

**DISCLOSURE STATEMENT: SELLER'S  
PROPERTY DISCLOSURE STATEMENT**

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1. Date \_\_\_\_\_
2. Page 1 of \_\_\_\_\_ pages: RECORDS AND
3. REPORTS, IF ANY, ARE ATTACHED HERETO AND
4. MADE A PART HEREOF

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

6. **NOTICE:** This Disclosure Statement satisfies the disclosure requirements of MN Statutes 513.52 through 513.60.
7. Under Minnesota law, sellers of residential property, with limited exceptions listed on page nine (9), are obligated to
8. disclose to prospective buyers all material facts of which Seller is aware that could adversely and significantly affect
9. an ordinary buyer's use or enjoyment of the property or any intended use of the property of which Seller is aware.
10. MN Statute 513.58 requires Seller to notify buyer in writing as soon as reasonably possible, but in any event before
11. closing, if Seller learns that Seller's disclosure was inaccurate. Seller is obligated to continue to notify Buyer, in writing,
12. of any facts disclosed herein (new or changed) of which Seller is aware that could adversely and significantly affect the
13. Buyer's use or enjoyment of the property or any intended use of the property that occur up to the time of closing.
14. Seller has disclosure alternatives allowed by MN Statutes. See *Disclosure Statement: Seller's Disclosure Alternatives*
15. form for further information regarding disclosure alternatives. This disclosure is not a warranty or a guarantee of any
16. kind by Seller or licensee(s) representing or assisting any party in the transaction and are not a substitute for any
17. inspections or warranties the party(ies) may wish to obtain.
18. For purposes of the seller disclosure requirements of MN Statutes 513.52 through 513.60:
19. "Residential real property" or "residential real estate" means property occupied as, or intended to be occupied as, a
20. single-family residence, including a unit in a common interest community as defined in MN Statute 515B.1-103, clause
21. (10), regardless of whether the unit is in a common interest community not subject to chapter 515B.
22. The seller disclosure requirements of MN Statutes 513.52 through 513.60 apply to the transfer of any interest in
23. residential real estate, whether by sale, exchange, deed, contract for deed, lease with an option to purchase or any
24. other option.
25. **INSTRUCTIONS TO BUYER:** Buyers are encouraged to thoroughly inspect the property personally or have it inspected
26. by a third party, and to inquire about any specific areas of concern. **NOTE:** If Seller answers NO to any of the questions
27. listed below, it does not necessarily mean that it does not exist on the property. NO may mean that Seller is unaware
28. that it exists on the property.
29. **INSTRUCTIONS TO SELLER:** (1) Complete this form yourself. (2) Consult prior disclosure statement(s) and/or
30. inspection report(s) when completing this form. (3) Describe conditions affecting the property to the best of your
31. knowledge. (4) Attach additional pages, with your signature, if additional space is required. (5) Answer all questions.
32. (6) If any items do not apply, write "NA" (not applicable).

33. Property located at 940 Smithtown Terrace

34. City of Excelsior, County of Hennepin, State of Minnesota.

**35. A. GENERAL INFORMATION:**

36. (1) What date June 6, 2000 did you  **Acquire**  **Build** the home?  
(Check one.)

37. (2) Type of title evidence:  Abstract  Registered (Torrens)  Unknown

38. Location of Abstract: \_\_\_\_\_

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

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

41. If "No," explain: \_\_\_\_\_

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

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

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

45. If "Yes," HUD #(s) is/are \_\_\_\_\_

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

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

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

52. If "No," Buyer should consult the local zoning authority.

53. (9) Flood Insurance: All properties in the state of Minnesota have been assigned a flood zone designation. Some flood zones may require flood insurance.

