

**DISCLOSURE STATEMENT: SELLER'S  
PROPERTY DISCLOSURE STATEMENT**

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1. Date 9/14/17
2. Page 1 of 10 pages: RECORDS AND
3. REPORTS, IF ANY, ARE ATTACHED AND MADE A
4. PART OF THIS DISCLOSURE

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

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

33. Property located at 619 Willoughby Way W,  
 34. City of Minnetonka, County of Hennepin, State of Minnesota.

35. **A. GENERAL INFORMATION:** The following questions are to be answered to the best of Seller's knowledge.
36. (1) What date July 2008 did you  Acquire  Build the home?  
.....(Check one.).....
37. (2) Type of title evidence:  Abstract  Registered (Torrens)  Unknown
38. Location of Abstract: \_\_\_\_\_
39. Is there an existing Owner's Title Insurance Policy?  Yes  No
40. (3) Have you occupied this home continuously during your ownership?  Yes  No
41. If "No," explain: \_\_\_\_\_
42. (4) Is the home suitable for year-round use?  Yes  No
43. (5) Are you in possession of prior seller's disclosure statement(s)? (If "Yes," please attach.)  Yes  No
44. (6) Does the property include a manufactured home?  Yes  No
45. If "Yes," HUD #(s) is/are \_\_\_\_\_
46. Has the title been surrendered to the Registrar of Motor Vehicles for cancellation?  Yes  No

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

49. Property located at 619 Willoughby Way W Minnetonka MN 55305

50. (7) Is the property located on a public or a private road?  Public  Private  Public: no maintenance

51. (8) **Flood Insurance:** All properties in the state of Minnesota have been assigned a flood zone designation. Some  
52. flood zones may require flood insurance.

53. (a) Do you know which zone the property is located in?  Yes  No

54. If "Yes," which zone? \_\_\_\_\_

55. (b) Have you ever had a flood insurance policy?  Yes  No

56. If "Yes," is the policy in force?  Yes  No

57. If "Yes," what is the annual premium? \$ \_\_\_\_\_

58. If "Yes," who is the insurance carrier? \_\_\_\_\_

59. (c) Have you ever had a claim with a flood insurance carrier or FEMA?  Yes  No

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

61. \_\_\_\_\_

62. **NOTE:** Whether or not Seller currently carries flood insurance, it may be required in the future. Flood insurance  
63. premiums are increasing, and in some cases will rise by a substantial amount over the premiums  
64. previously charged for flood insurance for the property. As a result, Buyer should not rely on the  
65. premiums paid for flood insurance on this property previously as an indication of the premiums that  
66. will apply after Buyer completes their purchase.

67. Are there any

68. (9) encroachments?  Yes  No

69. (10) association, covenants, historical registry, reservations, or restrictions, that affect  
70. or may affect the use or future resale of the property?  Yes  No

71. (11) governmental requirements or restrictions that affect or may affect the use or future  
72. enjoyment of the property (e.g., shoreland restrictions, non-conforming use, etc.)?  Yes  No

73. (12) easements, other than utility or drainage easements?  Yes  No

74. (13) Please provide clarification or further explanation for all applicable "Yes" responses in Section A:  
75. \_\_\_\_\_  
76. \_\_\_\_\_

77. **B. GENERAL CONDITION:** To your knowledge, have any of the following conditions previously existed or do they  
78. currently exist on the property?

