



2020 South Dakota Legislature

House Bill 1178

Introduced by: **Representative Chase**

An Act to revise the seller's property condition disclosure statement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 43-4-44 be AMENDED:

43-4-44. Property condition disclosure statement.

The following form shall be used for the property condition disclosure statement:

SELLER'S PROPERTY CONDITION DISCLOSURE STATEMENT

~~(This disclosure shall be completed by the seller. This is a disclosure required by law. If you do not understand this form, seek legal advice.)~~

Seller

Property Address

~~This Disclosure Statement concerns the real property identified above situated in the City of _____ County of _____, State of South Dakota.~~

~~THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH § 43-4-38. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER OR ANY AGENT REPRESENTING ANY PARTY IN THIS TRANSACTION AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PARTIES MAY WISH TO OBTAIN. Seller hereby authorizes any agent representing any party in this transaction to~~

~~provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.~~

~~IF ANY MATERIAL FACT CHANGES BEFORE CONVEYANCE OF TITLE TO THIS PROPERTY, THE SELLER MUST DISCLOSE SUCH MATERIAL FACT WITH A WRITTEN AMENDMENT TO THIS DISCLOSURE STATEMENT.~~

~~I. LOT OR TITLE INFORMATION~~

~~1. When did you purchase or build the home?~~

~~If the answer is yes to any of the following, please explain under additional comments or on an attached separate sheet.~~

~~2. Were there any title problems when you purchased the property?~~

~~Yes _____ No _____~~

~~3. Are there any recorded liens or financial instruments against the property, other than a first mortgage?~~

~~Yes _____ No _____~~

~~4. Are there any unrecorded liens or financial instruments against the property, other than a first mortgage, or have any materials or services been provided in the past one hundred twenty days that would create a lien against the property under chapter 44-9?~~

~~Yes _____ No _____ Unknown _____~~

~~5. Are there any easements which have been granted in connection with the property (other than normal utility easements for public water and sewer,~~

~~gas and electric service, telephone service, cable television service, drainage, and sidewalks)?~~

~~Yes _____ No _____ Unknown _____~~

~~6. Are there any problems related to establishing the lot lines/boundaries?~~

~~Yes _____ No _____ Unknown _____~~

~~7. Do you have a location survey in your possession or a copy of the recorded plat? If yes, attach a copy.~~

~~Yes _____ No _____ Unknown _____~~

~~8. Are you aware of any encroachments or shared features, from or on adjoining property (i.e. fences, driveway, sheds, outbuildings, or other improvements)?~~

~~Yes _____ No _____~~

~~9. Are you aware of any covenants or restrictions affecting the use of the property in accordance with local law? If yes, attach a copy of the covenants and restrictions.~~

~~Yes _____ No _____~~

~~10. Are you aware of any current or pending litigation, foreclosure, zoning, building code or restrictive covenant violation notices, mechanic's~~

~~liens, judgments, special assessments, zoning changes, or changes that could affect your property?~~

~~Yes _____ No _____~~

~~11. Is the property currently occupied by the owner?~~

~~Yes _____ No _____~~

~~12. Does the property currently receive the owner occupied tax reduction pursuant to SDCL 10-13-39?~~

~~Yes _____ No _____~~

~~13. Is the property currently part of a property tax freeze for any reason?~~

~~Yes _____ No _____ Unknown _____~~

~~14. Is the property leased?~~

~~Yes _____ No _____~~

~~15. If leased, does the property use comply with local zoning laws?~~

~~Yes _____ No _____~~

~~16. Does this property or any portion of this property receive rent? If yes, how much \$ _____ and how often _____?~~

~~Yes _____ No _____~~

~~17. Do you pay any mandatory fees or special assessments to a homeowners' or condominium association?~~

~~Yes _____ No _____~~

~~If yes, what are the fees or assessments? \$ _____ per _____ (i.e. annually, semi-annually, monthly)~~

