



**SELLER'S PROPERTY  
DISCLOSURE STATEMENT**

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1. Date 9-17-08

2. Page 1 of 9 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 4312 14th Ave S,  
22. City of Minneapolis, County of Hennepin, State of Minnesota.

**23. A. GENERAL INFORMATION:**

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

25. (2) Type of title evidence:  **Abstract**  **Registered (Torrens)**  
26. Location of Abstract: seller's possession

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: I moved in May after my wedding

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. Are you aware of any  
35. (8) encroachments?  **Yes**  **No**

36. (9) association, covenants, historical registry, reservations or restrictions that affect or  
37. may affect the use or future resale of the property?  **Yes**  **No**

38. (10) easements, other than utility or drainage easements?  **Yes**  **No**

39. (11) Comments: \_\_\_\_\_  
40. \_\_\_\_\_



SELLER'S PROPERTY DISCLOSURE STATEMENT

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

44. Property located at 4312 14th Ave S, Minneapolis, MN

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

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

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

48. \_\_\_\_\_

49. \_\_\_\_\_

50. \_\_\_\_\_

51. (2) (a) Has/Have the structure(s) been altered? (e.g., additions, altered roof lines, changes to load-bearing walls) [ ] Yes [X] No

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

53. \_\_\_\_\_

54. \_\_\_\_\_

55. \_\_\_\_\_

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

57. If "Yes," please explain:

58. Remodeled bathroom in 2005

59. New furnace\* Sept. 2008

60. \_\_\_\_\_

61. \_\_\_\_\_

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

63. (c) Were appropriate permits pulled for any work performed on the property? [X] Yes [ ] No

64. (3) Has there been any damage to flooring or floor covering? [ ] Yes [X] No

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

66. \_\_\_\_\_

67. \_\_\_\_\_

68. \_\_\_\_\_

69. (4) Are you aware of any insect/animal/pest infestation? [ ] Yes [X] No

70. (5) Do you have or have you previously had any pets? [X] Yes [ ] No

71. If "Yes," indicate type Cat and number 1

72. (6) Comments: My Cat was very good and never sprayed.

73. \_\_\_\_\_

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

75. \_\_\_\_\_

76. \_\_\_\_\_

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



BURNET

SELLER'S PROPERTY DISCLOSURE STATEMENT

78. Page 3

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

80. Property located at 4312 14th Ave S, Minneapolis, MN

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

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

83. (1) THE BASEMENT, CRAWLSPACE, SLAB:

- 84. (a) cracked floor/walls [ ] Yes [X] No (e) leakage/seepage [ ] Yes [X] No
85. (b) drain tile problem [ ] Yes [X] No (f) sewer backup [ ] Yes [X] No
86. (c) flooding [ ] Yes [X] No (g) wet floors/walls [ ] Yes [X] No
87. (d) foundation problem [ ] Yes [X] No (h) other [ ] Yes [ ] No

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

89.
90.
91.
92.
93.
94.
95.
96.
97.
98.

99. (2) THE ROOF: To your knowledge,

- 100. (a) what is the age of the roofing material? approx 10 years
101. (b) has there been any interior or exterior damage? [ ] Yes [X] No
102. (c) has there been interior damage from ice buildup? [ ] Yes [X] No
103. (d) has there been any leakage? [ ] Yes [X] No
104. (e) have there been any repairs or replacements made to the roof? [ ] Yes [X] No

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

106.
107.
108.
109.
110.
111.
112.
113.
114.

