

# SELLER'S PROPERTY DISCLOSURE STATEMENT (CONDOMINIUM) EXHIBIT " \_\_\_\_\_ "



**2011 Printing**

This Seller's Property Disclosure Statement ("Statement") is an exhibit to the Condominium 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:

- (a) answer all questions in reference to the Unit (which, unless otherwise noted, shall include the improvements thereon);
- (b) leave no question unanswered;
- (c) answer all questions fully and accurately based upon the best knowledge and belief of all Sellers in the Condominium Purchase and Sale Agreement;
- (d) fully explain in the Additional Explanations paragraph any questions to which the answer is "yes" or "other" referencing the number of the question for which the additional explanation is being given; and
- (e) 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.

For the purposes of this Disclosure Statement, the term "Unit" shall not include any interest in the common elements (including limited common elements) assigned to Unit in the Declaration. The term "Association" shall mean the condominium or Unit owners' association for the above referenced condominiums. The term "Property" shall refer to all property made a part of the condominium in which Unit is located.

**C. DISCLOSURES.**

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
<b>1. OCCUPANCY:</b>			
(a) Is the Unit vacant? If yes, how long has it been since Seller occupied the Unit? _____	_____	_____	_____
(b) Is the Unit or any portion thereof leased?	_____	_____	_____
<b>2. SOIL, TREES, SHRUBS AND BOUNDARIES:</b>			
(a) Are there now or have there been any landfills (other than foundation backfill), graves, burial pits, caves, mine shafts, trash dumps or wells (in use or abandoned) on the Property?	_____	_____	_____
(b) Is there now or has there been any soil movement, subsidence, settlement, upheaval, or erosion?	_____	_____	_____
(c) Are there presently any encroachments onto the Property, unrecorded easements affecting the Property or boundary line disputes with a neighboring property owner?	_____	_____	_____
(d) Are there any encroachments or unrecorded easements with respect to Unit?	_____	_____	_____
<b>3. ROOF, GUTTERS AND DOWNSPOUTS:</b>			
(a) Approximate age of roof on building in which Unit is located: _____ years.			
(b) Has the roof on the building in which the Unit is located, or any part thereof, been repaired during your ownership?	_____	_____	_____
(c) Are there any roof leaks into the Unit?	_____	_____	_____
<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?	_____	_____	_____
(b) Is there any past or present damage to Unit caused by infiltrating pests, termites, dry rot, or other wood-destroying organisms?	_____	_____	_____
(c) Does the Association currently have Property 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	_____	_____	_____
(d) Have any termite/pest control reports or treatments for Property or Unit been done in the last five (5) years?	_____	_____	_____
(e) Do any exterior portions or exterior improvements 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?	_____	_____	_____

**5. STRUCTURAL ITEMS, ADDITIONS AND ALTERATIONS:**

**Yes    No    Don't Know**

- (a) What year was Unit constructed? \_\_\_\_\_
- (b) Is the condominium a condominium conversion?  
If yes, what year was it converted? \_\_\_\_\_
- (c) Has there been any movement, shifting, settling (other than normal settling), cracking, deterioration, or other structural problems with any portion of Property? \_\_\_\_\_
- (d) Has there been any movement, shifting, settling (other than normal settling), cracking, deterioration, or other structural problems with any portion of Unit? \_\_\_\_\_
- (e) Has there been any additional structural bracing, underpinning, or other structural reinforcement been added to any portion of Property? \_\_\_\_\_
- (f) Has there been any additional structural bracing, underpinning, or other structural reinforcement been added to any portion of Unit? \_\_\_\_\_
- (g) Are there any problems with driveways, walkways, patios, or retaining walls serving Unit? \_\_\_\_\_
- (h) Have there been any additions, structural changes, or any other major alterations to Unit subsequent to the time Property was submitted to the condominium form of ownership? \_\_\_\_\_
- (i) Have there been any instances where necessary permits and/or approvals were not obtained for work done in or to Unit? \_\_\_\_\_
- (j) Has there been any work done to Unit of the Condominium that was not in compliance with building codes or zoning regulations or for which a necessary permit was not obtained? \_\_\_\_\_
- (k) Does any of the exterior siding or cladding of any portion of Property contain synthetic stucco where the interior studs and windows are constructed of wood? \_\_\_\_\_

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

- (a) Has there been any water leakage, accumulation, or dampness within Unit? \_\_\_\_\_
- (b) Have any repairs been made to control any water or dampness problems in the Unit? \_\_\_\_\_
- (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 been any drainage problems or flooding on Property? \_\_\_\_\_
- (e) Are there any problems with siding or exterior cladding of any portion of Property retaining moisture, swelling, chipping or delaminating? \_\_\_\_\_
- (f) Does mold appear on interior portions of the Unit other than on the walls, floors or ceilings of showers/bathtubs or within common element walls adjacent to Unit? \_\_\_\_\_

