

# SELLER'S PROPERTY DISCLOSURE STATEMENT

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



2014 Printing

This Seller's Property Disclosure Statement ("Statement") is an exhibit to the Purchase and Sale Agreement with an Offer Date of \_\_\_\_\_ for Property known as or located at:

\_\_\_\_\_,  
Georgia \_\_\_\_\_. This Statement contains Seller's disclosures to Buyer regarding the present condition of the Property, certain past repairs and the history of the Property.

**A. INSTRUCTIONS TO SELLER IN COMPLETING THIS DISCLOSURE STATEMENT. In completing this Disclosure Statement, Seller agrees to:**

- (1) answer all questions in reference to the Property (which, unless otherwise noted, shall include the improvements thereon);
- (2) leave no question unanswered;
- (3) answer all questions fully and accurately based upon the best knowledge and belief of all Sellers in the Purchase and Sale Agreement;
- (4) fully explain in the Additional Explanations paragraph any questions to which the answer is "yes" or "don't know" referencing the number of the question for which the additional explanation is being given; and
- (5) promptly revise the Statement and provide a copy of the same to the Buyer and any Broker involved in the transaction if prior to closing there are any material changes in the answers to any of the questions.

**B. HOW THIS STATEMENT SHOULD BE USED BY BUYER.** The answers of Seller below should not be a substitute for Buyer conducting a careful, independent evaluation of the Property. Caveat emptor or buyer beware is the law in Georgia. Buyer is expected to use reasonable care to identify defects in the Property and satisfy herself or himself that the Property is suitable for Buyer's needs and purposes. If an independent evaluation of the Property reveals potential problems or areas of concern that would cause a reasonable buyer to investigate further, Buyer may not have legal recourse if Buyer fails to investigate further.

**C. DISCLOSURES.**

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
<b>1. OCCUPANCY:</b>			
(a) Is the Property vacant? If yes, how long has it been since Seller occupied the Property? _____	_____	_____	_____
(b) Is the Property or any portion thereof leased?	_____	_____	_____
<b>2. COVENANTS, FEES AND ASSESSMENTS:</b>			
Is the Property part of a condominium, community association or subject to a Declaration of Covenants, Conditions and Restrictions (CC & Rs) or other similar restrictions? <b>[IF YES, SELLER IS INSTRUCTED TO ADDITIONALLY FILL OUT AND PROVIDE TO BUYER A COMMUNITY ASSOCIATION DISCLOSURE EXHIBIT, GAR FORM 123].</b>	_____	_____	_____
<b>3. LEAD-BASED PAINT:</b>			
Was any part of the residential dwelling on the Property or any painted, component, fixture or material used therein constructed or manufactured prior to 1978? If you have answered "Yes" or "Don't Know" the Lead-Based Paint Exhibit F54 must be executed by the parties and the Lead-Based Paint Pamphlet F55 must be provided to the buyer.	_____	_____	_____
<b>4. STRUCTURAL ITEMS, ADDITIONS AND ALTERATIONS:</b>			
(a) What year was the main residential dwelling constructed? _____	_____	_____	_____
(b) Has there been any settling, movement, cracking or breakage of the foundations or structural supports of the improvements?	_____	_____	_____
(c) Have any structural reinforcements or supports been added?	_____	_____	_____
(d) Has there been any cracking, settlement or visible movement of retaining walls?	_____	_____	_____
(e) Have there been any additions, structural changes, or any other major alterations to the original improvements?	_____	_____	_____
(f) Has any work been done where a required building permit was not obtained?	_____	_____	_____
(g) Is Seller aware of violations of building codes or zoning regulations or received notice of the same?	_____	_____	_____

**5. SYSTEMS AND COMPONENTS:**

(a) What is/are the heating system(s) serving the Property?

