

## SELLER'S LAND DISCLOSURE

This statement is a disclosure of the condition of the real property described below made to the best of seller's knowledge on the date on which this statement is signed. This statement is NOT a warranty of any kind by the seller or any agent representing a principal in the transaction and should NOT be accepted as a substitute for any inspection or warranty that the purchaser may wish to obtain. Any agent representing a principal in the transaction may provide a copy of this statement to any other person in connection with any actual or possible sale of the real property. The information provided in this statement is the representation of the seller and NOT the representation of any agent and is NOT intended to be part of any contract between buyer and seller.

Name of Seller(s): Devine Ranch Inc

Property Address: 43929 Pressey E Rd, Oconto, NE 68860

Legal Description: \_\_\_\_\_

Year Purchased: Homesite + other Annual Taxes: \$20,028.<sup>98</sup>

Property Currently Zoned: Ag

Description of Property (list approximate acres in each category):

Irrigated Tillable: 147 Pasture: 1,046 Other: 220

Non-Irrigated Tillable: \_\_\_\_\_ Lake/Pond: \_\_\_\_\_

Timer/Creek: \_\_\_\_\_ Home Site: 10

<<Please Check "Yes," or "Unknown" for each question>>

1. Has the property been surveyed? Yes \_\_\_ No X Unknown \_\_\_  
If "Yes", explain: \_\_\_\_\_
2. Does the Seller own Mineral rights to the property? Yes X No \_\_\_ Unknown \_\_\_  
If "No", explain: \_\_\_\_\_
3. Does the Seller own water rights to the property? Yes \_\_\_ No X Unknown \_\_\_

If "No", explain: \_\_\_\_\_

4. Does anyone other than the seller owns or have any interest Or claim to the mineral or water rights on the property? Yes \_\_\_ No  Unknown \_\_\_

If "Yes", explain: \_\_\_\_\_

5. Does the property lie in a flood plain or zone? Yes \_\_\_ No \_\_\_ Unknown   
If "yes", state the last date if ever that the property experienced any flooding and describe the nature of such flooding:

\_\_\_\_\_

6. Is the property subject to any covenants or homeowners association regulations? Yes \_\_\_ No  Unknown \_\_\_

If "Yes", explain: \_\_\_\_\_

7. Is the property connected to city/rural water? Yes \_\_\_ No  Unknown \_\_\_

If "Yes", explain: \_\_\_\_\_

8. Is there a well on the property? Yes  No \_\_\_ Unknown \_\_\_

If "Yes", please state the following to the best of your knowledge:

Location: \_\_\_\_\_

Approx. Age: \_\_\_\_\_ Depth: \_\_\_\_\_ Approx. Gal/Min: \_\_\_\_\_ Date Last Tested: \_\_\_\_\_

Please describe any problems with the well (if any) that you are aware of:

\_\_\_\_\_

9. Is the property connected to a public sewer system? Yes  No \_\_\_ Unknown \_\_\_

If "Yes" indicate service providers name: \_\_\_\_\_

10. Is there a septic system on the property? Yes \_\_\_ No  Unknown \_\_\_

If "Yes", please state the following to the best of your knowledge:

Location: \_\_\_\_\_

Approx. Age: \_\_\_\_\_ Lateral Location: \_\_\_\_\_ Last date of Treatment/Pump: \_\_\_\_\_

Please describe any problems with the well (if any) that you are aware of:

\_\_\_\_\_

11. Is there electricity on the property? Yes  No \_\_\_ Unknown \_\_\_

If "NO", what is the distance to the nearest source? \_\_\_\_\_

12. Is there gas on the property? Yes \_\_\_ No  Unknown \_\_\_  
If "No", what is the distance to the nearest source? \_\_\_\_\_
13. Are there any propane tanks on the property? Yes \_\_\_ No  Unknown \_\_\_  
If "yes", please state the following to the best of your knowledge:  
Approx. Age: \_\_\_\_\_ Size: \_\_\_\_\_
14. Are there any leases on the property? Farm, Hunting, Other? Yes  No \_\_\_  
Unknown \_\_\_  
If "Yes" Please describe the terms of the lease, provide contact info for lessee: \_\_\_\_\_
15. Is the property enrolled in any federal, state or local program? Yes \_\_\_ No \_\_\_  
Unknown \_\_\_ CRP \_\_\_ WRP \_\_\_ Other \_\_\_ Acres Enrolled: \_\_\_ Annual Payment  
Amount: \_\_\_ End Date: \_\_\_\_\_
16. Are the property boundaries marked? Yes  No \_\_\_ Unknown \_\_\_  
Fence  Describe fence type and condition: \_\_\_\_\_  
Other \_\_\_ Describe boundaries: \_\_\_\_\_
17. Are there any crops currently planted or growing on the property? Yes \_\_\_ No   
Unknown \_\_\_ If "yes" explain: \_\_\_\_\_
18. Are there any improvements on the property (e.g., outbuilding, pit blinds, other permanent structures)? Yes  No \_\_\_ Unknown \_\_\_  
If "yes" please describe the nature, size and condition of each:  
GRAIN BINS
19. Are there any lakes or ponds on the property? Yes  No \_\_\_ Unknown \_\_\_  
If "Yes" answer the following:  
Approx. size (+/- Acres) \_\_\_\_\_ Approx. Depth: \_\_\_\_\_ Type of Fish Stocked: \_\_\_\_\_  
Does anyone else share access to the lake/pond?  
(Name and Nature of access) \_\_\_\_\_
20. Is there any irrigation equipment being sold with the property? Yes  No \_\_\_  
Unknown \_\_\_  
If "Yes", please give specifications and describe in detail:  
Type: \_\_\_\_\_  
Condition: \_\_\_\_\_  
Serial Number: \_\_\_\_\_

