



**DISCLOSURE STATEMENT:  
VACANT LAND**

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- 1. Date March 02, 2023
- 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 Property 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  
 26. questions listed below, it does not necessarily mean that it does not exist on the Property, did not occur, or does not  
 27. apply. "No" may 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 Property to the best of your  
 30. knowledge. (4) Attach additional pages with your signature if additional space is required. (5) Answer all questions.  
 31. (6) If any items do not apply, write "NA" (not applicable).

32. Property location or identification XXX 230th St  
(Address/Section/Township/Range)

33. PID # 03-0025-000, 03-0025-000, Legal Description S4/T102/R041 approx. 200 +/- acres see attached

34. City or Township of Rushmore, County of Nobles

35. State of Minnesota, Zip Code 56168 ("Property").

36. **A. GENERAL INFORMATION:** The following questions are to be answered to the best of Seller's knowledge.

37. (1) What date did you acquire the land? 2009

38. (2) Type of title evidence:  Abstract  Registered (Torrens)  Unknown

39. Location of Abstract: \_\_\_\_\_

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

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

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46. (4) Are there any current or past Phase I, Phase II, or Phase III Environmental Site  
47. Assessment(s)? (If "Yes," please attach if in your possession.)  Yes  No

48. (5) Access (where/type): \_\_\_\_\_  
49. Is access (legal and physical) other than by direct frontage on a public road?  Yes  No

50. (6) Has the Property been surveyed?  Yes  No  
51. Year surveyed: \_\_\_\_\_  
52. What company/person performed the survey? \_\_\_\_\_

53. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

54. (7) Is this platted land?  Yes  No  
55. If "Yes,"

56. has the plat been recorded?  Yes  No

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

58. If "Yes," who completed the survey? \_\_\_\_\_ When? \_\_\_\_\_

59. (8) Are there any property markers on the Property?  Yes  No

60. If "Yes," give details:  
61. North East corner

62. (9) Is the Property located on a public or private road?  Public  Private  Public: no maintenance

63. (10) Are there any private or non-dedicated roadways that you are responsible for?  Yes  No

64. (11) Are there any rivers, lakes, ponds, creeks, streams, or springs running  
65. through the Property or along a boundary line?  Yes  No

66. (12) Flood Insurance: All properties in the State of Minnesota have been assigned a flood zone designation.  
67. Some flood zones may require flood insurance.

68. (a) Do you know which zone the Property is located in?  Yes  No  
69. If "Yes," which zone? \_\_\_\_\_

70. (b) Have you ever had a flood insurance policy?  Yes  No

71. If "Yes," is the policy in force?  Yes  No

72. If "Yes," what is the annual premium? \$ \_\_\_\_\_

73. If "Yes," who is the insurance carrier? \_\_\_\_\_

74. (c) Have you ever had a claim with a flood insurance carrier or FEMA?  Yes  No

75. If "Yes," please explain:  
76. \_\_\_\_\_

77. **NOTE:** Whether or not Seller currently carries flood insurance, it may be required in the future. Flood  
78. insurance premiums are increasing, and in some cases will rise by a substantial amount over the premiums  
79. previously charged for flood insurance for the Property. As a result, Buyer should not rely on the premiums  
80. paid for flood insurance on this Property previously as an indication of the premiums that will apply after  
81. Buyer completes their purchase.

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

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85. (13) Is the Property located in a drainage district, County or Judicial Drainage System?  Yes  No
86. (14) Is the Property drain tiled?  Yes  No
87. (15) Is there a private drainage system on the Property?  Yes  No
88. (16) Is the Property located within a government designated disaster evacuation zone
89. (e.g., nuclear facility, hazardous chemical facility, hazardous waste facility)?  Yes  No
90. (17) Are there encroachments?  Yes  No
91. (18) Please provide clarification or further explanation for all applicable "Yes" responses in Section A:

92. 10300 Judicial Ditch No. 30

93.

