

DISCLOSURE STATEMENT: VACANT LAND



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1. Date _____
2. Page 1 of _____ pages: RECORDS AND
3. REPORTS, IF ANY, ARE ATTACHED AND MADE
4. A PART OF THIS DISCLOSURE.

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.
10. 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.
14. 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.
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 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.
21. 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.
24. **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, did not occur, or does not apply. "No" may mean that Seller is unaware.
28. **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).

32. Property location or identification **202** **Sandy Shores Rd** **Waconia** ,
(Address/Section/Township/Range)

33. PID # **75.4290020** , Legal Description **BLOCK 001 LOT 002 SUBDIVISIONNAME SANDY SHORES** ,

34. City or Township of **Waconia** , County of **Carver** ,

35. State of Minnesota, Zip Code **55387** ("Property").

36. A. GENERAL INFORMATION: The following questions are to be answered to the best of Seller's knowledge.

37. (1) What date did you acquire the land? _____

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

39. Location of Abstract: _____

40. Is there an existing Owner's Title Insurance Policy? Yes No

41. (3) Are you in possession of prior vacant land disclosure statement(s)?
(If "Yes," please attach if in your possession.) Yes No

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

45.	Property located at <u>202</u> Sandy Shores Rd	Waconia	MN	55387
46.	(4) Are there any current or past Phase I, Phase II, or Phase III Environmental Site Assessment(s)? (If "Yes," please attach if in your possession.)			
47.	<input type="checkbox"/> Yes <input type="checkbox"/> No			
48.	(5) Access (where/type): _____			
49.	Is access (legal and physical) other than by direct frontage on a public road? <input type="checkbox"/> Yes <input type="checkbox"/> No			
50.	(6) Has the Property been surveyed? <input type="checkbox"/> Yes <input type="checkbox"/> No			
51.	Year surveyed: _____			
52.	What company/person performed the survey? _____			
53.	Name: _____ Address: _____ Phone: _____			
54.	(7) Is this platted land? <input type="checkbox"/> Yes <input type="checkbox"/> No			
55.	If "Yes,"			
56.	has the plat been recorded? <input type="checkbox"/> Yes <input type="checkbox"/> No			
57.	do you have a certificate of survey in your possession? <input type="checkbox"/> Yes <input type="checkbox"/> No			
58.	If "Yes," who completed the survey? _____ When? _____			
59.	(8) Are there any property markers on the Property? <input type="checkbox"/> Yes <input type="checkbox"/> No			
60.	If "Yes," give details: _____			
61.	_____			
62.	(9) Is the Property located on a public or private road? <input type="checkbox"/> Public <input type="checkbox"/> Private <input type="checkbox"/> Public: no maintenance			
63.	(10) Are there any private or non-dedicated roadways that you are responsible for? <input type="checkbox"/> Yes <input type="checkbox"/> No			
64.	(11) Are there any rivers, lakes, ponds, creeks, streams, or springs running through the Property or along a boundary line? <input type="checkbox"/> Yes <input type="checkbox"/> No			
65.	(12) Flood Insurance: All properties in the State of Minnesota have been assigned a flood zone designation. Some flood zones may require flood insurance.			
66.	(a) Do you know which zone the Property is located in? <input type="checkbox"/> Yes <input type="checkbox"/> No			
67.	If "Yes," which zone? _____			
68.	(b) Have you ever had a flood insurance policy? <input type="checkbox"/> Yes <input type="checkbox"/> No			
69.	If "Yes," is the policy in force? <input type="checkbox"/> Yes <input type="checkbox"/> No			
70.	If "Yes," what is the annual premium? \$ _____			
71.	If "Yes," who is the insurance carrier? _____			
72.	(c) Have you ever had a claim with a flood insurance carrier or FEMA? <input type="checkbox"/> Yes <input type="checkbox"/> No			
73.	If "Yes," please explain: _____			
74.	_____			
75.	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.			

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

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85. (13) Is the Property located in a drainage district, County or Judicial Drainage System? Yes No

86. (14) Is the Property drain tiled? Yes No

87. (15) Is there a private drainage system on the Property? Yes No

88. (16) Is the Property located within a government designated disaster evacuation zone (e.g., nuclear facility, hazardous chemical facility, hazardous waste facility)? Yes No

89. (17) Are there encroachments? Yes No

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

92. _____

93. _____

94. **B. GENERAL CONDITION:** The following questions are to be answered to the best of Seller's knowledge.