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

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

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

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

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

86. Water intrusion above front door, 100% remedy

87. Did you receive compensation for the claim(s)?  Yes  No

88. If you received compensation, did you have the items repaired?  Yes  No

89. What dates did the claim(s) occur? 7/2013

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93. (3) (a) Has/Have the structure(s) been altered?  
94. (e.g., additions, altered roof lines, changes to load-bearing walls)  Yes  No  
95. If "Yes," please specify what was done, when, and by whom (owner or contractor):

96. \_\_\_\_\_  
97. \_\_\_\_\_

98. (b) Has any work been performed on the property? (e.g., additions to the property, wiring, plumbing,  
99. retaining wall, general finishing)  Yes  No  
100. If "Yes," please explain: remodel

101. \_\_\_\_\_

102. (c) Are you aware of any work performed on the property for which  
103. appropriate permits were not obtained?  Yes  No  
104. If "Yes," please explain: \_\_\_\_\_

105. \_\_\_\_\_

106. (4) Has there been any damage to flooring or floor covering?  Yes  No  
107. If "Yes," give details of what happened and when: \_\_\_\_\_

108. \_\_\_\_\_

109. (5) Do you have or have you previously had any pets?  Yes  No  
110. If "Yes," indicate type Dog and number 1

111. (6) THE FOUNDATION: The type of foundation is (i.e., block, poured, wood, stone, other):  
112. Poured

113. (7) THE BASEMENT, CRAWLSPACE, SLAB:

114. (a) cracked floor/walls? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	(e) leakage/seepage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
115. (b) drain tile problem? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	(f) sewer backup? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
116. (c) flooding? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	(g) wet floors/walls? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
117. (d) foundation problem? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	(h) other? _____ <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

118. Give details to any questions answered "Yes": \_\_\_\_\_  
119. \_\_\_\_\_  
120. \_\_\_\_\_

121. (8) THE ROOF:

122. (a) What is the age of the roofing material?  
123. Home: 10 yrs years Garage(s)/Outbuilding(s): \_\_\_\_\_ years

124. (b) Has there been any interior or exterior damage?  Yes  No  
125. (c) Has there been interior damage from ice buildup?  Yes  No  
126. (d) Has there been any leakage?  Yes  No  
127. (e) Have there been any repairs or replacements made to the roof?  Yes  No

128. Give details to any questions answered "Yes": \_\_\_\_\_  
129. \_\_\_\_\_

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132. Property located at 619 Willoughby Way W Minnetonka MN 55305

133. (9) THE EXTERIOR AND INTERIOR WALLS/SIDING/WINDOWS:

134. (a) The type(s) of siding is (e.g., vinyl, stucco, brick, other): Rock & Stucco

135. (b) cracks/damage?  Yes  No

136. (c) leakage/seepage?  Yes  No

137. (d) other?  Yes  No

138. Give details to any questions answered "Yes": \_\_\_\_\_

139. \_\_\_\_\_

140. C. APPLIANCES, HEATING, PLUMBING, ELECTRICAL, AND OTHER MECHANICAL SYSTEMS:

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

144. CHECK "NA" FOR ONLY THOSE ITEMS NOT PHYSICALLY LOCATED ON THE PROPERTY.

	Working Order				Working Order		
	Yes	No	NA		Yes	No	NA
146. Air-conditioning.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	146. Propane tank.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
148. <input checked="" type="checkbox"/> Central <input type="checkbox"/> Wall <input type="checkbox"/> Window				<input type="checkbox"/> Rented <input type="checkbox"/> Owned			
149. Air exchange system.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	149. Range/oven.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
150. Carbon monoxide detector.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	150. Range hood.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
151. Ceiling fan.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	151. Refrigerator.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
152. Central vacuum.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	152. Security system.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
153. Clothes dryer.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rented <input checked="" type="checkbox"/> Owned			
154. Clothes washer.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	154. Smoke detectors (battery).....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
155. Dishwasher.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	155. Smoke detectors (hardwired).....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
156. Doorbell.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	156. Solar collectors.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
157. Drain tile system.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	157. Sump pump.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
158. Electrical system.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	158. Toilet mechanisms.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
159. Environmental remediation system				159. Trash compactor.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
160. (e.g., radon, vapor intrusion).....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	160. TV antenna system.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
161. Exhaust system.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	161. TV cable system.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
162. Fire sprinkler system.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	162. TV receiver.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
163. Fireplace.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	163. TV satellite dish.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
164. Fireplace mechanisms.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rented <input type="checkbox"/> Owned			
165. Freezer.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	165. Water heater.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
166. Furnace humidifier.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	166. Water purification system.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
167. Garage door auto reverse.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rented <input type="checkbox"/> Owned			
168. Garage door opener.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	168. Water softener.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
169. Garage door opener remote.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rented <input checked="" type="checkbox"/> Owned			
170. Garbage disposal.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	170. Water treatment system.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
171. Heating system (central).....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rented <input type="checkbox"/> Owned			
172. Heating system (supplemental).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	172. Windows.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
173. Incinerator.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	173. Window treatments.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
174. Intercom.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	174. Wood-burning stove.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
175. Lawn sprinkler system.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
176. Microwave.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
177. Plumbing.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
178. Pool and equipment.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

