

# 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: Ryan & Barbara Kaiser  
 Property Address: 506 Hidden Hollows Dr. Yankton  
 This disclosure statement concerns the real property identified above situated in the City of Yankton 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 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? Purchase June 2004

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  Unkn

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

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

6. Are there any problems related to establishing the lot lines/boundaries?  Yes  No

7. Do you have a location survey in your possession or a copy of the recorded plat? If yes, attach a copy.  Yes  No

8. Are you aware of any encroachments or shared features, from or on an adjoining property (i.e. fences, driveways, 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, mechanics' liens, judgments, special assessments, zoning changes or charges 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 as per SDCL 10-13-39?  Yes  No

13. Is the property currently part of a property tax freeze for any reason?  Yes  No

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? If yes, how much \$ \_\_\_\_\_ and how often? \_\_\_\_\_  Yes  No

17. Do you pay any mandatory fees or special assessments to a home-owners' 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

20. Are wetlands located upon any part of the property?  Yes  No

## 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, basements, or crawl space?  No  Yes

2. What water damage related repairs, if any, have been made? front windows re caulked

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? What related repairs, if any, have been made? \_\_\_\_\_



Yes  No  Unkn

5. Are you aware of any roof leakage, past or present? Type of roof covering: Concrete Tile

Age: 19 yrs 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?

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

Was a permit obtained? NA

Was the work approved by an inspector? NA

10. Are you aware of any past or present damage to the property (i.e., fire, smoke, wind, floods, hail, or snow)? If yes, describe Fire under deck

Have any insurance claims been made?

Was an insurance payment received?

Has the damage been repaired?

If yes, describe in detail: Repaired decking

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?

### III. SYSTEMS/UTILITIES INFORMATION

2. 220 volt service  3. Air purifier  4. Attic fan  5. Burglar alarm and 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 controls  16. Garage wiring  17. Heating system  18. Hot tub, whirlpool and controls  19. Humidifier  20. Intercom

	None/Not Included	Working	Not Working
21. Light fixtures	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Microwave/Hood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. Plumbing and fixtures	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24. Pool and equipment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25. Propane tank	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26. Radon System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27. Sauna	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28. Septic/leaching field	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29. Sewer systems/drains	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30. Smoke/fire alarm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31. Solar House - heating	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32. Sump pump(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33. Switches and outlets	<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"/>
35. Vent fan	<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"/>
37. Water purifier	<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"/>
39. Well and pump	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
40. Wood burning stove	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### 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 Yes  No  Tests Performed Yes  No

	Existing Conditions	Tests Performed
1. Methane Gas	<input type="checkbox"/>	<input type="checkbox"/>
2. Lead Paint	<input type="checkbox"/>	<input type="checkbox"/>
3. Radon Gas (house)	<input type="checkbox"/>	<input type="checkbox"/>
4. Radon Gas (Well)	<input type="checkbox"/>	<input type="checkbox"/>
5. Radioactive Materials	<input type="checkbox"/>	<input type="checkbox"/>
6. Landfill, Mineshaft	<input type="checkbox"/>	<input type="checkbox"/>
7. Expansive Soil	<input type="checkbox"/>	<input type="checkbox"/>
8. Mold	<input type="checkbox"/>	<input type="checkbox"/>
9. Toxic Materials	<input type="checkbox"/>	<input type="checkbox"/>
10. Urea formaldehyde Foam Insulation	<input type="checkbox"/>	<input type="checkbox"/>
11. Asbestos Insulation	<input type="checkbox"/>	<input type="checkbox"/>
12. Buried Fuel Tanks	<input type="checkbox"/>	<input type="checkbox"/>
13. Chemical Storage Tanks	<input type="checkbox"/>	<input type="checkbox"/>
14. Fire Retardant Treated Plywood	<input type="checkbox"/>	<input type="checkbox"/>
15. Production of Methamphetamine	<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.





Buyer(s) \_\_\_\_\_ Date \_\_\_\_\_ Buyer(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.

Seller(s) \_\_\_\_\_ Date \_\_\_\_\_ Seller(s) \_\_\_\_\_ Date \_\_\_\_\_

4-1-10

4-1-10

*[Handwritten signature]*

*[Handwritten signature]*

THE SELLER AND THE BUYER MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND INSPECTIONS OF THE PROPERTY TO OBTAIN A TRUE REPRESENTATION OF 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.

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.

Closing Section:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*repaired - hot water construction*

*May 2010 - water line to house broke in road - found break*

**VI. ADDITIONAL COMMENTS (ATTACH ADDITIONAL PAGES, IF NECESSARY)**

\_\_\_\_\_  
\_\_\_\_\_

11. Are you aware of any other material facts or problems that have not been disclosed on this form?  Yes, explain: \_\_\_\_\_

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, ceiling fans, storage sheds, storage sets, basketball hoops, mail boxes, etc.  Yes, please list \_\_\_\_\_

9. Are there broken window panes or seals? If yes, specify \_\_\_\_\_  
8. If private, what is the date of the last time septic tank was pumped? \_\_\_\_\_

7. Is the sewer system \_\_\_\_\_ public \_\_\_\_\_ private   
6. If private, what is the date and result of the last water test? \_\_\_\_\_

5. Is the water source \_\_\_\_\_ public \_\_\_\_\_ private   
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 \_\_\_\_\_

4. Within the previous twelve months prior to signing this document, are you aware of any of the following occurring on the subject property?  
3. When was the fireplace/woodstove/chimney flue last cleaned? \_\_\_\_\_

2. Is there a written road maintenance agreement? If yes, attach a copy of the maintenance agreement.   
1. Is the street or road located at the end of the driveway to the property, \_\_\_\_\_ public \_\_\_\_\_ private

Yes No

**V. MISCELLANEOUS INFORMATION**

Property Address \_\_\_\_\_