54. (a) Do you know which zone the property is located in?  Yes  No

55. If "Yes," which zone? \_\_\_\_\_

56. (b) Have you ever had a flood insurance policy?  Yes  No

57. If "Yes," is the policy in force?  Yes  No

58. If "Yes," what is the annual premium? \$ \_\_\_\_\_

59. If "Yes," who is the insurance carrier? \_\_\_\_\_

60. (c) Have you ever had a claim with a flood insurance carrier or FEMA?  Yes  No

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

62. \_\_\_\_\_

63. **NOTE:** Whether or not Seller currently carries flood insurance, it may be required in the future. Flood insurance premiums are increasing, and in some cases will rise by a substantial amount over the premiums previously charged for flood insurance for the property. As a result, Buyer should not rely on the premiums paid for flood insurance on this property previously as an indication of the premiums that will apply after Buyer completes their purchase.

64. Are you aware of any

65. (10) encroachments?  Yes  No

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

67. (12) easements, other than utility or drainage easements?  Yes  No

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

69. \_\_\_\_\_

70. \_\_\_\_\_

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

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

73. If "Yes," give details of what happened and when: Roof damage From Hail repaired 10/05

74. \_\_\_\_\_

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

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

77. \_\_\_\_\_

78. Did you receive compensation for the claim(s)?  Yes  No

79. If you received compensation, did you have the items repaired?  Yes  No

80. What dates did the claim(s) occur? 10/05

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93. (3) (a) Has/Have the structure(s) been altered?  
94. (e.g., additions, altered roof lines, changes to load-bearing walls)  Yes  No  
95. If "Yes," please specify what was done, when and by whom (owner or contractor):

96. \_\_\_\_\_  
97. \_\_\_\_\_

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

100. If "Yes," please explain: minor kitchen update, minor <sup>Breeze way</sup> entryway modification,  
101. 2 cabinets in Dining Room, Cement floor under Garage, Replaced Tar driveway  
w/ cement

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

104. If "Yes," please explain: \_\_\_\_\_  
105. \_\_\_\_\_

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

107. If "Yes," give details of what happened and when: \_\_\_\_\_  
108. \_\_\_\_\_

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

110. If "Yes," indicate type 2 Dogs + 2 Cats and number \_\_\_\_\_

111. (6) Comments: No Pets for 9 months  
112. \_\_\_\_\_

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

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

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

117. Block

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

- |                              |                              |  |                      |   |  |
|------------------------------|------------------------------|--|----------------------|---|--|
| 119. (a) cracked floor/walls | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | (e) leakage/seepage  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| 120. (b) drain tile problem  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | (f) sewer backup     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 121. (c) flooding            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | (g) wet floors/walls | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| 122. (d) foundation problem  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | (h) other            | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

123. Give details to any questions answered "Yes": Leakage from Flat deck roof. Roof  
124. Repaired / Replaced 2008. minor Block wall moisture on  
125. front side basement walls.



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129. (3) THE ROOF: To your knowledge,

130. (a) what is the age of the roofing material? 10 years main house 5 years Beach House

131. (b) has there been any interior or exterior damage?  Yes  No

132. (c) has there been interior damage from ice buildup?  Yes  No

133. (d) has there been any leakage?  Yes  No

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

135. Give details to any questions answered "Yes": Flat Roofs below decks leaked & were replaced in 2008. Walls and ceilings were repaired at that time