**94. B. GENERAL CONDITION:** The following questions are to be answered to the best of Seller's knowledge.

95. (1) Are there any structures, improvements, or emblements (e.g., crops) included
96. in the sale?  Yes  No

97. If "Yes," list all items:

98. C.R.P.

99. (2) Are there any abandoned or junk motor vehicles, equipment of any kind, or debris
100. included in the sale?  Yes  No

101. If "Yes," list all items:

102.

103. (3) Are there any drainage issues, flooding, or conditions conducive to flooding?  Yes  No

104. (4) Has there been any damage by wind, fire, flood, hail, or other cause(s)?  Yes  No

105. If "Yes," give details of what happened and when:

106.

107. (5) Were there any previous structures on the Property?  Yes  No

108. (6) Are there any settling, erosion, or soil movement problems on or affecting
109. the Property?  Yes  No

110. (7) Are there any gravel pits, caves, sink holes, or mineshafts on or affecting
111. the Property?  Yes  No

112. (8) For any questions in Section B answered "Yes," please explain:

113.

114.

**115. C. USE RESTRICTIONS:** The following questions are to be answered to the best of Seller's knowledge.

116. (1) Do any of the following types of covenants, conditions, reservations of rights or use, or restrictions affect
117. the use or future resale of the Property?

118. (a) Are there easements, other than utility or drainage easements?  Yes  No

119. (b) Are there any public or private use paths or roadway rights of way/  
120. easement(s)?  Yes  No

121. (c) Are there any ongoing financial maintenance or other obligations related to  
122. the Property that the buyer will be responsible for?  Yes  No

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- 126. (d) Are there any communication, power, wind, pipeline (utility or drainage),  
127. or other utility rights of way/easement(s)?  Yes  No
- 128. (e) Are there any railroad or other transportation rights of way/easement(s)?  Yes  No
- 129. (f) Is there subdivision or other recorded covenants, conditions, or restrictions?  Yes  No
- 130. (g) Are there association requirements or restrictions?  Yes  No
- 131. (h) Is there a right of first refusal to purchase?  Yes  No
- 132. (i) Is the Property within the boundaries of a Native American reservation?  Yes  No
- 133. (j) Are there any Department of Natural Resources restrictions?  Yes  No
- 134. (k) Is the Property located in a watershed district?  Yes  No
- 135. (l) Is the Property enrolled in any federal, state, or local governmental programs  
136. (e.g., conservation programs, CREP, CRP, EQIP, Green Acres, Managed Forest Land,  
137. RIM, riparian buffers, Rural Preserve, SFIA, WRP/RIM-WRP, etc.)?  Yes  No
- 138. (m) Are there any USDA Wetland Determinations?  Yes  No
- 139. (n) Are there any USDA Highly Erodible Land Determinations?  Yes  No
- 140. (o) Are there any conservation practices installed (e.g., terracing, waterways,  
141. control structures)?  Yes  No
- 142. (p) Are there any federal or state listed species?  Plants  Animals  Yes  No
- 143. (q) Are there any third parties which have an interest in the mineral rights?  Yes  No
- 144. (r) Is there any forfeiture or transfer of rights (e.g., mineral, timber,  
145. development, etc.)  Yes  No
- 146. (s) Are there any historical registry restrictions?  Yes  No
- 147. (t) If any of the questions in Section C(1) are answered "Yes," please provide written copies of these  
148. covenants, conditions, reservations, or restrictions if in your possession:  
149. \_\_\_\_\_  
150. \_\_\_\_\_

151. (2) Have you ever received notice from any person or authority as to any breach of any of these covenants,  
152. conditions, reservations, or restrictions?  Yes  No  
153. If "Yes," please explain:  
154. \_\_\_\_\_  
155. \_\_\_\_\_