Heat Energy Source	Location(s) Served	Approximate Age	In Working Condition?
1. <input type="checkbox"/> gas <input type="checkbox"/> electric <input type="checkbox"/> radiant <input type="checkbox"/> heat pump <input type="checkbox"/> forced air <input type="checkbox"/> _____			<input type="checkbox"/> Yes <input type="checkbox"/> No
2. <input type="checkbox"/> gas <input type="checkbox"/> electric <input type="checkbox"/> radiant <input type="checkbox"/> heat pump <input type="checkbox"/> forced air <input type="checkbox"/> _____			<input type="checkbox"/> Yes <input type="checkbox"/> No
3. <input type="checkbox"/> gas <input type="checkbox"/> electric <input type="checkbox"/> radiant <input type="checkbox"/> heat pump <input type="checkbox"/> forced air <input type="checkbox"/> _____			<input type="checkbox"/> Yes <input type="checkbox"/> No
4. <input type="checkbox"/> gas <input type="checkbox"/> electric <input type="checkbox"/> radiant <input type="checkbox"/> heat pump <input type="checkbox"/> forced air <input type="checkbox"/> _____			<input type="checkbox"/> Yes <input type="checkbox"/> No

(b) Does the heating system(s) not serve any enclosed part of the main dwelling? \_\_\_\_\_

(c) What is/are the air conditioning systems(s) (A/C) serving the Property?

A/C Energy Source	Location(s) Served	Approximate Age	In Working Condition?
1. <input type="checkbox"/> gas <input type="checkbox"/> electric <input type="checkbox"/> _____			<input type="checkbox"/> Yes <input type="checkbox"/> No
2. <input type="checkbox"/> gas <input type="checkbox"/> electric <input type="checkbox"/> _____			<input type="checkbox"/> Yes <input type="checkbox"/> No
3. <input type="checkbox"/> gas <input type="checkbox"/> electric <input type="checkbox"/> _____			<input type="checkbox"/> Yes <input type="checkbox"/> No
4. <input type="checkbox"/> gas <input type="checkbox"/> electric <input type="checkbox"/> _____			<input type="checkbox"/> Yes <input type="checkbox"/> No

(d) Does the air conditioning system(s) not serve any enclosed part of the main dwelling? \_\_\_\_\_

(e) What is/are the water heater(s) serving the Property?

Energy Source to heat water?	Tankless?	Approximate Age	In Working Condition?
1. <input type="checkbox"/> gas <input type="checkbox"/> electric <input type="checkbox"/> solar	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
2. <input type="checkbox"/> gas <input type="checkbox"/> electric <input type="checkbox"/> solar	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
3. <input type="checkbox"/> gas <input type="checkbox"/> electric <input type="checkbox"/> solar	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No
4. <input type="checkbox"/> gas <input type="checkbox"/> electric <input type="checkbox"/> solar	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No

(f) 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 rental fee? \$ \_\_\_\_\_ per \_\_\_\_\_

(g) Does any dwelling or garage have aluminum wiring other than in the primary service line? \_\_\_\_\_

(h) Are any fixtures or appliances included in the sale in need of repair or replacement? \_\_\_\_\_

(i) Are any fireplaces presently not working, decorative only or in need of repair? \_\_\_\_\_

(j) When was each fireplace, wood stove or chimney/flue last cleaned? \_\_\_\_\_

Date(s): \_\_\_\_\_

**6. ROOF, GUTTERS AND DOWNSPOUTS:**

(a) Approximate age of roof: \_\_\_\_\_ years.

(b) Has any part of the roof been repaired during Seller's ownership? \_\_\_\_\_

(c) Are there any roof leaks or other problems with the roof, roof flashing, gutters or downspouts? \_\_\_\_\_

	Yes	No	Don't Know
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**7. SEWER/PLUMBING RELATED ITEMS:**

- (a) What is the drinking water source:  public  private  well
- (b) If the drinking water is from a well, has the water been tested within the past twelve (12) months? \_\_\_\_\_
- (c) What is the sewage system:  public  private  septic tank
- (d) Is the main dwelling served by sewage pump? \_\_\_\_\_
- (e) Has any septic tank or cesspool on Property ever been professionally serviced? \_\_\_\_\_  
If yes, please give the date of last service: \_\_\_\_\_
- (f) Are there any leaks, backups or other similar problems with to any portion of the plumbing, water or sewage systems? \_\_\_\_\_
- (g) Is there presently any polybutylene plumbing, other than the primary service line? \_\_\_\_\_
- (h) Are there any low water flow plumbing fixtures? \_\_\_\_\_
- (i) Has any water line or fixture ever frozen in cold weather? \_\_\_\_\_