**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 Unit 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, serving Unit? \_\_\_\_\_

**8. OTHER SYSTEMS AND COMPONENTS:**

- (a) What type of heating system(s) serve Unit?  Electric  Gas  Other
- (b) Approximate age of heating system(s): \_\_\_\_\_ years
- (c) What is the primary air conditioning system serving the main dwelling?  gas  electric  other
- (d) Approximate age of air conditioning system(s): \_\_\_\_\_ years
- (e) How is water heated in the Unit?  Electric  Gas  Solar
- (f) Approximate age of water heater: \_\_\_\_\_ years
- (g) Does any system for heating and/or cooling Unit or heating water serve more than one Unit? \_\_\_\_\_
- (h) Does Unit have aluminum wiring other than the primary service line? \_\_\_\_\_
- (i) Are there any system(s) or appliance(s) which is leased or which has a fee associated with its use? \_\_\_\_\_
- (j) Are any fireplaces serving Unit not working fireplaces or not in good working order and repair? \_\_\_\_\_
- (k) When was the fireplace, wood stove or chimney/flue cleaned? Date: \_\_\_\_\_

**9. TOXIC SUBSTANCES:**

- (a) Are there any underground tanks, toxic or hazardous substances on or in the common elements (structure or soil) such as asbestos, urea-formaldehyde, methane gas, radioactive material, radon, mold, benzene or others or environmental contaminates? \_\_\_\_\_
- (b) Are there any toxic or hazardous substances in the Unit? \_\_\_\_\_

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
<b>10. FEES, ASSESSMENTS AND PROPERTY MANAGEMENT:</b>			
(a) In purchasing Unit, will any initiation, transfer, or other similar fee be owed to the Association? If yes, what amount \$ _____	_____	_____	_____
(b) The Association fee for common expenses is: \$ _____ per _____	_____	_____	_____
(c) Are there any special assessments approved by but yet not owing or due to the Association? If yes, what amount \$ _____?	_____	_____	_____
(d) Are there any delinquent fines or other assessments owing on Unit? If yes, state amount. \$ _____.	_____	_____	_____
(e) Has the annual assessment for Unit for the next fiscal year been approved? If yes, how much will the new assessment be? \$ _____	_____	_____	_____
(f) Is the Association a defendant in any lawsuit?	_____	_____	_____
(g) Is the Association self managed or not managed by a professional management company? Name and telephone number of Association or management company contact person: _____	_____	_____	_____

<b>11. PARKING AND STORAGE:</b>			
(a) Are there any limited common element parking spaces assigned to the Unit and reserved for the Owner's exclusive use? If yes, please identify the number and location of the same. _____	_____	_____	_____
(b) Are there any limited common element storage rooms, lockers or bins assigned to the Unit and reserved for the Owner's exclusive use? If yes, please identify the number and location of the same. _____	_____	_____	_____

<b>12. OTHER MATTERS:</b>			
(a) Have there been any inspections of Unit in the past year?	_____	_____	_____
(b) Was any of the drywall used in the Property made in China and/or have a foul smelling odor?	_____	_____	_____
(c) Has Unit or the common elements of the condominium ever been, or is it currently, the subject of litigation or claim including, but not limited to, defective building products, construction defects, termites, and/or title problems?	_____	_____	_____
(d) Has there been any award or payment of money in lieu of repairs for such a defective building product?	_____	_____	_____
(e) Has any release been signed that would limit a future owner from making any claims in connection with Unit or Property?	_____	_____	_____
(f) Is there any fire, flood or wind damage which required repairs to Unit in excess of \$500.00?	_____	_____	_____
(g) Are there any fixtures or appliances included in the sale that are in need of repair?	_____	_____	_____
(h) Have any repairs been made to the electrical, plumbing, or heating and air condition system, or any part thereof?	_____	_____	_____
(i) Are there any other adverse, material facts pertaining to the physical condition of the Property that have not otherwise been disclosed?	_____	_____	_____

<b>13. LEAD-BASED PAINT:</b> Was any part of the Unit 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>14. AGRICULTURAL DISCLOSURE:</b> Is the subject 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 that 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.]*

Additional pages are  or are  not attached.

**D. FIXTURES/ITEMS:** Check (✓) only those fixtures/items below that are included in the sale of Unit. 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 Unit. Those fixtures/items listed below that are not checked shall not be included in the sale of Unit.