21. Are you aware of any boundary disputes, encroachments or unrecorded easements on the property? Yes \_\_\_ No  Unknown \_\_\_
22. Are there any easements on the property? Yes  No \_\_\_ Unknown \_\_\_
23. Are you aware of any hazardous waste products, chemicals or other hazardous items on the property? Yes \_\_\_ No  Unknown \_\_\_
24. Are you aware of any underground storage tanks on the property? Yes \_\_\_ No  Unknown \_\_\_
25. Are you aware of any notices from any governmental agency or other party affecting this property? Yes \_\_\_ No  Unknown \_\_\_
26. Does ownership of the property entitle owner to use any common areas? Yes \_\_\_ No  Unknown \_\_\_
27. Are you aware of any violations of local, state or federal laws or regulations relating to this party? Yes \_\_\_ No  Unknown \_\_\_
28. Are you aware of any existing or threatened legal action related to or involving this property? Yes \_\_\_ No  Unknown \_\_\_
29. Are you aware of any proposed or pending zoning charges that might apply to this property? Yes \_\_\_ No  Unknown \_\_\_
30. Are you aware of any human remains, burials or cemeteries located on the property? Yes \_\_\_ No  Unknown \_\_\_

If "yes" please explain: \_\_\_\_\_

31. Are you aware of any drainage issues or has anyone complained of any drainage issues pertaining to the property affecting their property? Yes \_\_\_ No  Unknown \_\_\_
32. Please describe the wildlife commonly found on the property (e.g., Deer, Turkey, Upland Birds, Waterfowl, etc.): All of The Above & Eagles
33. Have any of the following substances, materials, or products been on the real property? If tests have been conducted for any of the following, provide a copy of all test results, if available:

- Toxic materials Yes \_\_\_ No  Unknown \_\_\_
- Have you been notified by Noxious Weed Control Authority in the last 3 years of presence of noxious weeds, as defined by Nebraska law (N.A.C. Title 25, Ch. 10) on the property? Yes \_\_\_ No  Unknown \_\_\_

- Hazardous substances, materials or products identified by the environmental Protection Agency or its authorized Nebraska Designee (excluding ordinary household cleaners). Yes \_\_\_ No  Unknown \_\_\_

34. Do any of the following conditions exist with regard to the real property:

- Any features, such as walls, fences and driveways which are shared? Yes  No \_\_\_ Unknown \_\_\_
- Any zoning violations, non-confirming uses, or violations of "setback" requirements? Yes \_\_\_ No  Unknown \_\_\_
- Any lot-line disputes? Yes \_\_\_ No  Unknown \_\_\_
- Have you been notified, or are you aware of, any work planned or to be performed by a utility or municipality close to the real property including, but not limited to sidewalks, streets, sewers, water, power, or gas lines? Yes \_\_\_ No  Unknown \_\_\_
- Any planned road or street expansions, improvements, or widening adjacent to the real property? Yes \_\_\_ No  Unknown \_\_\_
- Is there a common wall or walls? Yes \_\_\_ No  Unknown \_\_\_
- Any unpaid bills or claims of others for labor and /or materials furnished to or for the real property? Yes \_\_\_ No  Unknown \_\_\_
- Any unsatisfied judgements against the seller? Yes \_\_\_ No  Unknown \_\_\_

35. Do any of the following conditions exist with regard to the real property?

- Are there any diseased or dead trees or shrubs on the real property? Yes  No \_\_\_ Unknown \_\_\_
- Have you made any insurance or manufacturer claims with regard to the real property? Yes \_\_\_ No  Unknown \_\_\_
- Were all repairs related to the above claims completed? Yes \_\_\_ No \_\_\_ Unknown \_\_\_

**Additional Miscellaneous Comments:**

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\_\_\_ Check Here if additional pages are attached to this Land Disclosure Statement.