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

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

118. Property located at 4312 14<sup>th</sup> Aves, Minneapolis, MN

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

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

123. **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
126. <del>Air conditioning</del>	<input type="checkbox"/>	<input type="checkbox"/>	Heating system (central)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TV antenna system	<input checked="" type="checkbox"/>	<input type="checkbox"/>
127. <del>Central <input type="checkbox"/> Wall <input type="checkbox"/> Window <input type="checkbox"/></del>	<input type="checkbox"/>	<input type="checkbox"/>	Heating system (supplemental)	<input type="checkbox"/>	<input type="checkbox"/>	TV cable system	<input type="checkbox"/>	<input type="checkbox"/>
128. <del>Air exchange system</del>	<input type="checkbox"/>	<input type="checkbox"/>	Incinerator	<input type="checkbox"/>	<input type="checkbox"/>	TV satellite dish	<input type="checkbox"/>	<input type="checkbox"/>
129. Ceiling fan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Intercom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rented <input type="checkbox"/> Owned		
130. <del>Dishwasher</del>	<input type="checkbox"/>	<input type="checkbox"/>	Lawn sprinkler system	<input type="checkbox"/>	<input type="checkbox"/>	TV satellite receiver	<input type="checkbox"/>	<input type="checkbox"/>
131. Doorbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Microwave	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rented <input type="checkbox"/> Owned		
132. <del>Drain tile system</del>	<input type="checkbox"/>	<input type="checkbox"/>	Plumbing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Washer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
133. Dryer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Pool and equipment	<input type="checkbox"/>	<input type="checkbox"/>	Water heater	<input checked="" type="checkbox"/>	<input type="checkbox"/>
134. Electrical system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Range/oven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Water treatment system	<input type="checkbox"/>	<input type="checkbox"/>
135. Exhaust system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Range hood	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rented <input type="checkbox"/> Owned		
136. <del>Fire sprinkler system</del>	<input type="checkbox"/>	<input type="checkbox"/>	Refrigerator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Windows	<input checked="" type="checkbox"/>	<input type="checkbox"/>
137. <del>Fireplace</del>	<input type="checkbox"/>	<input type="checkbox"/>	Security system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Window treatments	<input checked="" type="checkbox"/>	<input type="checkbox"/>
138. <del>Fireplace mechanisms</del>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Rented <input type="checkbox"/> Owned			Wood burning stove	<input type="checkbox"/>	<input type="checkbox"/>
139. <del>Furnace humidifier</del>	<input type="checkbox"/>	<input type="checkbox"/>	Smoke detectors (battery)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>
140. Freezer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Smoke detectors (hardwired)	<input type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>
141. Garage door opener (GDO)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Solar collectors	<input type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>
142. Garage auto reverse	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sump pump	<input type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>
143. GDO remote	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Toilet mechanisms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>
144. <del>Garbage disposal</del>	<input type="checkbox"/>	<input type="checkbox"/>	Trash Compactor	<input type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>

145. Comments: \_\_\_\_\_  
146. \_\_\_\_\_  
147. \_\_\_\_\_

**148. E. PRIVATE SEWER SYSTEM DISCLOSURE:**

149. (A private sewer system disclosure is required by MN Statute 115.55.)  
150. (Check appropriate box.)

151.  Seller does not know of a private sewer system on or serving the above-described real property.  
152.  There is a private sewer system on or serving the above-described real property.  
153. (See *Private Sewer System Disclosure Statement*.)  
154.  There is an abandoned private sewer system on the above-described real property.  
155. (See *Private Sewer System Disclosure Statement*.)

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



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SELLER'S PROPERTY DISCLOSURE STATEMENT

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

159. Property located at 4312 14th Ave S. Minneapolis, MN

160. F. PRIVATE WELL DISCLOSURE: (A well disclosure and Certificate are required by MN Statute 103I.235.)

161. (Check appropriate box.)

162. [X] Seller certifies that Seller does not know of any wells on the above-described real property.

163. [ ] Seller certifies there are one or more wells located on the above-described real property.

164. (See Well Disclosure Statement.)

165. Are there any wells serving the above-described property that are not located on the property? [ ] Yes [X] No

166. (If "Yes," see Well Disclosure Statement.)

167. To your knowledge, is this property in a Special Well Construction Area? [ ] Yes [X] No

168. G. PROPERTY TAX TREATMENT:

169. Valuation Exclusion Disclosure (Required by MN Statute 273.11, Subd. 16.)

170. (Check appropriate box.)

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

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

175. Additional comments:

176. Preferential Property Tax Treatment

177. Is the property subject to any preferential property tax status or any other credits affecting the property which

178. would terminate upon the sale of the property? [ ] Yes [X] No

179. (e.g., Disability, Green Acres, CRP, RIM)

180. If "Yes," please explain:

181.

