

## VACANT LAND DISCLOSURE STATEMENT

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1. Date 7/23/13

2. Page 1 of 5 pages

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

4. **NOTICE:** This disclosure is not a warranty or a guaranty of any kind by Seller(s) or licensee(s) representing or  
5. assisting any party(ies) in the transaction.

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

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

14. Property located at State Hwy 210 & Sploezens Rd (Pt of E 548' of SENE, 35-046-30),

15. City of Brainerd, County of Crow Wing, State of Minnesota.

#### 16. A. GENERAL INFORMATION:

17. (1) When did you acquire the property? 1985 APPROX

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

19. Location of Abstract: \_\_\_\_\_

20. Is there an existing Owner's Title Insurance Policy? ☐ Yes ☐ No

21. (3) Has the land been surveyed? ☒ Yes ☐ No

22. Year surveyed: 1990 APPROX

23. (4) What company/person performed the survey? \_\_\_\_\_

24. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

25. (5) Is this platted land? ☐ Yes ☒ No

26. If "Yes,"

27. has the plat been recorded? ☐ Yes ☐ No

28. do you have a certificate of survey in your possession? ☐ Yes ☐ No

29. If "Yes,"

30. Who completed the survey? \_\_\_\_\_ When? \_\_\_\_\_

31. (6) Are you aware of any property markers on the property? ☐ Yes ☒ No

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

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

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

36. To your knowledge,

37. (8) are there encroachments? ☐ Yes ☒ No

38. (9) are there easements, other than utility or drainage easements? ☐ Yes ☒ No

39. (10) is the property located in a drainage district and/or drain tiled? ☐ Yes ☒ No

40. (11) is the property located in a designated flood plain? ☐ Yes ☒ No

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

## VACANT LAND DISCLOSURE STATEMENT

42. Page 2

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

44. Property located at State Hwy 210 & Sploezens Rd, Brainerd MN 56401 (Pt of E 548' of SENE, 35-046-30).
45. (12) has there ever been a flood or other disaster at the property? ☐ Yes ☒ No
46. (13) Are you in possession of prior vacant land disclosure statement(s)? ☐ Yes ☒ No
47. (If "Yes," please attach) ☐ Yes ☒ No
48. (14) Comments: \_\_\_\_\_
49. \_\_\_\_\_

### 50. B. USE RESTRICTIONS AND FINANCING:

51. (1) To your knowledge, do any of the following types of covenants, conditions, reservations or restrictions affect
52. the land?
53. (a) Subdivision or other recorded covenants, conditions or restrictions? ☐ Yes ☒ No
54. (b) Association requirements or restrictions? ☐ Yes ☒ No
55. (c) A right of first refusal to purchase? ☐ Yes ☒ No
56. (d) Reservations? ☐ Yes ☒ No
57. (e) Department of Natural Resources? ☐ Yes ☒ No
58. (f) Watershed? ☐ Yes ☒ No
59. (g) Local municipality? ☐ Yes ☒ No
60. (2) If any of the above questions [B(1)] are answered "Yes," list which written copies of these covenants, conditions,
61. reservations or restrictions you have: \_\_\_\_\_
62. \_\_\_\_\_
63. \_\_\_\_\_
64. (3) Have you ever received notice from any person or authority as to any breach of any of these covenants,
65. conditions, reservations or restrictions? ☐ Yes ☐ No
66. If "Yes," describe: \_\_\_\_\_
67. \_\_\_\_\_
68. \_\_\_\_\_
69. (4) To your knowledge, is this property approved for FHA financing? ☐ Yes ☒ No

### 70. C. CONDITION OF THE PROPERTY:

71. *(Answer the following to the best of your knowledge.)*

72. (1) Are there any structures, improvements, emblements or personal property included
73. in the sale? ☐ Yes ☒ No
74. If "Yes," list all items: \_\_\_\_\_
75. \_\_\_\_\_
76. \_\_\_\_\_
77. Are there any problems or defects with any of the above items? ☐ Yes ☐ No
78. If "Yes," describe all problems and defects: \_\_\_\_\_
79. \_\_\_\_\_
80. \_\_\_\_\_

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

# VACANT LAND DISCLOSURE STATEMENT

82. Page 3

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

84. Property located at State Hwy 210 & Sploezens Rd, Brainerd MN 56401 (Pt of E 548' of SENE, 35-046-30).

85. (2) Were there any previous structures on the property? ☐ Yes ☒ No

86. (3) Are there any buried storage tanks or buried debris or waste on the property? ☐ Yes ☒ No

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

88. \_\_\_\_\_

89. (4) Are there any hazardous or toxic substances or wastes in, on or affecting this property?

