



Michigan Compiled Laws Annotated [Currentness](#)
Chapter 565. Conveyances of Real Property ([Refs & Annos](#))
 [⌵] [Seller Disclosure Act \(Refs & Annos\)](#)
 → **565.957. Disclosures; form**

Sec. 7. (1) The disclosures required by this act shall be made on the following form:

SELLER'S DISCLOSURE STATEMENT

Property Address: _____

Street

Michigan

City, Village, or Township

Purpose of Statement: This statement is a disclosure of the condition of the property in compliance with the seller disclosure act. This statement is a disclosure of the condition and information concerning the property, known by the seller. Unless otherwise advised, the seller does not possess any expertise in construction, architecture, engineering, or any other specific area related to the construction or condition of the improvements on the property or the land. Also, unless otherwise advised, the seller has not conducted any inspection of generally inaccessible areas such as the foundation or roof. This statement is not a warranty of any kind by the seller or by any agent representing the seller in this transaction, and is not a substitute for any inspections or warranties the buyer may wish to obtain.

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

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, check NOT AVAILABLE. If you do not know the facts, check UNKNOWN. FAILURE TO PROVIDE A PURCHASER WITH A SIGNED DISCLOSURE STATEMENT WILL ENABLE A PURCHASER TO TERMINATE AN OTHERWISE BINDING PURCHASE AGREEMENT.

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

| | Yes | No | Unknown | Not Available |
|-------------------------------------|-------|-------|---------|---------------|
| Range/Oven | _____ | _____ | _____ | _____ |
| Dishwasher | _____ | _____ | _____ | _____ |
| Refrigerator | _____ | _____ | _____ | _____ |
| Hood/fan | _____ | _____ | _____ | _____ |
| Disposal | _____ | _____ | _____ | _____ |
| TV antenna, TV rotor & controls | _____ | _____ | _____ | _____ |
| Electrical system | _____ | _____ | _____ | _____ |
| Garage door opener & remote control | _____ | _____ | _____ | _____ |
| Alarm system | _____ | _____ | _____ | _____ |
| Intercom | _____ | _____ | _____ | _____ |
| Central vacuum | _____ | _____ | _____ | _____ |
| Attic fan | _____ | _____ | _____ | _____ |
| Pool heater, wall liner & equipment | _____ | _____ | _____ | _____ |
| Microwave | _____ | _____ | _____ | _____ |
| Trash compactor | _____ | _____ | _____ | _____ |
| Ceiling fan | _____ | _____ | _____ | _____ |
| Sauna/hot tub | _____ | _____ | _____ | _____ |
| Washer | _____ | _____ | _____ | _____ |
| Dryer | _____ | _____ | _____ | _____ |
| Lawn sprinkler system | _____ | _____ | _____ | _____ |
| Water heater | _____ | _____ | _____ | _____ |
| Plumbing system | _____ | _____ | _____ | _____ |
| Water softener/conditioner | _____ | _____ | _____ | _____ |
| Well & pump | _____ | _____ | _____ | _____ |
| Septic tank & drain field | _____ | _____ | _____ | _____ |
| Sump pump | _____ | _____ | _____ | _____ |
| City Water System | _____ | _____ | _____ | _____ |
| City Sewer System | _____ | _____ | _____ | _____ |
| Central air conditioning | _____ | _____ | _____ | _____ |
| Central heating system | _____ | _____ | _____ | _____ |
| Wall furnace | _____ | _____ | _____ | _____ |

| | | | | |
|-----------------------|-------|-------|-------|-------|
| Humidifier | _____ | _____ | _____ | _____ |
| Electronic air filter | _____ | _____ | _____ | _____ |
| Solar heating system | _____ | _____ | _____ | _____ |
| Fireplace & chimney | _____ | _____ | _____ | _____ |
| Wood burning system | _____ | _____ | _____ | _____ |

Explanations (attach additional sheets if necessary):

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

Property conditions, improvements & additional information:

1. **Basement/crawl space:** Has there been evidence of water? yes no
_____ _____
 If yes, please explain: _____

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

 Urea Formaldehyde Foam Insulation (UFFI) is installed?
unknown yes no
_____ _____ _____

3. **Roof:** Leaks? yes no
_____ _____
 Approximate age if known

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

 Has the water been tested? yes no
_____ _____
 If yes, date of last report/results:

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

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

7. **Plumbing system:** Type: copper ___ galvanized ___ other ___
 Any known problems? _____

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

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

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

| | | |
|---------|-------|-------|
| unknown | yes | no |
| _____ | _____ | _____ |

