52 through 513.60.  
5. Under Minnesota law, sellers of residential property, with limited exceptions listed on page eight (8), are obligated to  
6. disclose to prospective buyers all material facts of which Seller is aware that could adversely and significantly affect  
7. an ordinary buyer's use or enjoyment of the property or any intended use of the property of which Seller is aware.  
8. MN Statute 513.58 requires Seller to notify buyer in writing as soon as reasonably possible, but in any event before  
9. closing, if Seller learns that Seller's disclosure was inaccurate, Seller is obligated to continue to notify Buyer, in writing,  
10. of any facts disclosed herein (new or changed) of which Seller is aware that could adversely and significantly affect the  
11. Buyer's use or enjoyment of the property or any intended use of the property that occur up to the time of closing.  
12. Seller has disclosure alternatives allowed by MN Statutes. See *Seller's Disclosure Alternatives* form for further  
13. information regarding disclosure alternatives. This disclosure is not a warranty or a guarantee of any kind by Seller or  
14. licensee(s) representing or assisting any party in the transaction.  
15. For purposes of the seller disclosure requirements of MN Statutes 513.52 through 513.60:  
16. "Residential real property" or "residential real estate" means property occupied as, or intended to be occupied as, a  
17. single-family residence, including a unit in a common interest community as defined in MN Statute 515B.1-103, clause  
18. (10), regardless of whether the unit is in a common interest community not subject to chapter 515B.  
19. The seller disclosure requirements of MN Statutes 513.52 through 513.60 apply to the transfer of any interest in  
20. residential real estate, whether by sale, exchange, deed, contract for deed, lease with an option to purchase or any  
21. other option.  
22. **INSTRUCTIONS TO BUYER:** Buyers are encouraged to thoroughly inspect the property personally or have it inspected  
23. by a third party, and to inquire about any specific areas of concern. **NOTE:** If Seller answers NO to any of the questions  
24. listed below, it does not necessarily mean that it does not exist on the property. NO may mean that Seller is unaware  
25. that it exists on the property.  
26. **INSTRUCTIONS TO SELLER:** (1) Complete this form yourself. (2) Consult prior disclosure statement(s) and/or  
27. inspection report(s) when completing this form. (3) Describe conditions affecting the property to the best of your  
28. knowledge. (4) Attach additional pages, with your signature, if additional space is required. (5) Answer all questions.  
29. (6) If any items do not apply, write "NA" (not applicable).

30. Property located at 11491 Hillcrest Drive  
31. City of (White Bear Lake) (Grant) County of Washington, State of Minnesota.  
32. **A. GENERAL INFORMATION:**

33. (1) What date 4/17/2009 did you ☒ Acquire ☐ Build the home?  
(Check one.)  
34. (2) Type of title evidence: ☒ Abstract ☐ Registered (Torrens)  
35. Location of Abstract: \_\_\_\_\_  
36. To your knowledge, is there an existing Owner's Title Insurance Policy? ☒ Yes ☐ No  
37. (3) Have you occupied this home continuously during your ownership? ☒ Yes ☐ No  
38. If "No," explain: \_\_\_\_\_  
39. (4) Is the home suitable for year-round use? ☒ Yes ☐ No  
40. (5) Are you in possession of prior seller's disclosure statement(s)? (If "Yes," please attach.) ☒ Yes ☐ No  
41. (6) To your knowledge, does the property include a manufactured home? ☐ Yes ☒ No  
42. If "Yes," HUD #(s) is/are \_\_\_\_\_  
43. \_\_\_\_\_  
44. Has the title been surrendered to the Registrar of Motor Vehicles for cancellation? ☐ Yes ☒ No



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48. (7) Is the property located on a public or a private road? ☒ Public ☐ Private

49. (8) For property abutting a lake, stream or river, does the property meet the minimum local government lot size requirements? ☐ Yes ☐ No ☐ Unknown

51. If "No," or "Unknown," Buyer should consult the local zoning authority. N/A

52. (9) To your knowledge, is the property located in a designated flood plain? ☐ Yes ☒ No

53. Are you aware of any (10) encroachments? ☐ Yes ☒ No

55. (11) association, covenants, historical registry, reservations or restrictions that affect or may affect the use or future resale of the property? ☐ Yes ☒ No

57. (12) easements, other than utility or drainage easements? ☒ Yes ☐ No

58. (13) Please provide clarification or further explanation for all applicable "Yes" responses in Section A: ☐ Yes ☒ No

59. Agricultural Covenance - No Apple/Fruit Trees

61. B. GENERAL CONDITION: To your knowledge, have any of the following conditions previously existed or do they currently exist?

63. (1) Has there been any damage by wind, fire, flood, hail or other cause(s)? ☐ Yes ☒ No

64. If "Yes," give details of what happened and when: \_\_\_\_\_

66. (2) Have you ever had an insurance claim(s) against your Homeowner's Insurance Policy? ☐ Yes ☒ No

68. If "Yes," what was the claim(s) for (e.g., hail damage to roof)? \_\_\_\_\_

72. Did you receive compensation for the claim(s)? ☐ Yes ☒ No

72. If you received compensation, did you have the items repaired? ☐ Yes ☒ No

73. What dates did the claim(s) occur? \_\_\_\_\_

75. (3) (a) Has/Have the structure(s) been altered? (e.g., additions, altered roof lines, changes to load-bearing walls) ☐ Yes ☒ No

77. If "Yes," please specify what was done, when and by whom (owner or contractor): \_\_\_\_\_

79. (b) Has any work been performed on the property? (e.g., additions to the property, wiring, plumbing, retaining wall, general finishing.) ☒ Yes ☐ No

81. If "Yes," please explain: New Circuit for front pond/pump.

82. New Carpet - Master Bedroom / small office - Finished Carpet

83. (c) Are you aware of any work performed on the property for which appropriate permits were not obtained? General - Deck stain - Graders - Painted Walls - Rec Room

84. If "Yes," please explain: ☐ Yes ☒ No

→ New Gutters added to front of garage and along Screen porch tied into existing to match.