~~Payable to whom:~~

~~For what purpose?~~

~~18. Are you aware if the property has ever had standing water in either the front, rear, or side yard more than forty-eight hours after heavy rain?~~

~~Yes _____ No _____~~

~~19. Is the property located in or near a flood plain?~~

~~Yes _____ No _____ Unknown _____~~

~~20. Are wetlands located upon any part of the property?~~

~~Yes _____ No _____ Unknown _____~~

~~21. Are you aware of any private transfer fee obligations, as defined pursuant to § 43-4-48, that would require a buyer or seller of the property to~~

~~pay a fee or charge upon the transfer of the property, regardless of whether the fee or charge is a fixed amount or is determined as a percentage of the value of the property?~~

~~Yes _____ No _____ Unknown _____~~

~~If yes, what are the fees or charges? \$ _____ per _____ (i.e. annually, semi-annually, monthly)~~

~~II. STRUCTURAL INFORMATION~~

~~If the answer is yes to any of the following, please explain under additional comments or on an attached separate sheet:~~

~~1. Are you aware of any water penetration problems in the walls, windows, doors, basement, or crawl space?~~

~~Yes _____ No _____~~

~~2. What water damage related repairs, if any, have been made?~~

~~If any, when?~~

~~_____~~
~~_____~~

~~3. Are you aware if drain tile is installed on the property?~~

~~Yes _____ No _____~~

~~4. Are you aware of any interior cracked walls or floors, or cracks or defects in exterior driveways, sidewalks, patios, or other hard surface areas?~~

~~Yes _____ No _____~~

~~What related repairs, if any, have been made?~~

~~_____~~
~~_____~~

~~5. Are you aware of any roof leakage, past or present?~~

~~Yes _____ No _____~~

~~Type of roof covering:~~

~~_____~~
~~_____~~

~~Age:~~

~~_____~~
~~_____~~

~~What roof repairs, if any, have been made, when and by whom?~~

~~_____~~
~~_____~~

~~Describe any existing unrepaired damage to the roof:~~

~~_____~~
~~_____~~

~~6. Are you aware of insulation in:~~

~~the ceiling/attic? Yes _____ No _____~~

~~the walls? Yes _____ No _____~~

~~the floors? Yes _____ No _____~~

~~7. Are you aware of any pest infestation or damage, either past or present?~~

~~Yes _____ No _____~~

~~8. Are you aware of the property having been treated for any pest infestation or damage?~~

~~Yes _____ No _____~~

~~If yes, who treated it and when?~~

~~9. Are you aware of any work upon the property which required a building, plumbing, electrical, or any other permit?~~

~~Yes _____ No _____~~

~~If yes, describe the work:~~

~~Was a permit obtained? Yes~~

~~Was the work approved by an inspector? Yes _____ No _____~~

~~10. Are you aware of any past or present damage to the property (i.e. fire, smoke, wind, floods, hail, or snow)?~~

~~Yes _____ No _____~~

~~If yes, describe~~

~~Have any insurance claims been made?~~

~~Yes _____ No _____ Unknown _____~~

~~Was an insurance payment received?~~

~~Yes _____ No _____ Unknown _____~~

~~Has the damage been repaired?~~

~~Yes _____ No _____~~

~~If yes, describe in detail:~~

~~11. Are you aware of any problems with sewer blockage or backup, past or present?~~

~~Yes _____ No _____~~

~~12. Are you aware of any drainage, leakage, or runoff from any sewer, septic tank, storage tank, or drain on the property into any adjoining lake, stream, or waterway?~~

