

# Senate Bill 939

Sponsored by Senator HEARD, Representatives DOHERTY, LEIF; Senators RILEY, STEINER HAYWARD, Representatives CLEM, EVANS, GORSEK, HERNANDEZ, PILUSO, SANCHEZ, WITT

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires sellers of manufactured dwellings on rented spaces to provide property disclosure statements, in prescribed form, to prospective purchasers.

Exempts foreclosing lienholders and landlords selling under consignment agreement.

## A BILL FOR AN ACT

1  
2 Relating to the sale of manufactured dwellings on rented spaces; creating new provisions; and  
3 amending ORS 105.463, 105.464, 105.465 and 105.470.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 105.463 is amended to read:

6 105.463. ORS 105.464 [*preempts*] **and section 5 of this 2019 Act preempt** any law, rule, regu-  
7 lation, code or ordinance of the political subdivisions of this state including, but not limited to, the  
8 Lane Regional Air Protection Agency regarding the disclosure of solid fuel burning devices, as de-  
9 fined in ORS 468A.485, in connection with a written offer to purchase real property in this state for  
10 which a seller's property disclosure statement is required under ORS 105.465 and 105.470.

11 **SECTION 2.** ORS 105.465 is amended to read:

12 105.465. (1) The provisions of ORS 105.462 to 105.490, 696.301 and 696.870:

13 (a) Apply to the real property described in subparagraphs (A) to (D) of this paragraph unless the  
14 buyer indicates to the seller, which indication shall be conclusive, that the buyer will use the real  
15 property for purposes other than a residence for the buyer or the buyer's spouse, parent or child:

16 (A) Real property consisting of or improved by one to four dwelling units;

17 (B) A condominium unit as defined in ORS 100.005 and not subject to disclosure under ORS  
18 100.705;

19 (C) A timeshare property as defined in ORS 94.803 and not subject to disclosure under ORS  
20 94.829; and

21 (D) A manufactured dwelling, as defined in ORS 446.003, that is owned by the same person who  
22 owns the land upon which the manufactured dwelling is situated[.];

23 (b) **Apply to manufactured dwellings, as defined in ORS 446.003, that are owned by a per-**  
24 **son who rents the space upon which the manufactured dwelling is located; and**

25 (c) **Except as provided in paragraph (b),** do not apply to a leasehold in real property.

26 (2) Except as provided in ORS 105.475 (4), a seller shall complete, sign and deliver a seller's  
27 property disclosure statement as set forth in ORS 105.464 **or section 5 of this 2019 Act** to each  
28 buyer who makes a written offer to purchase real property **or a manufactured dwelling** in this  
29 state.

30 **SECTION 3.** ORS 105.470 is amended to read:

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

105.470. ORS 105.462 to 105.490, 696.301 and 696.870 do not apply to:

(1) The first sale of a dwelling never occupied, provided that the seller provides the buyer with the following statement on or before the date the buyer is legally obligated to purchase the subject real property **or manufactured dwelling**: “THIS HOME WAS CONSTRUCTED OR INSTALLED UNDER BUILDING OR INSTALLATION PERMIT(S) #\_\_\_\_\_, ISSUED BY \_\_\_\_\_.”

(2) Sales by financial institutions **or by lienholders of manufactured dwellings** that acquired the property **or manufactured dwelling** as custodian, agent or trustee, or by foreclosure or deed in lieu of foreclosure.

(3) The following sellers, if appointed by a court:

- (a) Receivers;
- (b) Personal representatives;
- (c) Trustees;
- (d) Conservators; or
- (e) Guardians.

(4) Sales or transfers by governmental agencies.

(5) A landlord selling a manufactured dwelling in a manufactured dwelling park under a written consignment contract under ORS 90.680 (4).

(6) A landlord or property owner selling a manufactured dwelling abandoned on the property under ORS 90.425, 90.675 or 105.165.

