

SELLER'S PROPERTY DISCLOSURE

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1 **NOTICE FOR NORTH DAKOTA PROPERTY:**

2 This form is designed to guide you, the Seller(s), in making the legally required disclosures and to assist you
3 to avoid inadvertent nondisclosures of material facts as required by statute. You must disclose all material
4 facts you are aware could adversely and significantly affect an ordinary Buyer's use and enjoyment of the
5 Property or any intended use of the Property of which you are aware, even if not specifically asked in this
6 form. Additional space for disclosure is provided on the last page of this form. You may attach any additional
7 information as necessary.

8 Refer to North Dakota Century Code 47-10-02.1 for more detail on requirements of the statute.

9 **DATE:** 11/2/2023

10 **PROPERTY ADDRESS:**

11 Name of Seller(s): Carol Breske - Gary Torshold Estate

12 Street Address: 3211 121 Ave SE

13 City: Valley City State: ND Zip Code: 58072 County: Barnes

14 **THIS IS NOT A WARRANTY:**

15 This disclosure is not a warranty or guarantee of any kind by Seller(s), Broker(s) or Agent(s) representing or
16 assisting any party in the transaction; and, it is not a substitute for inspections or warranties which the parties
17 may wish to obtain. Seller(s) is only providing information of which Seller(s) is aware. Broker(s)/Agent(s) is
18 not a property inspector and has little or no information regarding the condition of this Property.

19 Seller(s) authorizes Broker(s) and Agent(s) to provide the following information to prospective Buyer(s).
20 Information presented in this form is not intended to be part of any PURCHASE AGREEMENT between
21 Buyer(s) and Seller(s).

22 **SELLER(s):**

- 23 • Seller(s) is to personally complete this form. Please include the Property address on every page.
- 24 • Please answer all line items, even if the answer is "Unknown."
- 25 • If more space is needed, place additional disclosures on Page 9 and include the line number(s) being
26 referenced.
- 27 • Seller(s) is obligated to continue to notify Buyer(s) in writing of any facts that differ from the facts
28 disclosed here (new or changed) of which Seller(s) is aware that occur up to the time of closing.
29 Seller(s) must disclose new or changed facts by using the AMENDMENT TO SELLER'S PROPERTY
30 DISCLOSURE.

31 **BUYER(s):**

- 32 • Buyer(s) are encouraged to thoroughly inspect the Property personally or have it inspected by a
33 third party and to inquire about any specific areas of concern.
- 34 • **NOTE:** If Seller(s) answers "Unknown" to any of the questions listed below, it does not necessarily
35 mean that it does not exist on the Property. "Unknown" may mean the Seller(s) is unaware that it
36 exists on the Property.

37 **SELLER(s) & BUYER(s):**

- 38 • THE INFORMATION DISCLOSED IS GIVEN TO THE BEST OF SELLER'S KNOWLEDGE.
- 39 • The following information applies to all structures, such as garage(s), outbuilding(s), shed(s), etc.
- 40 • Please initial by any changed answers or mistakes made on this form.

Buyer(s) Initials _____

Seller(s) Initials CB

Address: 3211 121 Ave SE
Valley City ND 58072

41 **GENERAL INFORMATION**

YES NO

- 1 When did you purchase or build the home? 1976
- 2 Has the home been occupied continuously for the past 12 months? ☒ ☐
- If No, Explain:

- 3 Type of title evidence. ☒ Abstract ☐ Owner's Title Insurance ☐ Unknown
- 4 Is the Property on a public or private road? ☒ Public ☐ Private ☐ Public - not maintained
- If Private or Public not maintained, Explain:

42 **STRUCTURAL ELEMENTS (UNK = Unknown, NA = Not Applicable)**

YES NO UNK NA

- 1 Has the structure been altered? (Additions, altered roof lines, changes to load bearing walls, etc.) ☐ ☒ ☐ ☐
- If Yes, Explain:

- 2 Was a permit obtained to alter the structure? ☐ ☐ ☐ ☒
- If No, Explain:

- 3 Have you or anyone else performed work on the Property which required a building, plumbing, electrical, or other permits? ☐ ☐ ☒ ☐
- If Yes, Explain:

- 4 Was a permit obtained? ☐ ☐ ☐ ☒
- If No, Explain:

- 5 Was the work approved by an inspector? ☐ ☐ ☐ ☒
- If No, Explain:

