SELLER'S PROPERTY DISCLOSURE STATEMENT

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1. Date May 11, 2010

2. Page 1 of _____ pages

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

4. **NOTICE:** This Disclosure Statement satisfies the disclosure requirements of MN Statutes 513.52 through 513.60.
5. Under Minnesota law, Sellers of residential property, with limited exceptions listed on page nine (9), are obligated to
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
9. before closing, if Seller learns that Seller's disclosure was inaccurate. Seller has disclosure alternatives allowed
10. by MN Statutes. See *Seller's Disclosure Alternatives* form for further information regarding disclosure alternatives. This
11. disclosure is not a warranty or a guarantee of any kind by Seller or licensee representing or assisting any party in the
12. transaction.

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

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

21. Property located at 16846 Interlachen Boulevard,

22. City of Lakeville, County of Dakota, State of Minnesota.

23. **A. GENERAL INFORMATION:**

24. (1) When did you ☒ **Acquire** ☐ **Build** the home? April 2005
(Check one.)

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

26. Location of Abstract: _____

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

28. (3) Have you occupied this home continuously for the past 12 months? ☒ Yes ☐ No

29. If "No," explain: _____

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

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

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

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

34. (8) For property abutting a lake, stream or river, does the property meet the minimum local government lot size
35. requirements? ☐ Yes ☐ No ☐ Unknown
36. If "No," or "Unknown," Buyer should consult the local zoning authority.

37. Are you aware of any
38. (9) encroachments? ☐ Yes ☒ No
39. (10) association, covenants, historical registry, reservations or restrictions that affect or
40. may affect the use or future resale of the property? ☐ Yes ☒ No
41. (11) easements, other than utility or drainage easements? ☐ Yes ☒ No

42. (12) Comments: _____

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

Coldwell Banker Burnet

SELLER'S PROPERTY DISCLOSURE STATEMENT

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

46. Property located at 16846 Interlachen Boulevard Lakeville.

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

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

50. If "Yes," give details of what happened and when: NEW ROOF HAIL DAMAGE

51.

52.

53.

54. (2) (a) Has/Have the structure(s) been altered?

55. (e.g., additions, altered roof lines, changes to load-bearing walls) ☐ Yes ☒ No

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

57.

58.

59.

60. (b) Has any work been performed on the property? (e.g., additions to the property, wiring, plumbing,

61. retaining wall, general finishing.) ☒ Yes ☐ No

62. If "Yes," please explain: BASEMENT REMODLE

63.

64.

65.

66. (c) Were appropriate permits pulled for any work performed on the property? ☒ Yes ☐ No

67. (3) Has there been any damage to flooring or floor covering? ☒ Yes ☐ No

68. If "Yes," give details of what happened and when: REPLACED CARPET PAD.

69. IN HOME SETTING AREA

70.

71.

72. (4) Are you aware of any insect/animal/pest infestation? ☐ Yes ☒ No

73. (5) Do you have or have you previously had any pets? ☐ Yes ☒ No

74. If "Yes," indicate type _____ and number _____.

75. (6) Comments:

76.

77.

78.

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

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

(1) **THE BASEMENT, CRAWLSPACE, SLAB:**

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

Give details to any questions answered "Yes":

(2) **THE ROOF:** To your knowledge,

(a) what is the age of the roofing material? 4 years

(b) has there been any interior or exterior damage?	☐ Yes	☒ No
(c) has there been interior damage from ice buildup?	☐ Yes	☒ No
(d) has there been any leakage?	☐ Yes	☒ No
(e) have there been any repairs or replacements made to the roof?	☒ Yes	☐ No

Give details to any questions answered "Yes": Replacement of entire Roof Hail Damaged.