**SECTION 4.** Section 5 of this 2019 Act is added to and made a part of ORS 105.462 to 105.490.

**SECTION 5.** A seller’s property disclosure statement for a manufactured dwelling required under ORS 105.465 must be in substantially the following form:

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If required under ORS 105.465, a seller shall deliver in substantially the following form the seller’s property disclosure statement to each buyer who makes a written offer to purchase a manufactured dwelling sited on a space rented from a landlord by the owner in this state:

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**INSTRUCTIONS TO THE SELLER**

Please complete the following form. Do not leave any spaces blank. Please refer to the line number(s) of the question(s) when you provide your explanation(s). If you are not claiming an exclusion or refusing to provide the form under ORS 105.475 (4), you should date and sign each page of this disclosure statement and each attachment.

Each seller of a manufactured dwelling described in ORS 105.465 (1)(b) must deliver this form to each buyer who makes a written offer to purchase. Under ORS 105.475 (4), refusal to provide this form gives the buyer the right to revoke their offer at any time prior to closing the transaction. Use only the section(s) of the form that apply to the transaction for which the form is used. If you are claiming an exclusion under ORS 105.470, fill out only Section 1.

1 An exclusion may be claimed only if the seller qualifies for the exclusion under the law. If  
2 not excluded, the seller must disclose the condition of the manufactured dwelling or the  
3 buyer may revoke their offer to purchase any time prior to closing the transaction.  
4 Questions regarding the legal consequences of the seller's choice should be directed to a  
5 qualified attorney.

6 \_\_\_\_\_  
7  
8 **(DO NOT FILL OUT THIS SECTION UNLESS YOU ARE CLAIMING AN EXCLUSION UN-**  
9 **DER ORS 105.470)**

10  
11 **Section 1. EXCLUSION FROM ORS 105.462 TO 105.490:**

12  
13 **You may claim an exclusion under ORS 105.470 only if you qualify under the statute. If you**  
14 **are not claiming an exclusion, you must fill out Section 2 of this form completely.**

15  
16 **Initial only the exclusion you wish to claim.**

17  
18 \_\_\_\_\_ **This is the first sale of a dwelling never occupied. The dwelling is constructed or**  
19 **installed under building or installation permit(s) #\_\_\_\_\_, issued by \_\_\_\_\_.**

20  
21 \_\_\_\_\_ **This sale is by a financial institution or lienholder that acquired the manufactured**  
22 **dwelling as custodian, agent or trustee, or by foreclosure or deed in lieu of foreclosure.**

23  
24 \_\_\_\_\_ **The seller is a court appointed receiver, personal representative, trustee,**  
25 **conservator or guardian.**

26  
27 \_\_\_\_\_ **This sale or transfer is by a governmental agency.**

28  
29 \_\_\_\_\_ **The seller is a landlord entitled to sell the manufactured dwelling under a written**  
30 **consignment contract with the owner or due to the owner's abandonment of the dwelling.**

31 \_\_\_\_\_  
32 **Signature(s) of Seller claiming exclusion**  
33 **Date \_\_\_\_\_**

34  
35 \_\_\_\_\_  
36 **Buyer(s) to acknowledge Seller's claim**  
37 **Date \_\_\_\_\_**

38 \_\_\_\_\_  
39  
40  
41 **(IF YOU DID NOT CLAIM AN EXCLUSION IN SECTION 1, YOU MUST FILL OUT THIS**  
42 **SECTION.)**

