



West's Wisconsin Statutes Annotated [Currentness](#)

Property (Ch. 700 to 710)

[Chapter 709](#). Disclosures by Owners of Residential Real Estate ([Refs & Annos](#))

→ **709.03. Report form**

The report required under [s. 709.02](#) shall be in substantially the following form and shall include at least all of the following information:

REAL ESTATE CONDITION REPORT

DISCLAIMER

A. THIS CONDITION REPORT CONCERNS THE REAL PROPERTY LOCATED AT ... IN THE ... (CITY) (VILLAGE) (TOWN) OF ..., COUNTY OF ..., STATE OF WISCONSIN. THIS REPORT IS A DISCLOSURE OF THE CONDITION OF THAT PROPERTY IN COMPLIANCE WITH [SECTION 709.02 OF THE WISCONSIN STATUTES](#) AS OF ... (MONTH), ... (DAY), ... (YEAR). IT IS NOT A WARRANTY OF ANY KIND BY THE OWNER OR ANY AGENTS REPRESENTING ANY PRINCIPAL IN THIS TRANSACTION AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THAT THE PRINCIPALS MAY WISH TO OBTAIN.

OWNER'S INFORMATION

B. 1. In this form, “am aware” means have notice or knowledge. In this form, “defect” means a condition that would have a significant adverse effect on the value of the property; that would significantly impair the health or safety of future occupants of the property; or that if not repaired, removed or replaced would significantly shorten or adversely affect the expected normal life of the premises.

B. 2. The owner discloses the following information with the knowledge that, even though this is not a warranty, prospective buyers may rely on this information in deciding whether and on what terms to purchase the property. The owner hereby authorizes any agent representing any principal in this transaction to provide a copy of this statement, and to disclose any information in the statement, to any person in connection with any actual or anticipated sale of the property.

B. 3. The owner represents that to the best of his or her knowledge the responses to the following statements have been accurately noted as “yes”, “no” or “not applicable” to the property being sold. If the owner responds to any statement with “yes”, the owner shall provide, in the additional information area of this form, an explanation of the reason why the response to the statement is “yes”.

B. 4. If the transfer is of a condominium unit, the property to which this form applies is the condominium unit, the common elements of the condominium and any limited common elements that may be used only by the owner of the condominium unit being transferred.

			YES	NO	N/A
C.	1.	I am aware of defects in the roof.	...	...	...
C.	2.	I am aware of defects in the electrical system.	...	...	...
C.	3.	I am aware of defects in part of the plumbing system (including the water heater, water softener and swimming pool) that is included in the sale.	...	...	...
C.	4.	I am aware of defects in the heating and air conditioning system (including the air filters and humidifiers).	...	...	...
C.	5.	I am aware of defects in the well, including unsafe well water.	...	...	...
C.	6.	I am aware that this property is served by a joint well.	...	...	...
C.	7.	I am aware of defects in the septic system or other sanitary disposal system.	...	...	...
C.	8.	I am aware of underground or aboveground fuel storage tanks on the property. (If "yes", the owner, by law, may have to register the tanks with the department of commerce at P.O. Box 7970, Madison, Wisconsin, 53707, whether the tanks are in use or not. Regulations of the department of commerce may require the closure or removal of unused tanks.	...	...	...
C.	9.	I am aware of an "LP" tank on the property. (If "yes", specify in the additional information space whether the owner of the property either owns or leases the tank.	...	...	...
C.	10.	I am aware of defects in the basement or foundation (including cracks, seepage and bulges).	...	...	...
C.	11.	I am aware that the property is located in a floodplain, wetland or shoreland zoning area.	...	...	...
C.	12.	I am aware of defects in the structure of the property.	...	...	...
C.	13.	I am aware of defects in mechanical equipment included in the sale either as fixtures or personal property.	...	...	...
C.	14.	I am aware of boundary or lot line disputes, encroachments or encumbrances (including a joint driveway).	...	...	...
C.	15.	I am aware of a defect caused by unsafe concentrations of, or unsafe conditions relating to, radon, radium in water supplies, lead in paint, lead in soil, lead in water supplies or plumbing system or other potentially hazardous or toxic substances on the premises.	...	...	...