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88. **THE INFORMATION DISCLOSED IS GIVEN TO THE BEST OF SELLER'S KNOWLEDGE.**

89. Property located at 11491 Hillcrest Dr.

90. (4) Has there been any damage to flooring or floor covering?

☐ Yes

☒ No

91. If "Yes," give details of what happened and when:

92.

93. (5) Do you have or have you previously had any pets?

☒ Yes

☐ No

94. If "Yes," indicate type 1 Dog - Blk Lab and number

95. (6) Comments: well behaved.

96.

97.

98. **C. STRUCTURAL SYSTEMS:** To your knowledge, have any of the following conditions previously existed or do they

99. currently exist?

100. (ANSWERS APPLY TO ALL STRUCTURES, SUCH AS GARAGE AND OUTBUILDINGS.)

101. (1) **THE FOUNDATION:** To your knowledge, the type of foundation is (i.e., block, poured, wood, stone, other):

102. Poured

103. (2) **THE BASEMENT, CRAWLSPACE, SLAB:**

104. (a) cracked floor/walls

☐ Yes

☒ No

(e) leakage/seepage

☐ Yes

☒ No

105. (b) drain tile problem

☐ Yes

☒ No

(f) sewer backup

☐ Yes

☒ No

106. (c) flooding

☐ Yes

☒ No

(g) wet floors/walls

☐ Yes

☒ No

107. (d) foundation problem

☐ Yes

☒ No

(h) other

☐ Yes

☒ No

108. Give details to any questions answered "Yes":

109.

110.

111.

112. (3) **THE ROOF:** To your knowledge,

113. (a) what is the age of the roofing material? Nov. 2008 years

114. (b) has there been any interior or exterior damage?

☐ Yes

☒ No

115. (c) has there been interior damage from ice buildup?

☐ Yes

☒ No

116. (d) has there been any leakage?

☐ Yes

☒ No

117. (e) have there been any repairs or replacements made to the roof?

☒ Yes

☐ No

118. Give details to any questions answered "Yes": PREVIOUS OWNER HAD

119. A NEW ROOF INSTALLED NOV 2008

120.

121.



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123. THE INFORMATION DISCLOSED IS GIVEN TO THE BEST OF SELLER'S KNOWLEDGE.

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 125. **D. APPLIANCES, HEATING, PLUMBING, ELECTRICAL AND OTHER MECHANICAL SYSTEMS:**

 126. NOTE: This section refers only to the working condition of the following items. Answers apply to all such  
 127. items unless otherwise noted in comments below. Personal property is included in the sale ONLY IF  
 128. specifically referenced in the Purchase Agreement.

129. Cross out only those items not physically located on the property.

In Working Order		In Working Order		In Working Order	
Yes	No	Yes	No	Yes	No
132. Air-conditioning	<input checked="" type="checkbox"/> <input type="checkbox"/>	Heating system (central)	<input checked="" type="checkbox"/> <input type="checkbox"/>	Trash Compactor	<input type="checkbox"/> <input type="checkbox"/>
133. <input checked="" type="checkbox"/> Central <input type="checkbox"/> Wall <input type="checkbox"/> Window		Heating system (supplemental)	<input checked="" type="checkbox"/> <input type="checkbox"/>	TV antenna system	<input type="checkbox"/> <input type="checkbox"/>
134. Air exchange system	<input checked="" type="checkbox"/> <input type="checkbox"/>	<del>Incinerator</del>	<input type="checkbox"/> <input type="checkbox"/>	TV cable system	<input checked="" type="checkbox"/> <input type="checkbox"/>
135. Carbon Monoxide Detector	<input checked="" type="checkbox"/> <input type="checkbox"/>	<del>Laundry</del>	<input type="checkbox"/> <input type="checkbox"/>	TV satellite dish	<input checked="" type="checkbox"/> <input type="checkbox"/>
136. Ceiling fan	<input checked="" type="checkbox"/> <input type="checkbox"/>	Lawn sprinkler system	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> Rented <input type="checkbox"/> Owned	
137. Dishwasher	<input checked="" type="checkbox"/> <input type="checkbox"/>	Microwave	<input checked="" type="checkbox"/> <input type="checkbox"/>	TV satellite receiver	<input checked="" type="checkbox"/> <input type="checkbox"/>
138. Doorbell	<input checked="" type="checkbox"/> <input type="checkbox"/>	Plumbing	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> Rented <input type="checkbox"/> Owned	
139. Drain tile system	<input checked="" type="checkbox"/> <input type="checkbox"/>	<del>Pool and equipment</del>	<input type="checkbox"/> <input type="checkbox"/>	Washer	<input checked="" type="checkbox"/> <input type="checkbox"/>
140. Dryer	<input checked="" type="checkbox"/> <input type="checkbox"/>	<del>Prepaid</del>	<input type="checkbox"/> <input type="checkbox"/>	Water heater	<input checked="" type="checkbox"/> <input type="checkbox"/>
141. Electrical system	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Rented <input type="checkbox"/> Owned		Water softener	<input checked="" type="checkbox"/> <input type="checkbox"/>
142. Exhaust system	<input checked="" type="checkbox"/> <input type="checkbox"/>	Range/oven	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Rented <input checked="" type="checkbox"/> Owned	
143. <del>Fire sprinkler system</del>	<input type="checkbox"/> <input type="checkbox"/>	Range hood	<input checked="" type="checkbox"/> <input type="checkbox"/>	Water treatment system	<input checked="" type="checkbox"/> <input type="checkbox"/>
144. Fireplace <u>1 gas 1 wood</u>	<input checked="" type="checkbox"/> <input type="checkbox"/>	Refrigerator	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Rented <input checked="" type="checkbox"/> Owned	
145. Fireplace mechanisms	<input checked="" type="checkbox"/> <input type="checkbox"/>	Security system <u>Not Connected</u>	<input checked="" type="checkbox"/> <input type="checkbox"/>	Windows	<input checked="" type="checkbox"/> <input type="checkbox"/>
146. Furnace humidifier	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Rented <input type="checkbox"/> Owned		Window treatments	<input checked="" type="checkbox"/> <input type="checkbox"/>
147. Freezer	<input checked="" type="checkbox"/> <input type="checkbox"/>	Smoke detectors (battery)	<input checked="" type="checkbox"/> <input type="checkbox"/>	<del>Wood burning stove</del>	<input type="checkbox"/> <input type="checkbox"/>
148. Garage door opener (GDO)	<input checked="" type="checkbox"/> <input type="checkbox"/>	Smoke detectors (hardwired)	<input checked="" type="checkbox"/> <input type="checkbox"/>	Other	<input type="checkbox"/> <input type="checkbox"/>
149. Garage auto reverse	<input checked="" type="checkbox"/> <input type="checkbox"/>	<del>Solar collectors</del>	<input type="checkbox"/> <input type="checkbox"/>	Other	<input type="checkbox"/> <input type="checkbox"/>
150. GDO remote	<input checked="" type="checkbox"/> <input type="checkbox"/>	<del>Sump pump</del>	<input type="checkbox"/> <input type="checkbox"/>	Other	<input type="checkbox"/> <input type="checkbox"/>
151. Garbage disposal	<input checked="" type="checkbox"/> <input type="checkbox"/>	Toilet mechanisms	<input checked="" type="checkbox"/> <input type="checkbox"/>	Other	<input type="checkbox"/> <input type="checkbox"/>

