

THIS FORM HAS IMPORTANT LEGAL CONSEQUENCES AND THE PARTIES SHOULD CONSULT LEGAL AND TAX OR OTHER COUNSEL BEFORE SIGNING.

## SELLER'S PROPERTY DISCLOSURE (COMMERCIAL)

Supplement to Residential)

**THIS DISCLOSURE SHOULD BE COMPLETED BY SELLER, NOT BY BROKER.**

Seller states that the information contained in this Disclosure is correct to Seller's **CURRENT ACTUAL KNOWLEDGE** as of this Date. **Any changes must be disclosed by Seller to Buyer promptly after discovery. Seller's failure to disclose a known material defect may result in legal liability.** If Seller has knowledge of an adverse material fact affecting the Property or occupants, it must be disclosed whether there is a specific item on this Disclosure or not.

**Note:** The Contract to Buy and Sell Real Estate, not this Disclosure, determines whether an item is included or excluded; if there is an inconsistency between this Disclosure and the Contract, the Contract controls.

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

Property Address: \_\_\_\_\_

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

Year Built: \_\_\_\_\_

### I. IMPROVEMENTS

A.	<b>STRUCTURAL CONDITIONS</b> If you know of any of the following problems <b>EVER EXISTING</b> check the "Yes" column:	Yes	Comments
1	Structural problems		
2	Moisture and/or water problems		
3	Damage due to termites, other insects, birds, animals or rodents		
4	Damage due to hail, wind, fire, flood or other casualty		
5	Cracks, heaving or settling problems		
6	Exterior wall or window problems		
7	Exterior Artificial Stucco (EIFS)		
8			
9			

B.	<b>ROOF</b> If you know of any of the following problems <b>EVER EXISTING</b> check the "Yes" column:	Yes	Comments
1	Roof leak		
2	Damage to roof		
3	Skylight problems		
4	Gutter or downspout problems		

5	Other Roof problems		
6			
7			

<b>B-1.</b>	<b>ROOF – Other Information:</b> Do you know of the following on the Property:	<b>Yes</b>	<b>Comments</b>
1	Roof under warranty until _____ Transferable _____		
2	Roof work done while under current roof warranty		
3	Roof material: _____ Age _____		
4			
5			

<b>C.</b>	<b>ELECTRICAL &amp; TELECOMMUNICATIONS</b> If you know of any problems <b>NOW EXISTING</b> with the following check the “Yes” column:	<b>Yes</b>	<b>Comments</b>
1	Light fixtures		
2	Switches & outlets		
3	Electrical Service		
4	Telecommunications system, equipment or service		
5	Inside wiring & block/jacks		
6			
7			

<b>C-1.</b>	<b>ELECTRICAL &amp; TELECOMMUNICATIONS – Other Information:</b> Do you know of the following on the Property:	<b>Yes</b>	<b>Comments</b>
1	<input type="checkbox"/> 220 volt service <input type="checkbox"/> Phase 3		
2	Aluminum wiring at the outlets (110)		
3	Electrical Service: Amps _____		
4	Telecommunication System, Equipment or Service (T-1, fiber, cable, satellite) Name of Provider: _____		
5			
6			

<b>D.</b>	<b>MECHANICAL</b> If you know of any problems <b>NOW EXISTING</b> with the following check the “Yes” column:	<b>Yes</b>	<b>Age If Known</b>	<b>Comments</b>
1	Elevator			
2	Lifts or Hoists			
3	Fire suppression and/or sprinkler system			
4	Escalator			
5				
6				

<b>E.</b>	<b>VENTILATION, AIR, HEAT</b> If you know of any problems <b>NOW EXISTING</b> with the following check the "Yes" column:	<b>Yes</b>	<b>Age If Known</b>	<b>Comments</b>
1	Heating system			
2	Air conditioning			
3	Vent fans			
4	Humidifier			
5	Air purifier			
5	Fireplace			
6	Evaporative cooler			
7				
8				

<b>E-1.</b>	<b>VENTILATION, AIR, HEAT - Other Information:</b> Do you know of the following on the Property:	<b>Yes</b>	<b>Age If Known</b>	<b>Comments</b>
1	Heating system: Type _____ Fuel _____ Type _____ Fuel _____			
2	Air conditioning system: Type _____ Fuel _____ Type _____ Fuel _____			
3	When was fireplace/wood stove, chimney/flue last cleaned: Date: _____ <input type="checkbox"/> Do not know			
4	Radiant heating system: <input type="checkbox"/> Interior <input type="checkbox"/> Exterior Type _____			
6				
7				

<b>F.</b>	<b>WATER SUPPLY</b> Do you know of the following on the Property:
1	Type of water supply: <input type="checkbox"/> Public <input type="checkbox"/> Community <input type="checkbox"/> Well <input type="checkbox"/> Shared Well <input type="checkbox"/> Cistern <input type="checkbox"/> None If the Property is served by a Well, a copy of the Well Permit <input type="checkbox"/> <b>Is</b> <input type="checkbox"/> <b>Is Not attached</b> . Well Permit #: _____ <input type="checkbox"/> Drilling Records <input type="checkbox"/> Are <input type="checkbox"/> Are not attached. Shared Well Agreement <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> .

