



ROUNDUP MESA LANDOWNERS ASSOCIATION – SINCE 2000

Montana Code Annotated 2023
TITLE 70. PROPERTY
CHAPTER 20. TRANSFER OF REAL PROPERTY
Part 5. Residential Real Property Disclosure Requirements
Seller Disclosure -- Statement

70-20-502. Seller disclosure -- statement. (1) In any transfer of residential real property in the state, the seller shall provide a disclosure statement to a buyer disclosing any adverse material facts that concern the residential real property and of which the seller has actual knowledge. The disclosure statement must be provided by the seller prior to or contemporaneously with the execution of a contract, either directly or via the real estate agent or other authorized representative of the seller, and must be provided to the buyer or the real estate agent or other authorized representative of the buyer. The disclosure statement must contain, at a minimum, any of the following information of which the seller has actual knowledge:

- (a) matters affecting legal ownership or title to the residential real property or the seller's ability to transfer the residential real property;
- (b) matters affecting water service to the residential real property or the water source serving the residential real property;
- (c) matters affecting the system for wastewater treatment that serves the residential real property;
- (d) information concerning utility connections for the residential real property;
- (e) matters affecting the buildings or other structures designed or intended for occupancy as a residence, including water intrusion, and problems or other issues related to any structural system or improvement, including any well, septic system, roof, foundation, plumbing, electrical system, heating system, windows, doors, or appliances;
- (f) whether any substantial additions or alterations have been made to the residential real property without a building permit;
- (g) whether there are any hazardous materials or pest infestations located on the residential real property or in the immediate area;
- (h) whether there are any problems with settling, soil, standing water, or drainage on the residential real property or in the immediate area;
- (i) whether any portion of the residential real property has been tested or treated for asbestos, radon gas, lead-based paint, mold, methamphetamine, fuel or chemical storage tanks, or contaminated soil or water; and

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(j) any other adverse material fact, including environmental issues, structural system issues, mechanical issues, legal issues, physical issues, or others not listed above of which the seller has actual knowledge concerning the residential real property.

(2) The disclosure statement must also include statements substantially similar to the following:

(a) that the disclosure statement constitutes a statement of the conditions of the residential real property and information concerning the residential real property actually known by the seller;

(b) that the seller or the real estate agent or other authorized representative of the seller is not obligated to investigate the residential real property in preparing the disclosure statement and that unless the buyer is otherwise advised in writing, the seller, other than having lived at or owning the property, possesses no greater knowledge than that which could be obtained by a careful inspection of the property by the buyer;

(c) that unless the buyer and seller have otherwise agreed in writing, any contract is not effective until 3 days after the buyer has received the disclosure statement, and during that delay the prospective buyer may withdraw or rescind any contract to purchase the residential real property without penalty;

(d) that the disclosure statement is not a warranty of any kind by the seller or the real estate agent or other authorized representative of the seller in the transaction involving the transfer of the residential real property; and

(e) that the disclosure statement is not a substitute for any inspections conducted by or for the buyer and that the buyer is encouraged to consult independent inspectors to aid in the buyer's due diligence process prior to the purchase of the residential real property.

History: En. Sec. 2, Ch. 375, L. 2023.

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