~~Yes _____ No _____~~

~~If yes, describe in detail:~~

~~III. SYSTEMS/UTILITIES INFORMATION~~

| | | | | |
|----|-----------------------------------|--------------|-------------|-------------|
| 1 | | NONE | | NOT |
| 2 | | /NOT | | |
| 3 | | INCLU | WOR | WOR |
| 4 | | DED | KING | KING |
| 5 | 1. 220 Volt Service | ===== | ===== | ===== |
| 6 | | | = | = |
| 7 | | | | |
| 8 | 2. Air Exchanger | ===== | ===== | ===== |
| 9 | | | = | = |
| 10 | | | | |
| 11 | 3. Air Purifier | ===== | ===== | ===== |
| 12 | | | = | = |
| 13 | | | | |
| 14 | 4. Attic Fan | ===== | ===== | ===== |
| 15 | | | = | = |
| 16 | | | | |
| 17 | 5. Burglar Alarm and | ===== | ===== | ===== |
| 18 | Security System | | = | = |
| 19 | 6. Ceiling Fan | ===== | ===== | ===== |
| 20 | | | = | = |
| 21 | | | | |
| 22 | 7. Central Air -- Electric | ===== | ===== | ===== |
| 23 | | | = | = |
| 24 | | | | |
| 25 | 8. Central Air -- Water | ===== | ===== | ===== |
| 26 | Cooled | | = | = |
| 27 | 9. Cistern | ===== | ===== | ===== |
| 28 | | | = | = |
| 29 | | | | |
| 30 | 10. Dishwasher | ===== | ===== | ===== |
| 31 | | | = | = |
| 32 | | | | |
| 33 | 11. Disposal | ===== | ===== | ===== |
| 34 | | | = | = |
| 35 | | | | |
| 36 | 12. Doorbell | ===== | ===== | ===== |
| 37 | | | = | = |
| 38 | | | | |
| 39 | 13. Fireplace | ===== | ===== | ===== |
| 40 | | | = | = |
| 41 | | | | |
| 42 | 14. Fireplace Insert | ===== | ===== | ===== |
| 43 | | | = | = |
| 44 | | | | |
| 45 | 15. Garage Door/Opener | ===== | ===== | ===== |
| 46 | Control(s) | | = | = |

| | | | | |
|----|--------------------------------------|---------------|---------------|---------------|
| 1 | 16. Garage Wiring | <u> </u> | <u> </u> | <u> </u> |
| 2 | | | = | = |
| 3 | | | | |
| 4 | 17. Heating System | <u> </u> | <u> </u> | <u> </u> |
| 5 | | | = | = |
| 6 | | | | |
| 7 | 18. Hot Tub, Whirlpool, | <u> </u> | <u> </u> | <u> </u> |
| 8 | and Controls | | = | = |
| 9 | 19. Humidifier | <u> </u> | <u> </u> | <u> </u> |
| 10 | | | = | = |
| 11 | | | | |
| 12 | 20. Intercom | <u> </u> | <u> </u> | <u> </u> |
| 13 | | | = | = |
| 14 | | | | |
| 15 | 21. Light Fixtures | <u> </u> | <u> </u> | <u> </u> |
| 16 | | | = | = |
| 17 | | | | |
| 18 | 22. Microwave/Hood | <u> </u> | <u> </u> | <u> </u> |
| 19 | | | = | = |
| 20 | | | | |
| 21 | 23. Plumbing and Fixtures | <u> </u> | <u> </u> | <u> </u> |
| 22 | | | = | = |
| 23 | | | | |
| 24 | 24. Pool and Equipment | <u> </u> | <u> </u> | <u> </u> |
| 25 | | | = | = |
| 26 | | | | |
| 27 | 25. Propane Tank | <u> </u> | <u> </u> | <u> </u> |
| 28 | | | = | = |
| 29 | | | | |
| 30 | 26. Radon System | <u> </u> | <u> </u> | <u> </u> |
| 31 | | | = | = |
| 32 | | | | |
| 33 | 27. Sauna | <u> </u> | <u> </u> | <u> </u> |
| 34 | | | = | = |
| 35 | | | | |
| 36 | 28. Septic/Leaching Field | <u> </u> | <u> </u> | <u> </u> |
| 37 | | | = | = |
| 38 | | | | |
| 39 | 29. Sewer Systems/Drains | <u> </u> | <u> </u> | <u> </u> |
| 40 | | | = | = |
| 41 | | | | |
| 42 | 30. Smoke/Fire Alarm | <u> </u> | <u> </u> | <u> </u> |
| 43 | | | = | = |
| 44 | | | | |
| 45 | 31. Solar House Heating | <u> </u> | <u> </u> | <u> </u> |
| 46 | | | = | = |
| 47 | | | | |
| 48 | 32. Sump Pump(s) | <u> </u> | <u> </u> | <u> </u> |
| 49 | | | = | = |
| 50 | | | | |

