

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

This form approved by the Minnesota Association of REALTORS®, which disclaims any liability arising out of use or misuse of this form. © 2015 Minnesota Association of REALTORS®, Edina, MN

1. Date 4/13/16
2. Page 1 of _____ pages: RECORDS AND
3. REPORTS, IF ANY, ARE ATTACHED HERETO AND
4. MADE A PART HEREOF

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 herein (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 18237 Tristram Way

34. City of Eden Prairie, 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 12/17/99 did you **Acquire** **Build** the home?
(Check one.)
 37. (2) Type of title evidence: Abstract Registered (Torrens) Unknown
 38. Location of Abstract: NA
 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: NA
 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 NA
 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 18237 Tristram Way Eden Prairie

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? NA

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? \$ NA

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

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

60. If "Yes," please explain: NA

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. NA

76.

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

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: HAIL DAMAGE TO ROOF AND WINDOWS
82. ABOUT 4 YEARS AGO.

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)? ROOF AND WINDOWS REPLACED
86. THREE YEARS AGO DUE TO HAIL DAMAGE

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? 2013

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

92. Property located at 18237 Tristram Way Eden Prairie

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. NA

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: NA

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: NA

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: SMALL LEAK FROM REFRIGERATOR ICE
108. MAJOR FLOORING REPLACED MARCH 2016

109. (5) Do you have or have you previously had any pets? Yes No

110. If "Yes," indicate type DOG + 2 CATS and number 3

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

112. CONCRETE BLOCK

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": NA

119. _____

120. _____

121. (8) THE ROOF:

122. (a) what is the age of the roofing material?

123. Home: 3 years Garage(s)/Outbuilding(s): 3 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": 8 ROOF WAS PARTIALLY DAMAGED ABOUT
129. 4 YEARS AGO AND REPLACED 3 YEARS AGO

130. _____

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

133. Property located at 18237 Tristram Way Eden Prairie

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

135. (a) The type(s) of siding is (e.g., vinyl, stucco, brick, other): EEDM SIDING
136. (b) cracks/damage? Yes No
137. (c) leakage/seepage? Yes No
138. (d) other? Yes No
139. Give details to any questions answered "Yes": WOODPECKER MINOR DAMAGE TO SIDING
140. ES260 JV 2015

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

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

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

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

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

180. Page 5

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

182. Property located at 18237 Tristram Way Eden Prairie

183. Are there any items or systems on the property connected or controlled wirelessly, via internet protocol ("IP"), to
184. a router or gateway or directly to the cloud? Yes No

185. Comments regarding issues in Section C: NA

186. _____

187. D. SUBSURFACE SEWAGE TREATMENT SYSTEM DISCLOSURE:

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

189. Seller certifies that Seller DOES DOES NOT know of a subsurface sewage treatment system on or serving
(Check one.)

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

192. There is an abandoned subsurface sewage treatment system on the above-described real property.

193. (See Disclosure Statement: Subsurface Sewage Treatment System.)

194. E. PRIVATE WELL DISCLOSURE: (A well disclosure and Certificate are required by MN Statute 1031.235.)

195. (Check appropriate box.)

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

197. Seller certifies there are one or more wells located on the above-described real property.

198. (See Disclosure Statement: Well.)

199. Are there any wells serving the above-described property that are not located on the
200. property? Yes No

201. If "Yes":

202. (1) How many properties or residences does the shared well serve? NA

203. (2) Is there a maintenance agreement for the shared well? Yes No

204. If "Yes," what is the annual maintenance fee? \$ NA

205. Is this property in a Special Well Construction Area? Yes No

206. F. PROPERTY TAX TREATMENT:

207. **Valuation Exclusion Disclosure** (Required by MN Statute 273.11, Subd. 18.)

208. There IS IS NOT an exclusion from market value for home improvements on this property. Any
(Check one.)

209. valuation exclusion shall terminate upon sale of the property, and the property's estimated market value for
210. property tax purposes shall increase. If a valuation exclusion exists, Buyers are encouraged to look into the
211. resulting tax consequences.

