

Amendment to Title 302, Chapter 1, Section 001

Title 302 NEBRASKA REAL ESTATE COMMISSION

Chapter 1 - SELLER PROPERTY CONDITION DISCLOSURE STATEMENT.

001 The disclosure statement required by Neb. Rev. Stat. Section 76-2,120 shall be in substantially the following form:

~~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 THE SELLER TO COMPLETE THIS STATEMENT (NEB. REV. STAT. § 76-2,120).~~

~~Seller _____ is _____ is not occupying the real property.
How long has Seller owned the real property? _____ year(s)~~

~~This Disclosure Statement concerns the real property located at _____
_____ in the City of _____, County of _____, State of Nebraska and legally described as _____

_____~~

~~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 STATEMENT 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, THE PURCHASER MAY RELY ON THE INFORMATION CONTAINED HEREIN IN DECIDING WHETHER AND ON WHAT TERMS TO PURCHASE THE REAL PROPERTY. ANY 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 so indicating, insert "N/A".~~

~~SELLER STATES THAT, TO THE BEST OF SELLER'S BELIEF AND 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, PART III of this Disclosure Statement. 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.~~

	Do Not	Know If	None/Not
	Working	Working	Included

- ~~1. Built-in vacuum system and equipment~~
- ~~2. Clothes dryer~~
- ~~3. Clothes washer~~
- ~~4. Dishwasher~~
- ~~5. Disposal~~

- 6. ~~Freezer~~
- 7. ~~Gas grill~~
- 8. ~~Range ventilation systems~~
- 9. ~~Microwave oven~~
- 10. ~~Oven~~
- 11. ~~Range~~
- 12. ~~Refrigerator~~
- 13. ~~Room air conditioner~~
- 14. ~~TV antenna/satellite dish~~
- 15. ~~Trash compactor~~
- 16. ~~Other (specify)~~

Section B. Electrical Systems. ~~Not Working~~ ~~Do Not Know If Working~~ ~~None/Not Included~~

- 1. ~~Electric service panel (capacity _____ amp, if known) _____ fuse _____ circuit breakers~~
- 2. ~~Ceiling fan(s)~~
- 3. ~~Garage door opener/remote controller(s) (number of controllers, if included _____)~~
- 4. ~~Telephone wiring and jacks~~
- 5. ~~Cable TV wiring and jacks~~
- 6. ~~Intercom or sound system wiring and built-in speakers~~
- 7. ~~Smoke/fire alarm~~
- 8. ~~Room vent fan~~
- 9. ~~220 volt service~~
- 10. ~~Security system _____ owned _____ leased _____ Central station monitoring~~
- 11. ~~Other (specify)~~
- 12. ~~Have you experienced any problems with the electrical system or its components? _____ No _____ Yes If yes, explain the condition in the Comments section, PART III of this Disclosure Statement.~~

Section C. Heating and Cooling Systems. ~~Not Working~~ ~~Do Not Know If Working~~ ~~None/Not Included~~

- 1. ~~Air purifier~~
- 2. ~~Attic fan~~
- 3. ~~Whole house fan~~
- 4. ~~Central air conditioning~~
- 5. ~~Fireplace/fireplace insert~~
- 6. ~~Heating system (_____ gas _____ electric _____ other, specify)~~
- 7. ~~Gas log~~
- 8. ~~Gas starter (fireplace)~~
- 9. ~~Heat pump~~
- 10. ~~Humidifier~~
- 11. ~~Propane tank (_____ rent _____ own)~~
- 12. ~~Woodburning stove~~
- 13. ~~Other (specify)~~

Section D. Water Systems. ~~Not Working~~ ~~Do Not Know If Working~~ ~~None/Not Included~~

- 1. ~~Hot tub/whirlpool~~
- 2. ~~Plumbing~~
- 3. ~~Swimming pool~~
- 4. ~~Underground sprinkler _____ backflow preventer~~

5. ~~Water heater~~
6. ~~Water purifier~~
7. ~~Water softener~~
(~~rent own~~)
8. ~~Well system~~
9. ~~Other (specify)~~

Section E. Sewer Systems. ~~Do Not~~
~~Not Know If None/Not~~
~~Working Working Working Included~~

1. ~~Plumbing~~
2. ~~Sump pump~~
(discharges to _____)
3. ~~Septic system~~
4. ~~Other (specify)~~
5. ~~Other (specify)~~

~~PART II - In this part, in Sections A, B, and C, if the answer to any item is "Yes", explain the condition in the Comments section, 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 Comments section, PART III of this Disclosure Statement.~~

1. ~~Age of roof (if known) _____ years~~ ~~Yes~~ ~~No~~ ~~Know~~ ~~Do Not~~
2. ~~Does the roof leak?~~
3. ~~Has the roof leaked?~~
4. ~~Is there presently damage to the roof?~~
5. ~~Has there been leakage/seepage 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 broken seals?~~
10. ~~Have you experienced any moving or settling of the following:~~
 - ~~foundation?~~
 - ~~floor?~~
 - ~~wall?~~
 - ~~sidewalk?~~
 - ~~patio?~~
 - ~~driveway?~~
 - ~~retaining wall?~~