If yes, please explain: _____

11. **Flood insurance:** Do you have flood insurance on the property?

| | | |
|---------|-------|-------|
| unknown | yes | no |
| _____ | _____ | _____ |

12. **Mineral rights:** Do you own the mineral rights?

| | | |
|---------|-------|-------|
| unknown | yes | no |
| _____ | _____ | _____ |

Other Items: Are you aware of any of the following:

1. Features of the property shared in common with the adjoining landowners, such as walls, fences, roads and drive-ways, or other features whose use or responsibility for maintenance may have an effect on the property?

| | | |
|---------|-------|-------|
| unknown | yes | no |
| _____ | _____ | _____ |

2. Any encroachments, easements, zoning violations, or nonconforming uses?

| | | |
|---------|-------|-------|
| unknown | yes | no |
| _____ | _____ | _____ |

3. Any "common areas" (facilities like pools, tennis courts, walkways, or other areas co-owned with others), or a homeowners' association that has any authority over the property?

| | | |
|---------|-------|-------|
| unknown | yes | no |
| _____ | _____ | _____ |

4. Structural modifications, alterations, or repairs made without necessary permits or licensed contractors?

| | | |
|---------|-------|-------|
| unknown | yes | no |
| _____ | _____ | _____ |

5. Settling, flooding, drainage, structural, or grading problems?

| | | |
|---------|-------|-------|
| unknown | yes | no |
| _____ | _____ | _____ |

6. Major damage to the property from fire, wind, floods, or landslides?

| | | |
|---------|-----|----|
| unknown | yes | no |
|---------|-----|----|

- | | | | | |
|-------|---|---------|-------|-------|
| 7. | Any underground storage tanks? | _____ | _____ | _____ |
| | | unknown | yes | no |
| <hr/> | | | | |
| 8. | Farm or farm operation in the vicinity; or proximity to a landfill, airport, shooting range, etc.? | _____ | _____ | _____ |
| | | unknown | yes | no |
| <hr/> | | | | |
| 9. | Any outstanding utility assessments or fees, including any natural gas main extension surcharge? | _____ | _____ | _____ |
| | | unknown | yes | no |
| <hr/> | | | | |
| 10. | Any outstanding municipal assessments or fees? | _____ | _____ | _____ |
| | | unknown | yes | no |
| <hr/> | | | | |
| 11. | Any pending litigation that could affect the property or the seller's right to convey the property? | _____ | _____ | _____ |
| | | unknown | yes | no |
| <hr/> | | | | |

If the answer to any of these questions is yes, please explain. Attach additional sheets, if necessary:

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

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

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

BUYERS ARE ADVISED THAT CERTAIN INFORMATION COMPILED PURSUANT TO THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, [MCL 28.721](#) TO [28.732](#), IS AVAILABLE TO THE PUBLIC. BUYERS SEEKING THAT INFORMATION SHOULD CONTACT THE APPROPRIATE LOCAL LAW ENFORCEMENT AGENCY OR SHERIFF'S DEPARTMENT DIRECTLY.

BUYER IS ADVISED THAT THE STATE EQUALIZED VALUE OF THE PROPERTY, PRINCIPAL RESIDENCE EXEMPTION INFORMATION, AND OTHER REAL PROPERTY TAX INFORMATION IS AVAILABLE FROM THE APPROPRIATE LOCAL ASSESSOR'S OFFICE. BUYER SHOULD NOT ASSUME THAT BUYER'S FU-

TURE TAX BILLS ON THE PROPERTY WILL BE THE SAME AS THE SELLER'S PRESENT TAX BILLS. UNDER MICHIGAN LAW, REAL PROPERTY TAX OBLIGATIONS CAN CHANGE SIGNIFICANTLY WHEN PROPERTY IS TRANSFERRED.

Seller _____ Date _____

Seller _____ Date _____

Buyer has read and acknowledges receipt of this statement.

Buyer _____ Date _____ Time: _____

Buyer _____ Date _____ Time: _____

(2) A form described in subsection (1) printed before January 1, 2006 that was in compliance with this section at that time may be utilized and shall be considered in compliance with this section until April 1, 2006.

CREDIT(S)

P.A.1993, No. 92, § 7, Eff. Jan. 10, 1994. Amended by P.A.1995, No. 106, § 1, Eff. Jan. 1, 1996; P.A.1996, No. 92, § 1, Imd. Eff. Feb. 27, 1996; P.A.2000, No. 12, Imd. Eff. March 8, 2000; P.A.2000, No. 13, Imd. Eff. March 8, 2000; P.A.2003, No. 130, Eff. Jan. 1, 2004; P.A.2005, No. 163, Eff. Jan. 1, 2006.