212. Additional comments: NA

213. _____

214. Preferential Property Tax Treatment

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

216. (e.g., Disability, Green Acres, CRP, RIM, Rural Preserve, Veterans' Benefits,

217. Non-Profit Status) Yes No

218. If "Yes," would these terminate upon the sale of the property? Yes No

219. Explain: NA

220. _____

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

223. Property located at 18237 Tristram Way Eden Prairie

224. **G. FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT ("FIRPTA"):** Section 1445 of the Internal Revenue Code provides that a transferee ("Buyer") of a United States real property interest must be notified in writing and must 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, foreign partnership, foreign trust, or foreign estate) for purposes of income taxation. This representation shall survive the closing of any transaction involving the property described herein.

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

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

236. **H. METHAMPHETAMINE PRODUCTION DISCLOSURE:**

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

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

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

240. (See Disclosure Statement: Methamphetamine Production.)

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

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

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

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

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

246. If "Yes," please explain: NA

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

248. **L. ENVIRONMENTAL CONCERNS:** The following questions are to be answered to the best of Seller's knowledge.

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

250. Asbestos? Yes No Mold? Yes No

251. Diseased trees? Yes No Soil problems? Yes No

252. Formaldehyde? Yes No Underground storage tanks? Yes No

253. Hazardous wastes/substances? Yes No

254. Other? NA Yes No

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

271. Property located at 18237 Tristram Way Eden Prairie

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

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

274. Please provide clarification or further explanation for all applicable "Yes" responses in Section L.

275. NA

276.

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

278. 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.

279. 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 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.

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

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

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

283. (a) Radon test(s) [X] HAVE [] HAVE NOT occurred on the property. (Check one.)

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

285. RADON LEVELS MINUSMAL WAY BELOW STANDARDS

286.

287. (c) There [] IS [X] IS NOT a radon mitigation system currently installed on the property. (Check one.)

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

289. NA

290.

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

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

311. Property located at 18237 Tristram Way Eden Prairie

312. **N. NOTICES/OTHER DEFECTS/MATERIAL FACTS:** The following questions are to be answered to the best of
313. Seller's knowledge.

314. **Notices:** Seller HAS **HAS NOT** received a notice regarding any proposed improvement project from any
315. (Check one.) assessing authorities, the costs of which project may be assessed against the property. If "HAS," please attach
316. and/or explain: NA

317. **Other Defects/Material Facts:** Are there any other material facts that could adversely and significantly affect an
318. ordinary buyer's use or enjoyment of the property or any intended use of the property? Yes No
319. If "Yes," explain: NA

320. NA
321. _____

322. **O. WATER INTRUSION AND MOLD GROWTH:** Studies have shown that various forms of water intrusion affect
323. many homes. Water intrusion may occur from exterior moisture entering the home and/or interior moisture leaving
324. the home.

325. Examples of exterior moisture sources may be:

- 326. • improper flashing around windows and doors,
- 327. • improper grading,
- 328. • flooding,
- 329. • roof leaks.

330. Examples of interior moisture sources may be:

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

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

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

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

352. For additional information about water intrusion, indoor air quality, moisture or mold issues, please view the
353. Minnesota Association of REALTORS® Desktop Reference Guide at www.mnrealtor.com.

354. **P. NOTICE REGARDING PREDATORY OFFENDER INFORMATION:** Information regarding the predatory
355. offender registry and persons registered with the predatory offender registry under MN Statue 243.166
356. may be obtained by contacting the local law enforcement offices in the community where the property
357. is located or the Minnesota Department of Corrections at (651) 361-7200, or from the Department of
358. Corrections web site at www.corr.state.mn.us.

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

361. Property located at 18237 Tristram Way Eden Prairie

362. Q. ADDITIONAL COMMENTS: NA

363.

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;
376. (10) a transfer of newly constructed residential property that has not been inhabited;
377. (11) an option to purchase a unit in a common interest community, until exercised;
378. (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);
379. (13) a transfer to a tenant who is in possession of the residential real property; or
380. (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 A
402. and B for property that is not residential property.
403. D. **Inspections.**
404. (1) Except as provided in paragraph (ii), 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 (i) 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 18237 Tristram Way Eden Prairie

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. **herein (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.  4/13/16  4/13/16
(Seller) **FRANK KENDALL JR** (Date) (Seller) **LISA KENDALL** (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 HEREIN 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** in them. Radon is a colorless, odorless and tasteless **radioactive gas** that can seep into homes from the earth. When inhaled, its radioactive particles can damage the cells that line 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, making it a serious health concern for all Minnesotans.