- 6 Is there, or has there been, water seepage, sewer back up, and/or dampness? ☒ ☐ ☐ ☐
- If Yes, Explain:

Seepage in basement

- 7 Have waterproofing repairs been made? ☒ ☐ ☐ ☐
- If Yes, Explain:

Additional drain tile and 3 sump pumps

- 8 Type of basement/foundation. (Check One) ☐ brick ☐ concrete block ☒ concrete poured
- ☐ stone ☐ insulated concrete forms ☐ wood ☐ other
- If Other, Explain:

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	YES	NO	UNK	NA
9 Are there cracked or bulged floors or walls in the basement? If Yes, Explain: <u>Cracks in Floor</u>	☒	☐	☐	☐
10 Is drain and/or sump pump installed and working properly? If Yes, where does it drain to:	☒	☐	☐	☐
11 Are all structures located within the boundaries of Property? If No, Explain:	☒	☐	☐	☐
12 Was any structure moved to this site? If Yes, Explain:	☐	☒	☐	☐
13 Are there cracks in the driveway, garage floor, sidewalks, patio, retaining walls, or other outside hard surface areas? If Yes, Explain:	☒	☐	☐	☐
14 What is the age of the roofing material on the home? _____ Year(s) ☐ Unknown				
15 What is the age of the roofing material on the garage/out buildings? _____ Year(s) ☐ Unknown				
16 Does the roof leak, or has the roof ever leaked? If Yes, Explain:	☐	☒	☐	☐
17 Has there been interior damage from a roof leak, condensation, or ice buildup? If Yes, Explain:	☐	☒	☐	☐
18 Has there been damage to any roof or shingles? If Yes, Explain:	☐	☒	☐	☐
19 Was insulation added to the structure? If Yes, Explain:	☒	☐	☐	☐
20 Are you aware of dry rot in the building? If Yes, Explain:	☐	☒	☐	☐

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YES NO UNK NA

 21 Has the Property or its improvements been damaged? (Check all applicable)
☐ fire ☐ smoke ☐ wind ☐ floods ☐ hail ☐ snow ☐ frozen pipes ☐ broken
 water line)

If Yes, was the damage repaired? Explain:

☐ ☒ ☐ ☐

 22 Have damage claims been paid to you by insurance coverage?
 If Yes, Explain:

☐ ☐ ☐ ☒

 23 Do rain gutters and downspouts work?
 If No, Explain:

☒ ☐ ☐ ☐

 24 Are exterior and interior locks operable?
 Will keys be provided for each?

☒ ☐ ☐ ☐
☒ ☐ ☐ ☐

25 Are all the window screens available?

☒ ☐ ☐ ☐

 26 Are there damaged screens?
 If Yes, Explain:

☒ ☒ ☐ ☐

27 Are all the storm windows available?

☐ ☐ ☐ ☒

28 Are there broken windows or broken seals?

☐ ☒ ☐ ☐

 29 Are skylights in working condition? (i.e., no leaking, condensation, or
 mechanical)

☐ ☐ ☐ ☒

 30 Is the fireplace/wood burner in working order?
 If No, Skip to Number 33.

☐ ☐ ☒ ☐

31 Is the fan, chimney, or flue in working order?

☐ ☐ ☒ ☐

 32 Has the fireplace/wood burner/chimney/flue been cleaned?
 If Yes, When:

☐ ☐ ☒ ☐

 33 Are you aware of any rough-in for future amenities that were added during
 construction or remodel of the home? (i.e., Plumbing rough-in for future
 wet-bar, bathroom, sprinkler. Electrical rough-in for hot tub, pool, sound
 system, generator. Heat rough-in for future gas, electric baseboard, garage
 heater. Gas for future fireplace, grill, firepits, etc.)
 If Yes, What types?

