



**SELLER'S PROPERTY  
DISCLOSURE STATEMENT**

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- 1. Date 4.14.11
- 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 418 Tyler Ave S  
 22. City of Edina, County of HENN, State of Minnesota.

**A. GENERAL INFORMATION:**

24. (1) What date AUGUST 1, 20 1964 did you  **Acquire**  **Build** the home?  
(Check one.)

25. (2) Type of title evidence:  Abstract  Registered (Torrens)  
 26. Location of Abstract: OUR SAFE DEPOSIT BOX

27. To your knowledge, is there an existing Owner's Title Insurance Policy?  Yes  No  
 28. (3) Have you occupied this home continuously for the past 12 months?  Yes  No

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

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

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

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

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

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

37. Are you aware of any  
 38. (9) encroachments?  Yes  No

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

41. (11) easements, other than utility or drainage easements?  Yes  No

42. (12) Comments: \_\_\_\_\_

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

MN: SPDS-1 (8/10)

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

46. Property located at 418 Tyler Ave S Edina 55343

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

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

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

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

51. \_\_\_\_\_

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

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

54. WATER DAMAGE ON CARPET AND SOME SHEET ROCK DUE TO OVERFLOW OF FURNACE CONDENSATION PUMP IN LOWER LEVEL. REPLACED CARPETING, SHEET

55. Did you receive compensation for the claim(s)? [X] Yes [ ] No

56. If you received compensation, did you have the items repaired? [X] Yes [ ] No

57. What dates did the claim(s) occur? \_\_\_\_\_

58. \_\_\_\_\_

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

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

61. AEROCATE KITCHEN/LIVING ROOM OPENING - CONTRACTOR 1985

62. EXPAND INTO 4 WIDENING BREWERAY - CONTRACTOR - 1977

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

64. If "Yes," please explain: SEE EXHIBIT A

65. \_\_\_\_\_

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

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

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

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

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

71. SEE ITEM 56 ABOVE

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

73. If "Yes," please explain:

74. FEW FIELD MICE IN SPRING - SET TRAPS - NO MORE PROBLEMS

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

ANTS - CALLED ORKIN - NO MORE ISSUES

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

84. Property located at 418 Tyler Ave S Edina 55343

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

86. If "Yes," indicate type 2 SMALL DOGS and number

87. (7) Comments: BOTH DOGS ARE DECEASED 20 YEARS AGO.

88.
89.

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

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

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

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

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

2008-1988- 99. SEEPAGE FROM GUTTERS FULL OF LEAVES, INSTALLED GUTTER HELMET. (NO MORE PROBLEMS)
100. SEEPAGE FROM NEIGHBOR'S DRIVEWAY RUNOFF - INSTALLED MAIN TILE

101.
102.
103.
104.

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

- 106. (a) what is the age of the roofing material? 15 years
107. (b) has there been any interior or exterior damage? [ ] Yes [X] No
108. (c) has there been interior damage from ice buildup? [ ] Yes [X] No
109. (d) has there been any leakage? [ ] Yes [X] No
110. (e) have there been any repairs or replacements made to the roof? [ ] Yes [X] No

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

112.
113.
114.
115.
116.
117.