181. Property located at 619 Willoughby Way W Minnetonka MN 55305  
 182. Are there any items or systems on the property connected or controlled wirelessly, via internet protocol ("IP"), to  
 183. a router or gateway or directly to the cloud?  Yes  No  
 184. Comments regarding issues in Section C: wifi to computer & smart TV's  
 185. \_\_\_\_\_

186. **D. SUBSURFACE SEWAGE TREATMENT SYSTEM DISCLOSURE:**  
 187. (A subsurface sewage treatment system disclosure is required by MN Statute 115.55.) (Check appropriate box.)  
 188. Seller certifies that Seller  DOES  DOES NOT know of a subsurface sewage treatment system on or serving  
 189. the above-described real property. (If answer is **DOES**, and the system does not require a state permit, see  
 190. *Disclosure Statement: Subsurface Sewage Treatment System.*)  
 191.  There is an abandoned subsurface sewage treatment system on the above-described real property.  
 192. (See *Disclosure Statement: Subsurface Sewage Treatment System.*)

193. **E. PRIVATE WELL DISCLOSURE:** (A well disclosure and Certificate are required by MN Statute 103I.235.)  
 194. (Check appropriate box.)  
 195.  Seller certifies that Seller does not know of any wells on the above-described real property.  
 196.  Seller certifies there are one or more wells located on the above-described real property.  
 197. (See *Disclosure Statement: Well.*)  
 198. Are there any wells serving the above-described property that are not located on the  
 199. property?  Yes  No  
 200. If "Yes":  
 201. (1) How many properties or residences does the shared well serve? \_\_\_\_\_  
 202. (2) Is there a maintenance agreement for the shared well?  Yes  No  
 203. If "Yes," what is the annual maintenance fee? \$ \_\_\_\_\_  
 204. Is this property in a Special Well Construction Area?  Yes  No

205. **F. PROPERTY TAX TREATMENT:**  
 206. **Valuation Exclusion Disclosure** (Required by MN Statute 273.11, Subd. 18.)  
 207. There  IS  IS NOT an exclusion from market value for home improvements on this property. Any  
 208. valuation exclusion shall terminate upon sale of the property, and the property's estimated market value for  
 209. property tax purposes shall increase. If a valuation exclusion exists, Buyers are encouraged to look into the  
 210. resulting tax consequences.  
 211. Additional comments: \_\_\_\_\_  
 212. \_\_\_\_\_

213. **Preferential Property Tax Treatment**  
 214. Is the property subject to any preferential property tax status or any other credits affecting the property?  
 215. (e.g., Disability, Green Acres, CRP, RIM, Rural Preserve, Veterans' Benefits,  
 216. Non-Profit Status)  Yes  No  
 217. If "Yes," would these terminate upon the sale of the property?  Yes  No  
 218. Explain: \_\_\_\_\_  
 219. \_\_\_\_\_

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222. Property located at 619 Willoughby Way W Minnetonka MN 55305

223. **G. FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT ("FIRPTA"):** Section 1445 of the Internal Revenue Code  
224. provides that a transferee ("Buyer") of a United States real property interest must be notified in writing and must  
225. withhold tax if the transferor ("Seller") is a foreign person and no exceptions from FIRPTA withholding apply.