Not Connected

152. Comments:

153.

 154. **E. SUBSURFACE SEWAGE TREATMENT SYSTEM DISCLOSURE:**

155. (A subsurface sewage treatment system disclosure is required by MN Statute 115.55.) (Check appropriate box.)

 156. Seller certifies that Seller ☒ DOES ☐ DOES NOT know of a subsurface sewage treatment system on or serving

157. the above-described real property. (If answer is DOES, and the system does not require a state permit, see
 158. Subsurface Sewage Treatment System Disclosure Statement.)

 159. ☒ There is a subsurface sewage treatment system on or serving the above-described real property.
 160. (See Subsurface Sewage Treatment System Disclosure Statement.)

 161. ☐ There is an abandoned subsurface sewage treatment system on the above-described real property.
 162. (See Subsurface Sewage Treatment System Disclosure Statement.)



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166. **F. PRIVATE WELL DISCLOSURE:** (A well disclosure and Certificate are required by MN Statute 103I.235.)  
167. (Check appropriate box.)

168. ☐ Seller certifies that Seller does not know of any wells on the above-described real property.

169. ☒ Seller certifies there are one or more wells located on the above-described real property.  
170. (See Well Disclosure Statement.)

171. Are there any wells serving the above-described property that are not located on the  
172. property?

☐ Yes ☒ No

173. To your knowledge, is this property in a Special Well Construction Area?

☐ Yes ☒ No

174. **G. PROPERTY TAX TREATMENT:**

175. **Valuation Exclusion Disclosure** (Required by MN Statute 273.11, Subd. 16.)  
176. (Check appropriate box.)

177. There ☐ IS ☒ IS NOT an exclusion from market value for home improvements on this property. Any  
178. valuation exclusion shall terminate upon sale of the property, and the property's estimated market value for  
179. property tax purposes shall increase. If a valuation exclusion exists, Buyers are encouraged to look into the  
180. resulting tax consequences.

181. Additional comments:

182. \_\_\_\_\_  
183. \_\_\_\_\_

184. **Preferential Property Tax Treatment**

185. Is the property subject to any preferential property tax status or any other credits affecting the property?

186. (e.g., Disability, Green Acres, CRP, RIM, Rural Preserve)

☐ Yes ☒ No

187. If "Yes," would these terminate upon the sale of the property?

☐ Yes ☐ No

188. Explain:

189. \_\_\_\_\_  
190. \_\_\_\_\_

191. **H. METHAMPHETAMINE PRODUCTION DISCLOSURE:**

192. (A Methamphetamine Production Disclosure is required by MN Statute 152.0275, Subd. 2 (m).)

193. ☒ Seller is not aware of any methamphetamine production that has occurred on the property.

194. ☐ Seller is aware that methamphetamine production has occurred on the property.  
195. (See Methamphetamine Production Disclosure Statement.)

196. **I. NOTICE REGARDING AIRPORT ZONING REGULATIONS:** The property may be in or near an airport safety  
197. zone with zoning regulations adopted by the governing body that may affect the property. Such zoning regulations  
198. are filed with the county recorder in each county where the zoned area is located. If you would like to determine  
199. if such zoning regulations affect the property, you should contact the county recorder where the zoned area is  
200. located.

201. **J. NOTICE REGARDING CARBON MONOXIDE DETECTORS:** MN Statute 299F.51 requires Carbon Monoxide  
202. Detectors to be located within ten (10) feet from all sleeping rooms. Carbon Monoxide Detectors may or may not  
203. be personal property and may or may not be included in the sale of the home.



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## 205. THE INFORMATION DISCLOSED IS GIVEN TO THE BEST OF SELLER'S KNOWLEDGE.

206. Property located at 11491 Hillcrest Dr.

## 207. K. CEMETERY ACT:

208. MN Statute 307.08 prohibits any damage or illegal molestation of human remains, burials or cemeteries. A person  
 209. who intentionally, willfully and knowingly destroys, mutilates, injures, disturbs or removes human skeletal remains  
 210. or human burial grounds is guilty of a felony.

211. To your knowledge, are you aware of any human remains, burials or cemeteries located

212. on the property?

☐ Yes☒ No

213. If "Yes," please explain: \_\_\_\_\_

214. \_\_\_\_\_

215. All unidentified human remains or burials found outside of platted, recorded or identified cemeteries and in  
 216. contexts which indicate antiquity greater than 50 years shall be dealt with according to the provisions of MN  
 217. Statute 307.08, Subd. 7.

## 218. L. ENVIRONMENTAL CONCERNS:

219. To your knowledge, have any of the following environmental concerns previously existed or do they currently exist  
 220. on the property?

