



DISCLOSURE STATEMENT:
VACANT LAND

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- 1. Date 01/24/2018
2. Page 1 of 12 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
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 Disclosure Statement: Seller's Disclosure Alternatives
15. form for further information regarding disclosure alternatives. This disclosure is not a warranty or a guarantee of any
16. 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
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, did not occur, or does not apply. "No" may
27. mean that Seller is unaware.

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 3999 90th Street SE
(Address/Section/Township/Range)

33. PID # 208-200-221100, Legal Description SECT-22 TWP-118 RANGE-025 UNPLATTED LAND FRANKLIN TWP3 40.00 AC NE NE

34. City or Township of Delano, County of Wright, State of Minnesota.

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

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

37. (2) Type of title evidence: [X] Abstract [ ] Registered (Torrens) [ ] Unknown

38. Location of Abstract: Northland Title Co. Buffalo, MN

39. Is there an existing Owner's Title Insurance Policy? [ ] Yes [X] No

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

44. (5) Access (where/type): Public Street - 90th St.

45. Is access (legal and physical) other than by direct frontage on a public road? [ ] Yes [X] No

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

48. Property located at 3999 90th Street SE Delano MN 55328
49. (6) Has the land been surveyed?  Yes  No
50. Year surveyed: 2006
51. What company/person performed the survey? Otto Survey
52. Name: \_\_\_\_\_ Address: Buffalo, MN 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? \_\_\_\_\_ When? \_\_\_\_\_
58. (8) Are there any property markers on the land?  Yes  No
59. If "Yes," give details: corner stakes
60. \_\_\_\_\_
61. (9) Is the land located on a public or private road?  Public  Private  Public: no maintenance
62. (10) Are there any private or non-dedicated roadways that you are responsible for?  Yes  No
63. (11) Are there any rivers, lakes, ponds, creeks, streams, or springs running
64. through the land or along a boundary line? Co. ditch  Yes  No
65. (12) Flood Insurance: All properties in the State of Minnesota have been assigned a flood zone designation.
66. Some flood zones may require flood insurance. Not flood zone N/A
67. (a) Do you know which zone the property is located in?  Yes  No
68. If "Yes," which zone? \_\_\_\_\_
69. (b) Have you ever had a flood insurance policy?  Yes  No
70. If "Yes," is the policy in force?  Yes  No
71. If "Yes," what is the annual premium? \$ \_\_\_\_\_
72. If "Yes," who is the insurance carrier? \_\_\_\_\_
73. (c) Have you ever had a claim with a flood insurance carrier or FEMA?  Yes  No
74. If "Yes," please explain: \_\_\_\_\_
75. \_\_\_\_\_
76. **NOTE:** Whether or not Seller currently carries flood insurance, it may be required in the future. Flood
77. insurance premiums are increasing, and in some cases will rise by a substantial amount over the premiums
78. previously charged for flood insurance for the property. As a result, Buyer should not rely on the premiums
79. paid for flood insurance on this property previously as an indication of the premiums that will apply after
80. Buyer completes their purchase.
81. (13) Is the land located in a drainage district, County or Judicial Drainage System?  Yes  No
82. (14) Is the land drain tiled?  Yes  No
83. (15) Is there a private drainage system on the land?  Yes  No
84. (16) Is the land located within a government designated disaster evacuation zone
85. (e.g., nuclear facility, hazardous chemical facility, hazardous waste facility)?  Yes  No

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

88. Property located at 3999 90th Street SE Delano MN 55328

89. (17) Are there encroachments?  Yes  No

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

91. \_\_\_\_\_

92. \_\_\_\_\_

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

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

96. If "Yes," list all items: 2 outbuildings

97. \_\_\_\_\_

98. \_\_\_\_\_

99. \_\_\_\_\_

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

102. If "Yes," list all items: \_\_\_\_\_

103. \_\_\_\_\_

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

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

106. If "Yes," give details of what happened and when: \_\_\_\_\_

107. \_\_\_\_\_

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

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

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

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

112. house & barn - removed 2006

113. \_\_\_\_\_

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

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

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

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

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

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

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

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

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128. Property located at 3999 90th Street SE Delano MN 55328

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 land 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 land located in a watershed district?  Yes  No

134. (l) Is the land enrolled in any federal, state, or local governmental programs (e.g., CREP, CRP, EQIP, WRP, conservation programs, riparian buffers, Sustainable Forest Incentive Act, etc.)? Green Acres  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. \_\_\_\_\_