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

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

142. 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
144.											
145.	Air-conditioning .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Heating system (central) .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Trash compactor .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
146.	<input checked="" type="checkbox"/> Central <input type="checkbox"/> Wall <input type="checkbox"/> Window			Heating system (supplemental) .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del>TV antenna system .....</del>	<input type="checkbox"/>	<input type="checkbox"/>		
147.	Air exchange system .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del>Incinerator .....</del>	<input type="checkbox"/>	<input type="checkbox"/>	TV cable system .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
148.	Carbon Monoxide Detector .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Intercom .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TV satellite dish .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
149.	Ceiling fan <u>Beach House</u> .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del>Lawn sprinkler system .....</del>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Rented <input type="checkbox"/> Owned				
150.	Dishwasher .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Microwave .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TV satellite receiver .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
151.	Doorbell .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Plumbing .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Rented <input type="checkbox"/> Owned				
152.	Drain tile system .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del>Pool and equipment .....</del>	<input type="checkbox"/>	<input type="checkbox"/>	Washer .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
153.	Dryer .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del>Propane Tank .....</del>	<input type="checkbox"/>	<input type="checkbox"/>	Water heater .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
154.	Electrical system .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del><input type="checkbox"/> Rented <input type="checkbox"/> Owned</del>			Water softener .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
155.	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				
<del>156.</del>	<del>Fire sprinkler system .....</del>	<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"/>		
157.	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				
158.	Fireplace mechanisms .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Security system .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Windows .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
159.	Furnace humidifier .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rented <input checked="" type="checkbox"/> Owned			Window treatments .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
160.	Freezer .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del>Smoke detectors (battery) .....</del>	<input type="checkbox"/>	<input type="checkbox"/>	Wood-burning stove .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
161.	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"/>		
162.	Garage auto reverse .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del>Solar collectors .....</del>	<input type="checkbox"/>	<input type="checkbox"/>	Other .....	<input type="checkbox"/>	<input type="checkbox"/>		
163.	GDO remote .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del>Sump pump .....</del>	<input type="checkbox"/>	<input type="checkbox"/>	Other .....	<input type="checkbox"/>	<input type="checkbox"/>		
164.	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"/>		

165. Comments: \_\_\_\_\_

166. \_\_\_\_\_

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169. Property located at 940 Smithtown Terrace Excelsior

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

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

172. Seller certifies that Seller  DOES  DOES NOT know of a subsurface sewage treatment system on or serving  
(Check one.)

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

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

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

179. **F. PRIVATE WELL DISCLOSURE:** (A well disclosure and Certificate are required by MN Statute 1031.235.)  
180. (*Check appropriate box.*)

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

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

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

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

187. **G. PROPERTY TAX TREATMENT:**

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

190. There  IS  IS NOT an exclusion from market value for home improvements on this property. Any  
(Check one.)

191. valuation exclusion shall terminate upon sale of the property, and the property's estimated market value for  
192. property tax purposes shall increase. If a valuation exclusion exists, Buyers are encouraged to look into the  
193. resulting tax consequences.

194. Additional comments: \_\_\_\_\_

195. \_\_\_\_\_

196. **Preferential Property Tax Treatment**

197. Is the property subject to any preferential property tax status or any other credits affecting the property?  
198. (e.g., Disability, Green Acres, CRP, RIM, Rural Preserve, Veterans' Benefits,  
199. Non-Profit Status)  Yes  No

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

201. Explain: \_\_\_\_\_

202. \_\_\_\_\_

203. **H. METHAMPHETAMINE PRODUCTION DISCLOSURE:**

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

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

206.  Seller is aware that methamphetamine production has occurred on the property.  
207. (*See Disclosure Statement: Methamphetamine Production.*)

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

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

219. K. CEMETERY ACT:

220. MN Statute 307.08 prohibits any damage or illegal molestation of human remains, burials or cemeteries. A person  
221. who intentionally, willfully and knowingly destroys, mutilates, injures, disturbs or removes human skeletal remains  
222. or human burial grounds is guilty of a felony.

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

224. on the property?  Yes  No

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

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

230. L. ENVIRONMENTAL CONCERNS:

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

*ANTS + Occasional mouse*

233. Animal/Insect/Pest Infestations?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lead? (e.g., paint, plumbing)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
234. Asbestos?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Mold?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
235. Diseased trees?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Soil problems?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
236. Formaldehyde?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Underground storage tanks?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
237. Hazardous wastes/substances?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No			

238. Other? \_\_\_\_\_  Yes  No

239. Are you aware if there are currently, or have previously been, any orders issued on the property by any governmental  
240. authority ordering the remediation of a public health nuisance on the property?  Yes  No

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

242. Give details to any question answered "Yes": Some ANTS + Occasional mouse

243. \_\_\_\_\_

244. \_\_\_\_\_

245. M. RADON DISCLOSURE:

246. (The following Seller disclosure satisfies MN Statute 144.496.)

