



**DISCLOSURE STATEMENT:
VACANT LAND**

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1. Date 11.1.14
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 eight (8), are obligated to
8. disclose to prospective Buyers all material facts of which Seller is aware that could adversely and significantly affect
9. an ordinary buyer's use or enjoyment of the property or any intended use of the property of which Seller is aware.
10. MN Statute 513.58 requires Seller to notify Buyer in writing as soon as reasonably possible, but in any event before
11. closing, if Seller learns that Seller's disclosure was inaccurate. Seller is obligated to continue to notify Buyer, in writing,
12. of any facts disclosed herein (new or changed) of which Seller is aware that could adversely and significantly affect the
13. Buyer's use or enjoyment of the property or any intended use of the property that occur up to the time of closing.
14. Seller has disclosure alternatives allowed by MN Statutes. See *Seller's Disclosure Alternatives* form for further
15. information regarding disclosure alternatives. This disclosure is not a warranty or a guarantee of any kind by Seller or
16. licensee(s) representing or assisting any party in the transaction.
17. For purposes of the seller disclosure requirements of MN Statutes 513.52 through 513.60:
18. "Residential real property" or "residential real estate" means property occupied as, or *intended to be occupied* as, a
19. single-family residence, including a unit in a common interest community as defined in MN Statute 515B.1-103, clause
20. (10), regardless of whether the unit is in a common interest community not subject to Chapter 515B.
21. The seller disclosure requirements of MN Statutes 513.52 through 513.60 apply to the transfer of any interest in
22. residential real estate, whether by sale, exchange, deed, contract for deed, lease with an option to purchase or any
23. other option.
24. **INSTRUCTIONS TO BUYER:** Buyers are encouraged to thoroughly inspect the land personally or have it inspected
25. by a third party, and to inquire about any specific areas of concern. **NOTE:** If Seller answers "NO" to any of the questions
26. listed below, it does not necessarily mean that it does not exist on the land. "NO" may mean that Seller is unaware that
27. it exists on the land.
28. **INSTRUCTIONS TO SELLER:** (1) Complete this form yourself. (2) Consult prior disclosure statement(s) and/or
29. inspection report(s) when completing this form. (3) Describe conditions affecting the land to the best of your knowledge.
30. (4) Attach additional pages with your signature if additional space is required. (5) Answer all questions. (6) If any items
31. do not apply, write "NA" (not applicable).

32. Land location or identification 3465 Tuxedo Rd,
(Address./Section/Township/Range)

33. PID # 25-117-24-13-0038, Legal Description BLOCK 005 DOUGLAS LOTS 1, 2 AND 17,

34. City or Township of Minnetrista, County of Hennepin, State of Minnesota.

35. A. GENERAL INFORMATION:

36. (1) What date February 2014 did you acquire the land?
37. (2) Type of title evidence: Abstract Registered (Torrens) Unknown
38. Location of Abstract: _____
39. To your knowledge, is there an existing Owner's Title Insurance Policy? Yes No
40. (3) Are you in possession of prior vacant land disclosure statement(s)?
41. (If "Yes," please attach if in your possession.) Yes No
42. (4) Are there any current or past Phase I, Phase II or Phase III Environmental Site
43. Assessment(s)? (If "Yes," please attach if in your possession.) Yes No
44. (5) Access (where/type): _____
45. Is access (legal and physical) other than by direct frontage on a public road? Yes No





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48. Property located at 3465 Tuxedo Rd Minnetrista MN 55364

49. (6) Has the land been surveyed? Yes No

50. Year surveyed: 2005

51. What company/person performed the survey? unknown

52. Name: _____ Address: _____ Phone: _____

53. (7) Is this platted land? Yes No

54. If "Yes,"

55. has the plat been recorded? Yes No

56. do you have a certificate of survey in your possession? Yes No

57. If "Yes," who completed the survey? unknown When? _____

58. (8) Are you aware of any property markers on the land? Yes No

59. If "Yes," give details: _____

60. _____

61. (9) Is the land located on a public or private road? Public Private

62. (10) Are there any private or non-dedicated roadways that you are responsible for? Yes No