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

97. If "Yes," list all items: _____

98. _____

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

101. If "Yes," list all items: _____

102. _____

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

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

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

106. _____

107. (5) Were there any previous structures on the Property? Yes No

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

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

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

113. _____

114. _____

115. **C. USE RESTRICTIONS:** The following questions are to be answered to the best of Seller's knowledge.

116. (1) Do any of the following types of covenants, conditions, reservations of rights or use, or restrictions affect the use or future resale of the Property?

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

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

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

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

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

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

128. (f) Is there subdivision or other recorded covenants, conditions, or restrictions? Yes No

129. (g) Are there association requirements or restrictions? Yes No

130. (h) Is there a right of first refusal to purchase? Yes No

131. (i) Is the Property within the boundaries of a Native American reservation? Yes No

132. (j) Are there any Department of Natural Resources restrictions? Yes No

133. (k) Is the Property located in a watershed district? Yes No

134. (l) Is the Property enrolled in any federal, state, or local governmental programs (e.g., conservation programs, CREP, CRP, EQIP, Green Acres, Managed Forest Land, RIM, riparian buffers, Rural Preserve, SFIA, WRP/RIM-WRP, etc.)? Yes No

135. (m) Are there any USDA Wetland Determinations? Yes No

136. (n) Are there any USDA Highly Erodible Land Determinations? Yes No

137. (o) Are there any conservation practices installed (e.g., terracing, waterways, control structures)? Yes No

138. (p) Are there any federal or state listed species? Plants Animals Yes No

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

140. (r) Is there any forfeiture or transfer of rights (e.g., mineral, timber, development, etc.)? Yes No

141. (s) Are there any historical registry restrictions? Yes No

142. (t) If any of the questions in Section C(1) are answered "Yes," please provide written copies of these covenants, conditions, reservations, or restrictions if in your possession:

143. _____

144. _____

145. (2) Have you ever received notice from any person or authority as to any breach of any of these covenants, conditions, reservations, or restrictions? Yes No