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

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

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259. **RADON IN REAL ESTATE:** By signing this Statement, Buyer hereby acknowledges receipt of the Minnesota  
260. Department of Health's publication entitled *Radon in Real Estate Transactions*, which can be found at  
261. [www.health.state.mn.us/divs/eh/indoorair/radon/rnrealestateweb.pdf](http://www.health.state.mn.us/divs/eh/indoorair/radon/rnrealestateweb.pdf).

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

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

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

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

272. \_\_\_\_\_

273. \_\_\_\_\_

274. \_\_\_\_\_

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

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

278. \_\_\_\_\_

279. \_\_\_\_\_

280. \_\_\_\_\_

281. **EXCEPTIONS:** See Section R for exceptions to this disclosure requirement.

282. **N. NOTICES/OTHER DEFECTS/MATERIAL FACTS:**

283. **Notices:** Seller  HAS  HAS NOT received a notice regarding **any** proposed improvement project from **any**  
(Check one.)

284. assessing authorities, the costs of which project may be assessed against the property. If "HAS," please attach  
285. and/or explain: \_\_\_\_\_

286. \_\_\_\_\_

287. \_\_\_\_\_

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

291. If "Yes," explain: \_\_\_\_\_

292. \_\_\_\_\_

293. \_\_\_\_\_

294. \_\_\_\_\_

295. \_\_\_\_\_

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

302. Examples of exterior moisture sources may be

- 303. • improper flashing around windows and doors,
- 304. • improper grading,
- 305. • flooding,
- 306. • roof leaks.

307. Examples of interior moisture sources may be

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

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

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

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

329. For additional information about water intrusion, indoor air quality, moisture or mold issues, please view the  
330. Minnesota Association of REALTORS® Desktop Reference Guide at [www.mnrealtor.com](http://www.mnrealtor.com).

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

336. Q. ADDITIONAL COMMENTS: \_\_\_\_\_

337. \_\_\_\_\_

338. \_\_\_\_\_

339. \_\_\_\_\_

340. \_\_\_\_\_

341. \_\_\_\_\_



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

344. Property located at 940 Smithtown Terrace Excelsior

**345. R. MN STATUTES 513.52 THROUGH 513.60: SELLER'S MATERIAL FACT DISCLOSURE:**

**346. Exceptions**

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

- 348. (1) real property that is not residential real property;
- 349. (2) a gratuitous transfer;
- 350. (3) a transfer pursuant to a court order;
- 351. (4) a transfer to a government or governmental agency;
- 352. (5) a transfer by foreclosure or deed in lieu of foreclosure;
- 353. (6) a transfer to heirs or devisees of a decedent;
- 354. (7) a transfer from a co-tenant to one or more other co-tenants;
- 355. (8) a transfer made to a spouse, parent, grandparent, child or grandchild of Seller;
- 356. (9) a transfer between spouses resulting from a decree of marriage dissolution or from a property agreement incidental to that decree;
- 357. (10) a transfer of newly constructed residential property that has not been inhabited;
- 358. (11) an option to purchase a unit in a common interest community, until exercised;
- 359. (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);
- 360. (13) a transfer to a tenant who is in possession of the residential real property; or
- 361. (14) a transfer of special declarant rights under section 515B.3-104.

**362. MN STATUTES 144.496: RADON AWARENESS ACT**

363. The seller disclosure requirements of MN Statute 144.496 DO NOT apply to (1)-(9) and (11)-(14) above. Sellers of newly constructed residential property must comply with the disclosure requirements of MN Statute 144.496.