It does not matter if the home is old or new and 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 built before 2010** and **1 in 5 homes built since 2010** exceed the 4.0 pCi/L action level.



In Minnesota, buyers and sellers in a real estate transaction are free to negotiate radon testing and reduction. Ultimately, it is up to the buyer to decide an acceptable level of radon risk in the home. Prospective buyers should keep in mind that it is inexpensive and easy to measure radon, and radon levels can be lowered at a reasonable cost. The MDH Radon Program website provides more detailed information on radon, including the MDH brochure "Keeping Your Home Safe from Radon."

The Minnesota Radon Awareness Act does not require radon testing or mitigation. However, many relocation companies and lending institutions, as well as home buyers, require a radon test when purchasing a house. 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. This publication is being provided by the seller in order to meet a requirement of the Act. In addition, **before signing a purchase agreement to sell or transfer residential real property**, the seller shall disclose in writing to the buyer any knowledge the seller has of radon concentrations in the dwelling.

The disclosure shall include:

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 concentrations, mitigation, or remediation;
4. information regarding the radon mitigation system, including system description and documentation, if such system has been installed in the dwelling; and
5. a radon warning statement

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."

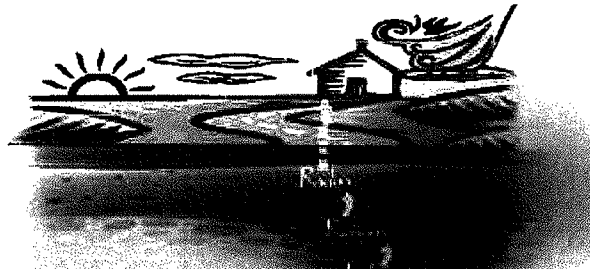
Radon Facts

How dangerous is radon?

Radon is the **number one cause of lung cancer in non-smokers** and the second leading cause of lung cancer overall, next to tobacco smoking. Thankfully, much of this risk can be prevented through testing and taking action to reduce high levels of radon gas when and where they are found. Your risk for lung cancer increases with higher levels of radon gas, prolonged exposure and whether or not you are a smoker.

Where is your greatest exposure to radon?

Radon is present everywhere, and there is no known safe level. Your greatest exposure is where it can concentrate indoors and where you spend most of your time. For most Minnesotans, this is at home. Whether a home is old or new, well-sealed or drafty, with or without a basement, **any home can have high levels of radon**.



Where does Radon come from?

Radon comes from the soil. It is produced by the natural decay of uranium and radium commonly found in nearly all soils in Minnesota. As a gas, radon moves freely through the soil and eventually into the air you breathe. Our homes tend to draw soil gases, including radon, into the structure.

I have a new home, aren't radon levels reduced already?

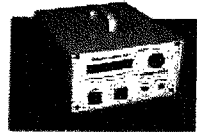


Homes built in Minnesota since June 2009 are required to contain construction features that may limit radon entry. These features are known as passive Radon Resistant New Construction (RRNC). While these passive RRNC features may lower the amount of radon in newer homes, it does not guarantee low levels. It is recommended all new homes be tested for radon, and if elevated levels are found, these passive RRNC features can be easily and inexpensively activated with the addition of a radon fan in the attic. If you are buying a new home, ask if the home has any RRNC features and if the home has been tested.

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 house should be fixed**. Consider fixing the home if radon levels are between 2 pCi/L and 3.9 pCi/L. While it isn't possible to reduce radon to zero, the best approach is to reduce the radon levels to as low as reasonably achievable. Any amount of radon, even below the recommended action level, carries some risk.

How are radon tests conducted in real estate transactions?

Because of the unique nature of real estate transactions, involving multiple parties and financial interests, there are special protocols for radon testing.

