

# KELLER WILLIAMS SELLER'S PROPERTY DISCLOSURE STATEMENT

## EXHIBIT " \_\_\_\_\_ "



2006 Printing

For property located at 1540 Mercer Way, Decatur Georgia, 30035-1526  
together with all improvements thereon ("Property")

**NOTICE TO BUYER AND SELLER:** This disclosure statement is designed to assist Seller in disclosing to prospective buyers all known material adverse facts relating to the physical condition of Property that may not be readily observable, disclosing historical information and past problems with Property, and identifying those fixtures/items that are included with the sale of Property. All questions are to be answered with respect to the above referenced Property.

**IF THE ANSWERS TO ANY OF THE QUESTIONS LISTED BELOW ARE "YES," PLEASE EXPLAIN IN DETAIL IN THE "ADDITIONAL EXPLANATIONS" SECTION.**

	Yes	No	Don't Know
<b>1. OCCUPANCY:</b>			
(a) Is Property vacant? If yes, how long has it been since Seller occupied Property? _____	_____	<input checked="" type="checkbox"/>	_____
(b) Are there any leases, written or verbal, on Property or any part thereof?	_____	<input checked="" type="checkbox"/>	_____
<b>2. SOIL, TREES, SHRUBS AND BOUNDARIES:</b>			
(a) Are there any landfills (other than foundation backfill), graves, mine shafts, trash dumps or wells (in use or abandoned) on Property?	_____	<input checked="" type="checkbox"/>	_____
(b) Is there any sliding, settling (other than normal settling), earth movement, sinkholes, upheaval, or earth stability/expansive soil problems?	_____	<input checked="" type="checkbox"/>	_____
(c) Are there any diseased or dead trees on Property?	_____	<input checked="" type="checkbox"/>	_____
(d) Are there any encroachments, leases, unrecorded easements, or boundary line disputes?	_____	<input checked="" type="checkbox"/>	_____
<b>3. ROOF, GUTTERS AND DOWNSPOUTS:</b>			
(a) Approximate age of roof: <u>4</u> years.	_____	_____	_____
(b) Has the roof, or any part thereof, been repaired during your ownership?	<input checked="" type="checkbox"/>	_____	_____
(c) Are there any roof leaks or other problems with the roof, roof flashing, gutters or downspouts?	_____	<input checked="" type="checkbox"/>	_____
<b>4. TERMITES, DRY-ROT, PESTS, AND WOOD-DESTROYING ORGANISMS:</b>			
(a) Is there any past or present damage to Property caused by infiltrating pests, termites, dry-rot, or other wood-destroying organisms?	_____	<input checked="" type="checkbox"/>	_____
(b) Is your Property currently under a transferable bond, warranty or other coverage for termites or other wood destroying organisms by a licensed pest control company? If yes, check type of coverage: <input type="checkbox"/> re-treatment and repair; or <input type="checkbox"/> re-treatment only	_____	<input checked="" type="checkbox"/>	_____
(c) Is there a cost to transfer the bond, warranty or other coverage? If yes, what is the cost? \$ _____	_____	<input checked="" type="checkbox"/>	_____
(d) Is there a cost to maintain the bond, warranty or other coverage? If yes, what is the annual cost? \$ _____	_____	<input checked="" type="checkbox"/>	_____
(e) Have any termite/pest control reports or treatments for Property been done in the last five years?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	_____
(f) Does any dwelling or garage on Property have any untreated wood or exterior siding/cladding, such as rigid board insulation, foam plastic, synthetic stucco, hard coat stucco, wood or masonry siding (excluding brick), below grade or within six inches of finished grade?	_____	<input checked="" type="checkbox"/>	_____
<b>5. STRUCTURAL ITEMS, ADDITIONS AND ALTERATIONS:</b>			
(a) What year was the main residential dwelling constructed? <u>1967</u>	_____	_____	_____
(b) Has there been any movement, shifting, settling (other than normal settling), cracking, deterioration, or other structural problems with any dwelling or garage on Property?	_____	<input checked="" type="checkbox"/>	_____
(c) Has there been any additional structural bracing, underpinning, or other structural reinforcement added to any dwelling or garage on Property?	_____	<input checked="" type="checkbox"/>	_____
(d) Are there any problems with driveways, walkways, patios, or retaining walls on Property?	_____	<input checked="" type="checkbox"/>	_____
(e) Have there been any additions, structural changes, or any other major alterations to the original improvements on the Property?	<input checked="" type="checkbox"/>	_____	_____
(f) Has there been any work done on the Property where required permits and/or approvals (public or private) were not obtained?	_____	<input checked="" type="checkbox"/>	_____
(g) Has any work been done to Property that was not in compliance with building codes or zoning regulations?	_____	<input checked="" type="checkbox"/>	_____
(h) Does any part of the exterior siding or cladding of any dwelling or garage on Property consist of synthetic stucco?	_____	<input checked="" type="checkbox"/>	_____