**364. Waiver**

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

**366. No Duty to Disclose**

- 367. **A. There is no duty to disclose the fact that the property**
  - 368. (1) is or was occupied by an owner or occupant who is or was suspected to be infected with Human Immunodeficiency Virus or diagnosed with Acquired Immunodeficiency Syndrome;
  - 369. (2) was the site of a suicide, accidental death, natural death or perceived paranormal activity; or
  - 370. (3) is located in a neighborhood containing any adult family home, community-based residential facility or nursing home.
- 371. **B. Predatory Offenders.** There is no duty to disclose information regarding an offender who is required to register under MN Statute 243.166 or about whom notification is made under that section, if Seller, in a timely manner, provides a written notice that information about the predatory offender registry and persons registered with the registry may be obtained by contacting the local law enforcement agency where the property is located or the Department of Corrections.
- 372. **C. The provisions in paragraphs A and B do not create a duty to disclose any facts described in paragraphs A and B for property that is not residential property.**
- 373. **D. Inspections.**
  - 374. (1) Except as provided in paragraph (ii), Seller is not required to disclose information relating to the real property if a written report that discloses the information has been prepared by a qualified third party and provided to the prospective buyer. For purposes of this paragraph, "qualified third party" means a federal, state or local governmental agency, or any person whom Seller or prospective buyer reasonably believes has the expertise necessary to meet the industry standards of practice for the type of inspection or investigation that has been conducted by the third party in order to prepare the written report.
  - 375. (2) Seller shall disclose to the prospective buyer material facts known by Seller that contradict any information included in a written report under paragraph (1) if a copy of the report is provided to Seller.

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

396. Property located at 940 Smithtown Terrace Excelsior

397. S. SELLER'S STATEMENT:

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

399. Seller(s) hereby states the facts as stated above are true and accurate and authorizes any licensee(s) representing  
400. or assisting any party(ies) in this transaction to provide a copy of this Disclosure Statement to any person or entity  
401. in connection with any actual or anticipated sale of the property. A seller may provide this Disclosure Statement  
402. to a real estate licensee representing or assisting a prospective buyer. The Disclosure Statement provided to the  
403. real estate licensee representing or assisting a prospective buyer is considered to have been provided to the  
404. prospective buyer. If this Disclosure Statement is provided to the real estate licensee representing or assisting the  
405. prospective buyer, the real estate licensee must provide a copy to the prospective buyer.

406. Seller is obligated to continue to notify Buyer in writing of any facts that differ from the facts disclosed  
407. herein (new or changed) of which Seller is aware that could adversely and significantly affect the Buyer's  
408. use or enjoyment of the property or any intended use of the property that occur up to the time of closing.  
409. To disclose new or changed facts, please use the Amendment to Disclosure Statement form.

410. [Signature] (Seller) \_\_\_\_\_ (Date)      [Signature] (Seller) \_\_\_\_\_ (Date)

411. T. BUYER'S ACKNOWLEDGEMENT:

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

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

415. \_\_\_\_\_ (Buyer) \_\_\_\_\_ (Date)      \_\_\_\_\_ (Buyer) \_\_\_\_\_ (Date)

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



# Radon in Real Estate Transactions



All Minnesota homes can have dangerous levels of **radon gas** in them. Radon is a colorless, odorless and tasteless **radioactive gas** that can seep into homes from the earth. When inhaled, its radioactive particles can damage the cells that line the lungs. Long-term exposure to radon can lead to **lung cancer**. About 21,000 lung cancer deaths each year in the United States are caused by radon, making it a serious health concern for all Minnesotans.

**It does not matter if the home is old or new** and the only way to know how much radon gas has entered the home is to conduct a radon test. MDH estimates **2 in 5 homes built before 2010** and **1 in 5 homes built since 2010** exceed the 4.0 pCi/L action level.



