



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. © 2011 Minnesota Association of REALTORS®, Edina, MN

1. Date August 18, 2011

2. Page 1 of \_\_\_\_\_ pages

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

4. NOTICE: This Disclosure Statement satisfies the disclosure requirements of MN Statutes 513.52 through 513.60. 5. Under Minnesota law, Sellers of residential property, with limited exceptions listed on page nine (9), are obligated to disclose to prospective Buyers all material facts of which Seller is aware that could adversely and significantly affect an ordinary Buyer's use or enjoyment of the property or any intended use of the property of which Seller is aware. 6. MN Statute 513.58 requires Seller to notify Buyer in writing as soon as reasonably possible, but in any event before closing, if Seller learns that Seller's disclosure was inaccurate. Seller has disclosure alternatives allowed by MN Statutes. See Seller's Disclosure Alternatives form for further information regarding disclosure alternatives. This disclosure is not a warranty or a guarantee of any kind by Seller or licensee representing or assisting any party in the transaction.

13. INSTRUCTION TO BUYER: Buyers are encouraged to thoroughly inspect the property personally or have it inspected by a third party, and to inquire about any specific areas of concern. NOTE: If Seller answers NO to any of the questions listed below, it does not necessarily mean that it does not exist on the property. NO may mean that Seller is unaware that it exists on the property.

17. INSTRUCTIONS TO SELLER: (1) Complete this form yourself. (2) Consult prior disclosure statement(s) and/or inspection report(s) when completing this form. (3) Describe conditions affecting the property to the best of your knowledge. (4) Attach additional pages, with your signature, if additional space is required. (5) Answer all questions. (6) If any items do not apply, write "NA" (not applicable).

21. Property located at 120 Birch Bluff Rd

22. City of Tonka Bay, County of Hennepin, State of Minnesota.

23. A. GENERAL INFORMATION:

24. (1) What date MAY 2003 did you [X] Acquire [ ] Build the home? (Check one.)

25. (2) Type of title evidence: [X] Abstract [ ] Registered (Torrens)

26. Location of Abstract:

27. To your knowledge, is there an existing Owner's Title Insurance Policy? [X] Yes [ ] No

28. (3) Have you occupied this home continuously for the past 12 months? [ ] Yes [X] No

29. If "No," explain: PURCHASE A NEW HOME IN CLOUD AUG 10, 2011

30. (4) Is the home suitable for year-round use? [X] Yes [ ] No

31. (5) To your knowledge, is the property located in a designated flood plain? [ ] Yes [ ] No

32. (6) Are you in possession of prior seller's disclosure statement(s)? (If "Yes," please attach.) [X] Yes [ ] No

33. (7) Is the property located on a public or a private road? [X] Public [ ] Private

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

35. If "No," or "Unknown," Buyer should consult the local zoning authority.

37. Are you aware of any

38. (9) encroachments? [ ] Yes [X] No

39. (10) association, covenants, historical registry, reservations or restrictions that affect or

40. may affect the use or future resale of the property? [ ] Yes [X] No

41. (11) easements, other than utility or drainage easements? [ ] Yes [X] No

42. (12) Comments:

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



SELLER'S PROPERTY DISCLOSURE STATEMENT

44. Page 2

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

46. Property located at 120 Birch Bluff Rd Tonka Bay 55331

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

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

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

51.
52.

53. (2) Have you ever had an insurance claim(s) against your Homeowner's
54. Insurance Policy? [ ] Yes [X] No

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

56.
57.

58. Did you receive compensation for the claim(s)? [ ] Yes [X] No
59. If you received compensation, did you have the items repaired? [ ] Yes [X] No

60. What dates did the claim(s) occur?

61.

62. (3) (a) Has/Have the structure(s) been altered? [ ] Yes [X] No
63. (e.g., additions, altered roof lines, changes to load-bearing walls)

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

65.
66.

67. (b) Has any work been performed on the property? (e.g., additions to the property, wiring, plumbing,
68. retaining wall, general finishing.) [X] Yes [ ] No

69. If "Yes," please explain: BATHROOM REMODEL (MASILR)

70.

71. (c) Are you aware of any work performed on the property for which
72. appropriate permits were not obtained? [ ] Yes [X] No

73. If "Yes," please explain:

74.