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.~~

1. ~~Asbestos~~
 2. ~~Contaminated soil or water (including drinking water)~~
 3. ~~Landfill or buried materials~~
 4. ~~Lead-based paint~~
 5. ~~Radon gas~~
- ~~Do Not~~
~~Yes No Know~~

- 6. ~~Toxic materials~~
- 7. ~~Underground fuel, chemical, or other type of storage tank~~
- 8. ~~Have any other hazardous substances, materials, or products identified by the Environmental Protection Agency or its authorized Nebraska designee been on the real property?~~

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

Do Not
Yes _____ No _____ 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 condominium, homeowners, or other type of association which has any authority over the real property?~~
- 8. ~~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?~~
- 9. ~~Any lawsuits regarding this property during the ownership of the seller?~~
- 10. ~~Any notices from any governmental or quasi-governmental agency affecting the real property?~~
- 11. ~~Any planned road or street expansions, improvements, or widenings adjacent to the real property?~~
- 12. ~~Any unpaid bills or claims of others for labor and/or materials furnished to or for the real property?~~
- 13. ~~Any deed restrictions or other restrictions of record affecting the real property?~~
- 14. ~~Any unsatisfied judgments against Seller?~~
- 15. ~~Any dispute regarding a right of access to the real property?~~
- 16. ~~Any other title conditions which might affect the real property?~~

Section D. Other Conditions.

Do Not
Yes _____ No _____ Know _____

- 1. ~~Are the dwelling and the improvements connected to a public water system?
Is the system operational?~~
- 2. ~~Are the dwelling and the improvements connected to a public sewer system?
Is the system operational?~~

3. ~~Are the dwelling and the improvements connected to a private or community (non-public) water system?
Is the system operational?
Year last tested _____~~
4. ~~Are the dwelling and the improvements connected to a private or community (non-public) sewer system?
Is the system operational?~~
5. ~~Are the dwelling and the improvements connected to a septic system?
Is the system operational?~~
6. ~~Is the real property in a:
____ flood plain? ____ floodway?~~
7. ~~Is trash removal service provided to the real property?
If so, the trash service is
public ____ private ____~~
8. ~~Have the structures been mitigated for radon? If yes, when? _____~~
9. ~~Is the property connected to a natural gas system?~~
10. ~~Has a pet been domiciled in the dwelling?
type(s) _____~~

If the answer to any of the following items is "Yes", explain in the Comments section, PART III of this Disclosure Statement. _____ Do Not

Yes _____ No _____ Know _____

11. ~~Are any trees or shrubs on the real property diseased or dead?
Are any trees or shrubs scheduled to be removed?~~
12. ~~Are there any flooding, drainage, or grading problems in connection with the real property?~~
13. ~~Have you made any insurance or manufacturer claims with regard to the property?~~
14. ~~Are you aware of any problem to the exterior wallcovering of the structure including, but not limited to, siding, synthetic stucco, masonry, or other materials?~~

Section E. Cleaning/Serviceing Conditions. Have you ever performed or had performed the following? State the most recent year: _____ Do Not _____ None/Not

Year _____ Yes _____ No _____ Know _____ Included _____

1. ~~Serviceing of air conditioner~~
2. ~~Cleaning of fireplace, including chimney~~
3. ~~Serviceing of furnace~~
4. ~~Serviceing of septic system~~
5. ~~Cleaning of woodburning stove, including chimney~~
6. ~~Treatment for wood destroying insects or rodents~~
7. ~~Tested well water~~
8. ~~Serviceed/treated well water~~



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

THIS DISCLOSURE STATEMENT IS BEING COMPLETED AND DELIVERED IN ACCORDANCE WITH NEBRASKA LAW. NEBRASKA LAW REQUIRES THE SELLER TO 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 described as:

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 statement 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, the purchaser may rely on the information contained herein in deciding whether and on what terms to purchase the real property. Any 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. Room ventilation/exhaust fan (_____ number)				
13. 220 volt service				
14. Security System _____ Owned _____ Leased _____ Central station monitoring				
15. 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 _____ / _____

<u>Section C - Heating and Cooling Systems</u>	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)				

<u>Section D - Water Systems</u>	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				

<u>Section E - Sewer Systems</u>	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.

<u>Section A - Structural Conditions</u>	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?			

<u>Section A - Structural Conditions</u>	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.

<u>Section B - Environmental Conditions</u>	YES	NO	Do not Know
1. Asbestos			
2. Contaminated soil or water (including drinking water)			
3. Landfill or buried materials			
4. Lead-based paint			

<u>Section B - Environmental Conditions</u>	YES	NO	Do not Know
5. Radon gas			
6. Toxic materials			
7. Underground fuel, chemical or other type of storage tank?			
8. 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 ~~January 1, 2003~~ 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.