

NOTICE OF MEETING  
AND RULE MAKING HEARINGS  
NEBRASKA REAL ESTATE COMMISSION

A meeting of the Nebraska Real Estate Commission will be held on May 19-20, 2016, in the Staybridge Room of the Staybridge Suites, located at 2701 Fletcher Avenue in Lincoln, Nebraska. The meeting will be convened at 9:00 a.m. on May 19, and will continue on that date until recessed or adjourned, whichever shall occur first. If recessed, the meeting shall reconvene at the same location at 9:00 a.m. on May 20.

At 9:40 a.m., May 19, 2016, the Commission will conduct a public hearing on the adoption of proposed amendments to Nebraska Administrative Code, Title 302, Chapter 1, relating to changes to the seller property condition disclosure statement used to disclose the condition of the property in residential real estate sales. The change would add questions concerning the presence of carbon monoxide alarms and noxious weeds. The regulatory change will have no fiscal impact to the Nebraska Real Estate Commission, the public, or regulated persons.

At 10:00 a.m., May 19, 2016, the Commission will conduct a public hearing on the adoption of proposed amendments to Nebraska Administrative Code, Title 299, Chapter 7, relating to continuing education for real estate licensees, and establishing a new requirement for real estate licensee engaged in property management activities to take a three-hour course in property management every two years. The regulatory change will have no fiscal impact to the Nebraska Real Estate Commission, the public, or regulated persons.

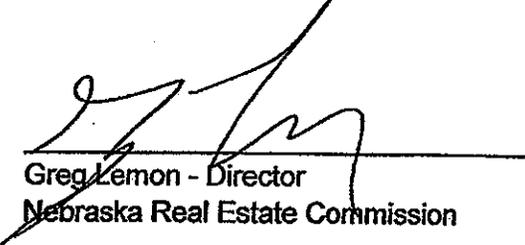
At 10:20 a.m., May 19, 2016, the Commission will conduct a public hearing on the adoption of proposed amendments to Nebraska Administrative Code, Title 299, Chapter 1, relating to pre-license education requirements and approval for real estate licensees. The change would allow the Commission to approve pre-license education courses offered in correspondence format. Such courses were previously certified by the Association of Real Estate License Law Officials. The regulatory change will have no fiscal impact to the Nebraska Real Estate Commission, the public, or regulated persons.

All interested persons are invited to attend and testify at rule hearings. Written comments may also be submitted, and will be made part of the hearing record at the time of the hearing if the

comments are received on or before May 18, 2016. Testimony and/or comments will be limited to the proposed amendments discussed at their respective hearings. Copies of any or all of the proposed amendments may be obtained by contacting the Nebraska Real Estate Commission at 301 Centennial Mall South, First Floor, P.O. Box 94667, Lincoln, Nebraska, 68509, or the Office of the Secretary of State, State Capitol Building, Room 1305, Lincoln, Nebraska, 68509-4608. The proposed amendments are also available on the Commission's website at [www.nrec.ne.gov](http://www.nrec.ne.gov).

At times, the Commission may go into closed session during the meeting, as provided for in Neb. Rev. Stat. 84-1410.

An agenda, kept continually, shall be available for inspection at the Nebraska Real Estate Commission office. Individuals requiring physical or sensory accommodations, including interpreter services, Braille, large print, or recorded matter, please contact Greg Lemon at 301 Centennial Mall South, P.O. Box 94667, Lincoln, Nebraska, 68509, 402-471-2004 no later than 15 days prior to the meeting. (TDD users may utilize the Nebraska Relay System at 800-833-7352.)



Greg Lemon - Director  
Nebraska Real Estate Commission

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Greg Lemon - Director  
Nebraska Real Estate Commission

**THE DAILY RECORD  
OF OMAHA**

**LYNDA K. HENNINGSEN, Publisher  
PROOF OF PUBLICATION**

**UNITED STATES OF AMERICA,**  
The State of Nebraska,  
District of Nebraska,  
County of Douglas,  
City of Omaha, } ss.

**J. BOYD**

being duly sworn, deposes and says that she is

**LEGAL EDITOR**

of **THE DAILY RECORD**, of Omaha, a legal newspaper, printed and published daily in the English language, having a bona fide paid circulation in Douglas County in excess of 300 copies, printed in Omaha, in said County of Douglas, for more than fifty-two weeks last past; that the printed notice hereto attached was published in **THE DAILY RECORD**, of Omaha, on  
April 15, 2016

That said Newspaper during that time was regularly published and in general circulation in the County of Douglas, and State of Nebraska.

 GENERAL NOTARY - State of Nebraska  
ELLEN FREEMAN  
My Comm. Exp. Dec. 11, 2017

Subscribed in my presence and sworn to before  
me this 15th day of April 2016  
\$ 85.40  
\$ 85.40  
\$

Notary Public in and for Douglas County,  
State of Nebraska

# AFFIDAVIT OF PUBLICATION

State of Nebraska }  
LANCASTER COUNTY, } ss.