**8. FLOODING, DRAINAGE, MOISTURE AND SPRINGS:**

- (a) Is there now or has there been any water intrusion in the basement, crawl space or other parts of any dwelling or garage? \_\_\_\_\_
- (b) Have any repairs been made to control water intrusion in the basement, crawl space, or other parts of any dwelling or garage? \_\_\_\_\_
- (c) Is any part of the Property or any improvements thereon presently located in a 100 year Special Flood Hazard Area where there is at least a 1% chance of a flood in any given year? \_\_\_\_\_
- (d) Has there ever been any flooding? \_\_\_\_\_
- (e) Are there any streams that do not flow year round or underground springs? \_\_\_\_\_
- (f) Are there any dams, retention ponds, storm water detention basins, or other similar facilities? \_\_\_\_\_

**9. SOIL, TREES, SHRUBS AND BOUNDARIES:**

- (a) Are there any landfills (other than foundation backfill), graves, burial pits, caves, mine shafts, trash dumps or wells (in use or abandoned)? \_\_\_\_\_
- (b) Is there now or has there ever been any visible soil settlement or movement? \_\_\_\_\_
- (c) Are there any diseased or dead trees? \_\_\_\_\_
- (d) Are there presently any encroachments, unrecorded easements or boundary line disputes with a neighboring property owner? \_\_\_\_\_
- (e) Do any of the improvements encroach onto a neighboring property? \_\_\_\_\_

**10. TERMITES, DRY-ROT, PESTS, AND WOOD-DESTROYING ORGANISMS:**

- (a) Is there any damage resulting from animals (such as squirrels, mice, possum or raccoons); insects (such as termites, bees and ants); or by fungi or dry rot? \_\_\_\_\_
- (b) Is there presently a bond, warranty or service contract for termites or other wood destroying organisms by a licensed pest control company? \_\_\_\_\_  
If yes, is it transferable? \_\_\_\_\_  
If yes, company name/contact: \_\_\_\_\_  
Check type of coverage:  re-treatment and repair;  re-treatment; or  periodic inspections only.
- (c) Is there a cost to transfer and/or maintain the bond, warranty or service contract? \_\_\_\_\_  
If yes, what is the cost? \$ \_\_\_\_\_
- (d) Is there any exterior untreated wood, hard coat stucco, rigid board insulation, plastic foam or siding or cladding (other than stone, brick or concrete) in contact with the soil or within six inches of the finished grade? \_\_\_\_\_

**11. ENVIRONMENTAL/HEALTH/SAFETY CONCERNS:**

- (a) Are there any underground tanks or toxic or hazardous substances such as asbestos? \_\_\_\_\_
- (b) Has Methamphetamine ("Meth") ever been produced on the Property? \_\_\_\_\_
- (c) Have there ever been adverse test results for radon, lead, mold or any other potentially toxic substances? \_\_\_\_\_
- (d) Is there any mold on interior heated and cooled portions of any dwelling on the Property other than on the walls, floors or ceilings of showers, sinks, and bathtubs? \_\_\_\_\_

**12. LITIGATION AND INSURANCE:**

- (a) Is there now or has there been any litigation therein alleging negligent construction or defective building products? \_\_\_\_\_
- (b) Has there been any award or payment of money in lieu of repairs for defective building products or poor construction? \_\_\_\_\_
- (c) Has any release been signed regarding defective products or poor construction that would limit a future owner from making any claims? \_\_\_\_\_
- (d) During Seller's ownership have there been any insurance claims for more than 10% of the value of the Property? \_\_\_\_\_
- (e) How many insurance claims have been filed during Seller's ownership? \_\_\_\_\_

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<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
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**13. OTHER MATTERS:**

- (a) Have there been any inspections in the past year?  
If yes, by whom and of what type? \_\_\_\_\_
- (b) Was any dwelling or portion thereof (excluding mobile, modular and manufactured dwelling) moved to the site from another location? \_\_\_\_\_
- (c) Is any portion of the main dwelling a mobile, modular or manufactured home? \_\_\_\_\_
- (d) Has the Property been designated as historic or in a historic district where modifications and additions are limited? \_\_\_\_\_
- (e) Are there any other latent or hidden defects that have not otherwise been disclosed? \_\_\_\_\_

**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? \_\_\_\_\_

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 FOR ALL QUESTIONS ANSWERED "YES" or "OTHER":** *[Explanations should reference the number of the question for which more detailed information is being provided.]*

Sample

Additional pages  are or  are not attached.

