

HOUSE BILL No. 4794

May 20, 1997, Introduced by Rep. Brown and referred to the Committee on Consumer Protection.

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

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

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	_____	_____	_____	_____

- 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 ___

- 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? _____

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? unknown __ yes __ no __

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

19 3. Any "common areas" (facilities like pools, tennis courts,
20 walkways, or other areas co-owned with others), or a homeowners'

1 association that has any authority over the property?

2 unknown __ yes __ no __

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

5 unknown __ yes __ no __

6 5. Settling, flooding, drainage, structural, or grading
7 problems?

unknown __ yes __ no __

8 6. Major damage to the property from fire, wind, floods, or
9 landslides?

unknown __ yes __ no __

10 7. Any underground storage tanks?

unknown __ yes __ no __

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

13 unknown __ yes __ no __

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

15 Attach additional sheets, if necessary: _____

16 _____

17 _____

18 _____

19 _____

20 The most recent state equalized valuation of the property pro-

21 vided by the local taxing unit to the seller was \$_____ as of

22 _____ (date). The seller has lived in the residence on the prop-

23 erty from _____ (date) to _____ (date). The seller

24 has owned the property since _____ (date) and makes repre-

25 sentation only since that date. The seller has indicated above

26 the history and condition of all the items based on that

27 information known to the seller. If any changes occur in the

1 structural/mechanical/appliance systems of this property from the
2 date of this form to the date of closing, seller will immediately
3 disclose the changes to buyer. In no event shall the parties
4 hold the broker liable for any representations not directly made
5 by the broker or broker's agent.

6 Seller certifies that the information in this statement is true
7 and correct to the best of seller's knowledge as of the date of
8 seller's signature.

9 BUYER SHOULD OBTAIN PROFESSIONAL
10 ADVICE AND INSPECTIONS OF THE
11 PROPERTY TO MORE FULLY DETERMINE THE
12 CONDITION OF THE PROPERTY.

13 Seller _____ Date _____

14 Seller _____ Date _____

15 Buyer has read and acknowledges receipt of this statement.

16 Buyer _____ Date _____ Time: _____

17 Buyer _____ Date _____ Time: _____

18 ~~-(2) A form described in subsection (1) printed before the~~
19 ~~effective date of the amendatory act that added this subsection~~
20 ~~that is in compliance with Act No. 106 of the Public Acts of 1995~~
21 ~~and that differs from this section regarding notice of a farm or~~
22 ~~farm operation in the vicinity may be utilized and shall be con-~~
23 ~~sidered in compliance with this section until July 1, 1996.~~