226. Seller represents that Seller  IS  IS NOT a foreign person (i.e., a non-resident alien individual, foreign corporation,  
-----*(Check one.)*-----  
227. foreign partnership, foreign trust, or foreign estate) for purposes of income taxation. This representation shall  
228. survive the closing of any transaction involving the property described here.

229. **NOTE:** If the above answer is "IS," Buyer may be subject to income tax withholding in connection with the  
230. transaction (unless the transaction is covered by an applicable exception to FIRPTA withholding). In  
231. non-exempt transactions, Buyer may be liable for the tax if Buyer fails to withhold.  
232. If the above answer is "IS NOT," Buyer may wish to obtain specific documentation from Seller ensuring  
233. Buyer is exempt from the withholding requirements as prescribed under Section 1445 of the Internal  
234. Revenue Code.

235. Due to the complexity and potential risks of failing to comply with FIRPTA, including Buyer's responsibility  
236. for withholding the applicable tax, Buyer and Seller should **seek appropriate legal and tax advice regarding**  
237. **FIRPTA compliance, as the respective licensees representing or assisting either party will be unable to**  
238. **assure either party whether the transaction is exempt from the FIRPTA withholding requirements.**

239. **H. METHAMPHETAMINE PRODUCTION DISCLOSURE:**

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

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

242.  Seller is aware that methamphetamine production has occurred on the property.

243. *(See Disclosure Statement: Methamphetamine Production.)*

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

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

252. **K. CEMETERY ACT:** The following questions are to be answered to the best of Seller's knowledge.

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

256. Are you aware of any human remains, burials, or cemeteries located on the property?  Yes  No

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

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

261. **L. ENVIRONMENTAL CONCERNS:** To your knowledge, have any of the following previously existed or do they  
262. currently exist on the property?

- |  |                              |  |                                   |                              |  |
|--|------------------------------|--|-----------------------------------|------------------------------|--|
| 263. (1) Animal/Insect/Pest Infestation? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | (6) Lead? (e.g., paint, plumbing) | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 264. (2) Asbestos?                       | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | (7) Mold?                         | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 265. (3) Diseased trees?                 | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | (8) Soil problems?                | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 266. (4) Formaldehyde?                   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | (9) Underground storage tanks?    | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 267. (5) Hazardous waste/substances?     | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |                                   |                              |  |

268. (10) Other? \_\_\_\_\_  Yes  No

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272. (11) Have you ever been contacted or received any information from any governmental authority pertaining  
273. to possible or actual environmental contamination affecting the property?  Yes  No

274. (12) Are you aware if there are currently, or have previously been, any orders issued on the  
275. property by any governmental authority ordering the remediation of a public  
276. health nuisance on the property?  Yes  No

277. If answer above is "Yes," Seller certifies that all orders  HAVE  HAVE NOT been vacated.  
------(Check one.)-----

278. (13) Please provide clarification or further explanation for all applicable "Yes" responses in Section L.

279. \_\_\_\_\_

280. \_\_\_\_\_

281. M. RADON DISCLOSURE: (The following Seller disclosure satisfies MN Statute 144.496.)

282. RADON WARNING STATEMENT: The Minnesota Department of Health strongly recommends that ALL  
283. homebuyers have an indoor radon test performed prior to purchase or taking occupancy, and recommends having  
284. the radon levels mitigated if elevated radon concentrations are found. Elevated radon concentrations can easily  
285. be reduced by a qualified, certified, or licensed, if applicable, radon mitigator.

286. Every buyer of any interest in residential real property is notified that the property may present exposure to  
287. dangerous levels of indoor radon gas that may place occupants at risk of developing radon-induced lung cancer.  
288. Radon, a Class A human carcinogen, is the leading cause of lung cancer in nonsmokers and the second leading  
289. cause overall. The seller of any interest in residential real property is required to provide the buyer with any  
290. information on radon test results of the dwelling.