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

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

121. Property located at 418 Tyler Ave S Edina 55343

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

126. **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
129. Air-conditioning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Garbage disposal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del>Trash Compactor</del>	<input type="checkbox"/>	<input type="checkbox"/>
130. <input checked="" type="checkbox"/> Central <input type="checkbox"/> Wall <input type="checkbox"/> Window			Heating system (central)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del>TV antenna system</del>	<input type="checkbox"/>	<input type="checkbox"/>
131. Air exchange system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del>Heating system (supplemental)</del>	<input type="checkbox"/>	<input type="checkbox"/>	<del>TV cable system</del>	<input type="checkbox"/>	<input type="checkbox"/>
132. Carbon Monoxide Detector	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del>Incinerator</del>	<input type="checkbox"/>	<input type="checkbox"/>	TV satellite dish	<input checked="" type="checkbox"/>	<input type="checkbox"/>
133. Ceiling fan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del>Intercom</del>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Rented <input type="checkbox"/> Owned		
134. Dishwasher	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del>Lawn sprinkler system</del>	<input type="checkbox"/>	<input type="checkbox"/>	TV satellite receiver	<input type="checkbox"/>	<input type="checkbox"/>
135. Doorbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Microwave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rented <input type="checkbox"/> Owned		
136. Drain tile system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Plumbing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Washer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
137. Dryer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del>Pool and equipment</del>	<input type="checkbox"/>	<input type="checkbox"/>	Water heater	<input checked="" type="checkbox"/>	<input type="checkbox"/>
138. Electrical system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Range/oven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Water treatment system	<input checked="" type="checkbox"/>	<input type="checkbox"/>
139. Exhaust system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Range hood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rented <input checked="" type="checkbox"/> Owned		
<del>140. 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"/>
<del>141. Fireplace</del>	<input type="checkbox"/>	<input type="checkbox"/>	<del>Security system</del>	<input type="checkbox"/>	<input type="checkbox"/>	Window treatments	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<del>142. Fireplace mechanisms</del>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rented <input type="checkbox"/> Owned			<del>Wood burning stove</del>	<input type="checkbox"/>	<input type="checkbox"/>
143. Furnace humidifier	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Smoke detectors (battery)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>
<del>144. Freezer</del>	<input type="checkbox"/>	<input type="checkbox"/>	<del>Smoke detectors (hardwired)</del>	<input type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>
145. Garage door opener (GDO)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del>Solar collectors</del>	<input type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>
146. Garage auto reverse	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<del>Sump pump</del>	<input type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>
147. 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"/>

148. Comments: \_\_\_\_\_  
 149. \_\_\_\_\_

150. **E. SUBSURFACE SEWAGE TREATMENT SYSTEM DISCLOSURE:**  
 151. (A subsurface sewage treatment system disclosure is required by MN Statute 115.55.) (*Check appropriate box.*)  
 152. Seller certifies that Seller  DOES  DOES NOT know of a subsurface sewage treatment system on or serving  
 153. the above-described real property. (If answer is **DOES**, and the system does not require a state permit, see  
 154. *Subsurface Sewage Treatment System Disclosure Statement*.)  
 155.  There is a subsurface sewage treatment system on or serving the above-described real property.  
 156. (*See Subsurface Sewage Treatment System Disclosure Statement.*)  
 157.  There is an abandoned subsurface sewage treatment system on the above-described real property.  
 158. (*See Subsurface Sewage Treatment System Disclosure Statement.*)

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

162. Property located at 418 Tyler Ave S Edina 55343

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

165.  Seller certifies that Seller does not know of any wells on the above-described real property. WE HAD OUR WELL CAPPED  
166.  Seller certifies there are one or more wells located on the above-described real property.  
167. (See Well Disclosure Statement.)

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

171. G. PROPERTY TAX TREATMENT:  
172. Valuation Exclusion Disclosure (Required by MN Statute 273.11, Subd. 16.)  
173. (Check appropriate box.)

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

178. Additional comments:  
179. \_\_\_\_\_  
180. \_\_\_\_\_

181. Preferential Property Tax Treatment  
182. Is the property subject to any preferential property tax status or any other credits affecting the property?  
183. (e.g., Disability, Green Acres, CRP, RIM, Rural Preserve)  Yes  No  
184. If "Yes," would these terminate upon the sale of the property?  Yes  No  
185. Explain:  
186. \_\_\_\_\_  
187. \_\_\_\_\_

188. H. METHAMPHETAMINE PRODUCTION DISCLOSURE:  
189. (A Methamphetamine Production Disclosure is required by MN Statute 152.0275, Subd. 2 (m).)  
190.  Seller is not aware of any methamphetamine production that has occurred on the property.  
191.  Seller is aware that methamphetamine production has occurred on the property.  
192. (See Methamphetamine Production Disclosure Statement.)

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

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

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

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

204. Property located at 418 Tyler Ave S Edina 55343

205. K. CEMETERY ACT:

206. 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.

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

210. on the property?

Yes

No

211. If "Yes," please explain:

212.

213. 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.

216. L. ENVIRONMENTAL CONCERNS:

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

219. Asbestos?

Yes

No

Mold?