146. (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

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

148. \_\_\_\_\_

149. \_\_\_\_\_

150. (3) Is the land currently rented?  Yes  No

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

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

153. Lease start date: One crop season - May 2018

154. Lease end date: November 2018

155. Number of acres leased: 25

156. Price/acre: 210<sup>00</sup>

157. Terms of lease: Annual-crop

158. Renter's name: Scott Kohls Phone number: 612-232-2584

159. May the renter be contacted for information on the land?  Yes  No

160. (4) Is woodland leased for recreational purposes?  Yes  No

161. (5) Has a timber cruise been completed on woodland?  Yes  No

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

169. Property located at 3999 90th Street SE Delano MN 55328
170. (6) Has timber been harvested in the past 25 years?  Yes  No
171. If "Yes," what species was harvested? \_\_\_\_\_
172. Was harvest monitored by a registered forester?  Yes  No
173. (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 land?  Yes  No
174. If "Yes," please explain: \_\_\_\_\_
175. \_\_\_\_\_
176. \_\_\_\_\_
177. (8) Are there any zoning violations, nonconforming uses, or unusual restrictions on the land that would affect future construction or remodeling?  Yes  No
178. \_\_\_\_\_
179. **D. UTILITIES:** The following questions are to be answered to the best of Seller's knowledge.
180. (1) Have any percolation tests been performed?  Yes  No
181. When? \_\_\_\_\_ By whom? \_\_\_\_\_
182. Attach copies of results, if in your possession.
183. (2) Subsurface Sewage Treatment System Disclosure: (A subsurface sewage treatment system disclosure is required by MN Statute 115.55.) (Check appropriate box.)
184. Seller certifies that Seller  DOES  DOES NOT know of a subsurface sewage treatment system on or serving 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.)
185. (Check one.)
186.  There is an abandoned subsurface sewage treatment system on the above-described real property. (See Disclosure Statement: Subsurface Sewage Treatment System.)
187. \_\_\_\_\_
188. \_\_\_\_\_
189. \_\_\_\_\_
190. (3) Private Well Disclosure: (A well disclosure and Certificate are required by MN Statute 1031.235.) (Check appropriate box.)
191.  Seller certifies that Seller does not know of any wells on the above-described real property.
192.  Seller certifies there are one or more wells located on the above-described real property. (See Disclosure Statement: Well.)
193. \_\_\_\_\_
194. \_\_\_\_\_
195. Are there any wells serving the above-described property that are not located on the land?  Yes  No
196. If "Yes":
197. (a) How many properties or residences does the shared well serve? 0
198. (b) Is there a maintenance agreement for the shared well?  Yes  No
199. If "Yes," what is the annual maintenance fee? \$ \_\_\_\_\_
200. Is the land in a Special Well Construction Area?  Yes  No
201. \_\_\_\_\_
202. (4) Are any of the following presently existing within the land:
203. (a) connection to public water?  Yes  No
204. (b) connection to public sewer?  Yes  No
205. (c) connection to private water system off-property?  Yes  No
206. (d) connection to electric utility?  Yes  No
207. (e) connection to pipelines (natural gas, petroleum, other)?  Yes  No
208. (f) connection to communication, power, or utility lines?  Yes  No
209. (g) connection to telephone?  Yes  No
210. (h) connection to fiber optic?  Yes  No
211. (i) connection to cable?  Yes  No

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

214. Property located at 3999 90th Street SE Delano MN 55328

215. (5) Are any of the following existing at the boundary of the land:
- |   |   |  |
|---|---|--|
| 216. (a) public water system access?                      | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| 217. (b) private water system access?                     | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| 218. (c) co-op water system access?                       | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 219. (d) shared water system access?                      | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 220. (e) electric service access?                         | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| 221. (f) pipeline (natural gas, petroleum, other) access? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| 222. (g) communication, power, or utility line access?    | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| 223. (h) telephone access?                                | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| 224. (i) fiber optic access?                              | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 225. (j) cable access?                                    | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

