

FIRST REGULAR SESSION

# SENATE BILL NO. 313

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOLL

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L1439.011

TERRY L. SPIELER, Secretary.

## AN ACT

Relating to certain real estate transfers.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. 1. Except as provided in subsection 2 of this section, no person shall transfer any residential real property by sale, exchange, or land contract, unless such person has complied with the provisions of sections 1 to 6 of this act. "Residential real property" means real property located in this state improved by a one-family dwelling.**

**2. The provisions of sections 1 to 6 of this act shall not apply to the first sale of a new home or any other dwelling, property acquired by foreclosure, estate transfers or divorce transfers.**

**Section 2. 1. In any transfer of real property involving property described in section 1 of this act, the owner of the property shall furnish to the prospective buyer of the property, at the time the owner presents the contract for sale to the prospective buyer, a completed copy of the report required under subsection 2 of this section.**

**2. The report required under subsection 1 of this section shall be substantially in the following form:**

### SELLER'S DISCLOSURE STATEMENT

**Property Address:** .....

**Sellers Name(s):** .....

**Seller G is G is not occupying the property.**

**Purpose of Disclosure Statement: This statement is a disclosure of the condition of the above described property in compliance with Section ..... of the Missouri Revised Statutes. It is not a warranty of any kind by the Seller(s) or any agent(s) representing any principle(s) in this transaction. BUYER(S) IS/ARE ENCOURAGED TO OBTAIN THEIR OWN PROFESSIONAL INSPECTION.**

**Sellers Statement:** The seller gives the following information with the knowledge that even though this is not a warranty, the seller hereby specifically makes the following representations based on the sellers knowledge at the signing of this document. **THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER AND ARE NOT THE REPRESENTATIONS OF THE AGENT IN THE TRANSACTION.** Real estate agents involved in the sale do not inspect the property for defects, and they cannot guarantee the accuracy of the information in this form.

**Instructions to the Seller:** (1) Answer ALL questions. (2) Report known conditions affecting the property. (3) Attach additional pages with your signature if additional space is required. (4) Complete this form yourself. (5) If some items do not apply to your property, write a NA (not applicable).

**Buyer:** If you sign a contract to purchase the property, that contract, and not this disclosure statement, will provide for what is to be included in the sale. So, if you expect certain items, appliances, or equipment included, you must specify them in the contract.

1) **WATER IN BASEMENT, CRAWL SPACE OR SLAB AREA:** Has there ever been any  Water Seepage  Leakage  Moisture  Dampness  Standing water in the basement, crawl space and/or on or through slab areas?

YES  NO If yes, what repairs have been made and when were they completed? .....

Do you know of any current problems?  YES  NO If yes, please explain: .....

2) **MECHANICAL SYSTEMS:**

Heating, cooling and ventilating (Seller is not agreeing that all items checked are being offered for sale.)

(a) **Type of air conditioning:**  Central Electric  Central Gas  Window/Wall (Number of window units .....

**Other:** .....

(b) **Source of heating:**  Electric  Natural Gas  Propane  Fuel Oil  Propane Tank  Owned  Leased

**Other:** .....

(c) **Heating equipment:**  Forced Air  Hot Water Radiator  Radiant  Baseboard

**Other:** .....

(d) **Areas of house not served by central heating/cooling:** .....

(e) **Additional:**  Functional Fireplace(s)  Humidifier  Wood Burning Stove

**G Electronic Air Filter G Attic Fan**

**Other:** .....

**Are you aware of any problems or repairs needed with any item in this section? G YES G NO If "yes", explain:** .....

**Electrical**

**Type of service panel: G Fuse G Circuit Breakers**

**Do the lights dim when you use major appliances: G YES G NO If "yes", explain:** .....

**Have you had fuses blow or circuits trip in the last year? G YES G NO If "yes", explain:** .....

**Are you aware of any problems or repairs needed in the electrical system?**

**G YES G NO If "yes", explain:** .....

**Plumbing System, Fixtures and Equipment**

**(a) Water Heater: G Gas G Electric Other:** .....

**(b) Whirlpool/Jetted Tub G YES G NO**

**Are you aware of any problems or repairs needed in the plumbing system?**

**G YES G NO If "yes", explain:** .....

**If rewired, was new wiring installed in walls? G YES G NO If "yes", explain:** .....

**3) APPLIANCES: Check any of the following items that are NOT in operating condition or are in need of repair or replacement. (Seller is not agreeing that all items checked are being offered for sale. Items offered for sale should be addressed in the sale contract.)**

**(a) Electrical Appliances and Equipment: G Stove/Range/Cook Top G Oven G Microwave Oven G Ceiling Fan(s) G Sump Pump and Pit G Wired Smoke Alarms G Trash Compactor G Garbage Disposal G Intercom System G Ice-Making Machine G Dishwasher G Central Vacuum System G Refrigerator G Washer G Dryer**