43  
44 **Section 2. SELLER'S PROPERTY DISCLOSURE STATEMENT**  
45 **FOR A MANUFACTURED DWELLING ON A RENTED SPACE**



- 1 (5) Life estate?
- 2 \*C. Is the manufactured dwelling subject to any
- 3 special tax assessment or tax treatment that
- 4 may result in levy of additional taxes if the
- 5 manufactured dwelling is sold?  ]Yes  ]No  ]Unknown
- 6
- 7 2. WATER
- 8 A. Household water
- 9 (1) The source of the water is (check ALL that apply):
- 10  ]Public  ]Community  ]Private
- 11  ]Other \_\_\_\_\_
- 12 (2) Are there any water source plumbing problems
- 13 or needed repairs?  ]Yes  ]No  ]Unknown
- 14 B. Outdoor sprinkler system
- 15 (1) Is there an outdoor sprinkler system for the
- 16 space under the control of the seller?  ]Yes  ]No  ]Unknown
- 17 (2) If yes, is the system included in the sale?  ]Yes  ]No  ]Unknown  ]NA
- 18 (3) If yes, is the system operable?  ]Yes  ]No  ]Unknown  ]NA
- 19
- 20 3. DWELLING INSULATION
- 21 A. Is there insulation in the:
- 22 (1) Ceiling?  ]Yes  ]No  ]Unknown
- 23 (2) Exterior walls?  ]Yes  ]No  ]Unknown
- 24 (3) Floors?  ]Yes  ]No  ]Unknown
- 25 B. Are there any defective insulated doors or
- 26 windows?  ]Yes  ]No  ]Unknown
- 27
- 28 4. DWELLING STRUCTURE
- 29 \*A. Has the roof leaked?  ]Yes  ]No  ]Unknown
- 30 If yes, has it been repaired?  ]Yes  ]No  ]Unknown  ]NA
- 31 B. Are there any additions, conversions or
- 32 remodeling?  ]Yes  ]No  ]Unknown
- 33 If yes, was a building permit required?  ]Yes  ]No  ]Unknown  ]NA
- 34 If yes, was a building permit obtained?  ]Yes  ]No  ]Unknown  ]NA
- 35 If yes, was final inspection obtained?  ]Yes  ]No  ]Unknown  ]NA
- 36 C. Are there smoke alarms or detectors?  ]Yes  ]No  ]Unknown
- 37 D. Are there carbon monoxide alarms?  ]Yes  ]No  ]Unknown
- 38 E. Is there a woodstove or fireplace
- 39 insert included in the sale?  ]Yes  ]No  ]Unknown
- 40 (1) \*If yes, what is the make? \_\_\_\_\_
- 41 (2) \*If yes, was it installed with a permit?  ]Yes  ]No  ]Unknown
- 42 (3) \*If yes, is a certification label issued by the
- 43 United States Environmental Protection
- 44 Agency (EPA) or the Department of
- 45 Environmental Quality (DEQ) affixed to it?  ]Yes  ]No  ]Unknown

- 1 \*F. Has pest and dry rot, structural or  
 2 “whole house” inspection been done  
 3 within the last three years?  ]Yes  ]No  ]Unknown
- 4 \*G. Are there any moisture problems, areas of water  
 5 penetration, mildew odors or other moisture  
 6 conditions?  ]Yes  ]No  ]Unknown
- 7 \*If yes, explain on attached sheet the frequency  
 8 and extent of problem and any insurance claims,  
 9 repairs or remediation done.
- 10 H. Is there a sump pump on the space under the  
 11 control of the seller?  ]Yes  ]No  ]Unknown
- 12 (1) If yes, is the pump included in the sale?  ]Yes  ]No  ]Unknown  ]NA
- 13 (2) If yes, is the pump operable?  ]Yes  ]No  ]Unknown  ]NA
- 14 \*I. Are there any materials used in the  
 15 construction of the structure that are or  
 16 have been the subject of a recall, class  
 17 action suit, settlement or litigation?  ]Yes  ]No  ]Unknown
- 18 (1) If yes, what are the materials? \_\_\_\_\_
- 19 (2) Are there problems with the materials?  ]Yes  ]No  ]Unknown  ]NA
- 20 (3) Are the materials covered by a warranty?  ]Yes  ]No  ]Unknown  ]NA
- 21 (4) Have the materials been inspected?  ]Yes  ]No  ]Unknown  ]NA
- 22 (5) Have there ever been claims filed for these  
 23 materials by you or by previous owners?  ]Yes  ]No  ]Unknown  ]NA
- 24 If yes, when? \_\_\_\_\_
- 25 (6) Was money received?  ]Yes  ]No  ]Unknown  ]NA
- 26 (7) Were any of the materials repaired or  
 27 replaced?  ]Yes  ]No  ]Unknown  ]NA
- 28
- 29 5. DWELLING SYSTEMS AND FIXTURES
- 30 If the following systems or fixtures are included  
 31 in the purchase price, are they in good working  
 32 order on the date this form is signed?
- 33 A. Electrical system, including wiring, switches,  
 34 outlets and service  ]Yes  ]No  ]Unknown
- 35 B. Plumbing system, including pipes, faucets,  
 36 fixtures and toilets  ]Yes  ]No  ]Unknown
- 37 C. Water heater tank  ]Yes  ]No  ]Unknown  ]NA
- 38 D. Garbage disposal  ]Yes  ]No  ]Unknown  ]NA
- 39 E. Built-in range and oven  ]Yes  ]No  ]Unknown  ]NA
- 40 F. Built-in dishwasher  ]Yes  ]No  ]Unknown  ]NA
- 41 G. Heating and cooling systems  ]Yes  ]No  ]Unknown  ]NA
- 42 H. Security system  ]Owned  ]Leased  ]Yes  ]No  ]Unknown  ]NA
- 43 I. Are there any materials or products used in  
 44 the systems and fixtures that are or have  
 45 been the subject of a recall, class action



