

**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 9/27/2016
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 6 3rd St

34. City of Excelsior, 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 NOV. 1957 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 6 3rd St Excelsior

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. LOCAL HISTORIC PRESERVATION SOCIETY

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: GARAGE BURNED DOWN IN 1965 - RESULT
82. WIND DAMAGE TO ROOF - REPLACED ABOUT 2004

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 REPLACED

86. _____

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? 1965 GARAGE

2004 ROOF

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

92. Property located at 6 3rd St Excelsior

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. 1980 INTERIOR REMODEL AND ENTRANCE

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

99. If "Yes," please explain: SEE ABOVE

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

103. If "Yes," please explain: _____

106. (4) Has there been any damage to flooring or floor covering? Yes No

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

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

110. If "Yes," indicate type DOG + CAT and number _____

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

112. BLOCK + STONE

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

114. (a) cracked floor/walls Yes No (e) leakage/seepage Yes No

115. (b) drain tile problem Yes No (f) sewer backup Yes No

116. (c) flooding Yes No (g) wet floors/walls Yes No

117. (d) foundation problem Yes No (h) other Yes No

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

119. DURING HEAVY RAINS SOME - SEE ITEM e

121. **(8) THE ROOF:**

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

123. Home: _____ years Garage(s)/Outbuilding(s): 51 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": REPLACEMENT ABOUT 2004

129. WATER DAMAGE IN MBR PRIOR TO ROOF REPLACEMENT

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

133. Property located at 6 3rd St Excelsior

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

135. (a) The type(s) of siding is (e.g., vinyl, stucco, brick, other): SHAKES

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":

140. SOME SETTLING CRACKS IN POPC CEILING

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
147. Air-conditioning <u>x 2</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Range/oven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
148. <input checked="" type="checkbox"/> Central <input type="checkbox"/> Wall <input type="checkbox"/> Window				Range hood	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
149. Air exchange system	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Refrigerator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
150. Carbon monoxide detector	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Security system <u>DON'T USE</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
151. Ceiling fan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rented <input checked="" type="checkbox"/> Owned			
152. 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"/>
153. Clothes dryer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Smoke detectors (hardwired)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
154. Clothes washer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Solar collectors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
155. Dishwasher	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sump pump	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
156. Doorbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Toilet mechanisms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
157. Drain tile system	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Trash compactor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
158. 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"/>
159. Exhaust system	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	TV cable system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
160. 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"/>
161. Fireplace	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TV satellite dish	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
162. Fireplace mechanisms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rented <input type="checkbox"/> Owned			
163. Furnace humidifier <u>unsure</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Water heater	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
164. Freezer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water purification system	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
165. Garage door auto reverse	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rented <input type="checkbox"/> Owned			
166. 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"/>
167. Garage door opener remote	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rented <input type="checkbox"/> Owned			
168. 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"/>
169. Heating system (central) <u>x 2</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rented <input type="checkbox"/> Owned			
170. 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"/>
171. Incinerator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Windows	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
172. Intercom	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Wood-burning stove	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
173. Lawn sprinkler system	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
174. Microwave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
175. Plumbing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
176. Pool and equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
177. Propane tank	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
178. <input type="checkbox"/> Owned <input type="checkbox"/> Rented				Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

182. Property located at 6 3rd St Excelsior

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: _____

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 103I.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? _____

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

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

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: _____

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: _____

220. _____

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

223. Property located at 6 3rd St Excelsior

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

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

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

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

240. **H. METHAMPHETAMINE PRODUCTION DISCLOSURE:**
241. (A Methamphetamine Production Disclosure is required by MN Statute 152.0275, Subd. 2 (m).)
242. Seller is not aware of any methamphetamine production that has occurred on the property.
243. Seller is aware that methamphetamine production has occurred on the property.
244. (See Disclosure Statement: Methamphetamine Production.)

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

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

253. **K. CEMETERY ACT:** The following questions are to be answered to the best of Seller's knowledge.
254. MN Statute 307.08 prohibits any damage or illegal molestation of human remains, burials or cemeteries. A person
255. who intentionally, willfully and knowingly destroys, mutilates, injures, disturbs, or removes human skeletal remains
256. or human burial grounds is guilty of a felony.
257. Are you aware of any human remains, burials, or cemeteries located on the property? Yes No
258. If "Yes," please explain: _____

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

262. **L. ENVIRONMENTAL CONCERNS:** The following questions are to be answered to the best of Seller's knowledge.
263. Animal/Insect/Pest Infestations? Yes No Lead? (e.g., paint, plumbing) Yes No
264. Asbestos? Yes No Mold? Yes No
265. Diseased trees? Yes No Soil problems? Yes No
266. Formaldehyde? Yes No Underground storage tanks? Yes No
267. Hazardous wastes/substances? Yes No
268. Other? _____ Yes No

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

271. Property located at 6 3rd St Excelsior

272. Are you aware if there are currently, or have previously been, any orders issued on the property by any governmental

273. authority ordering the remediation of a public health nuisance on the property? Yes No

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

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

276. _____

277. _____

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

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

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

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

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

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

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

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

301. _____

302. _____

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

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

306. _____

307. _____

308. **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 6 3rd St Excelsior.

