

VACANT LAND DISCLOSURE STATEMENT

For use in North Dakota only

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Land location or identification (i.e. legal description): Lot 1, 2, 4, 5, 6, 7, 8, & 9, Block 1 of Edgewood Park

Edgewood Park in Wahpeton, ND

City or Township of Wahpeton, County of Richland

Seller authorizes Brokers or Salespersons to provide the following information to prospective Buyer. This is not a warranty or guarantee of any kind by Seller or any Licensee representing any parties and is not a substitute for inspections or warranties the parties may wish to obtain. Information presented in this form is not intended to be part of any contract between Buyer and Seller.

SELLER:

- You are to personally complete this form.
- Please answer all line items, even if your answer is "unknown".
- If more space is needed, place additional comments on Page 6 and include the line number you are referencing.

BUYER:

- You 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.

SELLER & BUYER:

- THE INFORMATION DISCLOSED IS GIVEN TO THE BEST OF SELLER'S KNOWLEDGE AND PERTAINS TO THE DURATION OF SELLER'S OWNERSHIP.**
- 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.
- Please initial by any changed answers or mistakes made on this form.

GENERAL INFORMATION:

Date you purchased the land? 1965

Type of title evidence ☒ abstract ☐ registered (Torrens) ☐ unknown

Location of abstract and/or owners title insurance policy Brewer Bank

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. ☐ yes ☒ no ☐ unknown

☒ yes ☐ no ☐ unknown Has the land been surveyed?

Year surveyed Number of Times

☒ yes ☐ no Do you have a certificate of survey in your possession?

What company/person performed the survey? _____

☒ yes ☐ no ☐ unknown Is this platted land?

☒ yes ☐ no ☐ unknown Has the plat been recorded?

☒ yes ☐ no ☐ unknown Are there any property markers on the land?

If "yes" provide details: Steel Stakes

☐ yes ☒ no ☐ unknown Are there any rivers, lakes, ponds, creeks, streams, or springs running through the land or along a boundary line?

☐ yes ☒ no ☐ unknown Is the land drain tiled?

If "yes" provide details: _____

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45 ☐yes ☒no ☐unknown Is there a private drainage system on the land?
46 If "yes" provide details: _____
47 _____
48 ☐yes ☒no ☐unknown Is the land located within a government designated evacuation zone?
49 ☐yes ☐no ☐unknown Are there any structures, improvements, or emblements (e.g., crops) included in the sale?
50 If "yes", list all items: _____
51 _____
52 ☐yes ☒no ☐unknown Are there any abandoned or junk motor vehicles, equipment of any kind, or debris
53 included in the sale?
54 If "yes", list all items: _____
55 _____
56 ☐yes ☒no ☐unknown Are there any drainage issues, flooding, or conditions conducive to flooding?
57 If "yes" provide details: _____
58 _____
59 ☐yes ☒no ☐unknown Has there been any damage by wind, fire, flood, hail, or other cause(s)?
60 If "yes", give details of what happened and when: _____
61 _____
62 ☐yes ☒no ☐unknown Were there any previous structures on the land?
63 If "yes", please explain: _____
64 _____
65 ☐yes ☒no ☐unknown Are there any settling, erosion, or soil movement problems on or affecting the land?
66 If "yes", please explain: _____
67 _____
68 ☐yes ☒no ☐unknown Are there any gravel pits, caves, sink holes, or mineshafts on or affecting the land?
69 If "yes", please explain: _____
70 _____
71 _____

72 **USE RESTRICTIONS:**
73 **Is/Are there any of the following? (check all that apply and explain – attach documentation if available):**
74 ☒ Covenants yes
75 ☐ Deed restrictions _____
76 ☐ Encroachments _____
77 ☒ Easements yes
78 ☐ Reservations of rights of use _____
79 ☐ Zoning infractions _____
80 ☐ Right of first refusal _____
81 ☐ Ongoing financial maintenance or other obligations related to the land that Buyer will be responsible for _____
82 _____
83 ☒ Utility rights of way yes
84 ☐ Third parties which have an interest in the mineral rights No

