

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4591

A bill to amend 1993 PA 92, entitled
"Seller disclosure act,"
by amending section 7 (MCL 565.957), as amended by 1996 PA 92.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) The disclosures required by this act shall be
2 made on the following form:

3 SELLER'S DISCLOSURE STATEMENT

4 **Property Address:** _____
5 _____ Street
6 _____ Michigan
7 _____ City, Village, or Township

8 **Purpose of Statement:** This statement is a disclosure of the con-
9 dition of the property in compliance with the seller disclosure
10 act. This statement is a disclosure of the condition and

HB 4591, As Passed Senate, February 17, 2000

House Bill No. 4591

2

1 information concerning the property, known by the seller. Unless
2 otherwise advised, the seller does not possess any expertise in
3 construction, architecture, engineering, or any other specific
4 area related to the construction or condition of the improvements
5 on the property or the land. Also, unless otherwise advised, the
6 seller has not conducted any inspection of generally inaccessible
7 areas such as the foundation or roof. This statement is not a
8 warranty of any kind by the seller or by any agent representing
9 the seller in this transaction, and is not a substitute for any
10 inspections or warranties the buyer may wish to obtain.

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

24 **Instructions to the Seller:** (1) Answer ALL questions. (2) Report
25 known conditions affecting the property. (3) Attach additional
26 pages with your signature if additional space is required. (4)
27 Complete this form yourself. (5) If some items do not apply to

HB 4591, As Passed Senate, February 17, 2000

House Bill No. 4591

3

1 your property, check N/A (nonapplicable). If you do not know the
2 facts, check UNKNOWN. FAILURE TO PROVIDE A PURCHASER WITH A
3 SIGNED DISCLOSURE STATEMENT WILL ENABLE A PURCHASER TO TERMINATE
4 AN OTHERWISE BINDING PURCHASE AGREEMENT.

5 **Appliances/Systems/Services:** The items below are in working
6 order:

| 7 | Yes | No | Unknown | N/A |
|--|-------|-------|---------|-------|
| 8 Range/Oven | _____ | _____ | _____ | _____ |
| 9 Dishwasher | _____ | _____ | _____ | _____ |
| 10 Refrigerator | _____ | _____ | _____ | _____ |
| 11 Hood/fan | _____ | _____ | _____ | _____ |
| 12 Disposal | _____ | _____ | _____ | _____ |
| 13 TV antenna, TV rotor & controls | _____ | _____ | _____ | _____ |
| 14 Electrical system | _____ | _____ | _____ | _____ |
| 15 Garage door opener & remote control | _____ | _____ | _____ | _____ |
| 16 Alarm system | _____ | _____ | _____ | _____ |
| 17 Intercom | _____ | _____ | _____ | _____ |
| 18 Central vacuum | _____ | _____ | _____ | _____ |
| 19 Attic fan | _____ | _____ | _____ | _____ |
| 20 Pool heater, wall liner & equipment | _____ | _____ | _____ | _____ |
| 21 Microwave | _____ | _____ | _____ | _____ |
| 22 Trash compactor | _____ | _____ | _____ | _____ |
| 23 Ceiling fan | _____ | _____ | _____ | _____ |
| 24 Sauna/hot tub | _____ | _____ | _____ | _____ |
| 25 Lawn sprinkler system | _____ | _____ | _____ | _____ |
| 26 Water heater | _____ | _____ | _____ | _____ |

HB 4591, As Passed Senate, February 17, 2000

House Bill No. 4591

4

| | | | | | |
|----|----------------------------|-------|-------|-------|-------|
| 1 | Plumbing system | _____ | _____ | _____ | _____ |
| 2 | Water softener/conditioner | _____ | _____ | _____ | _____ |
| 3 | Well & pump | _____ | _____ | _____ | _____ |
| 4 | Septic tank & drain field | _____ | _____ | _____ | _____ |
| 5 | Sump pump | _____ | _____ | _____ | _____ |
| 6 | City Water System | _____ | _____ | _____ | _____ |
| 7 | City Sewer System | _____ | _____ | _____ | _____ |
| 8 | Central air conditioning | _____ | _____ | _____ | _____ |
| 9 | Central heating system | _____ | _____ | _____ | _____ |
| 10 | Furnace | _____ | _____ | _____ | _____ |
| 11 | Humidifier | _____ | _____ | _____ | _____ |
| 12 | Electronic air filter | _____ | _____ | _____ | _____ |
| 13 | Solar heating system | _____ | _____ | _____ | _____ |
| 14 | Fireplace & chimney | _____ | _____ | _____ | _____ |
| 15 | Wood burning system | _____ | _____ | _____ | _____ |