**Other:** .....

**(b) Gas Appliances and Equipment: G Exterior Lights G Barbecue G Fireplace G Stove/Range/Cook Top G Oven G Dryer**

**(c) Other Equipment: G Electric Garage Door Opener**

**Number of transmitters:** .....

**Security Alarm System**  **Owned**  **Lease** **Lease Information:** .....  
.....  
 **Swimming Pool**  **Pool Heater**  **Spa/Hot Tub**  **Sauna/Pool/Spa Equipment**  
**(list):** .....  
.....  
 **Satellite Dish**  **Satellite Receiving Equipment**  **Owned**  **Leased**  
**Lease information:** .....  
 **TV Antenna**  **Cable TV Wiring**

**(d) Garage, Grounds, and Equipment:**  **Lawn Sprinkler System**  **Electronic**  
**Pet Fence System**

**Other:** .....  
**Are you aware of any items in this section in need of repair or replacement?**  
 **YES**  **NO** **If "yes", explain:** .....  
.....

**4) ROOF, GUTTERS AND DOWNSPOUTS:**

**Asphalt Shingle**  **Wood Shingle**  **Slate**  **Tile**  **Asbestos Composition**  
**Other:** .....

**(a) What is the approximate age of the roof?** ..... **Years**  
**Documented**  **YES**  **NO**

**(b) Has the roof ever leaked during your ownership?**  **YES**  **NO** **If "yes",**  
**explain (where; when; action taken):** .....  
..... **(Warranty?)** .....

**(c) Has the roof been repaired, recovered or any portion of it replaced or**  
**recovered during your ownership?**  **YES**  **NO** **If "yes", explain (where; when;**  
**action taken):** .....  
..... **(Warranty?)** .....

**Who was the roofer?** .....

**Do you have receipts?** .....

**Are you aware of any problems with the roof, gutters or downspouts?**  **YES**  
 **NO** **If "yes", explain:** .....  
.....

**Do you know how many layers of roofing exist?**  **YES**  **NO** **How many?** ...  
.....

**5) WATER SUPPLY: Property is serviced by**  **Public Water Service**  **Private**  
**Water Service**  **Well**  **Well Pump**  **Holding Tank**  **Cistern**  **Spring**  **Pond**  
 **Spring/Pond Pump**

**Has water potability been tested?**  **YES**  **NO** **When?** .....  
.....

**Results?** .....  
**Are you aware of below normal water pressure in your water supply?**  YES  NO

**Has your water supply ever run low?**  YES  NO **Please explain any problems you have had with your water supply system or quality:** .....  
.....

**6) SEWAGE SYSTEM:**

Sanitary Sewer at Street  House is connected to Sanitary Sewer  Storm Sewer  Septic Tank  Leach Field  Aeration Tank  Filtration Bed  Lagoon  
**Other:** .....

**If Septic/Aeration/Filtration, answer the following:**

**Date installed?** .....

**Date last inspected?** ..... **By whom?** .....

**Date last cleaned?** ..... **By whom?** .....

**To your knowledge, is it in need of expansion, cleaning, repair or replacement?**  YES  NO **If "yes", explain:** .....

**7) STRUCTURE/COMPONENTS: Check any of the following items which have any defects or malfunctions:**

Foundation  Slab  Fireplace  Interior Walls  Ceilings  Floors  Windows  Doors  Storms/Screens  Exterior Walls  Driveway  Sidewalks  Outside Fences/Walls  Other Structures/Components: .....

**If any of the above is checked, please explain:** .....

**8) LAND (SOILS, DRAINAGE AND BOUNDARIES):**

**(a) Are you aware of any fill or expansive soil on the property?**  YES  NO

**(b) Have there been any sliding, settling, earth movement, upheaval or earth stability problems on the property?**  YES  NO

**(c) Is the property located in a 100 year flood zone or wetlands area?**  YES  NO

**(d) Are you aware of any drainage or flood problems on the property?**  YES  NO

**(e) Are there any encroachments, boundary line disputes, or easements affecting the property?**  YES  NO **If any of the above answers are "yes", please explain in detail:** .....

**9) TERMITES, DRYROT, PESTS:**

**(a) Are there any termites, dryrot, or pests on or affecting the property?**  YES

G NO

(b) Has the property been damaged by termites, dryrot, or pests? G YES G NO

(c) Is the property currently under warranty or other coverage by a licensed pest control company? G YES G NO

(d) Are you aware of any termite/pest control reports or treatments on the property in the last five years? G YES G NO If "yes", please explain the results reported on inspection in detail. ....

Is there any "old damage" of which you are aware? .....

10) HAZARDOUS SUBSTANCES:

(a) Are you aware of the presence of any lead-based paint on the property? G YES G NO (Note: Production of lead-based paint was banned in 1978)

(b) Are you aware if the property has been tested for radon gas or any other hazardous substances? G YES G NO If "yes", please give date performed, type of test and test results: .....

(c) Are you aware of asbestos materials on the property, such as roof shingles, siding, insulation, ceiling, flooring, pipe wrap, etc? G YES G NO

(d) Are you aware of other environmental concerns that may affect the property such as lead water supply pipes, polychlorinated biphenyls (PCB's)? G YES G NO If any of the above answers are "yes", please explain in detail: .....

