



SELLER'S DISCLOSURE AND CONDITION OF PROPERTY ADDENDUM

(Land)

(IF PROPERTY IS IMPROVED, USE IN CONJUNCTION WITH THE APPROPRIATE SELLER'S
DISCLOSURE AND CONDITION OF PROPERTY ADDENDUM)

SELLER: BEMB Farms Inc

LEGAL DESCRIPTION: (As described in the attached Legal Description/Company Disclosure Addendum, or described below) See Exhibit A

Approximate date SELLER purchased Property: 1991. Property is currently zoned as Agriculture

1. NOTICE TO SELLER.

Be as complete and accurate as possible when answering the questions in this disclosure. Attach additional sheets if space is insufficient for all applicable comments. SELLER understands that the law requires disclosure of any material defects, known to SELLER, in the Property to prospective Buyer(s) and that failure to do so may result in civil liability for damages. This disclosure statement is designed to assist SELLER in making these disclosures. Licensee(s), prospective buyers and buyers will rely on this information.

2. NOTICE TO BUYER.

This is a disclosure of SELLER'S knowledge of the Property as of the date signed by SELLER and is not a substitute for any inspections or warranties that BUYER may wish to obtain. It is not a warranty of any kind by SELLER or a warranty or representation by the Broker(s) or their licensees.

3. WATER SOURCE.

(a) Is there a water source on or to the Property? Yes ☒ No ☐

☐ Public ☐ Private ☒ Well ☐ Cistern ☐ Other ☐ None

(b) If well, state type Gear Drive depth 50 ft.

Diameter 10 inches age 13 years

Has water ever been tested? Yes ☐ No ☒

If "Yes", provide results of such tests in separate documentation.

(c) Other water systems & their condition: _____

(d) Is there a water meter on the Property? Yes ☐ No ☒

(e) Is there a rural water certificate? If "Yes", attach copy Yes ☐ No ☒

(f) Other applicable information: Water use was perfected on 8-13-2015 (file # 23257); will provide maximum diversion rate not in excess of 900 gallons/min. (2.11 cfs) and a total quantity not to exceed 216 acre-feet of water per calendar year for irrigation use from the point of diversion described herein. (f) Engine driven 90degree gear head, check valves and in line water meter.

4. GAS/ELECTRIC.

(a) Is there electric service on the Property? Yes ☐ No ☒

If "Yes", is there a meter? N/A ☐ Yes ☐ No ☒

(b) Is there gas service on the Property? Yes ☒ No ☐

If "Yes", what is the source? Kansas Gas Service

(c) Are you aware of any additional costs to hook up utilities? Yes ☐ No ☒

If "Yes", explain _____

(d) Other applicable information: Westar Energy provides electricity to house and buildings near property.

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5. LAND (SOILS, DRAINAGE AND BOUNDARIES). ARE YOU AWARE OF:

- (a) The Property or any portion thereof being located in a flood zone, wetlands area or **proposed** to be located in such as designated by FEMA which requires flood insurance? Yes ☒ No ☐
- (b) Any drainage or flood problems on the Property or adjacent properties? Yes ☒ No ☐
- (c) Any neighbors complaining Property causes drainage problems? Yes ☐ No ☒
- (d) The Property having had a stake survey? If "Yes", attach copy. Yes ☐ No ☒
- (e) Any boundaries of the Property being marked in any way? Yes ☒ No ☐
- (f) Having an Improvement Location Certificate (ILC) for the Property? Yes ☐ No ☒
- (g) Any fencing/gates on the Property? Yes ☐ No ☒
If "Yes", does fencing/gates belong to the Property? Yes ☒ No ☐
- (h) Any encroachments, boundary line disputes, or non-utility easements affecting the Property? Yes ☒ No ☐
- (i) Any expansive soil, fill dirt, sliding, settling, earth movement, upheaval, or earth stability problems that have occurred on the Property or in the immediate vicinity? Yes ☐ No ☒
If "Yes", explain _____
- (j) Any diseased, dead, or damaged trees or shrubs on the Property? Yes ☐ No ☒
- (k) Other applicable information: Line 56: excursion train rail line runs through property; gas line easement