156. (3) Is the Property currently rented?  Yes  No  
157. If "Yes," is there a written lease?  Yes  No  
158. If "Yes," please provide a copy of the lease if in your possession or provide information:  
159. Lease start date: \_\_\_\_\_  
160. Lease end date: \_\_\_\_\_  
161. Number of acres leased: \_\_\_\_\_  
162. Price/acre: \_\_\_\_\_  
163. Terms of lease: \_\_\_\_\_  
164. Renter's name: \_\_\_\_\_ Phone number: \_\_\_\_\_  
165. May the renter be contacted for information on the Property?  Yes  No



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169. (4) Is woodland leased for recreational purposes?  Yes  No

170. (5) Has a timber cruise been completed on woodland?  Yes  No

171. (6) Has timber been harvested in the past 25 years?  Yes  No

172. If "Yes," what species was harvested? \_\_\_\_\_

173. Was harvest monitored by a registered forester?  Yes  No

174. (7) Are there plans for a new road, expansion of an existing road, airport, trail,  
175. affect by railroad, or other improvement that may affect this Property?  Yes  No

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

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

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

179. (8) Are there any zoning violations, nonconforming uses, or unusual restrictions on the  
180. Property that would affect future construction or remodeling?  Yes  No

181. **D. UTILITIES:** The following questions are to be answered to the best of Seller's knowledge.

182. (1) Have any percolation tests been performed?  Yes  No

183. When? \_\_\_\_\_ By whom? \_\_\_\_\_

184. Attach copies of results, if in your possession.

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

187. Seller  DOES  DOES NOT know of a subsurface sewage treatment system on or serving the above-described  
----- (Check one.) -----

188. real Property. (If answer is **DOES**, and the system does not require a state permit, see *Disclosure Statement:*  
189. *Subsurface Sewage Treatment System.*)

190.  There is an abandoned subsurface sewage treatment system on the above-described real Property.  
191. (See *Disclosure Statement: Subsurface Sewage Treatment System.*)

192. (3) Private Well Disclosure: (A well disclosure and Certificate are required by MN Statute 103I.235.)  
193. (Check appropriate box(es).)

194.  Seller does not know of any wells on the above-described real Property.

195.  There are one or more wells located on the above-described real Property.  
196. (See *Disclosure Statement: Well.*)

197.  This Property is in a Special Well Construction Area.

198.  There are wells serving the above-described Property that are not located on the Property.

199. (a) How many properties or residences does the shared well serve? \_\_\_\_\_

200. (b) Is there a maintenance agreement for the shared well?  Yes  No

201. If "Yes," what is the annual maintenance fee? \$ \_\_\_\_\_

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205. (4) Are any of the following presently existing within the Property:
206. (a) connection to public water?  Yes  No
207. (b) connection to public sewer?  Yes  No
208. (c) connection to private water system off-property?  Yes  No
209. (d) connection to electric utility?  Yes  No
210. (e) connection to pipelines (natural gas, petroleum, other)?  Yes  No
211. (f) connection to communication, power, or utility lines?  Yes  No
212. (g) connection to telephone?  Yes  No
213. (h) connection to fiber optic?  Yes  No
214. (i) connection to cable?  Yes  No

215. **E. ENVIRONMENTAL CONCERNS:** The following questions are to be answered to the best of Seller's knowledge.

216. (1) Are there any buried storage tanks or buried debris or waste on the Property?  Yes  No

217. If "Yes," give details:

218. \_\_\_\_\_

219. (2) Are there any hazardous or toxic substances or wastes in, on, or affecting  
220. the Property?  Yes  No

221. If "Yes," give details:

222. \_\_\_\_\_

223. (3) Have any soil tests been performed?  Yes  No

224. When? \_\_\_\_\_ By whom? \_\_\_\_\_

225. Attach copies of results if in your possession.

226. (4) Are there any soil problems?  Yes  No

227. If "Yes," give details:

228. \_\_\_\_\_

229. (5) Are there any dead or diseased trees?  Yes  No

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

231. (6) Are there any insect/animal/pest infestations?  Yes  No

232. If "Yes," give details:

233. \_\_\_\_\_

234. (7) Are there any animal burial pits?  Yes  No

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

236. (8) Are there any unused wells or other potential environmental hazards (e.g., fuel or  
237. chemical storage tanks, contaminated soil or water) on the land?  Yes  No