221. Animal/Insect/Pest Infestations? ☐ Yes ☒ No Lead? (e.g., paint, plumbing) ☐ Yes ☒ No

222. Asbestos? ☐ Yes ☒ No Mold? ☐ Yes ☒ No

223. Diseased trees? ☐ Yes ☒ No Radon? ☐ Yes ☒ No

224. Formaldehyde? ☐ Yes ☒ No Soil problems? ☐ Yes ☒ No

225. Hazardous wastes/substances? ☐ Yes ☒ No Underground storage tanks? ☐ Yes ☒ No

226. Other? WOODED LOT Rely on own Inspection ☐ Yes ☒ No

227. Are you aware if there are currently, or have previously been, any orders issued on the property by any governmental  
 228. authority ordering the remediation of a public health nuisance on the property? ☐ Yes ☒ No

229. If answer above is "Yes," seller certifies that all orders ☐ HAVE ☐ HAVE NOT been vacated.  
 (Check one.)

230. Give details to any question answered "Yes": \_\_\_\_\_

231. \_\_\_\_\_

232. \_\_\_\_\_

233. \_\_\_\_\_

234. \_\_\_\_\_

## 235. M. OTHER DEFECTS/MATERIAL FACTS:

236. Are you aware of any other material facts that could adversely and significantly affect an ordinary buyer's use or  
 237. enjoyment of the property or any intended use of the property? ☐ Yes ☒ No

238. If "Yes," explain below: When sellers purchased home they  
 239. HAD A STUCCO TEST DONE AND FOUND A FEW AREAS

240. THAT WERE COMPROMISED - REPAIRS WERE DONE

241. BY PREVIOUS OWNERS AND APPROVED BY US. A FEW

242. MONTH AGO ALSO HAD A STUCCO TEST DONE - WAS GOOD BUT

243. INSPECTOR - SUGGESTED CAULKING A FEW AREAS, THIS

WAS DONE SEPT 2013 - PLEASE SEE A) 2009 Septic test

MN: SPDS-6 (8/12)

B) 2013 septic test

C) Repair estimate



245. **THE INFORMATION DISCLOSED IS GIVEN TO THE BEST OF SELLER'S KNOWLEDGE.**

246. Property located at 11491 Hillcrest

247. **N. WATER INTRUSION AND MOLD GROWTH:** Recent studies have shown that various forms of water intrusion  
248. affect many homes. Water intrusion may occur from exterior moisture entering the home and/or interior moisture  
249. leaving the home.

250. Examples of exterior moisture sources may be

- 251. • improper flashing around windows and doors,
- 252. • improper grading,
- 253. • flooding,
- 254. • roof leaks.

255. Examples of interior moisture sources may be

- 256. • plumbing leaks,
- 257. • condensation (caused by indoor humidity that is too high or surfaces that are too cold),
- 258. • overflow from tubs, sinks or toilets,
- 259. • firewood stored indoors,
- 260. • humidifier use,
- 261. • inadequate venting of kitchen and bath humidity,
- 262. • improper venting of clothes dryer exhaust outdoors (including electrical dryers),
- 263. • line-drying laundry indoors,
- 264. • houseplants—watering them can generate large amounts of moisture.

265. In addition to the possible structural damage water intrusion may do to the property, water intrusion may also result  
266. in the growth of mold, mildew and other fungi. Mold growth may also cause structural damage to the property.  
267. Therefore, it is very important to detect and remediate water intrusion problems.

268. Fungi are present everywhere in our environment, both indoors and outdoors. Many molds are beneficial to  
269. humans. However, molds have the ability to produce mycotoxins that may have a potential to cause serious health  
270. problems, particularly in some immunocompromised individuals and people who have asthma or allergies to  
271. mold.

272. To complicate matters, mold growth is often difficult to detect, as it frequently grows within the wall structure. If you  
273. have a concern about water intrusion or the resulting mold/mildew/fungi growth, you may want to consider having the  
274. property inspected for moisture problems before entering into a purchase agreement or as a condition of your  
275. purchase agreement. Such an analysis is particularly advisable if you observe staining or musty odors on the  
276. property.

277. For additional information about water intrusion, indoor air quality, moisture or mold issues, please view the  
278. Minnesota Association of REALTORS® Desktop Reference Guide at [www.mnrealtor.com](http://www.mnrealtor.com).

279. **O. NOTICE REGARDING PREDATORY OFFENDER INFORMATION:** Information regarding the predatory  
280. offender registry and persons registered with the predatory offender registry under MN Statute 243.166  
281. may be obtained by contacting the local law enforcement offices in the community where the property  
282. is located or the Minnesota Department of Corrections at (651) 361-7200, or from the Department of  
283. Corrections web site at [www.corr.state.mn.us](http://www.corr.state.mn.us).

284. **P. ADDITIONAL COMMENTS:** \_\_\_\_\_

285. \_\_\_\_\_

286. \_\_\_\_\_

287. \_\_\_\_\_

288. \_\_\_\_\_

289. \_\_\_\_\_



290. **THE INFORMATION DISCLOSED IS GIVEN TO THE BEST OF SELLER'S KNOWLEDGE.**

292. Property located at 11491 Hillcrest Dr

293. **Q. MN STATUTES 513.52 THROUGH 513.60:**

294. **Exceptions**

295. The seller disclosure requirements of MN Statutes 513.52 through 513.60 **DO NOT** apply to

296. (1) real property that is not residential real property;
297. (2) a gratuitous transfer;
298. (3) a transfer pursuant to a court order;
299. (4) a transfer to a government or governmental agency;
300. (5) a transfer by foreclosure or deed in lieu of foreclosure;
301. (6) a transfer to heirs or devisees of a decedent;
302. (7) a transfer from a cotenant to one or more other co-tenants;
303. (8) a transfer made to a spouse, parent, grandparent, child or grandchild of Seller;
304. (9) a transfer between spouses resulting from a decree of marriage dissolution or from a property agreement incidental to that decree;
305. (10) a transfer of newly constructed residential property that has not been inhabited;
306. (11) an option to purchase a unit in a common interest community, until exercised;
307. (12) a transfer to a person who controls or is controlled by the grantor as those terms are defined with respect to a declarant under section 515B.1-103, clause (2);
308. (13) a transfer to a tenant who is in possession of the residential real property; or
309. (14) a transfer of special declarant rights under section 515B.3-104.