HISTORICAL AND STATUTORY NOTES

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The 1995 amendment, in the form, under the heading "Other Items", in item 8, substituted "Farm or farm operation in the vicinity or proximity to a landfill, airport, shooting ranges, etc.?" for "Any area environmental concerns (i.e., proximity to a landfill, airport, shooting ranges, etc.)?".

P.A.1995, No. 106, §§ 2 and 3, provide:

"Section 2. This amendatory act shall take effect January 1, 1996.

"Section 3. This amendatory act shall not take effect unless all of the following bills of the 88th Legislature are enacted into law:

"(a) House Bill No. 4299.

"(b) House Bill No. 4300."

House Bill Nos. 4299 and 4300, were enacted as P.A.1995, Nos. 84 and 94, respectively, and were approved and filed June 20, 1995.

P.A.1995, No. 106, was ordered to take immediate effect, and was approved June 22, 1995 and filed June 23, 1995.

The 1996 amendment inserted the subsection designations; in subsec. (1), under the heading “**Other Items**”, in par. 8, substituted “shooting range” for “shooting ranges”; and added subsec. (2).

P.A.1996, No. 92, § 2, provides:

“This amendatory act shall take effect January 1, 1996.”

P.A.1996, No. 92, was ordered to take immediate effect, and was approved February 25, 1996 and filed February 27, 1996.

P.A.2000, No. 12, in subsec. (1), in the section entitled “**Other Items:**”, following clause 8, inserted the fourth paragraph, which reads:

“BUYERS ARE ADVISED THAT CERTAIN INFORMATION COMPILED PURSUANT TO THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, [MCL 28.721 TO 28.732](#), IS AVAILABLE TO THE PUBLIC. BUYERS SEEKING THAT INFORMATION SHOULD CONTACT THE APPROPRIATE LOCAL LAW ENFORCEMENT AGENCY OR SHERIFF'S DEPARTMENT DIRECTLY.”

P.A.2000, No. 12, also, rewrote subsec. (2), which read:

“(2) A form described in subsection (1) printed before the effective date of the amendatory act that added this subsection that is in compliance with Act No. 106 of the Public Acts of 1995 and that differs from this section regarding notice of a farm or farm operation in the vicinity may be utilized and shall be considered in compliance with this section until July 1, 1996.”

P.A.2000, No. 13, in subsec. (1), in the paragraph entitled “**Instructions to the Seller**”, in clause (5), in the first sentence substituted “not available” for “N/A (nonapplicable)”; in subsec. (1), in the section entitled “**Appliances/Systems/Services:**”, in the introductory paragraph, added “(the items below are included in the sale of the property only if the purchase agreements so provides)”, and in the table, in the fourth column, substituted “Not available” for “N/A”, and inserted the rows related to “Washer”, “Dryer”, and substituted “Wall Furnace” for “Furnace”; in subsec. (1), in the section entitled “**Property conditions, improvements & additional information:**”, in clause 1, substituted “**Basement/crawl space**” for “**Basement**”, in clause 10, in the introductory paragraph, inserted “Are you aware of any” preceding “substances”, and inserted clauses 11 and 12; in subsec. (1), in the section entitled “**Other Items:**”, inserted clauses 9 to

11, and in the paragraph following clause 11, deleted the first sentence, which read: "The most recent state equalized valuation of the property provided by the local taxing unit to the seller was \$_____ as of _____ (date).", in the third sentence deleted "and makes representation only since that date" following "(date)", and in the fourth sentence deleted "history and" preceding "condition" and "that" preceding "information", and added the fifth paragraph, which reads:

"BUYER IS ADVISED THAT THE STATE EQUALIZED VALUE OF THE PROPERTY, HOMESTEAD EXEMPTION INFORMATION, AND OTHER REAL PROPERTY TAX INFORMATION IS AVAILABLE FROM THE APPROPRIATE LOCAL ASSESSOR'S OFFICE. BUYER SHOULD NOT ASSUME THAT BUYER'S FUTURE TAX BILLS ON THE PROPERTY WILL BE THE SAME AS THE SELLER'S PRESENT TAX BILLS. UNDER MICHIGAN LAW, REAL PROPERTY TAX OBLIGATIONS CAN CHANGE SIGNIFICANTLY WHEN PROPERTY IS TRANSFERRED."