☐ ☒ ☐ ☐

 34 Are there additional Property conditions that have not been described
 above? (i.e., slanted floors, sticking windows, settling, distorted door
 frames, sagging ceilings, siding irregularities, stained or damaged floor
 coverings, etc.)
 If Yes, Explain:

☐ ☒ ☐ ☐

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43 UTILITIES (UNK = Unknown, NA = Not Applicable)

	YES	NO	UNK	NA
1 Are there wells on the above-described Property? If Yes, see WELL DISCLOSURE.	☒	☐	☐	☐
2 Is there a private sewer system on or serving the Property? If Yes, see PRIVATE SEWAGE TREATMENT SYSTEM DISCLOSURE.	☒	☐	☐	☐
3 Utilities provided by:				
Gas: _____				
Electrical: <u>Class County Elec.</u>				
Water: _____				
Trash Pick Up: _____				
Other: _____				
Mailbox Number: _____				
Average Monthly Cost: _____				
Average Monthly Cost: <u>400 - 500</u>				
Average Monthly Cost: _____				
Average Monthly Cost: _____				
Average Monthly Cost: _____				
Key: ☐ YES ☐ NO				

44 LAND USE (UNK = Unknown, NA = Not Applicable)

	YES	NO	UNK	NA
1 Are there covenants, deed restrictions, or reservations? If Yes, Explain:	☐	☒	☐	☐
2 Have you received notice from any governmental authority of future assessments? If Yes, Explain:	☐	☒	☐	☐
3 Are there zoning infractions, non-conforming uses, or violations? If Yes, Explain:	☐	☒	☐	☐
4 Are there encroachments, easements, life estate, right of first refusal, or existing lease(s)? If Yes, Explain:	☒	☐	☐	☐
<u>Form land lease 11.2 Acres</u>				
5 Is the Property part of a Homeowner's Association? If Yes, See HOA INFORMATION.	☐	☒	☐	☐
6 Is the Property a Condominium? If Yes, See CONDO INFORMATION.	☐	☒	☐	☐
7 Are there shared features with adjoining property such as walls, fenced, and/or driveways? If Yes, Explain:	☐	☒	☐	☐

45 ENVIRONMENTAL CONCERNS (UNK = Unknown, NA = Not Applicable)
46 To your knowledge, have any of the following existed or do they currently exist on the Property:

	YES	NO	UNK	NA
1 Fill dirt? If Yes, Explain:	☐	☒	☐	☐

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YES NO UNK NA

- | | | | | | |
|----|--|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| 2 | Asbestos? If Yes, Explain: | ☐ | ☒ | ☐ | ☐ |
| 3 | Insect, animal, or pest infestations? If Yes, Explain: | ☐ | ☒ | ☐ | ☐ |
| 4 | Hazardous wastes/substances? If Yes, Explain: | ☐ | ☒ | ☐ | ☐ |
| 5 | Underground storage tanks? If Yes, Explain: | ☐ | ☒ | ☐ | ☐ |
| 6 | Drainage/standing water issues? If Yes, Explain: | ☐ | ☒ | ☐ | ☐ |
| 7 | Illicit drug production/sales? If Yes, Explain: | ☐ | ☒ | ☐ | ☐ |
| 8 | Methamphetamine production? If Yes, Explain: | ☐ | ☒ | ☐ | ☐ |
| 9 | Signs of soil expansion, contraction, or movement other than situations related to normal conditions? If Yes, Explain: | ☐ | ☒ | ☐ | ☐ |
| 10 | Any suspected microbial/fungal growth? If Yes, Explain: | ☐ | ☐ | ☒ | ☐ |
| 11 | Has there been confirmed black mold on the Property? If Yes, Explain: | ☐ | ☐ | ☒ | ☐ |
| 12 | Is urea-formaldehyde foam insulation present? If Yes, Explain: | ☐ | ☐ | ☒ | ☐ |
| 13 | Are there or have there been pets on the Property? If Yes, Explain: | ☒ | ☐ | ☐ | ☐ |

1 house cat

47 **RADON DISCLOSURE (UNK = Unknown, NA = Not Applicable)**

YES NO UNK NA

- | | | | | | |
|---|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1 | Has the Property been tested for radon? If Yes, attach the most current records and reports pertaining to radon concentrations, mitigation, or remediation. If a mitigation system has been installed, include the system description and documents.
If Yes, Explain: | ☐ | ☐ | ☒ | ☐ |
| 2 | Are you aware of any radon gas levels in the home that exceed EPA standards?
If Yes, Explain: | ☐ | ☐ | ☒ | ☐ |

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48 **FLOOD DISCLOSURE – INCLUDING OVERLAND AND RIVER FLOODING**

49 This is intended to provide information to prospective Buyer(s) concerning high water elevation flood events
50 including overland and river flooding that may impact the Property.