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SELLER'S PROPERTY DISCLOSURE STATEMENT

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121. **D. APPLIANCES, HEATING, PLUMBING, ELECTRICAL AND OTHER MECHANICAL SYSTEMS:**
122. **NOTE:** This section refers only to the working condition of the following items. Answers apply to all such
123. items unless otherwise noted in comments below. Personal property is included in the sale **ONLY IF**
124. specifically referenced in the *Purchase Agreement.*

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

	In Working Order Yes	No		In Working Order Yes	No		In Working Order Yes	No
126. 127.								
128. Air-conditioning	☒	☐	Garbage disposal	☒	☐	Trash Compactor	☐	☐
129. ☒ Central ☐ Wall ☐ Window			Heating system (central)	☒	☐	TV antenna system	☐	☐
130. Air exchange system	☒	☐	Heating system (supplemental)	☐	☐	TV cable system	☒	☐
131. Carbon Monoxide Detector	☒	☐	Incinerator	☐	☐	TV satellite dish	☒	☐
132. Ceiling fan	☒	☐	Intercom	☐	☐	☒ Rented ☐ Owned		
133. Dishwasher	☒	☐	Lawn sprinkler system	☒	☐	TV satellite receiver	☒	☐
134. Doorbell	☒	☐	Microwave	☒	☐	☒ Rented ☐ Owned		
135. Drain tile system	☒	☐	Plumbing	☒	☐	Washer	☒	☐
136. Dryer	☒	☐	Pool and equipment	☐	☐	Water heater	☒	☐
137. Electrical system	☒	☐	Range/oven	☒	☐	Water treatment system	☒	☐
138. Exhaust system	☒	☐	Range hood	☒	☐	☐ Rented ☒ Owned		
139. Fire sprinkler system	☐	☐	Refrigerator	☒	☐	Windows	☒	☐
140. Fireplace	☒	☐	Security system	☐	☐	Window treatments	☒	☐
141. Fireplace mechanisms	☒	☐	☐ Rented ☐ Owned			Wood-burning stove	☐	☐
142. Furnace humidifier	☒	☐	Smoke detectors (battery)	☐	☐	Other _____	☐	☐
143. Freezer	☒	☐	Smoke detectors (hardwired)	☒	☐	Other _____	☐	☐
144. Garage door opener (GDO)	☒	☐	Solar collectors	☐	☐	Other _____	☐	☐
145. Garage auto reverse	☒	☐	Sump pump	☒	☐	Other _____	☐	☐
146. GDO remote	☒	☐	Toilet mechanisms	☒	☐	Other _____	☐	☐

147. Comments: _____
148. _____

149. **E. SUBSURFACE SEWAGE TREATMENT SYSTEM DISCLOSURE:**
150. (A subsurface sewage treatment system disclosure is required by MN Statute 115.55.) *(Check appropriate box.)*

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

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

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

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

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

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

165. ☐ Seller certifies there are one or more wells located on the above-described real property.
166. *(See Well Disclosure Statement.)*

167. Are there any wells serving the above-described property that are not located on the property? ☐ Yes ☑ No

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

169. **G. PROPERTY TAX TREATMENT:**
170. **Valuation Exclusion Disclosure** (Required by MN Statute 273.11, Subd. 16.)
171. *(Check appropriate box.)*
172. There ☐ **IS** ☑ **IS NOT** an exclusion from market value for home improvements on this property. Any
(Check one.)
173. valuation exclusion shall terminate upon sale of the property, and the property's estimated market value for
174. property tax purposes shall increase. If a valuation exclusion exists, Buyers are encouraged to look into the
175. resulting tax consequences.

176. Additional comments: _____

177. _____

178. _____

179. **Preferential Property Tax Treatment**
180. Is the property subject to any preferential property tax status or any other credits affecting the property?

181. (e.g., Disability, Green Acres, CRP, RIM, Rural Preserve) ☐ Yes ☑ No

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

183. Explain: _____

184. _____

185. _____

186. **H. METHAMPHETAMINE PRODUCTION DISCLOSURE:**
187. (A Methamphetamine Production Disclosure is required by MN Statute 152.0275, Subd. 2 (m).)

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

189. ☐ Seller is aware that methamphetamine production has occurred on the property.
190. *(See Methamphetamine Production Disclosure Statement.)*

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

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

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204. **K. CEMETERY ACT:**
205. MN Statute 307.08 prohibits any damage or illegal molestation of human remains, burials or cemeteries. A person
206. who intentionally, willfully and knowingly destroys, mutilates, injures, disturbs or removes human skeletal remains
207. or human burial grounds is guilty of a felony.
208. To your knowledge, are you aware of any human remains, burials or cemeteries located
209. on the property? ☐ Yes ☒ No
210. If "Yes," please explain: _____
211. _____
212. All unidentified human remains or burials found outside of platted, recorded or identified cemeteries and in contexts
213. which indicate antiquity greater than 50 years shall be dealt with according to the provisions of MN Statute 307.08,
214. Subd. 7.