146. If "Yes," please explain:

147. _____

148. _____

149. (3) Is the Property currently rented? Yes No

150. If "Yes," is there a written lease? Yes No

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

152. Lease start date: _____

153. Lease end date: _____

154. Number of acres leased: _____

155. Price/acre: _____

156. Terms of lease: _____

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

158. May the renter be contacted for information on the Property? Yes No

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

168.	Property located at <u>202</u> Sandy Shores Rd	Waconia	MN	55387
169.	(4) Is woodland leased for recreational purposes?	<input type="checkbox"/> Yes		<input type="checkbox"/> No
170.	(5) Has a timber cruise been completed on woodland?	<input type="checkbox"/> Yes		<input type="checkbox"/> No
171.	(6) Has timber been harvested in the past 25 years?	<input type="checkbox"/> Yes		<input type="checkbox"/> No
172.	If "Yes," what species was harvested? _____			
173.	Was harvest monitored by a registered forester?	<input type="checkbox"/> Yes		<input type="checkbox"/> No
174.	(7) Are there plans for a new road, expansion of an existing road, airport, trail, affect by railroad, or other improvement that may affect this Property?	<input type="checkbox"/> Yes		<input type="checkbox"/> No
176.	If "Yes," please explain: 177. _____ 178. _____			
179.	(8) Are there any zoning violations, nonconforming uses, or unusual restrictions on the Property that would affect future construction or remodeling?	<input type="checkbox"/> Yes		<input type="checkbox"/> No
181.	D. UTILITIES: The following questions are to be answered to the best of Seller's knowledge.			
182.	(1) Have any percolation tests been performed?	<input type="checkbox"/> Yes		<input type="checkbox"/> No
183.	When? _____ By whom? _____			
184.	Attach copies of results, if in your possession.			
185.	(2) Subsurface Sewage Treatment System Disclosure: (A subsurface sewage treatment system disclosure is required by MN Statute 115.55.) (Check appropriate box.)			
187.	Seller <input type="checkbox"/> DOES <input type="checkbox"/> DOES NOT know of a subsurface sewage treatment system on or serving the above-described ----- (Check one.)-----			
188.	real Property. (If answer is DOES , and the system does not require a state permit, see <i>Disclosure Statement: Subsurface Sewage Treatment System.</i>)			
190.	<input type="checkbox"/> There is an abandoned subsurface sewage treatment system on the above-described real Property. (See <i>Disclosure Statement: Subsurface Sewage Treatment System.</i>)			
192.	(3) Private Well Disclosure: (A well disclosure and Certificate are required by MN Statute 103I.235.) (Check appropriate box(es).)			
194.	<input type="checkbox"/> Seller does not know of any wells on the above-described real Property.			
195.	<input type="checkbox"/> There are one or more wells located on the above-described real Property. (See <i>Disclosure Statement: Well.</i>)			
197.	<input type="checkbox"/> This Property is in a Special Well Construction Area.			
198.	<input type="checkbox"/> There are wells serving the above-described Property that are not located on the Property.			
199.	(a) How many properties or residences does the shared well serve? _____			
200.	(b) Is there a maintenance agreement for the shared well?	<input type="checkbox"/> Yes		<input type="checkbox"/> No
201.	If "Yes," what is the annual maintenance fee? \$ _____			
202.	(4) Are any of the following presently existing <u>within</u> the Property:			
203.	(a) connection to public water?	<input type="checkbox"/> Yes		<input type="checkbox"/> No
204.	(b) connection to public sewer?	<input type="checkbox"/> Yes		<input type="checkbox"/> No
205.	(c) connection to private water system off-property?	<input type="checkbox"/> Yes		<input type="checkbox"/> No
206.	(d) connection to electric utility?	<input type="checkbox"/> Yes		<input type="checkbox"/> No
207.	(e) connection to pipelines (natural gas, petroleum, other)?	<input type="checkbox"/> Yes		<input type="checkbox"/> No
208.	(f) connection to communication, power, or utility lines?	<input type="checkbox"/> Yes		<input type="checkbox"/> No
209.	(g) connection to telephone?	<input type="checkbox"/> Yes		<input type="checkbox"/> No
210.	(h) connection to fiber optic?	<input type="checkbox"/> Yes		<input type="checkbox"/> No
211.	(i) connection to cable?	<input type="checkbox"/> Yes		<input type="checkbox"/> No

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

214. Property located at 202 **Sandy Shores Rd** **Waconia** **MN 55387**.

215. **E. ENVIRONMENTAL CONCERNs:** The following questions are to be answered to the best of Seller's knowledge.

216. (1) Are there any buried storage tanks or buried debris or waste on the Property? Yes No

217. If "Yes," give details: _____

218. _____

219. (2) Are there any hazardous or toxic substances or wastes in, on, or affecting the Property? Yes No

220. If "Yes," give details: _____

221. _____

222. (3) Have any soil tests been performed? Yes No

223. When? _____ By whom? _____

224. Attach copies of results if in your possession.

225. (4) Are there any soil problems? Yes No

226. If "Yes," give details: _____

227. _____

228. (5) Are there any dead or diseased trees? Yes No

229. If "Yes," give details: _____

230. (6) Are there any insect/animal/pest infestations? Yes No

231. If "Yes," give details: _____

232. _____

233. (7) Are there any animal burial pits? Yes No

234. If "Yes," give details: _____

235. (8) Are there any unused wells or other potential environmental hazards (e.g., fuel or chemical storage tanks, contaminated soil or water) on the land? Yes No

236. If "Yes," give details: _____

237. _____

238. (9) Did the land at one time abut or was located in close proximity to a gas station, refuse disposal site, toxic substance storage site, junk yard, or other pollution situation? Yes No

239. If "Yes," give details: _____

240. _____

241. (10) Is the Property located in or near an agricultural zone? Yes No

242. If "Yes," the Property may be subjected to normal and accepted agricultural practices and operations including, but not limited to, noise; dust; day and nighttime operation of farm machinery; the raising and keeping of livestock; and the storage and application of manure, fertilizers, soil amendments, herbicides and pesticides associated with normal agricultural operations.