| | | | | |
|----|---|---------------|---------------|---------------|
| 1 | 33. Switches and Outlets | <u> </u> | <u> </u> | <u> </u> |
| 2 | | | = | = |
| 3 | | | | |
| 4 | 34. Underground Sprinkler | <u> </u> | <u> </u> | <u> </u> |
| 5 | and Heads | | = | = |
| 6 | 35. Vent Fan | <u> </u> | <u> </u> | <u> </u> |
| 7 | | | = | = |
| 8 | | | | |
| 9 | 36. Water Heater -- Electric | <u> </u> | <u> </u> | <u> </u> |
| 10 | or Gas | | = | = |
| 11 | 37. Water Purifier | <u> </u> | <u> </u> | <u> </u> |
| 12 | | | = | = |
| 13 | | | | |
| 14 | 38. Water Softener -- | <u> </u> | <u> </u> | <u> </u> |
| 15 | Leased or Owned | | = | = |
| 16 | 39. Well and Pump | <u> </u> | <u> </u> | <u> </u> |
| 17 | | | = | = |
| 18 | | | | |
| 19 | 40. Wood Burning Stove | <u> </u> | <u> </u> | <u> </u> |
| 20 | | | = | = |
| 21 | | | | |

~~———— IV. HAZARDOUS CONDITIONS~~

~~Are you aware of any existing hazardous conditions of the property and are
you aware of any tests having been performed?~~

~~EXISTING CONDITIONS TESTS PERFORMED~~

| | Y | N | Y | N |
|---|---------------|--------------|---------------|--------------|
| | ES | Θ | ES | Θ |
| 1. Methane Gas | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> |
| 2. Lead Paint | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> |
| 3. Radon Gas (House) | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> |
| 4. Radon Gas (Well) | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> |
| 5. Radioactive Materials | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> |
| 6. Landfill, Mineshaft | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> |
| 7. Expansive Soil | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> |
| 8. Mold | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> |
| 9. Toxic Materials | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> |
| 10. Urea Formaldehyde Foam Insulations | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> |

11. Asbestos Insulation

= = = =

12. Buried Fuel Tanks

= = = =

13. Chemical Storage Tanks

= = = =

14. Fire Retardant Treated

= = = =

Plywood

= = = =

15. Production of

= = = =

Methamphetamines

= = = =

If the answer is yes to any of the questions above, please explain in additional comments or on an attached separate sheet.

V. MISCELLANEOUS INFORMATION

1. Is the street or road located at the end of the driveway to the property public or private?

Public _____ **Private** _____

2. Is there a written road maintenance agreement?

If yes, attach a copy of the maintenance agreement.

Yes _____ **No** _____

3. When was the fireplace/wood stove/chimney flue last cleaned?

4. Within the previous twelve months prior to signing this document, are you aware of any of the following occurring on the subject property?

a. A human death by homicide or suicide? If yes, explain:

Yes _____ **No** _____

b. Other felony committed against the property or a person on the property? If yes, explain:

Yes _____ **No** _____

~~5. Is the water source public or private (select one) ?~~

~~6. If private, what is the date and result of the last water test?~~

~~7. Is the sewer system public _____ or private _____
(select one)?~~

~~8. If private, what is the date of the last time the septic tank was
pumped? _____~~