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- 88 ☐ Historical registry restrictions _____
- 89 ☐ Existing lease _____
- 90 ☐ Shared features (e.g. walls, fences, driveways, etc.) _____
- 91 ☐ Non-conforming uses _____
- 92 ☐ Homeowner's association _____ \$ _____ per _____
- 93 ☐ Trust or Shared Ownership _____
- 94 ☐ Violations of setback requirements _____
- 95 ☐ Notice from any assessing authority of a new improvement project, the cost which may be assessed against the property _____
- 96 _____
- 97 ☐ Property is enrolled in a federal, state, and/or local government program (e.g., conservation programs, CREP, CRP, EQIP, Green Acres, Managed Forest Land, RIM, riparian buffers, Rural Preserve, SFIA, WRP/RIM-WRP, etc.) _____
- 98 _____
- 99 _____
- 100 ☐ USDA Wetland Determination _____

101 **ENVIRONMENTAL CONCERNS:**

102 Are you aware of any of the following on or in the general vicinity of the property that could pose an impact to a purchaser's use or

103 enjoyment of the property? (check all that apply/explain):

- 104 ☐ Mold _____
- 105 ☐ Asbestos _____
- 106 ☐ Insect, animal, or pest infestations _____
- 107 ☐ Diseased or dead/dying trees/shrubs _____
- 108 ☐ Hazardous wastes/substances _____
- 109 ☐ Underground storage tanks _____
- 110 ☐ Methamphetamine or any illicit drug production/sales _____
- 111 ☐ Signs of soil expansion, contraction, or movement other than situations related to normal conditions _____
- 112 _____
- 113 ☒ Fill dirt site filled 50 years ago
- 114 ☐ Landfill or waste disposal site _____
- 115 ☐ Human or animal burial ground _____
- 116 ☐ Soil problems _____
- 117 ☐ Animal burial pits _____
- 118 ☐ Property was, at one time or is now adjacent to a gas station refuse disposal site, toxic substance storage site, junk yard, or other pollution
- 119 situation _____
- 120 ☐ Government-sponsored cleanup of the land has taken place in the past _____
- 121 ☐ Current or past orders issued on the land by any governmental authority ordering the remediation of a public health nuisance on the land
- 122 _____
- 123 ☐ Other _____

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SUBSURFACE SEWAGE TREATMENT SYSTEM DISCLOSURE:

Check appropriate box: Seller certifies that Seller ☐ does ☐ does not know of a subsurface sewage treatment system on or serving the above-described real property. (If **does**, attach *Subsurface Sewage Treatment System Disclosure Statement*.)

WELL DISCLOSURE STATEMENT AND CERTIFICATE:

Seller certifies that Seller ☒ does ☐ does not know of one or more wells located on the property. (If **does**, attach Well Disclosure Statement.)

Are there any wells serving the property that are not located on the property? ☐ yes ☐ no

If yes, how many properties or residences does the shared well serve? _____

Is there a maintenance agreement for the shared well? ☐ yes ☐ no ☐ unknown

If yes, what is the annual maintenance fee? \$ _____

Is there a well on or serving the property that contains contaminated water? ☐ yes ☐ no ☐ unknown

To your knowledge, is the property in a Special Well Construction Area? ☐ yes ☐ no

Additional Comments _____

Are any of the following presently existing within the land:

☒ yes ☐ no ☐ unknown Connection to public water?
☒ yes ☐ no ☐ unknown Connection to public sewer?
☐ yes ☐ no ☐ unknown Connection to private water system off-property?
☒ yes ☐ no ☐ unknown Connection to electric utility?
☒ yes ☐ no ☐ unknown Connection to pipelines (natural gas, petroleum, other)?
☒ yes ☐ no ☐ unknown Connection to communication, power, or utility lines?
☒ yes ☐ no ☐ unknown Connection to telephone?
☒ yes ☐ no ☐ unknown Connection to fiber optic?
☒ yes ☐ no ☐ unknown Connection to cable?

