

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 _____ Property Address _____

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 § 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 \$____ 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 ___
21. Are you aware of any private transfer fee obligations, as defined pursuant to § 43-4-48, 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?
 Yes ___ No ___ Unknown ___
 If yes, what are the fees or charges? \$ _____ per _____ (i.e. annually, semi-annually, monthly)

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: _____ 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 ____ Private ____
- 2. Is there a written road maintenance agreement? Yes ____ No ____
If yes, attach a copy of the maintenance agreement.
- 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 ____
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)

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	Date	Seller	Date
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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
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