

**SELLER'S PROPERTY
DISCLOSURE STATEMENT**

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1. Date 3-14-11
2. Page 1 of 9 pages

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

4. **NOTICE:** This Disclosure Statement satisfies the disclosure requirements of MN Statutes 513.52 through 513.60.
5. Under Minnesota law, Sellers of residential property, with limited exceptions listed on page nine (9), are obligated to
6. disclose to prospective Buyers all material facts of which Seller is aware that could adversely and significantly affect
7. an ordinary Buyer's use or enjoyment of the property or any intended use of the property of which Seller is aware.
8. MN Statute 513.58 requires Seller to notify Buyer in writing as soon as reasonably possible, but in any event
9. before closing, if Seller learns that Seller's disclosure was inaccurate. Seller has disclosure alternatives allowed
10. by MN Statutes. See *Seller's Disclosure Alternatives* form for further information regarding disclosure alternatives. This
11. disclosure is not a warranty or a guarantee of any kind by Seller or licensee representing or assisting any party in the
12. transaction.

13. **INSTRUCTION TO BUYER:** Buyers are encouraged to thoroughly inspect the property personally or have it inspected
14. by a third party, and to inquire about any specific areas of concern. **NOTE:** If Seller answers NO to any of the questions
15. listed below, it does not necessarily mean that it does not exist on the property. NO may mean that Seller is unaware
16. that it exists on the property.

17. **INSTRUCTIONS TO SELLER:** (1) Complete this form yourself. (2) Consult prior disclosure statement(s) and/or
18. inspection report(s) when completing this form. (3) Describe conditions affecting the property to the best of your
19. knowledge. (4) Attach additional pages, with your signature, if additional space is required. (5) Answer all questions.
20. (6) If any items do not apply, write "NA" (not applicable).

21. Property located at 2439 Como Avenue
22. City of St. Paul, County of Ramsey, State of Minnesota.

23. A. GENERAL INFORMATION:

24. (1) What date August 13, 2007 did you **Acquire** **Build** the home?
(Check one.)

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

26. Location of Abstract: _____

27. To your knowledge, is there an existing Owner's Title Insurance Policy? Yes No

28. (3) Have you occupied this home continuously for the past 12 months? Yes No

29. If "No," explain: _____

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

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

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

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

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

36. If "No," or "Unknown," Buyer should consult the local zoning authority.

37. Are you aware of any

38. (9) encroachments? Yes No

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

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

42. (12) Comments: _____

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

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

46. Property located at 2439 Como Avenue St. Paul

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

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

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

51. _____

52. _____

53. (2) Have you ever had an insurance claim(s) against your Homeowner's
54. Insurance Policy? Yes No

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

56. _____

57. _____

58. Did you receive compensation for the claim(s)? Yes No

59. If you received compensation, did you have the items repaired? Yes No

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

61. _____

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

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

65. _____

66. _____

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

69. If "Yes," please explain: _____

70. _____

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

73. If "Yes," please explain: _____

74. _____

75. (4) Has there been any damage to flooring or floor covering? Yes No

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

77. _____

78. (5) Are you aware of any insect/animal/pest infestation? Yes No

79. If "Yes," please explain: _____

80. _____

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

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82. Page 3

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

84. Property located at 2439 Como Avenue St. Paul

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

86. If "Yes," indicate type DOGS & CATS and number 3/2

87. (7) Comments: _____

88. _____

89. _____

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

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

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

- | | | | | | |
|-----------------------------|------------------------------|--|----------------------|---|--|
| 94. (a) cracked floor/walls | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | (e) leakage/seepage | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 95. (b) drain tile problem | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | (f) sewer backup | <input checked="" type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 96. (c) flooding | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | (g) wet floors/walls | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 97. (d) foundation problem | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | (h) other | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

98. Give details to any questions answered "Yes": Kitchen sink backed up w/in one week of
99. moving in. Seller paid to have outflow sewer pipe in basement
100. replaced - no problems since then.