**D. ITEMS TO REMAIN WITH PROPERTY: (Check (✓) only those fixtures/personal property (hereinafter "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 items checked are included in the sale of Property. Those items listed below that are not checked shall not be included in the sale of Property.**

**Appliances**

- Clothes Dryer
  - Gas
  - Electric
- Clothes Washing Machine
- Dishwasher
  - Built-In
  - Free Standing
- Garage Door Opener
  - Remote Control
- Ice Maker
  - Built-In
  - Free Standing
- Microwave Oven
  - Built-In
  - Free Standing
- Refrigerator
- Stove
  - Gas
  - Electric
  - Built-In
  - Free Standing
- Surface Unit Cook Top
  - Gas
  - Electric
- Trash Compactor
  - Built-In
  - Free Standing
- Vacuum System (Built-In)
- Vacuum Attachments
- Vent Hood
- Wall Oven
  - Single
  - Double
- Wine Cooler

**Home Media**

- Cable Jacks
- Cable Receiver
- Cable Remotes
- Intercom System

- Internet HUB
- Internet Wiring
- Satellite Dish
- Satellite Receiver
- Satellite Remote
- Speakers (Built-In)
- Switch Plate Covers
- Television (TV)
  - Antenna
  - Mounts/Brackets
  - Remote
  - Wiring

**Interior Fixtures**

- Ceiling Fan
  - Remote Control
- Chandelier(s)
- Fireplace
  - Gas Logs
  - Gas Starter Key
  - Remote Control
  - Screen/Door
  - Wood Burning Insert
- Light Bulbs
- Light Fixtures
- Mirror (Attached)
- Shelving Unit & System
  - Built-In
  - Free Standing
- Shower Head/Sprayer
- Window Treatments (including Hardware)

**Landscaping / Yard**

- Arbor
- Awning
- Basketball Post & Goal
  - Built-In
  - Free Standing
- Birdhouses
- Boat Dock serving Property
- Fence (Invisible)

- Fence Pet Collar
- Dog House
- Flag Pole
- Gazebo
- Irrigation System
- Landscaping Lights
- Mailbox
- Out/Storage Building
- Porch swing
- Statuary
- Stepping Stones
- Swing Set
  - Tree House
  - Trellis
  - Weather Vane

**Recreation**

- Above Ground Pool
- Gas Grill
  - Built-In
  - Free Standing
- Hot Tub
- Outdoor Furniture
- Outdoor Playhouse
- Sauna
- Swimming Pool Equipment (List below)

**Safety**

- Alarm System (Burglar)
  - Leased
  - Owned
- Alarm System (Smoke/Fire)
  - Leased
  - Owned
- Camera(s)
- Carbon Monoxide Detector
- Doorbell
- Door & Window Hardware
- Fire Sprinkler System
- Gates
  - Remote Control

- Safe (Built-In)
- Smoke Detector
  - Battery Operated
  - Hard Wired

**Systems**

- Air Conditioning Window Unit
- Air Purifier
- Attic Fan (Whole House Fan)
- Attic Ventilator Fan
- Basement/Crawl Space Ventilator Fan
- Dehumidifier
  - Built-In
  - Free Standing
- Humidifier
- Propane/Fuel Oil Tanks
  - Above ground
  - Buried
  - Leased
  - Owned
- Propane/ Fuel Oil in Tank
- Sewage Pump
- Sump Pump
- Thermostat
- Water Purification System
  - Leased
  - Owned
- Water Softener System
  - Leased
  - Owned
- Well Pump
- Window Screens

Location of items checked above: \_\_\_\_\_

Other items, and it's location, included in the sale of the Property shall be: \_\_\_\_\_

Other items not included in the sale of Property shall be: \_\_\_\_\_

The common law of fixtures shall apply to items not addressed herein. Those 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 items not timely removed. In removing all items, Seller shall use reasonable care to prevent damage and, if necessary, shall restore the area where the item has been removed to its original condition.

**SELLER'S REPRESENTATION REGARDING SELLER'S PROPERTY DISCLOSURE STATEMENT:**

Seller represents that Seller has followed the Instructions to Seller in Completing This Disclosure Statement set forth in Paragraph A above and will follow the same in updating this Disclosure Statement as needed from time to time.

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

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

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

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

**RECEIPT AND ACKNOWLEDGMENT BY BUYER:**

Buyer acknowledges the receipt of this Seller's Property Disclosure Statement.

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

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

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

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

Sample