

**SELLER'S PROPERTY
DISCLOSURE STATEMENT**

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1. Date 04/06/2013

2. Page 1 of _____ pages

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

4. **NOTICE:** This Disclosure Statement satisfies the disclosure requirements of MN Statutes 513.52 through 513.60.
5. Under Minnesota law, sellers of residential property, with limited exceptions listed on page eight (8), are obligated to
6. disclose to prospective buyers all material facts of which Seller is aware that could adversely and significantly affect
7. an ordinary buyer's use or enjoyment of the property or any intended use of the property of which Seller is aware.
8. MN Statute 513.58 requires Seller to notify buyer in writing as soon as reasonably possible, but in any event before
9. closing, if Seller learns that Seller's disclosure was inaccurate. Seller is obligated to continue to notify Buyer, in writing,
10. of any facts disclosed herein (new or changed) of which Seller is aware that could adversely and significantly affect the
11. Buyer's use or enjoyment of the property or any intended use of the property that occur up to the time of closing.
12. Seller has disclosure alternatives allowed by MN Statutes. See *Seller's Disclosure Alternatives* form for further
13. information regarding disclosure alternatives. This disclosure is not a warranty or a guarantee of any kind by Seller or
14. licensee(s) representing or assisting any party in the transaction.

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

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

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

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

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

30. Property located at 135 BLACK OAKS LANE

31. City of WABZATA, County of Hennepin, State of Minnesota.

32. A. GENERAL INFORMATION:

33. (1) What date 2005 did you ☒ **Acquire** ☐ **Build** the home? Restored
(Check one.)

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

35. Location of Abstract: _____

36. To your knowledge, is there an existing Owner's Title Insurance Policy? ☒ Yes ☐ No

37. (3) Have you occupied this home continuously during your ownership? ☒ Yes ☐ No

38. If "No," explain: _____

39. (4) Is the home suitable for year-round use? ☒ Yes ☐ No

40. (5) Are you in possession of prior seller's disclosure statement(s)? (If "Yes," please attach.) ☐ Yes ☒ No

41. (6) To your knowledge, does the property include a manufactured home? ☐ Yes ☒ No

42. If "Yes," HUD #(s) is/are _____

43. _____

44. Has the title been surrendered to the Registrar of Motor Vehicles for cancellation? ☐ Yes ☒ No

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

47. Property located at 135 BLACK OAKS Lane Wayzata, MN

48. (7) Is the property located on a public or a private road? ☐ Public ☒ Private

49. (8) For property abutting a lake, stream or river, does the property meet the minimum local government lot size requirements? ☐ Yes ☐ No ☒ Unknown

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

52. (9) To your knowledge, is the property located in a designated flood plain? ☐ Yes ☒ No

53. Are you aware of any

54. (10) encroachments? ☐ Yes ☒ No

55. (11) association, covenants, historical registry, reservations or restrictions that affect or may affect the use or future resale of the property? ☐ Yes ☒ No

56. (12) easements, other than utility or drainage easements? ☐ Yes ☒ No

58. (13) Please provide clarification or further explanation for all applicable "Yes" responses in Section A:

59. _____
60. _____

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

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

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

65. _____

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

68. If "Yes," what was the claim(s) for (e.g., hail damage to roof)? SMALL FIRE IN GARAGE

69. THAT REQUIRED SOME SHEET ROCK REPLACED.

70. _____

71. Did you receive compensation for the claim(s)? ☒ Yes ☐ No

72. If you received compensation, did you have the items repaired? ☒ Yes ☐ No

73. What dates did the claim(s) occur? _____

74. _____

75. (3) (a) Has/Have the structure(s) been altered? ☒ Yes ☐ No
(e.g., additions, altered roof lines, changes to load-bearing walls)