101. _____

102. _____

103. _____

104. _____

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

106. (a) what is the age of the roofing material? unknown years ?

**SEE PRIOR
DISCLOSURE**

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

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

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

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

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

112. _____

113. _____

114. _____

115. _____

116. _____

117. _____

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

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

121. Property located at 2439 Como Avenue St. Paul

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

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

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

	In Working Order			In Working Order			In Working Order	
	Yes	No		Yes	No		Yes	No
129. Air-conditioning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Garbage disposal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Trash Compactor	<input type="checkbox"/>	<input type="checkbox"/>
130. <input checked="" type="checkbox"/> Central <input type="checkbox"/> Wall <input type="checkbox"/> Window			Heating system (central)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TV antenna system	<input type="checkbox"/>	<input type="checkbox"/>
131. Air exchange system	<input type="checkbox"/>	<input type="checkbox"/>	Heating system (supplemental)	<input type="checkbox"/>	<input type="checkbox"/>	TV cable system	<input checked="" type="checkbox"/>	<input type="checkbox"/>
132. Carbon Monoxide Detector	<input type="checkbox"/>	<input type="checkbox"/>	Incinerator	<input type="checkbox"/>	<input type="checkbox"/>	TV satellite dish	<input type="checkbox"/>	<input type="checkbox"/>
133. Ceiling fan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Intercom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rented <input type="checkbox"/> Owned		
134. Dishwasher	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lawn sprinkler system	<input type="checkbox"/>	<input type="checkbox"/>	TV satellite receiver	<input type="checkbox"/>	<input type="checkbox"/>
135. Doorbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Microwave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rented <input type="checkbox"/> Owned		
136. Drain tile system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Plumbing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Washer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
137. Dryer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Pool and equipment	<input type="checkbox"/>	<input type="checkbox"/>	Water heater	<input checked="" type="checkbox"/>	<input type="checkbox"/>
138. Electrical system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Range/oven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Water treatment system	<input type="checkbox"/>	<input type="checkbox"/>
139. Exhaust system	<input type="checkbox"/>	<input type="checkbox"/>	Range hood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rented <input type="checkbox"/> Owned		
140. Fire sprinkler system	<input type="checkbox"/>	<input type="checkbox"/>	Refrigerator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Windows	<input checked="" type="checkbox"/>	<input type="checkbox"/>
141. Fireplace	<input type="checkbox"/>	<input type="checkbox"/>	Security system	<input type="checkbox"/>	<input type="checkbox"/>	Window treatments	<input checked="" type="checkbox"/>	<input type="checkbox"/>
142. Fireplace mechanisms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Rented <input type="checkbox"/> Owned			Wood-burning stove	<input type="checkbox"/>	<input type="checkbox"/>
143. Furnace humidifier	<input type="checkbox"/>	<input type="checkbox"/>	Smoke detectors (battery)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>
144. Freezer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Smoke detectors (hardwired)	<input type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>
145. Garage door opener (GDO)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Solar collectors	<input type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>
146. Garage auto reverse	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sump pump	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>
147. GDO remote	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Toilet mechanisms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>

148. Comments: _____

149. _____

150. E. SUBSURFACE SEWAGE TREATMENT SYSTEM DISCLOSURE:

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

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

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

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

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

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

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

162. Property located at 2439 Como Avenue St. Paul

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

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

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

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

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

171. G. PROPERTY TAX TREATMENT:

172. Valuation Exclusion Disclosure (Required by MN Statute 273.11, Subd. 16.)
173. (Check appropriate box.)

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

178. Additional comments: _____

179. _____

180. _____

181. **Preferential Property Tax Treatment**

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

183. (e.g., Disability, Green Acres, CRP, RIM, Rural Preserve) Yes No

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

185. Explain: _____

186. _____

187. _____

188. H. METHAMPHETAMINE PRODUCTION DISCLOSURE:

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

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

191. Seller is aware that methamphetamine production has occurred on the property.
192. (See Methamphetamine Production Disclosure Statement.)