90. ☐ Yes ☒ No

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

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

93. (5) Have any soil tests been performed? ☐ Yes ☒ No

94. When? \_\_\_\_\_ By whom? \_\_\_\_\_

95. Results? \_\_\_\_\_

96. (6) Are there any settling or soil movement problems on or affecting this property? ☐ Yes ☒ No

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

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

99. (7) Are there any dead or diseased trees? ☒ Yes ☐ No

100. If "Yes," give details: YES -

101. \_\_\_\_\_

102. (8) Are there any insect/animal/pest infestations? ☐ Yes ☒ No

103. (9) Other: \_\_\_\_\_

### 104. D. UTILITIES:

105. (Answer the following to the best of your knowledge.)

106. (1) Have any percolation tests been performed? ☐ Yes ☒ No

107. When? \_\_\_\_\_ By whom? \_\_\_\_\_

108. Results? \_\_\_\_\_

109. (2) Are any of the following presently existing within the property?

110. (a) Connection to public water? ☐ Yes ☒ No

111. (b) Connection to public sewer? ☐ Yes ☒ No

112. (c) Connection to private water system off property? ☐ Yes ☒ No

113. (d) Connection to electric utility? ☐ Yes ☒ No

114. (3) Subsurface Sewage Treatment System Disclosure: (A subsurface sewage treatment system disclosure is  
115. required by MN Statute 115.55.) (Check appropriate box.)

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

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

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

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

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

# VACANT LAND DISCLOSURE STATEMENT

124. Page 4

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

126. Property located at State Hwy 210 & Sploezens Rd, Brainerd MN 56401 (Pt of E 548' of SENE, 35-046-30).

127. (4) Private Well Disclosure: (A well disclosure and Certificate are required by MN Statute 103I.235.)  
128. (Check appropriate box.)

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

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

132. Are there any wells serving the above-described property that are not located on the  
133. property?

☐ Yes ☒ No

134. To your knowledge, is this property in a Special Well Construction Area?

☐ Yes ☒ No

135. (5) Are any of the following existing at the boundary of the property?

136. (a) Public water system access?

☐ Yes ☒ No

137. (b) Private water system access?

☐ Yes ☒ No

138. (c) Electric service access?

☐ Yes ☒ No

139. E. **PREFERENTIAL PROPERTY TAX TREATMENT:** Is the property subject to any preferential property tax status  
140. or any other credits affecting the property?

141. (e.g., Disability, Green Acres, CRP, RIM, Rural Preserve)

☐ Yes ☒ No

142. If "Yes," would these terminate upon the sale of the property?

☐ Yes ☐ No

143. Explain: \_\_\_\_\_

144. \_\_\_\_\_

145. \_\_\_\_\_

146. F. **METHAMPHETAMINE PRODUCTION DISCLOSURE:**

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

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

149. ☐ Seller is aware that methamphetamine production has occurred on the property.  
150. (See Methamphetamine Production Disclosure Statement.)

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

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

158. To your knowledge, are you aware of any human remains, burials or cemeteries located on the property?

159. ☐ Yes ☒ No

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

161. \_\_\_\_\_

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

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

# VACANT LAND DISCLOSURE STATEMENT

166. Page 5

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

168. Property located at State Hwy 210 & Sploezens Rd, Brainerd MN 56401 (Pt of E 548' of SENE, 35-046-30).

169. **I. OTHER MATTERS:** To your knowledge,

170. (1) are there any landfills or waste disposal sites within two (2) miles of the property? ☐ Yes ☒ No

171. If "Yes," state their locations: \_\_\_\_\_

172. (2) is there anything else that may materially and adversely affect the property (e.g., including but not limited to,  
173. pending claims or litigation, notice from any governmental authority of violation of any law or regulation,  
174. proposed zoning changes, street changes, threat of condemnation)? ☒ Yes ☐ No

175. If "Yes," give details: Subject to attached deed restrictions.

176. \_\_\_\_\_

177. \_\_\_\_\_

178. \_\_\_\_\_

179. **LISTING BROKER AND LICENSEES MAKE NO REPRESENTATIONS AND ARE**  
180. **NOT RESPONSIBLE FOR ANY CONDITIONS EXISTING ON THE PROPERTY.**

181. **J. SELLER'S STATEMENT:**

182. *(To be signed at time of listing.)*

183. Seller(s) hereby states the condition of the property to be as stated above and authorizes any licensee(s)  
184. representing or assisting any party(ies) in this transaction to provide a copy of this Disclosure to any person or  
185. entity in connection with any actual or anticipated sale of the property.

186.

Richard Horvath  
(Seller)

July 25/2013  
(Date)

(Seller)

(Date)

187. **K. BUYER'S ACKNOWLEDGEMENT:**

188. *(To be signed at time of purchase agreement.)*

189. I/We, the Buyer(s) of the property, acknowledge receipt of this Vacant Land Disclosure Statement and agree that  
190. no representations regarding the condition of the property have been made other than those made above.