P.A.2003, No. 130, in the last paragraph preceding the signatures, relating to advice to the buyer, substituted "principal residence" for "homestead"; and, rewrote subsec. (2), which read:

"(2) A form described in subsection (1) printed before the effective date of the 2000 amendatory act that amended this subsection that was in compliance with this section at that time may be utilized and shall be considered in compliance with this section until 90 days after the effective date of the 2000 amendatory act that amended this subsection."

P.A.2003, No. 130, enacting §§ 1 and 2, provide:

"Enacting section 1. This amendatory act takes effect January 1, 2004.

"Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 133 of the 92nd Legislature is enacted into law."

Senate Bill No. 133 was enacted as P.A.2003, No. 140, and was approved July 31, 2003, and filed August 1, 2003, eff. January 1, 2004.

P.A.2003, No. 130, was ordered to take immediate effect, and was approved July 31, 2003, and filed August 1, 2003.

P.A.2005, No. 163, in subsec. (1) in the form, added the fifth sentence in the paragraph relating to seller's disclosure, added the second sentence in the first capitalized paragraph preceding the signature block, and added the second and third sentences in the third capitalized paragraph preceding the signature block; and, in subsec. (2), substituted "January 1, 2006" for "March 8, 2000" and "April 1, 2006" for "June 6, 2000".

P.A.2005, No. 163, enacting § 1, provides:

“Enacting section 1. This amendatory act takes effect January 1, 2006.”

P.A.2005, No. 163, was ordered to take immediate effect, and was approved and filed October 6, 2005.

CROSS REFERENCES

Application of seller disclosure requirements, see §§ 565.952, 565.953.

Availability of forms, see § 565.958.

Farms or farm operations, disclosures by sellers, see § 286.473c.

Liability for errors or omissions in information provided by transferor, see § 565.955.

Requirement of additional disclosures by cities, townships, or counties, see § 565.959.

LAW REVIEW AND JOURNAL COMMENTARIES

Silent Fraud: *Is it Time to Speak Up?* Peter D. Jason, 15 T.M. Cooley L.Rev. 455 (1998).

LIBRARY REFERENCES

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[Antitrust and Trade Regulation](#)  198.

Westlaw Topic No. 29T.


NOTES OF DECISIONS


Construction and application 3

Evidence 2

Misrepresentation 1

1. Misrepresentation

Genuine issue of material fact as to whether vendors, who represented in disclosure statement that the home had no roof leaks and that the roof had been replaced, committed silent fraud when roof repair was performed after statement was delivered precluded summary disposition for vendors on purchasers' misrepresentation claim. *Pena v. Ellis* (2006) 2006 WL 1006444, Unreported. [Judgment](#)  181(29)

Genuine issue of material fact as to whether vendors of home misrepresented to purchasers that no grading problems existed and no evidence of water had been detected in the home's basement while in vendors' possession precluded summary disposition for vendors on purchasers' misrepresentation claim. *Pena v. Ellis* (2006) 2006 WL 1006444, Unreported. [Judgment](#)  181(29)

2. Evidence

Summary judgment evidence of purchaser's deposition testimony stating that ant traps were present at the cottage pur-

chased from vendors and that the purchaser saw ants while remodeling would not allow a fact-finder to reasonably infer that the ants plaintiff saw were carpenter ants, as required to support purchaser's claim that vendors fraudulently concealed an infestation of carpenter ants. [Lane v. Dinnocenzo \(2006\) 2006 WL 2381495](#), Unreported. [Judgment](#) 185.3(18)

There was no evidence that vendors were personally aware of alleged rot and water damage to cottage sold to purchaser as required for purchaser to establish that vendors made fraudulent misrepresentations in the seller's disclosure form. [Lane v. Dinnocenzo \(2006\) 2006 WL 2381495](#), Unreported. [Antitrust And Trade Regulation](#) 199

3. Construction and application

The Seller Disclosure Act (SDA) does not impose a duty on a seller to exercise ordinary care to discover defects in a home being sold; SDA only imposes a duty on the transferor of real estate covered by the act to honestly disclose items about which the transferor actually knows. [Roberts v. Saffell \(2008\) 760 N.W.2d 715, 280 Mich.App. 397](#), affirmed [766 N.W.2d 288](#). [Antitrust And Trade Regulation](#) 199

M. C. L. A. 565.957, MI ST 565.957

The statutes are current through P.A.2009, No. 78, of the 2009 Regular Session, 95th Legislature.

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