



# HOUSE BILL No. 4301

February 2, 1995, Introduced by Reps. Gnodtke, Gernaat, Randall, Llewellyn, Green, McManus, Lowe, McBryde, Dalman, Hammerstrom and Hill and referred to the Committee on Agriculture and Forestry.

A bill to amend section 7 of Act No. 92 of the Public Acts of 1993, entitled "Seller disclosure act," being section 565.957 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 7 of Act No. 92 of the Public Acts of  
2 1993, being section 565.957 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4 Sec. 7. The disclosures required by this act shall be made  
5 on the following form:

6 SELLER'S DISCLOSURE STATEMENT

7 Property Address: \_\_\_\_\_  
8 Street Michigan  
9 \_\_\_\_\_  
10 City, Village, or Township

1 **Purpose of Statement:** This statement is a disclosure of the  
2 condition of the property in compliance with the seller  
3 disclosure act. This statement is a disclosure of the condition  
4 and information concerning the property, known by the seller.  
5 Unless otherwise advised, the seller does not possess any exper-  
6 tise in construction, architecture, engineering, or any other  
7 specific area related to the construction or condition of the  
8 improvements on the property or the land. Also, unless otherwise  
9 advised, the seller has not conducted any inspection of generally  
10 inaccessible areas such as the foundation or roof. This state-  
11 ment is not a warranty of any kind by the seller or by any agent  
12 representing the seller in this transaction, and is not a substi-  
13 tute for any inspections or warranties the buyer may wish to  
14 obtain.

15 **Seller's Disclosure:** The seller discloses the following informa-  
16 tion with the knowledge that even though this is not a warranty,  
17 the seller specifically makes the following representations based  
18 on the seller's knowledge at the signing of this document. Upon  
19 receiving this statement from the seller, the seller's agent is  
20 required to provide a copy to the buyer or the agent of the  
21 buyer. The seller authorizes its agent(s) to provide a copy of  
22 this statement to any prospective buyer in connection with any  
23 actual or anticipated sale of property. The following are repre-  
24 sentations made solely by the seller and are not the representa-  
25 tions of the seller's agent(s), if any. This information is a  
26 disclosure only and is not intended to be a part of any contract  
27 between buyer and seller.

1 **Instructions to the Seller:** (1) Answer ALL questions. (2) Report  
 2 known conditions affecting the property. (3) Attach additional  
 3 pages with your signature if additional space is required. (4)  
 4 Complete this form yourself. (5) If some items do not apply to  
 5 your property, check N/A (nonapplicable). If you do not know the  
 6 facts, check UNKNOWN. FAILURE TO PROVIDE A PURCHASER WITH A  
 7 SIGNED DISCLOSURE STATEMENT WILL ENABLE A PURCHASER TO TERMINATE  
 8 AN OTHERWISE BINDING PURCHASE AGREEMENT.

9 **Appliances/Systems/Services:** The items below are in working  
 10 order:

11	Yes	No	Unknown	N/A
12 Range/Oven	_____	_____	_____	_____
13 Dishwasher	_____	_____	_____	_____
14 Refrigerator	_____	_____	_____	_____
15 Hood/fan	_____	_____	_____	_____
16 Disposal	_____	_____	_____	_____
17 TV antenna, TV rotor & controls	_____	_____	_____	_____
18 Electrical system	_____	_____	_____	_____
19 Garage door opener & remote control	_____	_____	_____	_____
20 Alarm system	_____	_____	_____	_____
21 Intercom	_____	_____	_____	_____
22 Central vacuum	_____	_____	_____	_____
23 Attic fan	_____	_____	_____	_____
24 Pool heater, wall liner & equipment	_____	_____	_____	_____
25 Microwave	_____	_____	_____	_____
26 Trash compactor	_____	_____	_____	_____

- 1 Ceiling fan \_\_\_\_\_
- 2 Sauna/hot tub \_\_\_\_\_
- 3 Lawn sprinkler system \_\_\_\_\_
- 4 Water heater \_\_\_\_\_
- 5 Plumbing system \_\_\_\_\_
- 6 Water softener/conditioner \_\_\_\_\_
- 7 Well & pump \_\_\_\_\_
- 8 Septic tank & drain field \_\_\_\_\_
- 9 Sump pump \_\_\_\_\_
- 10 City Water System \_\_\_\_\_
- 11 City Sewer System \_\_\_\_\_
- 12 Central air conditioning \_\_\_\_\_
- 13 Central heating system \_\_\_\_\_
- 14 Furnace \_\_\_\_\_
- 15 Humidifier \_\_\_\_\_
- 16 Electronic air filter \_\_\_\_\_
- 17 Solar heating system \_\_\_\_\_
- 18 Fireplace & chimney \_\_\_\_\_
- 19 Wood burning system \_\_\_\_\_
- 20 Explanations (attach additional sheets if necessary):
- 21 \_\_\_\_\_
- 22 \_\_\_\_\_
- 23 \_\_\_\_\_
- 24 \_\_\_\_\_
- 25 \_\_\_\_\_

1 UNLESS OTHERWISE AGREED, ALL HOUSEHOLD APPLIANCES ARE SOLD IN  
2 WORKING ORDER EXCEPT AS NOTED, WITHOUT WARRANTY BEYOND DATE OF  
3 CLOSING.