Are any of the following existing at the boundary of the land:

☒ yes ☐ no ☐ unknown Public water system access?
☐ yes ☐ no ☐ unknown Private water system access?
☐ yes ☐ no ☐ unknown Co-op water system access?
☐ yes ☐ no ☐ unknown Shared water system access?
☒ yes ☐ no ☐ unknown Electric service access?
☒ yes ☐ no ☐ unknown Pipeline (natural gas, petroleum, other) access?
☒ yes ☐ no ☐ unknown Communication, power, or utility line access?
☒ yes ☐ no ☐ unknown Telephone access?
☒ yes ☐ no ☐ unknown Fiber optic access?
☒ yes ☐ no ☐ unknown Cable access?

PROPERTY TAX DISCLOSURE:

Check appropriate box: There ☐ is ☐ is not an exclusion from market value for improvements on this property. Any valuation exclusion shall terminate upon sale of the property, and the property's estimated market value for property tax purposes shall increase. If a valuation exclusion exists, Buyer is encouraged to look into the resulting tax consequences.

Preferential property tax treatment: Is the property subject to any preferential property tax status or any other credits affecting the property (e.g. Disability, Green Acres, CRP, RIM, Rural Preserve, etc.)? ☒ no ☐ yes explain _____

If yes, would these terminate upon the sale of the property? ☐ yes ☐ no explain _____

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174 **FLOOD DISCLOSURE: INCLUDING OVERLAND, RIVER FLOODING AND DRAINAGE ISSUES**

175 This region experiences high water elevation flood events including overland and river flooding. This is intended to provide
176 information to prospective Buyer concerning the effects of these events on the property.

177 Is the property in a designated 100 year floodplain? ☐yes ☒no ☐unknown

178 Do you carry flood insurance? ☒no ☐yes If yes, is it transferrable? ☐no ☐yes explain _____

180 *Note: Whether or not Seller currently carries flood insurance, it may be required in the future. Flood insurance premiums are increasing, and in some
181 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
182 the premiums paid for flood insurance on this property previously as an indication of the premiums that will apply after Buyer completes their purchase.*

183 Has access to the property ever been impeded due to flood water? ☒no ☐yes explain _____

185 Have you ever experienced flood water on the property? ☒no (If no, skip to line 197) ☐yes explain _____

187 Have you ever collected a flood insurance claim on the property? ☒no ☐yes explain _____

189 If yes, were all insured repairs made? ☐yes ☐no explain _____

191 Have you ever made ANY non-insured repairs to the property as a result of flood water? ☒no ☐yes explain _____

193 Have buildings ever been touched or affected by flood water? ☒no ☐yes explain ☐n/a _____

195 Source(s) of flood water (check all that apply): ☐river ☐overland ☐seepage (through walls, floor, building)
196 ☐sewer back-up ☐other _____ Approx. depth _____

197 Have sandbags, ring dikes or other protective devices been used to protect land and/or buildings from flood water?
198 ☒no ☐yes explain and include location _____

200 Have any permanent dikes been installed to protect the property from flood water? ☒no ☐yes explain and include location _____

202 Has flood water ever touched any of the sandbags, dikes, or other preventative devices? ☒no ☐yes explain _____

204 Have any other preventative measures been taken to prevent flood water (drain tile)? ☒no ☐yes explain _____

206 Have you made permanent changes to the property to provide additional flood protection? ☒no ☐yes explain _____

208 INITIAL(S): SELLER SLM DATE 4/27/23 BUYER _____ DATE _____

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FMAAR: VACANT LAND DISCLOSURE- 5 (NEW 9/2020)

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OTHER:

Is Seller aware of any material fact, not otherwise referred to, that could adversely and significantly affect Buyer's use or enjoyment of the property? ☒ **no** ☐ **yes** *If yes, please explain in detail*

ADDITIONAL COMMENTS: On each of your responses, reference the line number that corresponds with your detailed answer.