Yes

No

220. Diseased trees?

Yes

No

Radon?

Yes

No

221. Formaldehyde?

Yes

No

Soil problems?

Yes

No

222. Hazardous wastes/substances?

Yes

No

Underground storage tanks?

Yes

No

223. Lead? (e.g., paint, plumbing)

Yes

No

Other?

Yes

No

224. Are you aware if there are currently, or have previously been, any orders issued on the property by any governmental authority ordering the remediation of a public health nuisance on the property?

Yes

No

226. If answer above is "Yes," seller certifies that all orders  HAVE  HAVE NOT been vacated.

(Check one.)

227. Give details to any question answered "Yes": NOTCH ELM DISEASE ON 5 TREES - ALL REMOVED  
228. SOME MOULD DUE TO ITEM 53 - ALL CLEANED UP W/ JOB DONE BY CONTRACTOR

230. M. OTHER DEFECTS/MATERIAL FACTS:

231. 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

233. If "Yes," explain below:

234.

235.

236.

237. N. ADDITIONAL COMMENTS:

238.

239.

240.

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

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

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

247. Examples of exterior moisture sources may be

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

252. Examples of interior moisture sources may be

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

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

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

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

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

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

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

279. Property located at 418 Tyler Ave S Edina 55343

280. P. 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) 361-7200, or from the Department of Corrections web site at www.corr.state.mn.us.

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

287. Q. SELLER'S STATEMENT:

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

289. 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.

292. [Handwritten signature: Jewel J. Case] 4-14-11 (Seller) [Date] [Handwritten signature: Frances K. Case] 4-14-11 (Seller) [Date]

293. R. BUYER'S ACKNOWLEDGEMENT:

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

295. 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.

297. \_\_\_\_\_ (Buyer) \_\_\_\_\_ (Date) \_\_\_\_\_ (Buyer) \_\_\_\_\_ (Date)

298. S. SELLER'S ACKNOWLEDGMENT:

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

300. 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.

302. \_\_\_\_\_

303. \_\_\_\_\_

304. \_\_\_\_\_

305. \_\_\_\_\_

306. \_\_\_\_\_

307. \_\_\_\_\_ (Seller) \_\_\_\_\_ (Date) \_\_\_\_\_ (Seller) \_\_\_\_\_ (Date)

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

309. "Residential real property" or "residential real estate" means property occupied as, or intended to be occupied as, a single-family residence, including a unit in a common interest community as defined in MN Statute 515B.1-103, clause 310. (10), regardless of whether the unit is in a common interest community not subject to chapter 515B.

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

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



317.	<b>THE INFORMATION DISCLOSED IS GIVEN TO THE BEST OF SELLER'S KNOWLEDGE.</b>
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318. **Exceptions**319. The seller disclosure requirements of MN Statutes 513.52 through 513.60 **DO NOT** apply to

- 320. (1) real property that is not residential real property;
- 321. (2) a gratuitous transfer;
- 322. (3) a transfer pursuant to a court order;
- 323. (4) a transfer to a government or governmental agency;
- 324. (5) a transfer by foreclosure or deed in lieu of foreclosure;
- 325. (6) a transfer to heirs or devisees of a decedent;
- 326. (7) a transfer from a cotenant to one or more other cotenants;
- 327. (8) a transfer made to a spouse, parent, grandparent, child or grandchild of Seller;
- 328. (9) a transfer between spouses resulting from a decree of marriage dissolution or from a property agreement incidental to that decree;
- 330. (10) a transfer of newly constructed residential property that has not been inhabited;
- 331. (11) an option to purchase a unit in a common interest community, until exercised;
- 332. (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);
- 334. (13) a transfer to a tenant who is in possession of the residential real property; or
- 335. (14) a transfer of special declarant rights under section 515B.3-104.

336. **Waiver**

337. 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.

340. **No Duty to Disclose**

- 341. A. There is no duty to disclose the fact that the property
  - 342. (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;
  - 344. (2) was the site of a suicide, accidental death, natural death or perceived paranormal activity; or
  - 345. (3) is located in a neighborhood containing any adult family home, community-based residential facility or nursing home.
- 347. 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.
- 352. 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.
- 354. D. **Inspections.**
  - 355. (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.
  - 361. (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.

