

Close~Converse

COMMERCIAL & PREFERRED PROPERTIES
Specializing in Commercial Real Estate & Business Brokerage

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Phone: (218) 828-3334 | Fax: (218) 828-4330

VACANT LAND DISCLOSURE STATEMENT

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1. Date _____

2. Page 1 of 5 pages

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

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

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

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

14 Property located at 1601/1605/1609/1613/1619 13th Ave NE (Lots 27-36, Block 1, Mississippi River Shores),

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

16 A. GENERAL INFORMATION:

17 (1) When did you acquire the property? 6/30/09

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

19 Location of Abstract: N/A

20 Is there an existing Owner's Title Insurance Policy? ATTORNEY'S OPINION ☒ Yes ☐ No

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

22 Year surveyed: _____

23 (4) What company/person performed the survey? _____

24 Name: _____ Address: _____ Phone: _____

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

26 If "Yes,"

27 has the plat been recorded? ☒ Yes ☐ No

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

29 If "Yes,"

30 Who completed the survey? _____ When? _____

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

32 If "Yes," give details: _____

33 To your knowledge,

34 (7) are there encroachments? ☐ Yes ☒ No

35 (8) are there easements, other than utility or drainage easements? ☐ Yes ☒ No

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

37 (10) is the property located in a designated flood plain? ☐ Yes ☒ No

38 (11) has there ever been a flood or other disaster at the property? ☐ Yes ☒ No

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

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

42. Property located at 1601/1605/1609/1613/1619 13th Ave NE (Lots 27-36, Block 1, Mississippi River Shores)

43. (12) Are you in possession of prior vacant land disclosure statement(s)?

44. (If "Yes," please attach)

☐ Yes

☒ No

45. (13) Comments: _____

46. _____

47. _____

48. B. USE RESTRICTIONS AND FINANCING:

49. (1) To your knowledge, do any of the following types of covenants, conditions, reservations or restrictions affect
50. the land?

51. (a) Subdivision or other recorded covenants, conditions or restrictions?

☐ Yes

☒ No

52. (b) Association requirements or restrictions?

☒ Yes

☐ No

53. (c) A right of first refusal to purchase?

☐ Yes

☒ No

54. (d) Reservations?

☐ Yes

☒ No

55. (e) Department of Natural Resources?

☐ Yes

☒ No

56. (f) Watershed?

☐ Yes

☒ No

57. (g) Local municipality?

☐ Yes

☒ No

58. (2) If any of the above questions [B(1)] are answered "Yes," list which written copies of these covenants, conditions,
59. reservations or restrictions you have: MISSISSIPPI RIVER SHORES ASSOCIATION

60. _____

61. _____

62. (3) Have you ever received notice from any person or authority as to any breach of any of these covenants,
63. conditions, reservations or restrictions?

☐ Yes

☒ No

64. If "Yes," describe: _____

65. _____

66. _____

67. (4) To your knowledge, is this property approved for FHA financing?

☐ Yes

☒ No

68. C. CONDITION OF THE PROPERTY:

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

70. (1) Are there any structures, improvements, emblements or personal property included

71. in the sale?

☐ Yes

☒ No

72. If "Yes," list all items: _____

73. _____

74. _____

75. Are there any problems or defects with any of the above items?

☐ Yes

☐ No

76. If "Yes," describe all problems and defects: _____

77. _____

78. _____

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

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

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

85. If "Yes," give details: _____

86. _____

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

88. ☐ Yes ☒ No

89. If "Yes," give details: _____

90. _____

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

92. When? _____ By whom? _____

93. Results? _____

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

95. If "Yes," give details: _____

96. _____

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

98. If "Yes," give details: _____

99. _____

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

101. (9) Other: _____

102. D. UTILITIES:

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

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

105. When? _____ By whom? _____

106. Results? _____

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

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

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

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

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

112. (3) Private Sewer System Disclosure: (A private sewer system disclosure is required by MN Statute 115.55.)
113. (Check appropriate box)

114. ☒ Seller does not know of a private sewer system on or serving the above-described real property.

115. ☐ There is a private sewer system on or serving the above-described real property.

116. (See Private Sewer System Disclosure Statement)

117. ☐ There is an abandoned private sewer system on the above-described real property.

