

## 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 LARRY MICKALOWSKI Property Address 1301 NATIONAL

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? \_\_\_\_\_

*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
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

16. Does this property or any portion of this property receive rent? Yes  No   
 If yes, how much \$ 800 and how often 1/199
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? \_\_\_\_\_  
 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? \_\_\_\_\_
5. Are you aware of any roof leakage, past or present? Yes  No   
 Type of roof covering: SHINGLES Age: ?  
 What roof repairs, if any, have been made, when and by whom? \_\_\_\_\_
- Describe any existing unrepaired damage to the roof: \_\_\_\_\_
6. Are you aware of insulation in:  
 the ceiling/attic? Yes  No  the walls? Yes  No  the floors? Yes  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		✓	
2. Air Exchanger	✓		
3. Air Purifier	✓		
4. Attic Fan	✓		
5. Burglar Alarm & Security System	✓		
6. Ceiling Fan		✓	
7. Central Air – Electric		✓	
8. Central Air – Water Cooled	✓		
9. Cistern	✓		
10. Dishwasher	✓		
11. Disposal	✓		
12. Doorbell	✓		
13. Fireplace	✓		
14. Fireplace Insert	✓		
15. Garage Door/Opener Control(s)	✓		
16. Garage Wiring	✓		
17. Heating System		✓	
18. Hot Tub, Whirlpool, and Controls	✓		
19. Humidifier	✓		
20. Intercom	✓		
21. Light Fixtures		✓	
22. Microwave/Hood	✓		
23. Plumbing and Fixtures		✓	
24. Pool and Equipment	✓		
25. Propane Tank	✓		
26. Radon System	✓		
27. Sauna	✓		
28. Septic/Leaching Field	✓		
29. Sewer Systems/Drains	✓		
30. Smoke/Fire Alarm		✓	
31. Solar House – Heating	✓		
32. Sump Pump(s)	✓		
33. Switches and Outlets		✓	
34. Underground Sprinkler and Heads	✓		
35. Vent Fan		✓	
36. Water Heater – Electric or Gas		✓	
37. Water Purifier	✓		
38. Water Softener – Leased or Owned	✓		
39. Well and Pump	✓		
40. Wood Burning Stove	✓		

### 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		✓		
2. Lead Paint		✓		
3. Radon Gas (House)		✓		
4. Radon Gas (Well)		✓		
5. Radioactive Materials		✓		
6. Landfill, Mineshaft		✓		
7. Expansive Soil		✓		
8. Mold		✓		
9. Toxic Materials		✓		
10. Urea Formaldehyde Foam Insulations		✓		
11. Asbestos Insulation		✓		
12. Buried Fuel Tanks		✓		
13. Chemical Storage Tanks		✓		
14. Fire Retardant Treated Plywood		✓		
15. Production of Methamphetamines		✓		

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 [checked] Private [ ]
2. Is there a written road maintenance agreement? Yes [ ] No [checked]
3. When was the fireplace/wood stove/chimney flue last cleaned?
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 [checked]
b. Other felony committed against the property or a person on the property? Yes [ ] No [checked]
5. Is the water source (select one) [checked] public or [ ] private?
6. If private, what is the date and result of the last water test?
7. Is the sewer system (select one) [checked] 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 [checked]
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 [checked]
11. Are you aware of any other material facts or problems that have not been disclosed on this form? Yes [ ] No [checked] If yes, explain:

VI. ADDITIONAL COMMENTS (ATTACH ADDITIONAL PAGES IF NECESSARY)

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.

Seller [Signature] Date 11/29/09 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

# Lead Paint Disclosure -- Housing Sales

Disclosure of Information on Lead-Based Paint and 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 (initial)

SM (a) Presence of lead-based paint and/or lead-based paint hazards (check one below):

Known lead-based paint and/or lead-based paint hazards are present in the housing (explain):

Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

SM (b) Records and reports available to the Seller (check one below):

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):

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 one below):

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

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)

K (f) Agent has informed the Seller of the Seller's obligations under 42 U.S.C. 4852(d) 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 provided by the signatory is true and accurate:

<u>SM</u> Seller	_____	Date	_____	Seller	_____	Date	_____
<u>Bris O Conna</u> Agent	_____	Date	<u>1-29-9</u>	Agent	_____	Date	_____
Purchaser	_____	Date	_____	Purchaser	_____	Date	_____