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**
.....(Check one).....

315. assessing authorities, the costs of which project may be assessed against the property. If "HAS," please attach
316. and/or explain: _____

317. _____

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

320. If "Yes," explain: _____

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 Statute 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 6 3rd St Excelsior

362. Q. ADDITIONAL COMMENTS: _____

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;
- 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 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 6 3rd St Excelsior

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.  9/27/2016  9/27/2016
(Seller) (Date) (Seller) (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. 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.

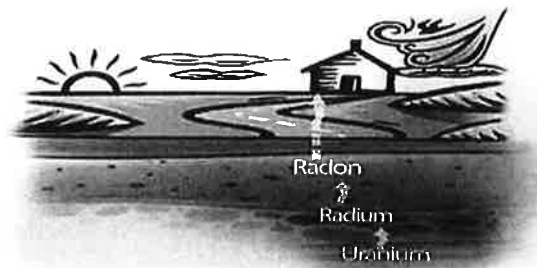
MDH Minnesota
Department of Health
INDOOR AIR UNIT

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



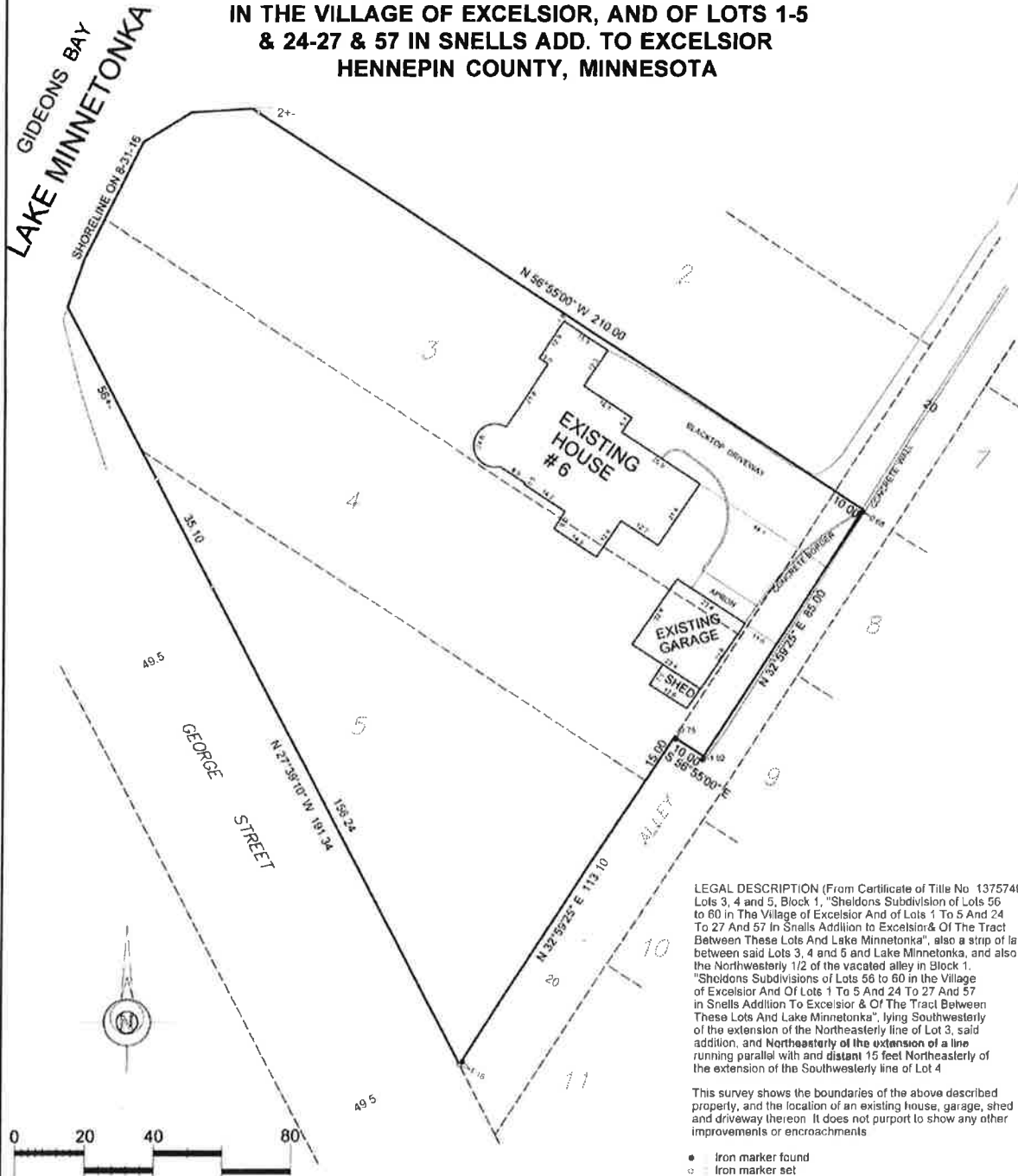
Simultaneous Short-term Testing

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.

**CERTIFICATE OF SURVEY FOR
LYNN HANNAH
IN LOTS 3-5 AND ADJOINING VACATED ALLEY
BLOCK 1, SHELDON'S SUB. OF LOTS 56-60
IN THE VILLAGE OF EXCELSIOR, AND OF LOTS 1-5
& 24-27 & 57 IN SNELLS ADD. TO EXCELSIOR
HENNEPIN COUNTY, MINNESOTA**



LEGAL DESCRIPTION (From Certificate of Title No. 1375749):
Lots 3, 4 and 5, Block 1, "Sheldons Subdivision of Lots 56 to 60 in The Village of Excelsior And of Lots 1 To 5 And 24 To 27 And 57 in Snells Addition to Excelsior & Of The Tract Between These Lots And Lake Minnetonka", also a strip of land between said Lots 3, 4 and 5 and Lake Minnetonka, and also the Northwestery 1/2 of the vacated alley in Block 1, "Sheldons Subdivisions of Lots 56 to 60 in the Village of Excelsior And of Lots 1 To 5 And 24 To 27 And 57 in Snells Addition To Excelsior & Of The Tract Between These Lots And Lake Minnetonka", lying Southwesterly of the extension of the Northeastery line of Lot 3, said addition, and Northeastery of the extension of a line running parallel with and distant 15 feet Northeastery of the extension of the Southwestery line of Lot 4