243. (11) Are there any landfills or waste disposal sites within two (2) miles of the Property? Yes No

244. If "Yes," give details: _____

245. _____

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253. THE INFORMATION DISCLOSED IS GIVEN TO THE BEST OF SELLER'S KNOWLEDGE.				
254. Property located at <u>202</u> <u>Sandy Shores Rd</u>		<u>Waconia</u>	<u>MN</u>	<u>55387</u>
255. (12) Is there any government sponsored clean-up of the Property?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
256. If "Yes," give details: _____				
257. _____				
258. (13) Are there 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?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
259. If "Yes," Seller certifies that all orders <input type="checkbox"/> HAVE <input type="checkbox"/> HAVE NOT been vacated. ----- <i>(Check one.)-----</i>				
260. (14) Other: _____				
261. _____				
262. _____				
263. F. RADON DISCLOSURE: (The following Seller disclosure satisfies MN Statute 144.496.)				
RADON WARNING STATEMENT: The Minnesota Department of Health strongly recommends that ALL homebuyers have an indoor radon test performed prior to purchase or taking occupancy, and recommends having the radon levels mitigated if elevated radon concentrations are found. Elevated radon concentrations can easily be reduced by a qualified, certified, or licensed, if applicable, radon mitigator.				
Every buyer of any interest in residential real property is notified that the property may present exposure to dangerous levels of indoor radon gas that may place occupants at risk of developing radon-induced lung cancer. Radon, a Class A human carcinogen, is the leading cause of lung cancer in nonsmokers and the second leading cause overall. The seller of any interest in residential real property is required to provide the buyer with any information on radon test results of the dwelling.				
RADON IN REAL ESTATE: By signing this Statement, Buyer hereby acknowledges receipt of the Minnesota Department of Health's publication entitled <i>Radon in Real Estate Transactions</i> , which is attached hereto and can be found at www.health.state.mn.us/communities/environment/air/radon/radonre.html .				
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.				
SELLER'S REPRESENTATIONS: The following are representations made by Seller to the extent of Seller's actual knowledge.				
283. (a) Radon test(s) <input type="checkbox"/> HAVE <input type="checkbox"/> HAVE NOT occurred on the Property. ----- <i>(Check one.)-----</i>				
284. (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: _____				
285. _____				
286. _____				
287. _____				
288. (c) There <input type="checkbox"/> IS <input type="checkbox"/> IS NOT a radon mitigation system currently installed on the Property. ----- <i>(Check one.)-----</i>				
289. If " IS ," Seller shall disclose, if known, information regarding the radon mitigation system, including system description and documentation. _____				
290. _____				
291. _____				
292. _____				
293. EXCEPTIONS: See Section P for exceptions to this disclosure requirement.				
294. G. CHRONIC WASTING DISEASE IN CERVIDAE: (The following Seller disclosure satisfies MN Statute 35.155, Subd. 11(d).)				
295. Has Chronic Wasting Disease been detected on the Property?		<input type="checkbox"/> YES	<input type="checkbox"/> NO	
296. If Yes, see <i>Disclosure Statement: Chronic Wasting Disease</i> . ----- <i>(Check one.)-----</i>				

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

299. Property located at 202 Sandy Shores Rd Waconia MN 55387.

300. **H. PREFERENTIAL PROPERTY TAX TREATMENT:** Is the Property subject to any preferential property tax status or any other credits affecting the Property (e.g., Exclusive Ag Covenant, Green Acres, Managed Forest Land, Non-Profit Status, Rural Preserve, SFIA, etc.)? Yes No

303. If "Yes," would these terminate upon the sale of the Property? Yes No

304. Explain: _____

305. **I. NOTICES/SPECIAL ASSESSMENTS:** The following questions are to be answered to the best of Seller's knowledge.

306. Seller HAS HAS NOT received a notice regarding any proposed, ongoing, or completed improvement
(Check one.)

307. project from any assessing authorities, the cost of which project may be assessed against the Property. If "HAS,"

308. please attach and/or explain:

309. _____

310. _____

311. _____

312. **J. FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT ("FIRPTA"):** Section 1445 of the Internal Revenue Code provides that a transferee ("Buyer") of a United States real property interest must be notified in writing and must withhold tax if the transferor ("Seller") is a foreign person and no exceptions from FIRPTA withholding apply.

315. Seller represents that Seller IS IS NOT a foreign person (i.e., a non-resident alien individual, foreign corporation,
(Check one.)

316. foreign partnership, foreign trust, or foreign estate) for purposes of income taxation. This representation shall survive the closing of any transaction involving the Property described herein.

318. **NOTE:** If the above answer is "IS," Buyer may be subject to income tax withholding in connection with the transaction (unless the transaction is covered by an applicable exception to FIRPTA withholding). In non-exempt transactions, Buyer may be liable for the tax if Buyer fails to withhold.

