



# North Dakota Real Estate Commission Seller's Property Disclosure Form

[www.realestatend.org](http://www.realestatend.org)

2021.06.10

**North Dakota law requires a written property disclosure for the sale, exchange, or purchase of real property if:**

The real property is a residential dwelling with no more than 4 units located in North Dakota being sold or exchanged by the owner.

Except as otherwise provided in an offer to purchase agreement, before the parties sign the final agreement for the sale, exchange, or purchase of real property, the seller shall make a written disclosure to the prospective buyer.

The written disclosure must include all material facts the seller is aware could adversely and significantly affect an ordinary buyer's use and enjoyment of the property or any intended use of the property of which the seller is aware.

If any party to the transaction is represented by a real estate salesperson or broker, the disclosure must use this written disclosure form or substantially similar form and must include latent defects, general condition, environmental issues, structural systems, and mechanical issues regarding the property. If the parties are not represented by real estate salesperson or broker, the seller may use this form.

This law does not apply to transactions for the sale, exchange, or purchase of real property made: (1) pursuant to a court order; (2) between government agencies; (3) by a mortgagor in default for a mortgagee; (4) pursuant to a foreclosure sale; (5) by a mortgagee or a beneficiary of a deed of trust acquired the real property by a foreclosure, deed in lieu of foreclosure, or collateral assignment of beneficial interest; (6) by a fiduciary administering a decedent's estate, guardianship, conservatorship, or trust; (7) between co-owners of the real property; (8) to a spouse, child, parent, sibling, grandchild, or grandparent; or (9) if the real property is newly constructed residential real property with no previous occupancy.

This form is designed to guide you, the seller, in making the legally required disclosures and to assist you to avoid inadvertent nondisclosures of material facts as required by statute. You must disclose all material facts that are required by law, even if not specifically asked in this form. Additional space for disclosure is provided on the last page of this form, and you may attach any additional information as necessary.

Refer to *North Dakota Century Code 47-10-02.1* for more detail on requirements of the statute.

Today's date:	_____
Name/s of seller/s:	_____

Initials of seller \_\_\_\_\_

Initials of buyer \_\_\_\_\_

Address of property being sold:	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <hr style="border: 0; border-top: 1px solid black;"/>
How long have you owned the property? State in number of years and months.	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <div style="display: flex; justify-content: space-around; width: 100%;"> <span># of years</span> <span># of months</span> </div> <hr style="border: 0; border-top: 1px solid black;"/>
How long have you occupied the property? Provide dates of occupancy.	<hr style="border: 0; border-top: 1px solid black;"/>

UNK=unknown

A. Structure		YES	NO	UNK
1	What is the age of the structure? _____ # of years _____ # of months			
2	Has the structure been altered? (for example, additions, altered roof lines, changes to load-bearing walls)			
	If "Yes," please specify what was done, when and by whom.			
3	During your ownership, has there been work on the property which required building permits?			
	If "Yes," was a permit obtained?			
4	Has the property been damaged by fire, smoke, wind, floods, hail, snow, frozen pipes, or broken water line?			
	If "Yes," explain:			
5	Does the roof leak or has it leaked in the past?			
	If "Yes," explain:			
6	Has there been any damage from condensation or ice buildup?			
	If "Yes," explain:			
7	Is there any dry rot in the structure?			
	If "Yes," explain:			
8	Has the siding been damaged?			
	If "Yes," explain:			
9	Has the flooring or floors been damaged?			
	If "Yes," explain:			
10	Has there been damage to windows?			
	If "Yes," explain:			

Initials of seller \_\_\_\_\_

Initials of buyer \_\_\_\_\_

11	Has there been damage to doors?			
	If "Yes," explain:			
12	Are the rain gutters and downspouts functional?			
	If " <u>No</u> ," explain:			

UNK=unknown

A. Structure, <i>continued</i>		YES	NO	UNK
13	Has there been damage to the roof or shingles?			
	If "Yes," explain:			
14	Have you been paid for damage claims by insurance coverage?			
	If "Yes," explain:			
15	Has there been any water damage to the structure?			
	If "Yes," explain:			
16	Are there cracks in the floor or walls of the basement?			
	If "Yes," explain:			
17	Is a drain or sump pump installed and working properly?			
	If " <u>No</u> ," explain:			
18	Are there cracks in the driveway, garage floor, sidewalks, patio, or other outside hard surface areas?			
	If "Yes," explain:			
19	Are there additional property conditions that have not been described above (for example, uneven floors, material cracks or settling, shifting, deterioration, or other problems with the foundation, floors, or walls)?			
	If "Yes," explain:			
20	Has there been any other damage to the interior or exterior of the structure from any cause?			
	If "Yes," explain:			

Initials of seller \_\_\_\_\_

Initials of buyer \_\_\_\_\_

UNK=unknown

B. Water and Sewer		YES	NO	UNK
1	What is the source of household water? <i>Circle one:</i> city      well      rural			
2	What is the type of sewer system? <i>Circle one:</i> city      septic tank with drain field			
3	Is the sewer system in working order?			
	If " <u>No</u> ," explain:			

UNK=unknown

B. Water and Sewer, <i>continued</i>		YES	NO	UNK
4	Have you had problems such as back up, leakage, or other problems with sewer or septic systems?			
	If "Yes," explain:			
5	Have there been any plumbing leaks?			
	If "Yes," explain:			
6	Are the toilets functioning properly?			
	If " <u>No</u> ," explain:			
7	Have you had clogged drains?			
	If "Yes," explain:			
8	Is there a water well/s on the property?			
9	Are there any shut off, disconnected, or abandoned wells, underground water, or sewer tanks on the property?			