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

78. EXPANDED MAIN FLOOR WHEN THE HOUSE WAS RENOVATED

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

81. If "Yes," please explain: ALL NEW WIRING, PLUMBING & GENERAL FINISHES

82. _____

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

85. If "Yes," please explain: PARKING WAS ROUGHED IN AT THE

86. OF RENOVATION BUT FINISHED w/ SHEET ROCK, CARPET AFTER

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

89. Property located at 135 BLACK OAKS Lane Weyzata90. (4) Has there been any damage to flooring or floor covering? ☐ Yes ☒ No

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

92. _____

93. (5) Do you have or have you previously had any pets? ☒ Yes ☐ No94. If "Yes," indicate type CAT & DOG and number 1 of each

95. (6) Comments: _____

96. _____

97. _____

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

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

101. (1) THE FOUNDATION: To your knowledge, the type of foundation is (i.e., block, poured, wood, stone, other):

102. _____

103. (2) THE BASEMENT, CRAWLSPACE, SLAB:

104. (a) cracked floor/walls ☐ Yes ☒ No (e) leakage/seepage ☒ Yes ☐ No105. (b) drain tile problem ☐ Yes ☒ No (f) sewer backup ☐ Yes ☒ No106. (c) flooding ☐ Yes ☒ No (g) wet floors/walls ☐ Yes ☒ No107. (d) foundation problem ☐ Yes ☒ No (h) other ☐ Yes ☐ No

108. Give details to any questions answered "Yes": _____

109. EAST WALL ~~OF~~ IN CRAWL SPACE UNDER HEAVY RAIN
110. FALL HAS BECOME WET, FOUNDATION DOES HAVE BOTH A STANDARD
111. DRAIN TILE SYSTEM AND A FRENCH DRAIN ON THAT WALL.112. (3) THE ROOF: To your knowledge, 5 & 10 years (5 on all but office + 2nd floor)113. (a) what is the age of the roofing material? 5 & 10 years ☐ Yes ☒ No114. (b) has there been any interior or exterior damage? ☐ Yes ☒ No115. (c) has there been interior damage from ice buildup? ☐ Yes ☒ No116. (d) has there been any leakage? ☐ Yes ☒ No117. (e) have there been any repairs or replacements made to the roof? ☐ Yes ☒ No

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

119. _____

120. _____

121. _____

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

124. Property located at 135 BLACK OPS Lane

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

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

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

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

152. Comments: _____

153. _____

154. **E. SUBSURFACE SEWAGE TREATMENT SYSTEM DISCLOSURE:**

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

156. Seller certifies that Seller ☒ **DOES** ☐ **DOES NOT** know of a subsurface sewage treatment system on or serving
157. the above-described real property. (If answer is **DOES**, and the system does not require a state permit, see
158. *Subsurface Sewage Treatment System Disclosure Statement*.)