In Minnesota, buyers and sellers in a real estate transaction are free to negotiate radon testing and reduction. Ultimately, it is up to the buyer to decide an acceptable level of radon risk in the home. Prospective buyers should keep in mind that it is inexpensive and easy to measure radon, and radon levels can be lowered at a reasonable cost. The MDH Radon Program website provides more detailed information on radon, including the MDH brochure "Keeping Your Home Safe from Radon."

The Minnesota Radon Awareness Act does not require radon testing or mitigation. However, many relocation companies and lending institutions, as well as home buyers, require a radon test when purchasing a house. The purpose of this publication is to educate and inform potential home buyers of the risks of radon exposure, and how to test for and reduce radon as part of real estate transactions.



## Disclosure Requirements

Effective January 1, 2014, the Minnesota Radon Awareness Act requires specific disclosure and education be provided to potential home buyers during residential real estate transactions in Minnesota. This publication is being provided by the seller in order to meet a requirement of the Act. In addition, **before signing a purchase agreement to sell or transfer residential real property**, the seller shall disclose in writing to the buyer any knowledge the seller has of radon concentrations in the dwelling.

The disclosure shall include:

1. whether a radon test or tests have occurred on the property;
2. the most current records and reports pertaining to radon concentrations within the dwelling;
3. a description of any radon concentrations, mitigation, or remediation;
4. information regarding the radon mitigation system, including system description and documentation, if such system has been installed in the dwelling; and
5. a radon warning statement

### Radon Warning Statement

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

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

## Radon Facts

### How dangerous is radon?

Radon is the **number one cause of lung cancer in non-smokers** and the second leading cause of lung cancer overall, next to tobacco smoking. Thankfully, much of this risk can be prevented through testing and taking action to reduce high levels of radon gas when and where they are found. Your risk for lung cancer increases with higher levels of radon gas, prolonged exposure and whether or not you are a smoker.

### Where is your greatest exposure to radon?

Radon is present everywhere, and there is no known safe level. Your greatest exposure is where it can concentrate indoors and where you spend most of your time. For most Minnesotans, this is at home. Whether a home is old or new, well-sealed or drafty, with or without a basement, **any home can have high levels of radon.**



Radon comes from the soil. It is produced by the natural decay of uranium and radium commonly found in nearly all soils in Minnesota. As a gas, radon moves freely through the soil and eventually into the air you breathe. Our homes tend to draw soil gases, including radon, into the structure.

### I have a new home, aren't radon levels reduced already?


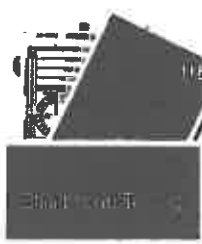

Homes built in Minnesota since June 2009 are required to contain construction features that may limit radon entry. These features are known as passive Radon Resistant New Construction (RRNC). While these passive RRNC features may lower the amount of radon in newer homes, it does not guarantee low levels. It is recommended all new homes be tested for radon, and if elevated levels are found, these passive RRNC features can be easily and inexpensively activated with the addition of a radon fan in the attic. If you are buying a new home, ask if the home has any RRNC features and if the home has been tested.

### What is the recommended action based on my results?

If the average radon in the home is at or **above 4.0 pCi/L, the house should be fixed.** Consider fixing the home if radon levels are between 2 pCi/L and 3.9 pCi/L. While it isn't possible to reduce radon to zero, the best approach is to reduce the radon levels to as low as reasonably achievable. Any amount of radon, even below the recommended action level, carries some risk.

### How are radon tests conducted in real estate transactions?

Because of the unique nature of real estate transactions, involving multiple parties and financial interests, there are special protocols for radon testing.

 <b>Fastest</b>	 <b>Second fastest</b>	 <b>Slowest</b>
Test is completed by a certified contractor with a calibrated CRM for a minimum of 48 hours.	Two short-term test kits are used at the same time, placed 6-12 inches apart, for a minimum of 48 hours.	One short-term test is performed for a minimum of 48 hours.
Test report is analyzed to ensure that it is a valid test.	Test kits are sent to the lab for analysis. The two test results are averaged to get the radon level.	Test kit is sent to lab for analysis. Another short-term kit is used in the same place as the first, started right after the first test is taken down. Test is performed for a minimum of 48 hours. Test kit is sent to the lab for analysis. The two test results are averaged to get the radon level.