- 1 **A. Are there problems with settling, soil,**
- 2 **standing water or drainage on the rented**
- 3 **space or in the immediate area? [ ]Yes [ ]No [ ]Unknown**
- 4 **B. Is there any material damage to the**
- 5 **manufactured dwelling from fire, wind, floods,**
- 6 **beach movements, earthquake, expansive soils**
- 7 **or landslides? [ ]Yes [ ]No [ ]Unknown**
- 8 **C. Is the property in a designated floodplain? [ ]Yes [ ]No [ ]Unknown**
- 9 **D. Is the property in a designated slide or other**
- 10 **geologic hazard zone? [ ]Yes [ ]No [ ]Unknown**
- 11 **\*E. Has any portion of the manufactured dwelling**
- 12 **been tested or treated for asbestos,**
- 13 **formaldehyde, lead-based paint or mold? [ ]Yes [ ]No [ ]Unknown**
- 14 **F. Has the manufactured dwelling ever been used**
- 15 **as an illegal drug manufacturing or**
- 16 **distribution site? [ ]Yes [ ]No [ ]Unknown**
- 17 **\*If yes, was a Certificate of Fitness issued? [ ]Yes [ ]No [ ]Unknown**

18

19 **8. FULL DISCLOSURE BY SELLERS**

- 20 **\*A. Are there any other material defects affecting**
- 21 **this manufactured dwelling, its value or its**
- 22 **rented space that a prospective buyer should**
- 23 **know about? [ ]Yes [ ]No**
- 24 **\*If yes, describe the defect on attached sheet and**
- 25 **explain the frequency and extent of the problem**
- 26 **and any insurance claims, repairs or remediation.**

27 **B. Verification:**

28 **The foregoing answers and attached explanations (if any) are complete and correct to**  
 29 **the best of my/our knowledge and I/we have received a copy of this disclosure statement.**  
 30 **I/we authorize my/our agents to deliver a copy of this disclosure statement to all**  
 31 **prospective buyers of the manufactured dwelling or their agents.**

32

33 **Seller(s) signature:**

34

35 **SELLER \_\_\_\_\_ DATE \_\_\_\_\_**

36

37 **SELLER \_\_\_\_\_ DATE \_\_\_\_\_**

38

39

40

41 **II. BUYER'S ACKNOWLEDGMENT**

42

- 43 **A. As buyer(s), I/we acknowledge the duty to pay diligent attention to any material defects**
- 44 **that are known to me/us or can be known by me/us by utilizing diligent attention and ob-**
- 45 **servation.**



1 **B. Each buyer acknowledges and understands that the disclosures set forth in this statement**  
2 **and in any amendments to this statement are made only by the seller and are not the re-**  
3 **presentations of any financial institution that may have made or may make a loan pertaining**  
4 **to the manufactured dwelling, or that may have or take a security interest in the manufac-**  
5 **tured dwelling, or of any real estate licensee engaged by the seller or buyer. A financial in-**  
6 **stitution or real estate licensee is not bound by and has no liability with respect to any**  
7 **representation, misrepresentation, omission, error or inaccuracy contained in another**  
8 **party’s disclosure statement required by this section or any amendment to the disclosure**  
9 **statement.**