75. (4) Has there been any damage to flooring or floor covering? [ ] Yes [X] No

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

77.

78. (5) Are you aware of any insect/animal/pest infestation? [ ] Yes [X] No

79. If "Yes," please explain:

80.

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



SELLER'S PROPERTY DISCLOSURE STATEMENT

82. Page 3

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

84. Property located at 120 Birch Bluff Rd Tonka Bay 55331

85. (6) Do you have or have you previously had any pets? [X] Yes [ ] No

86. If "Yes," indicate type CAT LASS and number 2

87. (7) Comments:

88.

89.

90. C. STRUCTURAL SYSTEMS: To your knowledge, have any of the following conditions previously existed or do they currently exist?

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

93. (1) THE BASEMENT, CRAWLSPACE, SLAB:

94. (a) cracked floor/walls [X] Yes [ ] No (e) leakage/seepage [X] Yes [X] No

95. (b) drain tile problem [ ] Yes [X] No (f) sewer backup [X] Yes [ ] No

96. (c) flooding [ ] Yes [X] No (g) wet floors/walls [X] Yes [ ] No

97. (d) foundation problem [ ] Yes [X] No (h) other [ ] Yes [X] No

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

99. 2004 BROKE SEWER LINE, DUG UP CONCRETE IN BASEMENT TO FIX. NO ISSUES SINCE

100.

101.

102.

103.

104.

105. (2) THE ROOF: To your knowledge,

106. (a) what is the age of the roofing material? 20 years 1990

107. (b) has there been any interior or exterior damage? [X] Yes [ ] No

108. (c) has there been interior damage from ice buildup? [ ] Yes [X] No

109. (d) has there been any leakage? [X] Yes [ ] No

110. (e) have there been any repairs or replacements made to the roof? [ ] Yes [ ] No

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

112. STAINS NOTED IN NE CORNER OF LIVING ROOM CEILING AS WELL AS MASTER CLOSET. DOWNACOR FIXING 2011

113.

114.

115.

116.

117.

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



SELLER'S PROPERTY DISCLOSURE STATEMENT

119. Page 4

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

121. Property located at 120 Birch Bluff Rd Tonka Bay 55331

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

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

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

Table with columns for 'In Working Order' (Yes/No) and rows for various systems like Air-conditioning, Heating system, Dishwasher, etc.

149. Comments:
150.

151. E. SUBSURFACE SEWAGE TREATMENT SYSTEM DISCLOSURE:

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

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

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

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

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

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

MN: SPDS-4 (8/11)



**SELLER'S PROPERTY DISCLOSURE STATEMENT**

161. Page 5

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

163. Property located at 120 Birch Bluff Rd Tonka Bay 55331

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

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

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

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

171. To your knowledge, is this property in a Special Well Construction Area?  Yes  No

**172. G. PROPERTY TAX TREATMENT:**

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

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

179. Additional comments: \_\_\_\_\_

180. \_\_\_\_\_

181. \_\_\_\_\_

**182. Preferential Property Tax Treatment**

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

184. (e.g., Disability, Green Acres, CRP, RIM, Rural Preserve)  Yes  No

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

186. Explain: \_\_\_\_\_

187. \_\_\_\_\_

188. \_\_\_\_\_

**189. H. METHAMPHETAMINE PRODUCTION DISCLOSURE:**

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

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

192.  Seller is aware that methamphetamine production has occurred on the property.  
193. (See Methamphetamine Production Disclosure Statement.)

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

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

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



SELLER'S PROPERTY DISCLOSURE STATEMENT

203. Page 6

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

205. Property located at 120 Birch Bluff Rd Tonka Bay 55331

206. K. CEMETERY ACT:

207. 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.

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

211. on the property? [ ] Yes [X] No

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

213. \_\_\_\_\_

214. 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.