51 **Note:** Whether or not Seller(s) currently carries flood insurance, it may be required in the future. Flood
52 insurance premiums are increasing, and in some cases will rise by a substantial amount over the premiums
53 previously charged for flood insurance for the Property. As a result, Buyer(s) should not rely on the premiums
54 paid for flood insurance on this Property previously as an indication of the premiums that will apply after
55 Buyer(s) completes their purchase.

		YES	NO	UNK	NA
1	Is the Property in a designated 100-year floodplain? If Yes, see FLOOD DISCLOSURE.	☐	☒	☐	☐
2	Has the Property been impacted by high water elevation flood events including overland and river flooding? If Yes, see FLOOD DISCLOSURE.	☐	☒	☐	☐
3	Do you carry flood insurance? If Yes, Explain:	☐	☒	☐	☐
4	Is the flood insurance transferrable? If Yes, Explain:	☐	☐	☐	☒

56 **PROPERTY TAX/SPECIALS DISCLOSURE**

57 Check appropriate box:

58 ☐ **Yes** ☒ **No** There is an exclusion from market value for home improvements on this Property. Any valuation
59 exclusion shall terminate upon sale of the Property, and the Property's estimated market value for property
60 tax purposes shall increase. If a valuation exclusion exists, Buyer(s) is encouraged to look into the resulting
61 tax consequences.

62 ☒ **Yes** ☐ **No** Preferential property tax treatment: Is the Property subject to any preferential property tax
63 status or any other credits affecting the Property (e.g. Disability, Green Acres, CRP, RIM, Rural Preserve,
64 etc.)?

65 If Yes, Explain:

66 Farm exempt

67 If Yes, would these terminate upon the sale of the Property? ☒ **Yes** ☐ **No** If Yes, Explain:

68
69 Security System Equipment (Check One) ☐ Owned ☐ Leased ☒ N/A

70 Security System Service Contract is transferrable (Check One) ☐ Yes ☐ No ☒ N/A

71 Terms of Security System Contract (Explain):

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72 SYSTEMS & APPLIANCES

73 Answers below do not guarantee item is included or not included in sale. See PURCHASE AGREEMENT for
 74 inclusions/exclusions.

75 **NI = Not Included, WK = Working, NW = Not Working, UNK = Unknown, N/A = Not applicable.**

	NI	WK	NW	UNK	N/A		NI	WK	NW	UNK	N/A
1											
2					☒	Oven	☐	☒	☐	☐	☐
3					☒	Plumbing Fixtures	☐	☒	☐	☐	☐
4					☒	Plumbing Systems	☐	☒	☐	☐	☐
5		☒			☐	Pool & Equipment	☐	☐	☐	☐	☒
6					☒	Range	☐	☒	☐	☐	☐
7		☒			☐	Range Hood	☐	☒	☐	☐	☐
8					☒	Refrigerator	☐	☒	☐	☐	☐
9		☒			☐	Satellite Dish	☐	☐	☐	☐	☒
10				☒	☐	Sauna	☐	☐	☐	☐	☒
11					☒	Septic Tank	☐	☒	☐	☐	☐
12		☒			☐	Smoke Detector (Battery)	☐	☐	☐	☒	☒
13		☒			☐	Smoke Detector (Hardwire)	☐	☐	☐	☒	☒
14		☒			☐	Solar Collector(s)	☐	☐	☐	☐	☒
15		☒			☐	Sump Pump(s)	☐	☒	☐	☐	☐
16		☒			☐	Supplemental Heater(s)	☐	☐	☐	☐	☒
17					☒	Trash Compactor	☐	☐	☐	☐	☒
18		☒			☐	Wall Air Conditioner(s)	☐	☐	☐	☐	☒
19					☒	Washer	☐	☒	☐	☐	☐
20					☒	Washer/Dryer Hookups	☐	☒	☐	☐	☐
21					☒	Water Heater(s)	☐	☒	☐	☐	☐
22				☒	☐	Water Softener	☐	☒	☐	☐	☐
23		☒			☐	Water Treatment System	☐	☐	☐	☐	☒
24		☒			☐	Window Air Conditioner	☐	☐	☐	☐	☒
25		☒			☐	Window Treatments	☐	☒	☐	☐	☐
26					☒	Wood Burning Stove	☐	☐	☐	☐	☒
27					☒	Other:	☐	☐	☐	☐	☐
28					☒	Other:	☐	☐	☐	☐	☐
39					☒	Other:	☐	☐	☐	☐	☐
30		☒			☐	Other:	☐	☐	☐	☐	☐
31					☒	Audio Visual System	☐	☐	☐	☐	☐

