

HOUSE BILL No. 4486

March 3, 2009, Introduced by Reps. Miller, Liss, Leland, Switalski, Gregory, Johnson, Stanley and Jackson 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 2005 PA 163.

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:**

_____ Street
_____ Michigan
City, Village, or Township

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

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

12 **Seller's Disclosure:** The seller discloses the following
13 information with the knowledge that even though this is not a
14 warranty, the seller specifically makes the following
15 representations based on the seller's knowledge at the signing of
16 this document. Upon receiving this statement from the seller, the
17 seller's agent is required to provide a copy to the buyer or the
18 agent of the buyer. The seller authorizes its agent(s) to provide
19 a copy of this statement to any prospective buyer in connection
20 with any actual or anticipated sale of property. The following
21 are representations made solely by the seller and are not the
22 representations of the seller's agent(s), if any. **THIS**
23 **INFORMATION IS A DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART**
24 **OF ANY CONTRACT BETWEEN BUYER AND SELLER.**

25 **Instructions to the Seller:** (1) Answer ALL questions. (2)
26 Report known conditions affecting the property. (3) Attach
27 additional pages with your signature if additional space is

1 required. (4) Complete this form yourself. (5) If some items do
 2 not apply to your property, check NOT AVAILABLE. If you do not
 3 know the facts, check UNKNOWN. FAILURE TO PROVIDE A PURCHASER
 4 WITH A SIGNED DISCLOSURE STATEMENT WILL ENABLE A PURCHASER TO
 5 TERMINATE AN OTHERWISE BINDING PURCHASE AGREEMENT.

6 **Appliances/Systems/Services:** The items below are in working order
 7 (the items below are included in the sale of the property only if
 8 the purchase agreement so provides):

9				Not
10	Yes	No	Unknown	Available
11	Range/Oven	_____	_____	_____
12	Dishwasher	_____	_____	_____
13	Refrigerator	_____	_____	_____
14	Hood/fan	_____	_____	_____
15	Disposal	_____	_____	_____
16	TV antenna, TV rotor			
17	& controls	_____	_____	_____
18	Electrical system	_____	_____	_____
19	Garage door opener &			
20	remote control	_____	_____	_____
21	Alarm system	_____	_____	_____
22	Intercom	_____	_____	_____
23	Central vacuum	_____	_____	_____
24	Attic fan	_____	_____	_____
25	Pool heater, wall			
26	liner & equipment	_____	_____	_____
27	Microwave	_____	_____	_____
28	Trash compactor	_____	_____	_____
29	Ceiling fan	_____	_____	_____

1	Sauna/hot tub	_____	_____	_____	_____
2	Washer	_____	_____	_____	_____
3	Dryer	_____	_____	_____	_____
4	Lawn sprinkler system	_____	_____	_____	_____
5	Water heater	_____	_____	_____	_____
6	Plumbing system	_____	_____	_____	_____
7	Water				
8	softener/conditioner	_____	_____	_____	_____
9	Well & pump	_____	_____	_____	_____
10	Septic tank & drain				
11	field	_____	_____	_____	_____
12	Sump pump	_____	_____	_____	_____
13	City Water System	_____	_____	_____	_____
14	City Sewer System	_____	_____	_____	_____
15	Central air				
16	conditioning	_____	_____	_____	_____
17	Central heating system	_____	_____	_____	_____
18	Wall furnace	_____	_____	_____	_____
19	Humidifier	_____	_____	_____	_____
20	Electronic air filter	_____	_____	_____	_____
21	Solar heating system	_____	_____	_____	_____
22	Fireplace & chimney	_____	_____	_____	_____
23	Wood burning system	_____	_____	_____	_____

24 Explanations (attach additional sheets if necessary):

25 _____

26 _____

27 _____

28 _____

29 _____

30 UNLESS OTHERWISE AGREED, ALL HOUSEHOLD APPLIANCES ARE SOLD IN
31 WORKING ORDER EXCEPT AS NOTED, WITHOUT WARRANTY BEYOND DATE OF

1 CLOSING.

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

3 1. **Basement/crawl space:** Has there been evidence of water?

4 yes___ no___

5 If yes, please explain: _____

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

7 Urea Formaldehyde Foam Insulation (UFFI) is installed?

8 unknown___ yes___ no___

9 3. **Roof:** Leaks? yes___ no___

10 Approximate age if known _____

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

13 Has the water been tested? yes___ no___

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

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

16 _____

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

18 7. **Plumbing system:** Type: copper___ galvanized___ other___

19 Any known problems? _____

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

21 _____

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

24 10. **Environmental Problems:** Are you aware of any substances,
25 materials, or products that may be an environmental hazard
26 such as, but not limited to, asbestos, radon gas,
27 formaldehyde, lead-based paint, fuel or chemical storage
28 tanks and contaminated soil on the property.