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

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

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

165. Property located at 135 BLACK OAKS Lane
166. **F. PRIVATE WELL DISCLOSURE:** (A well disclosure and Certificate are required by MN Statute 1031.235.)
167. (Check appropriate box.)
168. ☐ Seller certifies that Seller does not know of any wells on the above-described real property.
169. ☒ Seller certifies there are one or more wells located on the above-described real property.
170. (See Well Disclosure Statement.)
171. Are there any wells serving the above-described property that are not located on the
172. property? ☐ Yes ☒ No
173. To your knowledge, is this property in a Special Well Construction Area? ☐ Yes ☒ No
174. **G. PROPERTY TAX TREATMENT:**
175. **Valuation Exclusion Disclosure** (Required by MN Statute 273.11, Subd. 16.)
176. (Check appropriate box.)
177. There ☐ IS ☒ IS NOT an exclusion from market value for home improvements on this property. Any
(Check one.)
178. valuation exclusion shall terminate upon sale of the property, and the property's estimated market value for
179. property tax purposes shall increase. If a valuation exclusion exists, Buyers are encouraged to look into the
180. resulting tax consequences.
181. Additional comments: House was appraised via physical walk thru in 2012
182. _____
183. _____
184. **Preferential Property Tax Treatment**
185. Is the property subject to any preferential property tax status or any other credits affecting the property?
186. (e.g., Disability, Green Acres, CRP, RIM, Rural Preserve) ☐ Yes ☒ No
187. If "Yes," would these terminate upon the sale of the property? ☐ Yes ☐ No
188. Explain: _____
189. _____
190. _____
191. **H. METHAMPHETAMINE PRODUCTION DISCLOSURE:**
192. (A Methamphetamine Production Disclosure is required by MN Statute 152.0275, Subd. 2 (m).)
193. ☒ Seller is not aware of any methamphetamine production that has occurred on the property.
194. ☐ Seller is aware that methamphetamine production has occurred on the property.
195. (See Methamphetamine Production Disclosure Statement.)
196. **I. NOTICE REGARDING AIRPORT ZONING REGULATIONS:** The property may be in or near an airport safety
197. zone with zoning regulations adopted by the governing body that may affect the property. Such zoning regulations
198. are filed with the county recorder in each county where the zoned area is located. If you would like to determine
199. if such zoning regulations affect the property, you should contact the county recorder where the zoned area is
200. located.
201. **J. NOTICE REGARDING CARBON MONOXIDE DETECTORS:** MN Statute 299F.51 requires Carbon Monoxide
202. Detectors to be located within ten (10) feet from all sleeping rooms. Carbon Monoxide Detectors may or may not
203. be personal property and may or may not be included in the sale of the home.

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

206. Property located at 135 BLACK OAKS Lane Wapzata

207. K. CEMETERY ACT:

208. 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.

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

212. on the property?

☐ Yes ☒ No

213. If "Yes," please explain: _____

214. _____

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

218. L. ENVIRONMENTAL CONCERNS:

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

221. Animal/Insect/Pest Infestations?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Lead? (e.g., paint, plumbing)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
222. Asbestos?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Mold?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
223. Diseased trees?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Radon?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
224. Formaldehyde?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Soil problems?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
225. Hazardous wastes/substances?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Underground storage tanks?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
226. Other? _____				<input type="checkbox"/> Yes	<input type="checkbox"/> No

227. 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

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

230. Give details to any question answered "Yes": _____

231. _____

232. _____

233. _____

234. _____

235. M. OTHER DEFECTS/MATERIAL FACTS:

236. Are you aware of any other material facts that could adversely and significantly affect an ordinary buyer's use or enjoyment of the property or any intended use of the property?

☐ Yes ☐ No

238. If "Yes," explain below: _____

239. _____

240. _____

241. _____

242. _____

243. _____

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

246. Property located at 135 BLACK OAKS Lane Weyzata

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

250. Examples of exterior moisture sources may be

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

255. Examples of interior moisture sources may be

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

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

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

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

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

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

284. **P. ADDITIONAL COMMENTS:** _____

285. _____

286. _____

287. _____

288. _____

289. _____

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

292. Property located at 135 BLACK OAKS Lane Wayzata

293. Q. MN STATUTES 513.52 THROUGH 513.60:

294. Exceptions

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

- 296. (1) real property that is not residential real property;
- 297. (2) a gratuitous transfer;
- 298. (3) a transfer pursuant to a court order;
- 299. (4) a transfer to a government or governmental agency;
- 300. (5) a transfer by foreclosure or deed in lieu of foreclosure;
- 301. (6) a transfer to heirs or devisees of a decedent;
- 302. (7) a transfer from a cotenant to one or more other co-tenants;
- 303. (8) a transfer made to a spouse, parent, grandparent, child or grandchild of Seller;
- 304. (9) a transfer between spouses resulting from a decree of marriage dissolution or from a property agreement incidental to that decree;
- 305. (10) a transfer of newly constructed residential property that has not been inhabited;
- 306. (11) an option to purchase a unit in a common interest community, until exercised;
- 307. (12) a transfer to a person who controls or is controlled by the grantor as those terms are defined with respect to a declarant under section 515B.1-103, clause (2);
- 308. (13) a transfer to a tenant who is in possession of the residential real property; or
- 309. (14) a transfer of special declarant rights under section 515B.3-104.