~~9. Are there broken window panes or seals?~~

~~Yes _____ No _____~~

~~If yes, specify: _____~~

~~10. Are there any items attached to the property that will not be left,
such as: towel bars, mirrors, swag lamps and hooks, curtain rods, window
coverings, light fixtures, clothes lines, swing sets, storage sheds, ceiling fans,
basketball hoops, mail boxes, etc.~~

~~Yes _____ No _____~~

~~If yes, please list _____~~

~~11. Are you aware of any other material facts or problems that have not
been disclosed on this form?~~

~~Yes _____ No _____~~

~~If yes, explain: _____~~

~~VI. ADDITIONAL COMMENTS (ATTACH ADDITIONAL PAGES IF
NECESSARY)~~

~~CLOSING SECTION~~

~~The Seller hereby certifies that the information contained herein is true and
correct to the best of the Seller's information, knowledge, and belief as of the
date of the Seller's signature below. If any of these conditions change before
conveyance of title to this property, the change will be disclosed in a written
amendment to this disclosure statement.~~

~~SELLER _____ DATE _____~~

~~SELLER _____ DATE _____~~

~~THE SELLER AND THE BUYER MAY WISH TO OBTAIN PROFESSIONAL ADVICE
AND INSPECTIONS OF THE PROPERTY TO OBTAIN A TRUE REPORT AS TO THE~~

~~CONDITION OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN ANY CONTRACT OF SALE AS NEGOTIATED BETWEEN THE SELLER AND THE BUYER WITH RESPECT TO SUCH PROFESSIONAL ADVICE AND INSPECTIONS.~~

~~I/We acknowledge receipt of a copy of this statement on the date appearing beside my/our signature(s) below. Any agent representing any party to this transaction makes no representations and is not responsible for any conditions existing in the property.~~

BUYER _____ DATE _____

BUYER _____ DATE _____

RESIDENTIAL-SDCL 43-4-44

Seller(s)

Property Address

Property Legal Description

This Disclosure Statement concerns the real property identified above and offered for sale. This disclosure is required by law to be completed by sellers of real property and given to potential buyers. This form can have important legal consequences. If you do not understand this form, you should seek advice from a competent source.

Seller states that the information contained in this disclosure fully reflects the Seller's knowledge of the matters disclosed as of the date affixed to the form. If any material fact changes prior to closing, the seller MUST disclose that change in a written amendment to this disclosure statement and give the same to the buyer.

This statement is a DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED PROPERTY in compliance with South Dakota law § 43-4-38. It is NOT A WARRANTY of ANY KIND by the Seller or anyone representing any party in a transaction. It is NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES either party may wish to obtain.

Seller hereby authorizes any agent representing any party in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

If the answer to any of the following requires more space for explanation, please fully explain in comments or on an attached separate sheet.

I. LOT OR TITLE INFORMATION

1. When did you purchase or build the home? _____ / _____
 _____ Month _____ Year

| | <u>LOT OR TITLE INFORMATION</u> | <u>Yes</u> | <u>No</u> | <u>Do Not Know</u> | <u>N/A</u> | <u>Comments</u> |
|----|---|------------|-----------|--------------------|------------|-------------------------------|
| 2. | <u>Are there any recorded liens or financial instruments against the property, other than a first mortgage?</u> | | | | | |
| 3. | <u>Are there any unrecorded liens or financial instruments against the property, other than a first mortgage; or have any materials or services been provided in the past one hundred twenty days that would create a lien against the property under chapter 44-9?</u> | | | | | |
| 4. | <u>Are there any easements which have been granted in connection with the property (other than normal utility easements for public water and sewer, gas and electric service, telephone service, cable television service, drainage, and sidewalks)?</u> | | | | | |
| 5. | <u>Are there any problems related to establishing the lot lines/boundaries?</u> | | | | | |
| 6. | <u>Do you have a location survey in your possession or a copy of the recorded plat?</u> | | | | | <u>If yes, attach a copy.</u> |
| 7. | <u>Are you aware of any encroachments or shared features, from or on adjoining property (i.e. fences, driveway, sheds, outbuildings, or other improvements)?</u> | | | | | |
| 8. | <u>Are you aware of any covenants or restrictions affecting the use of</u> | | | | | <u>If yes, attach a copy.</u> |

