

SUMMARY OF CHANGES TO FORMS

The 2009 Forms have now been released to our REALTOR members as of August 1, 2009. The following is a summary of changes made to the forms for your reference:

The Purchase Agreement includes the most number of changes which reflect the following:

- adding the definitions of “Business Days” and “Calculation of Days” and changing "Acceptance" to “Final Acceptance” throughout the document.
- inserting a sentence at line 69-70: “Seller shall pay on the date of closing all real estate taxes due and payable in all prior years including all penalties and interest.”
- Lines 197-211 now reference the word “sub-surface” rather than "individual" or "private" as this is legislatively mandated, and after the words “If the answer if DOES”, the following language has been inserted: “...and the system does not require a state permit, see Subsurface Sewage Treatment System Disclosure.”
- Lines 231-232 have been changed to read “In the event buyer and seller have elected ‘waiver’ on the Seller’s Disclosure Alternatives Form, then do not complete lines 233-238.”
- Line 241 has been changed to read “do not complete 242-258” rather than “disregard”.

The New Construction Purchase Agreement and the Vacant Land Purchase Agreement include most of the same changes as were made to the Purchase Agreement. The Commercial Purchase Agreement includes only the change referencing whether the property has a Sub-Surface Sewage Treatment System and if so, to refer to the Sub-surface Sewage Treatment System Disclosure document if a state permit is not required.

The Arbitration Agreement includes a change with regard to the entity which now oversees the arbitration process which is the National Center for Dispute Settlement (NCDS).

The Seller’s Property Disclosure Statement includes the following changes:

- the following language has been added to lines 34-36 as it is statutorily mandated: “For property abutting a lake, stream or river does the property meet the minimum local government lot size requirements? ___ Yes ___ No ___ Unknown. If no or unknown, the buyer should contact the local zoning authority.”
- ‘Carbon Monoxide Detector’ has been added to Section D, specifically located on line 131
- Lines 149-157 now reference the word “sub-surface" rather than "individual" or "private", and after “If the answer if DOES” the following language has been inserted: “...and the system does not require a state permit, see Subsurface Sewage Treatment System Disclosure.”
- the following language has been deleted from the new line 180: “...which would terminate upon the sale of the property?”
- “Rural Preserve” has been added in parentheses to the new line 181
- the new line 182 shall now read: “If Yes, would these terminate upon the sale of the property? ___ Yes ___ No”

- new lines 183-185 shall now read, “Explain” and then three blank lines follow for explanation of the same
- lines 196-199 now include the following notice for Carbon Monoxide Detectors: “NOTICE REGARDING CARBON MONOXIDE DETECTORS: MN Stat. 299F.51 requires Carbon Monoxide Detectors to be located ten (10) feet from all sleeping rooms. Carbon Monoxide Detectors may not be personal property and may or may not be included in the sale of the home.”

The Seller’s Disclosure Alternatives and the Vacant Land Disclosure Statement include some if not all of the changes made to the Seller’s Property Disclosure Statement.

The Sub-Surface System Treatment Disclosure Statement includes the following changes:

- new line 38 now reads as the following: “Is this system a straight-pipe system? _____
Yes _____ No _____ Unknown”
- the following was deleted at lines 45-46: “Is the private sewer system(s) in compliance with applicable sewage treatment system laws and rules? [] Yes [] No” and was replaced with the following language: “Seller or transferor shall disclose to Buyer or transferee what Seller or transferor has knowledge of relative to the compliance status of the subsurface sewage treatment system. _____

Any previous inspection report in Seller’s possession must be attached to this Disclosure Statement.”

The Exclusive Right to Listing Contract includes the following changes:

- the last sentence of the first paragraph has been moved to lines 12-13;
- the following has been added to line 14 after "concerning the Property": “...including sold information (except as limited in the Internet Display Options Form).”;
- A sentence has been added to line 14 that now asks the seller to acknowledge that they have reviewed and understand the Internet Display Options Form with the options of 'Yes' or 'No';
- two blank lines have been added at 125-126 that allow a description for “Other”.

The Amendment to the Purchase Agreement Buyers Move-In Agreement and the Amendment to the Purchase Agreement Seller Holdover Possession Rent-Back include the following changes:

- At lines 67 and 65 respectively, the following language was added: “Seller shall pay on the date of closing all real estate taxes due and payable in all prior years including all penalties and interest.”
- At lines 40 as to each document as well as line 44 of the Move-In Agreement, the following has been deleted: "proper"

Any reference made throughout any of the forms to the following should be noted:

- "Acceptance" has been changed to "Final Acceptance"
- "Business Days" and "Calculation of Days" was have been capitalized as they are now defined terms

- "Private" or "Individual" in regard to Sewage Treatment Systems or the Forms referencing the same have been changed to "Sub-Surface" as a mandated statutory change.