

REAL ESTATE QUESTIONNAIRE

Seller(s)

Full Legal Name(s): _____
Address: _____
Telephone #: _____
Social Security #(s): _____

Buyer(s)

Full Legal Name(s): _____
Address: _____
Telephone #: _____
Social Security #(s): _____

**If either party is a legal entity other than an individual, such as a corporation, LLC or partnership, additional documentation establishing the existence and good standing of the entity will be required. For instance, Articles of Incorporation or Organization, Certificate of Good Standing, etc.*

Legal Description: _____

Purchase Price: _____
Earnest Money Deposit: _____
Will Seller be financing the purchase? If so, explain: () Yes () No

Contingencies: _____

Closing Date: _____

How are costs to be divided between the Parties?
Please explain: _____

ADDENDUM TO REAL ESTATE QUESTIONNAIRE

PERSONAL PROPERTY V. FIXTURES

1. Disputes can arise if the purchase agreement does not specifically describe the personal property that is included in the transaction; particularly if such personal property could be perceived as a fixture by the purchasers. Items that may require special consideration include, but are not limited to the following (check and explain if applicable):

- 1. Mobile Homes/Modulars _____
- 2. Irrigation systems, such as side roll systems and above ground pipe _____
- 3. Granaries attached to concrete slabs _____
- 4. Movable wind breaks _____
- 5. Portable panels _____
- 6. Appliances _____
- 7. Window Dressings _____
- 8. Pumps - either above ground or in well pits _____
- 9. Hot tubs _____
- 10. Portable Awnings _____
- 11. Portable Sheds _____

2. Determine whether there are separate security interests/liens against any personal property/fixtures

- 1. Check for UCC filings
- 2. Check for Liens on Titles, such as on Titles for mobile homes and/or modulars

RESTRICTIVE COVENANTS

Determine whether or not the property is subject to restrictive covenants. If so review the covenants with the seller(s) to assure that there is full compliance and that there are no violations. The buyer(s) should also review the covenants and identify all areas of concern. The title insurance commitment and policy are subject to the covenants.

SURVEYS

Surveys may be needed to address boundaries and/or location of improvements such as fences and buildings or the location of easements, etc. The location of improvements may also reveal compliance or noncompliance with restrictive covenants, zoning regulations, etc. For instance restrictive covenants and/or zoning regulations may have set back requirements and a survey might reveal that a particular improvement is in violation. A title insurance policy would not address such a violation unless there is a survey. _____

EASEMENTS

Identify all easements and potential easements affecting the property. Some easements may be filed for record, and if so copies should be obtained and reviewed. Other easements may be prescriptive easements arising out of the use of the property, and prescriptive easements are not filed for record with the county. Any such prescriptive easements or potential prescriptive easements should be explained and addressed in the purchase agreement. _____

LEASES

Determine whether or not the property is subject to any leases or potential leases. Leases may involve the surface state or the mineral state or both, and they may be oral or written. Determine whether or not any such leases exist and identify their terms. Oftentimes property is sold subject to leases of record, but verbal leases are not recorded. Therefore, it may be difficult to determine the terms, nature and extent of verbal leases, that are not of record. When attempting to determine the specific terms of leases, particularly verbal leases, attempt to identify whether there has been part performance by the tenant. For instance, with an agricultural lease has any farming taken place? Has fertilizer been applied? By whom? Etc. _____

ACCESS

Determine whether or not the property has legal and adequate access. If not, access must be resolved at or prior to closing. If access is by county road confirm that the county road has been properly opened and has not been closed. If access is by a prescriptive easement, then the easement should be reduced to writing, signed and filed for record. _____

WATER/SEWER AND SEPTIC SYSTEMS

The following information is particularly important if the property is rural and or rural/residential:

1. Is there a **dwelling** on the real estate? _____
 - If so, what is its source of the water? _____
 - Is it groundwater from a private well? _____
 - If so, is the well registered with the NRD? _____
 - Is it surface water diverted from a creek, stream, river or reservoir? _____
 - If so, does the Seller have a registered water right with the NRD? _____

2. Is there an **underground sprinkler system** on the property such as for a residence or yard area? If so, please describe the system and the source of the water. _____

3. Are there **other buildings** on the real estate, such as garages, barns, workshops (with water outlets)? If so, please describe the water source for these other buildings as well as the water system. _____

4. Are there any **irrigation systems** on the property? _____ If so, please describe each such system.
 - Is the system a center pivot irrigation, side roll irrigation, or ground water diversion? _____
 - If the water source is from a well, is it located on the real estate, and is the well registered with the NRD? _____
 - If the irrigation system is a surface water diversion system, is it registered water right? _____

5. Does the property include **livestock tanks**? _____
 - If so, what is the source of the water to the tanks? Windmills and wells? Underground waterlines? _____
 - Is the water source part of a community pipeline? _____

6. Are any of the buildings on the property connected to a **sewer/septic system**? ____ If so, please describe each such system in detail. Does the system include:
 - Older drain field _____
 - Tank and underground drain field _____
 - A lagoon system _____
 - Does the system comply with the Department of Environmental Quality regulations? _____

GOVERNMENTAL PROGRAMS

If the property is agricultural property, determine whether or not it is enrolled in any governmental, agricultural programs, such as programs through the U.S.D.A. If it is, then contact the U.S.D.A. to determine that the seller is in full compliance; that the U.S.D.A. is aware of the proposed transfer and identify any steps that must be taken to transfer the seller's interest in the program to the buyer(s). Be particularly mindful of any programs that may have recapture provisions for non-compliance. In most such instances the buyer(s) should assume the responsibility for such recapture provisions and indemnify and hold the seller(s) harmless therefrom. _____

TITLE COMMITMENT/ TITLE INSURANCE

The title insurance commitment should be reviewed, carefully, by the seller(s) and buyer(s) as soon as it is available.