## Radon Testing

### House conditions when testing

Be aware that any test lasting less than three months requires closed-house conditions.

**Closed-house Conditions:** Mean keeping all windows and doors closed, except for normal entry and exit.

**Before Testing:** Begin closed-house conditions at least 12 hours before the start of the radon test.

**During Testing:** Maintain closed-house conditions during the entire duration of the short term test. Operate home heating or cooling systems normally during the test.

### Where the test should be conducted

Any radon test conducted for a real estate transaction needs to be placed in the lowest livable area of the home suitable for occupancy. In Minnesota, this is typically in the basement, whether it is finished or unfinished.

The test kit should be placed:

- two to six feet above the floor
- at least three feet from exterior walls
- four inches away from other objects
- in a location where it won't be disturbed
- not in enclosed areas
- not in areas of high heat or humidity

If the house has multiple foundation types, it is recommended that each of these be tested. For instance, if the house has one or more of the following foundation types—basement, crawl space, slab-on-grade—a test should be performed in the basement and in at least one room over the crawlspace and one room with a slab-on-grade area.

### Who should conduct radon testing in real estate transactions?

All radon tests should be conducted in accordance with national radon measurement protocols, by a certified and MDH-listed professional. This ensures the test was conducted properly, in the correct location, and under appropriate building conditions. A list of these radon measurement professionals can be found at MDH's Radon web site. A seller may have previously conducted testing in a property. If the test result is at or above the action level, the home should be mitigated.

## Radon Mitigation

### Lowering radon in existing homes – Radon Mitigation

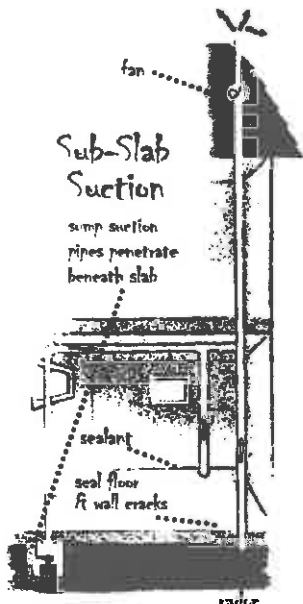
When elevated levels of radon are found, they should be mitigated. Elevated radon concentrations can be easily reduced by a nationally certified and MDH-listed radon mitigation professional. A list of these radon mitigation professionals can be found at MDH's Radon web site.

Radon mitigation is the process or system used to reduce radon concentrations in the breathing zones of occupied buildings. The goal of a radon mitigation system is to reduce the indoor radon levels to below the EPA action level of 4.0 pCi/L. A quality radon reduction (mitigation) system is often able to reduce the annual average radon level to below 2.0 pCi/L.

Active sub-slab suction (also called sub-slab depressurization, or SSD) is the most common and usually the most reliable type of system because it draws radon-filled air from beneath the house and vents it outside. There are standards of practice that need to be followed for the installation of these systems. More information on radon mitigation can be found at the MDH Radon website.

### After a radon reduction system is installed

Perform an independent short-term test to ensure that the reduction system is effective. Make sure the radon system is operating during the entire test. Once a confirmatory radon test shows low levels of radon in the home, be sure to retest the house every two years to confirm continued radon reduction.



Contact the MDH Radon Program if you are uncertain about anything regarding radon testing or mitigation.

The MDH Radon Program can provide:

- Information about radon health effects, radon testing and radon mitigation;
- Names of trained, certified and MDH-listed radon professionals;

### MDH Radon Program

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(651) 201-4601  
1(800) 798-9050



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