291. RADON IN REAL ESTATE: By signing this Statement, Buyer hereby acknowledges receipt of the Minnesota  
292. Department of Health's publication entitled **Radon in Real Estate Transactions**, which is attached hereto and  
293. can be found at [www.health.state.mn.us/divs/eh/indoorair/radon/rnrealestateweb.pdf](http://www.health.state.mn.us/divs/eh/indoorair/radon/rnrealestateweb.pdf).

294. A seller who fails to disclose the information required under MN Statute 144.496, and is aware of material facts  
295. pertaining to radon concentrations in the property, is liable to the Buyer. A buyer who is injured by a violation of MN  
296. Statute 144.496 may bring a civil action and recover damages and receive other equitable relief as determined by  
297. the court. Any such action must be commenced within two years after the date on which the buyer closed the  
298. purchase or transfer of the real property.

299. SELLER'S REPRESENTATIONS: The following are representations made by Seller to the extent of Seller's actual  
300. knowledge.

301. (a) Radon test(s)  HAVE  HAVE NOT occurred on the property.  
------(Check one.)-----

302. (b) Describe any known radon concentrations, mitigation, or remediation. **NOTE: Seller shall attach the most**  
303. **current records and reports pertaining to radon concentration within the dwelling:**

304. \_\_\_\_\_

305. \_\_\_\_\_

306. (c) There  IS  IS NOT a radon mitigation system currently installed on the property.  
------(Check one.)-----

307. If "IS," Seller shall disclose, if known, information regarding the radon mitigation system, including system  
308. description and documentation.

309. \_\_\_\_\_

310. \_\_\_\_\_

311. EXCEPTIONS: See Section R for exceptions to this disclosure requirement.

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

314. Property located at 619 Willoughby Way W Minnetonka MN 55305315. **N. NOTICES/OTHER DEFECTS/MATERIAL FACTS:** The following questions are to be answered to the best of  
316. Seller's knowledge.317. **Notices:** Seller  HAS  HAS NOT received a notice regarding **any** proposed improvement project from **any**  
318. assessing authorities, the costs of which project may be assessed against the property. If "HAS," please attach  
319. and/or explain : \_\_\_\_\_  
320. \_\_\_\_\_321. **Other Defects/Material Facts:** Are there any other material facts that could adversely and significantly affect an  
322. ordinary buyer's use or enjoyment of the property or any intended use of the property?  Yes  No323. If "Yes," explain: \_\_\_\_\_  
324. \_\_\_\_\_325. **O. WATER INTRUSION AND MOLD GROWTH:** Studies have shown that various forms of water intrusion affect  
326. many homes. Water intrusion may occur from exterior moisture entering the home and/or interior moisture leaving  
327. the home.

328. Examples of exterior moisture sources may be:

- 329.
- improper flashing around windows and doors,
330.   - improper grading,
331.   - flooding,
332.   - roof leaks.

333. Examples of interior moisture sources may be:

- 334.
- plumbing leaks,
335.   - condensation (caused by indoor humidity that is too high or surfaces that are too cold),
336.   - overflow from tubs, sinks, or toilets,
337.   - firewood stored indoors,
338.   - humidifier use,
339.   - inadequate venting of kitchen and bath humidity,
340.   - improper venting of clothes dryer exhaust outdoors (including electrical dryers),
341.   - line-drying laundry indoors,
342.   - houseplants—watering them can generate large amounts of moisture.