312. **Waiver**

313. The written disclosure required under sections 513.52 to 513.60 may be waived if Seller and the prospective Buyer agree in writing. Waiver of the disclosure required under sections 513.52 to 513.60 does not waive, limit or abridge any obligation for seller disclosure created by any other law.

316. **No Duty to Disclose**

317. A. There is no duty to disclose the fact that the property
318. (1) is or was occupied by an owner or occupant who is or was suspected to be infected with Human Immunodeficiency Virus or diagnosed with Acquired Immunodeficiency Syndrome;
  319. (2) was the site of a suicide, accidental death, natural death or perceived paranormal activity; or
  320. (3) is located in a neighborhood containing any adult family home, community-based residential facility or nursing home.

323. B. **Predatory Offenders.** There is no duty to disclose information regarding an offender who is required to register under MN Statute 243.166 or about whom notification is made under that section, if Seller, in a timely manner, provides a written notice that information about the predatory offender registry and persons registered with the registry may be obtained by contacting the local law enforcement agency where the property is located or the Department of Corrections.

328. C. The provisions in paragraphs A and B do not create a duty to disclose any facts described in paragraphs A and B for property that is not residential property.

330. **D. Inspections.**

331. (i) Except as provided in paragraph (ii), Seller is not required to disclose information relating to the real property if a written report that discloses the information has been prepared by a qualified third party and provided to the prospective buyer. For purposes of this paragraph, "qualified third party" means a federal, state or local governmental agency, or any person whom Seller or prospective buyer reasonably believes has the expertise necessary to meet the industry standards of practice for the type of inspection or investigation that has been conducted by the third party in order to prepare the written report.
332. (ii) Seller shall disclose to the prospective buyer material facts known by Seller that contradict any information included in a written report under paragraph (i) if a copy of the report is provided to Seller.



340.

**THE INFORMATION DISCLOSED IS GIVEN TO THE BEST OF SELLER'S KNOWLEDGE.**

341. Property located at 11491 Hillcrest Dr

342. R. SELLER'S STATEMENT:

343. (To be signed at time of listing.)

344. Seller(s) hereby states the material facts as stated above are true and accurate and authorizes any licensee(s)  
345. representing or assisting any party(ies) in this transaction to provide a copy of this Disclosure to any person or  
346. entity in connection with any actual or anticipated sale of the property.

347.

(Seller)

{Date}

(Seller)

(Date)

348. S. BUYER'S ACKNOWLEDGEMENT:

349. (To be signed at time of purchase agreement.)

330. I/We, the Buyer(s) of the property, acknowledge receipt of this Seller's Property Disclosure Statement and agree  
351. that no representations regarding material facts have been made other than those made above.

352.

(Buyer)

(Date)

(Buyer)

(Date)

353. **T. SELLER'S ACKNOWLEDGMENT** *(To be signed at time of purchase agreement.):* Seller is obligated to continue  
354. to notify Buyer, in writing, of any facts which differ from the facts disclosed herein (new or changed) of which Seller  
355. is aware that could adversely and significantly affect the Buyer's use or enjoyment of the property or any intended  
356. use of the property that occur up to the time of closing.

357. AS OF THE DATE BELOW, I/we, the Seller(s) of the property, state that the material facts stated above are the  
358. same, except for changes and/or new disclosures as indicated below, which have been signed and dated.

359.

360.

361.

362.

363.

364.

365.

366.

367.

(Seller)

(Date)

(Seller)

(Date)

368. LISTING BROKER AND LICENSEES MAKE NO REPRESENTATIONS AND ARE  
369. NOT RESPONSIBLE FOR ANY CONDITIONS EXISTING ON THE PROPERTY.



**WELL DISCLOSURE STATEMENT**

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1. Date 10/23/13
2. Page 1 of 4 pages: THE REQUIRED MAP IS
3. ATTACHED HERETO AND MADE A PART HEREOF.

4. Minnesota Statute 103I.235 requires that, before signing an agreement to sell or transfer real property, Seller must
5. disclose information in writing to Buyer about the status and location of all known wells on the property. This requirement
6. is satisfied by delivering to Buyer either a statement by Seller that Seller does not know of any wells on the property,
7. or a disclosure statement indicating the legal description and county, and a map showing the location of each well. In
8. the disclosure statement Seller must indicate, for each well, whether the well is in use, not in use or sealed.
9. Unless Buyer and Seller agree to the contrary in writing, before the closing of the sale, a Seller who fails to disclose
10. the existence or known status of a well at the time of sale, and knew or had reason to know of the existence or known
11. status of the well, is liable to Buyer for costs relating to sealing of the well and reasonable attorneys' fees for collection
12. of costs from Seller, if the action is commenced within six years after the date Buyer closed the purchase of the real
13. property where the well is located.
14. Legal requirements exist relating to various aspects of location and status of wells. Buyer is advised to contact the
15. local unit(s) of government, state agency or qualified professional which regulates wells for further information about
16. these issues.

17. Instructions for completion of this form are on the reverse side.

18. **PROPERTY DESCRIPTION:** Street Address: 11491 Hillcrest Drive
19. GRANT with WBL MAILING 55110 Wash  
(City) ADDRESS (Zip) (County)

20. **LEGAL DESCRIPTION:** LEGAL TO GOVERN IN ACCORDANCE
21. WITH THE ABOVE ADDRESS
22. ORCHARD HILLS LOT 6 BLOCK 4
23. \_\_\_\_\_
24. \_\_\_\_\_
25. \_\_\_\_\_

**26. WELL DISCLOSURE STATEMENT:**

27. (Check appropriate box.)

28. ☐ Seller certifies that Seller does not know of any wells on the above described real property.
29. (If this option is checked, then skip to the last line and sign and date this Statement.)