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

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

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

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

204. Property located at 2439 Como Avenue St. Paul

205. **K. CEMETERY ACT:**

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

209. To your knowledge, are you aware of any human remains, burials or cemeteries located
210. on the property? Yes No

211. If "Yes," please explain: _____

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

216. **L. ENVIRONMENTAL CONCERNS:**

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

219. Asbestos?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Mold?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
220. Diseased trees?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Radon?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
221. Formaldehyde?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Soil problems?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
222. Hazardous wastes/substances?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Underground storage tanks?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
223. Lead? (e.g., paint, plumbing)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

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

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

227. Give details to any question answered "Yes": _____

228. _____

229. _____

230. **M. OTHER DEFECTS/MATERIAL FACTS:**

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

233. If "Yes," explain below: _____

234. _____

235. _____

236. _____

237. **N. ADDITIONAL COMMENTS:**

238. _____

239. _____

240. _____

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

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

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

247. Examples of exterior moisture sources may be

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

252. Examples of interior moisture sources may be

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

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

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

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

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

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

MN: SPDS-7 (8/10)

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

279. Property located at 2439 Como Avenue St. Paul

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

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

287. Q. SELLER'S STATEMENT:

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

289. Seller(s) hereby states the material facts as stated above are true and accurate and authorizes any licensee(s)
290. representing or assisting any party(ies) in this transaction to provide a copy of this Disclosure to any person or
291. entity in connection with any actual or anticipated sale of the property.

292. Denise A. Case 2/27/11
(Seller) (Date)

Greg Cloutier 2/27/11
(Seller) (Date)

293. R. BUYER'S ACKNOWLEDGEMENT:

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

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

297. _____ (Buyer) _____ (Date) _____ (Buyer) _____ (Date)

298. S. SELLER'S ACKNOWLEDGMENT:

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

300. AS OF THE DATE BELOW, I/we, the Seller(s) of the property, state that the material facts stated above are the
301. same, except for changes as indicated below, which have been signed and dated.

302. _____
303. _____
304. _____
305. _____
306. _____

307. _____ (Seller) _____ (Date) _____ (Seller) _____ (Date)

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

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

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

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

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

318. Exceptions

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

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

336. Waiver

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

340. No Duty to Disclose

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

- 342. (1) is or was occupied by an owner or occupant who is or was suspected to be infected with Human
343. Immunodeficiency Virus or diagnosed with Acquired Immunodeficiency Syndrome;
- 344. (2) was the site of a suicide, accidental death, natural death or perceived paranormal activity; or
- 345. (3) is located in a neighborhood containing any adult family home, community-based residential facility or nursing
346. home.

347. B. **Predatory Offenders.** There is no duty to disclose information regarding an offender who is required to register
348. under MN Statute 243.166 or about whom notification is made under that section, if Seller, in a timely manner,
349. provides a written notice that information about the predatory offender registry and persons registered with the
350. registry may be obtained by contacting the local law enforcement agency where the property is located or the
351. Department of Corrections.

352. C. The provisions in paragraphs A and B do not create a duty to disclose any facts described in paragraphs A and B
353. for property that is not residential property.

354. D. Inspections.

- 355. (i) Except as provided in paragraph (ii), Seller is not required to disclose information relating to the real property
356. if a written report that discloses the information has been prepared by a qualified third party and provided to
357. the prospective buyer. For purposes of this paragraph, "qualified third party" means a federal, state or local
358. governmental agency, or any person whom Seller or prospective buyer reasonably believes has the expertise
359. necessary to meet the industry standards of practice for the type of inspection or investigation that has been
360. conducted by the third party in order to prepare the written report.
- 361. (ii) Seller shall disclose to the prospective buyer material facts known by Seller that contradict any information
362. included in a written report under paragraph (i) if a copy of the report is provided to Seller.

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