

# Residential Real Estate Condition Report

This FAQ page is intended to help explain the \$ 700.00 residential RECR. This discussion is not a substitute for the assistance of an attorney with respect to specific property concerns or strategies.

## What is the RECR?

**What is the purpose of the RECR?** The RECR is a disclosure of information known to the seller about the condition of the property for sale. It is not a property condition warranty. Wisconsin public policy promotes seller disclosure of property conditions and defects because sellers are the most familiar with the property. Buyers who receive the RECR have more complete and accurate information that helps them negotiate an offer to purchase.

**How much does the RECR cost?** Wisconsin seller disclosure law is § 705.00 of the Wisconsin Statutes, establishes the basic terminology and disclosure items for the RECR.

**Who must the seller complete the RECR?** In the listing contract, the seller agrees to complete the RECR to the best of his or her knowledge. The seller is prohibited also references the RECR and makes it part of the contract. In addition, seller disclosure law requires sellers of one- to four-family residential real estate to give buyers a completed RECR unless the transfer is exempt (Chs. that § 705.00(1).

## How does the seller complete the RECR?

### Response to property condition statements

On the RECR, the seller responds to statements concerning various aspects of the property by indicating, "Yes," "No," or "N/A," and is asked to explain any "No" responses. While RECR forms offer a fourth response option of "See Expert's Report," sellers should complete each statement to the best of their ability and not guess. Sellers should answer "No" if having knowledge of any defect related to the statement or "N/A" if the question does not apply to the property.

### Definitions

Many statements ask whether the seller is "aware" of any "defects" or conditions pertaining to a particular feature of the property.

- ➔ "Aware" means the seller has received notice or has knowledge of the condition.
- ➔ "Defect" refers to a condition that:
  - a. would have a significant adverse effect on the value of the property
  - b. would significantly impact the health or safety of property occupants, or
  - c. if not repaired, removed or replaced, would abate or adversely affect the expected market life of the property.

Defects tend to be more serious problems than a leaking faucet. A cracked heat-exchanger on the furnace or wiring not in compliance with electrical code, minor or moderate deterioration such as a loose light switch plate or a small gouge in a closed door would generally not be considered defects.

### Well and well water example

The RECR includes the statement: "I am aware of defects in the well including sanitary well water." The seller is to check "Yes," "No," "N/A," or "See Expert's Report," and explain if "Yes." If the seller knows the well piping is in bad shape and consequently the water has been found

contaminated, he marks "Yes" and explains the problem on the back lines at the end of the Additional Information section or an attached page if needing additional room. If the seller knows of no problems with the well, he marks "No." If no well exists on the property, he checks "N/A."

### Expert's report

A seller must honestly complete the form based on the notices he has received as well as personal knowledge but also may use reports from qualified experts. Instead of responding to a Property Condition Statement, the seller may substitute an expert's written information or report in place of the seller's response. For instance, if the seller prefers to attach the report from the licensed pump installer regarding the sump treatment unit installed to address sump contamination concerns and the lab reports showing the water is safe, the seller can identify the well/well water statement by checking the "See Expert's Report" column if using the RECR form and either attach the written information to the RECR or furnish the written information separately to the buyer by the applicable RECR deadline.

### Signing and verification

The seller signs and dates the RECR in the Seller's Certification section, certifying that the information is true and correct to the best of the seller's knowledge as of the date of the seller's signature. All owners of the property should sign and date the RECR or complete a separate RECR based on individual knowledge. If two or more owners are named on the deed, as joint tenants for example, each property owner must participate in the disclosure process. This captures the knowledge of each owner who may have different experiences or make different observations of the property.

## When completed, what happens to the RECR?

- ➔ A completed RECR must be given to a buyer no later than 10 days after acceptance of the offer to purchase to avoid giving the buyer the opportunity to rescind or cancel the offer.
- ➔ In the form is provided after the buyer submits the offer, and it discloses a serious defect not already known to the buyer, the buyer has a two-business-day right of rescission.
- ➔ The buyer may also rescind the purchase contract if he or she receives a RECR that is incomplete or incorrectly asserts that an item is not applicable, provided the buyer is unaware of the defects that the seller failed to disclose. An example of an incorrect assertion would be a seller with a clearly observable LP gas tank with "NO" marked next to the LP gas tank item.
- ➔ If the buyer has the RECR before submitting an offer to purchase, no right of rescission exists.

The WRA recommends working with an experienced REALTOR® and a real estate attorney when buying or selling real estate.



Wisconsin REALTOR® Association  
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# Real Estate Condition Report For Michigan

**K Morrison**



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