11) SUBDIVISION: (If applicable)

(a) Name: .....

(b) Assessment: \$. . . . ., per G Month G Quarter G Half-Year G Year

(c) Assessment includes: G Street Maintenance G Club House G Pool G Tennis Court G Entrance Signs/Structure Other common facility .....

(d) Are you aware of any existing or proposed special assessments? G YES G NO

(e) Are you aware of any violation of the subdivision restrictions by yourself or by others? G YES G NO

(f) Are you aware of any condition or claim which may cause an increase in assessment or fees? G YES G NO If any of the above answers are "yes", please explain in detail: .....

12) CONDOMINIUM, CO-OP OR SHARED COST DEVELOPMENT: (If applicable)

(a) Name: .....

(b) Type: G Condominium G Co-Op G Other Shared Cost Development: .....

(c) Assessment: \$. . . . ., per G Month G Quarter G Half-Year G Year

**(d) Assessment includes:**  Water  Cooling  Heating  Sewer  Trash Removal  Snow Removal  Street Maintenance  Assigned Parking Space(s) . . . . . (#)  Security  Landscaping  Real Estate Taxes  Insurance on Building  Club House  Pool  Tennis Court  Exercise Area  Doorman  Reception Facility  Other Common Facility

**(e) Exterior maintenance:**  fully covered by assessment  partly covered by assessment

**Area excluded:** .....

**(f) Are you aware of any existing or proposed special assessments?**  YES  NO

**(g) Are you aware of any material defects in your building or other shared elements?**  YES  NO

**(h) Are you aware of any violation of the restrictions, rules and regulations by yourself or by others?**  YES  NO

**(i) Are you aware of any condition or claim which may cause an increase in assessment or fees?**  YES  NO **If any of the above answers are "yes", please explain in detail:** .....

**13) MISCELLANEOUS:**

**(a) The approximate age of the residence is . . . . . years. The Seller has occupied the property . . . . . years.**

**(b) Has the Seller continuously occupied the property during the last twelve months?**  YES  NO **If "no", please explain:** .....

**(c) Is the property located in an area that requires an occupancy (code compliance) inspection?**  YES  NO **If "yes", describe:** .....

**(d) Is the property designated as a historical home or located in a historic district?**  YES  NO **If "yes", describe:** .....

**(e) Has there been major damage to the property or any of the structure from fire, earthquake, floods, mine subsidence or other event?**  YES  NO **If "yes", describe:** .....

**(f) Are there any underground storage tanks?**  YES  NO

**(g) Are there any rotted or dead trees on the property?**  YES  NO

**(h) Are you aware of any:**

**\* shared or common features with adjoining properties?**  YES  NO

- \* existing or threatened legal action affecting the property? G YES G NO
- \* violations of local, state, or federal laws/regulations, including zoning, relating to the property? G YES G NO
- \* additions, modifications, or alterations made to the property without necessary permits? G YES G NO
- \* consent required of anyone other than the signer(s) of this form to convey title to the property? G YES G NO

**Explain any "yes" answers you gave:** .....

**Please state any other facts or information relating to the property that you would want to know if you were purchasing the property:**

.....  
 .....  
 .....  
 .....  
 .....

**Seller certifies that the information herein is true and correct to the best of Seller's knowledge as of the date signed by Seller. Seller further agrees to notify Buyer of any additional items which may become known to Seller prior to recording of the Deed. Seller authorizes listing broker, any co-operating broker, buyers broker, and their agents to furnish a copy of this statement to prospective buyers.**

**Seller** ....., 19 .....

**Seller** ....., 19 .....

**I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT. I/WE UNDERSTAND THAT THIS INFORMATION IS A DESCRIPTION OF THE PROPERTY TO THE BEST OF SELLER'S KNOWLEDGE AS OF THE ABOVE DATE. IT IS NOT A WARRANTY OF ANY KIND BY SELLER OR SELLER'S AGENT AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS BUYER MAY WISH TO OBTAIN.**

**Buyer** ....., 19 .....

**Buyer** ....., 19 .....

**Section 3. The owner shall amend a report pursuant to sections 1 to 6 of this act if the amendment would materially change the previously disclosed information.**

**Section 4. An owner shall indicate compliance with sections 1 to 6 of this act on the offer to purchase, the closing statement, the lease, or in an addendum to one of those documents.**

**Section 5. The owner shall personally perform each act and make each disclosure required by sections 1 to 6 of this act with honesty in fact. Any such person who violates the provisions of this section shall be liable in a civil action to the**



**purchaser or other transferee of the property for the costs of repairing the undisclosed defect to the property.**

**Section 6. An owner is not liable for an error or omission in a report pursuant to sections 1 to 6 of this act if the owner had no knowledge of that error or omission, or if the error or omission was based on information provided by a public agency.**

✓

Unofficial

Bill

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