10  
11 **C. Buyer (which term includes all persons signing the “buyer’s acknowledgment” portion of**  
12 **this disclosure statement below) hereby acknowledges receipt of a copy of this disclosure**  
13 **statement (including attachments, if any) bearing seller’s signature(s).**

14  
15 **DISCLOSURES, IF ANY, CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER**  
16 **ON THE BASIS OF SELLER’S ACTUAL KNOWLEDGE OF THE MANUFACTURED**  
17 **DWELLING AT THE TIME OF DISCLOSURE. IF THE SELLER HAS FILLED OUT SECTION**  
18 **2 OF THIS FORM, YOU, THE BUYER, HAVE FIVE DAYS FROM THE SELLER’S DELIV-**  
19 **ERY OF THIS DISCLOSURE STATEMENT TO REVOKE YOUR OFFER BY DELIVERING**  
20 **YOUR SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE SELLER**  
21 **DISAPPROVING THE SELLER’S DISCLOSURE UNLESS YOU WAIVE THIS RIGHT AT OR**  
22 **PRIOR TO ENTERING INTO A SALE AGREEMENT.**

23  
24 **BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS SELLER’S PROPERTY**  
25 **DISCLOSURE STATEMENT.**

26  
27 **BUYER \_\_\_\_\_ DATE \_\_\_\_\_**

28  
29 **BUYER \_\_\_\_\_ DATE \_\_\_\_\_**

30  
31 **Agent receiving disclosure statement on buyer’s behalf to sign and date:**

32  
33 \_\_\_\_\_ **Real Estate Licensee**

34  
35 \_\_\_\_\_ **Real Estate Firm**

36  
37 **Date received by agent \_\_\_\_\_**

38 \_\_\_\_\_

39  
40 **SECTION 6. ORS 105.464 is amended to read:**

41 105.464. A seller’s property disclosure statement **required under ORS 105.465** must be in sub-  
42 stantially the following form:

43 \_\_\_\_\_

1 If required under ORS 105.465, a seller shall deliver in substantially the following form the seller's  
2 property disclosure statement to each buyer who makes a written offer to purchase real property  
3 in this state:

4 \_\_\_\_\_  
5  
6 INSTRUCTIONS TO THE SELLER  
7

8 Please complete the following form. Do not leave any spaces blank. Please refer to the line  
9 number(s) of the question(s) when you provide your explanation(s). If you are not claiming an ex-  
10 clusion or refusing to provide the form under ORS 105.475 (4), you should date and sign each page  
11 of this disclosure statement and each attachment.

12  
13 Each seller of residential property described in ORS 105.465 (1)(a) must deliver this form to each  
14 buyer who makes a written offer to purchase. Under ORS 105.475 (4), refusal to provide this form  
15 gives the buyer the right to revoke their offer at any time prior to closing the transaction. Use only  
16 the section(s) of the form that apply to the transaction for which the form is used. If you are  
17 claiming an exclusion under ORS 105.470, fill out only Section 1.

18  
19 An exclusion may be claimed only if the seller qualifies for the exclusion under the law. If not ex-  
20 cluded, the seller must disclose the condition of the property or the buyer may revoke their offer  
21 to purchase anytime prior to closing the transaction. Questions regarding the legal consequences  
22 of the seller's choice should be directed to a qualified attorney.

23 \_\_\_\_\_  
24  
25 (DO NOT FILL OUT THIS SECTION UNLESS YOU ARE CLAIMING AN EXCLUSION  
26 UNDER ORS 105.470)

27  
28 Section 1. EXCLUSION FROM ORS 105.462 TO 105.490:

29  
30 You may claim an exclusion under ORS 105.470 only if you qualify under the statute. If you are not  
31 claiming an exclusion, you must fill out Section 2 of this form completely.

32  
33 Initial only the exclusion you wish to claim.

34  
35 \_\_\_\_\_ This is the first sale of a dwelling never occupied. The dwelling is constructed or installed  
36 under building or installation permit(s) #\_\_\_\_\_, issued by \_\_\_\_\_.

37  
38 \_\_\_\_\_ This sale is by a financial institution that acquired the property as custodian, agent or  
39 trustee, or by foreclosure or deed in lieu of foreclosure.