343. In addition to the possible structural damage water intrusion may do to the property, water intrusion may also result  
344. in the growth of mold, mildew, and other fungi. Mold growth may also cause structural damage to the property.  
345. Therefore, it is very important to detect and remediate water intrusion problems.346. Fungi are present everywhere in our environment, both indoors and outdoors. Many molds are beneficial to  
347. humans. However, molds have the ability to produce mycotoxins that may have a potential to cause serious health  
348. problems, particularly in some immunocompromised individuals and people who have asthma or allergies to  
349. mold.350. To complicate matters, mold growth is often difficult to detect, as it frequently grows within the wall structure. If you  
351. have a concern about water intrusion or the resulting mold/mildew/fungi growth, you may want to consider having the  
352. property inspected for moisture problems before entering into a purchase agreement or as a condition of your  
353. purchase agreement. Such an analysis is particularly advisable if you observe staining or musty odors on the  
354. property.355. **P. NOTICE REGARDING PREDATORY OFFENDER INFORMATION:** Information regarding the predatory  
356. offender registry and persons registered with the predatory offender registry under MN Statue 243.166  
357. may be obtained by contacting the local law enforcement offices in the community where the property  
358. is located or the Minnesota Department of Corrections at (651) 361-7200, or from the Department of  
359. Corrections web site at [www.corr.state.mn.us](http://www.corr.state.mn.us).



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

362. Property located at 619 Willoughby Way W Minnetonka MN 55305

363. **Q. ADDITIONAL COMMENTS:** \_\_\_\_\_

364. \_\_\_\_\_

365. **R. MN STATUTES 513.52 THROUGH 513.60: SELLER'S MATERIAL FACT DISCLOSURE:**

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

- 367. (1) real property that is not residential real property;
- 368. (2) a gratuitous transfer;
- 369. (3) a transfer pursuant to a court order;
- 370. (4) a transfer to a government or governmental agency;
- 371. (5) a transfer by foreclosure or deed in lieu of foreclosure;
- 372. (6) a transfer to heirs or devisees of a decedent;
- 373. (7) a transfer from a co-tenant to one or more other co-tenants;
- 374. (8) a transfer made to a spouse, parent, grandparent, child, or grandchild of Seller;
- 375. (9) a transfer between spouses resulting from a decree of marriage dissolution or from a property agreement incidental to that decree;
- 377. (10) a transfer of newly constructed residential property that has not been inhabited;
- 378. (11) an option to purchase a unit in a common interest community, until exercised;
- 379. (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);
- 381. (13) a transfer to a tenant who is in possession of the residential real property; or
- 382. (14) a transfer of special declarant rights under section 515B.3-104.

383. **MN STATUTES 144.496: RADON AWARENESS ACT**

384. The seller disclosure requirements of MN Statute 144.496 DO NOT apply to (1)-(9) and (11)-(14) above. Sellers  
385. of newly constructed residential property must comply with the disclosure requirements of MN Statute 144.496.

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

389. **No Duty to Disclose:**

- 390. (A) There is no duty to disclose the fact that the property
  - 391. (1) is or was occupied by an owner or occupant who is or was suspected to be infected with Human
  - 392. Immunodeficiency Virus or diagnosed with Acquired Immunodeficiency Syndrome;
  - 393. (2) was the site of a suicide, accidental death, natural death, or perceived paranormal activity; or
  - 394. (3) is located in a neighborhood containing any adult family home, community-based residential facility, or
  - 395. nursing home.
- 396. (B) **Predatory Offenders.** There is no duty to disclose information regarding an offender who is required to  
397. register under MN Statute 243.166 or about whom notification is made under that section, if Seller, in a timely  
398. manner, provides a written notice that information about the predatory offender registry and persons registered  
399. with the registry may be obtained by contacting the local law enforcement agency where the property is  
400. located or the Department of Corrections.
- 401. (C) The provisions in paragraphs (A) and (B) do not create a duty to disclose any facts described in paragraphs  
402. (A) and (B) for property that is not residential property.
- 403. (D) **Inspections.**
  - 404. (1) Except as provided in paragraph (2), Seller is not required to disclose information relating to the real  
405. property if a written report that discloses the information has been prepared by a qualified third party  
406. and provided to the prospective buyer. For purposes of this paragraph, "qualified third party" means a  
407. federal, state, or local governmental agency, or any person whom Seller or prospective buyer reasonably  
408. believes has the expertise necessary to meet the industry standards of practice for the type of inspection  
409. or investigation that has been conducted by the third party in order to prepare the written report.
  - 410. (2) Seller shall disclose to the prospective buyer material facts known by Seller that contradict any information  
411. included in a written report under paragraph (1) if a copy of the report is provided to Seller.