| | | | | | | |
|-----|--|--|--|--|--|---|
| | <u>the property in accordance with local law?</u> | | | | | |
| 9. | <u>Are you aware of any current or pending litigation, foreclosure, zoning, building code or restrictive covenant violation notices, mechanic's liens, judgments, special assessments, zoning changes, or changes that could affect your property?</u> | | | | | |
| 10. | <u>Is the property currently occupied by the owner?</u> | | | | | |
| 11. | <u>Does the property currently receive the owner-occupied tax reduction pursuant to SDCL 10-13-39?</u> | | | | | |
| 12. | <u>Is the property currently part of a property tax freeze for any reason?</u> | | | | | |
| 13. | <u>Is the property leased?</u> | | | | | |
| 14. | <u>If leased, does the property use comply with applicable local ordinances?</u> | | | | | |
| 15. | <u>Does this property or any portion of this property receive rent?</u> | | | | | <u>If yes, how much \$ _____ and how often _____</u> |
| 16. | <u>Do you pay any mandatory fees or special assessments to a homeowners' or condominium association?</u> | | | | | <u>If yes, what are the fees or assessments?</u> <u>\$ _____ per _____ (i.e., annually, semi-annually, monthly)</u> <u>Payable to whom: _____</u> <u>For what purpose: _____</u> |
| 17. | <u>Are you aware if the property has ever had water in either the front, rear, or side yard more than forty-eight hours?</u> | | | | | |
| 18. | <u>Is the property located in a flood plain?</u> | | | | | |

| | | | | | | |
|-----|--|--|--|--|--|--|
| 19. | Are federally protected wetlands located upon any part of the property? | | | | | |
| 20. | Are you aware of any private transfer fee obligations, as defined pursuant to § 43-4-48, that would require a buyer or seller of the property to pay a fee or charge upon the transfer of the property, regardless of whether the fee or charge is a fixed amount or is determined as a percentage of the value of the property? | | | | | If yes, what are the fees or charges? \$ _____ per _____ (i.e. annually, semi-annually, monthly) |

Additional Comments

II. STRUCTURAL INFORMATION

| | <u>STRUCTURAL INFORMATION</u> | <u>Yes</u> | <u>No</u> | <u>Do Not Know</u> | <u>N/A</u> | <u>Comments</u> |
|----|--|-------------------|------------------|---------------------------|-------------------|------------------------|
| 1. | Are you aware of any water penetration in the walls, windows, doors, basement, or crawl space? | | | | | |
| 2. | Have any water damage related repairs been made? | | | | | |
| | Are there any unrepaired water-related damages that remain? | | | | | |
| 3. | Are you aware if drain tile is installed on the property? | | | | | |
| 4. | Are you aware of any interior cracked walls, ceilings or floors, or cracks or defects in exterior driveways, sidewalks, patios, or other hard surface areas? | | | | | |
| 5. | Type of roof covering: | | | | | |
| 6. | Are you aware of any roof leakage, past or present? | | | | | |
| 7. | Is there any existing unrepaired damage to the roof? | | | | | |