## NOTICE OF MEETING AND RULE MAKING HEARINGS NEBRASKA

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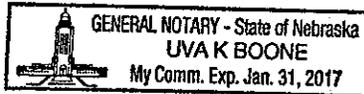
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Greg Lemon - Director  
Nebraska  
Real Estate Commission  
#601639 11 Apr 15

The undersigned, being first duly sworn, deposes and says that she/he is a Clerk of the Lincoln Journal Star, legal newspaper printed, published and having a general circulation in the County of Lancaster and State of Nebraska, and that the attached printed notice was published in said newspaper One successive time(s) the first insertion having been on April 15, 2016 and thereafter on \_\_\_\_\_, 20\_\_\_\_

and that said newspaper is the legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge and are further verified by my personal inspection of each notice in each of said issues.

Anna Mintz  
Subscribed in my presence and sworn to before me on April 15, 2016  
Uva K Boone Notary Public



Cost \$63.88 Reference # 601639

## FISCAL IMPACT STATEMENT

Agency: NAME – AGENCY #41 Nebraska Real Estate Commission	
Title: 302	Prepared by: Greg Lemon
Chapter: 1	Date prepared: 4/4/2016
Subject: Seller Property Disclosure Statement	Telephone: 402 471-2004

**Type of Fiscal Impact:**

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	X	X	X
Increased Costs	( )	( )	( )
Decreased Costs	( )	( )	( )
Increased Revenue	( )	( )	( )
Decreased Revenue	( )	( )	( )
Indeterminable	( )	( )	( )

**Provide an Estimated Cost & Description of Impact:**

State Agency: This amendment adds two additional questions to the Seller Property Disclosure Statement, a disclosure used in the sale of residential property. No fiscal impact to the NREC or any other state agencies

Political Subdivision: No Fiscal Impact

Regulated Public: No Fiscal Impact

If indeterminable, explain why: Not Applicable



**NEBRASKA REAL ESTATE COMMISSION  
SELLER PROPERTY CONDITION DISCLOSURE STATEMENT  
Residential Real Property**

THIS DISCLOSURE STATEMENT IS BEING COMPLETED AND DELIVERED IN ACCORDANCE WITH NEBRASKA LAW. NEBRASKA LAW REQUIRES COMPLETE THIS STATEMENT (NEB. REV. STAT. §76-2,120).

How long has the seller owned the property? \_\_\_\_\_ year(s)  
 Is seller currently occupying the property? (Circle one) YES | NO If yes, how long has the seller occupied the property? \_\_\_\_\_ year(s)  
 If no, has the seller ever occupied the property? (Circle one) YES | NO If yes, when? From \_\_\_\_\_ (year) to \_\_\_\_\_ (year)

This disclosure statement concerns the real property located at \_\_\_\_\_  
 in the city of \_\_\_\_\_, County of \_\_\_\_\_, State of Nebraska and legally c\_\_\_\_\_

**This statement is a disclosure of the condition of the real property known by the seller on the date on which this statement is signed. This is NOT a warranty of any kind by the seller or any agent representing a principal in the transaction, and should NOT be accepted as a substitute for any inspection or warranty that the purchaser may wish to obtain.** Even though the information provided in this statement is NOT a warranty, a purchaser may rely on the information contained herein in deciding whether and on what terms to purchase the real property. An agent representing a principal in the transaction may provide a copy of this statement to any other person in connection with any actual or possible sale of the real property. The information provided in this statement is the representation of the seller and NOT the representation of any agent, and is not intended to be part of any contract between the seller and purchaser.

Seller please note: you are required to complete this disclosure statement IN FULL. If any particular item or matter does not apply and there is no provision or space for indicating, insert "N/A" in the appropriate box. If age of items is unknown, write "UNK" on the blank provided. If the property has more than one item as listed below please put the number in the appropriate box. For example - if the home has three room air conditioners, one working, one not working, and one not included, put a "1" in each of the "Working", "Not Working", and "None/Not Included" boxes for that item and a "3" on the line provided next to the item description to indicate total number of item. You may also provide additional explanation of any item in the comments section in PART III.

**SELLER STATES THAT, TO THE BEST OF THE SELLER'S KNOWLEDGE AS OF THE DATE THIS DISCLOSURE STATEMENT IS COMPLETED AND SIGNED BY THE SELLER, THE CONDITION OF THE REAL PROPERTY IS:**

**PART I** - If there is more than one of any item in this Part, the statement made applies to each and all of such items unless otherwise noted in the comments section in PART III of this disclosure statement, or number separately as provided in the instructions above. If an item in this Part is not on the property, or will not be included in the sale, check only the "None/Not included" column for that item.