238. If "Yes," give details:

239. \_\_\_\_\_

240. (9) Did the land at one time abut or was located in close proximity to a gas station, refuse  
241. disposal site, toxic substance storage site, junk yard, or other pollution situation?  Yes  No

242. If "Yes," give details:

243. \_\_\_\_\_

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247. (10) Is the Property located in or near an agricultural zone?  Yes  No  
248. If "Yes," the Property may be subjected to normal and accepted agricultural practices and operations  
249. including, but not limited to, noise; dust; day and nighttime operation of farm machinery; the raising and  
250. keeping of livestock; and the storage and application of manure, fertilizers, soil amendments, herbicides  
251. and pesticides associated with normal agricultural operations.

252. (11) Are there any landfills or waste disposal sites within two (2) miles of the Property?  Yes  No  
253. If "Yes," give details:

254. adjacent property to the North

255. (12) Is there any government sponsored clean-up of the Property?  Yes  No

256. If "Yes," give details:  
257. \_\_\_\_\_

258. (13) Are there currently, or have previously been, any orders issued on the Property by any governmental authority  
259. ordering the remediation of a public health nuisance on the Property?  Yes  No  
260. If "Yes," Seller certifies that all orders  HAVE  HAVE NOT been vacated.  
------(Check one.)-----

261. (14) Other:  
262. \_\_\_\_\_

263. F. RADON DISCLOSURE: (The following Seller disclosure satisfies MN Statute 144.496.)

264. RADON WARNING STATEMENT: The Minnesota Department of Health strongly recommends that ALL  
265. homebuyers have an indoor radon test performed prior to purchase or taking occupancy, and recommends  
266. having the radon levels mitigated if elevated radon concentrations are found. Elevated radon concentrations can  
267. easily be reduced by a qualified, certified, or licensed, if applicable, radon mitigator.

268. Every buyer of any interest in residential real property is notified that the property may present exposure to  
269. dangerous levels of indoor radon gas that may place occupants at risk of developing radon-induced lung cancer.  
270. Radon, a Class A human carcinogen, is the leading cause of lung cancer in nonsmokers and the second leading  
271. cause overall. The seller of any interest in residential real property is required to provide the buyer with any  
272. information on radon test results of the dwelling.

273. RADON IN REAL ESTATE: By signing this Statement, Buyer hereby acknowledges receipt of the Minnesota  
274. Department of Health's publication entitled **Radon in Real Estate Transactions**, which is attached hereto and  
275. can be found at [www.health.state.mn.us/communities/environment/air/radon/radonre.html](http://www.health.state.mn.us/communities/environment/air/radon/radonre.html).

276. A seller who fails to disclose the information required under MN Statute 144.496, and is aware of material facts  
277. pertaining to radon concentrations in the Property, is liable to the Buyer. A buyer who is injured by a violation of MN  
278. Statute 144.496 may bring a civil action and recover damages and receive other equitable relief as determined by  
279. the court. Any such action must be commenced within two years after the date on which the buyer closed the  
280. purchase or transfer of the real Property.

281. SELLER'S REPRESENTATIONS: The following are representations made by Seller to the extent of Seller's actual  
282. knowledge.

283. (a) Radon test(s)  HAVE  HAVE NOT occurred on the Property.  
------(Check one.)-----

284. (b) Describe any known radon concentrations, mitigation, or remediation. NOTE: Seller shall attach the most  
285. current records and reports pertaining to radon concentration within the dwelling:

286. \_\_\_\_\_  
287. \_\_\_\_\_

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291. (c) There  IS  IS NOT a radon mitigation system currently installed on the Property.  
------(Check one.)-----

292. If "IS," Seller shall disclose, if known, information regarding the radon mitigation system, including system  
293. description and documentation.

294. \_\_\_\_\_

295. \_\_\_\_\_

296. **EXCEPTIONS:** See Section O for exceptions to this disclosure requirement.

