

# SELLER'S PROPERTY CONDITION DISCLOSURE

This is a legally binding document. If not understood, consult an attorney.



## LISTING AGENT – COMPLETE THIS SECTION ONLY!

SELLER NAME \_\_\_\_\_ (“Seller”)  
PROPERTY ADDRESS \_\_\_\_\_ (“Property”)  
LISTING BROKERAGE \_\_\_\_\_ (“Company”)

## NOTICE FROM COMPANY

Buyer and Seller are advised that the Company and its agents are trained in the marketing of real estate. Neither the Company nor its agents are trained or licensed to provide Buyer or Seller with professional advice regarding the physical condition of any property or regarding legal or tax matters. The Company and its agents strongly recommend that in connection with any offer to acquire the Property, Buyer retain the professional services of legal and/or tax advisors, property inspectors, surveyors, and other professionals to satisfy Buyer as to any and all aspects of the physical and legal condition of the Property. **BUYER IS ADVISED NOT TO RELY ON THE COMPANY, OR ON ANY AGENTS OF THE COMPANY, FOR A DETERMINATION REGARDING THE PHYSICAL OR LEGAL CONDITION OF THE PROPERTY**, including, but not limited to, the condition of any appliances, heating/cooling equipment and systems, plumbing and electrical fixtures and equipment, moisture or other problems in the roof or foundation, sewer problems, the availability and location of utilities, the exact square footage or acreage of the Property, or the location of property lines.

## INSTRUCTIONS TO SELLER

Seller is obligated under law to disclose to buyers defects in the Property known to Seller that materially and adversely affect the value of the Property that cannot be discovered by a reasonable inspection by an ordinary prudent buyer. This form is designed to assist Seller in complying with these disclosure requirements.

- Complete the remainder of this form.
- Please thoroughly disclose your actual knowledge regarding the condition of the Property. The Company, other real estate agents, and buyers **WILL RELY** on this disclosure form.
- If the answer to any of questions 2 through 22 is “Yes” please provide details at the end of each section. Be specific when describing any past or present problems, malfunctions or defects (location, nature of problem, etc.). Use additional addendum if necessary.
- If a question does not apply to your Property, WRITE “N/A” NEXT TO THE QUESTION.

### 1. OCCUPANCY

- A. Does Seller currently occupy the Property? [ ] Yes [ ] No  
B. If the answer to 1.A. is “No”, when did you last occupy the Property? \_\_\_\_\_ (Approx. Date); [ ] never

### 2. ROOF

- A. Are you aware of any past or present leaks in the roof? [ ] Yes [ ] No  
B. Other than leaks, are you aware of any past or present problems or defects with the roof, for example, structural issues, dry rot, moisture and/or ice damage, etc? [ ] Yes [ ] No  
C. Has all or any portion of the roof been repaired or replaced during your ownership? [ ] Yes [ ] No  
D. Are there any written warranties presently in place for the roof? [ ] Yes [ ] No

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### 3. UTILITIES

- A. Are you aware of any past or present problems with utility service to the Property or with any of the utility service systems, for example, poor telephone reception, etc. [ ] Yes [ ] No

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**4. WATER & SEWER**

- A. Name of water service provider: \_\_\_\_\_
- B. Are you aware of any separate water rights for the Property? [ ]Yes [ ]No
- C. If a well is located on the Property, are you aware of any past or present problems with the well, for example, water quality, inadequate water pressure, faulty pump, etc? [ ]Yes [ ]No
- D. Are you aware of any past or present problems with any water service provided to the Property by a public or private company, for example, water quality, inadequate or excessive water pressure, etc? [ ]Yes [ ]No
- E. Name of sewer service provider: \_\_\_\_\_
- F. With the exception of an occasional clogged drain or toilet, are you aware of any past or present problems with the sewer or septic service or components, for example, broken sewer lines, consistently slow or clogged drains, etc? [ ]Yes [ ]No
- G. If the Property is serviced by a septic tank, has the tank been inspected and/or pumped within the past five years? [ ]Yes [ ]No