40  
41 \_\_\_\_\_ The seller is a court appointed receiver, personal representative, trustee, conservator or  
42 guardian.

43  
44 \_\_\_\_\_ This sale or transfer is by a governmental agency.  
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\_\_\_\_\_  
Signature(s) of Seller claiming exclusion

Date \_\_\_\_\_

\_\_\_\_\_  
Buyer(s) to acknowledge Seller's claim

Date \_\_\_\_\_

(IF YOU DID NOT CLAIM AN EXCLUSION IN SECTION 1, YOU MUST FILL OUT THIS SECTION.)

Section 2. SELLER'S PROPERTY DISCLOSURE STATEMENT

(NOT A WARRANTY)

(ORS 105.464)

NOTICE TO THE BUYER: THE FOLLOWING REPRESENTATIONS ARE MADE BY THE SELLER(S) CONCERNING THE CONDITION OF THE PROPERTY LOCATED AT \_\_\_\_\_ ("THE PROPERTY").

DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE. BUYER HAS FIVE DAYS FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO REVOKE BUYER'S OFFER BY DELIVERING BUYER'S SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE SELLER DISAPPROVING THE SELLER'S DISCLOSURE STATEMENT, UNLESS BUYER WAIVES THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY, BUYER IS ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF A QUALIFIED SPECIALIST TO INSPECT THE PROPERTY ON BUYER'S BEHALF INCLUDING, FOR EXAMPLE, ONE OR MORE OF THE FOLLOWING: ARCHITECTS, ENGINEERS, PLUMBERS, ELECTRICIANS, ROOFERS, ENVIRONMENTAL INSPECTORS, BUILDING INSPECTORS, CERTIFIED HOME INSPECTORS, OR PEST AND DRY ROT INSPECTORS.

Seller \_\_\_\_\_ is/ \_\_\_\_\_ is not occupying the property.

I. SELLER'S REPRESENTATIONS:

The following are representations made by the seller and are not the representations of any financial institution that may have made or may make a loan pertaining to the property, or that may have or take a security interest in the property, or any real estate licensee engaged by the seller or the buyer.

1 \*If you mark yes on items with \*, attach a copy or explain on an attached sheet.

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1. TITLE

A. Do you have legal authority to sell the property? [ ]Yes [ ]No [ ]Unknown

\*B. Is title to the property subject to any of the following: [ ]Yes [ ]No [ ]Unknown

(1) First right of refusal

(2) Option

(3) Lease or rental agreement

(4) Other listing

(5) Life estate?

\*C. Is the property being transferred an unlawfully established unit of land? [ ]Yes [ ]No [ ]Unknown

\*D. Are there any encroachments, boundary agreements, boundary disputes or recent boundary changes? [ ]Yes [ ]No [ ]Unknown

\*E. Are there any rights of way, easements, licenses, access limitations or claims that may affect your interest in the property? [ ]Yes [ ]No [ ]Unknown

\*F. Are there any agreements for joint maintenance of an easement or right of way? [ ]Yes [ ]No [ ]Unknown

\*G. Are there any governmental studies, designations, zoning overlays, surveys or notices that would affect the property? [ ]Yes [ ]No [ ]Unknown

\*H. Are there any pending or existing governmental assessments against the property? [ ]Yes [ ]No [ ]Unknown

\*I. Are there any zoning violations or nonconforming uses? [ ]Yes [ ]No [ ]Unknown

\*J. Is there a boundary survey for the property? [ ]Yes [ ]No [ ]Unknown

\*K. Are there any covenants, conditions, restrictions or private assessments that affect the property? [ ]Yes [ ]No [ ]Unknown

\*L. Is the property subject to any special tax assessment or tax treatment that may result in levy of additional taxes if the property is sold? [ ]Yes [ ]No [ ]Unknown

2. WATER

A. Household water

(1) The source of the water is (check ALL that apply):

[ ]Public [ ]Community [ ]Private

[ ]Other \_\_\_\_\_

(2) Water source information:

\*a. Does the water source require a water permit? [ ]Yes [ ]No [ ]Unknown

- 1 If yes, do you have a permit? [ ]Yes [ ]No
- 2 b. Is the water source located on the property? [ ]Yes [ ]No [ ]Unknown
- 3 \*If not, are there any written agreements for
- 4 a shared water source? [ ]Yes [ ]No [ ]Unknown [ ]NA
- 5 \*c. Is there an easement (recorded or unrecorded)
- 6 for your access to or maintenance of the water
- 7 source? [ ]Yes [ ]No [ ]Unknown
- 8 d. If the source of water is from a well or spring,
- 9 have you had any of the following in the past
- 10 12 months? [ ]Flow test [ ]Bacteria test
- 11 [ ]Chemical contents test [ ]Yes [ ]No [ ]Unknown [ ]NA
- 12 \*e. Are there any water source plumbing problems
- 13 or needed repairs? [ ]Yes [ ]No [ ]Unknown
- 14 (3) Are there any water treatment systems for
- 15 the property? [ ]Yes [ ]No [ ]Unknown
- 16 [ ]Leased [ ]Owned
- 17 B. Irrigation
- 18 (1) Are there any [ ] water rights or [ ] other
- 19 irrigation rights for the property? [ ]Yes [ ]No [ ]Unknown
- 20 \*(2) If any exist, has the irrigation water been
- 21 used during the last five-year period? [ ]Yes [ ]No [ ]Unknown [ ]NA
- 22 \*(3) Is there a water rights certificate or other
- 23 written evidence available? [ ]Yes [ ]No [ ]Unknown [ ]NA
- 24 C. Outdoor sprinkler system
- 25 (1) Is there an outdoor sprinkler system for the
- 26 property? [ ]Yes [ ]No [ ]Unknown
- 27 (2) Has a back flow valve been installed? [ ]Yes [ ]No [ ]Unknown [ ]NA
- 28 (3) Is the outdoor sprinkler system operable? [ ]Yes [ ]No [ ]Unknown [ ]NA
- 29
- 30 3. SEWAGE SYSTEM
- 31 A. Is the property connected to a public or
- 32 community sewage system? [ ]Yes [ ]No [ ]Unknown
- 33 B. Are there any new public or community sewage
- 34 systems proposed for the property? [ ]Yes [ ]No [ ]Unknown
- 35 C. Is the property connected to an on-site septic
- 36 system? [ ]Yes [ ]No [ ]Unknown
- 37 (1) If yes, when was the system installed? \_\_\_\_\_ [ ]Unknown [ ]NA
- 38 (2) \*If yes, was the system installed by permit? [ ]Yes [ ]No [ ]Unknown [ ]NA
- 39 (3) \*Has the system been repaired or altered? [ ]Yes [ ]No [ ]Unknown
- 40 (4) \*Has the condition of the system been
- 41 evaluated and a report issued? [ ]Yes [ ]No [ ]Unknown
- 42 (5) Has the septic tank ever been pumped?
- 43 If yes, when? \_\_\_\_\_ [ ]NA
- 44 (6) Does the system have a pump? [ ]Yes [ ]No [ ]Unknown
- 45 (7) Does the system have a treatment unit such