<b>G.</b>	<b>WATER</b> If you know of any problems <b>NOW EXISTING</b> with the following check the "Yes" column:	<b>Yes</b>	<b>Comments</b>
1	Water system (including lines and water pressure)		
2	Water heater(s)		
3	Water filter system		
4	Water softener		
5	Well		
6	Water System Pump		
7			
8			

<b>G-1.</b>	<b>WATER – Other Information:</b> Do you know of the following on the Property:	<b>Yes</b>	<b>Age If Known</b>	<b>Comments</b>

1	Water heater: Number of _____ Fuel type _____ Capacity _____			
2	Well Metered			
3	Well – Date of last inspection _____			
4	Galvanized pipe			
5	Polybutylene pipe			
6	Water line size _____			
7				
8				

<b>H.</b>	<b>SEWER</b> If you know of any problems <b>NOW EXISTING</b> with the following check the “Yes” column:	<b>Yes</b>	<b>Comments</b>
1	Sewage system (including sewer lines)		
2	Lift station (sewage ejector pump)		
3	Sump pump(s) # of _____		
4	Grey water storage/use		
5			
6			

<b>H-1.</b>	<b>SEWER – Other Information:</b> Do you know of the following on the Property:
1	Type of sanitary sewer service: <input type="checkbox"/> Public <input type="checkbox"/> Community <input type="checkbox"/> Septic System <input type="checkbox"/> None <input type="checkbox"/> Other _____ If the Property is served by an on-site septic system, provide buyer with a copy of the permit. Type of septic system: <input type="checkbox"/> Tank <input type="checkbox"/> Leach <input type="checkbox"/> Lagoon
2	If a septic system, date latest Individual Use Permit issued: _____
3	If a septic system, date of latest inspection: _____
4	If a septic system, date of latest pumping: _____
5	

<b>I.</b>	<b>FLOODING AND DRAINAGE</b> If you know of any problem <b>EVER EXISTING</b> on the Property check the “Yes” column:	<b>Yes</b>	<b>Comments</b>
1	Flooding or drainage		
2			

<b>I-1.</b>	<b>DRAINAGE AND RETENTION PONDS – Other Information</b> Do you know of the following on the Property:	<b>Yes</b>	<b>Comments</b>
1	Drainage, retention ponds		
2			

<b>J.</b>	<b>OTHER DISCLOSURES – INCLUSIONS</b> If you know of any problems <b>NOW EXISTING</b> with the following check the “Yes” column:	<b>Yes</b>	<b>Comments</b>
1	Included fixtures and equipment		
2	Stains on carpet		
3	Floors and sub-floors		

4			
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<b>II. GENERAL</b>
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<b>K.</b>	<b>USE, ZONING &amp; LEGAL ISSUES</b> If you know of any of the following <b>EVER EXISTING</b> check the "Yes" column:	<b>Yes</b>	<b>Comments</b>
1	Zoning violation, variance, conditional use, violation of an enforceable PUD or non-conforming use		
2	Notice or threat of condemnation proceedings		
3	Notice of any adverse conditions from any governmental or quasi-governmental agency that have not been resolved		
4	Notice of zoning action related to the Property		
5	Building code, city or county violations		
6	Violation of restrictive covenants or owners' association rules or regulations		
7	Any building or improvements constructed within the past one year from this Date without approval by the owner's association or the designated approving body		
8	Any additions or alterations made		
9	Notice of ADA complaint or report		
10	Other legal action		
11	Archeological or historical designation on the Property		
12	Threatened or Endangered species on the Property		
13			
14			

<b>L.</b>	<b>ACCESS &amp; PARKING</b> If you know of any of the following <b>EVER EXISTING</b> check the "Yes" column:	<b>Yes</b>	<b>Comments</b>
1	Any access problems		
2	Roads, driveways, trails or paths through the Property used by others		
3	Public highway or county road bordering the Property		
4	Any proposed or existing transportation project that affects or is expected to affect the Property		
5	Encroachments, boundary disputes or unrecorded easements		
6	Shared or common areas with adjoining properties		
7	Requirements for curb, gravel/paving, landscaping		
8			
9			