If more space is needed, sign/date and attach additional page(s). ☐ *additional pages are attached*

FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT ("FIRPTA"): As a general rule, 26 U.S. Code § 1445 (hereinafter "FIRPTA") requires a transferee (Buyer) of a United States real property interest to withhold a tax from the proceeds of any disposition of the real property interest if the transferor (Seller) is a foreign person (any person other than a United States person), unless an exception to the FIRPTA withholding requirements applies. Exemptions from the general rule are set forth in the FIRPTA. **Due to the complexity of the FIRPTA, both the Buyer and the Seller are advised to seek appropriate legal and tax advice regarding FIRPTA compliance, since failure to adhere to the FIRPTA withholding rules could result in legal liability to both the Buyer and Seller and their agents or qualified substitutes.**

Seller hereby represents and warrants that Seller ☐ **is** ☒ **is not** a foreign person, as defined by the FIRPTA. This representation of the Seller shall survive closing. Seller's agents and Buyer's agents, and any qualified substitute, as those terms are defined by the FIRPTA, may rely upon this representation.

If the Seller represents that it is a foreign person, the Buyer may be subject to income tax withholding requirements, and the Buyer could be personally liable for failing to withhold a tax from the proceeds of the real estate disposition, if none of the enumerated exemptions to the FIRPTA apply to the transaction. If the Seller represents that it is a foreign person, but that one of the exemptions to the FIRPTA apply, Buyer may require Seller to provide specific documentation as prescribed by the FIRPTA to verify, under penalty of perjury, that one of the exemptions to the FIRPTA withholding requirements applies to the transaction. If the Seller represents that it is not a foreign person, the Buyer, or its agents or qualified substitutes, may require the Seller to provide specific documentation as prescribed by the FIRPTA to verify, under penalty of perjury, that the Seller is not a foreign person. On or before closing, the Buyer and Seller agree to complete, execute and deliver any affidavit, instrument, or statement which may reasonably be required to comply with FIRPTA requirements.

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This Disclosure Statement is not a warranty or a guarantee of any kind by Seller or Broker/Licensee representing or assisting any party in the transaction and is not a suitable substitute for any inspections or warranties Buyer may wish to obtain. The information disclosed is given to the best of the Seller's knowledge.

SELLER'S STATEMENT: (TO BE SIGNED AT TIME OF LISTING)

Seller hereby states the condition of the property to be as stated above and authorizes any Agent(s) representing any parties in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property. Seller hereby acknowledges that the information provided in this document is true and accurate to the best of Seller's knowledge as of the date listed below. If any of the information becomes inaccurate after it is delivered to Buyer and before closing, the Seller shall notify Buyer and any Licensee representing any party to the transaction in writing of such change.

Seller Signature Jerry L. Meide

Date 4/27/23

Seller Signature Sandra Meide

Date 4/27/23

*****THE FOLLOWING TO BE SIGNED AT TIME OF PURCHASE AGREEMENT*****

BUYER'S ACKNOWLEDGEMENT OF RECEIPT:

Buyer/Prospective Buyer acknowledges receipt of this Seller's Disclosure. Buyer acknowledges that real estate licensees representing the sale of this property have not made statements concerning the condition of the property other than those listed in this Seller's Disclosure. Buyer acknowledges that Buyer has been advised to verify the information listed in this statement independently. Buyer acknowledges and understands that this document is not intended to be a warranty of any kind or a substitute for any inspection of the property Buyer may wish to obtain.

Buyer Signature _____

Date _____

Buyer Signature _____

Date _____

SELLER'S STATEMENT OF CHANGES SINCE DATE DISCLOSURE WAS ORIGINALLY COMPLETED: the date below, Seller of the property hereby states that the material facts stated above are the same, except for the changes as indicated below: (If no changes have occurred, please note "NONE" in space provided.)

Seller Signature Jerry L. Meide

Date _____

Seller Signature Sandra Meide

Date _____

BUYER'S ACKNOWLEDGEMENT OF CHANGES: (TO BE SIGNED AFTER SELLER'S STATEMENT)

Note: Buyer's signature only needed if changes were noted in Seller's Statement above.

Buyer Signature _____

Date _____

Buyer Signature _____

Date _____

Brokers and their licensees involved in this real estate transaction make no representations herein and are not responsible for any conditions as stated on this disclosure.

FMAAR: VACANT LAND DISCLOSURE- 7 (NEW 9/2020)