**6. DRAINAGE, FLOODING AND MOISTURE:**

- (a) Has there been any water leakage, water accumulation, or dampness within the basement, crawl space or other parts of the main dwelling at or below grade? Yes No Don't Know
- (b) Have any repairs been made to control any water or dampness problems in the basement, crawl space, or other parts of the main dwelling at or below grade? \_\_\_\_\_ / \_\_\_\_\_
- (c) Is the Property or any improvements thereon located in a flood zone? \_\_\_\_\_ / \_\_\_\_\_
- (d) Does water regularly stand on Property for more than one day after it has rained? \_\_\_\_\_ / \_\_\_\_\_
- (e) Has there been any past flooding on Property? \_\_\_\_\_ / \_\_\_\_\_
- (f) Are there any problems with siding or exterior cladding, swelling, chipping, delaminating or retaining moisture? \_\_\_\_\_ / \_\_\_\_\_
- (g) Does mold appear on interior heated and cooled portions of any dwelling on Property other than on the walls, floors or ceilings of showers, sinks, and bathtubs? \_\_\_\_\_ / \_\_\_\_\_

**7. PLUMBING RELATED ITEMS:**

- (a) What is your drinking water source:  Public  Private  Well on Property
- (b) If your drinking water is from a well, has it been tested within the past twelve months? \_\_\_\_\_ / \_\_\_\_\_
- (c) Do you have a water softener, filter or purifier? If yes,  Leased  Owned \_\_\_\_\_ / \_\_\_\_\_
- (d) What is the type of sewage system:  Public  Private  Septic Tank
- (e) Is the main dwelling served by sewage pump or lift system? \_\_\_\_\_ / \_\_\_\_\_
- (f) Do you know if any septic tank or cesspool on Property has ever been professionally serviced? If yes, please give the date of last service: \_\_\_\_\_ \_\_\_\_\_ / \_\_\_\_\_
- (g) Do you know of any past or present leaks, backups, or other similar problems relating to any of the plumbing, water and/or sewage-related items? \_\_\_\_\_ / \_\_\_\_\_
- (h) Is there any polybutylene plumbing, other than primary service line, on Property? \_\_\_\_\_ / \_\_\_\_\_

**8. OTHER SYSTEMS AND COMPONENTS:**

- (a) What type of heating system(s) serve the main dwelling?  gas  electric  other
- (b) What is the approximate age of heating system(s): 15 years \_\_\_\_\_
- (c) What type of air conditioning system(s) serve the main dwelling?  gas  electric  other
- (d) What is the approximate age of air conditioning system(s) 15 years \_\_\_\_\_
- (e) Is any portion of the main dwelling not served by a central or zoned heating and/or air conditioning system? \_\_\_\_\_
- (f) How is water heated in the main dwelling?  Electric  Gas  Solar \_\_\_\_\_ / \_\_\_\_\_
- (g) What is the approximate age of water heater: 10 years \_\_\_\_\_
- (h) Does the main dwelling have aluminum wiring other than the primary service line? \_\_\_\_\_ / \_\_\_\_\_
- (i) Is there any system or appliance which is leased or for which the buyer must pay a transfer fee to continue to use? If yes, what is the transfer fee? \$ \_\_\_\_\_ \_\_\_\_\_ / \_\_\_\_\_  
If yes, what is the current use fee to be paid by the buyer? \$ \_\_\_\_\_
- (j) Are any fireplaces not working or in need of repair? \_\_\_\_\_ / \_\_\_\_\_
- (k) When was each fireplace, wood stove or chimney/flue last cleaned? Date: \_\_\_\_\_ \_\_\_\_\_ / \_\_\_\_\_

**9. TOXIC SUBSTANCES:**

- (a) Are there any underground tanks, toxic or hazardous substances on Property (structure or soil) such as asbestos, urea-formaldehyde, methane gas, radioactive material, radon, mold, benzene or other environmental contaminants? \_\_\_\_\_ / \_\_\_\_\_
- (b) Has Property ever been tested for radon, lead, mold or any other potentially toxic substances? \_\_\_\_\_ / \_\_\_\_\_