<b>M.</b>	<b>ENVIRONMENTAL CONDITIONS</b> If you know of any of the following <b>EVER EXISTING</b> on any part of the Property check the "Yes" column:	<b>Yes</b>	<b>Comments</b>
1	Hazardous materials on the Property, such as		

	radioactive, toxic, or biohazardous materials, asbestos, pesticides, herbicides, wastewater sludge, radon, methane, mill tailings, solvents or petroleum products		
2	Underground storage tanks		
3	Aboveground storage tanks		
4	Underground transmission lines		
5	Used as, situated on, or adjoining a dump, land fill or municipal solid waste land fill		
6	Monitoring wells or test equipment		
7	Sliding, settling, upheaval, movement or instability of earth or expansive soils on the Property		
8	Mine shafts, tunnels or abandoned wells on the Property		
9	Within governmentally designated geological hazard or sensitive area		
10	Within governmentally designated flood plain or wetland area		
11	Dead, diseased or infested trees or shrubs		
12	Environmental assessments, studies or reports done involving the physical condition of the Property		
13	Used for any mining, graveling, or other natural resource extraction operations such as oil and gas wells		
14	Other environmental problems		
15	Grease or sand pits or traps		
16			
17			

<b>N.</b>	<b>OTHER DISCLOSURES – GENERAL</b> If you know of any of the following <b>NOW EXISTING</b> check the “Yes” column:	<b>Yes</b>	<b>Comments</b>
1	Any part of the Property <b>now</b> leased to others (written or oral)		
2	Written reports of any building, site, roofing, soils or engineering investigations or studies of the Property		
3	Any property insurance claim ever submitted for the Property (whether paid or not)		
4	Structural, architectural and engineering plans and/or specifications for any existing improvements		
5	Property was previously used as a methamphetamine laboratory and not remediated to state standards		
6	Government special improvements approved, but not yet installed, that may become a lien against the Property		
7	Signs: <input type="checkbox"/> Owned <input type="checkbox"/> Leased		
8	Signs: Government or private restriction problems		
9	Pending: (1) litigation or (2) other dispute resolution proceeding regarding the Property		
10			
11			

Seller and Buyer understand that the real estate brokers do not warrant or guarantee the above information on the Property. Property inspection services may be purchased and are advisable. This Disclosure is **not** intended as a substitute for an inspection of the Property.

**ADVISORY TO SELLER:**

Seller acknowledges that Broker will disclose to any prospective buyer all adverse material facts actually known by Broker, including but not limited to adverse material facts pertaining to the physical condition of the Property, any material defects in the Property, and any environmental hazards affecting the Property. These types of disclosures may include such matters as structural defects, soil conditions, violations of health, zoning or building laws, and nonconforming uses and zoning variances.

The information contained in this Disclosure has been furnished by Seller, who certifies it was answered truthfully, based on **Seller’s CURRENT ACTUAL KNOWLEDGE**.

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

**ADVISORY TO BUYER:**

1. Even though Seller has answered the above questions to Seller’s current actual knowledge, Buyer should thoroughly inspect the Property and obtain expert assistance to accurately and fully evaluate the Property to confirm the status of the following matters:
  - a. the physical condition of the Property;
  - b. the presence of mold or other biological hazards;
  - c. the presence of rodents, insects and vermin including termites;
  - d. the legal use of the Property and legal access to the Property;
  - e. the availability and source of water, sewer, and utilities;
  - f. the environmental and geological condition of the Property;
  - g. the presence of noxious weeds; and
  - h. any other matters that may affect Buyer’s use and ownership of the Property that are important to Buyer as Buyer decides whether to purchase the Property.
2. Seller states that the information is correct to “Seller’s current actual knowledge” as of the date of this form. The term “current actual knowledge” is intended to limit Seller’s disclosure only to facts actually known by the Seller and does not include “constructive knowledge” or “common knowledge” or what Seller “should have known” about the Property. The Seller has no duty to inspect the Property when this Disclosure is filled in and signed.
3. Valuable information may be obtained from various local/state/federal agencies, and other experts may assist Buyer by performing more specific evaluations and inspections of the Property.
4. Boundaries, location and ownership of fences, driveways, hedges, and similar features of the Property may become the subjects of a dispute between a property owner and a neighbor. A survey may be used to determine the likelihood of such problems.
5. Whether any item is included or excluded is determined by the contract between Buyer and Seller and not this Seller’s Property Disclosure.
6. Seller does not warrant that the Property is fit for Buyer’s intended purposes or use of the Property. Disclosure of the condition of an item is not to be construed as a warranty of its continued operability or as a representation or warranty that such item is fit for Buyer’s intended purposes.
7. Buyer receipts for a copy of this Disclosure.

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