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

## EXHIBIT A

**This pertains to the Seller's Property Disclosure Statement for line 67 (b)**

1975, 1976, 1995	Retaining walls built in back yard - owner
1985	Steel Siding added to exterior of home - contractor
1988	Kitchen remodel including new cabinets, electrical, flooring - contractor
1993	New Deck and Stairs built - contractor
1996	Exterior storage building built in back yard - owner
2000, 2002, 2004	Wellington windows installed through-out the home – contractor
	The Bay window in living room is PELLA- installed by contractor
2007	New Garage Door installed - contractor
2009	New asphalt driveway - contractor and retaining wall built - owner



**WELL DISCLOSURE STATEMENT**

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- 1. Date 4.14.11
- 2. Page 1 of 3 pages: THE REQUIRED MAP IS
- 3. ATTACHED HERETO AND MADE A PART HEREOF.

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

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

18. PROPERTY DESCRIPTION: Street Address: 418 Tyler Ave S  
 19. Edina 55343 HENN  
(City) (Zip) (County)

20. LEGAL DESCRIPTION:  
 21. Lot 10 and S23ft of Lot 9 Block 016,  
 22. West Minneapolis Heights Addn  
 23. \_\_\_\_\_  
 24. \_\_\_\_\_  
 25. \_\_\_\_\_

26. WELL DISCLOSURE STATEMENT:  
 27. (Check appropriate box.)

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

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

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

36. NOTE: See definition of terms "IN USE," "NOT IN USE," and "SEALED" on lines 89-100. If a well is not in use, it must be sealed by a licensed well contractor or a well owner must obtain a maintenance permit from the Minnesota Department of Health and pay an annual maintenance fee. Maintenance permits are not transferable. If a well is operable and properly maintained, a maintenance permit is not required.

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

43. Property located at 418 Tyler Ave S Edina 55343

44. OTHER WELL INFORMATION:

DOES NOT APPLY

45. Date well water last tested for contaminants: \_\_\_\_\_ Test results attached?  Yes  No

46. Comments: WELL IS SEALED

47. \_\_\_\_\_  
48. \_\_\_\_\_  
49. \_\_\_\_\_  
50. \_\_\_\_\_  
51. \_\_\_\_\_  
52. \_\_\_\_\_

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

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

55. When was the well sealed? 8/5/99

56. Who sealed the well? BES Well Drilling

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

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

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

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

63. [Signature] 4-14-11 [Signature] 4-14-11  
(Seller or Designated Representative) (Date) (Seller or Designated Representative) (Date)

64. BUYER'S ACKNOWLEDGEMENT:

65. \_\_\_\_\_ (Buyer) \_\_\_\_\_ (Date) \_\_\_\_\_ (Buyer) \_\_\_\_\_ (Date)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**LOCATION MAP**