297. **G. PREFERENTIAL PROPERTY TAX TREATMENT:** Is the Property subject to any preferential  
298. property tax status or any other credits affecting the Property (e.g., Exclusive Ag Covenant,  
299. Green Acres, Managed Forest Land, Non-Profit Status, Rural Preserve, SFIA, etc.)?  Yes  No

300. If "Yes," would these terminate upon the sale of the Property?  Yes  No

301. Explain: \_\_\_\_\_

302. **H. FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT ("FIRPTA"):** Section 1445 of the Internal Revenue Code  
303. provides that a transferee ("Buyer") of a United States real property interest must be notified in writing and must  
304. withhold tax if the transferor ("Seller") is a foreign person and no exceptions from FIRPTA withholding apply.

305. Seller represents that Seller  IS  IS NOT a foreign person (i.e., a non-resident alien individual, foreign corporation,  
------(Check one.)-----  
306. foreign partnership, foreign trust, or foreign estate) for purposes of income taxation. This representation shall  
307. survive the closing of any transaction involving the Property described herein.

308. **NOTE:** If the above answer is "IS," Buyer may be subject to income tax withholding in connection with the  
309. transaction (unless the transaction is covered by an applicable exception to FIRPTA withholding). In  
310. non-exempt transactions, Buyer may be liable for the tax if Buyer fails to withhold.

311. If the above answer is "IS NOT," Buyer may wish to obtain specific documentation from Seller ensuring  
312. Buyer is exempt from the withholding requirements as prescribed under Section 1445 of the Internal  
313. Revenue Code.

314. Due to the complexity and potential risks of failing to comply with FIRPTA, including Buyer's responsibility  
315. for withholding the applicable tax, Buyer and Seller should **seek appropriate legal and tax advice regarding**  
316. **FIRPTA compliance, as the respective licensees representing or assisting either party will be unable to**  
317. **assure either party whether the transaction is exempt from the FIRPTA withholding requirements.**

318. **I. METHAMPHETAMINE PRODUCTION DISCLOSURE:**

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

320.  Seller is not aware of any methamphetamine production that has occurred on the Property.

321.  Seller is aware that methamphetamine production has occurred on the Property.

322. (See Disclosure Statement: Methamphetamine Production.)

323. **J. NOTICE REGARDING AIRPORT ZONING REGULATIONS:** The Property may be in or near an airport safety zone  
324. with zoning regulations adopted by the governing body that may affect the Property. Such zoning regulations are  
325. filed with the county recorder in each county where the zoned area is located. If you would like to determine if  
326. such zoning regulations affect the Property, you should contact the county recorder where the zoned area is  
327. located.

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

331. Are you aware of any human remains, burials, or cemeteries located on the Property?  Yes  No

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

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



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339. L. **NOTICE REGARDING PREDATORY OFFENDER INFORMATION:** Information regarding the predatory offender registry and persons registered with the predatory offender registry under MN Statute 243.166 may be obtained by contacting the local law enforcement offices in the community where the land is located or the Minnesota Department of Corrections at (651) 361-7200, or from the Department of Corrections web site at [www.corr.state.mn.us](http://www.corr.state.mn.us).

344. M. **NOTICES/OTHER DEFECTS/MATERIAL FACTS:** The following questions are to be answered to the best of Seller's knowledge.

346. **Notices:** Seller  HAS  HAS NOT received a notice regarding any proposed improvement project from any assessing authorities, the costs of which project may be assessed against the Property. If "HAS," please attach and/or explain:

349. \_\_\_\_\_  
350. **Other Defects/Material Facts:** Are there any other material facts that could adversely and significantly affect an ordinary buyer's use or enjoyment of the Property or any intended use of the Property?  Yes  No  
352. If "Yes," explain:

353. \_\_\_\_\_

354. N. **MN STATUTES 513.52 THROUGH 513.60:**

355. **Exceptions:** The seller disclosure requirements of MN Statutes 513.52 through 513.60 **DO NOT** apply to
- 356. (1) real property that is not residential real property;
  - 357. (2) a gratuitous transfer;
  - 358. (3) a transfer pursuant to a court order;
  - 359. (4) a transfer to a government or governmental agency;
  - 360. (5) a transfer by foreclosure or deed in lieu of foreclosure;
  - 361. (6) a transfer to heirs or devisees of a decedent;
  - 362. (7) a transfer from a co-tenant to one or more other co-tenants;
  - 363. (8) a transfer made to a spouse, parent, grandparent, child, or grandchild of Seller;
  - 364. (9) a transfer between spouses resulting from a decree of marriage dissolution or from a property agreement incidental to that decree;
  - 366. (10) a transfer of newly constructed residential property that has not been inhabited;
  - 367. (11) an option to purchase a unit in a common interest community, until exercised;
  - 368. (12) a transfer to a person who controls or is controlled by the grantor as those terms are defined with respect to a declarant under section 515B.1-103, clause (2);
  - 370. (13) a transfer to a tenant who is in possession of the residential real property; or
  - 371. (14) a transfer of special declarant rights under section 515B.3-104.

372. **MN STATUTES 144.496: RADON AWARENESS ACT**

373. The seller disclosure requirements of MN Statute 144.496 DO NOT apply to (1)-(9) and (11)-(14) above. Sellers of newly constructed residential property must comply with the disclosure requirements of MN Statute 144.496.

375. **Waiver:** The written disclosure required under sections 513.52 to 513.60 may be waived if Seller and the prospective Buyer agree in writing. Waiver of the disclosure required under sections 513.52 to 513.60 does not waive, limit, or abridge any obligation for seller disclosure created by any other law.

378. **No Duty to Disclose**

379. A. There is no duty to disclose the fact that the Property
- 380. (1) is or was occupied by an owner or occupant who is or was suspected to be infected with Human Immunodeficiency Virus or diagnosed with Acquired Immunodeficiency Syndrome;
  - 382. (2) was the site of a suicide, accidental death, natural death, or perceived paranormal activity; or
  - 383. (3) is located in a neighborhood containing any adult family home, community-based residential facility, or nursing home.

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388. B. **Predatory Offenders.** There is no duty to disclose information regarding an offender who is required to  
399. register under MN Statute 243.166 or about whom notification is made under that section, if Seller, in a  
400. timely manner, provides a written notice that information about the predatory offender registry and  
401. persons registered with the registry may be obtained by contacting the local law enforcement agency  
402. where the property is located or the Department of Corrections.

403. C. The provisions in paragraphs A and B do not create a duty to disclose any facts described in paragraphs  
404. A and B for property that is not residential property.

405. D. **Inspections.**  
406. (1) Except as provided in paragraph (2), Seller is not required to disclose information relating to the real  
407. Property if a written report that discloses the information has been prepared by a qualified third party  
408. and provided to the prospective buyer. For purposes of this paragraph, "qualified third party" means  
409. a federal, state, or local governmental agency, or any person whom Seller or prospective buyer reasonably  
410. believes has the expertise necessary to meet the industry standards of practice for the type of  
411. inspection or investigation that has been conducted by the third party in order to prepare the written  
412. report.

413. (2) Seller shall disclose to the prospective buyer material facts known by Seller that contradict any  
414. information included in a written report under paragraph (1) if a copy of the report is provided to Seller.

415. O. **ADDITIONAL COMMENTS:**

416. William Brunk 2 Mar 2023  
417. other sellers: James Brunk, Roger Brunk, Cindy Brunk  
418. Christopher Duis

419. P. **SELLER'S STATEMENT:** (To be signed at time of listing.)

420. Seller(s) hereby states the facts as stated above are true and accurate and authorizes any licensee(s)  
421. representing or assisting any party(ies) in this transaction to provide a copy of this Disclosure Statement to  
422. any person or entity in connection with any actual or anticipated sale of the Property. A seller may provide this  
423. Disclosure Statement to a real estate licensee representing or assisting a prospective buyer. The Disclosure  
424. Statement provided to the real estate licensee representing or assisting a prospective buyer is considered to have  
425. been provided to the prospective buyer. If this Disclosure Statement is provided to the real estate licensee  
426. representing or assisting the prospective buyer, the real estate licensee must provide a copy to the prospective  
427. buyer.