This survey shows the boundaries of the above described property, and the location of an existing house, garage, shed and driveway thereon. It does not purport to show any other improvements or encroachments

- Iron marker found
- Iron marker set

SIGNED	REVISION	DATE	DESCRIPTION

G

GRONBERG & ASSOCIATES, INC.
CONSULTING ENGINEERS, LAND SURVEYORS
SITE PLANNERS
445 N WILLOW DR. LONG LAKE, MN 55356
952-473-4141

I hereby certify that this plan, specification, or report was prepared by my or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota

Mark J. Gronberg

DATE 8-31-16 MN LICENSE NUMBER 2-1111

SCALE	1"=20'
DATE	8-31-16
JOB NO	16-318

Live

Work

Play

Now & Then

[Home](#)[You are here:](#) [Home](#) > [Live](#) > [Government](#) > [City Commissions](#) > [Heritage Preservation Commission](#) > [Altering a Heritage Site](#)[About the Commission](#)[Altering a Heritage Site](#)[Designation of Heritage Preservation Sites](#)[Public Participation](#)[Site Alteration Permits \(SAP\)](#)[Email Signup](#)[Permits & Applications](#)[Online Services](#)

Altering a Heritage Site

Determining the Alteration Process

It is important that you work with City Hall and the appropriate commissions to obtain approval for your alteration project before you begin. Beginning your project before you have all the necessary permits can result in delays and extra expenses.

There may be other issues you need to be aware of when altering, moving, or demolishing properties that are outside the authority of the [Heritage Preservation Commission](#). You may need building permits and other permits that are issued by the city. You may need to apply to the [Planning Commission](#) if you are altering the size, appearance or use of a building, or if you are considering opening a type of business that is only approved for a certain area. Please consult the staff at City Hall to determine what other permits you may need to begin your project.

Altering a Heritage Site

City staff can help you determine the process for altering, moving, or demolishing property that has been designated a Heritage Preservation Site or is a contributing or non-contributing site in the Excelsior Downtown Historic District.