**10. COVENANTS, FEES AND ASSESSMENTS:**

- (a) Is Property part of a condominium, community association or subject to covenants, conditions and restrictions (CC & Rs)? \_\_\_\_\_ / \_\_\_\_\_
- (b) Is there a mandatory community association fee or assessment? \_\_\_\_\_ / \_\_\_\_\_  
If yes, what is the amount? \$ \_\_\_\_\_ per \_\_\_\_\_  
Is there an initiation fee? If yes, what amount? \$ \_\_\_\_\_
- (c) Are there any recreational facilities in the community for which the obligation to pay and the right to use are optional? \_\_\_\_\_ / \_\_\_\_\_  
If yes, please describe the nature of the facilities and the optional fee or charge. \_\_\_\_\_
- (d) In purchasing Property, will any initiation, transfer, or other similar fee be owed to the Association? If yes, what is the amount? \$ \_\_\_\_\_ \_\_\_\_\_ / \_\_\_\_\_
- (e) Are there any special assessments approved by but yet not owing or due to a community Association that are not yet owed or due? \_\_\_\_\_ / \_\_\_\_\_



**11. OTHER MATTERS:**

- |  | Yes | No                                  | Don't Know |
|--|-----|-------------------------------------|------------|
| (a) Have there been any inspections of Property in the past year?<br>If yes, by whom and of what type? _____   | —   | <input checked="" type="checkbox"/> | —          |
| (b) Does Property contain any building products which are or have been the subject of class action lawsuits, litigation or legal claims alleging that the product is defective?<br>If yes, please identify the product or products and the general location of each on Property: _____ | —   | <input checked="" type="checkbox"/> | —          |
| (c) Is there or has there been in the past any litigation involving Property or any improvement therein alleging negligent or improper construction defects, termites, and/or title problems?  | —   | <input checked="" type="checkbox"/> | —          |
| (d) Has there been any award or payment of money in lieu of repairs for such a defective building product?   | —   | <input checked="" type="checkbox"/> | —          |
| (e) Has any release been signed that would limit a future owner from making any claims in connection with Property?  | —   | <input checked="" type="checkbox"/> | —          |
| (f) Has there been any fire, flood or wind damage which required repairs to Property in excess of \$500.00?  | —   | <input checked="" type="checkbox"/> | —          |
| (g) Approximately how many insurance claims have been filed on Property since you owned it? <u>6</u>   | —   | <input checked="" type="checkbox"/> | —          |
| (h) Are any fixtures or appliances included in the sale in need of repair?   | —   | <input checked="" type="checkbox"/> | —          |
| (i) Have any repairs been made to the electrical, plumbing, or heating and air condition systems, or any part thereof?   | —   | <input checked="" type="checkbox"/> | —          |
| (j) Was any dwelling on Property or portion thereof (excluding mobile, modular and manufactured dwelling) moved to the site from another location?   | —   | <input checked="" type="checkbox"/> | —          |

**12. FIXTURES/ITEMS:** (Check (✓) only those fixtures/items below that are included in the sale of Property. Unless otherwise indicated, if there is more than one item (such as a second refrigerator or two chandeliers or three smoke detectors), all such fixtures/items checked are included in the sale of Property. Those fixtures/items listed below that are not checked shall not be included in the sale of Property.