30. ☒ Seller certifies that the following wells are located on the above described real property.

	MN Unique Well No.	Well Depth	Year of Const.	Well Type	IN USE	NOT IN USE	SEALED
33. Well 1	_____	_____	<u>1999</u>	<u>SUB</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34. Well 2	_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
35. Well 3	_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

36. **NOTE:** See definition of terms "IN USE," "NOT IN USE," and "SEALED" on lines 89-100. If a well is not in use,
37. it must be sealed by a licensed well contractor or a well owner must obtain a maintenance permit
38. from the Minnesota Department of Health and pay an annual maintenance fee. Maintenance
39. permits are not transferable. If a well is operable and properly maintained, a maintenance permit
40. is not required.

41. **ORIGINAL COPY TO LISTING BROKER; COPIES TO SELLER, BUYER, SELLING BROKER.**



**WELL DISCLOSURE STATEMENT**

42. Page 2

43. Property located at 11491 Hillcrest DRIVE44. **OTHER WELL INFORMATION:**45. Date well water last tested for contaminants: 2009 Test results attached? ☐ Yes ☒ No46. Comments: GOOD

47. \_\_\_\_\_

48. \_\_\_\_\_

49. \_\_\_\_\_

50. \_\_\_\_\_

51. \_\_\_\_\_

52. \_\_\_\_\_

53. Contaminated Well: Is there a well on the property containing contaminated water? ☐ Yes ☒ No54. **SEALED WELL INFORMATION:** For each well designated as sealed above, complete this section.

55. When was the well sealed? \_\_\_\_\_

56. Who sealed the well? \_\_\_\_\_

57. Was a Sealed Well Report filed with the Minnesota Department of Health? ☐ Yes ☐ No58. **MAP:** Complete the attached MAP showing the location of each well on the real property.59. This disclosure is not a warranty of any kind by Seller(s) or any licensee(s) representing or assisting any part/(ies) in  
60. this transaction and is not a substitute for any inspections or warranties the party(ies) may wish to obtain.61. **CERTIFICATION BY SELLER:** I certify that the information provided above is accurate and complete to the  
62. best of my knowledge.63. [Signature] 10/23/13 [Signature] 10/23/13  
(Seller or Designated Representative) (Date) (Seller or Designated Representative) (Date)64. **BUYER'S ACKNOWLEDGEMENT:**65. \_\_\_\_\_  
(Buyer) (Date) (Buyer) (Date)66. **ORIGINAL COPY TO LISTING BROKER; COPIES TO SELLER, BUYER, SELLING BROKER.**

ER 125-2 (07/07)



68.

**INSTRUCTIONS FOR COMPLETING THE WELL DISCLOSURE STATEMENT**

69.

70.

**DEFINITION:** A "well" means an excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed if the excavation is intended for the location, diversion, artificial recharge or acquisition of groundwater.

71.

72.

73.

74.

75.

**MINNESOTA UNIQUE WELL NUMBER:** All new wells constructed AFTER January 1, 1975, should have been assigned a Minnesota unique well number by the person constructing the well. If the well was constructed after this date, you should have the unique well number in your property records. If you are unable to locate your unique well number and the well was constructed AFTER January 1, 1975, contact your well contractor. If no unique well number is available, please indicate the depth and year of construction for each well.

76.

**WELL TYPE:** Use one of the following terms to describe the well type.

77.

78.

**WATER WELL:** A water well is any type of well used to extract groundwater for private or public use. Examples of water wells are: domestic wells, drive-point wells, dug wells, remedial wells and municipal wells.

79.

80.

**IRRIGATION WELL:** An irrigation well is a well used to irrigate agricultural lands. These are typically large-diameter wells connected to a large pressure distribution system.

81.

82.

**MONITORING WELL:** A monitoring well is a well used to monitor groundwater contamination. The well is typically used to access groundwater for the extraction of samples.

83.

84.

**DEWATERING WELL:** A dewatering well is a well used to lower groundwater levels to allow for construction or use of underground spaces.

85.

86.

87.

**INDUSTRIAL/COMMERCIAL WELL:** An industrial/commercial well is a nonpotable well used to extract groundwater for any nonpotable use, including groundwater thermal exchange wells (heat pumps and heat loops).

88.

**WELL USE STATUS:** Indicate the use status of each well. CHECK ONLY ONE (1) BOX PER WELL.

89.

90.

**IN USE:** A well is "in use" if the well is operated on a daily, regular or seasonal basis. A well in use includes a well that operates for the purpose of irrigation, fire protection or emergency pumping.

91.

92.

**NOT IN USE:** A well is "not in use" if the well does not meet the definition of "in use" above and has not been sealed by a licensed well contractor.

93.

94.

95.

96.

**SEALED:** A well is "sealed" if a licensed contractor has completely filled a well by pumping grout material throughout the entire bore hole after removal of any obstructions from the well. A well is "capped" if it has a metal or plastic cap or cover which is threaded, bolted or welded into the top of the well to prevent entry into the well. A "capped" well is not a "sealed" well.

97.

98.

If the well has been sealed by someone other than a licensed well contractor or a licensed well sealing contractor, check the well status as "not in use."

99.

100.

If you have any questions, please contact the Minnesota Department of Health, Well Management Section, at (651) 201-4587 (metropolitan Minneapolis-St. Paul) or 1-800-383-9808 (greater Minnesota).

101.