63. (11) For land abutting a lake, stream or river, does the land meet the
64. minimum local government lot size requirements? Yes No

65. If "No," buyer should consult the local zoning authority.

66. (12) Are there any rivers, lakes, ponds, creeks, streams or springs running
67. through the land or along a boundary line? Yes No

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

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

71. If "Yes," which zone? _____

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

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

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

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

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

77. If "Yes," please explain: _____

78. _____

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

84. (14) Is the land located in a drainage district, County or Judicial Drainage System? Yes No

85. (15) Is the land drain tiled? Yes No

86. (16) Is there a private drainage system on the land? Yes No





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90. (17) Is the land located within a government designated disaster evacuation zone
91. (e.g., nuclear facility, hazardous chemical facility, hazardous waste facility)? Yes No

92. (18) Are there encroachments? Yes No

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

94. _____
95. _____

96. B. GENERAL CONDITION:

97. (1) Are there any structures, improvements or emblements (e.g., crops) included
98. in the sale? Yes No

99. If "Yes," list all items:
100. **2 car garage**

101.
102.

103. (2) Is there any abandoned or junk motor vehicles, equipment of any kind or debris
104. included in the sale? Yes No

105. If "Yes," list all items: _____
106. _____

107. (3) Are there any drainage issues, flooding or conditions conducive to flooding? Yes No

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

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

111. (5) Were there any previous structures on the land? Yes No

112. (6) Are there any settling, erosion or soil movement problems on or affecting the land? Yes No

113. (7) Are there any gravel pits, caves, sink holes or mineshafts on or affecting the land? Yes No

114. (8) For any questions in Section B answered "Yes," please explain: _____

115. **There was an old cabin on the NW corner that was removed in 1996**
116. _____

117. C. USE RESTRICTIONS:

118. (1) To your knowledge, do any of the following types of covenants, conditions, reservations of rights or use or
119. restrictions affect the land?

120. (a) Are there easements, other than utility or drainage easements? Yes No

121. (b) Are there any public or private use paths or roadway rights of way/
122. easement(s)? Yes No

123. (c) Are there any ongoing financial maintenance or other obligations related to
124. the land that the buyer will be responsible for? Yes No

125. (d) Are there any communication, power, wind, pipeline (utility or drainage)
126. or other utility rights of way/easement(s)? Yes No





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130. (e) Are there any railroad or other transportation rights of way/easement(s)? [] Yes [X] No

131. (f) Is there subdivision or other recorded covenants, conditions or restrictions? [] Yes [X] No

132. (g) Are there association requirements or restrictions? [] Yes [X] No

133. (h) Is there a right of first refusal to purchase? [] Yes [X] No

134. (i) Is the land within the boundaries of a Native American reservation? [] Yes [X] No

135. (j) Are there any Department of Natural Resources restrictions? [] Yes [X] No

136. (k) Is the land located in a watershed district? [] Yes [X] No

137. (l) Is the land enrolled in any Federal, State or local governmental programs

138. (e.g., CREP, CRP, EQIP, WRP, Conservation programs, riparian buffers, etc.)? [] Yes [X] No

139. (m) Are there any USDA Wetland Determinations? [] Yes [X] No

140. (n) Are there any USDA Highly Erodible Land Determinations? [] Yes [X] No

141. (o) Are there any conservation practices installed (e.g., terracing, waterways,

142. control structures)? [] Yes [X] No

143. (p) Are there any Federal or State listed species? [] Plants [] Animals [] Yes [X] No

144. (q) Are there any third parties which have an interest in the mineral rights? [] Yes [X] No