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1. Page 1 of 1 pages

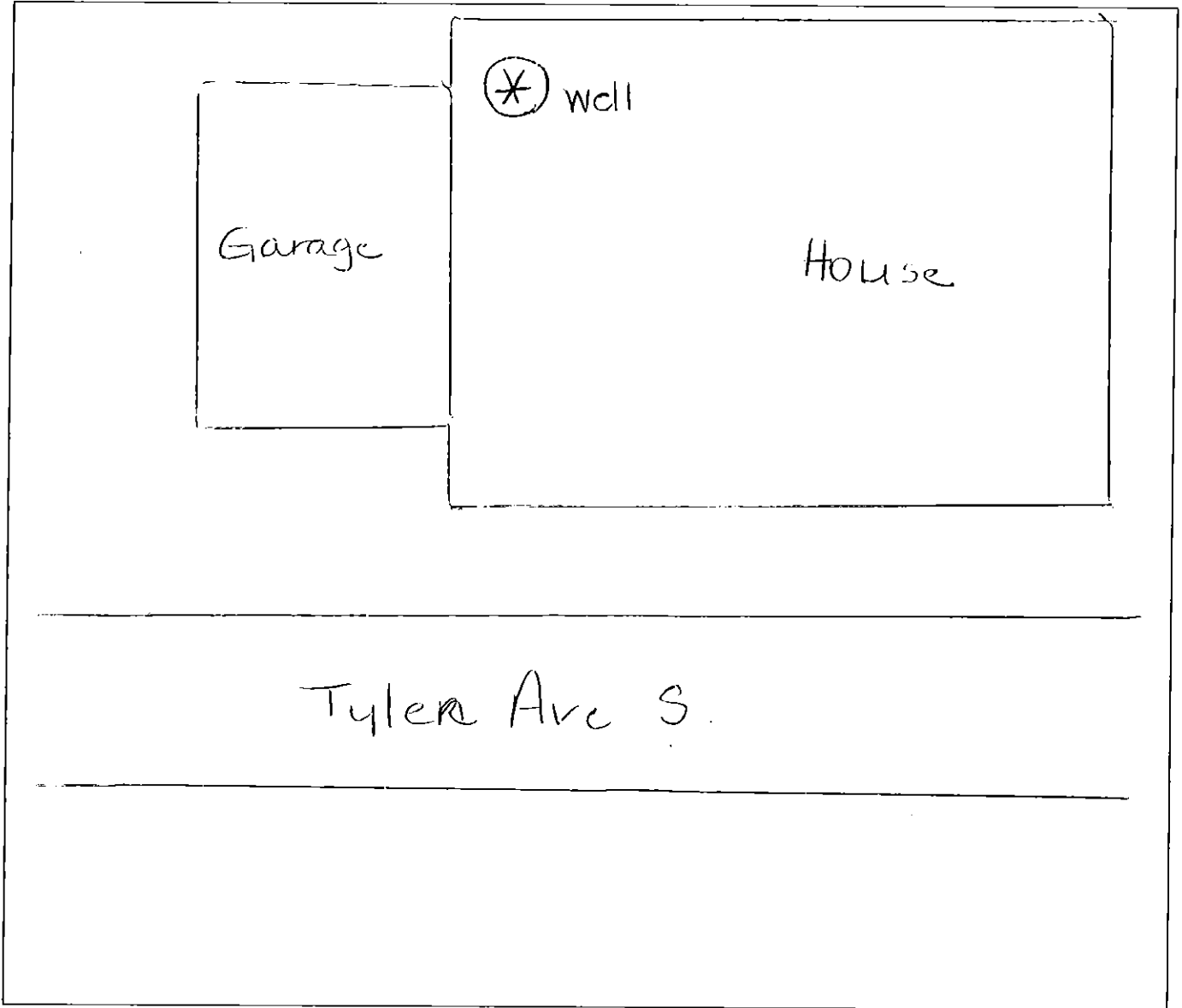
2. Please use the space below to sketch the real property being sold and, to Seller's knowledge, the approximate location of any of the following on the property.

4.  SUBSURFACE SEWAGE TREATMENT SYSTEM  WELL  METHAMPHETAMINE PRODUCTION AREA  
(Check all that apply.)

5. Include approximate distances from fixed reference points such as streets, buildings and landmarks.

6. Property located at 418 Tyler Ave S

7. Edina MN 55343



8. ATTACH ADDITIONAL SHEETS AS NEEDED.

9. Seller and Buyer initial: JNE 4-14-11  
(Seller) (Date) (Buyer) (Date)

10. JKC 4-14-11  
(Seller) (Date) (Buyer) (Date)

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

MINNESOTA DEPARTMENT OF HEALTH  
**WELL AND BORING SEALING RECORD**  
 Minnesota Statutes, Chapter 1031

Minnesota Well and Boring Sealing No.  
 Minnesota Unique No. or W-series No. (Leave blank if not known).

H 155085

WELL OR BORING LOCATION  
 Well Name  
**Hennepin**

Well Name  
 Township No. **117** Range No. **21** Section No. **30** Fraction (sm. → lg.)