6. SEWAGE.

- (a) Does the Property have any sewage facilities on or connected to it? Yes ☐ No ☒
If "Yes", are they:
☐ Public Sewer ☐ Private Sewer ☐ Septic System ☐ Cesspool
☐ Lagoon ☐ Grinder Pump ☐ Other _____
If applicable, when last serviced? _____
By whom? _____
- (b) Has Property had any surface or subsurface soil testing related to installation of sewage facility? N/A ☒ Yes ☐ No ☐
If "Yes", attach copy of report.
- (c) Are you aware of any problems relating to the sewage facilities? Yes ☐ No ☒
If "Yes", explain: _____

7. LEASEHOLD AND TENANT'S RIGHTS, INTERESTS, INCLUDING GAS AND OIL LEASES.**(Check and complete applicable box(es))**

- (a) Are there leasehold interests in the Property? Yes ☐ No ☒
If "Yes", complete the following:
Lessee is: _____
Contact number is: _____
Seller is responsible for: _____
Lessee is responsible for: _____
Split or Rent is: _____
Agreement between Seller and Lessee shall end on or before: _____
☐ **Copy of Lease is attached.**

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(b) Are there tenant's rights in the property? Yes ☐ No ☒

If "Yes", complete the following:

Tenant/Tenant Farmer is: _____

Contact number is: _____

Seller is responsible for: _____

Tenant/Tenant Farmer is responsible for: _____

Split or Rent is: _____

Agreement between Seller and Tenant shall end on or before: _____

☐ **Copy of Agreement is attached.**

(c) Do additional leasehold interests or tenant's rights exist? Yes ☐ No ☒

If "Yes", explain: _____

8. MINERAL RIGHTS (unless superseded by local, state or federal laws).

☒ Pass unencumbered with the land to the Buyer.

☐ Remain with the Seller.

☐ Have been previously assigned as follows: _____

9. WATER RIGHTS (unless superseded by local, state or federal laws).

☒ Pass unencumbered with the land to the Buyer.

☐ Remain with the Seller.

☐ Have been previously assigned as follows: _____

10. CROPS (planted at time of sale).

☒ Pass with the land to the Buyer. If land is sold before April 1, 2016

☐ Remain with the Seller.

☐ Have been previously assigned as follows: _____

11. GOVERNMENT PROGRAMS.

(a) Are you currently participating, or do you intend to participate, in any government farm program? Yes ☒ No ☐

(b) Are you aware of any interest in all or part of the Property that has been reserved by previous owner or government action to benefit any other property? Yes ☐ No ☒

If any of the answers in this section are "Yes", explain in detail (attach documentation): _____

(a) Enrolled in FSA through the 2015 Farm Bill

12. HAZARDOUS CONDITIONS. ARE YOU AWARE OF:

(a) Any underground storage tanks on or near Property? Yes ☐ No ☒

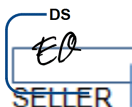
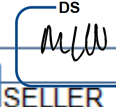
(b) Any previous or current existence of hazardous conditions (e.g., storage tanks, oil tanks, oil spills, tires, batteries, or other hazardous conditions)? Yes ☐ No ☒

If "Yes", what is the location? _____

(c) Any previous environmental reports. (e.g., Phase 1 Environmental reports)? Yes ☐ No ☒

If "Yes", attach a copy of reports.

(d) Any disposal of any hazardous waste products, chemicals, polychlorinated biphenyl's (PCB's), hydraulic fluids, solvents, paint, illegal or other drugs or insulation on the Property or adjacent property? Yes ☐ No ☒

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- (e) Environmental matters (e.g. discoloration of soil or vegetation or oil sheers in wet areas)? Yes ☐ No ☒
- (f) Any existing hazardous conditions on the Property or adjacent properties (e.g. methane gas, radon gas, radioactive material, landfill, toxic materials)? Yes ☐ No ☒
- (g) Gas/oil wells, lines or storage facilities on the Property or adjacent property? Yes ☐ No ☒
- (h) Any other environmental conditions on the Property or adjacent properties? Yes ☐ No ☒
- (i) Any tests conducted on the Property? Yes ☐ No ☒

If any of the answers in this section are "Yes", explain in detail (attach documentation): _____