182. H. METHAMPHETAMINE PRODUCTION DISCLOSURE:

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

184. [X] Seller is not aware of any methamphetamine production that has occurred on the property.

185. [ ] Seller is aware that methamphetamine production has occurred on the property.

186. (See Methamphetamine Production Disclosure Statement.)

187. I. AIRPORT ZONING REGULATIONS: MN Statute 360.065, Subd. 3 requires sellers of real property located in
188. airport safety zones A, B or C, under zoning regulations adopted by the governing body, to disclose to a buyer or
189. transferee the existence of airport zoning regulations that affect the real property before accepting consideration
190. or signing an agreement to sell or transfer the real property.

191. Note: This disclosure is NOT required for safety zones associated with an airport owned and operated by the
192. Metropolitan Airports Commission which include the following airports: Anoka County, Crystal, Eden Prairie —
193. Flying Cloud, Lake Elmo, Lakeville — Air Lake, Mps/St Paul International, St. Paul — Downtown Holman Field.

194. Seller discloses that the property, as described in this Disclosure, [ ] IS [X] IS NOT located in airport safety
(Check one.)

195. zone A, B or C and there [ ] IS [X] IS NOT existing airport zoning regulations affecting the property.
(Check one.)

196. MN Statute 360.065, Subd. 2 requires a copy of adopted airport zoning regulations be filed with the county
197. recorder in each county in which the zoned area is located. Contact the county where the property is located
198. to obtain further information regarding airport zoning regulations.

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



SELLER'S PROPERTY DISCLOSURE STATEMENT

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

202. Property located at 4312 14th Ave S Minneapolis, MN

203. J. CEMETERY ACT:

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

207. To your knowledge, are you aware of any human remains, burials or cemeteries located on the property? [ ] Yes [X] No

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

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

214. K. ENVIRONMENTAL CONCERNS:

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

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

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

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

225. Give details to any question answered "Yes": \_\_\_\_\_

228. L. OTHER DEFECTS/MATERIAL FACTS:

229. Are you aware of any other material facts that could adversely and significantly affect an ordinary buyer's use or enjoyment of the property or any intended use of the property? [ ] Yes [X] No

231. If "Yes," explain below: \_\_\_\_\_

234. M. ADDITIONAL COMMENTS:

235. \_\_\_\_\_
236. \_\_\_\_\_
237. \_\_\_\_\_
238. \_\_\_\_\_

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

**SELLER'S PROPERTY  
DISCLOSURE STATEMENT**

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241. <b>THE INFORMATION DISCLOSED IS GIVEN TO THE BEST OF SELLER'S KNOWLEDGE.</b>
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242. **N. WATER INTRUSION AND MOLD GROWTH:** Recent studies have shown that various forms of water intrusion  
243. affect many homes. Water intrusion may occur from exterior moisture entering the home and/or interior moisture  
244. leaving the home.

245. Examples of exterior moisture sources may be

- 246.       • improper flashing around windows and doors,
- 247.       • improper grading,
- 248.       • flooding,
- 249.       • roof leaks.

250. Examples of interior moisture sources may be

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

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

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

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

272. For additional information about water intrusion, indoor air quality, moisture or mold issues, go to the Minnesota  
273. Association of REALTORS® web site at [www.mnrealtor.com](http://www.mnrealtor.com).

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



SELLER'S PROPERTY DISCLOSURE STATEMENT

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

277. Property located at 4312 14th Ave S, Minneapolis, MN

278. O. NOTICE REGARDING PREDATORY OFFENDER INFORMATION: Information regarding the predatory offender registry and persons registered with the predatory offender registry under MN Statute 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) 642-0200, or from the Department of Corrections web site at www.corr.state.mn.us.

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

285. P. SELLER'S STATEMENT:

286. (To be signed at time of listing.)
287. 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.

290. Kim Rudd 9/17/08 (Seller) (Date) Kim Rudd 9/17/08 (Seller) (Date)

291. Q. BUYER'S ACKNOWLEDGEMENT:

292. (To be signed at time of purchase agreement.)
293. 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.

295. (Buyer) (Date) (Buyer) (Date)

296. R. SELLER'S ACKNOWLEDGMENT:

297. (To be signed at time of purchase agreement.)
298. 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.

