

99659712

This document has legal consequences.
If you do not understand it, consult your attorney.
Form # 2091 11/2006

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SELLER'S DISCLOSURE STATEMENT

To be completed by SELLER concerning 5707 Devonshire Avenue (Property Address)

Note: If a Seller knows or suspects some condition which might lower the value of the property being sold or adversely affect the Buyer's decision to buy the property, then the Seller needs to disclose it. This statement will assist a Buyer in evaluating the property being considered. Real estate brokers and agents involved in the sale do not inspect the property for defects, and they cannot guarantee the accuracy of the information in this form.

TO THE SELLER: Your truthful disclosure of the history and condition of your property gives you the best protection against future charges that you violated your legal obligation to a Buyer by concealing a material defect. Your answers or the answers you fail to provide, either way, may have legal consequences, even after the closing of the sale. This questionnaire should help you meet your disclosure obligation, but it may not cover all aspects of your property. If you know of or suspect some condition which would substantially lower the value of the property, impair the health or safety of future occupants, or otherwise affect a Buyer's decision to buy your property, then use the space at the end of this form to describe that condition.

TO THE BUYER: Since these disclosures are based on the Seller's knowledge, you cannot be sure that there are, in fact, no problems with the property simply because the Seller is not aware of them. The answers given by the Seller are not warranties of the condition of the property. Thus, you should condition your offer on a professional inspection of the property. You may also wish to obtain a home protection plan/warranty. Due to the variety of insurance, requirements, products, and arrangements Buyer should contact appropriate party to determine insurance coverage needed.

Conditions of the property that you can see on a reasonable inspection should either be taken into account in the purchase price or you should make the correction of these conditions by the Seller a requirement of the sale contract.

If you sign a contract to purchase the property, that contract, and not this disclosure statement, will provide for what is to be included in the sale. So, if you expect certain items, appliances, or equipment included, you must specify them in the contract.

SUBDIVISION, CONDOMINIUM, VILLA, CO-OP OR OTHER SHARED COST DEVELOPMENT (if applicable)

- (a) Name _____ Assessment: \$ _____ per: month quarter half-year year
- (b) Type of Ownership: Fee-Simple Condominium Co-Op
- (c) Assessment includes:
 - entrance sign/structure street maintenance common ground snow removal of common area
 - snow removal specific to this dwelling landscaping of common area landscaping specific to this dwelling
 - clubhouse pool tennis court exercise area reception facility water sewer trash removal
 - doorman cooling heating security other common facility _____
 - assigned parking space(s): how many _____ identified as _____ some insurance real estate taxes
 - other specific item(s) _____
 - Exterior Maintenance of this dwelling covered by Assessment: _____
- (d) Are you aware of any existing or proposed special assessments? Yes No
- (e) Are you aware of any condition or claim which may cause an increase in assessment or fees? Yes No
- (f) Are you aware of any material defects in any common or other shared elements? Yes No
- (g) Are you aware of any existing indentures/restrictive covenants? Yes No
- (h) Are you aware of any violation of the indentures/restrictions by yourself or by others? Yes No
- (i) Is there a recorded street/road maintenance agreement? Yes No
- (j) Please explain any "yes" answer you gave for (d), (e), (f), (g), (h), or (i) above. _____

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HEATING, COOLING AND VENTILATING (Seller is not agreeing that all items checked are being offered for sale.)