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Air Conditioning Window Unit                     | <input type="checkbox"/> Garage Door Opener                                   | <input type="checkbox"/> Speakers (Built-In)                             |
| <input type="checkbox"/> Air Purifier                                     | <input type="checkbox"/> Remote Control                                       | <input type="checkbox"/> Sprinkler System                                |
| <input checked="" type="checkbox"/> Alarm System (Burglar)                | <input type="checkbox"/> Garbage Disposal                                     | <input type="checkbox"/> Statuary  |
| <input type="checkbox"/> Leased <input checked="" type="checkbox"/> Owned | <input type="checkbox"/> Gas Grille   | <input type="checkbox"/> Stepping Stones                                 |
| <input type="checkbox"/> Alarm System (Smoke/Fire)                        | <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing      | <input type="checkbox"/> Storage Building                                |
| <input type="checkbox"/> Leased <input type="checkbox"/> Owned            | <input type="checkbox"/> Gazebo   | <input type="checkbox"/> Stove   |
| <input type="checkbox"/> Arbor  | <input type="checkbox"/> Hot Tub  | <input type="checkbox"/> Gas <input type="checkbox"/> Electric           |
| <input type="checkbox"/> Attic Fan (Whole House Fan)                      | <input type="checkbox"/> Humidifier   | <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing |
| <input type="checkbox"/> Attic Ventilator Fan                             | <input type="checkbox"/> Ice Maker  | <input type="checkbox"/> Sump Pump                                       |
| <input type="checkbox"/> Awning   | <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing      | <input type="checkbox"/> Surface Unit Cook Top                           |
| <input type="checkbox"/> Basketball Post & Goal                           | <input type="checkbox"/> Intercom   | <input type="checkbox"/> Gas <input type="checkbox"/> Electric           |
| <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing  | <input type="checkbox"/> Jetted Tub   | <input type="checkbox"/> Swimming Pool                                   |
| <input type="checkbox"/> Birdhouses                                       | <input type="checkbox"/> Landscaping Lights                                   | <input type="checkbox"/> Above Ground                                    |
| <input type="checkbox"/> Boat Dock  | <input type="checkbox"/> Light Fixtures                                       | <input type="checkbox"/> Swimming Pool Equipment                         |
| <input type="checkbox"/> Carbon Monoxide Detector                         | (Except Chandeliers)  | (List below)   |
| <input type="checkbox"/> Ceiling Fan                                      | <input type="checkbox"/> Mailbox  | <input type="checkbox"/> Swing Set                                       |
| <input type="checkbox"/> Chandelier                                       | <input type="checkbox"/> Microwave Oven                                       | <input type="checkbox"/> Switch Plate Covers                             |
| <input type="checkbox"/> Closet Shelving System                           | <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing      | <input type="checkbox"/> Telephone Jacks/Wires                           |
| <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing  | <input type="checkbox"/> Mirror (Attached)                                    | <input type="checkbox"/> Television Antenna                              |
| <input type="checkbox"/> Dehumidifier                                     | <input type="checkbox"/> Outbuilding  | <input type="checkbox"/> Television Cable/Jacks                          |
| <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing  | <input type="checkbox"/> Outdoor Bench  | <input type="checkbox"/> Thermostat (Programmable)                       |
| <input type="checkbox"/> Dishwasher                                       | <input type="checkbox"/> Playhouse  | <input type="checkbox"/> Trash Compactor                                 |
| <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing  | <input type="checkbox"/> Porch swing  | <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing |
| <input type="checkbox"/> Dog House  | <input type="checkbox"/> Propane Gas Tanks                                    | <input type="checkbox"/> Tree House                                      |
| <input type="checkbox"/> Door & Window Hardware                           | <input type="checkbox"/> Above ground <input type="checkbox"/> Buried         | <input type="checkbox"/> Trellis   |
| <input type="checkbox"/> Dryer  | <input type="checkbox"/> Leased <input type="checkbox"/> Owned                | <input type="checkbox"/> Vacuum System (Built-In)                        |
| <input type="checkbox"/> Gas <input type="checkbox"/> Electric            | <input type="checkbox"/> Radio (Built-In)                                     | <input type="checkbox"/> Vacuum Attachments                              |
| <input type="checkbox"/> Fence (Invisible)                                | <input type="checkbox"/> Refrigerator   | <input type="checkbox"/> Vent Hood                                       |
| <input type="checkbox"/> Fence Pet Collar                                 | <input type="checkbox"/> Satellite Dish/Receiver                              | <input type="checkbox"/> Washing Machine                                 |
| <input type="checkbox"/> Fireplace  | <input type="checkbox"/> Sauna  | <input type="checkbox"/> Water Purification System                       |
| <input type="checkbox"/> Gas Logs   | <input type="checkbox"/> Septic Pump  | <input type="checkbox"/> Water Softener System                           |
| <input type="checkbox"/> Screen/Door                                      | <input type="checkbox"/> Shelving Unit & System                               | <input type="checkbox"/> Weather Vane                                    |
| <input type="checkbox"/> Wood Burning Insert                              | <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing      | <input type="checkbox"/> Well Pump                                       |
| <input type="checkbox"/> Flag Pole  | <input type="checkbox"/> Shower Head/Sprayer                                  | <input type="checkbox"/> Window Screens                                  |
|   | <input type="checkbox"/> Smoke Detector                                       | <input type="checkbox"/> Window Treatments                               |
|   | <input type="checkbox"/> Battery Operated <input type="checkbox"/> Hard Wired | <input type="checkbox"/> Wine Cooler                                     |



Other fixtures/items included in the sale of Property:

W/P

Other fixtures/items not included in the sale of Property:

W/P

The common law of fixtures shall apply to fixtures not addressed herein. Those fixtures/items that are not included in the sale of Property shall remain Property of Seller and shall be removed prior to closing or the transfer of possession of Property to Buyer, whichever is later. Seller shall lose the right to remove any such fixtures/items not timely removed. In removing all fixtures/items, Seller shall use reasonable care to prevent damage and, if necessary, to restore Property to its original condition.

13. LEAD-BASED PAINT: Was any part of the residential dwelling on Property constructed prior to 1978?

Yes  Don't Know  No (If no, proceed to paragraph 14.)