300.
301.
302.
303.
304.

305. (Seller) (Date) (Seller) (Date)

306. For purposes of the seller disclosure requirements of MN Statutes 513.52 through 513.60:
307. "Residential real property" or "residential real estate" means property occupied as, or intended to be occupied as, a
308. single-family residence, including a unit in a common interest community as defined in MN Statute 515B.1-103, clause
309. (10), regardless of whether the unit is in a common interest community not subject to chapter 515B.
310. The seller disclosure requirements of MN Statutes 513.52 through 513.60 apply to the transfer of any interest in
311. residential real estate, whether by sale, exchange, deed, contract for deed, lease with an option to purchase or any
312. other option.

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



**SELLER'S PROPERTY  
DISCLOSURE STATEMENT**

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

**316. Exceptions**

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

- 318. (1) real property that is not residential real property;
- 319. (2) a gratuitous transfer;
- 320. (3) a transfer pursuant to a court order;
- 321. (4) a transfer to a government or governmental agency;
- 322. (5) a transfer by foreclosure or deed in lieu of foreclosure;
- 323. (6) a transfer to heirs or devisees of a decedent;
- 324. (7) a transfer from a cotenant to one or more other cotenants;
- 325. (8) a transfer made to a spouse, parent, grandparent, child or grandchild of Seller;
- 326. (9) a transfer between spouses resulting from a decree of marriage dissolution or from a property agreement incidental to that decree;
- 327. (10) a transfer of newly constructed residential property that has not been inhabited;
- 328. (11) an option to purchase a unit in a common interest community, until exercised;
- 329. (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);
- 330. (13) a transfer to a tenant who is in possession of the residential real property; or
- 331. (14) a transfer of special declarant rights under section 515B.3-104.

**334. Waiver**

335. 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.

**338. No Duty to Disclose**

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

- 340. (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;
- 341. (2) was the site of a suicide, accidental death, natural death or perceived paranormal activity; or
- 342. (3) is located in a neighborhood containing any adult family home, community-based residential facility or nursing home.

345. 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.

350. 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.

**352. D. Inspections.**

- 353. (i) 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.
- 354. (ii) Seller shall disclose to the prospective buyer material facts known by Seller that contradict any information included in a written report under paragraph (i) if a copy of the report is provided to Seller.

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



ADDENDUM TO PURCHASE AGREEMENT
DISCLOSURE OF INFORMATION ON
LEAD-BASED PAINT AND LEAD-BASED
PAINT HAZARDS

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which disclaims any liability arising out of use or misuse of this form.
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1. Date 9-17-08
2. Page

3. Addendum to Purchase Agreement between parties, dated , 20 ,
4. pertaining to the purchase and sale of the property at
5. 4312 14th Ave S

6. Section I: Lead Warning Statement

7. Every buyer of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified
8. that such property may present exposure to lead from lead-based paint that may place young children at risk of
9. developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including
10. learning disabilities, reduced intelligence quotient, behavioral problems and impaired memory. Lead poisoning also
11. poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide
12. the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's
13. possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible
14. lead-based paint hazards is recommended prior to purchase.

15. Seller's Disclosure (initial)

16. KR NMR (a) Presence of lead-based paint and/or lead-based paint hazards.
17. (Check one below.)
18. [ ] Known lead-based paint and/or lead-based paint hazards are present in the housing
19. (explain):
20.
21. [X] Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.
22. KR NMR (b) Records and reports available to the seller.
23. (Check one below.)
24. [ ] Seller has provided Buyer with all available records and reports pertaining to lead-based paint
25. and/or lead-based paint hazards in the housing (list documents below):
26.
27. [X] Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards
28. in the housing.

29. Buyer's Acknowledgment (initial)

30. (c) Buyer has received copies of all information listed under (b) above.
31. (d) Buyer has received the pamphlet, Protect Your Family from Lead in Your Home.
32. (e) Buyer has (check one below):
33. [ ] Received a 10-day opportunity (or mutually agreed-upon period) to conduct a risk assessment
34. or inspection for the presence of lead-based paint and/or lead-based paint hazards (if checked,
35. see Section II on page 2); or
36. [ ] Waived the opportunity to conduct a risk assessment or inspection for the presence of lead-
37. based paint and/or lead-based paint hazards.

