

# SELLER'S PROPERTY CONDITION DISCLOSURE STATEMENT

(This disclosure shall be completed by the seller. This is a disclosure required by law. If you do not understand this form, seek legal advice.)

Seller Blanca A. Barne Property Address 113 Catalina Ave

This Disclosure Statement concerns the real property identified above situated in the City of Vermillion  
County of Clay, State of South Dakota.

THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH § 43-4-38. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER OR ANY AGENT REPRESENTING ANY PARTY IN THIS TRANSACTION AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PARTIES MAY WISH TO OBTAIN.

Seller hereby authorizes any agent representing any party 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.

IF ANY MATERIAL FACT CHANGES BEFORE CONVEYANCE OF TITLE TO THIS PROPERTY, THE SELLER MUST DISCLOSE SUCH MATERIAL FACT WITH A WRITTEN AMENDMENT TO THIS DISCLOSURE STATEMENT.

## I. LOT OR TITLE INFORMATION

1. When did you purchase or build the home? October 2008

If the answer is yes to any of the following, please explain under additional comments or on an attached separate sheet.

2. Were there any title problems when you purchased the property? Yes \_\_\_ No
3. Are there any recorded liens or financial instruments against the property, other than a first mortgage? Yes \_\_\_ No
4. Are there any unrecorded liens or financial instruments against the property, other than a first mortgage; or have any materials or services been provided in the past one hundred twenty days that would create a lien against the property under chapter 44-9? Yes \_\_\_ No  Unknown \_\_\_
5. Are there any easements which have been granted in connection with the property (other than normal utility easements for public water and sewer, gas and electric service, telephone service, cable television service, drainage, and sidewalks)? Yes \_\_\_ No  Unknown \_\_\_
6. Are there any problems related to establishing the lot lines/boundaries? Yes \_\_\_ No  Unknown \_\_\_
7. Do you have a location survey in your possession or a copy of the recorded plat? If yes, attach a copy. Yes \_\_\_ No \_\_\_ Unknown  attached location map
8. Are you aware of any encroachments or shared features, from or on adjoining property (i.e. fences, driveway, sheds, outbuildings, or other improvements)? Yes \_\_\_ No
9. Are you aware of any covenants or restrictions affecting the use of the property in accordance with local law? If yes, attach a copy of the covenants and restrictions. Yes \_\_\_ No
10. Are you aware of any current or pending litigation, foreclosure, zoning, building code or restrictive covenant violation notices, mechanic's liens, judgments, special assessments, zoning changes, or changes that could affect your property? Yes \_\_\_ No
11. Is the property currently occupied by the owner? Yes  No \_\_\_
12. Does the property currently receive the owner occupied tax reduction pursuant to SDCL 10-13-39? Yes  No \_\_\_
13. Is the property currently part of a property tax freeze for any reason? Yes \_\_\_ No  Unknown \_\_\_
14. Is the property leased? Yes \_\_\_ No
15. If leased, does the property use comply with local zoning laws? Yes \_\_\_ No NA

16. Does this property or any portion of this property receive rent? Yes \_\_\_ No   
 If yes, how much \$ \_\_\_ and how often \_\_\_?
17. Do you pay any mandatory fees or special assessments to a homeowners' or condominium association?  
 Yes \_\_\_ No   
 If yes, what are the fees or assessments? \$ \_\_\_ per \_\_\_ (i.e. annually, semi-annually, monthly)  
 Payable to whom: \_\_\_\_\_ For what purpose? \_\_\_\_\_
18. Are you aware if the property has ever had standing water in either the front, rear, or side yard more than forty-eight hours after heavy rain? Yes \_\_\_ No
19. Is the property located in or near a flood plain? Yes \_\_\_ No  Unknown \_\_\_
20. Are wetlands located upon any part of the property? Yes \_\_\_ No  Unknown \_\_\_

## II. STRUCTURAL INFORMATION

If the answer is yes to any of the following, please explain under additional comments or on an attached separate sheet.