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



414. Property located at 619 Willoughby Way W Minnetonka MN 55305

415. **S. SELLER'S STATEMENT:**

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

417. Seller(s) hereby states the facts as stated above are true and accurate and authorizes any licensee(s) representing  
418. or assisting any party(ies) in this transaction to provide a copy of this Disclosure Statement to any person or entity  
419. in connection with any actual or anticipated sale of the property. A seller may provide this Disclosure Statement  
420. to a real estate licensee representing or assisting a prospective buyer. The Disclosure Statement provided to the  
421. real estate licensee representing or assisting a prospective buyer is considered to have been provided to the  
422. prospective buyer. If this Disclosure Statement is provided to the real estate licensee representing or assisting the  
423. prospective buyer, the real estate licensee must provide a copy to the prospective buyer.

424. **Seller is obligated to continue to notify Buyer in writing of any facts that differ from the facts disclosed**  
425. **here (new or changed) of which Seller is aware that could adversely and significantly affect the Buyer's**  
426. **use or enjoyment of the property or any intended use of the property that occur up to the time of closing.**  
427. To disclose new or changed facts, please use the *Amendment to Disclosure Statement* form.

428.  9-14-17  9-14-17  
(Seller) MICHAEL G. SIMACEK (Date) (Seller) CAROL A. SIMACEK (Date)

429. **T. BUYER'S ACKNOWLEDGEMENT:**

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

431. I/We, the Buyer(s) of the property, acknowledge receipt of this *Seller's Property Disclosure Statement* and agree  
432. that no representations regarding facts have been made other than those made above. This Disclosure Statement  
433. is not a warranty or a guarantee of any kind by Seller or licensee(s) representing or assisting any party in the  
434. transaction and is not a substitute for any inspections or warranties the party(ies) may wish to obtain.

435. The information disclosed is given to the best of Seller's knowledge.

436. \_\_\_\_\_  
(Buyer) (Date) (Buyer) (Date)

437. **LISTING BROKER AND LICENSEES MAKE NO REPRESENTATIONS HERE AND ARE**  
438. **NOT RESPONSIBLE FOR ANY CONDITIONS EXISTING ON THE PROPERTY.**

# Radon in Real Estate Transactions

All Minnesota homes can have dangerous levels of radon gas. Radon is a colorless, odorless and tasteless **radioactive gas** that can seep into homes from the soil. When inhaled, it can damage the lungs. Long-term exposure to radon can lead to **lung cancer**. About 21,000 lung cancer deaths each year in the United States are caused by radon.

The only way to know how much radon gas has entered the home is to conduct a radon test. MDH estimates 2 in 5 homes exceed the 4.0 pCi/L action level. Whether a home is old or new, **any home can have high levels of radon**.

The purpose of this publication is to educate and inform potential home buyers of the risks of radon exposure, and how to test for and reduce radon as part of real estate transactions.

## Disclosure Requirements



Effective January 1, 2014, the Minnesota Radon Awareness Act requires specific disclosure and education be provided to potential home buyers during residential real estate transactions in Minnesota. **Before signing a purchase agreement to sell or transfer residential real property**, the seller shall provide this publication and shall disclose in writing to the buyer:

1. whether a radon test or tests have occurred on the property;
2. the most current records and reports pertaining to radon concentrations within the dwelling;
3. a description of any radon levels, mitigation, or remediation;
4. information on the radon mitigation system, if a system was installed; and
5. a radon warning statement.