**ADDENDUM TO PURCHASE AGREEMENT  
DISCLOSURE OF INFORMATION ON  
LEAD-BASED PAINT AND LEAD-BASED  
PAINT HAZARDS**

38. Page \_\_\_\_\_

39. Property located at 4312 14th Ave S

40. **Real Estate Licensee's Acknowledgement** (initial)

41. JA (f) Real estate licensee has informed Seller of Seller's obligations under 42 U.S.C. 4852(d) and is aware  
42. of licensee's responsibility to ensure compliance.

43. **Certification of Accuracy**

44. The following parties have reviewed the information above and certify, to the best of their knowledge, that the information  
45. provided by the signatory is true and accurate.

46. Kim Ruda 9/17/08 \_\_\_\_\_  
(Seller) (Date) (Buyer) (Date)

47. N. J. Ruda 9/17/08 \_\_\_\_\_  
(Seller) (Date) (Buyer) (Date)

48. Laurie Allen 9/17/08 \_\_\_\_\_  
(Real Estate Licensee) (Date) (Real Estate Licensee) (Date)

49. **Section II: Contingency** (Initial only if first box under (e) is checked in **Buyer's Acknowledgment** above.)

50. This contract is contingent upon a risk assessment or an inspection of the property for the presence of lead-  
51. based paint and/or lead-based paint hazards to be conducted at Buyer's expense. The assessment or inspection  
52. shall be completed within  ten (10)  \_\_\_\_\_ calendar days after acceptance of the Purchase Agreement. This  
(Check one.)

53. contingency shall be deemed removed, and the Purchase Agreement shall be in full force and effect, unless Buyer or  
54. real estate licensee representing or assisting Buyer delivers to Seller or real estate licensee representing or assisting  
55. Seller, within three (3) calendar days after the assessment or inspection is timely completed, a written list of the specific  
56. deficiencies and the corrections required, together with a copy of any risk assessment or inspection report. If Seller  
57. and Buyer have not agreed in writing within three (3) calendar days after delivery of the written list of required corrections  
58. that: (A) some or all of the required corrections will be made; or (B) Buyer waives the deficiencies; or (C) an adjustment to  
59. the purchase price will be made; this Purchase Agreement is canceled. Buyer and Seller shall immediately sign a  
60. *Cancellation of Purchase Agreement* confirming said cancellation and directing all earnest money paid hereunder to  
61. be refunded to Buyer. It is understood that Buyer may unilaterally waive deficiencies or defects, or remove this contingency,  
62. providing that Buyer or real estate licensee representing or assisting Buyer notifies Seller or real estate licensee  
63. representing or assisting Seller of the waiver or removal, in writing, within the time specified.

**PREVIOUS DISCLOSURE**

Association of REALTORS®  
protection against misuse of this form.  
REALTORS®, Edina, MN

1. Date April 6, 2005  
2. Page 1 of 5 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 five (5), are obligated to disclose  
6. to prospective Buyers all material facts of which the Seller is aware that could adversely and significantly affect an  
7. ordinary Buyer's use or enjoyment of the property or any intended use of the property of which the Seller is aware.  
8. This disclosure is not a warranty or a guarantee of any kind by the Seller or licensee representing or assisting any party  
9. in the transaction.
10. **INSTRUCTIONS TO BUYER:** Buyers are encouraged to thoroughly inspect the property personally or have it  
11. inspected by a third party, and to inquire about any specific areas of concern. **NOTE:** If Seller answers NO to any of  
12. the questions listed below, it does not necessarily mean that it does not exist on the property. NO may mean that  
13. Seller is unaware that it exists on the property.
14. **INSTRUCTIONS TO SELLER:** (1) Complete this form yourself. (2) Consult prior disclosure statement(s)  
15. and/or inspection report(s) when completing this form. (3) Describe conditions affecting the property to the best of  
16. your knowledge. (4) Attach additional pages, with your signature, if additional space is required. (5) Answer all  
17. questions. (6) If any items do not apply, write "NA" (not applicable).