16 Explanations (attach additional sheets if necessary):

17 _____

18 _____

19 _____

20 _____

21 _____

22 UNLESS OTHERWISE AGREED, ALL HOUSEHOLD APPLIANCES ARE SOLD IN

23 WORKING ORDER EXCEPT AS NOTED, WITHOUT WARRANTY BEYOND DATE OF

24 CLOSING.

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

26 **1. Basement:** Has there been evidence of water? yes ___ no ___

HB 4591, As Passed Senate, February 17, 2000

House Bill No. 4591

5

1 If yes, please explain: _____

2 **2. Insulation:** Describe, if known _____

3 Urea Formaldehyde Foam Insulation (UFFI) is installed?

4 unknown __ yes __ no __

5 **3. Roof:** Leaks? yes __ no __

6 Approximate age if known _____

7 **4. Well:** Type of well (depth/diameter, age and repair history,
8 if known): _____

9 Has the water been tested? yes __ no __

10 If yes, date of last report/results: _____

11 **5. Septic tanks/drain fields:** Condition, if known: _____

12 _____

13 **6. Heating System:** Type/approximate age: _____

14 **7. Plumbing system:** Type: copper__ galvanized__ other__

15 Any known problems? _____

HB 4591, As Passed Senate, February 17, 2000

House Bill No. 4591

6

1 **8. Electrical system:** Any known problems?_____

2 _____

3 **9. History of infestation, if any:** (termites, carpenter ants,
4 etc.)_____

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

10 If yes, please explain:_____

11 _____

12 **Other Items:** Are you aware of any of the following:

13 1. Features of the property shared in common with the adjoining
14 landowners, such as walls, fences, roads and driveways, or other
15 features whose use or responsibility for maintenance may have an
16 effect on the property?

17 unknown __ yes __ no __

18 2. Any encroachments, easements, zoning violations, or noncon-
19 forming uses?

20 unknown __ yes __ no __

HB 4591, As Passed Senate, February 17, 2000

House Bill No. 4591

7

1 3. Any "common areas" (facilities like pools, tennis courts,
2 walkways, or other areas co-owned with others), or a homeowners'
3 association that has any authority over the property?

4 unknown __ yes __ no __

5 4. Structural modifications, alterations, or repairs made with-
6 out necessary permits or licensed contractors?

7 unknown __ yes __ no __

8 5. Settling, flooding, drainage, structural, or grading
9 problems?

10 unknown __ yes __ no __

11 6. Major damage to the property from fire, wind, floods, or
12 landslides?

13 unknown __ yes __ no __

14 7. Any underground storage tanks?

15 unknown __ yes __ no __

16 8. Farm or farm operation in the vicinity; or proximity to a
17 landfill, airport, shooting range, etc.?

18 unknown __ yes __ no __

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

20 Attach additional sheets, if necessary:_____

21 _____

22 _____

23 _____

24 _____

25 The most recent state equalized valuation of the property pro-
26 vided by the local taxing unit to the seller was \$_____ as of
27 _____ (date). The seller has lived in the residence on the

HB 4591, As Passed Senate, February 17, 2000

House Bill No. 4591

8

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

11 Seller certifies that the information in this statement is true
12 and correct to the best of seller's knowledge as of the date of
13 seller's signature.

14 BUYER SHOULD OBTAIN PROFESSIONAL
15 ADVICE AND INSPECTIONS OF THE
16 PROPERTY TO MORE FULLY DETERMINE THE
17 CONDITION OF THE PROPERTY.
18 BUYERS ARE ADVISED THAT CERTAIN
19 INFORMATION COMPILED PURSUANT TO THE
20 SEX OFFENDERS REGISTRATION ACT, 1994
21 PA 295, MCL 28.721 TO 28.732, IS
22 AVAILABLE TO THE PUBLIC. BUYERS
23 SEEKING THAT INFORMATION SHOULD
24 CONTACT THE APPROPRIATE LOCAL LAW
25 ENFORCEMENT AGENCY OR SHERIFF'S
26 DEPARTMENT DIRECTLY.

HB 4591, As Passed Senate, February 17, 2000

House Bill No. 4591

9

1 Seller_____Date _____

2 Seller_____Date _____

3 Buyer has read and acknowledges receipt of this statement.

4 Buyer_____Date _____Time: _____

5 Buyer_____Date _____Time: _____

6 (2) A form described in subsection (1) printed before the
7 effective date of the 2000 amendatory act that ~~added~~ AMENDED
8 this subsection that ~~is~~ WAS in compliance with ~~Act No. 106 of~~
9 ~~the Public Acts of 1995 and that differs from this section~~
10 ~~regarding notice of a farm or farm operation in the vicinity~~
11 THIS SECTION AT THAT TIME may be utilized and shall be considered
12 in compliance with this section until ~~July 1, 1996~~ 90 DAYS
13 AFTER THE EFFECTIVE DATE OF THE 2000 AMENDATORY ACT THAT AMENDED
14 THIS SUBSECTION.