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**5. HEATING / COOLING**

- A. Are you aware of any past or present problems with any of the heating or air-conditioning equipment, components or systems, for example, baseboard-heating unit doesn't work, inadequate forced air from specific vent, etc? [ ]Yes [ ]No

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**6. EQUIPMENT**

- A. If the Property contains any of the following equipment, please answer question 6.B below: Air Purifier, Audio System, Central Vacuum, Computer Network, Fire Sprinkling System, Automatic Garage Door Opener, Humidifier, Intercom, Media System, Satellite Components, Satellite Dish, Security System, Smoke Alarm, TV Antenna, Water Heater, Water Purifier, Water Softener, Range Hood, Vent Fans-Attic, Vent Fans-Bathroom, Propane Tanks
- B. Are you aware of any past or present problems with any of the equipment listed above, or any other equipment, for example, audio system doesn't work, central vacuum doesn't work, etc? [ ]Yes [ ]No

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**7. APPLIANCES**

- A. If the Property contains any of the following equipment, please answer question 7.B. below: Dishwasher, Disposal, Dryer, Freezer/Stand-alone, Indoor Grill, Microwave, Oven, Oven/Double, Range, Refrigerator, Trash Compactor, Washer
- B. Are you aware of any past or present problems with any of the appliances listed above, or any other appliances, for example, disposal doesn't work, etc? [ ]Yes [ ]No

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**8. FIREPLACES / STOVES**

- A. If the Property contains any of the following fixtures or components, please answer question 8.B. below: Fireplace Insert, Fireplace-Gas, Fireplace-Gas Starter, Fireplace-Wood burning, Potbelly/Wood Stove, Pellet Stove
- B. Are you aware of any past or present problems with any of the items listed in 9.A., for example, gas fireplace starter doesn't work, damper not working, etc? [ ]Yes [ ]No

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**9. INTERIOR FEATURES**

- A. If the Property contains any of the following interior features, please answer question 9.B. below: Ceiling fans, Dumb Waiter, Elevator, Flooring (Stone, Marble, Brick, Tile, Wood, etc), Jetted Bathtub(s), Pool/Indoor, Sauna, Skylights, Steam Room/Shower, Wet Bar
- B. Are you aware of any past or present problems with any of the interior features listed above, or any other interior features, for example, pump for jetted bathtub doesn't work, skylights leak, etc? [ ]Yes [ ]No

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**10. EXTERIOR & EXTERIOR FEATURES**

- A. If the Property contains any of the following exterior features, please answer question 10.B. below: Gas BBQ, Heated Driveway, Heated Walkway, Lawn Sprinkler System, Pool/Outdoor, Spa/Hot Tub, Roof Heat Tape, Rain Gutters
  - B. With the exception of periodic maintenance, are you aware of any past or present problems with any of the exterior features, for example, Spa/Hot Tub leaks, heated driveway only works on portion of driveway, etc? [ ]Yes [ ]No
  - C. With the exception of regular maintenance of the exterior surfaces of the Property (painting, staining, etc.) are you aware of any past or present problems with any portion of the exterior, for example, moisture damage behind stucco, etc? [ ]Yes [ ]No
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**11. TERMITES/DRY ROT/PESTS**

- A. Are you aware of any past or present problems with termites, dry rot, rodents, or pests on or affecting the Property? [ ]Yes [ ]No
  - B. Are you aware of any damage to the Property caused by termites, dry rot, rodents, or pests? [ ]Yes [ ]No
  - C. If the answer to 11.A. or 11.B is "Yes", are you aware of any attempts to mitigate any such damage? [ ]Yes [ ]No
  - D. Are there any written warranties or other termite or pest control coverage presently in place for the Property? [ ]Yes [ ]No
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**12. ADDITIONS / REMODELS**

- A. With the exception of cosmetic upgrades to the Property (such as carpet, paint, wallpaper, etc.) have you remodeled, made any room additions, structural modifications or other alterations or improvements to the Property? [ ]Yes [ ]No
  - B. Do you know if any former owners made any additions, structural changes, or other alterations to the Property? [ ]Yes [ ]No
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**13. STRUCTURAL ITEMS & SOILS**