321. If the above answer is "IS NOT," Buyer may wish to obtain specific documentation from Seller ensuring Buyer is exempt from the withholding requirements as prescribed under Section 1445 of the Internal Revenue Code.

324. Due to the complexity and potential risks of failing to comply with FIRPTA, including Buyer's responsibility for withholding the applicable tax, Buyer and Seller should **seek appropriate legal and tax advice regarding FIRPTA compliance, as the respective licensees representing or assisting either party will be unable to assure either party whether the transaction is exempt from the FIRPTA withholding requirements.**

328. **K. METHAMPHETAMINE PRODUCTION DISCLOSURE:**

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

330. Seller is not aware of any methamphetamine production that has occurred on the Property.

331. Seller is aware that methamphetamine production has occurred on the Property.

332. (See Disclosure Statement: *Methamphetamine Production*.)

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

338. **M. CEMETERY ACT:** 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.

341. Are you aware of any human remains, burials, or cemeteries located on the Property? Yes No

342. If "Yes," please explain: _____

343. 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.

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

348. Property located at 202 Sandy Shores Rd Waconia MN 55387

349. **N. 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 land is located or the Minnesota Department of Corrections at (651) 361-7200, or from the Department of Corrections web site at <https://coms.doc.state.mn.us/publicregistrantsearch>.

354. **O. OTHER DEFECTS/MATERIAL FACTS/ADDITIONAL COMMENTS:** Are there 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 If "Yes," explain:

357. _____
358. _____
359. _____
360. _____
361. _____
362. _____
363. _____

364. **P. MN STATUTES 513.52 THROUGH 513.60:**

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

MN STATUTES 144.496: RADON AWARENESS ACT

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

Waiver: 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.

No Duty to Disclose

A. There is no duty to disclose the fact that the Property
(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;
(2) was the site of a suicide, accidental death, natural death, or perceived paranormal activity; or
(3) is located in a neighborhood containing any adult family home, community-based residential facility, or nursing home.

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

397. Property located at 202 Sandy Shores Rd Waconia MN 55387

398. 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.

400. 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.

402. D. **Inspections.**

404. (1) Except as provided in paragraph (2), 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.

406. (2) Seller shall disclose to the prospective buyer material facts known by Seller that contradict any information included in a written report under paragraph (1) if a copy of the report is provided to Seller.

415. Q. ADDITIONAL COMMENTS:

416. _____
417. _____
418. _____

419. R. SELLER'S STATEMENT: *(To be signed at time of listing.)*

420. Seller(s) hereby states the 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 Statement to any person or entity in connection with any actual or anticipated sale of the Property. A seller may provide this Disclosure Statement to a real estate licensee representing or assisting a prospective buyer. The Disclosure Statement provided to the real estate licensee representing or assisting a prospective buyer is considered to have been provided to the prospective buyer. If this Disclosure Statement is provided to the real estate licensee representing or assisting the prospective buyer, the real estate licensee must provide a copy to the prospective buyer.

422. **Seller is obligated to continue to notify Buyer in writing of any facts that differ from the facts disclosed here (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.**
424. To disclose new or changed facts, please use the *Amendment to Disclosure Statement* form.

426. _____ (Seller) _____ (Date) _____ (Seller) _____ (Date)

433. S. BUYER'S ACKNOWLEDGEMENT: *(To be signed at time of purchase agreement.)*

434. I/We, the Buyer(s) of the Property, acknowledge receipt of this *Disclosure Statement: Vacant Land* and agree that no representations regarding facts have been made other than those made above. This Disclosure Statement is not a warranty or guarantee of any kind by Seller or licensee representing or assisting any party in the transaction and is not a substitute for any inspections or warranties the party(ies) may wish to obtain.

436. The information disclosed is given to the best of Seller's knowledge.

438. _____ (Buyer) _____ (Date) _____ (Buyer) _____ (Date)

**440. LISTING BROKER AND LICENSEES MAKE NO REPRESENTATIONS HERE AND ARE
441. NOT RESPONSIBLE FOR ANY CONDITIONS EXISTING ON THE PROPERTY.**



Radon in Real Estate Transactions

All Minnesota homes can have dangerous levels of radon gas. Radon is a colorless and odorless gas that comes from the soil. The gas can accumulate in the home. When inhaled, its radioactive particles can damage the lungs. Long-term exposure to radon can lead to lung cancer. About 21,000 lung cancer deaths each year in the United States are caused by radon.