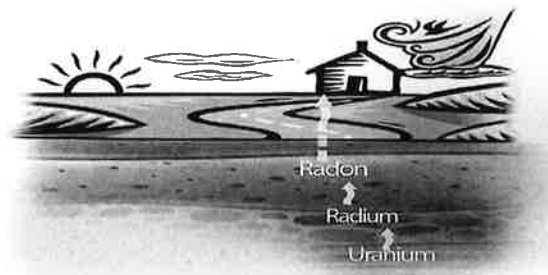
**MDH** Minnesota  
Department of Health  
INDOOR AIR UNIT

## Radon Facts

**How dangerous is radon?** Radon is the number one cause of lung cancer in non-smokers, and the second leading cause overall. Your risk for lung cancer increases with higher levels of radon, prolonged exposure, and whether or not you are a current smoker or former smoker.

**Where is your greatest exposure to radon?** For most Minnesotans, your greatest exposure is at home where radon can concentrate indoors.

**What is the recommended action based on my results?** If the average radon in the home is at or above 4.0 pCi/L, the home's radon level should be reduced. Also, consider mitigating if radon levels are between 2.0 pCi/L and 3.9 pCi/L. Any amount of radon, even below the recommended action level, carries some risk.



MDH Radon Program  
PO Box 64975  
St Paul, MN 55164-0975  
health.indoor@state.mn.us  
www.health.state.mn.us/radon  
651-201-4601  
800-798-9050

## Radon Testing

Any test lasting less than three months requires **closed-house conditions**. Keep all windows and doors closed, except for normal entry and exit.

**Before testing:** Begin closed-house conditions at least 12 hours before the start of the radon test.

**During testing:** Maintain closed-house conditions during the entire duration of the short-term test. Operate home heating or cooling systems normally during the test. Test for at least 48 hours.

**Where should the test be conducted?** Any radon test conducted for a real estate transaction needs to be placed in the lowest livable area of the home suitable for occupancy. This is typically in the basement, whether finished or unfinished.

Place the test kit:

- twenty inches to six feet above the floor
- at least three feet from exterior walls
- four inches away from other objects
- in a location where it won't be disturbed
- not in enclosed areas or areas of high heat or humidity

## Radon Mitigation

When elevated levels of radon are found, they can be easily reduced by a certified radon mitigation professional.

**Radon mitigation** is the process used to reduce radon concentrations in buildings. This is done by drawing soil gas from under the house and venting it above the roof. A quality mitigation system should reduce levels to below 4.0 pCi/L, if not lower.

**After a radon mitigation system is installed** perform an independent short-term test to ensure the reduction system is effective. Operate the radon system during the entire test. This test will confirm low levels in the home. Be sure to retest the house every two years to confirm continued radon reduction.

## Radon Warning Statement

*"The Minnesota Department of Health strongly recommends that ALL homebuyers have an indoor radon test performed prior to purchase or taking occupancy, and recommends having the radon levels mitigated if elevated radon concentrations are found. Elevated radon concentrations can easily be reduced by a qualified, certified, or licensed, if applicable, radon mitigator.*

*Every buyer of any interest in residential real property is notified that the property may present exposure to dangerous levels of indoor radon gas that may place the occupants at risk of developing radon-induced lung cancer. Radon, a Class A human carcinogen, is the leading cause of lung cancer in nonsmokers and the second leading cause overall. The seller of any interest in residential real property is required to provide the buyer with any information on radon test results of the dwelling".*

**How are radon tests conducted in real estate transactions?** There are special protocols for radon testing. The two most common ways to test are either using a calibrated continuous radon monitor (CRM) or two-short term test kits used at the same time. The short-term test kits are placed 4 inches apart and the results are averaged.

Continuous Radon Monitor (CRM)

Fastest



Simultaneous Short-term Testing

Second Fastest



**All radon tests should be conducted by a certified professional.** This ensures the test was conducted properly, in the correct location, and under appropriate building conditions. A list of these radon measurement professionals can be found at MDH's Radon website. If the seller previously conducted testing in a property at or above 4 pCi/L, the home should be mitigated.