



HOUSE BILL No. 5418

November 28, 1995, Introduced by Rep. 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," as amended by Act No. 106 of the Public Acts of 1995, 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, as amended by Act No. 106 of the Public Acts of 1995, being
3 section 565.957 of the Michigan Compiled Laws, is amended to read
4 as follows:

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

7 SELLER'S DISCLOSURE STATEMENT

1 **Property Address:** _____
 2 Street
 3 _____ Michigan
 4 City, Village, or Township

5 **Purpose of Statement:** This statement is a disclosure of the con-
 6 dition of the property in compliance with the seller disclosure
 7 act. This statement is a disclosure of the condition and infor-
 8 mation concerning the property, known by the seller. Unless oth-
 9 erwise advised, the seller does not possess any expertise in con-
 10 struction, architecture, engineering, or any other specific area
 11 related to the construction or condition of the improvements on
 12 the property or the land. Also, unless otherwise advised, the
 13 seller has not conducted any inspection of generally inaccessible
 14 areas such as the foundation or roof. This statement is not a
 15 warranty of any kind by the seller or by any agent representing
 16 the seller in this transaction, and is not a substitute for any
 17 inspections or warranties the buyer may wish to obtain.

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

1 information is a disclosure only and is not intended to be a part
2 of any contract between buyer and seller.

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

11 **Appliances/Systems/Services:** The items below are in working
12 order:

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

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

1 _____

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

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

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

7 If yes, please explain: _____

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

9 Urea Formaldehyde Foam Insulation (UFFI) is installed?

10 unknown ___ yes ___ no ___

11 3. **Roof:** Leaks? yes ___ no ___

12 Approximate age if known _____

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

15 Has the water been tested? yes ___ no ___

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

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

18 _____

1 6. Heating System: Type/approximate age: _____

2 7. Plumbing system: Type: copper__ galvanized__ other__

3 Any known problems? _____

4 8. Electrical system: Any known problems? _____

5 _____

6 9. History of infestation, if any: (termites, carpenter ants,
7 etc.) _____

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

13 If yes, please explain: _____

14 _____

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

16 1. Features of the property shared in common with the adjoining
17 landowners, such as walls, fences, roads and driveways, or other

1 features whose use or responsibility for maintenance may have an
2 effect on the property? unknown __ yes __ no __

3 2. Any encroachments, easements, zoning violations, or noncon-
4 forming uses? unknown __ yes __ no __

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

9 4. Structural modifications, alterations, or repairs made with-
10 out necessary permits or licensed contractors?
11 unknown __ yes __ no __

12 5. Settling, flooding, drainage, structural, or grading
13 problems? unknown __ yes __ no __

14 6. Major damage to the property from fire, wind, floods, or
15 landslides? unknown __ yes __ no __

16 7. Any underground storage tanks? unknown __ yes __ no __

17 8. ~~Farm or farm operation in the vicinity or proximity~~
18 PROXIMITY to a landfill, airport, shooting ~~ranges~~ RANGE, FARM
19 OR FARM OPERATION, etc.? unknown __ yes __ no __

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

21 Attach additional sheets, if necessary: _____

22 _____

23 _____

24 _____

25 _____

26 The most recent state equalized valuation of the property
27 provided by the local taxing unit to the seller was \$ _____ as of

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

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

15 BUYER SHOULD OBTAIN PROFESSIONAL
 16 ADVICE AND INSPECTIONS OF THE
 17 PROPERTY TO MORE FULLY DETERMINE THE
 18 CONDITION OF THE PROPERTY.

19 Seller _____ Date _____

20 Seller _____ Date _____

21 Buyer has read and acknowledges receipt of this statement.

22 Buyer _____ Date _____ Time: _____

23 Buyer _____ Date _____ Time: _____