312. Waiver

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

316. No Duty to Disclose

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

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

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

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

330. D. Inspections.

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

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

341. Property located at 35 BLACK OAKS Lane, Wayzata

342. R. SELLER'S STATEMENT:

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

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

347. Heur J. Nickerson 4/12/13
(Seller) (Date)

Jayula Bryd-Mark 4/15/13
(Seller) (Date)

348. S. BUYER'S ACKNOWLEDGEMENT:

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

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

352. _____
(Buyer) (Date) (Buyer) (Date)

353. **T. SELLER'S ACKNOWLEDGMENT** *(To be signed at time of purchase agreement.):* Seller is obligated to continue
354. to notify Buyer, in writing, of any facts which differ from the facts disclosed herein (new or changed) of which Seller
355. is aware that could adversely and significantly affect the Buyer's use or enjoyment of the property or any intended
356. use of the property that occur up to the time of closing.

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

359. _____
360. _____
361. _____
362. _____
363. _____
364. _____
365. _____
366. _____

367. _____
(Seller) (Date) (Seller) (Date)

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

WELL DISCLOSURE STATEMENT

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1. Date _____
2. Page 1 of _____ pages: THE REQUIRED MAP IS
3. ATTACHED HERETO AND MADE A PART HEREOF.

4. Minnesota Statute 103I.235 requires that, before signing an agreement to sell or transfer real property, Seller must
5. disclose information in writing to Buyer about the status and location of all known wells on the property. This requirement
6. is satisfied by delivering to Buyer either a statement by Seller that Seller does not know of any wells on the property,
7. or a disclosure statement indicating the legal description and county, and a map showing the location of each well. In
8. the disclosure statement Seller must indicate, for each well, whether the well is in use, not in use or sealed.
9. Unless Buyer and Seller agree to the contrary in writing, before the closing of the sale, a Seller who fails to disclose
10. the existence or known status of a well at the time of sale, and knew or had reason to know of the existence or known
11. status of the well, is liable to Buyer for costs relating to sealing of the well and reasonable attorneys' fees for collection
12. of costs from Seller, if the action is commenced within six years after the date Buyer closed the purchase of the real
13. property where the well is located.
14. Legal requirements exist relating to various aspects of location and status of wells. Buyer is advised to contact the
15. local unit(s) of government, state agency or qualified professional which regulates wells for further information about
16. these issues.

17. Instructions for completion of this form are on the reverse side.

18. **PROPERTY DESCRIPTION:** Street Address: 135 Black Oaks Lane

19. Plymouth 55391 Hennepin
(City) (Zip) (County)

20. **LEGAL DESCRIPTION:** _____

21. _____

22. _____

23. _____

24. _____

25. _____

26. **WELL DISCLOSURE STATEMENT:**

27. (Check appropriate box.)

28. ☐ Seller certifies that Seller does not know of any wells on the above described real property.
29. (If this option is checked, then skip to the last line and sign and date this Statement.)

30. ☐ Seller certifies that the following wells are located on the above described real property.

	MN Unique Well No.	Well Depth	Year of Const.	Well Type	IN USE	NOT IN USE	SEALED
33. Well 1				Domestic	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34. Well 2					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
35. Well 3					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

36. **NOTE:** See definition of terms "IN USE," "NOT IN USE," and "SEALED" on lines 89-100. If a well is not in use,

37. it must be sealed by a licensed well contractor or a well owner must obtain a maintenance permit

38. from the Minnesota Department of Health and pay an annual maintenance fee. Maintenance

39. permits are not transferable. If a well is operable and properly maintained, a maintenance permit

40. is not required.