Section A - Appliances	Working	Not Working	Do Not Know If Working	None / Not Included
	1. Refrigerator			
2. Clothes Dryer				
3. Clothes Washer				
4. Dishwasher				
5. Garbage Disposal				
6. Freezer				
7. Oven				
8. Range				
9. Cooktop				
10. Microwave oven				
11. Built-in vacuum system and equipment				
12. Range ventilation systems				
13. Gas grill				
14. Room air conditioner ( _____ number )				
15. TV antenna / Satellite dish				
16. Trash compactor				

Section B - Electrical Systems	Working	Not Working	Do Not Know If Working	None / Not Included
	1. Electrical service panel capacity _____ AMP Capacity (if known) fuse _____ circuit breakers			
2. Ceiling fan(s) ( _____ number )				
3. Garage door opener(s) ( _____ number )				
4. Garage door remote(s) ( _____ number )				
5. Garage door keypad(s) ( _____ number )				
6. Telephone wiring and jacks				
7. Cable TV wiring and jacks				
8. Intercom or sound system wiring				
9. Built-in speakers				
10. Smoke detectors ( _____ number )				
11. Fire alarm				
12. Carbon Monoxide Alarm ( _____ number )				
13. Room ventilation/exhaust fan ( _____ number )				
14. 220 volt service				
15. Security System _____ Owned _____ Leased _____ Central station monitoring				
16. Have you experienced any problems with the electrical system or its components? _____ YES _____ NO				

If YES, explain the condition in the comments section in PART III of this disclosure statement.

Seller's Initials \_\_\_\_\_ / \_\_\_\_\_ Property Address \_\_\_\_\_ Buyer's Initials \_\_\_\_\_ / \_\_\_\_\_

Section C - Heating and Cooling Systems	Working	Not Working	Do Not Know If Working	None / Not Included
1. Air purifier				
2. Attic fan				
3. Whole house fan				
4. Central air conditioning _____ year installed (if known)				
5. Heating system _____ year installed (if known) _____ Gas _____ Electric _____ Other (specify _____)				
6. Fireplace / Fireplace Insert				
7. Gas log (fireplace)				
8. Gas starter (fireplace)				
9. Heat pump _____ year installed (if known)				
10. Humidifier				
11. Propane Tank _____ year installed (if known) _____ Rent _____ Own				
12. Wood-burning stove _____ year installed (if known)				

Section D - Water Systems	Working	Not Working	Do Not Know If Working	None / Not Included
1. Hot tub / whirlpool				
2. Plumbing (water supply)				
3. Swimming pool				
4. a. Underground sprinkler system				
b. Back-flow prevention system				
5. Water heater _____ year installed (if known)				
6. Water purifier _____ year installed (if known)				
7. Water softener _____ Rent _____ Own				
8. Well system				
Section E - Sewer Systems	Working	Not Working	Do Not Know If Working	None / Not Included
1. Plumbing (water drainage)				
2. Sump pump (discharges to _____)				
3. Septic System				

PART II - In Sections A, B, C, and D if the answer to any item is "YES", explain the condition in the comments Section in PART III of this disclosure statement.

Section A. Structural Conditions - If there is more than one of any item listed in this Section, the statement made applies to each and all of such items unless otherwise noted in the comment section in PART III of this disclosure statement.

Section A - Structural Conditions	YES	NO	Do Not Know
1. Age of roof (if known) _____ year(s)	N / A	N / A	
2. Does the roof leak?			
3. Has the roof leaked?			
4. Is there presently damage to the roof?			
5. Has there been water intrusion in the basement or crawl space?			
6. Has there been any damage to the real property or any of the structures thereon due to the following occurrences including, but not limited to, wind, hail, fire, flood, wood-destroying insects, or rodents?			
7. Are there any structural problems with the structures on the real property?			
8. Is there presently damage to the chimney?			
9. Are there any windows which presently leak, or do any insulated windows have any broken seals?			

Section A - Structural Conditions	YES	NO	Do Not Know
10. Year property was built _____ (if known)	N / A	N / A	
11. Has the property experienced any moving or settling of the following:	_____	_____	_____
- Foundation			
- Floor			
- Wall			
- Sidewalk			
- Patio			
- Driveway			
- Retaining wall			
12. Any room additions or structural changes?			

Section B. Environmental Conditions - Have any of the following substances, materials, or products been on the real property? If tests have been conducted for any of the following, provide a copy of all test results, if available.