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

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

228. If "Yes," give details: \_\_\_\_\_

229. \_\_\_\_\_

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

231. If "Yes," give details: \_\_\_\_\_

232. \_\_\_\_\_

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

234. When? \_\_\_\_\_ By whom? \_\_\_\_\_

235. Attach copies of results if in your possession.

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

237. If "Yes," give details: \_\_\_\_\_

238. \_\_\_\_\_

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

240. If "Yes," give details: elm

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

242. If "Yes," give details: \_\_\_\_\_

243. \_\_\_\_\_

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

245. If "Yes," give details: \_\_\_\_\_

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

248. If "Yes," give details: \_\_\_\_\_

249. \_\_\_\_\_

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

252. If "Yes," give details: \_\_\_\_\_

253. \_\_\_\_\_

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

256. Property located at 3999 90th Street SE DeLano MN 55328
257. (10) Is the land located in or near an agricultural zone?  Yes  No
258. If "Yes," the land may be subjected to normal and accepted agricultural practices and operations including,
259. but not limited to, noise; dust; day and nighttime operation of farm machinery; the raising and keeping of
260. livestock; and the storage and application of manure, fertilizers, soil amendments, herbicides and pesticides
261. associated with normal agricultural operations.
262. Gardens and new tree plantings will be at least 30 feet from all surrounding property lines bordering any
263. agricultural field.
264. (11) Are there any landfills or waste disposal sites within two (2) miles of the land?  Yes  No
265. If "Yes," give details: \_\_\_\_\_
266. \_\_\_\_\_
267. (12) Is there any government sponsored clean-up of the land?  Yes  No
268. If "Yes," give details: \_\_\_\_\_
269. \_\_\_\_\_
270. (13) Are there currently, or have previously been, any orders issued on the land by any governmental authority
271. ordering the remediation of a public health nuisance on the land?  Yes  No
272. If "Yes," Seller certifies that all orders  HAVE  HAVE NOT been vacated.  
-----*(Check one)*-----
273. (14) Other: \_\_\_\_\_
274. \_\_\_\_\_

**275. F. RADON DISCLOSURE: (The following Seller disclosure satisfies MN Statute 144.496.)**

276. **RADON WARNING STATEMENT:** The Minnesota Department of Health strongly recommends that ALL
277. homebuyers have an indoor radon test performed prior to purchase or taking occupancy, and recommends having
278. the radon levels mitigated if elevated radon concentrations are found. Elevated radon concentrations can easily
279. be reduced by a qualified, certified, or licensed, if applicable, radon mitigator.
280. Every buyer of any interest in residential real property is notified that the property may present exposure to
281. dangerous levels of indoor radon gas that may place occupants at risk of developing radon-induced lung cancer.
282. Radon, a Class A human carcinogen, is the leading cause of lung cancer in nonsmokers and the second leading
283. cause overall. The seller of any interest in residential real property is required to provide the buyer with any
284. information on radon test results of the dwelling.
285. **RADON IN REAL ESTATE:** By signing this Statement, Buyer hereby acknowledges receipt of the Minnesota
286. Department of Health's publication entitled *Radon in Real Estate Transactions*, which is attached hereto and
287. can be found at [www.health.state.mn.us/divs/eh/indoorair/radon/mrealestateweb.pdf](http://www.health.state.mn.us/divs/eh/indoorair/radon/mrealestateweb.pdf).
288. A seller who fails to disclose the information required under MN Statute 144.496, and is aware of material facts
289. pertaining to radon concentrations in the property, is liable to the Buyer. A buyer who is injured by a violation of MN
290. Statute 144.496 may bring a civil action and recover damages and receive other equitable relief as determined by
291. the court. Any such action must be commenced within two years after the date on which the buyer closed the
292. purchase or transfer of the real property.
293. **SELLER'S REPRESENTATIONS:** The following are representations made by Seller to the extent of Seller's actual
294. knowledge.
295. (a) Radon test(s)  HAVE  HAVE NOT occurred on the property.  
-----*(Check one)*-----
296. (b) Describe any known radon concentrations, mitigation, or remediation. **NOTE:** Seller shall attach the most
297. current records and reports pertaining to radon concentration within the dwelling:
298. \_\_\_\_\_
299. \_\_\_\_\_

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

302. Property located at 3999 90th Street SE Delano MN 55328

303. (c) There  IS  IS NOT a radon mitigation system currently installed on the property.  
-----  
(Check one.)-----

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

306.

307.

308. EXCEPTIONS: See Section O for exceptions to this disclosure requirement.

309. G. PREFERENTIAL PROPERTY TAX TREATMENT: Is the land subject to any preferential property tax status or any  
310. other credits affecting the land (e.g., Disability, Green Acres, Rural Preserve,

311. Exclusive Ag Covenant)?

Yes

No

312. If "Yes," would these terminate upon the sale of the land?

Yes

No

313. Explain: Green Acres

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

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

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

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

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

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

330. I. METHAMPHETAMINE PRODUCTION DISCLOSURE:

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

332.  Seller is not aware of any methamphetamine production that has occurred on the land.

333.  Seller is aware that methamphetamine production has occurred on the land.

334. (See Disclosure Statement: Methamphetamine Production.)