29 unknown___ yes___ no___

30 If yes, please explain: _____

31 _____

- 1 **11. Flood insurance:** Do you have flood insurance on the
 2 property? unknown ___ yes ___ no ___
- 3 **12. Mineral rights:** Do you own the mineral rights?
 4 unknown ___ yes ___ no ___
- 5 **Other Items:** Are you aware of any of the following:
- 6 1. Features of the property shared in common with the adjoining
 7 landowners, such as walls, fences, roads and driveways, or
 8 other features whose use or responsibility for maintenance
 9 may have an effect on the property?
 10 unknown ___ yes ___ no ___
- 11 2. Any encroachments, easements, zoning violations, or
 12 nonconforming uses? unknown ___ yes ___ no ___
- 13 3. Any "common areas" (facilities like pools, tennis courts,
 14 walkways, or other areas co-owned with others), or a
 15 homeowners' association that has any authority over the
 16 property? unknown ___ yes ___ no ___
- 17 4. Structural modifications, alterations, or repairs made
 18 without necessary permits or licensed contractors?
 19 unknown ___ yes ___ no ___
- 20 5. Settling, flooding, drainage, structural, or grading
 21 problems? unknown ___ yes ___ no ___
- 22 6. Major damage to the property from fire, wind, floods, or
 23 landslides? unknown ___ yes ___ no ___
- 24 7. Any underground storage tanks? unknown ___ yes ___ no ___
- 25 8. Farm or farm operation in the vicinity; or proximity
 26 to a landfill, airport, shooting range, etc.?
 27 unknown ___ yes ___ no ___
- 28 9. Any outstanding utility assessments or fees, including
 29 any natural gas main extension surcharge?
 30 unknown ___ yes ___ no ___
- 31 10. Any outstanding municipal assessments or fees?

1 unknown___ yes___ no___

2 11. Any pending litigation that could affect the property

3 or the seller's right to convey the property?

4 unknown___ yes___ no___

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

6 Attach additional sheets, if necessary:_____

7 _____

8 _____

9 _____

10 _____

11 The seller has lived in the residence on the property from
12 _____ (date) to _____ (date). The seller
13 has owned the property since _____ (date). The
14 seller has indicated above the condition of all the items based
15 on information known to the seller. If any changes occur in the
16 structural/mechanical/appliance systems of this property from the
17 date of this form to the date of closing, seller will immediately
18 disclose the changes to buyer. In no event shall the parties hold
19 the broker liable for any representations not directly made by the
20 broker or broker's agent.

21 Seller certifies that the information in this statement is true
22 and correct to the best of seller's knowledge as of the date of
23 seller's signature.

24 BUYER SHOULD OBTAIN PROFESSIONAL ADVICE AND INSPECTIONS
25 OF THE PROPERTY TO MORE FULLY DETERMINE THE CONDITION
26 OF THE PROPERTY. THESE INSPECTIONS SHOULD TAKE INDOOR
27 AIR AND WATER QUALITY INTO ACCOUNT, AS WELL AS ANY
28 EVIDENCE OF UNUSUALLY HIGH LEVELS OF POTENTIAL ALLERGENS
29 INCLUDING, BUT NOT LIMITED TO, HOUSEHOLD MOLD, MILDEW AND
30 BACTERIA.

1 BUYERS ARE ADVISED THAT CERTAIN INFORMATION COMPILED
2 PURSUANT TO THE SEX OFFENDERS REGISTRATION ACT,
3 1994 PA 295, MCL 28.721 TO 28.732, IS AVAILABLE TO
4 THE PUBLIC. BUYERS SEEKING THAT INFORMATION SHOULD
5 CONTACT THE APPROPRIATE LOCAL LAW ENFORCEMENT AGENCY
6 OR SHERIFF'S DEPARTMENT DIRECTLY.

7 ~~BUYER IS ADVISED THAT THE STATE EQUALIZED VALUE OF THE~~
8 ~~PROPERTY, PRINCIPAL RESIDENCE EXEMPTION INFORMATION,~~
9 ~~AND OTHER REAL PROPERTY TAX INFORMATION IS AVAILABLE~~
10 ~~FROM THE APPROPRIATE LOCAL ASSESSOR'S OFFICE.~~

11 ~~BUYER SHOULD NOT ASSUME THAT BUYER'S FUTURE TAX BILLS ON~~
12 ~~THE PROPERTY WILL BE THE SAME AS THE SELLER'S PRESENT TAX~~
13 ~~BILLS. UNDER MICHIGAN LAW, REAL PROPERTY TAX OBLIGATIONS~~
14 ~~CAN CHANGE SIGNIFICANTLY WHEN PROPERTY IS TRANSFERRED.~~

15 Seller _____ Date _____

16 Seller _____ Date _____

17 Buyer has read and acknowledges receipt of this statement.

18 Buyer _____ Date _____ Time: _____

19 Buyer _____ Date _____ Time: _____

20 BUYER IS ADVISED THAT THE STATE EQUALIZED VALUE OF THE
21 PROPERTY, PRINCIPAL RESIDENCE EXEMPTION INFORMATION,
22 AND OTHER REAL PROPERTY TAX INFORMATION ARE AVAILABLE
23 FROM THE APPROPRIATE LOCAL ASSESSOR'S OFFICE.

24 BUYER SHOULD NOT ASSUME THAT BUYER'S FUTURE TAX BILLS ON
25 THE PROPERTY WILL BE THE SAME AS THE SELLER'S PRESENT TAX
26 BILLS. UNDER MICHIGAN LAW, REAL PROPERTY TAX OBLIGATIONS
27 CAN CHANGE SIGNIFICANTLY WHEN PROPERTY IS TRANSFERRED.

28 BUYER HAS READ AND ACKNOWLEDGES THE STATEMENT ABOVE.

29 BUYER _____ DATE _____ TIME: _____

1 BUYER _____ DATE _____ TIME: _____

2 (2) A form described in subsection (1) printed before
3 ~~January 1, 2006~~ **THE EFFECTIVE DATE OF THE 2009 AMENDATORY ACT**
4 **THAT AMENDED THIS SECTION** that was in compliance with this
5 section at that time may be utilized and shall be considered in
6 compliance with this section until ~~April 1, 2006~~ **180 DAYS AFTER**
7 **THE EFFECTIVE DATE OF THE 2009 AMENDATORY ACT THAT AMENDED THIS**
8 **SECTION.**