191.

(Buyer)

(Date)

(Buyer)

(Date)

192. **L. SELLER'S ACKNOWLEDGEMENT:**

193. *(To be signed at time of purchase agreement.)*

194. **AS OF THE DATE BELOW**, I/we, the Seller(s) of the property, state that the condition of the property is the same,  
195. **except for changes as indicated below, which have been signed and dated.**

196. \_\_\_\_\_

197. \_\_\_\_\_

198. \_\_\_\_\_

199. \_\_\_\_\_

200.

(Seller)

(Date)

(Seller)

(Date)

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

## Deed Restrictions

The real property described in and conveyed by the attached Deed shall be held, transferred, sold, and conveyed subject to the conditions, restrictions, covenants, reservations, easements, liens, and charges hereinafter set forth.

1. Only one single-family residence shall be erected on the property described above, except for garages or other outbuildings permitted by the Zoning Ordinance.
2. No commercial establishment of any kind shall be erected or located on the property described above.
3. All residences erected on the tract of property described above shall have permanent foundations at least twenty (20) feet wide and all residences shall have a minimum living area of not less than one thousand (1,000) square feet.
4. The outside walls of all buildings erected on the property described above shall be constructed of wood or other materials specifically manufactured for use as an outside wall. No tar paper shall be permitted.
5. Pitched roofs shall not be finished with a rolled roofing, tar paper, or metal, except for metal roofing specifically manufactured for roofing purposes.
6. All motor vehicles or trailers parked or located on the property described above shall be in an operable condition, shall have a current license plat attached, and shall have all wheels and axles intact.
7. All buildings erected upon the property describe above shall be completed within two (2) years of the start of construction.
8. All outbuildings erected or located on the property described above shall have an interior area of not less than one hundred twenty (120) square feet and the design, building material, and color shall be the same or in harmony with the residence erected thereon.
9. No animals, rabbits, livestock, horses, fowl, or poultry of any kind shall be raised, bred, or kept upon the property described above, except that dogs, cats, or normal household pets shall be allowed, subject to the condition that no such pets be kept, bred, or maintained for any commercial purposes.
10. All buildings erected or located on the property described above and the property itself shall be maintained in a neat and well-kept condition.
11. No overhead utility wires will be permitted. All utilities must be below grade, unless the utility companies will not install wires below grade.
12. No noxious or offensive trade or activity shall be carried on or upon the above-described property, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
13. The above-described property shall not be used or maintained as a dumping ground for rubbish, except for the temporary accumulation of building materials during construction of subdivision improvements and dwellings. The builder or owner shall promptly dispose of or remove all buildings materials in a timely fashion. Trash, garbage, or other waste shall be kept only in sanitary containers designated for that purpose. All receptacles or other equipment used for the storage or disposal of rubbish shall be kept in a clean and sanitary condition.
14. Enforcement of any covenant, condition, or restriction which, when and if violated, is a violation or may be a violation of existing zoning ordinances may be enforced or prosecuted by the governmental body or authority having jurisdiction.
15. Invalidation of any one of these covenants, conditions, or restrictions, or any part thereof, by judgment or court order shall in no way affect any part of the other provisions, which shall remain in full force and effect.
16. Enforcement of these covenants, conditions, or restrictions shall be by a proceeding of law or in equity by the Grantor/Seller named herein or by the owner of any property located in the \_\_\_\_\_

which properties are, or previously were, owned by the Grantor(s) herein, against any person or entity violating or attempting to violate any covenant, condition, or restriction, or to restrain any violation or recover damage or enforce any lien created by these covenants, conditions, and restrictions. Failure by any person or entity to enforce any covenant, condition, or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

The real property described above is subject to the covenants, restrictions, conditions, reservations, liens, and charges hereby declared to insure the best use and the most appropriate development and improvement of each building site thereof; to protect the owners of building sites against such improper use of surrounding building sites as will depreciate the value of their said property; to preserve, so far as practicable, the natural beauty of said property; to guard against the erection thereof of poorly designed or proportioned structures and structures built of improper or unsuitable materials; to obtain harmonious color schemes; to insure the highest and best development of said property; to encourage and secure the erection of attractive homes thereon, with appropriate locations thereof on building sites; to prevent haphazard and inharmonious improvement of buildings sites; to secure and maintain property setbacks from streets, and adequate free spaces between structures; and in general, to provide adequately for a high type and quality of improvement in said property, and thereby to enhance the values of investments made by purchasers of building site therein.

\_\_\_\_\_  
Buyer

\_\_\_\_\_  
Buyer

  
Seller