

# HOUSE BILL No. 4591

April 27, 1999, Introduced by Rep. Birkholz and referred to the Committee on Regulatory Reform.

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?

17 unknown \_\_ yes \_\_ no \_\_

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

20 unknown \_\_ yes \_\_ no \_\_

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 TOTAL NUMBER OF PROPERTY TAX MILLS LEVIED

1 AGAINST THE TAXABLE VALUE OF THE PROPERTY IS \_\_\_\_\_. The seller  
2 has lived in the residence on the property from \_\_\_\_\_  
3 (date) to \_\_\_\_\_ (date). The seller has owned the property  
4 since \_\_\_\_\_ (date) and makes representation only since  
5 that date. The seller has indicated above the history and condi-  
6 tion of all the items based on that information known to the  
7 seller. If any changes occur in the  
8 structural/mechanical/appliance systems of this property from the  
9 date of this form to the date of closing, seller will immediately  
10 disclose the changes to buyer. In no event shall the parties  
11 hold the broker liable for any representations not directly made  
12 by the broker or broker's agent.  
13 Seller certifies that the information in this statement is true  
14 and correct to the best of seller's knowledge as of the date of  
15 seller's signature.

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

20

21 BUYERS ARE ADVISED THAT CERTAIN  
22 INFORMATION COMPILED PURSUANT TO THE  
23 SEX OFFENDERS REGISTRATION ACT, 1994  
24 PA 295, MCL 28.721 TO 28.732, IS  
25 AVAILABLE TO THE PUBLIC. BUYERS  
26 SEEKING THAT INFORMATION SHOULD  
27 CONTACT THE APPROPRIATE LOCAL LAW

1 ENFORCEMENT AGENCY OR SHERIFF'S

2 DEPARTMENT DIRECTLY.

3 Seller\_\_\_\_\_Date \_\_\_\_\_

4 Seller\_\_\_\_\_Date \_\_\_\_\_

5 Buyer has read and acknowledges receipt of this statement.

6 Buyer\_\_\_\_\_Date \_\_\_\_\_Time: \_\_\_\_\_

7 Buyer\_\_\_\_\_Date \_\_\_\_\_Time: \_\_\_\_\_

8 (2) A form described in subsection (1) printed before the  
 9 effective date of the 1999 amendatory act that ~~added~~ AMENDED  
 10 this subsection that ~~is~~ WAS in compliance with ~~Act No. 106 of~~  
 11 ~~the Public Acts of 1995 and that differs from this section~~  
 12 ~~regarding notice of a farm or farm operation in the vicinity~~  
 13 THIS SECTION AT THAT TIME may be utilized and shall be considered  
 14 in compliance with this section until ~~July 1, 1996~~ 180 DAYS  
 15 AFTER THE EFFECTIVE DATE OF THE 1999 AMENDATORY ACT THAT AMENDED  
 16 THIS SUBSECTION.