C.	16.	I am aware of the presence of asbestos or asbestos-containing materials on the premises.	...	...	...
C.	17.	I am aware of a defect caused by unsafe concentrations of, unsafe conditions relating to, or the storage of, hazardous or toxic substances on neighboring properties.	...	...	...
C.	18.	I am aware of current or previous termite, powder-post beetle or carpenter ant infestations.	...	...	...
C.	19.	I am aware of defects in a woodburning stove or fireplace or of defects caused by a fire in a stove or fireplace or elsewhere on the property.	...	...	...
C.	20.	I am aware either that remodeling affecting the property's structure or mechanical systems was done or that additions to this property were made during my period of ownership without the required permits.	...	...	...
C.	21.	I am aware of federal, state or local regulations requiring repairs, alterations or corrections of an existing condition.	...	...	...
C.	22.	I have received notice of property tax increases, other than normal annual increases, or am aware of a pending property reassessment.	...	...	...
C.	23.	I am aware that remodeling that may increase the property's assessed value was done.	...	...	...
C.	24.	I am aware of proposed or pending special assessments.	...	...	...
			YES	NO	N/A
C.	24m.	I am aware that the property is located within a special purpose district, such as a drainage district, that has the authority to impose assessments against the real property located within the district.	...	...	...
C.	25.	I am aware of the proposed construction of a public project that may affect the use of the property.	...	...	...
C.	26.	I am aware of subdivision homeowners' associations, common areas coowned with others, zoning violations or nonconforming uses, rights-of-way, easements or another use of a part of the property by nonowners, other than recorded utility easements.	...	...	...
C.	27.	I am aware of other defects affecting the property.	...	...	...
ADDITIONAL INFORMATION					
D.	1.	I am aware that a structure on the property is designated as a historic building or that part of the property is in a historic district.	...	...	...

D. 2. The owner has lived on the property for years.

D. 3. Explanation of "yes" responses. (See B.3.)

OWNER'S CERTIFICATION

E. The owner certifies that the information in this report is true and correct to the best of the owner's knowledge as of the date on which the owner signs this report.

Owner....

Date....

Owner....

Date....

CERTIFICATION BY PERSON SUPPLYING INFORMATION

F. A person other than the owner certifies that he or she has supplied information on which the owner relied for this report and that that information is true and correct to the best of that person's knowledge as of the date on which the person signs this report.

Person....

Items....

Date....

Person....

Items....

Date....

Person....

Items....

Date....

NOTICE REGARDING ADVICE OR INSPECTIONS

G. THE PROSPECTIVE BUYER AND THE OWNER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTIONS, DEFECTS OR WARRANTIES.

BUYER'S ACKNOWLEDGEMENT

H. 1. The prospective buyer acknowledges that technical knowledge such as that acquired by professional inspectors may be required to detect certain defects such as the presence of asbestos, building code violations and floodplain status.

H. 2. I acknowledge receipt of a copy of this statement.

Prospective buyer....

Date....

Prospective buyer....

Date....

Prospective buyer....

Date....

<<For credits, see Historical Note field.>>

HISTORICAL AND STATUTORY NOTES

2001 Main Volume

Source:

[1991 Act 162, § 1, eff. Sept. 1, 1992.](#)

[1995 Act 27, § 7067, eff. July 1, 1996.](#)

[1995 Act 180, §§ 4, 5, eff. Nov. 1, 1996.](#)

2008 Electronic Pocket Part Update

[2007 Act 121, § 14, eff. Nov. 1, 2008.](#)

2007 Legislation:

[2007 Act 121](#) created (form)C. 24m.

[2007 Act 121, § 16\(4\)](#) provides:

“The treatment of section 709.03(form)C. 24m. of the statutes first applies to original real estate condition reports that are furnished on the effective date [Nov. 1, 2008] of this subsection.”

2001 Main Volume

[1995 Act 180](#) repealed and recreated this section and then repealed and recreated (form) C.8.

[1995 Act 180, § 12\(1\)](#) provides:

“This act first applies to a report that is furnished after a contract of sale or option contract acceptance that occurs on the effective date [Nov. 1, 1996] of this subsection.”

[1995 Act 27](#) amended form 8.

LIBRARY REFERENCES

2001 Main Volume

Consumer Protection  8.

Westlaw Topic No. 92H.

C.J.S. Trade-Marks, Trade-Names, and Unfair Competition §§ 237 to 238.

NOTES OF DECISIONS

Defects 1

1. Defects

Statute requiring sellers of residential property to disclose certain defects on their property within 10 days of receipt of an offer to purchase did not require landowners to disclose to potential buyers potential hazards associated with gas pipelines on the property, such as details about the odorless, high pressure, flammable, and explosive gas running through them, and thus testimony regarding the statutory disclosure rules was inadmissible in proceeding to establish value of easements on landowners' property which pipeline company acquired through condemnation. [Hoekstra v. Guardian Pipeline, LLC \(App. 2006\) 726 N.W.2d 648, 298 Wis.2d 165](#), review denied [732 N.W.2d 857, 300 Wis.2d 192](#). [Eminent Domain !\[\]\(d5d7044e5caf6907399af2dced8d6ff8_img.jpg\) 202\(1\)](#)

W. S. A. 709.03, WI ST 709.03

Current through 2009 Act 24, published 06/26/09

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