

## MN DISCLOSURE

(m) Before signing an agreement to sell or transfer real property, the seller or transferor must disclose in writing to the buyer or transferee if, to the seller's or transferor's knowledge, methamphetamine production has occurred on the property. If methamphetamine production has occurred on the property, the disclosure shall include a statement to the buyer or transferee informing the buyer or transferee:

- (1) whether an order has been issued on the property as described in paragraph (c);
- (2) whether any orders issued against the property under paragraph (c) have been vacated under paragraph (j); or
- (3) if there was no order issued against the property and the seller or transferor is aware that methamphetamine production has occurred on the property, the status of removal and remediation on the property.

(n) Unless the buyer or transferee and seller or transferor agree to the contrary in writing before the closing of the sale, a seller or transferor who fails to disclose, to the best of their knowledge, at the time of sale any of the facts required, and who knew or had reason to know of methamphetamine production on the property, is liable to the buyer or transferee for:

- (1) costs relating to remediation of the property according to the Department of Health's clandestine drug labs general cleanup guidelines and best practices; and
- (2) reasonable attorney fees for collection of costs from the seller or transferor.

An action under this paragraph must be commenced within six years after the date on which the buyer or transferee closed the purchase or transfer of the real property where the methamphetamine production occurred.

(o) This section preempts all local ordinances relating to the sale or transfer of real property designated as a clandestine lab site.

### **513.55 GENERAL DISCLOSURE REQUIREMENTS.**

#### **Subdivision 1. Contents.**

(a) Before signing an agreement to sell or transfer residential real property, the seller shall make a written disclosure to the prospective buyer. The disclosure must include all material facts of which the seller is aware that could adversely and significantly affect: (1) an ordinary buyer's use and enjoyment of the property; or (2) any intended use of the property of which the seller is aware. (b) The disclosure must be made in good faith and based upon the best of the seller's knowledge at the time of the disclosure.

#### **Subd. 2. Disclosure to licensee.**

A seller may provide the written disclosure required under sections [513.52](#) to [513.60](#) to a real estate licensee representing or assisting the prospective buyer. The written disclosure provided to the real

estate licensee representing or assisting the prospective buyer is considered to have been provided to the prospective buyer. If the written disclosure is provided to the real estate licensee representing or assisting the prospective buyer, the real estate licensee shall provide a copy to the prospective buyer.

**History:** 2002 c 306 s 4; 2004 c 203 art 1 s 5