- (a) Type of air conditioning: Central Electric Central Gas Window/Wall (Number of window units _____) Other: _____
- (b) Source of heating: Electric Natural Gas Propane Fuel Oil Other _____
- (c) Heating Equipment: Forced Air Hot Water Radiators Steam Radiators Radiant Baseboard Other _____
- (d) Areas of house not served by central heating/cooling: Basement & Attic
- (e) Additional: Humidifier Electronic Air Filter Media Filter Attic Fan Other: _____
- (f) Are you aware of any problems or repairs needed with any item in this section? Yes No If "yes", please explain _____

FIREPLACE(S)

- (a) Type of fireplace: Wood Burning Vented Gas logs Vent Free Gas Logs Wood Burning Stove
- (b) Type of flues/venting:
 - Functional (properly vented for wood burning and vented gas logs). Number of fireplace(s) _____ Location(s) _____
 - Non Functional: Number of fireplace(s) _____ Location(s) _____ Please explain _____
- (c) Are you aware of any problems or repairs needed with any item in this section? Yes No If "yes", please explain _____

PLUMBING SYSTEM, FIXTURES AND EQUIPMENT

- (a) Water Heater: Gas Electric Other: _____
- (b) Ice maker supply line: Yes No
- (c) Jet Tub: Yes No
- (d) Lawn Sprinkler System: Yes No If yes, date of last backflow device inspection certificate: _____
- (e) Are you aware of any problems or repairs needed in the plumbing system? Yes No If "yes", please explain. _____

APPLIANCES (Seller is not agreeing that all items checked are being offered for sale.)

- (a) Electrical Appliances and Equipment: Electric Stove/Range/Cook top Oven Built-in Microwave Oven
 - Dishwasher Garbage Disposal Trash Compactor Wired smoke alarms Electric dryer "hook up"
 - Ceiling Fan(s) Intercom System Central Vacuum System Other _____
- (b) Gas Appliances & Equipment: Oven Gas Stove/Range/Cook top Exterior Lights Barbecue
 - Water heater Gas dryer "hook up" Other _____
- (c) Other Equipment: TV Antenna Cable TV Wiring Electric Garage Door Opener Number of transmitters _____
 - Security Alarm System Owned Leased /Lease information: _____
 - Swimming Pool Pool Heater Spa/Hot Tub Sauna/ Pool/Spa Equipment (list): _____
 - Satellite Dish Owned Leased/Lease Information: _____
 - Electronic Pet Fence System Number of Collars: _____ Other: _____
- (d) Are you aware of any items in this section in need of repair or replacement? Yes No If "yes", please explain. _____

ELECTRICAL

- (a) Type of service panel: Fuses Circuit Breakers -100 Amp
- (b) Type of wiring: Copper Aluminum Knob and Tube Unknown
- (c) Are you aware of any problems or repairs needed in the electrical system? Yes No If "yes", please explain. Porch light is not working currently.

ROOF, GUTTERS AND DOWNSPOUTS

- (a) What is the approximate age of the roof? _____ Years. Documented? Yes No
- (b) Has the roof ever leaked during your ownership? Yes No If "yes" please explain. unknown
- (c) Has the roof been repaired, recovered or any portion of it replaced or recovered during your ownership? Yes No If "yes", please explain _____
- (d) Are you aware of any problems with the roof, gutters or downspouts? Yes No If "yes", please explain. _____

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WATER (If well exists, attach Form #2165, Septic/Well Addendum To Seller's Disclosure Statement)

- (a) What is the source of your drinking water? Public Community Well Other (explain): _____
- (b) Do you have a softener, filter or other purification system? Yes No Owned Leased/Lease Information _____
- (c) Are you aware of any problems relating to the water system including the quality or source of water? Yes No If "yes, please explain _____

SEWERAGE (If Septic or Aerator exists, attach Form #2165, Septic/Well Addendum To Seller's Disclosure Statement)

- (a) What is the type of sewerage system to which the house is connected? Public Private Septic Aerator Other. If other please explain: _____
- (b) Is there a sewerage lift system? Yes No If "yes", is it in good working condition? Yes No
- (c) When was the septic/aerator system last serviced? _____
- (d) Are you aware of any leaks, backups, open drain lines or other problems relating to the sewerage system? Yes No If "yes", please explain _____