- A. Are you aware of any settlement or heaving of soil on the Property (collapsible or expansive soils, poorly compacted fill)? [ ]Yes [ ]No
  - B. Are you aware of any sliding or earth movement on or adjacent to the Property (landslides, falling rocks, debris or mud flows)? [ ]Yes [ ]No
  - C. Are you aware of any earthquake fault lines on or adjacent to the Property? [ ]Yes [ ]No
  - D. Are you aware of any past or present movement, shifting, deterioration, or other problems with the walls or foundation? [ ]Yes [ ]No
  - E. Are you aware of any past or present cracks or flaws in the walls, foundation or basement cement floor? [ ]Yes [ ]No
  - F. Are you aware of any past or present defects or flaws with driveways, walkways, patios, decks, or retaining walls on the Property? [ ]Yes [ ]No
  - G. If any of the answers to 13.A through 13.F. are "Yes", are you aware of any attempts to repair or mitigate any of the problems described above? [ ]Yes [ ]No
  - H. Are you aware of any geologic, soils, engineering, or environmental reports that have been prepared for the Property? [ ]Yes [ ]No
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**14. BOUNDARIES / ZONING / USE**

- A. Do you know if anything on your Property (such as a fence, deck, or any other improvement) encroaches (extends) onto any adjacent property? [ ]Yes [ ]No
  - B. Do you know if anything on any adjacent property (such as a fence, deck, or any other improvements) encroaches onto your Property? [ ]Yes [ ]No
  - C. Are you aware of any unrecorded easements affecting the Property? [ ]Yes [ ]No
  - D. Are you aware of any boundary disputes involving your Property and any adjacent property or properties? [ ]Yes [ ]No
  - E. To your knowledge, is any portion of the Property presently assessed as "Greenbelt"? [ ]Yes [ ]No
  - F. Are you aware of any past or present non-conforming uses of the Property (such as renting the Property as a triplex, but local zoning only permits a duplex)? [ ]Yes [ ]No
  - G. Are you aware of any existing or threatened legal action affecting the Property? [ ]Yes [ ]No
  - H. Are you aware of any past or present violations of any local, state, or federal law or regulation, or restrictive covenants relating to the Property? [ ]Yes [ ]No
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**15. ELECTRICAL**

- A. Are you aware of any past or present problems with any electrical switches or outlets? [ ]Yes [ ]No
- B. Are you aware of any other past or present problems with any portion of the electrical system in the Property? [ ]Yes [ ]No

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**16. MOLD**

- A. With the exception of any occasional accumulation of mold and mildew in bathroom shower, tub and sink areas, are you aware of any past or present mold on walls, ceilings, floors, or any other interior portion of the Property? [ ]Yes [ ]No
- B. Have you had the Property inspected for the existence of any mold? [ ]Yes [ ]No
- C. If the answer to A or B above is "Yes", are you aware of any attempts to mitigate any problems with mold? [ ]Yes [ ]No

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**17. OTHER MOISTURE CONDITIONS**

- A. In reference to the basement and/or crawlspace, are you aware of any past or present water leakage, water accumulation or dampness? [ ]Yes [ ]No
- B. In reference to walls, floors and ceilings, are you aware of any past or present water or moisture-related damage caused by: flooding; lot drainage problems; moisture seepage; moisture condensation; sewer overflow/backup; leaking or broken pipes, pipe fittings, or plumbing fixtures; or any other leaking appliances, fixtures or equipment? [ ]Yes [ ]No
- C. Are you aware of any attempts to repair any moisture-related damage and/or to prevent any recurrence of water and moisture-related problems at the Property? [ ]Yes [ ]No
- D. Are you aware of any wetlands located on the Property? [ ]Yes [ ]No
- E. Are you aware of any attempts to mitigate any wetland issues through the Army Corps of Engineers? [ ]Yes [ ]No

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**18. HAZARDOUS CONDITIONS**