**Seller's Certification:** Seller acknowledges that the information contained herein is accurate, true and complete to the best of Seller's knowledge, information and belief; Seller has provided all the information in this disclosure; and that the Broker/Agent has not materially assisted in the preparation of this disclosure. Seller hereby authorizes the listing broker to provide copies of this disclosure to other real estate agents and brokers and prospective buyers of this property. If seller acquires knowledge which renders the Land Disclosure Statement provided previously is materially inaccurate, the Seller shall deliver a revised land Disclosure Statement to the Buyer as soon as is practicable.

**Seller:**

Jim Devine, President  
Devine Ranch Inc

Date: 4-2-2024

Seller Printed Name

\_\_\_\_\_ Date: \_\_\_\_\_

Seller Printed Name

**Buyer's Acknowledgement:** Buyer acknowledges receipt of a copy of this statement and understands that the information contained in this Land Disclosure Statement is a statement of certain conditions and information concerning the property known to the Seller. It is not a warranty of any kind by the Seller or Seller's Agent.

**Buyer:**

\_\_\_\_\_ Date: \_\_\_\_\_

Buyer Printed Name

\_\_\_\_\_ Date: \_\_\_\_\_

Buyer Printed Name



**DEPARTMENT OF THE ARMY**  
**CORPS OF ENGINEERS, OMAHA DISTRICT**  
**1616 CAPITOL AVENUE**  
**OMAHA, NE 68102-4901**

March 25, 2022

**SUBJECT: Regarding parcels 000041400 and 000041500 located in CUSTER County, NE**

**DEVINE RANCH INC**  
**P.O. BOX 592**  
**HOTCHKISS, CO 81419**

Dear Property Owner:

This letter advises you that the property listed above is located on property that has been identified as being eligible under the Department of Defense's Formerly Used Defense Sites Environmental Restoration Program. The Formerly Used Defense Sites property name and project property identification number are **BROKEN BOW AIR/GRND GNRV FUDS PROPERTY, BOMBING TARGETS**, and **B07NE003801**.

Congress established Department of Defense's Formerly Used Defense Sites Program as part of the Defense Environmental Restoration Program to address properties formerly owned by, leased to, or otherwise possessed by the Department of Defense that may contain environmental contamination or military munitions resulting from past Department of Defense-related activities. Department of Defense has assigned the Army responsibility for the Formerly Used Defense Sites Program, and the U.S. Army Corps of Engineers executes this program on behalf of Army and Department of Defense. U.S. Army Corps of Engineers is responsible for identifying, investigating and, when necessary, conducting an appropriate response to address such contamination or military munitions at approximately 5,400 Formerly Used Defense Sites across the country.

Available information indicates military munitions may be present on or near your property as a result of past munitions-related activities that Department of Defense conducted on this Formerly Used Defense Sites property. More specific information is enclosed. Should military munitions remain on this Formerly Used Defense Sites property, they are most likely below the ground surface; however, there is a possibility that some may have become partially or fully exposed. If present, these military munitions may pose an explosive hazard to you, your family, other property users, or the public. The Army recommends you share the enclosed information with those who use your property, including those who lease or rent your property.

To protect yourself, your family, and other property users, please review the enclosed explosive safety education materials, be aware of the potential hazards present, and follow the 3Rs of explosive safety: **Recognize** when you may have encountered a munition, and that munitions are dangerous; **Retreat**, do not approach, touch, move or disturb it, but carefully leave the area; and **Report**, call 911 and advise the police of what you saw and where you saw it. Local law enforcement will arrange for Department of Defense Explosive Ordnance Disposal or police bomb squad personnel to remove and destroy it. Learn more about munitions and explosives safety at <https://3Rs.mil>.

The Army is committed to investigating and, when determined necessary, conducting an appropriate environmental response at Formerly Used Defense Sites properties. U.S. Army Corps of Engineers will coordinate its investigation with the appropriate regulators and determine whether an environmental response may be required at this Formerly Used Defense Sites property. U.S. Army Corps of Engineers will seek your approval prior to conducting response activities, including an investigation, if determined necessary on your property. However, because of the large number of Formerly Used Defense Sites it may be some time before U.S. Army Corps of Engineers is able to investigate this Formerly Used Defense Sites property further to determine whether military munitions are present and a response is required.

If you have any questions about the Formerly Used Defense Sites Program or explosives safety, please contact our toll free information center, 1-855-765-FUDS (3837). Additional information on the Formerly Used Defense Sites Program can be found at [www.fuds.mil](http://www.fuds.mil).

Sincerely,



Mark R. Himes, P.E.  
Colonel, Corps of Engineers  
District Commander

Enclosure