CONSTRUCTION

- (a) Are you aware of any problems with the footing, foundation walls, sub-floor, interior and exterior walls, roof construction, decks/porches or other load bearing components? Yes No If "yes" please describe in detail. _____
- (b) Are you aware of any repairs to any of the building elements listed in (a) above? Yes No If "yes", please describe the location, extent, date and name of the person/company who did the repair or control effort. _____
- (c) Are you aware that any of the work in (b) above was completed without required permits? Yes No
- (d) List all significant additions, modifications, renovations, & alterations to the property during your ownership: _____
- (e) Were required permits obtained for the work in (d) above? Yes No

HARDBOARD SIDING

- (a) Are you aware of any hardboard siding on your property? Yes No If "yes", which type? _____
- (b) Are you aware of any claims made against the manufacturer for defects in the siding? Yes No Date(s) _____
- (c) Was any money received for the claim? Yes No Date(s) _____
- (d) Are you aware of any repairs or replacements made to hardboard siding? Yes No Date(s) _____
- (e) Please explain any "yes", answers you gave in this section and give dates. _____

BASEMENT AND CRAWL SPACE (Complete only if applicable)

- (a) Sump pit Sump pit and pump
- (b) Are you aware of any dampness, water accumulation or leakage, in the basement or crawl space? Yes No If "yes", please describe in detail. During very heavy, continuous rains, some water seeps onto the floor in the room under the porch (southeast) only. ~~There is no problem with the~~ This has been addressed.
- (c) Are you aware of any repairs or other attempts to control any water or dampness problem in the basement or crawl space? Yes No If "yes", please describe the location, extent, date and name of the person/company who did the repair or control effort Sealed & Dry-locked.

TERMITES/WOOD DESTROYING INSECTS, PESTS

- (a) Are you aware of any termites/wood destroying insects, or pests affecting the property? Yes No
- (b) Are you aware of any uncorrected damage to the property caused by termites/wood destroying insects, or pests? Yes No
- (c) Is your property currently under a warranty contract by a licensed pest control company? Yes No
- (d) Are you aware of any termite/pest control reports for the property? Yes No
- (e) Are you aware of any termite/pest control treatments to the property? Yes No
- (f) Please explain any "yes" answers you gave in this section: We had the home treated for termites prior to buying. There was no evidence of termites, but the house had not been treated so we went ahead and had it done preventatively.

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SOIL AND DRAINAGE

- (a) Are you aware of any fill, expansive soil or sinkholes on the property? Yes No
- (b) Are you aware of any soil, earth movement, flood, drainage or grading problems? Yes No
- (c) Are you aware of any past, present or proposed mining, strip-mining, or any other excavations that affect or might affect the property? Yes No
- (d) Please explain any "yes" answers you gave in this section. _____

HAZARDOUS SUBSTANCES/OTHER ENVIRONMENTAL CONCERNS

- (a) Lead: (Note: Production of lead based paint was banned in 1978.)
 - (1) Are you aware of the presence of any lead hazards (such as paint, water supply lines, etc.) on the property? Yes No *unknown*
 - (2) Are you aware if it has ever been covered or removed? Yes No *unknown*
 - (3) Are you aware if the property has been tested for lead? Yes No If "yes", please give date performed, type of test and test results. _____
 - (4) Please explain any "yes" answers you gave in this section. _____

- (b) Asbestos Materials
 - (1) Are you aware of the presence of asbestos materials on the property, such as roof shingles, siding, insulation, ceiling, flooring, pipe wrap, etc.? Yes No *unknown*
 - (2) Are you aware of any asbestos material that has been encapsulated or removed? Yes No *unknown*
 - (3) Are you aware if the property has been tested for the presence of asbestos? Yes No If "yes", please give date performed, type of test and test results: _____
 - (4) Please explain any "yes" answers you gave in this section. _____

- (c) Mold
 - (1) Are you aware of the presence of any mold on the property? Yes No
 - (2) Are you aware of anything with mold on the property that has ever been covered or removed? Yes No
 - (3) Are you aware if the property has ever been tested for the presence of mold? Yes No If "yes", please give date performed, type of test and test results. _____
 - (4) Please explain any "yes" answers you gave in this section. _____