428. **Seller is obligated to continue to notify Buyer in writing of any facts that differ from the facts disclosed**  
429. **here (new or changed) of which Seller is aware that could adversely and significantly affect the Buyer's**  
430. **use or enjoyment of the Property or any intended use of the Property that occur up to the time of closing.**  
431. To disclose new or changed facts, please use the *Amendment to Disclosure Statement* form.

432. Gene Brunk 3-2-23 John Brunk 3-2-23  
(Seller) (Date) (Seller) (Date)

433. Q. **BUYER'S ACKNOWLEDGEMENT:** (To be signed at time of purchase agreement.)

434. I/We, the Buyer(s) of the Property, acknowledge receipt of this *Disclosure Statement: Vacant Land* and agree  
435. that no representations regarding facts have been made other than those made above. This Disclosure Statement  
436. is not a warranty or guarantee of any kind by Seller or licensee representing or assisting any party in the  
437. transaction and is not a substitute for any inspections or warranties the party(ies) may wish to obtain.

438. The information disclosed is given to the best of Seller's knowledge.

439. \_\_\_\_\_  
(Buyer) (Date) (Buyer) (Date)

**LISTING BROKER AND LICENSEES MAKE NO REPRESENTATIONS HERE AND ARE 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, its radioactive particles 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 (picocuries per liter) 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
5. a radon warning statement

## 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.

## 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"

## Radon Testing

Any test lasting less than three months requires **closed-house conditions**. This means 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.

**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:

- 20 inches to 6 feet above the floor
- 3 feet from exterior doors and windows
- 1 foot from exterior walls
- 4 inches away from other objects
- in a location where it won't be disturbed
- not in enclosed areas or areas of high heat/humidity

### How are radon tests conducted in real estate transactions?

There are special protocols for radon testing in real estate transactions. Here are the two most common.

#### Continuous Radon Monitor (CRM)

This test is completed by a certified radon measurement professional with a calibrated CRM for a minimum of 48 hours. The data is analyzed to ensure a valid test. A report is generated by the measurement professional.

#### Simultaneous Short-Term Testing

Two short-term test kits are used at the same time, placed 4 inches apart, for a minimum of 48 hours. Test kits are sent to the lab for analysis. The lab generates a report. The two test results are averaged to get the radon level.

**All radon tests should be conducted by a licensed professional.** This ensures the test was conducted properly, in the correct location(s), which includes testing the lowest liveable level in each unique foundation type and under appropriate building conditions. A list of these licensed radon measurement professionals can be found at MDH's Radon web site.

## Radon Mitigation

When elevated levels of radon are found, they can be easily reduced by a licensed professional. A list of these licensed radon mitigation professionals can be found on MDH's Radon website.

**Radon mitigation** is the process or system used to reduce radon concentrations in the breathing zones of occupied buildings. The goal of a radon mitigation system is to reduce the indoor radon levels to below the action level. This is done by drawing soil gas from under the house and venting it above the roof. A quality mitigation system is often able to reduce the annual average radon level to below 2.0 pCi/L. The cost of a radon mitigation system averages \$1,200 to \$2,500.

**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 short-term test will confirm low levels in the home. Be sure to retest the house every two years to confirm continued radon reduction.

### Radon Information on the Web:

[www.health.state.mn.us/radon](http://www.health.state.mn.us/radon)

Last Updated 3/2021

### MDH Indoor Air Unit

PO Box 64975

St Paul, MN 55164-0975

651-201-4601

800-798-9050

[health.indoorair@state.mn.us](mailto:health.indoorair@state.mn.us)