18. Property located at 4312 14<sup>th</sup> Ave S  
19. City of Minneapolis, County of Hennepin, State of Minnesota.

20. **A. GENERAL INFORMATION:**

21. (1) When did you **Acquire / Build** the home? May, 1997  
----- (circle one) -----
22. (2) Type of title evidence: Abstract  Registered (Torrens)
23. Location of Abstract: on premises
24. To your knowledge, is there an existing Owner's Title Insurance Policy? Yes  No
25. (3) Have you occupied this home continuously for the past 12 months? Yes  No
26. If "No," explain: \_\_\_\_\_
27. (4) Is the home suitable for year-round use? Yes  No
28. (5) To your knowledge, is the property located in a designated flood plain? Yes  No
29. (6) Are you in possession of prior seller's disclosure statement(s)? (If "Yes," please attach.) Yes  No
30. (7) Is the property located on a public or a private road? Public  Private
31. Are you aware of any:
32. (8) encroachments? Yes  No
33. (9) association, covenants, reservations or restrictions that affect or may affect the use  
34. or future resale of the property? Yes  No
35. (10) easements, other than utility or drainage easements? Yes  No
36. (11) Comments: \_\_\_\_\_
37. \_\_\_\_\_

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

40. (1) Has there been any damage by wind, fire, flood, hail or other cause(s)? Yes  No
41. If "Yes," give details of what happened and when: \_\_\_\_\_
42. \_\_\_\_\_
43. (2) Has/Have the structure(s) been altered?  
44. (e.g., additions, altered roof lines, changes to load-bearing walls) Yes  No
45. If "Yes," please specify what was done, when and by whom (owner or contractor): \_\_\_\_\_
46. \_\_\_\_\_
47. (3) Has there been any damage to flooring or floor covering? Yes  No
48. If "Yes," give details of what happened and when: \_\_\_\_\_
49. \_\_\_\_\_
50. (4) Are you aware of any insect/animal/pest infestation? Yes  No
51. (5) Do you have or have you previously had any pets? Yes  No
52. If "Yes," indicate type \_\_\_\_\_ and number \_\_\_\_\_
53. (6) Comments: \_\_\_\_\_
54. \_\_\_\_\_

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

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

58. Property located at: 4312 14th Ave S, mpls MN

**59. C. STRUCTURAL SYSTEMS:**

60. To your knowledge, have any of the following conditions previously existed or do they currently exist?

61. (ANSWERS APPLY TO ALL STRUCTURES, SUCH AS GARAGE AND OUT-BUILDINGS.)

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

- |                             |                              |  |                      |                              |  |
|-----------------------------|------------------------------|--|----------------------|------------------------------|--|
| 63. (a) cracked floor/walls | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | (e) leakage/seepage  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 64. (b) drain tile problem  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | (f) sewer backup     | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 65. (c) flooding            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | (g) wet floors/walls | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 66. (d) foundation problem  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | (h) other            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

67. Give details to any questions answered "Yes": \_\_\_\_\_

68. \_\_\_\_\_

**69. (2) THE ROOF:** To your knowledge:

- |   |                 |                              |  |
|---|-----------------|------------------------------|--|
| 70. (a) what is the age of the roofing material?                      | <u>8+</u> years |                              |  |
| 71. (b) has there been any interior or exterior damage?               |                 | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 72. (c) has there been interior damage from ice buildup?              |                 | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 73. (d) has there been any leakage?                                   |                 | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 74. (e) have there been any repairs or replacements made to the roof? |                 | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

75. Give details to any questions answered "Yes": \_\_\_\_\_

76. \_\_\_\_\_

**77. D. PRIVATE SEWER SYSTEM DISCLOSURE:**

78. (A Private Sewer System Disclosure is required by MN Statute 115.55.)

79. (check appropriate box)

80.  Seller does not know of a private sewer system on or serving the above-described real property.
81.  There is a private sewer system on or serving the above-described real property.
82. See Private Sewer System Disclosure.
83.  There is an abandoned private sewer system on the above-described real property.
84. See Private Sewer System Disclosure.