- (d) Radon
 - (1) Are you aware if the property has been tested for radon gas? Yes No If "yes", please give date performed, type of test and test results. _____
 - (2) Are you aware if the property has ever been mitigated for radon gas? Yes No If "yes", please provide the date and name of the person/company who did the mitigation. _____

- (e) Methamphetamine

Are you aware if the property is or was used as a site for methamphetamine production or the place of residence of a person convicted of a crime involving any controlled substance related thereto? Yes No If "yes", please explain. _____

- (f) Other Environmental Concerns

Are you aware of any other environmental concerns that may affect the property such as polychlorinated biphenyls (PCB's), electro-magnetic fields (EMF's), underground fuel tanks, unused septic or storage tanks, etc.? Yes No If "yes", please explain. _____

INSURANCE

Are you aware of any claims that have been filed for damages to the property in the last 5 years? Yes No If "yes", please provide the following information: date of claim, description of claim, repairs and/or replacements completed. _____

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MISCELLANEOUS

- (a) The approximate age of the residence is 81 years. The Seller has occupied the property 1 years.
- (b) Has the Seller continuously occupied the property during the last twelve months? Yes No If "no", please explain. _____
- (c) Is the property located in an area that requires an occupancy (code compliance) inspection? Yes No If "yes", please explain.
City housing conservation occupancy inspection
- (d) Are you aware if this property is located in an area that requires any specific disclosure(s) from the city or county? Yes No
If "yes", please explain. _____
- (e) Is the property designated as a historical home or located in a historic district? Yes No If "yes", please explain. _____
- (f) Is any portion of the property located within the 100 year flood hazard area (flood plain)? Yes No
- (g) Do you have a survey that includes all existing improvements on the property? Yes No
- (h) Are you aware of any pets having been kept in or on the property? Yes No If "yes" please explain. 2 dogs.
- (i) Is the Buyer being offered a protection plan/home warranty at closing at Seller's expense? Yes No
- (j) Are you aware of any inoperable windows or doors or broken thermal seals? Yes No
- (k) Are you aware if carpet has been laid over a damaged wood floor? Yes No
- (l) Are you aware of any:
 - Shared or common features with adjoining properties? Yes No
 - Rights of way, unrecorded easements, or encroachments, which affect the property? Yes No
 - Existing or threatened legal action affecting the property? Yes No
 - Violations of local, state, or federal laws/regulations, including zoning, relating to the property? Yes No
 - Consent required of anyone other than the signer(s) of this form to convey title to the property? Yes No
- (m) Please explain any "yes" answers you gave for (f), (i), (j), (k), or (l) above. _____

Additional comments:

New storm door, new storm windows over stained glass, new appliances, new plumbing stack, updated lighting throughout, new picture window, new kitchen cabinets & countertop, ceiling fans, exhaust fan in bathroom, new garage door, lighting, & floor paint.

SELLER'S ACKNOWLEDGEMENT:

Seller acknowledges that he has carefully examined this statement and that it is complete and accurate to the best of Seller's knowledge. Seller agrees to immediately notify listing broker in writing of any changes in the property condition. Seller authorizes all brokers and their licensees to furnish a copy of this statement to prospective Buyers.

Dana Xmas 4-30-07 Paul R. Key 4-30-07
 SELLER DATE SELLER DATE

BUYER'S ACKNOWLEDGEMENT:

Buyer acknowledges having received and read this Seller's Disclosure Statement. Buyer understands that the information in this Seller's Disclosure Statement is limited to information of which Seller has actual knowledge. Buyer should verify the information contained in this Seller's Disclosure Statement, and any other important information provided by either Seller or broker (including any information obtained through the Multiple Listing Service) by an independent, professional investigation of his own. Buyer acknowledges that broker is not an expert at detecting or repairing physical defects in property.

 BUYER DATE BUYER DATE