145. (r) Is there any forfeiture or transfer of rights (e.g., mineral, timber,

146. development, etc.) [] Yes [X] No

147. (s) Are there any historical registry restrictions? [] Yes [X] No

148. (t) If any of the questions in Section C(1) are answered "Yes," please provide written copies of these

149. covenants, conditions, reservations or restrictions if in your possession: _____

150. _____

151. _____

152. (2) Have you ever received notice from any person or authority as to any breach of any of these covenants,

153. conditions, reservations or restrictions? [] Yes [X] No

154. If "Yes," please explain: _____

155. _____

156. _____

157. (3) Is the land currently rented? [] Yes [X] No

158. If "Yes," is there a written lease? [] Yes [] No

159. If "Yes," please provide a copy of the lease if in your possession or provide information:

160. Lease start date: _____

161. Lease end date: _____

162. Number of acres leased: _____

163. Price/acre: _____

164. Terms of lease: _____

165. Renter's name: _____ Phone number: _____

166. May the renter be contacted for info on the land? [] Yes [] No





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170. (4) Is woodland leased for recreational purposes? [] Yes [X] No

171. (5) Has a timber cruise been completed on woodland? [] Yes [X] No

172. (6) Has timber been harvested in past 25 years? [] Yes [X] No

173. If "Yes," what species was harvested? _____

174. _____

175. Was harvest monitored by a registered forester? [] Yes [] No

176. (7) To your knowledge, are there plans for a new road, expansion of an existing road, airport, trail, affect by railroad or other improvement that may affect this land? [] Yes [X] No

177. If "Yes," please explain: _____

178. _____

179. _____

180. (8) To your knowledge, are there any zoning violations, nonconforming uses or unusual restrictions on the land that would affect future construction or remodeling? [] Yes [X] No

183. D. UTILITIES:

184. (1) Have any percolation tests been performed? [] Yes [X] No

185. When? _____ By whom? _____

186. Attach copies of results, if in your possession.

187. (2) Subsurface Sewage Treatment System Disclosure: (A subsurface sewage treatment system disclosure is required by MN Statute 115.55.) (Check appropriate box.)

188. Seller certifies that Seller [] DOES [X] DOES NOT know of a subsurface sewage treatment system on or serving _____ (Check one.)

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

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

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

192. (3) Private Well Disclosure: (A well disclosure and Certificate are required by MN Statute 103I.235.) (Check appropriate box.)

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

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

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

196. To your knowledge, is the land in a Special Well Construction Area? [] Yes [X] No

197. (4) To your knowledge, are any of the following presently existing within the land:

198. (a) connection to public water? [] Yes [X] No

199. (b) connection to public sewer? [] Yes [X] No

200. (c) connection to private water system off-property? [] Yes [X] No





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211. (d) connection to electric utility? Yes No
212. (e) connection to pipelines (natural gas, petroleum, other)? Yes No
213. (f) connection to communication, power or utility lines? Yes No
214. (g) connection to telephone? Yes No
215. (h) connection to fiber optic? Yes No
216. (i) connection to cable? Yes No

217. (5) To your knowledge, are any of the following existing at the boundary of the land:
218. (a) public water system access? Yes No
219. (b) private water system access? Yes No
220. (c) co-op water system access? Yes No
221. (d) shared water system access? Yes No
222. (e) electric service access? Yes No
223. (f) pipeline (natural gas, petroleum, other) access? Yes No
224. (g) communication, power or utility line access? Yes No
225. (h) telephone access? Yes No
226. (i) fiber optic access? Yes No
227. (j) cable access? Yes No

228. E. ENVIRONMENTAL CONCERNS:

229. (1) To your knowledge, are there any buried storage tanks or buried debris or
230. waste on the land? Yes No
231. If "Yes," give details: _____
232. _____

233. (2) To your knowledge, are there any hazardous or toxic substances or wastes in,
234. on or affecting the land? Yes No
235. If "Yes," give details: _____
236. _____

237. (3) Have any soil tests been performed? Yes No
238. When? _____ By whom? _____
239. Attach copies of results if in your possession.