**85. E. PRIVATE WELL DISCLOSURE:** (A Well Disclosure Statement and Certificate are required by MN Statute 1031.235.)

86. (check appropriate box)

87.  Seller certifies that Seller does not know of any wells on the above-described real property.
88.  Seller certifies there are one of more wells located on the above-described real property.
89. See Well Disclosure Statement.

90. Are there any wells serving the above-described property that are not located on the property? Yes  No
91. To your knowledge, is this property in a Special Well Construction Area? Yes  No

**92. F. PROPERTY TAX TREATMENT**

93. **Valuation Exclusion Disclosure** (Required by MN Statute 273.11, Subd. 16.)

94. (check appropriate box)

95. There IS  / IS NOT  an exclusion from market value for home improvements on this property. Any valuation
96. exclusion shall terminate upon sale of the property, and the property's estimated market value for property tax
97. purposes shall increase. If a valuation exclusion exists, Buyers are encouraged to look into the resulting tax
98. consequences.

99. Additional comments: \_\_\_\_\_

**100. Preferential Property Tax Treatment**

101. Is the property subject to any preferential property tax status or any other credits affecting the property which would
102. terminate upon the sale of the property? Yes  No
103. (e.g., Disability, Green Acres, CRP, RIM, etc.)

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

105. \_\_\_\_\_

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

109. Property located at: 4312 14th Ave S mpls

**110. G. APPLIANCES, HEATING, PLUMBING, ELECTRICAL AND OTHER MECHANICAL SYSTEMS:**

111. **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.

114. **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
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
117. Air conditioning (1) →		Heating system (central) →		TV antenna system →	
118. Central <input type="checkbox"/> Wall <input type="checkbox"/> Window <input checked="" type="checkbox"/>		Heating system (supplemental) →		TV cable system →	
119. Ceiling fan →		Incinerator →		TV satellite dish →	
120. Dishwasher →		Intercom →		Rented <input type="checkbox"/> Owned <input type="checkbox"/>	
121. Doorbell (1) →		Lawn sprinkler system →		TV satellite receiver →	
122. Drain tile system →		Microwave →		Rented <input type="checkbox"/> Owned <input type="checkbox"/>	
123. Dryer →		Plumbing →		Washer →	
124. Electrical system →		Pool and equipment →		Water heater →	
125. <del>Estimate system</del> N/A →		Range/oven →		Water treatment system →	
126. Fire sprinkler system →		Range hood →		Rented <input type="checkbox"/> Owned <input type="checkbox"/>	
127. Fireplace →		Refrigerator →		Windows →	
128. Fireplace mechanisms →		Security system →		Window treatments →	
129. Furnace humidifier →		Rented <input checked="" type="checkbox"/> Owned <input type="checkbox"/>		Wood-burning stove →	
130. Freezer →		Smoke detectors (battery) →		Other _____	
131. Garage door opener (GDO) →		Smoke detectors (hardwire) →		Other _____	
132. GDO auto reverse (1 of 2) →		Solar collectors →		Other _____	
133. GDO remote →		Sump pump →		Other _____	
134. Garbage disposal →		Toilet mechanisms →		Other _____	
135. _____		Trash compactor →		Other _____	

136. Comments: \_\_\_\_\_  
137. \_\_\_\_\_  
138. \_\_\_\_\_

**139. H. ENVIRONMENTAL CONCERNS:**

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

141. Asbestos? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Hazardous wastes? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Radon? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
142. Diseased trees? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Lead? (paint, plumbing, etc.) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Soil problems? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
143. Formaldehyde? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Methamphetamine production? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Underground storage tanks? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
144. Hazardous substances? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Mold? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Other? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

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

147. Give details to any question answered "Yes": \_\_\_\_\_  
148. \_\_\_\_\_  
149. \_\_\_\_\_  
150. \_\_\_\_\_

**151. I. OTHER DEFECTS:**

152. Are you aware of any other material facts that could adversely and significantly affect an ordinary buyer's use or enjoyment of the property or any intended use of the property? Yes  No

154. If "Yes," explain below:  
155. \_\_\_\_\_  
156. \_\_\_\_\_

**157. J. ADDITIONAL COMMENTS:**

158. \_\_\_\_\_  
159. \_\_\_\_\_  
160. \_\_\_\_\_  
161. \_\_\_\_\_



**SELLER'S PROPERTY DISCLOSURE STATEMENT**

163. Page 4

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

165. Property located at: 4312 14th Ave S mpls

**166. NOTICE REGARDING PREDATORY OFFENDER INFORMATION**

167. Information regarding the predatory offender registry and persons registered with the predatory offender registry under Minnesota Statute section 243.196 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) 842-0200, or from the 169. Department of Corrections Web site at [www.corr.state.mn.us](http://www.corr.state.mn.us).