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**LOCATION MAP**

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1. Page 4 of 4 pages

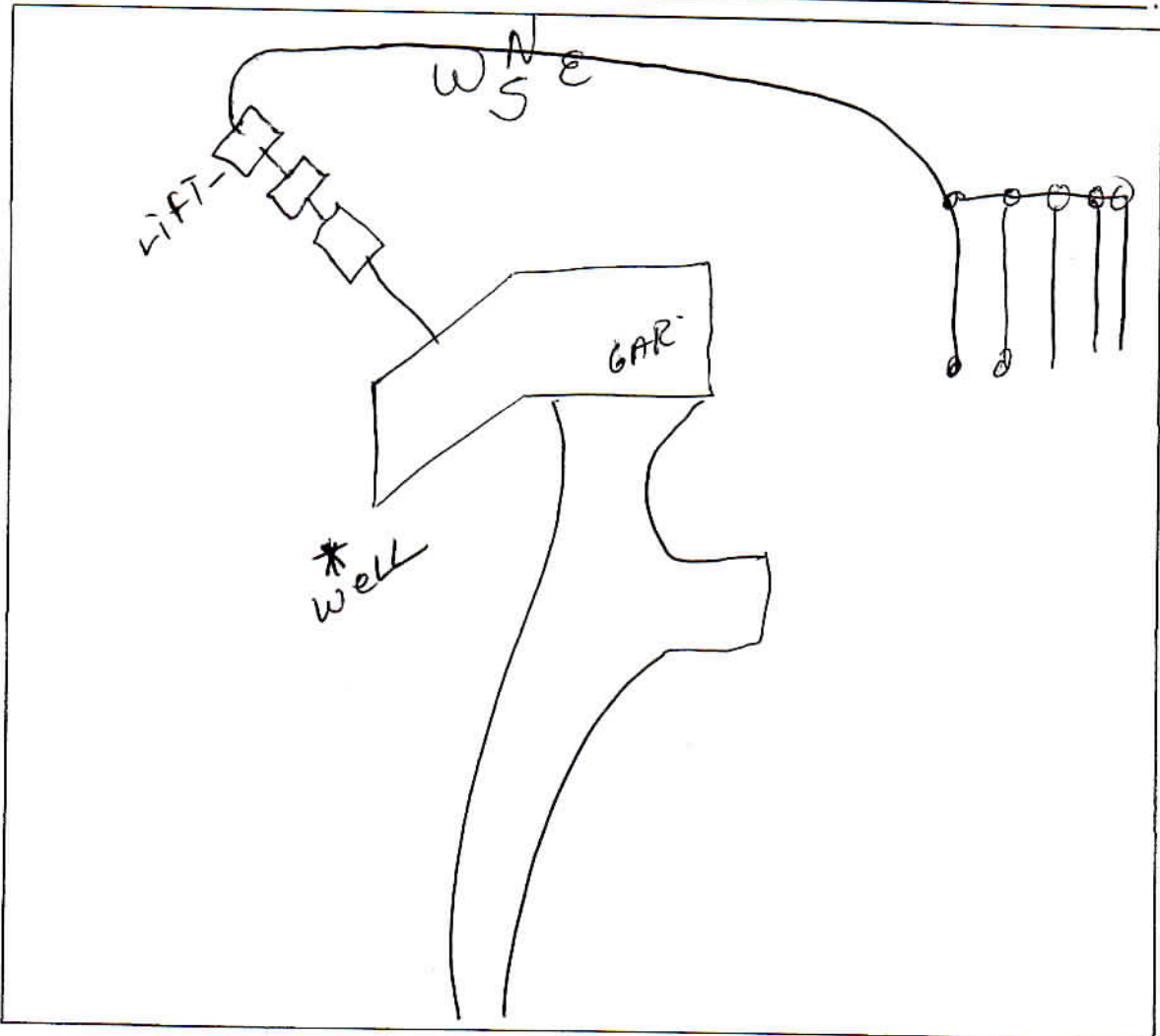
2. Please use the space below to sketch the real property being sold and, to Seller's knowledge, the approximate location of  
3. any of the following on the property.

4. ☒ SUBSURFACE SEWAGE TREATMENT SYSTEM ☒ WELL ☐ METHAMPHETAMINE PRODUCTION AREA  
(Check all that apply.)

5. Include approximate distances from fixed reference points such as streets, buildings and landmarks.

6. Property located at 11491 Hilcrest

7.



8. ATTACH ADDITIONAL SHEETS AS NEEDED.

9. Seller and Buyer initial:

<u>[Signature]</u>	<u>[Signature]</u>
(Seller)	(Buyer)
<u>10/23/13</u>	
(Date)	(Date)

- 10.

11. ORIGINAL COPY TO LISTING BROKER; COPIES TO SELLER, BUYER, SELLING BROKER



# SUBSURFACE SEWAGE TREATMENT SYSTEM DISCLOSURE STATEMENT

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1. Date 10/23/13
2. Page 1 \_\_\_\_\_ of pages: THE REQUIRED MAP IS
3. ATTACHED HERETO AND MADE A PART HEREOF

4. Property located at 11491 Hillcrest Dr in the City of White Bear Lake Grant
5. County of Washington State of Minnesota, legally described as follows or on
6. attached sheet (the "Property") ORCHARD HILLS
7. LOT 6 BLOCK 4

8. This disclosure is not a warranty of any kind by Seller(s) or any licensee(s) representing or assisting any party(ies) in
9. this transaction, and is not a substitute for any inspections or warranties the party(ies) may wish to obtain.

10. BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE
11. SUBSURFACE SEWAGE TREATMENT SYSTEM AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A
12. CONTRACT BETWEEN BUYER(S) AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTION/DEFECTS.

13. SELLER'S INFORMATION: The following Seller disclosure satisfies MN Statutes Chapter 115.55. Seller discloses
14. the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on
15. this information in deciding whether and on what terms to purchase the Property. The Seller(s) authorizes any
16. licensee(s) representing or assisting any party(ies) in this transaction to provide a copy of this statement to any person
17. or entity in connection with any actual or anticipated sale of the Property.

18. Unless Buyer and Seller agree to the contrary in writing before the closing of the sale, a Seller who fails to disclose
19. the existence or known status of a subsurface sewage treatment system at the time of sale, and who knew or had
20. reason to know of the existence or known status of the system, is liable to Buyer for costs relating to bringing the
21. system into compliance with subsurface sewage treatment system rules and for reasonable attorney fees for collection
22. of costs from Seller. An action under this subdivision must be commenced within two years after the date on which
23. Buyer closed the purchase of the real property where the system is located.