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

43. Property located at 135 Black Oaks Lane Plymouth

44. **OTHER WELL INFORMATION:**

45. Date well water last tested for contaminants: ~2005 Test results attached? ☐ Yes ☒ No

46. Comments: _____

47. _____

48. _____

49. _____

50. _____

51. _____

52. _____

53. Contaminated Well: is there a well on the property containing contaminated water? ☐ Yes ☒ No

54. **SEALED WELL INFORMATION:** For each well designated as sealed above, complete this section.

55. When was the well sealed? _____

56. Who sealed the well? _____

57. Was a Sealed Well Report filed with the Minnesota Department of Health? ☐ Yes ☐ No

58. **MAP:** Complete the attached MAP showing the location of each well on the real property.

59. This disclosure is not a warranty of any kind by Seller(s) or any licensee(s) representing or assisting any part(ies) in
60. this transaction and is not a substitute for any inspections or warranties the party(ies) may wish to obtain.

61. **CERTIFICATION BY SELLER:** I certify that the information provided above is accurate and complete to the
62. best of my knowledge.

63. [Signature] 4/2/13 [Signature] 4/15/13
(Seller or Designated Representative) (Date) (Seller or Designated Representative) (Date)

64. **BUYER'S ACKNOWLEDGEMENT:**

65. _____
(Buyer) (Date) (Buyer) (Date)

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

68. **INSTRUCTIONS FOR COMPLETING THE WELL DISCLOSURE STATEMENT**

69. **DEFINITION:** A "well" means an excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise
70. constructed if the excavation is intended for the location, diversion, artificial recharge or acquisition of groundwater.

71. **MINNESOTA UNIQUE WELL NUMBER:** All new wells constructed AFTER January 1, 1975, should have been
72. assigned a Minnesota unique well number by the person constructing the well. If the well was constructed after this
73. date, you should have the unique well number in your property records. If you are unable to locate your unique well
74. number and the well was constructed AFTER January 1, 1975, contact your well contractor. If no unique well number
75. is available, please indicate the depth and year of construction for each well.

76. **WELL TYPE:** Use one of the following terms to describe the well type.

77. **WATER WELL:** A water well is any type of well used to extract groundwater for private or public use. Examples
78. of water wells are: domestic wells, drive-point wells, dug wells, remedial wells and municipal wells.

79. **IRRIGATION WELL:** An irrigation well is a well used to irrigate agricultural lands. These are typically
80. large-diameter wells connected to a large pressure distribution system.

81. **MONITORING WELL:** A monitoring well is a well used to monitor groundwater contamination. The well is
82. typically used to access groundwater for the extraction of samples.

83. **DEWATERING WELL:** A dewatering well is a well used to lower groundwater levels to allow for construction
84. or use of underground spaces.

85. **INDUSTRIAL/COMMERCIAL WELL:** An industrial/commercial well is a nonpotable well used to extract
86. groundwater for any nonpotable use, including groundwater thermal exchange wells (heat pumps and heat
87. loops).

88. **WELL USE STATUS:** Indicate the use status of each well. CHECK ONLY ONE (1) BOX PER WELL.

89. **IN USE:** A well is "in use" if the well is operated on a daily, regular or seasonal basis. A well in use includes
90. a well that operates for the purpose of irrigation, fire protection or emergency pumping.

91. **NOT IN USE:** A well is "not in use" if the well does not meet the definition of "in use" above and has not been
92. sealed by a licensed well contractor.

93. **SEALED:** A well is "sealed" if a licensed contractor has completely filled a well by pumping grout material
94. throughout the entire bore hole after removal of any obstructions from the well. A well is "capped" if it has
95. a metal or plastic cap or cover which is threaded, bolted or welded into the top of the well to prevent entry
96. into the well. A "capped" well is not a "sealed" well.

97. If the well has been sealed by someone other than a licensed well contractor or a licensed well sealing
98. contractor, check the well status as "not in use."