| | | | | | | |
|------|---|--|--|--|--|----------------------------------|
| 8. | Are you aware of insulation in ceiling/attic? | | | | | |
| 9. | Are you aware of insulation in walls? | | | | | |
| 10. | Are you aware of insulation in the floors? | | | | | |
| 11. | Are you aware of any pest infestation or damage, either past or present? | | | | | |
| | Are you aware of the property having been treated or repaired for any pest infestation or damage? | | | | | If yes, who treated it and when? |
| 12. | Are you aware of any work upon the property which required a building, plumbing, electrical, or any other permit? | | | | | |
| 13. | Was a permit obtained for work performed upon the property? | | | | | |
| | Was the work approved by an inspector as required by local or state ordinance? | | | | | |
| 14. | Are you aware of any past or present damage to the property (i.e. fire, smoke, wind, floods, hail, or snow)? | | | | | |
| 15.. | Have any insurance claims been made for damage to the property? | | | | | |
| 16. | Was an insurance payment received for damage to the property? | | | | | |
| 17. | Has the damage to the property been repaired? | | | | | |
| 18. | Are there any unrepaired damages to the property from the insurance claim? | | | | | |
| 19. | Are you aware of any problems with sewer blockage or backup, past or present? | | | | | |
| 20. | Are you aware of any drainage, leakage, or runoff from any sewer, septic tank, storage tank, or drain on the property into any adjoining lake, stream, or waterway? | | | | | |

Additional Comments

III. SYSTEMS/UTILITIES INFORMATION

| | <u>SYSTEMS/UTILITIES INFORMATION</u> | <u>Working</u> | <u>Not Working</u> | <u>None</u> | <u>Not Included</u> | <u>Comments</u> |
|----|---|-----------------------|---------------------------|--------------------|----------------------------|---------------------------------|
| 1. | <u>Air conditioning System</u> | | | | | <u>Age of System, if known:</u> |
| 2. | <u>Air Exchanger</u> | | | | | |

| | | | | | | |
|-----|---|--|--|--|--|-----------------------------|
| 3. | Air Purifier | | | | | |
| 4. | Attic Fan | | | | | |
| 5. | Bathroom Whirlpool and Controls | | | | | |
| 6. | Burglar Alarm & Security System | | | | | |
| 7. | Ceiling Fan | | | | | |
| 8. | Central Air - Electric | | | | | |
| 9. | Central Air - Water Cooled | | | | | |
| 10. | Cistern | | | | | |
| 11. | Dishwasher | | | | | |
| 12. | Disposal | | | | | |
| 13. | Doorbell | | | | | |
| 14. | Fireplace | | | | | |
| 15. | Fireplace Insert | | | | | |
| 16. | Garage Door(s) | | | | | |
| 17. | Garage Door Opener(s) | | | | | |
| 18. | Garage Door Control(s) | | | | | |
| 19. | Garage Wiring | | | | | |
| 20. | Home Heating System(s) Type: | | | | | Age of System, if known: |
| 21. | Hot Tub and Controls | | | | | |
| 22. | Humidifier | | | | | |
| 23. | In Floor Heat | | | | | |
| 24. | Intercom | | | | | |
| 25. | Light Fixtures | | | | | |
| 26. | Microwave | | | | | |
| 27. | Microwave Hood | | | | | |
| 28. | Plumbing and Fixtures | | | | | |
| 29. | Pool and Equipment | | | | | |
| 30. | Propane Tank - Select One: Leased Owned | | | | | |
| 31. | Radon System | | | | | |
| 32. | Sauna | | | | | |
| 33. | Septic/Leaching Field | | | | | |
| 34. | Sewer Systems/Drains | | | | | |
| 35. | Smart Home System | | | | | Smart Home System includes: |
| 36. | Smoke/Fire Alarm | | | | | |
| 37. | Solar House - Heating | | | | | |
| 38. | Sump Pump(s) | | | | | |
| 39. | Switches and Outlets | | | | | |
| 40. | Underground Sprinkler and Heads | | | | | |
| 41. | Vent Fan - Kitchen | | | | | |
| 42. | Vent Fan - Bathroom | | | | | |
| 43. | Water Heater, Select One: Electric Gas | | | | | Age of System, if known: |
| 44. | Water Purifier, Select One: Leased Owned | | | | | |
| 45. | Water Softener, Select One: Leased Owned | | | | | |
| 46. | Well and Pump | | | | | |
| 47. | Wood Burning Stove | | | | | |

Additional Comments

IV. HAZARDOUS CONDITIONS

Are you aware of any existing hazardous conditions of the property and are you aware of any tests having been performed?