Date Sealed  
**8/5/99**

Date Well or Boring Constructed

Physical Street Address or Fire Number and City of Well or Boring Location  
**18 Tyler Ave S Edina**

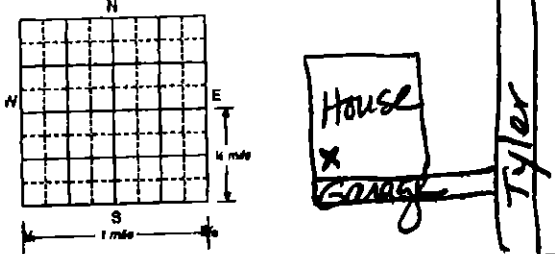
Depth Before Sealing **131** ft. Original Depth **131** ft.

STATIC WATER LEVEL

Exact location of well or boring location, showing property lines, roads, and buildings.

AQUIFER(S)  
 Single Aquifer  Multi-aquifer

Measured  Estimated



WELL/BORING  
 Water Supply Well  Monit. Well  
 Env. Bore Hole  Other

34 ft.  below  above land surface

PROPERTY OWNER'S NAME  
**John Case**

CASING TYPE(S)  
 Steel  Plastic  Tile  Other

CASING

Property owner's mailing address if different than well location address indicated above.

CASING Diameter Depth Set in oversize hole? Annual space initially grouted?  
**3** in. from **0** to **127** ft.  Yes  No  Yes  No  Unknown

SCREEN/OPEN HOLE  
 Screen from **127** to **131** ft. Open Hole from \_\_\_\_\_ to \_\_\_\_\_ ft.

PROPERTY OWNER'S NAME  
 Property owner's mailing address if different than property owner's address indicated above.

OBSTRUCTIONS  
 Rods/Drop Pipe  Check Valve(s)  Debris  Fill  No Obstruction

Type of Obstructions (Describe) **pump, pipe jet**

PROPERTY OWNER'S NAME  
 Property owner's mailing address if different than property owner's address indicated above.

OBSTRUCTIONS removed?  Yes  No Describe \_\_\_\_\_

PUMP  
 Type **jet**

GEOLOGICAL MATERIAL COLOR HARDNESS OF FORMATION FROM TO

Removed  Not Present  Other \_\_\_\_\_

METHOD USED TO SEAL ANNULAR SPACE BETWEEN 2 CASINGS, OR CASING AND BORE HOLE:

**drift** \_\_\_\_\_ **0** **131**

No Annular Space Exists

Annular space grouted with Tremie pipe

\_\_\_\_\_ \_\_\_\_\_

Casing Perforation/Removal

\_\_\_\_\_ in. from \_\_\_\_\_ to \_\_\_\_\_ ft.  Perforated  Removed

\_\_\_\_\_ \_\_\_\_\_

Type of perforator \_\_\_\_\_

\_\_\_\_\_ in. from \_\_\_\_\_ to \_\_\_\_\_ ft.  Perforated  Removed

\_\_\_\_\_ \_\_\_\_\_

Other \_\_\_\_\_

GROUTING MATERIAL(S)

\_\_\_\_\_ \_\_\_\_\_

Grouting Material **Portland** from **131** to **0** ft. \_\_\_\_\_ yards **4** bags

\_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ft. \_\_\_\_\_ yards \_\_\_\_\_ bags

\_\_\_\_\_ \_\_\_\_\_

\_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ft. \_\_\_\_\_ yards \_\_\_\_\_ bags

\_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ft. \_\_\_\_\_ yards \_\_\_\_\_ bags

\_\_\_\_\_ \_\_\_\_\_

\_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ft. \_\_\_\_\_ yards \_\_\_\_\_ bags

\_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ ft. \_\_\_\_\_ yards \_\_\_\_\_ bags

REMARKS, SOURCE OF DATA, DIFFICULTIES IN SEALING

OTHER WELLS AND BORINGS

Other unsealed and unused well or boring on property?  Yes  No How many? \_\_\_\_\_

LICENSED OR REGISTERED CONTRACTOR CERTIFICATION

This well or boring was sealed in accordance with Minnesota Rules, Chapter 4726. The information contained in this report is true to the best of my knowledge.

**RES Well Drilling** **27276**

Contractor Business Name

Authorized Representative Signature

License or Registration No. **8/6/99**

\_\_\_\_\_

Name of Person Sealing Well or Boring

**James Lea**

MINN. DEPT OF HEALTH COPY

H 155085

8/88 R