The following are subject to a site alteration permit:

- Painting, architectural details, and other related exterior alterations
 - Paint colors should be historically appropriate to the style and period of the structure. Although the Heritage Preservation Commission may review and comment on paint colors, the particular paint color is not subject to HPC approval.
- Addition or deletion of awnings, shutters, canopies, and similar appurtenances
- Application or use of exterior materials of a different kind, type, color, or texture than those already in use which will substantially cover one or more sides of the structure, including roofing and siding
- Signs
- Construction of a new building or auxiliary structure
- Any addition to or alteration of an existing structure which increases the square footage in the structure or otherwise alters its size, height, contour, or outline
- Change or alteration of a structure's architectural style
- Alteration of a roofline
- Demolition in whole or in part
 - This does not apply to structures required to be demolished in accordance with Minnesota Statutes Ch. 463: Building Line Easements; Building Regulations; and Hazardous Buildings.

Any maintenance to the exterior of a building that does not fall under one of the nine criteria above, and that does not result in a change in appearance is considered maintenance and does not require a site alteration permit.



339 Third Street
 Excelsior, MN 55331
 Phone: (952) 474-5233
 Email: cityhall@ci.excelsior.mn.us

[Contact Us](#) [Site Map](#) [Accessibility](#) [Powered by CivicPlus](#)

EXCELSIOR MINNESOTA

Search

Share



Live

Work

Play

Now & Then

Home

You are here: [Home](#) > [Frequently Asked Questions](#)

Home

Home Links

Email Signup

Permits & Applications

Online Services

▼ Heritage Preservation Commission

[Hide All Answers](#)

1. Do I need a site alteration permit to make changes to the interior of my heritage preservation site?

No, a site alteration permit is only required for changes to the exterior of the building.

2. Is there an application fee for the site alteration permit?

If it's an addition or new construction in the historic district, then yes, otherwise, no. However, you will still need to pay any fee that is required for a building permit or is related to other zoning requirements.

3. In reviewing a proposed site alteration, does the Heritage Preservation Commission make decisions based on its own aesthetic taste?

No. Any designation is required by state law to be accompanied by a specific set of design review standards that clearly indicate what types of changes are acceptable.

Search

All categories ▼



Categories

- All Categories
- Building Permits
- Fire
- General
- Heritage Preservation Commission
- Parks & Recreation
- Planning & Zoning
- Police
- Public Works
- Refuse & Recycling
- Water & Sewer



339 Third Street
Excelsior, MN 55331
Phone: (952) 474-5233
Email: cityhall@ci.excelsior.mn.us

[Contact Us](#)

[Site Map](#)

[Accessibility](#)

Powered by CivicPlus

Live

Work

Play

Now & Then

Home

You are here: [Home](#) > [Live](#) > [Government](#) > [City Commissions](#) > [Heritage Preservation Commission](#)

FAQs

Do I need a site alteration permit to make changes to the interior of my heritage preservation site?

Is there an application fee for the site alteration permit?

In reviewing a proposed site alteration, does the Heritage Preservation Commission make decisions based on its own aesthetic taste?

[View All](#)

[About the Commission](#)

[Altering a Heritage Site](#)

[Designation of Heritage Preservation Sites](#)

[Public Participation](#)

[Site Alteration Permits \(SAP\)](#)

[Email Signup](#)

[Permits & Applications](#)

[Online Services](#)

Heritage Preservation Commission

Historic Preservation Ordinance Revision and Draft Design Manual

The City is starting the process of reviewing and revising its Historic Preservation Ordinance and developing a Design Manual for the Downtown Historic District and individual historic landmarks. A five person steering committee has been formed. Copies of the most recent preservation ordinance and Design Manual are available at City Hall.

Meetings

- 7:00 pm
- Third Tuesday following the third Monday of each month (if the third Monday is a legal holiday, the meeting shall be held on the fourth Tuesday)
- Council Chambers at City Hall
339 Third St.
Excelsior, MN 55331

Agendas & Minutes

Agendas are available prior to meetings.

[View All Agendas](#)

Minutes are available following approval.

[View All Minutes](#)

Members

Members	Addresses
Scott Anderson	631 Third St. Excelsior, MN 55331
Connie Brabec	185 West Lake St. Excelsior, MN 55331
Tim Caron	182 Third St. Excelsior, MN 55331
Steve Finch (Vice-Chair)	462 William St. Excelsior, MN 55331
Mark Macpherson (Chair)	600 Third Ave. Excelsior, MN 55331
Dean Salita	193 Second St. Excelsior, MN 55331
Vacant	Vacant



339 Third Street
Excelsior, MN 55331
Phone: (952) 474-5233
Email: cityhall@ci.excelsior.mn.us