If the answer is yes to any of the questions below, please explain in additional comments or on an attached separate sheet.

| <u>HAZARDOUS CONDITIONS</u> | <u>Existing Conditions</u> | | <u>Tests Performed</u> | | <u>Comments</u> |
|------------------------------------|-----------------------------------|-----------|-------------------------------|-----------|------------------------|
| | <u>Yes</u> | <u>No</u> | <u>Yes</u> | <u>No</u> | |
| 1. Methane Gas | | | | | |
| 2. Lead Paint | | | | | |
| 3. Radon Gas (House) | | | | | |
| 4. Radon Gas (Well) | | | | | |
| 5. Radioactive Materials | | | | | |
| 6. Landfill, Mineshaft | | | | | |
| 7. Expansive Soil | | | | | |
| 8. Mold | | | | | |
| 9. Toxic Materials | | | | | |
| 10. Urea Formaldehyde | | | | | |
| 11. Asbestos Insulation | | | | | |
| 12. Buried Fuel Tanks | | | | | |
| 13. Chemical Storage Tanks | | | | | |
| 14. Fire Retardant Treated | | | | | |
| 15. Production of | | | | | |
| 16. Use of | | | | | |

V. MISCELLANEOUS INFORMATION

| | <u>MISCELLANEOUS INFORMATION</u> | <u>Yes</u> | <u>No</u> | <u>Do Not Know</u> | <u>N/A</u> | <u>Comments</u> |
|----|--|-------------------|------------------|---------------------------|-------------------|------------------------|
| 1. | Is the street or road located at the end of the driveway to the property public or private? Public _____ Private _____ | | | | | |
| 2. | Is there a written road maintenance agreement? If yes, attach a copy of the maintenance agreement. | | | | | |

| | | | | | | |
|----|---|--|--|--|--|--|
| 3. | <u>Has the fireplace/wood stove/chimney flue been cleaned? If yes, please provide date of service.</u> | | | | | |
| 4. | <u>Since you have owned the property, are you aware of a human death by homicide or suicide occurring on the property?</u> | | | | | |
| 5. | <u>Is the water source (select one)</u> <u>public or private</u> | | | | | <u>If private, what is the date and result of the last water test?</u> |
| 6. | <u>Is the sewer system (select one)</u> <u>public or private</u> | | | | | <u>If private, what is the date of the last time septic tank was pumped?</u> |
| 7. | <u>Are there broken window panes or seals?</u> | | | | | |
| 8. | <u>Are there any items attached to the property that will not be left, such as: towel bars, mirrors, curtain rods, window coverings, light fixtures, clothes lines, swing sets, storage sheds, ceiling fans, basketball hoops, mail boxes, tv mounts, speakers, etc.?</u> | | | | | <u>If yes, please list:</u> |
| 9. | <u>Are you aware of any other material facts which have not been disclosed on this form?</u> | | | | | <u>If yes, please explain:</u> |

Additional Comments

VI. ADDITIONAL COMMENTS (ATTACH ADDITIONAL PAGES IF NECESSARY)

CLOSING SECTION

The Seller hereby certifies that the information contained herein is true and correct to the best of the Seller's information, knowledge, and belief as of the date of the Seller's signature below. If any of these conditions change before conveyance of title to this property, the change will be disclosed in a written amendment to this disclosure statement.

Seller Date Seller Date

THE SELLER AND THE BUYER MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND
INSPECTIONS OF THE PROPERTY TO OBTAIN A TRUE REPORT AS TO THE CONDITION
OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN ANY
CONTRACT OF SALE AS NEGOTIATED BETWEEN THE SELLER AND THE BUYER WITH
RESPECT TO SUCH PROFESSIONAL ADVICE AND INSPECTIONS.

I/We acknowledge receipt of a copy of this statement on the date appearing beside
my/our signature(s) below. Any agent representing any party to this transaction makes
no representations and is not responsible for any conditions existing in the property.

Buyer Date Buyer Date