4 **Property conditions, improvements & additional information:**

5 1. **Basement:** Has there been evidence of water? yes \_\_\_ no \_\_\_

6 If yes, please explain: \_\_\_\_\_

7 2. **Insulation:** Describe, if known \_\_\_\_\_

8 Urea Formaldehyde Foam Insulation (UFFI) is installed?

9 unknown \_\_\_ yes \_\_\_ no \_\_\_

10 3. **Roof:** Leaks? yes \_\_\_ no \_\_\_

11 Approximate age if known \_\_\_\_\_

12 4. **Well:** Type of well (depth/diameter, age and repair history,  
13 if known): \_\_\_\_\_

14 Has the water been tested? yes \_\_\_ no \_\_\_

15 If yes, date of last report/results: \_\_\_\_\_

16 5. **Septic tanks/drain fields:** Condition, if known: \_\_\_\_\_

17 \_\_\_\_\_

18 6. **Heating System:** Type/approximate age: \_\_\_\_\_

1 7. Plumbing system: Type: copper\_\_ galvanized\_\_ other\_\_ .

2 Any known problems? \_\_\_\_\_

3 8. Electrical system: Any known problems? \_\_\_\_\_

4 \_\_\_\_\_

5 9. History of infestation, if any: (termites, carpenter ants,  
6 etc.) \_\_\_\_\_

7 10. Environmental Problems: Substances, materials or products  
8 that may be an environmental hazard such as, but not limited  
9 to, asbestos, radon gas, formaldehyde, lead-based paint, fuel  
10 or chemical storage tanks and contaminated soil on the  
11 property. unknown \_\_ yes \_\_ no \_\_

12 If yes, please explain: \_\_\_\_\_

13 \_\_\_\_\_

14 Other Items: Are you aware of any of the following:

15 1. Features of the property shared in common with the adjoining  
16 landowners, such as walls, fences, roads and driveways, or other  
17 features whose use or responsibility for maintenance may have an  
18 effect on the property? unknown \_\_ yes \_\_ no \_\_

1 2. Any encroachments, easements, zoning violations, or  
2 nonconforming uses? unknown \_\_ yes \_\_ no \_\_

3 3. Any "common areas" (facilities like pools, tennis courts,  
4 walkways, or other areas co-owned with others), or a homeowners'  
5 association that has any authority over the property?  
6 unknown \_\_ yes \_\_ no \_\_

7 4. Structural modifications, alterations, or repairs made with-  
8 out necessary permits or licensed contractors?  
9 unknown \_\_ yes \_\_ no \_\_

10 5. Settling, flooding, drainage, structural, or grading  
11 problems? unknown \_\_ yes \_\_ no \_\_

12 6. Major damage to the property from fire, wind, floods, or  
13 landslides? unknown \_\_ yes \_\_ no \_\_

14 7. Any underground storage tanks? unknown \_\_ yes \_\_ no \_\_

15 8. Any area environmental concerns (i.e., proximity to a land-  
16 fill, airport, shooting ranges, etc.)? unknown \_\_ yes \_\_ no \_\_

17 If the answer to any of these questions is yes, please explain.

18 Attach additional sheets, if necessary: \_\_\_\_\_

19 \_\_\_\_\_

20 \_\_\_\_\_

21 \_\_\_\_\_

22 \_\_\_\_\_

23 The most recent state equalized valuation of the property pro-  
24 vided by the local taxing unit to the seller was \$ \_\_\_\_\_ as of  
25 \_\_\_\_\_ (date). The seller has lived in the residence on the prop-  
26 erty from \_\_\_\_\_ (date) to \_\_\_\_\_ (date). The seller  
27 has owned the property since \_\_\_\_\_ (date) and makes

1 representation only since that date. The seller has indicated  
2 above the history and condition of all the items based on that  
3 information known to the seller. If any changes occur in the  
4 structural/mechanical/appliance systems of this property from the  
5 date of this form to the date of closing, seller will immediately  
6 disclose the changes to buyer. In no event shall the parties  
7 hold the broker liable for any representations not directly made  
8 by the broker or broker's agent.

9 THIS PROPERTY MAY BE LOCATED IN THE VICINITY OF A FARM OR  
10 FARM OPERATION. GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT  
11 PRACTICES MAY BE UTILIZED BY THE FARM OR FARM OPERATION WHICH MAY  
12 GENERATE USUAL AND ORDINARY NOISE, DUST, ODORS, AND OTHER ASSOCI-  
13 ATED CONDITIONS, AND THESE PRACTICES ARE PROTECTED BY THE  
14 MICHIGAN RIGHT TO FARM ACT. THE SELLER IS NOT REQUIRED TO DIS-  
15 CLOSE WHETHER A FARM OR FARM OPERATION IS ACTUALLY LOCATED IN THE  
16 VICINITY OF THE PROPERTY OR WHETHER GENERALLY ACCEPTED AGRICUL-  
17 TURAL AND MANAGEMENT PRACTICES ARE BEING UTILIZED.

18 Seller certifies that the information in this statement is true  
19 and correct to the best of seller's knowledge as of the date of  
20 seller's signature.

21 BUYER SHOULD OBTAIN PROFESSIONAL  
22 ADVICE AND INSPECTIONS OF THE  
23 PROPERTY TO MORE FULLY DETERMINE THE  
24 CONDITION OF THE PROPERTY.

25 Seller \_\_\_\_\_ Date \_\_\_\_\_

26 Seller \_\_\_\_\_ Date \_\_\_\_\_

1 Buyer has read and acknowledges receipt of this statement.

2 Buyer \_\_\_\_\_ Date \_\_\_\_\_ Time: \_\_\_\_\_

3 Buyer \_\_\_\_\_ Date \_\_\_\_\_ Time: \_\_\_\_\_

4 Section 2. This amendatory act shall not take effect unless  
5 all of the following bills of the 88th Legislature are enacted  
6 into law:

7 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4300 (request  
8 no. 01972'95).

9 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4299 (request  
10 no. 01973'95).