118. (See Private Sewer System Disclosure Statement)

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122. Property located at 1601/1605/1609/1613/1619 13th Ave NE (Lots 27-36, Block 1, Mississippi River Shores)

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

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

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

128. Are there any wells serving the above-described property that are not located on the
129. property? (If "Yes," see Well Disclosure Statement.) ☐ Yes ☐ No

130. To your knowledge, is this property in a Special Well Construction Area? ☐ Yes ☐ No

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

132. (a) Public water system access? ☒ Yes ☐ No

133. (b) Private water system access? ☐ Yes ☒ No

134. (c) Electric service access? ☒ Yes ☐ No

135. E. PREFERENTIAL PROPERTY TAX TREATMENT: Is the property subject to any preferential property tax status
136. or any other credits affecting the property, which would terminate upon the sale of the property? (e.g., Green Acres,
137. CRP, RIM) ☐ Yes ☒ No

138. If "Yes," please explain: _____

139. _____

140. _____

141. _____

142. _____

143. _____

144. F. METHAMPHETAMINE PRODUCTION DISCLOSURE:

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

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

147. ☐ Seller is aware that methamphetamine production has occurred on the property.

148. (See Methamphetamine Production Disclosure Statement)

149. G. AIRPORT ZONING REGULATIONS: MN Statute 360.065, Subd. 3 requires sellers of real property located in
150. airport safety zones A, B or C, under zoning regulations adopted by the governing body, to disclose to a buyer or
151. transferee the existence of airport zoning regulations that affect the real property before accepting consideration
152. or signing an agreement to sell or transfer the real property.

153. **Note:** This disclosure is **NOT** required for safety zones associated with an airport owned and operated by the
154. Metropolitan Airports Commission which include the following airports: Anoka County, Crystal, Eden Prairie — Flying
155. Cloud, Lake Elmo, Lakeville — Air Lake, Mps/St Paul International, St. Paul — Downtown Holman Field.

156. Seller discloses that the property, as described in this Disclosure, ☐ IS ☒ IS NOT located in airport safety
----- (Check one) -----

157. zone A, B or C and there ☐ IS ☒ IS NOT existing airport zoning regulations affecting the property.
----- (Check one) -----

158. MN Statute 360.065, Subd. 2 requires a copy of adopted airport zoning regulations be filed with the county recorder
159. in each county in which the zoned area is located. **Contact the county where the property is located to obtain**
160. **further information regarding airport zoning regulations.**

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

164. Property located at 1601/1605/1609/1613/1619 13th Ave NE (Lots 27-36, Block 1, Mississippi River Shores)
165. **H. CEMETERY ACT:** MN Statute 307.08 prohibits any damage or illegal molestation of human remains, burials or
166. cemeteries. A person who intentionally, willfully and knowingly destroys, mutilates, injures, disturbs or removes
167. human skeletal remains or human burial grounds is guilty of a felony.
168. To your knowledge, are you aware of any human remains, burials or cemeteries located on the property?

169. ☐ Yes ☒ No

170. If "Yes," please explain: _____
171. _____
172. All unidentified human remains or burials found outside of platted, recorded or identified cemeteries and in contexts
173. which indicate antiquity greater than 50 years shall be dealt with according to the provisions of MN Statute 307.08,
174. Subd. 7.

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

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

177. If "Yes," state their locations: _____

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

181. If "Yes," give details: _____

182. _____

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

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

186. *(To be signed at time of listing.)*
187. Seller(s) hereby states the condition of the property to be as stated above and authorizes any licensee(s)
188. representing or assisting any party(ies) in this transaction to provide a copy of this Disclosure to any person or
189. entity in connection with any actual or anticipated sale of the property.

190. FRANDSEN BANK + TRUST
M. C. Green 9/27/11
(Seller) G. BREEN (Date) (Seller) _____ (Date)
SR. VICE PRESIDENT

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

192. *(To be signed at time of purchase agreement.)*
193. I/We, the Buyer(s) of the property, acknowledge receipt of this Vacant Land Disclosure Statement and agree that
194. no representations regarding the condition of the property have been made other than those made above.

195. _____
(Buyer) (Date) (Buyer) (Date)

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

197. *(To be signed at time of purchase agreement.)*
198. **AS OF THE DATE BELOW, I/we, the Seller(s) of the property, state that the condition of the property is the same,**
199. **except for changes as indicated below, which have been signed and dated.**

200. _____

201. _____

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

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