

# 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 Joe Vitek Property Address 106 E Francis

This disclosure statement concerns the real property identified above situated in the City of \_\_\_\_\_

County of \_\_\_\_\_ State of South Dakota.

**THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH SDCL 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.**

## 1. LOT OR TITLE INFORMATION

1. When did you purchase or build the home? Oct 2009  
If the answer is yes to any of the following, please explain under additional comments or on an attached separate sheet.

Yes No Unknown

2. Were there any title problems when you purchased the property?
3. Are there any recorded liens or financial instruments against the property, other than a first mortgage?
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?
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)?
6. Are there any problems related to establishing the lot lines/boundaries?
7. Do you have a location survey in your possession or a copy of the recorded plat? If yes, attach a copy.
8. Are you aware of any encroachments or shared features, front or on adjoining property (i.e. fences, driveways, sheds, outbuildings or other improvements)?
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.
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?
11. Is the property currently occupied by the owner?
12. Does the property currently receive the owner-occupied tax reduction as per SDCL 10-13-39?
13. Is the property currently part of a property tax freeze for any reason?
14. Is the property leased?
15. If leased, does the property use comply with local zoning laws?
16. Does this property or any portion of this property receive rent? If yes, how much \$ \_\_\_\_\_ and how often? \_\_\_\_\_
17. Do you pay any mandatory fees or special assessments to a home-owners' or condominium association?  
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?
19. Is the property located in or near a flood plain?
20. Are wetlands located upon any part of the property?
21. Are you aware of any private transfer fee obligations, as defined pursuant to section 3 of this Act, that would require a buyer or seller of the property to pay a fee or charge upon the transfer of the property, regardless of whether the fee or charge is a fixed amount or is determined as a percentage of the value of the property?  
If yes, what are the fees or charges? \$ \_\_\_\_\_ per \_\_\_\_\_ (i.e. annually, semi-annually, monthly)

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**I STRUCTURAL INFORMATION**

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

Yes No Unkn

- 1. Are you aware of any water penetration problems in the walls, windows, doors, basement, or crawl space?
- 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?
- 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? What related repairs, if any, have been made? None
- 5. Are you aware of any roof leakage, past or present? Type of roof covering: \_\_\_\_\_  
Age: (Year) 2012 What roof repairs, if any, have been made, when and by whom? New Shingles  
JW Roofing

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?
- 8. Are you aware of the property having been treated for any pest infestation or damage? 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? If yes, describe the work New Roof Shingles  
Was a permit obtained?   
Was the work approved by an inspector?
- 10. Are you aware of any past or present damage to the property (i.e., fire, sand, wind, floods, hail, or snow)? If yes, describe \_\_\_\_\_
- Have any insurance claims been made?
- Was an insurance payment received?
- Has the damage been repaired? If yes, describe in detail: New Roof Shingles, Facia NOT repaired
- 11. Are you aware of any problems with sewer blockage or backup, past or present?
- 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? If yes, describe in detail \_\_\_\_\_

**III SYSTEMS UTILITIES INFORMATION**

	None/Not Included	Working	Not Working		None/Not Included	Working	Not Working
1. 220 volt service	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	21. Light fixtures	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Air exchanger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	22. Microwave hood	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Air purifier	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	23. Plumbing and fixtures	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Attic fan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	24. Pool and equipment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Burglar alarm and security systems	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	25. Propane tank	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Ceiling fan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	26. Radon System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Central air - electric	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	27. Sauna	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Central air - water cooled	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	28. Septic/sewage field	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Cistern	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	29. Sewer systems/drains	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Dishwasher	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	30. Smoke/fire alarm <u>elec. wiring</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Disposal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	31. Solar House - heating	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Doorbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	32. Sump pump(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Fireplace	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	33. Switches and outlets	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Fireplace insert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	34. Underground sprinkler and heads	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Garage door/opener control(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	35. Vent fan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Garage wiring	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	36. Water heater - electric or gas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Heating system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	37. Water purifier	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Hot tub, whirlpool and controls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	38. Water softener - leased or owned	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Humidifier	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	39. Well and pump	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Intercom	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	40. Wood burning stove	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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**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			Existing Conditions		Tests Performed	
	Yes	No	Yes	No		Yes	No	Yes	No
1. Methane Gas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9. Toxic Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Lead Paint	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10. Urea-formaldehyde Foam Insulation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Radon Gas (House)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11. Asbestos Insulation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Radon Gas (Wall)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12. Buried Fuel Tanks	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Radioactive Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13. Chemical Storage Tanks	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Landfill, Mineshaft	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14. Fire Retardant Treated Plywood	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Expansive Soil	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	15. Production of Methamphetamines	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Mold	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

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

**V. MISCELLANEOUS INFORMATION**

- Yes No
- 1. Is the street or road located at the end of the driveway to the property, public  private
  - 2. Is there a written road maintenance agreement? If yes, attach a copy of the maintenance agreement.
  - 3. When was the fireplace/woodstove/chimney flue last cleaned? 6-9-13
  - 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? If yes, explain \_\_\_\_\_
    - b. other felony committed against the property or a person on the property? If yes, explain \_\_\_\_\_
  - 5. Is the water source public  private
  - 6. If private, what is the date and result of the last water test? \_\_\_\_\_
  - 7. Is the sewer system public  private
  - 8. If private, what is the date of the last time septic tank was pumped? \_\_\_\_\_
  - 9. Are there broken window panes or seals? If yes, specify \_\_\_\_\_
  - 10. Are there any items attached to the property that will not be left, such as: towel bars, mirrors, swing lamps and hooks, curtain rods, window coverings, light fixtures, clothes lines, swing sets, storage sheds, ceiling fans, basketball hoops, mail boxes, etc.  
If yes, please list \_\_\_\_\_
  - 11. Are you aware of any other material facts or problems that have not been disclosed on this form?  
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.

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.

Joe Vitell 4-9-13  
 Seller(s) Date Seller(s) Date

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(s) Date Buyer(s) Date

