



DISCLOSURE STATEMENT: SELLER'S PROPERTY DISCLOSURE STATEMENT

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- 1. Date 12.3.14
2. Page 1 of 10 pages: RECORDS AND
3. REPORTS, IF ANY, ARE ATTACHED HERETO AND
4. MADE A PART HEREOF

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

- 6. NOTICE: This Disclosure Statement satisfies the disclosure requirements of MN Statutes 513.52 through 513.60.
7. Under Minnesota law, sellers of residential property, with limited exceptions listed on page nine (9), are obligated to disclose to prospective buyers all material facts of which Seller is aware that could adversely and significantly affect 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 before closing, if Seller learns that Seller's disclosure was inaccurate. Seller is obligated to continue to notify Buyer, in writing, of any facts disclosed herein (new or changed) of which Seller is aware that could adversely and significantly affect the Buyer's use or enjoyment of the property or any intended use of the property that occur up to the time of closing.
9. Seller has disclosure alternatives allowed by MN Statutes. See Disclosure Statement: Seller's Disclosure Alternatives form for further information regarding disclosure alternatives. This disclosure is not a warranty or a guarantee of any kind by Seller or licensee(s) representing or assisting any party in the transaction and are not a substitute for any inspections or warranties the party(ies) may wish to obtain.
10. For purposes of the seller disclosure requirements of MN Statutes 513.52 through 513.60:
11. "Residential real property" or "residential real estate" means property occupied as, or intended to be occupied as, a single-family residence, including a unit in a common interest community as defined in MN Statute 515B.1-103, clause (10), regardless of whether the unit is in a common interest community not subject to chapter 515B.
12. 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.
13. INSTRUCTIONS TO BUYER: Buyers are encouraged to thoroughly inspect the property personally or have it inspected by a third party, and to inquire about any specific areas of concern. NOTE: If Seller answers NO to any of the questions listed below, it does not necessarily mean that it does not exist on the property. NO may mean that Seller is unaware that it exists on the property.
14. INSTRUCTIONS TO SELLER: (1) Complete this form yourself. (2) Consult prior disclosure statement(s) and/or inspection report(s) when completing this form. (3) Describe conditions affecting the property to the best of your knowledge. (4) Attach additional pages, with your signature, if additional space is required. (5) Answer all questions. (6) If any items do not apply, write "NA" (not applicable).
15. Property located at 15265 Dupont Path
16. City of Apple Valley, County of Dakota, State of Minnesota.

A. GENERAL INFORMATION:

- 17. (1) What date 11/28/2005 did you [X] Acquire [] Build the home? (Check one.)
18. (2) Type of title evidence: [] Abstract [] Registered (Torrens) [X] Unknown
19. Location of Abstract:
20. To your knowledge, is there an existing Owner's Title Insurance Policy? [] Yes [] No
21. (3) Have you occupied this home continuously during your ownership? [X] Yes [] No
22. If "No," explain:
23. (4) Is the home suitable for year-round use? [X] Yes [] No
24. (5) Are you in possession of prior seller's disclosure statement(s)? (If "Yes," please attach.) [] Yes [X] No
25. (6) To your knowledge, does the property include a manufactured home? [] Yes [X] No
26. If "Yes," HUD #(s) is/are
27. Has the title been surrendered to the Registrar of Motor Vehicles for cancellation? [] Yes [] No





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49. Property located at 15265 Dupont Path Apple Valley

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

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

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

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

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

55. If "Yes," which zone? _____

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

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

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

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

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

61. If "Yes," please explain: _____

62. _____

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

64. Are you aware of any

65. (10) encroachments? [] Yes [X] No

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

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

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

69. _____

70. _____

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

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

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

74. _____

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

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

77. _____

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

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

80. What dates did the claim(s) occur? _____





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93. (3) (a) Has/Have the structure(s) been altered? (e.g., additions, altered roof lines, changes to load-bearing walls) If "Yes," please specify what was done, when and by whom (owner or contractor):

96. 97.

98. (b) Has any work been performed on the property? (e.g., additions to the property, wiring, plumbing, retaining wall, general finishing.)

99. 100. 101. If "Yes," please explain: Fence added in 2011, New Trex deck put on in 2009

102. (c) Are you aware of any work performed on the property for which appropriate permits were not obtained?

103. 104. 105. If "Yes," please explain:

106. (4) Has there been any damage to flooring or floor covering?