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

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

342. Are you aware of any human remains, burials, or cemeteries located on the land?

Yes

No

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

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



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349. Property located at 3999 90th Street SE Delano MN 55328

350. **L. NOTICE REGARDING PREDATORY OFFENDER INFORMATION:** Information regarding the predatory offender  
351. registry and persons registered with the predatory offender registry under MN Statute 243.166 may be  
352. obtained by contacting the local law enforcement offices in the community where the land is located or  
353. the Minnesota Department of Corrections at (651) 361-7200, or from the Department of Corrections web  
354. site at [www.corr.state.mn.us](http://www.corr.state.mn.us).

355. **M. NOTICES/OTHER DEFECTS/MATERIAL FACTS:** The following questions are to be answered to the best of  
356. Seller's knowledge.

357. **Notices:** Seller  HAS  HAS NOT received a notice regarding any proposed improvement project from any  
358. assessing authorities, the costs of which project may be assessed against the property. If "HAS," please attach  
359. and/or explain: \_\_\_\_\_

360. \_\_\_\_\_  
361. **Other Defects/Material Facts:** Are there any other material facts that could adversely and significantly affect an  
362. ordinary buyer's use or enjoyment of the land or any intended use of the land?  Yes  No

363. If "Yes," explain: \_\_\_\_\_  
364. \_\_\_\_\_

365. **N. ADDITIONAL COMMENTS:**  
366. \_\_\_\_\_  
367. \_\_\_\_\_  
368. \_\_\_\_\_  
369. \_\_\_\_\_

370. **O. MN STATUTES 513.52 THROUGH 513.60:**  
371. **Exceptions:** The seller disclosure requirements of MN Statutes 513.52 through 513.60 **DO NOT** apply to  
372. (1) real property that is not residential real property;  
373. (2) a gratuitous transfer;  
374. (3) a transfer pursuant to a court order;  
375. (4) a transfer to a government or governmental agency;  
376. (5) a transfer by foreclosure or deed in lieu of foreclosure;  
377. (6) a transfer to heirs or devisees of a decedent;  
378. (7) a transfer from a co-tenant to one or more other co-tenants;  
379. (8) a transfer made to a spouse, parent, grandparent, child, or grandchild of Seller;  
380. (9) a transfer between spouses resulting from a decree of marriage dissolution or from a property agreement  
381. incidental to that decree;  
382. (10) a transfer of newly constructed residential property that has not been inhabited;  
383. (11) an option to purchase a unit in a common interest community, until exercised;  
384. (12) a transfer to a person who controls or is controlled by the grantor as those terms are defined with  
385. respect to a declarant under section 515B.1-103, clause (2);  
386. (13) a transfer to a tenant who is in possession of the residential real property; or  
387. (14) a transfer of special declarant rights under section 515B.3-104.

388. **MN STATUTES 144.496: RADON AWARENESS ACT**  
389. The seller disclosure requirements of MN Statute 144.496 DO NOT apply to (1)-(9) and (11)-(14) above. Sellers  
390. of newly constructed residential property must comply with the disclosure requirements of MN Statute 144.496.

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

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

396. Property located at 3999 90th Street SE Delano MN 55328

397. **No Duty to Disclose**

- 398. A. There is no duty to disclose the fact that the property
- 399. (1) is or was occupied by an owner or occupant who is or was suspected to be infected with Human
- 400. Immunodeficiency Virus or diagnosed with Acquired Immunodeficiency Syndrome;
- 401. (2) was the site of a suicide, accidental death, natural death, or perceived paranormal activity; or
- 402. (3) is located in a neighborhood containing any adult family home, community-based residential facility,
- 403. or nursing home.
- 404. B. **Predatory Offenders.** There is no duty to disclose information regarding an offender who is required to
- 405. register under MN Statute 243.166 or about whom notification is made under that section, if Seller, in a
- 406. timely manner, provides a written notice that information about the predatory offender registry and persons
- 407. registered with the registry may be obtained by contacting the local law enforcement agency where the
- 408. property is located or the Department of Corrections.
- 409. C. The provisions in paragraphs A and B do not create a duty to disclose any facts described in paragraphs
- 410. A and B for property that is not residential property.
- 411. D. **Inspections.**
- 412. (1) Except as provided in paragraph (2), Seller is not required to disclose information relating to the real
- 413. property if a written report that discloses the information has been prepared by a qualified third party
- 414. and provided to the prospective buyer. For purposes of this paragraph, "qualified third party" means
- 415. a federal, state, or local governmental agency, or any person whom Seller or prospective buyer reasonably
- 416. believes has the expertise necessary to meet the industry standards of practice for the type of inspection
- 417. or investigation that has been conducted by the third party in order to prepare the written report.
- 418. (2) Seller shall disclose to the prospective buyer material facts known by Seller that contradict any
- 419. information included in a written report under paragraph (1) if a copy of the report is provided to Seller.