13. OTHER MATTERS. ARE YOU AWARE OF:

- (a) Any violation of zoning, setbacks or restrictions, or non-conforming use? Yes ☐ No ☒
- (b) Any violation of laws or regulations affecting the Property? Yes ☐ No ☒
- (c) Any existing or threatened legal action pertaining to the Property? Yes ☐ No ☒
- (d) Any litigation or settlement pertaining to the Property? Yes ☐ No ☒
- (e) Any current or future special assessments to the Property? Yes ☐ No ☒
- (f) Any other conditions that may materially and adversely affect the value or desirability of the Property? Yes ☐ No ☒
- (g) Any other condition that may prevent you from completing the sale of the Property? Yes ☐ No ☒
- (h) Any burial grounds on the Property? Yes ☐ No ☒
- (i) Any abandoned wells on the Property? Yes ☐ No ☒
- (j) Any public authority contemplating condemnation proceedings? Yes ☐ No ☒
- (k) Any government rule limiting the future use of the Property other than existing zoning and subdivision regulations? Yes ☐ No ☒
- (l) Any government plans or discussion of public projects that could lead to special benefit assessment against the Property or any part thereof? Yes ☐ No ☒
- (m) Any unrecorded interests affecting the Property? Yes ☐ No ☒
- (n) Anything that would interfere with passing clear title to the Buyer? Yes ☐ No ☒

If any of the answers in this section are "Yes", explain in detail (attach documentation): _____

14. UTILITIES. Identify the name and phone number for utilities listed below.

Electric Company Name: Westar Energy Phone # 800-401-5666

Gas Company Name: Kansas Gas Service Phone # 888-482-4950

Water Company Name: none Phone # _____

The undersigned SELLER represents, to the best of their knowledge, the information set forth in the foregoing Disclosure Statement is accurate and complete. SELLER does not intend this Disclosure Statement to be a warranty or guarantee of any kind. SELLER hereby authorizes Licensee assisting SELLER to provide this information to prospective BUYER of the Property and to real estate brokers and salespeople. **SELLER will promptly notify Licensee assisting the SELLER, in writing, if any information in this disclosure changes prior to Closing, and Licensee assisting the SELLER will promptly notify Licensee assisting the BUYER, in writing, of such changes. (SELLER and BUYER initial and date any changes and/or any list of additional changes. If attached, # _____ of pages).**

CAREFULLY READ THE TERMS HEREOF BEFORE SIGNING. WHEN SIGNED BY ALL PARTIES, THIS DOCUMENT BECOMES PART OF A LEGALLY BINDING CONTRACT. IF NOT UNDERSTOOD, CONSULT AN ATTORNEY BEFORE SIGNING.

DocuSigned by:

Elaine O'Connor

1/12/2016

SELLER

DocuSigned by:

Dr. Mike Whitehair

1/12/2016

SELLER

DATE

BUYER ACKNOWLEDGEMENT AND AGREEMENT

1. I understand and agree the information in this form is limited to information of which SELLER has actual knowledge and SELLER need only make an honest effort at fully revealing the information requested.
2. This property is being sold to me without warranties or guaranties of any kind by SELLER, Broker(s) or agents concerning the condition or value of the Property.
3. I agree to verify any of the above information, and any other important information provided by SELLER or Broker (including any information obtained through the Multiple Listing Service) by an independent investigation of my own. I have been specifically advised to have the property examined by professional inspectors. Buyer assumes responsibility Property is suitable for their intended use.
4. I acknowledge neither SELLER nor Broker is an expert at detecting or repairing physical defects in the Property.
5. I specifically represent there are no important representations concerning the condition or value of the Property made by SELLER or Broker on which I am relying except as may be fully set forth in writing and signed by them.

BUYER**DATE****BUYER****DATE**

Approved by Legal Counsel of the Kansas City Regional Association of REALTORS® for exclusive use by its REALTOR® members. No warranty is made or implied as to the legal validity or adequacy of this Contract, or that it complies in every respect with the law or that its use is appropriate for all situations. Local law, customs and practices, and differing circumstances in each transaction may dictate that amendments to this Contract be made. Last revised 08/13. All previous versions of this document may no longer be valid. Copyright January 2014.