217. L. ENVIRONMENTAL CONCERNS:

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

- 220. Asbestos? [ ] Yes [X] No Mold? [ ] Yes [X] No
221. Diseased trees? [ ] Yes [X] No Radon? [ ] Yes [X] No
222. Formaldehyde? [ ] Yes [X] No Soil problems? [ ] Yes [X] No
223. Hazardous wastes/substances? [ ] Yes [X] No Underground storage tanks? [ ] Yes [X] No
224. Lead? (e.g., paint, plumbing) [ ] Yes [X] No Other? [ ] Yes [X] No

225. 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 [ ] No

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

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

229. \_\_\_\_\_

230. \_\_\_\_\_

231. M. OTHER DEFECTS/MATERIAL FACTS:

232. Are you aware of any other material facts that could adversely and significantly affect an ordinary buyer's use or enjoyment of the property or any intended use of the property? [ ] Yes [X] No

234. If "Yes," explain below: \_\_\_\_\_

235. \_\_\_\_\_

236. \_\_\_\_\_

237. \_\_\_\_\_

238. N. ADDITIONAL COMMENTS:

239. \_\_\_\_\_

240. \_\_\_\_\_

241. \_\_\_\_\_

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



**SELLER'S PROPERTY  
DISCLOSURE STATEMENT**

243. Page 7

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

245. Property located at 120 Birch Bluff Rd Tonka Bay 55331

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

249. Examples of exterior moisture sources may be

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

254. Examples of interior moisture sources may be

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

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

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

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

276. For additional information about water intrusion, indoor air quality, moisture or mold issues, go to the Minnesota  
277. Association of REALTORS® web site at [www.mnrealtor.com](http://www.mnrealtor.com).

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

MN: SPDS-7 (8/11)



SELLER'S PROPERTY DISCLOSURE STATEMENT

279. Page 8

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

281. Property located at 120 Birch Bluff Rd Tonka Bay 55331

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

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

289. Q. SELLER'S STATEMENT:

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

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

294. [Signature] 8-25-11 [Signature] 8-25-11 (Seller) (Date) (Seller) (Date)

295. R. BUYER'S ACKNOWLEDGEMENT:

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

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

299. (Buyer) (Date) (Buyer) (Date)

300. S. SELLER'S ACKNOWLEDGMENT:

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

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

304. \_\_\_\_\_  
305. \_\_\_\_\_  
306. \_\_\_\_\_  
307. \_\_\_\_\_  
308. \_\_\_\_\_

309. (Seller) (Date) (Seller) (Date)

310. For purposes of the seller disclosure requirements of MN Statutes 513.52 through 513.60:

311. "Residential real property" or "residential real estate" means property occupied as, or intended to be occupied as, a single-family residence, including a unit in a common interest community as defined in MN Statute 515B.1-103, clause 313. (10), regardless of whether the unit is in a common interest community not subject to chapter 515B.

314. The seller disclosure requirements of MN Statutes 513.52 through 513.60 apply to the transfer of any interest in residential real estate, whether by sale, exchange, deed, contract for deed, lease with an option to purchase or any other option.

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





**SELLER'S PROPERTY  
DISCLOSURE STATEMENT**

318. Page 9

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

320. Property located at 120 Birch Bluff Rd Tonka Bay 55331

321. **Exceptions**

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

- 323. (1) real property that is not residential real property;
- 324. (2) a gratuitous transfer;
- 325. (3) a transfer pursuant to a court order;
- 326. (4) a transfer to a government or governmental agency;
- 327. (5) a transfer by foreclosure or deed in lieu of foreclosure;
- 328. (6) a transfer to heirs or devisees of a decedent;
- 329. (7) a transfer from a cotenant to one or more other cotenants;
- 330. (8) a transfer made to a spouse, parent, grandparent, child or grandchild of Seller;
- 331. (9) a transfer between spouses resulting from a decree of marriage dissolution or from a property agreement incidental to that decree;
- 333. (10) a transfer of newly constructed residential property that has not been inhabited;
- 334. (11) an option to purchase a unit in a common interest community, until exercised;
- 335. (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);
- 337. (13) a transfer to a tenant who is in possession of the residential real property; or
- 338. (14) a transfer of special declarant rights under section 515B.3-104.

339. **Waiver**

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

343. **No Duty to Disclose**

344. A. There is no duty to disclose the fact that the property

- 345. (1) is or was occupied by an owner or occupant who is or was suspected to be infected with Human Immunodeficiency Virus or diagnosed with Acquired Immunodeficiency Syndrome;
- 347. (2) was the site of a suicide, accidental death, natural death or perceived paranormal activity; or
- 348. (3) is located in a neighborhood containing any adult family home, community-based residential facility or nursing home.

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

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

357. **D. Inspections.**

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

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