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76 **ADDITIONAL DISCLOSURES:**

None

77 **FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT ("FIRPTA"):**

78 As a general rule, 26 U.S. Code 1445 (hereinafter "FIRPTA") requires a transferee (Buyer(s)) of a United States
79 real property interest to withhold a tax from the proceeds of any disposition of the real property interest if the
80 transferor (Seller(s)) is a foreign person (any person other than a United States person), unless an exception
81 to the FIRPTA withholding requirements applies. Exemptions from the general rule are set forth in the
82 FIRPTA. Due to the complexity of the FIRPTA, both the Buyer(s) and the Seller(s) are advised to seek
83 appropriate legal and tax advice regarding FIRPTA compliance, since failure to adhere to the FIRPTA
84 withholding rules could result in legal liability to both the Buyer(s) and Seller(s) and their Broker(s)/Agent(s)
85 or qualified substitutes.

86 Seller(s) hereby represents and warrants that Seller(s) ☐ IS ☒ IS NOT a foreign person, as defined by the
87 FIRPTA. This representation of the Seller(s) shall survive closing. Seller's Broker(s)/Agent(s) and Buyer's
88 Broker(s)/Agent(s), and any qualified substitute, as those terms are defined by the FIRPTA, may rely upon
89 this representation.

90 If the Seller(s) represents that it is a foreign person, the Buyer(s) may be subject to income tax withholding
91 requirements, and the Buyer(s) could be personally liable for failing to withhold a tax from the proceeds of the
92 real estate disposition, if none of the enumerated exemptions to the FIRPTA apply to the transaction. If the
93 Seller(s) represents that it is a foreign person, but that one of the exemptions to the FIRPTA apply, Buyer(s)
94 may require Seller(s) to provide specific documentation as prescribed by the FIRPTA to verify, under penalty
95 of perjury, that one of the exemptions to the FIRPTA withholding requirements applies to the transaction. If
96 the Seller(s) represents that it is not a foreign person, the Buyer(s), or its Broker(s)/Agent(s) or qualified
97 substitutes, may require the Seller(s) to provide specific documentation as prescribed by the FIRPTA to verify,
98 under penalty of perjury, that the Seller(s) is not a foreign person. On or before closing, the Buyer(s) and
99 Seller(s) agree to complete, execute, and deliver any affidavit, instrument, or statement which may reasonably
100 be required to comply with FIRPTA requirements.

Buyer(s) Initials _____

Seller(s) Initials CB _____

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101 **SELLER'S STATEMENT: (TO BE SIGNED AT TIME OF LISTING)**

102 Seller(s) hereby states the condition of the Property to be as stated above and authorizes any Broker(s) or
103 Agent(s) representing any parties in this transaction to provide a copy of this Statement to any person or
104 entity in connection with any actual or anticipated sale of the Property. Seller(s) hereby acknowledges that
105 the information provided in this document is true and accurate to the best of Seller's knowledge as of the date
106 listed below. Seller(s) is obligated to continue to notify Buyer(s) in writing of any facts that differ from the
107 facts disclosed here (new or changed) of which Seller(s) is aware that occur up to the time of closing. See
108 SELLER'S PROPERTY DISCLOSURE AMENDMENT/ADDENDUM.

109 Carol Breske PR 11-2-23
110 Seller Signature Carol Breske PR Date Seller Signature Date

111 **BUYER'S ACKNOWLEDGEMENT: (TO BE SIGNED AT THE TIME OF PURCHASE AGREEMENT)**

112 Buyer(s) acknowledges receipt of this Seller's Disclosure. Buyer(s) acknowledges that Broker(s) and Agent(s)
113 representing the sale of this Property have not made statements concerning the condition of the Property other
114 than those listed in this Seller's Disclosure. Buyer(s) acknowledges that Buyer(s) has been advised to verify
115 the information listed in this Statement independently.

116 **Buyer(s) acknowledges and understands that this document is not intended to be a warranty of**
117 **any kind or a substitute for any inspection of the Property Buyer(s) may wish to obtain.**

118 _____
119 Buyer Signature Date Buyer Signature Date