

Birch Creek Road

VACANT LAND DISCLOSURE STATEMENT

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1. Date 9-27-06

2. Page 1 of \_\_\_\_\_ 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 assisting any party(ies) in the transaction.

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

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

14. Property located at XXXX Birch Creek Rd

15. City of DeNham, County of Pine, State of Minnesota.

16. A. GENERAL INFORMATION:

17. (1) When did you acquire the property? Oct 2005

18. (2) Type of title evidence: [X] Abstract [ ] Registered (Torrens)

19. Location of Abstract: Bank

20. Is there an existing Owner's Title Insurance Policy? [ ] Yes [X] No

21. (3) Has the land been surveyed? [X] Yes [ ] No

22. Year surveyed: UNK

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

24. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

25. (5) Is this platted land? [X] Yes [ ] No

26. If "Yes,"

27. has the plat been recorded? [X] Yes [ ] No

28. do you have a certificate of survey in your possession? [ ] Yes [X] No

29. If "Yes,"

30. Who completed the survey? UNK When? \_\_\_\_\_

31. (6) Are you aware of any property markers on the property? [ ] Yes [X] No

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

33. To your knowledge,

34. (7) are there encroachments? [ ] Yes [X] No

35. (8) are there easements, other than utility or drainage easements? [ ] Yes [X] No

36. (9) is the property located in a drainage district and/or drain tiled? [ ] Yes [X] No

37. (10) is the property located in a designated flood plain? [ ] Yes [X] No

38. (11) has there ever been a flood or other disaster at the property? [ ] Yes [X] 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 XXXXX Birch Cr Rd

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 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, reservations or restrictions you have: \_\_\_\_\_

59. \_\_\_\_\_

60. \_\_\_\_\_

62. (3) Have you ever received notice from any person or authority as to any breach of any of these covenants, conditions, reservations or restrictions?  Yes  No

64. If "Yes," describe: \_\_\_\_\_

65. \_\_\_\_\_

66. \_\_\_\_\_

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

82. Property located at \_\_\_\_\_
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?  Yes  No
88. \_\_\_\_\_
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: Dead trees in forest
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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121. THE INFORMATION DISCLOSED IS GIVEN TO THE BEST OF SELLER'S KNOWLEDGE.

122. Property located at XXXXX Birch Creek Rd

123. (4) Private Well Disclosure: (A well disclosure and Certificate are required by MN Statute 1031.235.)
124. (Check appropriate box.)

125. [X] 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 [X] No

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

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

132. (a) Public water system access? [ ] Yes [X] No

133. (b) Private water system access? [ ] Yes [X] No

134. (c) Electric service access? [X] 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 [X] 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. [X] 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 [X] IS NOT located in airport safety
zone A, B or C and there [ ] IS [X] IS NOT existing airport zoning regulations affecting the property.
(Choose one.)

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

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

164. Property located at \_\_\_\_\_

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. [Signature] 9-27-06 [Signature] 9-27-06
(Seller) (Date) (Seller) (Date)

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.