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

421. Seller(s) hereby states the facts as stated above are true and accurate and authorizes any licensee(s)  
422. representing or assisting any party(ies) in this transaction to provide a copy of this Disclosure Statement to  
423. any person or entity in connection with any actual or anticipated sale of the property. A seller may provide this  
424. Disclosure Statement to a real estate licensee representing or assisting a prospective buyer. The Disclosure  
425. Statement provided to the real estate licensee representing or assisting a prospective buyer is considered to have  
426. been provided to the prospective buyer. If this Disclosure Statement is provided to the real estate licensee  
427. representing or assisting the prospective buyer, the real estate licensee must provide a copy to the prospective  
428. buyer.

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

433. Anthony J. Schaust 1-28-2018      Linda Schaust 1-28-2018  
(Seller) Anthony J. Schaust (Date) (Seller) Linda Schaust (Date)

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

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

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

440. \_\_\_\_\_ (Buyer) \_\_\_\_\_ (Date) \_\_\_\_\_ (Buyer) \_\_\_\_\_ (Date)

441. **LISTING BROKER AND LICENSEES MAKE NO REPRESENTATIONS HERE AND ARE**  
442. **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, odorless and tasteless radioactive gas that can seep into homes from the soil. When inhaled, it 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 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; and
5. a radon warning statement.

**MDH** Minnesota  
Department of Health

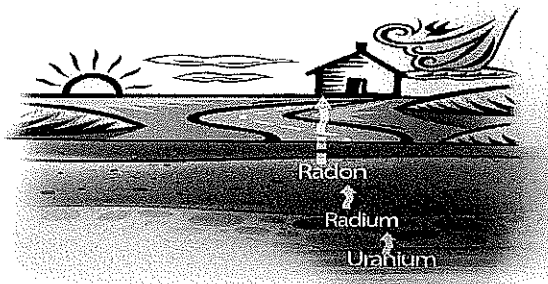
INDOOR AIR UNIT

## Radon Facts

**How dangerous is radon?** Radon is the number one cause of lung cancer in non-smokers, 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.



**MDH Radon Program**

PO Box 64975

St Paul, MN 55164-0975

health.indoor@state.mn.us

www.health.state.mn.us/radon

651-201-4601

800-798-9050

InstantFORMS

## Radon Testing

Any test lasting less than three months requires **closed-house conditions**. Keep all windows and doors closed, except for normal entry and exit.

**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. Test for at least 48 hours.

**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.

Place the test kit:

- twenty inches to six feet above the floor
- at least three feet from exterior walls
- four inches away from other objects
- in a location where it won't be disturbed
- not in enclosed areas or areas of high heat or humidity

## Radon Mitigation

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

**Radon mitigation** is the process used to reduce radon concentrations in buildings. This is done by drawing soil gas from under the house and venting it above the roof. A quality mitigation system should reduce levels to below 4.0 pCi/L, if not lower.

**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 test will confirm low levels in the home. Be sure to retest the house every two years to confirm continued radon reduction.

## Radon Warning Statement

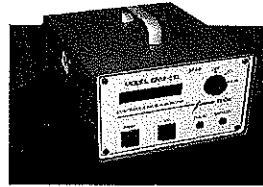
*"The Minnesota Department of Health strongly recommends that ALL homebuyers have an indoor radon test performed prior to purchase or taking occupancy, and recommends having the radon levels mitigated if elevated radon concentrations are found. Elevated radon concentrations can easily be reduced by a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

**How are radon tests conducted in real estate transactions?** There are special protocols for radon testing. The two most common ways to test are either using a calibrated continuous radon monitor (CRM) or two-short term test kits used at the same time. The short-term test kits are placed 4 inches apart and the results are averaged.

**Continuous Radon Monitor (CRM)**

*Fastest*



**Simultaneous Short-term Testing**

*Second Fastest*



**All radon tests should be conducted by a certified professional.** This ensures the test was conducted properly, in the correct location, and under appropriate building conditions. A list of these radon measurement professionals can be found at MDH's Radon website. If the seller previously conducted testing in a property at or above 4 pCi/L, the home should be mitigated.