107. 108. If "Yes," give details of what happened and when: Several spots / stains on carpet in basement.

109. (5) Do you have or have you previously had any pets?

110. 111. 112. If "Yes," indicate type 1 Dog 1 Cat and number

111. (6) Comments: 112.

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

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

116. (1) THE FOUNDATION: To your knowledge, the type of foundation is (i.e., block, poured, wood, stone, other): 117. ? Poured I believe.

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

- 119. (a) cracked floor/walls (b) drain tile problem (c) flooding (d) foundation problem (e) leakage/seepage (f) sewer backup (g) wet floors/walls (h) other

123. Give details to any questions answered "Yes": 124. 125.





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

130. (a) what is the age of the roofing material? 15 years

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

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

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

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

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

136. _____

137. _____

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

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

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

Table with 3 columns: In Working Order (Yes/No), Item description, In Working Order (Yes/No). Rows include Air-conditioning, Heating system, Trash compactor, etc.

145. Comments: Sauna has never been used by the seller

166. _____





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170. E. SUBSURFACE SEWAGE TREATMENT SYSTEM DISCLOSURE:

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

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

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

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

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

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

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

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

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

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

187. G. PROPERTY TAX TREATMENT:

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

189. (Check appropriate box.)

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

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

194. Additional comments:

195.

196. Preferential Property Tax Treatment

197. Is the property subject to any preferential property tax status or any other credits affecting the property?

198. (e.g., Disability, Green Acres, CRP, RIM, Rural Preserve, Veterans' Benefits, 199. Non-Profit Status) Yes No

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

201. Explain:

202.

203. H. METHAMPHETAMINE PRODUCTION DISCLOSURE:

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

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

206. Seller is aware that methamphetamine production has occurred on the property.

207. (See Disclosure Statement: Methamphetamine Production.)

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





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

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

219. K. CEMETERY ACT:

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

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

222. If "Yes," please explain:

223. 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.

230. L. ENVIRONMENTAL CONCERNS:

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

- 232. Animal/Insect/Pest Infestations? [] Yes [X] No
233. Asbestos? [] Yes [X] No
234. Diseased trees? [] Yes [X] No
235. Formaldehyde? [] Yes [X] No
236. Hazardous wastes/substances? [] Yes [X] No
237. Lead? (e.g., paint, plumbing) [] Yes [X] No
238. Mold? [] Yes [X] No
239. Soil problems? [] Yes [X] No
240. Underground storage tanks? [] Yes [X] No

241. Other? [] Yes [X] No

242. 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

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

244. Give details to any question answered "Yes":

245. M. RADON DISCLOSURE:
246. (The following Seller disclosure satisfies MN Statute 144.496.)

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

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

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

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

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

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

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

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

272. _____
273. _____
274. _____

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

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

278. _____
279. _____
280. _____

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

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

283. Notices: Seller [] HAS [X] HAS NOT received a notice regarding any proposed improvement project from any assessing authorities, the costs of which project may be assessed against the property. If "HAS," please attach and/or explain:

284. _____
285. _____
286. _____
287. _____

288. Other Defects/Material Facts: 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

291. If "Yes," explain: _____
292. _____
293. _____
294. _____
295. _____





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

302. Examples of exterior moisture sources may be

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

307. Examples of interior moisture sources may be

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

317. In addition to the possible structural damage water intrusion may do to the property, water intrusion may also result 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.

320. 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.

324. 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.

329. For additional information about water intrusion, indoor air quality, moisture or mold issues, please view the Minnesota Association of REALTORS® Desktop Reference Guide at www.mnrealtor.com.

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

336. Q. ADDITIONAL COMMENTS:
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338.
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343. THE INFORMATION DISCLOSED IS GIVEN TO THE BEST OF SELLER'S KNOWLEDGE.

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

346. Exceptions

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

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

364. MN STATUTES 144.496: RADON AWARENESS ACT

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

367. Waiver

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

371. No Duty to Disclose

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



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397. S. SELLER'S STATEMENT:

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

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

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

410. [Signature] 12/3/14
(Seller) Jeffrey Benadum (Date)

Julie Benadum 12/03/14
(Seller) Julie Benadum (Date)

411. T. BUYER'S ACKNOWLEDGEMENT:

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

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

415. _____
(Buyer) (Date) (Buyer) (Date)

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

MN:DS:SPDS (8/14)