		
<p>Continuous Radon Monitor (CRM)</p>	<p>Simultaneous Short-Term Testing</p>	<p>Sequential Short-Term Testing</p>
<p><i>Fastest</i></p>	<p><i>Second fastest</i></p>	<p><i>Slowest</i></p>
<p>Test is completed by a certified contractor with a calibrated CRM for a minimum of 48 hours.</p> <p>Test report is analyzed to ensure that it is a valid test.</p>	<p>Two short-term test kits are used at the same time, placed 6-12 inches apart, for a minimum of 48 hours.</p> <p>Test kits are sent to the lab for analysis.</p> <p>The two test results are averaged to get the radon level.</p>	<p>One short-term test is performed for a minimum of 48 hours.</p> <p>Test kit is sent to lab for analysis.</p> <p>Another short-term kit is used in the same place as the first, started right after the first test is taken down. Test is performed for a minimum of 48 hours.</p> <p>Test kit is sent to the lab for analysis.</p> <p>The two test results are averaged to get the radon level.</p>

Radon Testing

House conditions when testing

Be aware that any test lasting less than three months requires closed-house conditions.

Closed-house Conditions: Mean keeping 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.

Where the test should 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. In Minnesota, this is typically in the basement, whether it is finished or unfinished.

The test kit should be placed:

- two 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
- not in areas of high heat or humidity

If the house has multiple foundation types, it is recommended that each of these be tested. For instance, if the house has one or more of the following foundation types—basement, crawl space, slab-on-grade—a test should be performed in the basement and in at least one room over the crawlspace and one room with a slab-on-grade area.

Who should conduct radon testing in real estate transactions?

All radon tests should be conducted in accordance with national radon measurement protocols, by a certified and MDH-listed 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 web site. A seller may have previously conducted testing in a property. If the test result is at or above the action level, the home should be mitigated.

Radon Mitigation

Lowering radon in existing homes – Radon Mitigation

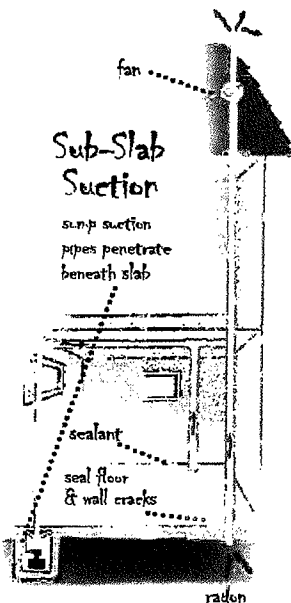
When elevated levels of radon are found, they should be mitigated. Elevated radon concentrations can be easily reduced by a nationally certified and MDH-listed radon mitigation professional. A list of these radon mitigation professionals can be found at MDH's Radon web site.

Radon mitigation is the process or system used to reduce radon concentrations in the breathing zones of occupied buildings. The goal of a radon mitigation system is to reduce the indoor radon levels to below the EPA action level of 4.0 pCi/L. A quality radon reduction (mitigation) system is often able to reduce the annual average radon level to below 2.0 pCi/L.

Active sub-slab suction (also called sub-slab depressurization, or SSD) is the most common and usually the most reliable type of system because it draws radon-filled air from beneath the house and vents it outside. There are standards of practice that need to be followed for the installation of these systems. More information on radon mitigation can be found at the MDH Radon website.

After a radon reduction system is installed

Perform an independent short-term test to ensure that the reduction system is effective. Make sure the radon system is operating during the entire test. Once a confirmatory radon test shows low levels of radon in the home, be sure to retest the house every two years to confirm continued radon reduction.



Contact the MDH Radon Program if you are uncertain about anything regarding radon testing or mitigation.

The MDH Radon Program can provide:

- Information about radon health effects, radon testing and radon mitigation;
- Names of trained, certified and MDH-listed radon professionals;

MDH Radon Program

625 Robert St N
P.O. Box 64975
St. Paul, MN 55164-0975
(651) 201-4801
(800) 798-9050



Email: health.indooreir@state.mn.us
Web: www.health.state.mn.us/radon

InstantFORMS