1. Are you aware of any water penetration problems in the walls, windows, doors, basement, or crawl space?  
 Yes \_\_\_ No
2. What water damage related repairs, if any, have been made? None  
 If any, when? \_\_\_\_\_
3. Are you aware if drain tile is installed on the property? Yes \_\_\_ No
4. Are you aware of any interior cracked walls or floors, or cracks or defects in exterior driveways, sidewalks, patios, or other hard surface areas? Yes  No \_\_\_  
 What related repairs, if any, have been made? Cracks and Op driveway
5. Are you aware of any roof leakage, past or present? Yes \_\_\_ No   
 Type of roof covering: asphalt Age: \_\_\_\_\_  
 What roof repairs, if any, have been made, when and by whom? Jim Lee replaced jacks around 2 roof vents May 2010  
 Describe any existing unrepaired damage to the roof: none
6. Are you aware of insulation in:  
 the ceiling/attic? Yes  No \_\_\_ the walls? Yes \_\_\_ No don't know the floors? Yes don't know No \_\_\_
7. Are you aware of any pest infestation or damage, either past or present? Yes \_\_\_ No
8. Are you aware of the property having been treated for any pest infestation or damage?  
 Yes \_\_\_ No  If yes, who treated it and when? \_\_\_\_\_
9. Are you aware of any work upon the property which required a building, plumbing, electrical, or any other permit? Yes \_\_\_ No  If yes, describe the work: \_\_\_\_\_  
 Was a permit obtained? Yes \_\_\_ No \_\_\_ Was the work approved by an inspector? Yes \_\_\_ No \_\_\_
10. Are you aware of any past or present damage to the property (i.e. fire, smoke, wind, floods, hail, or snow)?  
 Yes \_\_\_ No  If yes, describe \_\_\_\_\_  
 Have any insurance claims been made? Yes \_\_\_ No  Unknown \_\_\_  
 Was an insurance payment received? Yes \_\_\_ No \_\_\_ Unknown \_\_\_  
 Has the damage been repaired? Yes \_\_\_ No \_\_\_ If yes, describe in detail: \_\_\_\_\_
11. Are you aware of any problems with sewer blockage or backup, past or present? Yes \_\_\_ No
12. Are you aware of any drainage, leakage, or runoff from any sewer, septic tank, storage tank, or drain on the property into any adjoining lake, stream, or waterway? Yes \_\_\_ No  If yes, describe in detail: \_\_\_\_\_

### III. SYSTEMS/UTILITIES INFORMATION

	None/Not Included	Working	Not Working
1. 220 Volt Service		X	
2. Air Exchanger			
3. Air Purifier			
4. Attic Fan			
5. Burglar Alarm & Security System	NONE		
6. Ceiling Fan	NONE		
7. Central Air - Electric		X	
8. Central Air - Water Cooled			
9. Cistern			
10. Dishwasher			
11. Disposal		X	
12. Doorbell		X	
13. Fireplace	<i>I never used as I have allergies</i>		
14. Fireplace Insert			
15. Garage Door/Opener Control(s)		X	
16. Garage Wiring		X	
17. Heating System		X	
18. Hot Tub, Whirlpool, and Controls			
19. Humidifier			
20. Intercom			
21. Light Fixtures		X	
22. Microwave/Hood			
23. Plumbing and Fixtures		X	
24. Pool and Equipment	NONE		
25. Propane Tank	NONE		
26. Radon System	NONE		
27. Sauna	NONE		
28. Septic/Leaching Field	NONE		
29. Sewer Systems/Drains			
30. Smoke/Fire Alarm		X	
31. Solar House - Heating			
32. Sump Pump(s)		X	
33. Switches and Outlets		X	
34. Underground Sprinkler and Heads			
35. Vent Fan		X	
36. Water Heater - Electric or Gas		X	
37. Water Purifier	NONE		
38. Water Softener - Leased or Owned	NONE		
39. Well and Pump	NONE		
40. Wood Burning Stove	NONE		

### IV. HAZARDOUS CONDITIONS

Are you aware of any existing hazardous conditions of the property and are you aware of any tests having been performed?

	Existing Conditions		Tests Performed	
	Yes	No	Yes	No
1. Methane Gas		X		
2. Lead Paint		X		
3. Radon Gas (House)		X		
4. Radon Gas (Well)		X		
5. Radioactive Materials		X		
6. Landfill, Mineshaft		X		
7. Expansive Soil		X		
8. Mold		X		
9. Toxic Materials		X		
10. Urea Formaldehyde Foam Insulations		X		
11. Asbestos Insulation		X		
12. Buried Fuel Tanks		X		
13. Chemical Storage Tanks		X		
14. Fire Retardant Treated Plywood		X		
15. Production of Methamphetamines		X		

If the answer is yes to any of the questions above, please explain in additional comments or on an attached separate sheet.