**171. WATER INTRUSION AND MOLD GROWTH**

172. Recent studies have shown that various forms of water intrusion affect many homes. Water intrusion may occur from either exterior moisture entering the home and/or interior moisture leaving the home.

174. Examples of exterior moisture sources may be:

- 175. • improper flashing around windows and doors
- 176. • improper grading
- 177. • flooding
- 178. • roof leaks

179. Examples of interior moisture sources may be:

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

189. 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.

192. 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.

195. 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.

200. 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](http://www.mnrealtor.com).

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

204. **K. SELLER'S STATEMENT** (to be signed at time of listing):

205. Seller(s) hereby state(s) the material facts as stated above are true and accurate and authorize(s) any licensee(s) representing or assisting any party(ies) 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.

208. [Signature] 4/6/05 Margaret L. Schubert 4/6/05  
(Date) (Seller) (Date)

209. **L. BUYER'S ACKNOWLEDGEMENT** (to be signed at time of purchase agreement):

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

212. [Signature] 4/6/05 \_\_\_\_\_  
(Buyer) (Date) (Buyer) (Date)

213. **M. SELLER'S ACKNOWLEDGMENT** (to be signed at time of purchase agreement):

214. AS OF THE DATE BELOW, I/we, the Seller(s) of the property, state that the material facts stated above are the same, except changes as indicated below.

217. [Signature] 4/6/05 Margaret L. Schubert 4/6/05  
(Date) (Seller) (Date)

219. ORIGINAL COPY TO LISTING BROKER; COPIES TO SELLER, BUYER, SELLING BROKER  
MN:SPDS-4 (8/04)

229. The seller disclosure requirements of MN Statutes 513.52 through 513.60 **DO NOT** apply to any of the following:
- 230. (1) real property that is not residential real property;
  - 231. (2) a gratuitous transfer;
  - 232. (3) a transfer pursuant to a court order;
  - 233. (4) a transfer to a government or governmental agency;
  - 234. (5) a transfer by foreclosure or deed in lieu of foreclosure;
  - 235. (6) a transfer to heirs or devisees of a decedent;
  - 236. (7) a transfer from a cotenant to one or more other cotenants;
  - 237. (8) a transfer made to a spouse, parent, grandparent, child or grandchild of the seller;
  - 238. (9) a transfer between spouses resulting from a decree of marriage dissolution or from a property agreement incidental to that decree;
  - 239. (10) a transfer of newly constructed residential property that has not been inhabited;
  - 240. (11) an option to purchase a unit in a common interest community, until exercised;
  - 241. (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);
  - 242. (13) a transfer to a tenant who is in possession of the residential real property; or
  - 243. (14) a transfer of special declarant rights under section 515B.3-104.

246. **Waiver**

247. The written disclosure required under sections 513.52 to 513.60 may be waived if the 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.

250. **No Duty to Disclose**

251. A. There is no duty to disclose the fact that the property:
- 252. (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;
  - 253. (2) was the site of a suicide, accidental death, natural death or perceived paranormal activity; or
  - 254. (3) is located in a neighborhood containing any adult family home, community-based residential facility or nursing home.
255. B. **Predatory Offenders.** There is no duty to disclose information regarding an offender who is required to register under MN Statutes 243.166 or about whom notification is made under that section, if the 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.
256. 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.
257. D. **Inspections.** (i) Except as provided in paragraph (ii), a seller is not required to disclose information relating to the physical condition of 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 the 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.
258. (ii) A seller shall disclose to the prospective buyer material facts known by the seller that contradict any information included in a written report under paragraph (i) if a copy of the report is provided to the seller.

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