215. **L. ENVIRONMENTAL CONCERNS:**
216. To your knowledge, have any of the following environmental concerns previously existed or do they currently exist
217. on the property?

218. Asbestos?	☐ Yes	☒ No	Mold?	☐ Yes	☒ No
219. Diseased trees?	☐ Yes	☒ No	Radon?	☐ Yes	☒ No
220. Formaldehyde?	☐ Yes	☒ No	Soil problems?	☐ Yes	☒ No
221. Hazardous wastes/substances?	☐ Yes	☒ No	Underground storage tanks?	☐ Yes	☒ No
222. Lead? (e.g., paint, plumbing)	☐ Yes	☒ No	Other?	☐ Yes	☐ No

223. Are you aware if there are currently, or have previously been, any orders issued on the property by any governmental
224. authority ordering the remediation of a public health nuisance on the property? ☐ Yes ☐ No
225. If answer above is "Yes," seller certifies that all orders ☐ HAVE ☐ HAVE NOT been vacated.
(Check one.)
226. Give details to any question answered "Yes": _____
227. _____
228. _____

229. **M. OTHER DEFECTS/MATERIAL FACTS:**
230. Are you aware of any other material facts that could adversely and significantly affect an ordinary buyer's use or
231. enjoyment of the property or any intended use of the property? ☐ Yes ☒ No
232. If "Yes," explain below: _____
233. _____
234. _____
235. _____

236. **N. ADDITIONAL COMMENTS:**
237. _____
238. _____
239. _____
240. **ORIGINAL COPY TO LISTING BROKER; COPIES TO SELLER, BUYER, SELLING BROKER.**

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

Examples of exterior moisture sources may be

- improper flashing around windows and doors,
- improper grading,
- flooding,
- roof leaks.

Examples of interior moisture sources may be

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

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

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

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

For additional information about water intrusion, indoor air quality, moisture or mold issues, go to the Minnesota Association of REALTORS® web site at www.mnrealtor.com.

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

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

Q. SELLER'S STATEMENT:

(To be signed at time of listing.)

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

Gary Bailey 5/12/10

(Seller) (Date) (Seller) (Date)

R. BUYER'S ACKNOWLEDGEMENT:

(To be signed at time of purchase agreement.)

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

(Buyer) (Date) (Buyer) (Date)

S. SELLER'S ACKNOWLEDGMENT:

(To be signed at time of purchase agreement.)

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

(Seller) (Date) (Seller) (Date)

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

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

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

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

317. **Exceptions**
318. The seller disclosure requirements of MN Statutes 513.52 through 513.60 **DO NOT** apply to
319. (1) real property that is not residential real property;
320. (2) a gratuitous transfer;
321. (3) a transfer pursuant to a court order;
322. (4) a transfer to a government or governmental agency;
323. (5) a transfer by foreclosure or deed in lieu of foreclosure;
324. (6) a transfer to heirs or devisees of a decedent;
325. (7) a transfer from a cotenant to one or more other cotenants;
326. (8) a transfer made to a spouse, parent, grandparent, child or grandchild of Seller;
327. (9) a transfer between spouses resulting from a decree of marriage dissolution or from a property
328. agreement incidental to that decree;
329. (10) a transfer of newly constructed residential property that has not been inhabited;
330. (11) an option to purchase a unit in a common interest community, until exercised;
331. (12) a transfer to a person who controls or is controlled by the grantor as those terms are defined with respect
332. to a declarant under section 515B.1-103, clause (2);
333. (13) a transfer to a tenant who is in possession of the residential real property; or
334. (14) a transfer of special declarant rights under section 515B.3-104.

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

339. **No Duty to Disclose**
340. A. There is no duty to disclose the fact that the property
341. (1) is or was occupied by an owner or occupant who is or was suspected to be infected with Human
342. Immunodeficiency Virus or diagnosed with Acquired Immunodeficiency Syndrome;
343. (2) was the site of a suicide, accidental death, natural death or perceived paranormal activity; or
344. (3) is located in a neighborhood containing any adult family home, community-based residential facility or nursing
345. home.

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

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

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

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