240. (4) To your knowledge, are there any soil problems? Yes No
241. If "Yes," give details: _____
242. _____

243. (5) To your knowledge, are there any dead or diseased trees? Yes No
244. If "Yes," give details: dead elm?

245. (6) To your knowledge, are there any insect/animal/pest infestations? Yes No
246. If "Yes," give details: _____
247. _____

248. (7) To your knowledge, are there any animal burial pits? Yes No
249. If "Yes," give details: _____





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253. (8) To your knowledge, are there any unused wells or other potential environmental
254. hazards on the site (e.g., fuel or chemical storage tanks, contaminated soil or water)
255. on the land? [] Yes [X] No

256. If "Yes," give details: _____

257. _____

258. (9) To your knowledge, did the land at one time abut or was located in close proximity
259. to a gas station, refuse disposal site, toxic substance storage site, junk yard or
260. other pollution situation? [] Yes [X] No

261. If "Yes," give details: _____

262. _____

263. (10) To your knowledge, is the land located in or near an agricultural zone? [] Yes [X] No
264. If "Yes," the land may be subjected to normal and accepted agricultural practices and operations including,
265. but not limited to noise; dust; day and nighttime operation of farm machinery; the raising and keeping of
266. livestock; and the storage and application of manure, fertilizers, soil amendments, herbicides and pesticides
267. associated with normal agricultural operations.

268. Gardens and new tree plantings will be at least 30 feet from all surrounding property lines bordering any
269. agricultural field.

270. (11) To your knowledge, are there any landfills or waste disposal sites within two (2)
271. miles of the land? [] Yes [X] No

272. If "Yes," give details: _____

273. _____

274. (12) To your knowledge, is there any government sponsored clean-up of the land? [] Yes [X] No

275. If "Yes," give details: _____

276. _____

277. (13) Are you aware if there are currently, or have previously been, any orders issued on the
278. land by any governmental authority ordering the remediation of a public health
279. nuisance on the land? [] Yes [X] No

280. If "Yes," Seller certifies that all orders [] HAVE [] HAVE NOT been vacated.
(See Disclosure Statement: Methamphetamine Production.)

281. (14) Other: _____

282. _____

283. _____

284. F. PREFERENTIAL PROPERTY TAX TREATMENT: Is the land subject to any preferential property tax status or any
285. other credits affecting the land (e.g., Disability, Green Acres, Rural Preserve,
286. Exclusive Ag Covenant)? [] Yes [X] No

287. If "Yes," would these terminate upon the sale of the land? [] Yes [] No

288. Explain: _____

289. _____

290. G. METHAMPHETAMINE PRODUCTION DISCLOSURE:

291. (A methamphetamine production disclosure is required by MN Statute 152.0275, Subd. 2 (m).)

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

293. [] Seller is aware that methamphetamine production has occurred on the land.

294. (See Disclosure Statement: Methamphetamine Production.)





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298. H. NOTICE REGARDING AIRPORT ZONING REGULATIONS: The land may be in or near an airport safety zone
299. with zoning regulations adopted by the governing body that may affect the land. Such zoning regulations are
300. filed with the county recorder in each county where the zoned area is located. If you would like to determine if such
301. zoning regulations affect the land, you should contact the county recorder where the zoned area is located.

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

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

307. If "Yes," please explain:

308.
309. All unidentified human remains or burials found outside of platted, recorded or identified cemeteries and in
310. contexts which indicate antiquity greater than 50 years shall be dealt with according to the provisions of MN
311. Statute 307.08, Subd. 7.

312. J. NOTICE REGARDING PREDATORY OFFENDER INFORMATION: Information regarding the predatory offender
313. registry and person registered with the predatory offender registry under MN Statute 243.166 may be
314. obtained by contacting the local law enforcement offices in the community where the land is located or
315. the Minnesota Department of Corrections at (651) 361-7200, or from the Department of Corrections web
316. site at www.corr.state.mn.us.