If you have answered "Yes" above, Seller does hereby provide the following warning and shall disclose the following information regarding lead-based paint and lead-based paint hazards.

**PURCHASE AND SALE TRANSACTION LEAD WARNING STATEMENT.**

Every purchaser of any interest in residential property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

**Seller's Disclosure. [Seller to mark and initial sections A and B below]**

A. Presence of lead-based paint and/or lead paint hazard (check one below):

[Signature]

Seller Initials

Known lead-based paint and/or lead-based paint hazards are present in the housing (explain below):

Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

B. Records and Reports available to the Seller (check one below):

[Signature]

Seller Initials

Seller has provided the Buyer with all the available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list document below):

Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

**Buyer's Acknowledgment. [Buyer to mark and initial sections C, D, and E below]**

Buyer Initials

C. Buyer has received copies of all information listed above regarding lead-based paint and/or lead-based paint hazards

Buyer Initials

D. Buyer has read and understands the above lead warning statement and has received the pamphlet "Protect Your Family From Lead in Your Home."

Buyer Initials

E. Buyer has (check one below):

Received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment inspection for the presence of lead-based paint and/or lead-based paint hazards; or

Waived the opportunity to conduct a risk assessment inspection for the presence of lead-based paint and/or lead-based paint hazards.

**Broker Acknowledgment. [Broker to initial section F below]**

Broker Initials

F. Broker has informed the Seller of the Seller's obligations under 42 U.S.C. § 4852(d) and is aware of his/her responsibility to ensure compliance.

\_\_\_\_\_  
Broker's (or Broker's Affiliated Licensee's) signature

The lead-based paint disclosures must occur prior to Seller's acceptance of Buyer's written offer to purchase; if the potential Buyer makes the offer to purchase before the requisite disclosures are provided to Buyer, Seller can not accept the offer until: 1) the disclosure is made; and 2) the potential Buyer has had an opportunity to review the information and consider whether to amend the offer.



14. **AGRICULTURAL DISCLOSURE:** Is Property within, partially within, or adjacent to any property zoned or identified on an approved county land use plan as agricultural or forestry use?  Yes  Don't Know  No

It is the policy of this state and this community to conserve, protect, and encourage the development and improvement of farm and forest land for the production of food, fiber, and other products, and also for its natural and environmental value. This notice is to inform prospective property owners or other persons or entities leasing or acquiring an interest in real property that property in which they are about to acquire an interest lies within, partially within, or adjacent to an area zoned, used, or identified for farm and forest activities and that farm and forest activities occur in the area. Such farm and forest activities may include intensive operations that cause discomfort and inconveniences that involve, but are not limited to, noises, odors, fumes, dust, smoke, insects, operations of machinery during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides. One or more of these inconveniences may occur as the result of farm or forest activities which are in conformance with existing laws and regulations and accepted customs and standards.

15. **ADDITIONAL EXPLANATIONS OR DISCLOSURES:**

3B New Roof 4 Year Ago  
SE Carport ~~can~~ Enclosed without permit

Mark box if additional pages are attached.

16. **SELLER'S REPRESENTATION:**

To the best of Seller's knowledge and belief, the information contained in this Seller's Property Disclosure Statement is accurate and complete as of the date signed by Seller. It should not be a substitute for Buyer inspecting Property or obtaining any warranties with regard to Property that Buyer may wish to obtain. Seller hereby authorizes Broker to provide this Seller's Property Disclosure Statement to prospective buyers of Property and to real estate brokers and their affiliated licensees. Seller agrees to promptly update this Seller's Property Disclosure Statement and to provide any Buyer and Broker with a revised copy of the same if there are any material changes in the answers to the questions contained herein.

Is each individual named below a U. S. Citizen or resident alien?  Yes  No

Has each individual named below been a Georgia resident for the past two years?  Yes  No

Has Property been Seller's primary residence for at least two of the last five years?  Yes  No

Seller: [Signature]

Date: 6/27/06, 2006

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

Date: \_\_\_\_\_, 20\_\_\_\_

17. **RECEIPT AND ACKNOWLEDGMENT BY BUYER:**

I acknowledge receipt of this Seller's Property Disclosure Statement. I understand that, except as stated in the Purchase and Sale Agreement, Property is being sold in its present condition, without warranties or guarantees of any kind by Seller or Brokers. No representations concerning the condition of Property are being relied upon by Buyer except as disclosed herein or stated in the Purchase and Sale Agreement.

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

Date: \_\_\_\_\_, 20\_\_\_\_

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

Date: \_\_\_\_\_, 20\_\_\_\_