

DISCLOSURE STATEMENT: VACANT LAND

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1. Date _____
2. Page 1 of _____ 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 _____,
(Address/Section/Township/Range)

33. PID # _____, Legal Description _____,

34. City or Township of _____, County of _____, 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: Abstract Registered (Torrens) Unknown

38. Location of Abstract: _____

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

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

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 No

44. (5) Access (where/type): _____

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

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

48. Property located at _____.
49. (6) Has the land been surveyed? Yes No
50. Year surveyed: _____
51. What company/person performed the survey? _____
52. Name: _____ Address: _____ 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: _____
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? 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.
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

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

88. Property located at _____.

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: _____

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. _____

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 _____.
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
135. (e.g., CREP, CRP, EQIP, WRP, conservation programs, riparian buffers,
136. Sustainable Forest Incentive Act, etc.)? Yes No
137. (m) Are there any USDA Wetland Determinations? Yes No
138. (n) Are there any USDA Highly Erodible Land Determinations? Yes No
139. (o) Are there any conservation practices installed (e.g., terracing, waterways,
140. control structures)? Yes No
141. (p) Are there any federal or state listed species? Plants Animals Yes No
142. (q) Are there any third parties which have an interest in the mineral rights? Yes No
143. (r) Is there any forfeiture or transfer of rights (e.g., mineral, timber,
144. development, etc.) Yes No
145. (s) Are there any historical registry restrictions? Yes No
146. (t) If any of the questions in Section C(1) are answered "Yes," please provide written copies of these
147. covenants, conditions, reservations, or restrictions if in your possession: _____
148. _____
149. _____
150. (2) Have you ever received notice from any person or authority as to any breach of any of these covenants,
151. conditions, reservations, or restrictions? Yes No
152. If "Yes," please explain: _____
153. _____
154. _____
155. (3) Is the land currently rented? Yes No
156. If "Yes," is there a written lease? Yes No
157. If "Yes," please provide a copy of the lease if in your possession or provide information:
158. Lease start date: _____
159. Lease end date: _____
160. Number of acres leased: _____
161. Price/acre: _____
162. Terms of lease: _____
163. Renter's name: _____ Phone number: _____
164. May the renter be contacted for information on the land? Yes No
165. (4) Is woodland leased for recreational purposes? Yes No
166. (5) Has a timber cruise been completed on woodland? Yes No

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

169. Property located at _____.
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,
174. affect by railroad, or other improvement that may affect this land? Yes No
175. If "Yes," please explain: _____
176. _____
177. (8) Are there any zoning violations, nonconforming uses, or unusual restrictions on the
178. land that would affect future construction or remodeling? Yes No
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
184. required by MN Statute 115.55.) (Check appropriate box.)
185. Seller certifies that Seller DOES DOES NOT know of a subsurface sewage treatment system on or serving
------(Check one.)-----
186. the above-described real property. (If answer is **DOES**, and the system does not require a state permit, see
187. *Disclosure Statement: Subsurface Sewage Treatment System.*)
188. There is an abandoned subsurface sewage treatment system on the above-described real property.
189. (*See Disclosure Statement: Subsurface Sewage Treatment System.*)
190. (3) Private Well Disclosure: (A well disclosure and Certificate are required by MN Statute 103I.235.)
191. (*Check appropriate box.*)
192. Seller certifies that Seller does not know of any wells on the above-described real property.
193. Seller certifies there are one or more wells located on the above-described real property.
194. (*See Disclosure Statement: Well.*)
195. Are there any wells serving the above-described property that are not located on the
196. land? Yes No
197. If "Yes":
198. (a) How many properties or residences does the shared well serve? _____
199. (b) Is there a maintenance agreement for the shared well? Yes No
200. If "Yes," what is the annual maintenance fee? \$ _____
201. Is the land in a Special Well Construction Area? Yes No
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

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

214. Property located at _____.

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

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

256. Property located at _____.

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/rnrealestateweb.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. _____



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

302. Property located at _____.

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: _____

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

349. Property located at _____.

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.

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. _____(Check one.)_____
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.

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

396. Property located at _____.

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. _____ (Seller) _____ (Date) _____ (Seller) _____ (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

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.