99. If you have any questions, please contact the Minnesota Department of Health, Well Management Section,
100. at (651) 201-4587 (metropolitan Minneapolis-St. Paul) or 1-800-383-9808 (greater Minnesota).

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

**SUBSURFACE SEWAGE TREATMENT
SYSTEM DISCLOSURE STATEMENT**

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1. Date _____
2. Page 1 _____ of pages: THE REQUIRED MAP IS
3. ATTACHED HERETO AND MADE A PART HEREOF

4. Property located at 135 Black Oaks Lane in the City of Plymouth
5. County of Hennepin State of Minnesota, legally described as follows or on
6. attached sheet (the "Property") _____

7. _____
8. This disclosure is not a warranty of any kind by Seller(s) or any licensee(s) representing or assisting any party(ies) in
9. this transaction, and is not a substitute for any inspections or warranties the party(ies) may wish to obtain.

10. **BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE**
11. **SUBSURFACE SEWAGE TREATMENT SYSTEM AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A**
12. **CONTRACT BETWEEN BUYER(S) AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTION/DEFECTS.**

13. **SELLER'S INFORMATION:** The following Seller disclosure satisfies MN Statutes Chapter 115.55. Seller discloses
14. the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on
15. this information in deciding whether and on what terms to purchase the Property. The Seller(s) authorizes any
16. licensee(s) representing or assisting any party(ies) in this transaction to provide a copy of this statement to any person
17. or entity in connection with any actual or anticipated sale of the Property.

18. Unless Buyer and Seller agree to the contrary in writing before the closing of the sale, a Seller who fails to disclose
19. the existence or known status of a subsurface sewage treatment system at the time of sale, and who knew or had
20. reason to know of the existence or known status of the system, is liable to Buyer for costs relating to bringing the
21. system into compliance with subsurface sewage treatment system rules and for reasonable attorney fees for collection
22. of costs from Seller. An action under this subdivision must be commenced within two years after the date on which
23. Buyer closed the purchase of the real property where the system is located.

24. Legal requirements exist relating to various aspects of location and status of subsurface sewage treatment systems.
25. Buyer is advised to contact the local unit(s) of government, state agency or qualified professional which regulates
26. subsurface sewage treatment systems for further information about these issues.

27. The following are representations made by Seller(s) to the extent of Seller(s) actual knowledge. This information is a
28. disclosure and is not intended to be part of any contract between Buyer and Seller.

29. SUBSURFACE SEWAGE TREATMENT SYSTEM DISCLOSURE:

30. *(Check the appropriate box.)*

31. ☐ Seller certifies that Seller does not know of any subsurface sewage treatment system on or serving the above-
32. described real property. *(If this option is checked, then skip to the last line and sign and date this Statement.)*

33. ☒ Seller certifies that the following subsurface sewage treatment system is on or serving the above-described
34. Property.

35. Is the subsurface sewage treatment system(s) currently in use? ☒ Yes ☐ No

36. TYPE: *(Check appropriate box(es) and indicate location on attached MAP.)*

37. ☒ Septic Tank; ☒ with drain field ☐ with mound system ☐ seepage tank ☐ with open end

38. Is this system a straight-pipe system? ☐ Yes ☐ No ☒ Unknown

39. ☐ Sealed System (holding tank)

40. ☐ Other (Describe): _____

41. **NOTE:** If any water use appliance, bedroom or bathroom has been added to the Property, the system may
42. no longer comply with applicable sewage treatment system laws and rules.

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

**SUBSURFACE SEWAGE TREATMENT
SYSTEM DISCLOSURE STATEMENT**

44. Page 2

45. Property located at 135 Black Oaks Lane Plymouth

46. Seller or transferor shall disclose to Buyer or transferee what Seller or transferor has knowledge of relative to the
47. compliance status of the subsurface sewage treatment system. OK - understand that it is
48. in compliance.

49. _____
50. Any previous inspection report in Seller's possession must be attached to this Disclosure Statement.