317. K. OTHER MATTERS: Is there anything else that may materially and adversely affect the land (e.g., including but not
318. limited to, pending claims or litigation, notice from any governmental authority of violation of any law or regulation,
319. proposed zoning changes, street changes, threat of condemnation)? [] Yes [X] No

320. If "Yes," please explain:

321.
322.
323.
324.
325.

326. L. ADDITIONAL COMMENTS:
327. IN THE EASTERN PART OF THE LOT THERE ARE PIPES USED FOR IRRIGATION OF
328. THE GARDEN IN THE GROUND.

329.
330.
331.
332.





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336. **M. MN STATUTES 513.52 THROUGH 513.60:**

337. **Exceptions**

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

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

355. **Waiver**

356. 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.

359. **No Duty to Disclose**

- 360. A. There is no duty to disclose the fact that the property
 - 361. (1) is or was occupied by an owner or occupant who is or was suspected to be infected with Human
 - 362. Immunodeficiency Virus or diagnosed with Acquired Immunodeficiency Syndrome;
 - 363. (2) was the site of a suicide, accidental death, natural death or perceived paranormal activity; or
 - 364. (3) is located in a neighborhood containing any adult family home, community-based residential facility
 - 365. or nursing home.
- 366. 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.
 - 367.
 - 368.
 - 369.
 - 370.
- 371. 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.
 - 372.
- 373. D. **Inspections.**
 - 374. (1) Except as provided in paragraph (ii), Seller is not required to disclose information relating to the real property if a written report that discloses the information has been prepared by a qualified third party and provided to the prospective buyer. For purposes of this paragraph, "qualified third party" means a federal, state or local governmental agency, or any person whom Seller or prospective buyer reasonably believes has the expertise necessary to meet the industry standards of practice for the type of inspection or investigation that has been conducted by the third party in order to prepare the written report.
 - 375.
 - 376.
 - 377.
 - 378.
 - 379.
 - 380. (2) 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.
 - 381.





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385. N. SELLER'S STATEMENT:

386. *(To be signed at time of listing.)*

387. Seller(s) hereby states the facts as stated above are true and accurate and authorizes any licensee(s)
388. representing or assisting any party(ies) in this transaction to provide a copy of this Disclosure Statement to
389. any person or entity in connection with any actual or anticipated sale of the property. A seller may provide this
390. Disclosure Statement to a real estate licensee representing or assisting a prospective buyer. The Disclosure
391. Statement provided to the real estate licensee representing or assisting a prospective buyer is considered to have
392. been provided to the prospective buyer. If this Disclosure Statement is provided to the real estate licensee
393. representing or assisting the prospective buyer, the real estate licensee must provide a copy to the prospective
394. buyer.

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

399.

<small>E3739F46-3F1E</small> <u>Philip McLaughlin</u> <small>11/1/2014 9:42:35 AM</small>	11/01/2014 <small>(Date)</small>	<small>5A6CBD37-60F3</small> <u>Gail McLaughlin</u> <small>11/1/2014 10:08:03 AM</small>	11/01/2014 <small>(Date)</small>
(Seller) Philip McLaughlin		(Seller) Gail McLaughlin	

400. O. BUYER'S ACKNOWLEDGEMENT:

401. *(To be signed at time of purchase agreement.)*

402. I/We, the Buyer(s) of the property, acknowledge receipt of this *Disclosure Statement: Vacant Land* and agree
403. that no representations regarding facts have been made other than those made above.

404. _____
(Buyer) (Date) (Buyer) (Date)

405. **LISTING BROKER AND LICENSEES MAKE NO REPRESENTATIONS HEREIN AND ARE**
406. **NOT RESPONSIBLE FOR ANY CONDITIONS EXISTING ON THE PROPERTY.**

MN:DS:VL (8/14)