- A. Are you aware of any past or present hazardous conditions, substances, or materials on the Property, such as asbestos, lead-based paint, methane gas, radon gas, radioactive or toxic materials, or ureaformaldehyde foam insulation? [ ]Yes [ ]No
- B. If the answer to 18.A is "Yes", are you aware of any attempts to mitigate any such hazardous condition(s)? [ ]Yes [ ]No

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**19. METH LABS / ILLEGAL SUBSTANCES**

- A. Do you know if the Property has been used in the storing or manufacturing of any illegal drugs or substances, including methamphetamines? [ ]Yes [ ]No
- B. Are you aware of any written notice from any public entity or from any private party indicating that the Property has, or may have, been used in the storing or manufacturing of any illegal drugs or substances, including methamphetamines? [ ]Yes [ ]No
- C. Have you had the Property inspected to determine if the Property has been used for the storing or manufacturing of illegal drugs or substances, including methamphetamines? [ ]Yes [ ]No

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**20. HOMEOWNERS ASSOCIATION**

- A. Is the Property part of a condominium or other homeowner's association (HOA)? [ ]Yes [ ]No
- B. Does the HOA levy dues or assessments for maintenance of common areas and/or other common expenses? [ ]Yes [ ]No
- C. For questions regarding the HOA, including past, present or future dues or assessments, or regarding financial statements, bylaws, HOA meetings and minutes, information may be obtained from the following:

(Name) \_\_\_\_\_

(Address) \_\_\_\_\_

(Phone) \_\_\_\_\_

Seller authorizes the release of HOA information to Buyer and/or Buyer's agent.

**21. UNPAID ASSESSMENTS**

- A. Are you aware of any HOA, municipal, special improvement district or other assessments that are presently owing against the Property? [ ]Yes [ ]No
- B. Are you aware of any HOA, municipal, or special improvement district assessments that have been approved but not yet levied against the Property? [ ]Yes [ ]No

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**22. INSURANCE**

- A. During your ownership of the Property have you filed an insurance claim based on loss or damage to the Property? [ ]Yes [ ]No
- B. If the Property is part of a condominium or other homeowner's association, do you know if the HOA has filed any insurance claims for loss or damage to any portion of the development? [ ]Yes [ ]No

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**23. SQUARE FOOTAGE/ACREAGE**

Seller represents that any figures provided by Seller in any documents regarding the square footage or acreage of the Property are not based on any personal measurement by Seller. If the square footage or acreage of the Property is of material concern to Buyer, Buyer is advised to verify the square footage or acreage through any independent sources or means deemed appropriate by Buyer. BUYER IS ADVISED NOT TO RELY ON SELLER, THE COMPANY, OR ANY AGENTS OF THE COMPANY FOR A DETERMINATION REGARDING THE SQUARE FOOTAGE OR ACREAGE OF THE PROPERTY.

**VERIFICATION BY SELLER**

Seller verifies that Seller has prepared this disclosure statement and that the information contained herein is accurate and complete to the best of Seller's actual knowledge as of the date signed by Seller below. Seller authorizes the Company to provide copies of this disclosure statement to prospective buyers, and to real estate brokers and agents. SELLER UNDERSTANDS AND AGREES THAT SELLER WILL NOTIFY THE COMPANY IN WRITING IMMEDIATELY IF ANY INFORMATION CONTAINED HEREIN BECOMES INACCURATE OR INCORRECT IN ANY WAY. This disclosure statement is not a warranty of any kind. If Buyer and Seller enter into a sales contract for the Property, and such sales contract includes, excludes, or warrants the condition of any item referenced herein, then to the extent there is a conflict between the sales contract and any representations contained herein, the terms of the sales contract shall control.

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

**ACKNOWLEDGEMENT OF RECEIPT BY BUYER**

Buyer's signature below acknowledges Buyer's receipt of a copy of this disclosure statement.

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

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**DISCLOSURE FORM UPDATE**

The above disclosure statement was reviewed and updated by Seller on the date signed by Seller below. **(Check Applicable Boxes)**

[ ] There are no changes in the above disclosure statement; [ ] The above disclosure statement has been changed as follows: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

and/or [ ] The above disclosure statement has been changed as noted an attached Addendum No. \_\_\_\_\_ to this disclosure statement.

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