The only way to know how much radon gas has entered the home is to conduct a radon test. MDH estimates 2 in 5 homes exceed the 4.0 pCi/L (picocuries per liter) action level. Whether a home is old or new, any home can have high levels of radon.

The purpose of this publication is to educate and inform potential home buyers of the risks of radon exposure, and how to test for and reduce radon as part of real estate transactions.

Disclosure Requirements

Effective January 1, 2014, the Minnesota Radon Awareness Act requires specific disclosure and education be provided to potential home buyers during residential real estate transactions in Minnesota.

Before signing a purchase agreement to sell or transfer residential real property, the seller shall provide this publication and shall disclose in writing to the buyer:

- 1. whether a radon test or tests have occurred on the property**
- 2. the most current records and reports pertaining to radon concentrations within the dwelling**
- 3. a description of any radon levels, mitigation, or remediation**
- 4. information on the radon mitigation system, if a system was installed**
- 5. a radon warning statement**

Radon Facts

How dangerous is radon? Radon is the number one cause of lung cancer in nonsmokers, and the second leading cause overall. Your risk for lung cancer increases with higher levels of radon, prolonged exposure, and whether or not you are a current smoker or former smoker.

Where is your greatest exposure to radon? For most Minnesotans, your greatest exposure is at home where radon can concentrate indoors.

What is the recommended action based on my results? If the average radon in the home is at or above 4.0 pCi/L, the home's radon level should be reduced. Also, consider mitigating if radon levels are between 2.0 pCi/L and 3.9 pCi/L. Any amount of radon, even below the recommended action level, carries some risk. A home's radon levels may change in the future, so test every 2–5 years, or sooner if there is major remodeling or changes to the foundation, heating, cooling, or ventilation.

Radon Warning Statement

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

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

Radon Testing

Any test lasting less than three months requires **closed-house conditions**. Closed-house conditions include keeping all windows and doors closed, except for normal entry and exit, and temperature set to 65 – 80 °F. For a full list of closed-house conditions please visit mn.gov/radon/notice.

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

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

Where should the test be conducted? Any radon test conducted for a real estate transaction needs to be placed in the lowest livable area of the home suitable for occupancy. This is typically in the basement, whether finished or unfinished. If other foundations are present, such as a crawl space or slab on grade, also test the rooms above these foundations.

Place the test kit:

- 20 inches to 6 feet above the floor
- 3 feet from exterior doors and windows
- 1 foot from exterior walls
- away from heat sources and drafts caused by vents and fans
- not in enclosed areas or areas of high heat/humidity

How are radon tests conducted in real estate transactions?

There are special protocols for radon testing in real estate transactions. Because these tests are time-sensitive there are two testing options. For both tests, test for a minimum of 2 days.

Continuous Radon Monitor (CRM)

MDH recommends CRMs in real estate testing. CRMs are calibrated, provide more data, and may detect tampering. The average of the results are used to make a decision to mitigate.

Simultaneous Short-Term Testing

Two short-term test kits are placed side by side, 4" – 8" apart. The results of the two tests are averaged and used to make a decision to mitigate.

Radon Mitigation

When elevated levels of radon are found, they can be easily reduced by a licensed professional.

Radon mitigation is the process or system used to reduce radon concentrations in the breathing zones of occupied buildings. The goal of a radon mitigation system is to reduce the indoor radon levels to below the action level. This is done by drawing soil gas from under the house and venting it above the roof. A quality mitigation system is often able to reduce the annual average radon level to below 2.0 pCi/L. The cost of a radon mitigation system averages \$1,500 to \$3,000.

After a radon mitigation system is installed perform an independent short-term test to ensure the reduction system is effective. Operate the radon system during the entire test. This short-term test will confirm low levels in the home. Be sure to retest the house every two years to confirm continued radon reduction.

All radon testing and mitigation should be conducted by licensed radon professionals. Radon service providers, such as home inspectors, must be licensed. A list of these licensed radon professionals can be found at MDH's radon web site. MDH conducts free inspections, upon request, of recently installed radon mitigation systems, to check that they meet requirements.

More Radon Information

www.mn.gov/radon

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