51. When was the subsurface sewage treatment system installed? 2005

52. Installer Name/Phone See Building Permit

53. Where is tank located? NORTH SIDE of house / Next to Driveway

54. What is tank size? unknown - 3 tanks

55. When was tank last pumped? 2012

56. How often is tank pumped? every 2-3 years Proactively

57. Where is the drain field located? EAST SIDE of house

58. What is the drain field size? not sure - sized for bath + people in

59. Describe work performed to the subsurface sewage treatment system since you have owned the Property. new septic tanks, system + drain field

60. house to be 3-4

61. _____

62. Date work performed/by whom. 2005

63. _____

64. Is subsurface sewage treatment system entirely within Property boundary lines, including set back

65. requirements? Yes Is the system shared? No How many units on system? ? Annual Fee? N/A

66. Comments: _____

67. _____

68. On this Property: _____

69. _____

70. Approximate number of:

71. people using the subsurface sewage treatment system 3-4

72. showers/baths taken per week 2/4

73. wash loads per week 3

74. Distance between well and subsurface sewage treatment system? ~ 40'

75. Have you received any notices from any government agencies relating to the subsurface sewage treatment system?

76. (If "Yes", see attached notice.) ☐ Yes ☒ No

77. Are there any known defects in the subsurface sewage treatment system? ☐ Yes ☒ No

78. If "Yes", please explain: _____

79. _____

80. _____

81. _____

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

83. Property located at 135 Black Oaks Lane Plymouth

84. **SELLER'S STATEMENT:**

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

86. I/We, Seller(s) of the Property acknowledge the above subsurface sewage treatment system disclosure and MAP
87. and authorize listing broker to disclose this information to prospective buyers.

88. *[Signature]* 4/2/13 *[Signature]* 4/15/13
(Seller) (Date) (Seller) (Date)

89. **BUYER'S ACKNOWLEDGMENT:**

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

91. I/We, the Buyer(s) of the Property acknowledge receipt of this Subsurface Sewage Treatment System Disclosure
92. Statement and MAP and agree that no representation regarding the condition of the subsurface sewage treatment
93. system have been made, other than those made above.

94. **LISTING BROKER AND LICENSEES MAKE NO REPRESENTATIONS AND ARE NOT RESPONSIBLE FOR ANY**
95. **CONDITIONS EXISTING IN THE SUBSURFACE SEWAGE TREATMENT SYSTEM.**

96. _____
(Buyer) (Date) (Buyer) (Date)

97. **SELLER'S ACKNOWLEDGMENT:**

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

99. AS OF THE DATE OF THE ACCEPTANCE OF THE PURCHASE AGREEMENT, I/We, the Seller(s) of the above
100. Property, agree that the condition of the subsurface sewage treatment system is the same as noted above, except for
101. changes as indicated below which have been signed and dated.

102. _____
103. _____
104. _____
105. _____
106. _____
107. _____
108. _____
109. _____
110. _____
111. _____
112. _____
113. _____