V. MISCELLANEOUS INFORMATION

- 1. Is the street or road located at the end of the driveway to the property public or private?  
Public  Private
- 2. Is there a written road maintenance agreement? Yes  No  city  
If yes, attach a copy of the maintenance agreement.
- 3. When was the fireplace/wood stove/chimney flue last cleaned? Never used allergies asthma
- 4. Within the previous twelve months prior to signing this document, are you aware of any of the following occurring on the subject property?  
a. A human death by homicide or suicide? Yes  No   
If yes, explain: \_\_\_\_\_  
b. Other felony committed against the property or a person on the property? Yes  No   
If yes, explain: \_\_\_\_\_
- 5. Is the water source (select one)  public or  private?
- 6. If private, what is the date and result of the last water test? \_\_\_\_\_
- 7. Is the sewer system (select one)  public or  private?
- 8. If private, what is the date of the last time the septic tank was pumped? \_\_\_\_\_
- 9. Are there broken window panes or seals? Yes  No   
If yes, specify: \_\_\_\_\_
- 10. Are there any items attached to the property that will not be left, such as: towel bars, mirrors, swag lamps and hooks, curtain rods, window coverings, light fixtures, clothes lines, swing sets, storage sheds, ceiling fans, basketball hoops, mail boxes, etc. Yes  No   
If yes, please list \_\_\_\_\_
- 11. Are you aware of any other material facts or problems that have not been disclosed on this form?  
Yes  No  If yes, explain: \_\_\_\_\_

VI. ADDITIONAL COMMENTS (ATTACH ADDITIONAL PAGES IF NECESSARY)

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CLOSING SECTION

The Seller hereby certifies that the information contained herein is true and correct to the best of the Seller's information, knowledge, and belief as of the date of the Seller's signature below. If any of these conditions change before conveyance of title to this property, the change will be disclosed in a written amendment to this disclosure statement.

Alma Barnes 06-21-10  
 Seller \_\_\_\_\_ Date \_\_\_\_\_ Seller \_\_\_\_\_ Date \_\_\_\_\_

THE SELLER AND THE BUYER MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND INSPECTIONS OF THE PROPERTY TO OBTAIN A TRUE REPORT AS TO THE CONDITION OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN ANY CONTRACT OF SALE AS NEGOTIATED BETWEEN THE SELLER AND THE BUYER WITH RESPECT TO SUCH PROFESSIONAL ADVICE AND INSPECTIONS.

I/We acknowledge receipt of a copy of this statement on the date appearing beside my/our signature(s) below. Any agent representing any party to this transaction makes no representations and is not responsible for any conditions existing in the property.

Buyer \_\_\_\_\_ Date \_\_\_\_\_ Buyer \_\_\_\_\_ Date \_\_\_\_\_

**Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards**

**Lead Warning Statement**

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

**Seller's Disclosure**

- (a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):
  - (i) \_\_\_\_\_ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).
  - (ii)  Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.
- (b) Records and reports available to the seller (check (i) or (ii) below):
  - (i) \_\_\_\_\_ Seller has provided the purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).
  - (ii)  Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

**Purchaser's Acknowledgment (initial)**

- (c) \_\_\_\_\_ Purchaser has received copies of all information listed above.
- (d) \_\_\_\_\_ Purchaser has received the pamphlet *Protect Your Family from Lead in Your Home*.
- (e) Purchaser has (check (i) or (ii) below):
  - (i) \_\_\_\_\_ received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or
  - (ii) \_\_\_\_\_ waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

**Agent's Acknowledgment (initial)**

- (f)  Agent has informed the seller of the seller's obligations under 42 U.S.C. 4852d and is aware of his/her responsibility to ensure compliance.

**Certification of Accuracy**

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

<u>Shirley Barnes</u>	<u>06-21-10</u>	_____	_____
Seller	Date	Seller	Date
<u>Tonya Madsen</u>	<u>6-21-10</u>	_____	_____
Purchaser	Date	Purchaser	Date
_____	_____	_____	_____
Agent	Date	Agent	Date