24. Legal requirements exist relating to various aspects of location and status of subsurface sewage treatment systems.
25. Buyer is advised to contact the local unit(s) of government, state agency or qualified professional which regulates
26. subsurface sewage treatment systems for further information about these issues.

27. The following are representations made by Seller(s) to the extent of Seller(s) actual knowledge. This information is a
28. disclosure and is not intended to be part of any contract between Buyer and Seller.

## 29. SUBSURFACE SEWAGE TREATMENT SYSTEM DISCLOSURE:

30. (Check the appropriate box.)

31. ☐ Seller certifies that Seller does not know of any subsurface sewage treatment system on or serving the above-
32. described real property. (If this option is checked, then skip to the last line and sign and date this Statement.)

33. ☒ Seller certifies that the following subsurface sewage treatment system is on or serving the above-described
34. Property.

35. Is the subsurface sewage treatment system(s) currently in use?

☒ Yes ☐ No

36. TYPE: (Check appropriate box(es) and indicate location on attached MAP.)

37. ☒ Septic Tank: ☒ with drain field ☐ with mound system ☐ seepage tank ☐ with open end

38. Is this system a straight-pipe system?

☐ Yes ☒ No ☐ Unknown

39. ☐ Sealed System (holding tank)

40. ☐ Other (Describe): \_\_\_\_\_

41. NOTE: If any water use appliance, bedroom or bathroom has been added to the Property, the system may
42. no longer comply with applicable sewage treatment system laws and rules.

43. ORIGINAL COPY TO LISTING BROKER; COPIES TO SELLER, BUYER, SELLING BROKER.



**SUBSURFACE SEWAGE TREATMENT  
SYSTEM DISCLOSURE STATEMENT**

44. Page 2

45. Property located at 11491 Hillcrest Dr.
46. Seller or transferor shall disclose to Buyer or transferee what Seller or transferor has knowledge of relative to the
47. compliance status of the subsurface sewage treatment system. \_\_\_\_\_
48. \_\_\_\_\_
49. \_\_\_\_\_
50. Any previous inspection report in Seller's possession must be attached to this Disclosure Statement.
51. When was the subsurface sewage treatment system installed? 1999
52. Installer Name/Phone NOT SURE
53. Where is tank located? REAR YARD
54. What is tank size? 2-1000
55. When was tank last pumped? 9/16/2010
56. How often is tank pumped? EVERY 3-4 YEARS
57. Where is the drain field located? REAR YARD
58. What is the drain field size? \_\_\_\_\_
59. Describe work performed to the subsurface sewage treatment system since you have owned the Property.
60. PUMPING ONLY
61. \_\_\_\_\_
62. Date work performed/by whom: \_\_\_\_\_
63. \_\_\_\_\_
64. Is subsurface sewage treatment system entirely within Property boundary lines, including set back
65. requirements? yes Is the system shared? no How many units on system? 1 Annual Fee? \_\_\_\_\_
66. Comments: \_\_\_\_\_
67. \_\_\_\_\_
68. On this Property: 1
69. \_\_\_\_\_
70. Approximate number of:
71. people using the subsurface sewage treatment system 2
72. showers/baths taken per week 14
73. wash loads per week 5
74. Distance between well and subsurface sewage treatment system? 80' +
75. Have you received any notices from any government agencies relating to the subsurface sewage treatment system?
76. (If "Yes", see attached notice.) ☐ Yes ☒ No
77. Are there any known defects in the subsurface sewage treatment system? ☐ Yes ☒ No
78. If "Yes", please explain: \_\_\_\_\_
79. \_\_\_\_\_
80. \_\_\_\_\_
81. **ORIGINAL COPY TO LISTING BROKER; COPIES TO SELLER, BUYER, SELLING BROKER.**



**SUBSURFACE SEWAGE TREATMENT  
SYSTEM DISCLOSURE STATEMENT**

82. Page 3

83. Property located at 11491 Hillcrest Dr.

**84. SELLER'S STATEMENT:**

85. *(To be signed at time of listing.)*

86. I/We, Seller(s) of the Property acknowledge the above subsurface sewage treatment system disclosure and MAP  
87. and authorize listing broker to disclose this information to prospective buyers.

88. [Signature] 10/23/13 [Signature] 10/23/13  
(Seller) (Date) (Seller) (Date)

**89. BUYER'S ACKNOWLEDGMENT:**

90. *(To be signed at time of purchase agreement.)*

91. I/We, the Buyer(s) of the Property acknowledge receipt of this Subsurface Sewage Treatment System Disclosure  
92. Statement and MAP and agree that no representation regarding the condition of the subsurface sewage treatment  
93. system have been made, other than those made above.

94. **LISTING BROKER AND LICENSEES MAKE NO REPRESENTATIONS AND ARE NOT RESPONSIBLE FOR ANY**  
95. **CONDITIONS EXISTING IN THE SUBSURFACE SEWAGE TREATMENT SYSTEM.**

96. \_\_\_\_\_  
(Buyer) (Date) (Buyer) (Date)

**97. SELLER'S ACKNOWLEDGMENT:**

98. *(To be signed at time of purchase agreement.)*

99. AS OF THE DATE OF THE ACCEPTANCE OF THE PURCHASE AGREEMENT, I/We, the Seller(s) of the above  
100. Property, agree that the condition of the subsurface sewage treatment system is the same as noted above, except for  
101. changes as indicated below which have been signed and dated.

102. \_\_\_\_\_  
103. \_\_\_\_\_  
104. \_\_\_\_\_  
105. \_\_\_\_\_  
106. \_\_\_\_\_  
107. \_\_\_\_\_  
108. \_\_\_\_\_  
109. \_\_\_\_\_  
110. \_\_\_\_\_  
111. \_\_\_\_\_  
112. \_\_\_\_\_  
113. \_\_\_\_\_

114. [Signature] [Signature] 10/23/13  
(Seller) (Date) (Seller) (Date)

115. **ORIGINAL COPY TO LISTING BROKER; COPIES TO SELLER, BUYER, SELLING BROKER.**