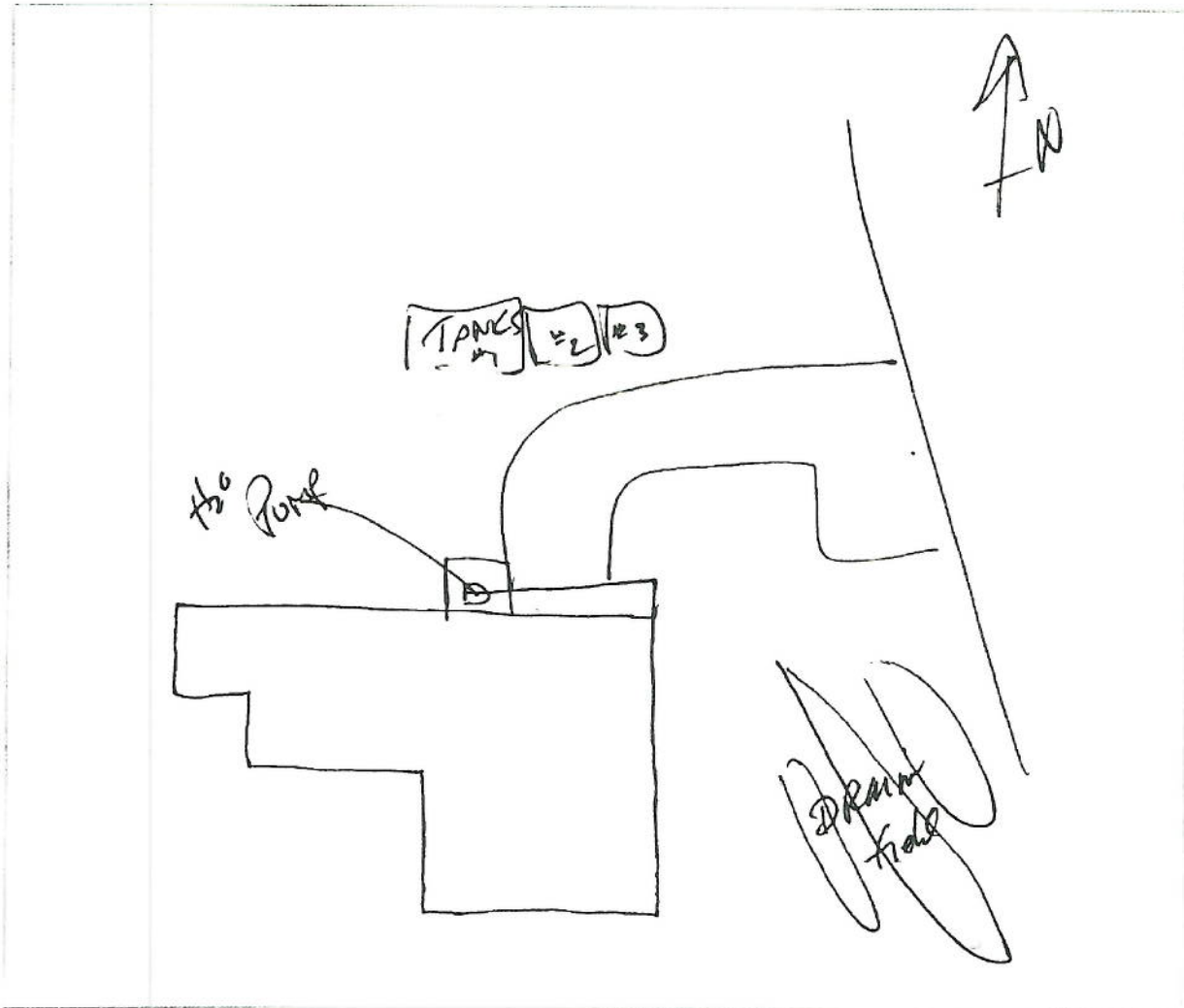
114. _____
(Seller) (Date) (Seller) (Date)

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

LOCATION MAP

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1. Page _____ of _____ pages
2. Please use the space below to sketch the real property being sold and, to Seller's knowledge, the approximate location of any of the following on the property.
- 3.
4. ☒ **SUBSURFACE SEWAGE TREATMENT SYSTEM** ☒ **WELL** ☐ **METHAMPHETAMINE PRODUCTION AREA**
(Check all that apply.)
5. Include approximate distances from fixed reference points such as streets, buildings and landmarks.
6. Property located at 135 Black Oaks Lane
7. Plymouth MN 55391



8. ATTACH ADDITIONAL SHEETS AS NEEDED.

9. Seller and Buyer initial:

(Seller) [Signature] (Date) 9-2-13 (Buyer) _____ (Date) _____

10.

(Seller) [Signature] (Date) 4-15-13 (Buyer) _____ (Date) _____

11.

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

MN-IM (8/09)

ER 125A-1 (8/09)