

QUESTION:

WHO MAY EVALUATE A PROPERTY'S WELL, WATER AND SEPTIC SYSTEM?

ANSWERS:

1. The GKAR Buy & Sell Agreement addresses the well, water and septic evaluations in two paragraphs. Paragraph 11 on the "fillable" side of the form provides the opportunity for the buyer to identify a specific company or inspector from whom the seller is to order the evaluation. If nothing is written in the blanks, the County Health Department is to be used. Paragraph 10 on the back of the form (page 2) outlines the sellers' obligations, time deadlines, and buyer's options based on the results.

As with the typical home inspection, not all evaluators use the same protocol or have the same experience or expertise. The selection of the evaluator may end up being negotiated by the parties, with the buyer preferring a more rigorous protocol and the seller wanting to use the more lenient. While it is not usually a concern, the buyer might also want to verify the evaluator satisfies the requirements of their lender.

2. **Every county is different: make sure that "what is evaluated and how" satisfies the requirements of that particular county.** Some counties require septic tank pumping, some don't. Most counties have sanitarians on staff, such as Kalamazoo, Van Buren and St Joseph. Some don't, as is the case with Barry County. **Barry County is significantly different from other counties: More on this topic in the Peak Performance Article "Barry-Eaton County Well Water Septic Requirements"**

Common Clauses 16 B is provided below and also available at www.GKAR.com and in the Clause Manager in ZipForm.

Contrary to Well and Septic Paragraph and at Buyer's direction, well and septic evaluation(s), which may include an expanded water test, shall be performed by a private company. Seller shall prepare well and septic system(s) for evaluation within 10 days of last dated acceptance of this offer. Seller's responsibility shall include exposing the septic system as required by the company, instructions attached. If instructions are not attached, Seller shall only be required to prepare system(s) to the county health department requirement(s). Field work for evaluation(s) shall be completed within 10 days after written notification to Buyer or Selling Broker that system(s) are ready for evaluation. If field work is not completed within this 10 day period, Seller may cover system(s) and Buyer accepts system(s) "as is". Buyer or Selling Broker shall order evaluation(s). Seller agrees to pay cost, not to exceed \$ _____. Buyer shall pay any remaining balance for well and septic evaluation(s). Seller shall pay such fee in advance or pay at field evaluation appointment time. Seller shall receive copies of evaluation(s) and promptly provide to Buyer or Selling Broker all evaluation report(s). Seller shall provide written documentation that septic tank has been pumped within the previous 3 years of last dated acceptance of this offer or Seller shall have pumped and provide paid receipt before close. Other provisions of Well and Septic Paragraph shall remain the same