- |  |  |  |  |
|--|--|--|--|
| <input type="checkbox"/> Air Conditioning Window Unit                    | <input type="checkbox"/> Fireplace                                       | <input type="checkbox"/> Mailbox   | <input type="checkbox"/> Sump Pump                                       |
| <input type="checkbox"/> Air Purifier                                    | <input type="checkbox"/> Gas Logs  | <input type="checkbox"/> Microwave Oven                                  | <input type="checkbox"/> Surface Unit Cook Top                           |
| <input type="checkbox"/> Alarm System (Burglar)                          | <input type="checkbox"/> Gas Starter Key                                 | <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing | <input type="checkbox"/> Gas <input type="checkbox"/> Electric           |
| <input type="checkbox"/> Leased <input type="checkbox"/> Owned           | <input type="checkbox"/> Remote Control                                  | <input type="checkbox"/> Mirror (Attached)                               | <input type="checkbox"/> Switch Plate Covers                             |
| <input type="checkbox"/> Alarm System (Smoke/Fire)                       | <input type="checkbox"/> Screen/Door                                     | <input type="checkbox"/> Radio (Built-In)                                | <input type="checkbox"/> Telephone/Data Jacks/Wires                      |
| <input type="checkbox"/> Leased <input type="checkbox"/> Owned           | <input type="checkbox"/> Wood Burning Insert                             | <input type="checkbox"/> Refrigerator                                    | <input type="checkbox"/> Television Antenna                              |
| <input type="checkbox"/> Awning  | <input type="checkbox"/> Fire Sprinkler System                           | <input type="checkbox"/> Satellite Dish/Receiver                         | <input type="checkbox"/> Television Cable/Jacks                          |
| <input type="checkbox"/> Carbon Monoxide Detector                        | <input type="checkbox"/> Flag Pole                                       | <input type="checkbox"/> Sauna   | <input type="checkbox"/> Thermostat (Programmable)                       |
| <input type="checkbox"/> Ceiling Fan                                     | <input type="checkbox"/> Garage Door Opener                              | <input type="checkbox"/> Shelving Unit & System                          | <input type="checkbox"/> Trash Compactor                                 |
| <input type="checkbox"/> Remote Control                                  | <input type="checkbox"/> Remote Control                                  | <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing | <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing |
| <input type="checkbox"/> Chandelier                                      | <input type="checkbox"/> Garbage Disposal                                | <input type="checkbox"/> Shower Head/Sprayer                             | <input type="checkbox"/> Vacuum System (Built-In)                        |
| <input type="checkbox"/> Dehumidifier                                    | <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing | <input type="checkbox"/> Smoke Detector                                  | <input type="checkbox"/> Vacuum Attachments                              |
| <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing | <input type="checkbox"/> Hot Tub   | <input type="checkbox"/> Battery Operated                                | <input type="checkbox"/> Vent Hood                                       |
| <input type="checkbox"/> Dishwasher                                      | <input type="checkbox"/> Humidifier                                      | <input type="checkbox"/> Hard Wired                                      | <input type="checkbox"/> Washing Machine                                 |
| <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing | <input type="checkbox"/> Ice Maker                                       | <input type="checkbox"/> Speakers (Built-In)                             | <input type="checkbox"/> Water Purification System                       |
| <input type="checkbox"/> Door & Window Hardware                          | <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing | <input type="checkbox"/> Statuary  | <input type="checkbox"/> Water Softener System                           |
| <input type="checkbox"/> Dryer   | <input type="checkbox"/> Intercom System                                 | <input type="checkbox"/> Stepping Stones                                 | <input type="checkbox"/> Weather Vane                                    |
| <input type="checkbox"/> Gas <input type="checkbox"/> Electric           | <input type="checkbox"/> Jetted Tub                                      | <input type="checkbox"/> Stove   | <input type="checkbox"/> Window Screens                                  |
|  | <input type="checkbox"/> Light Fixtures                                  | <input type="checkbox"/> Gas <input type="checkbox"/> Electric           | <input type="checkbox"/> Window Treatments                               |
|  | (Except Chandeliers)   | <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing | (including Hardware)   |
|  |  |  | <input type="checkbox"/> Wine Cooler                                     |

Other fixtures/items included in the sale of Unit:

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

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The common law of fixtures shall apply to fixtures not addressed herein. Those fixtures/items that are not included in the sale of Unit shall remain property of Seller and shall be removed prior to closing or the transfer of possession of Unit 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 Unit to its original condition.

**SELLER'S REPRESENTATION REGARDING SELLER'S CONDOMINIUM 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 Condominium Property Disclosure Statement.

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

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

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

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