

SELLER'S PROPERTY DISCLOSURE STATEMENT

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1. Date Aug 15 13
2. Page 1 of _____ 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 115 Warner Way,

31. City of Mahtomedi, County of Washington, State of Minnesota.

32. A. GENERAL INFORMATION:

33. (1) What date AUG 2008 did you ☐ Acquire ☒ Build the home?
----- (Check one.) -----

34. (2) Type of title evidence: ☐ Abstract ☐ Registered (Torrens)

35. Location of Abstract: will get

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

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

47. Property located at 115 Warner Way Mahtomedi
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
50. If "No," or "Unknown," Buyer should consult the local zoning authority.
51. (9) To your knowledge, is the property located in a designated flood plain? ☐ Yes ☒ No
52. Are you aware of any
53. (10) encroachments? ☐ Yes ☒ No
54. (11) association, covenants, historical registry, reservations or restrictions that affect or may affect the use or future resale of the property? ☒ Yes ☐ No
55. (12) easements, other than utility or drainage easements? ☐ Yes ☒ No
56. (13) Please provide clarification or further explanation for all applicable "Yes" responses in Section A:
57. #150 year -
58. **B. GENERAL CONDITION:** To your knowledge, have any of the following conditions previously existed or do they currently exist?
59. (1) Has there been any damage by wind, fire, flood, hail or other cause(s)? ☐ Yes ☒ No
60. If "Yes," give details of what happened and when: _____
61. _____
62. (2) Have you ever had an insurance claim(s) against your Homeowner's Insurance Policy? ☐ Yes ☒ No
63. If "Yes," what was the claim(s) for (e.g., hail damage to roof)? _____
64. _____
65. Did you receive compensation for the claim(s)? ☐ Yes ☐ No
66. If you received compensation, did you have the items repaired? ☐ Yes ☐ No
67. What dates did the claim(s) occur? _____
68. _____
69. (3) (a) Has/Have the structure(s) been altered? ☐ Yes ☒ No
70. (e.g., additions, altered roof lines, changes to load-bearing walls)
71. If "Yes," please specify what was done, when and by whom (owner or contractor): _____
72. _____
73. (b) Has any work been performed on the property? (e.g., additions to the property, wiring, plumbing, retaining wall, general finishing.) ☐ Yes ☒ No
74. If "Yes," please explain: _____
75. _____
76. (c) Are you aware of any work performed on the property for which appropriate permits were not obtained? ☐ Yes ☒ No
77. If "Yes," please explain: _____
78. _____

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

89. Property located at 115 Warner Way Mahtomedi

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 small Chihuahua's and number 2

95. (6) Comments: _____

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. _____

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? 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": _____

119. _____

120. _____

121. _____

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

124. Property located at 115 Warner Way Mahtomedi
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
131. ☒ Yes ☐ No					
132. Air-conditioning	☒ ☐	Heating system (central)	☒ ☐	Trash Compactor	☐ ☐
133. ☒ Central ☐ Wall ☐ Window		Heating system (supplemental)	☐ ☐	TV antenna system	☐ ☐
134. Air exchange system	☒ ☐	Incinerator	☐ ☐	TV cable system	☐ ☐
135. Carbon Monoxide Detector	☒ ☐	Intercom	☐ ☐	TV satellite dish	☒ ☐
136. Ceiling fan	☒ ☐	Lawn sprinkler system	☒ ☐	☒ Rented ☐ Owned	
137. Dishwasher	☒ ☐	Microwave	☒ ☐	TV satellite receiver	☐ ☐
138. Doorbell	☒ ☐	Plumbing	☒ ☐	☒ Rented ☐ Owned	
139. Drain tile system	☒ ☐	Pool and equipment	☐ ☐	Washer	☒ ☐
140. Dryer	☒ ☐	Propane Tank	☐ ☐	Water heater	☒ ☐
141. Electrical system	☒ ☐	☐ Rented ☐ Owned		Water softener	☒ ☐
142. Exhaust system	☒ ☐	Range/oven	☒ ☐	☐ Rented ☐ Owned	
143. Fire sprinkler system	☐ ☐	Range hood	☒ ☐	Water treatment system	☐ ☐
144. Fireplace	☒ ☐	Refrigerator	☒ ☐	☐ Rented ☐ Owned	
145. Fireplace mechanisms	☒ ☐	Security system	☒ ☐	Windows	☒ ☐
146. Furnace humidifier	☒ ☐	☐ Rented ☐ Owned		Window treatments	☒ ☐
147. Freezer	☐ ☐	Smoke detectors (battery)	☒ ☐	Wood-burning stove	☐ ☐
148. Garage door opener (GDO)	☒ ☐	Smoke detectors (hardwired)	☒ ☐	Other	☐ ☐
149. Garage auto reverse	☒ ☐	Solar collectors	☐ ☐	Other	☐ ☐
150. GDO remote	☒ ☐	Sump pump	☒ ☐	Other	☐ ☐
151. Garbage disposal	☒ ☐	Toilet mechanisms	☒ ☐	Other	☐ ☐

152. Comments: _____

153. _____

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*.)

**SELLER'S PROPERTY
DISCLOSURE STATEMENT**

163. Page 5

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

165. Property located at 115 Warner Way Mahtomedi.
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
(Check one.)
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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206. Property located at 115 Warner Way Mahtomedi.

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? _____ ☐ 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: _____

239. _____

240. _____

241. _____

242. _____

243. _____

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246. Property located at 115 Warner Way Mahtomedi.

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.

279. **O. NOTICE REGARDING PREDATORY OFFENDER INFORMATION:** Information regarding the predatory
280. offender registry and persons registered with the predatory offender registry under MN Statue 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.

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 115 Warner Way Mahtomedi.

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
314. Buyer agree in writing. Waiver of the disclosure required under sections 513.52 to 513.60 does not waive, limit or
315. 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
- 319. Immunodeficiency Virus or diagnosed with Acquired Immunodeficiency Syndrome;
- 320. (2) was the site of a suicide, accidental death, natural death or perceived paranormal activity; or
- 321. (3) is located in a neighborhood containing any adult family home, community-based residential facility or
- 322. nursing home.

323. B. **Predatory Offenders.** There is no duty to disclose information regarding an offender who is required to
324. register under MN Statute 243.166 or about whom notification is made under that section, if Seller, in a timely
325. manner, provides a written notice that information about the predatory offender registry and persons registered
326. with the registry may be obtained by contacting the local law enforcement agency where the property is
327. 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
329. 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
332. property if a written report that discloses the information has been prepared by a qualified third party
333. and provided to the prospective buyer. For purposes of this paragraph, "qualified third party" means a
334. federal, state or local governmental agency, or any person whom Seller or prospective buyer reasonably
335. believes has the expertise necessary to meet the industry standards of practice for the type of inspection
336. or investigation that has been conducted by the third party in order to prepare the written report.
- 337. (ii) Seller shall disclose to the prospective buyer material facts known by Seller that contradict any information
338. included in a written report under paragraph (i) if a copy of the report is provided to Seller.

**SELLER'S PROPERTY
DISCLOSURE STATEMENT**

339. Page 9

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

341. Property located at 115 Warner Way Mahtomedi.

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.  8/15/13  8/15/13
(Seller) (Date) (Seller) (Date)

348. **S. BUYER'S ACKNOWLEDGEMENT:**

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

350. 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.**

MN:SPDS-9 (8/12)