Section B - Environmental Conditions	YES	NO	Do Not Know
1. Asbestos			
2. Contaminated soil or water (including drinking water)			
3. Landfill or buried materials			
4. Lead-based paint			
5. Radon gas			

Section B - Environmental Conditions	YES	NO	Do Not Know
6. Toxic materials			
7. Underground fuel, chemical or other type of storage tank?			
8. Have you been notified by the Noxious Weed Control Authority in the last 3 years of the presence of noxious weeds, as defined by Nebraska law (N.A.C. Title 25, Ch. 10), on the property?			
89. Hazardous substances, materials or products identified by the Environmental Protection Agency or its authorized Nebraska Designee (excluding ordinary household cleaners)			

Seller's Initials \_\_\_\_\_ / \_\_\_\_\_ Property Address \_\_\_\_\_ Buyer's Initials \_\_\_\_\_ / \_\_\_\_\_

**Section C. Title Conditions - Do any of the following conditions exist with regard to the real property?**

Section C - Title Conditions	YES	NO	Do Not Know
1. Any features, such as walls, fences and driveways which are shared?			
2. Any easements, other than normal utility easements?			
3. Any encroachments?			
4. Any zoning violations, non-conforming uses, or violations of "setback" requirements?			
5. Any lot-line disputes?			
6. Have you been notified, or are you aware of, any work planned or to be performed by a utility or municipality close to the real property including, but not limited to sidewalks, streets, sewers, water, power, or gas lines?			
7. Any planned road or street expansions, improvements, or widening adjacent to the real property?			
8. Any condominium, homeowners', or other type of association which has any authority over the real property?			
9. Any private transfer fee obligation upon sale?			

Section C - Title Conditions	YES	NO	Do Not Know
10. Does ownership of the property entitle the owner to use any "common area" facilities such as pools, tennis courts, walkways, or other common use areas?			
11. Is there a common wall or walls? b. Is there a party wall agreement?			
12. Any lawsuits regarding this property during the ownership of the seller?			
13. Any notices from any governmental or quasi-governmental agency affecting the real property?			
14. Any unpaid bills or claims of others for labor and/or materials furnished to or for the real property?			
15. Any deed restrictions or other restrictions of record affecting the real property?			
16. Any unsatisfied judgments against the seller?			
17. Any dispute regarding a right of access to the real property?			
18. Any other title conditions which might affect the real property?			

**Section D. Other Conditions - Do any of the following conditions exist with regard to the real property?**

Section D - Other Conditions	YES	NO	Do Not Know
1. a. Are the dwelling(s) and the improvements connected to a public water system? b. Is the system operational?			
2. a. Are the dwelling(s) and the improvements connected to a private, community (non-public), or Sanitary Improvement District (SID) water system? b. Is the system operational?			
3. If the dwelling(s) and the improvements are connected to a private, community (non-public) or SID water system is there adequate water supply for regular household use (i.e. showers, laundry, etc.)?			
4. a. Are the dwelling(s) and the improvements connected to a public sewer system? b. Is the system operational?			
5. a. Are the dwelling(s) and the improvements connected to a community (non-public) or SID sewer system? b. Is the system operational?			
6. a. Are the dwelling(s) and the improvements connected to a septic system? b. Is the system operational?			
7. Has the main sewer line from the house ever backed up or exhibited slow drainage?			

Section D - Other Conditions	YES	NO	Do Not Know
8. a. Is the real property in a flood plain? b. Is the real property in a floodway?			
9. Is trash removal service provided to the real property? If so, are the trash services _____ public _____ private			
10. Have the structures been mitigated for radon? If yes, when? ____/____/____			
11. Is the property connected to a natural gas system?			
12. Has a pet lived on the property? Type(s) _____			
13. Are there any diseased or dead trees, or shrubs on the real property?			
14. Are there any flooding, drainage, or grading problems in connection to the real property?			
15. a. Have you made any insurance or manufacturer claims with regard to the real property? b. Were all repairs related to the above claims completed?			
16. Are you aware of any problem with the exterior wall-covering of the structure including, but not limited to, siding, synthetic stucco, masonry, or other materials?			

**Section E. Cleaning / Servicing Conditions - Have you ever performed or had performed the following? (State most recent year performed)**

Section E - Cleaning / Servicing Conditions	YEAR	YES	NO	Do Not Know	None / Not Included
1. Servicing of air conditioner					
2. Cleaning of fireplace, including chimney					
3. Servicing of furnace					
4. Professional inspection of furnace A/C (HVAC) System					
5. Servicing of septic system					

Section E - Cleaning / Servicing Conditions	YEAR	YES	NO	Do Not Know	None / Not Included
6. Cleaning of wood-burning stove, including chimney					
7. Treatment for wood-destroying insects or rodents					
8. Tested well water					
9. Serviced / treated well water					

Seller's Initials \_\_\_\_/\_\_\_\_ Property Address \_\_\_\_\_ Buyer's Initials \_\_\_\_/\_\_\_\_



The effective date of this amended Chapter is July 1, 2012.

Laws 1994, LB 642, §1(12); RS 1943, §76-2,120.01(12), R.S. Cum. Supp., 1994.  
Effective July 16, 1994.