UNK=unknown

C. Electrical and Mechanical		YES	NO	UNK
1	Are there any electrical outlets, switches, utilities not in proper working order?			
	If "Yes," explain:			
2	Have you had any problems with the electrical system?			
	If "Yes," explain:			
3	Have you had any problem with the heating system?			
	If "Yes," explain:			
4	Have you had any problem with the water heater?			
	If "Yes," explain:			

Initials of seller \_\_\_\_\_

Initials of buyer \_\_\_\_\_

5	Have you had any problem with the air conditioning?			
	If "Yes," explain:			
6	Have you had any problem with the fireplace? (Mark NA in "NO" if the property does not include a fireplace.)			
	If "Yes," explain:			

UNK=unknown

D. Environmental Conditions		YES	NO	UNK
1	Are there underground storage tanks?			
2	Are there asbestos-containing materials in the property?			
	If "Yes," explain:			
3	Are there any lead hazards (such as lead paint, lead pipes, lead in soil)?			
	If "Yes," attach all available records and reports about lead-based hazards.			
4	Has the property been tested for radon?			
	If "Yes," when and what were the results?			
5	Are there or have there been any rodent, animal, or insect infestations?			
	If "Yes," explain:			
6	Are there or have there been pets on the property?			
	If "Yes," explain:			
7	Are there drainage or flood issues?			
	If "Yes," explain:			
8	Has there been flooding on the property?			
	If "Yes," explain:			
9	Is the property in a flood zone?			
	If "Yes," explain:			
10	Are you aware of any manufacture, storage, or use of methamphetamines on the property?			
	If "Yes," explain:			

Initials of seller \_\_\_\_\_

Initials of buyer \_\_\_\_\_

11	Is there visible evidence, or are you aware of mold growth in basement, closets, bathrooms, or any other areas of the property?			
	If "Yes," explain:			

UNK=unknown

E. Land Use		YES	NO	UNK
1	Is the property subject to any deed restrictions, covenants, or reservations?			
	If "Yes," explain:			
2	Is the property subject to any easements, shared driveways, party walls, or encroachments from or on adjacent property?			
	If "Yes," explain:			
3	Are there any existing leases?			
	If "Yes," explain:			
4	Is there a homeowners' association that has authority over the property?			
	If "Yes," explain:			

This form continues on the next 2 pages.

Initials of seller \_\_\_\_\_

Initials of buyer \_\_\_\_\_

## F. Systems and Appliances

Mark "Yes" if listed item is in working order, "No" if it does not work, and "NA" if not applicable. \*Use the space at the end of the list to provide explanations for any items that do not work, and to provide any other comments.

		In working order:					In working order:		
		YES	NO*	NA			YES	NO*	NA
1	Air conditioner				26	Landscape lighting			
2	Air exchanger				27	Lawn sprinkler system			
3	Attic fan				28	Microwave oven			
4	Bathroom vent fans				29	Oven			
5	Built-in vacuum system				30	Plumbing systems			
6	Carbon monoxide detectors				31	Plumbing fixtures & mechanisms			
7	Ceiling fans				32	Pool			
8	Clothes washer				33	Range			
9	Clothes dryer				34	Range exhaust hood			
10	Central heating system				35	Refrigerator			
11	Dehumidifier				36	Satellite dish			
12	Dishwasher				37	Sauna			
13	Doorbell				38	Security system			
14	Drain tile system				39	Septic tank			
15	Electrical systems				40	Smoke detectors			
16	Fireplace				41	Steam room/shower			
17	Freezer				42	Sump pump			
18	Gas grill				43	Television cable			
19	Garbage disposal				44	Trash compactor			
20	Garage door opener				45	Washer & dryer hookups			
21	Heating stove				46	Water heater			
22	Hot tub				47	Water treatment systems			
23	Humidifier				48	Window air conditioners			
24	Internet cable				49	Window treatments			
25	In-wall speakers				50	Other			

\*Use the space below to explain or comment on items on the list directly above. Identify listed items by number as well as by item name.

Initials of seller \_\_\_\_\_

Initials of buyer \_\_\_\_\_

**ADDITIONAL DISCLOSURES:**

This space is provided for any additional disclosures not included above and for further explanation. Attach additional pages and documents as necessary.

As the seller you are required to disclose all material facts of which you are aware that could adversely and significantly affect an ordinary buyer's use and enjoyment of the property or any intended use of the property you are aware.

This written disclosure must include latent defects, general condition, environmental issues, structural systems, and mechanical issues regarding the property. ***You must make the written disclosure in good faith and based upon the best of your knowledge at the time of the disclosure.***

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**ACKNOWLEDGEMENTS:**

The Seller acknowledges that this disclosure was made in good faith and based upon the best of the Seller's knowledge at the date listed below.

Seller:		Date:	
Seller:		Date:	

The Buyer/Prospective Buyer acknowledges receipt of this Property Condition Statement. The Buyer acknowledges that Buyer has been advised to verify the information listed in this statement independently. THE BUYER ACKNOWLEDGES AND UNDERSTANDS THAT THIS DOCUMENT IS NOT INTENDED TO BE A WARRANTY OF ANY KIND OR A SUBSTITUTE FOR ANY INSPECTION OF THE PROPERTY THE BUYER MAY WISH TO OBTAIN.

Buyer:		Date:	
Buyer:		Date:	

*Brokerage firm/s that represent/s or assist/s a party/parties to the transaction shall retain a copy of the written disclosure completed and signed by the seller and signed by the prospective buyer.*

Initials of seller \_\_\_\_\_

Initials of buyer \_\_\_\_\_