- 1 as a sand filter or an aerobic unit? [ ]Yes [ ]No [ ]Unknown
- 2 (8) \*Is a service contract for routine  
3 maintenance required for the system? [ ]Yes [ ]No [ ]Unknown
- 4 (9) Are all components of the system located on  
5 the property? [ ]Yes [ ]No [ ]Unknown
- 6 D. \*Are there any sewage system problems or  
7 needed repairs? [ ]Yes [ ]No [ ]Unknown
- 8 E. Does your sewage system require on-site  
9 pumping to another level? [ ]Yes [ ]No [ ]Unknown
- 10
- 11 4. DWELLING INSULATION
- 12 A. Is there insulation in the:
- 13 (1) Ceiling? [ ]Yes [ ]No [ ]Unknown
- 14 (2) Exterior walls? [ ]Yes [ ]No [ ]Unknown
- 15 (3) Floors? [ ]Yes [ ]No [ ]Unknown
- 16 B. Are there any defective insulated doors or  
17 windows? [ ]Yes [ ]No [ ]Unknown
- 18
- 19 5. DWELLING STRUCTURE
- 20 \*A. Has the roof leaked? [ ]Yes [ ]No [ ]Unknown
- 21 If yes, has it been repaired? [ ]Yes [ ]No [ ]Unknown [ ]NA
- 22 B. Are there any additions, conversions or  
23 remodeling? [ ]Yes [ ]No [ ]Unknown
- 24 If yes, was a building permit required? [ ]Yes [ ]No [ ]Unknown [ ]NA
- 25 If yes, was a building permit obtained? [ ]Yes [ ]No [ ]Unknown [ ]NA
- 26 If yes, was final inspection obtained? [ ]Yes [ ]No [ ]Unknown [ ]NA
- 27 C. Are there smoke alarms or detectors? [ ]Yes [ ]No [ ]Unknown
- 28 D. Are there carbon monoxide alarms? [ ]Yes [ ]No [ ]Unknown
- 29 E. Is there a woodstove or fireplace  
30 insert included in the sale? [ ]Yes [ ]No [ ]Unknown
- 31 \*If yes, what is the make? \_\_\_\_\_
- 32 \*If yes, was it installed with a permit? [ ]Yes [ ]No [ ]Unknown
- 33 \*If yes, is a certification label issued by the  
34 United States Environmental Protection  
35 Agency (EPA) or the Department of  
36 Environmental Quality (DEQ) affixed to it? [ ]Yes [ ]No [ ]Unknown
- 37 \*F. Has pest and dry rot, structural or  
38 "whole house" inspection been done  
39 within the last three years? [ ]Yes [ ]No [ ]Unknown
- 40 \*G. Are there any moisture problems, areas of water  
41 penetration, mildew odors or other moisture  
42 conditions (especially in the basement)? [ ]Yes [ ]No [ ]Unknown
- 43 \*If yes, explain on attached sheet the frequency  
44 and extent of problem and any insurance claims,  
45 repairs or remediation done.

- 1 H. Is there a sump pump on the property? [ ]Yes [ ]No [ ]Unknown  
 2 I. Are there any materials used in the  
 3 construction of the structure that are or  
 4 have been the subject of a recall, class  
 5 action suit, settlement or litigation? [ ]Yes [ ]No [ ]Unknown  
 6 If yes, what are the materials? \_\_\_\_\_  
 7 (1) Are there problems with the materials? [ ]Yes [ ]No [ ]Unknown [ ]NA  
 8 (2) Are the materials covered by a warranty? [ ]Yes [ ]No [ ]Unknown [ ]NA  
 9 (3) Have the materials been inspected? [ ]Yes [ ]No [ ]Unknown [ ]NA  
 10 (4) Have there ever been claims filed for these  
 11 materials by you or by previous owners? [ ]Yes [ ]No [ ]Unknown [ ]NA  
 12 If yes, when? \_\_\_\_\_  
 13 (5) Was money received? [ ]Yes [ ]No [ ]Unknown [ ]NA  
 14 (6) Were any of the materials repaired or  
 15 replaced? [ ]Yes [ ]No [ ]Unknown [ ]NA  
 16  
 17 6. DWELLING SYSTEMS AND FIXTURES  
 18 If the following systems or fixtures are included  
 19 in the purchase price, are they in good working  
 20 order on the date this form is signed?  
 21 A. Electrical system, including wiring, switches,  
 22 outlets and service [ ]Yes [ ]No [ ]Unknown  
 23 B. Plumbing system, including pipes, faucets,  
 24 fixtures and toilets [ ]Yes [ ]No [ ]Unknown  
 25 C. Water heater tank [ ]Yes [ ]No [ ]Unknown  
 26 D. Garbage disposal [ ]Yes [ ]No [ ]Unknown [ ]NA  
 27 E. Built-in range and oven [ ]Yes [ ]No [ ]Unknown [ ]NA  
 28 F. Built-in dishwasher [ ]Yes [ ]No [ ]Unknown [ ]NA  
 29 G. Sump pump [ ]Yes [ ]No [ ]Unknown [ ]NA  
 30 H. Heating and cooling systems [ ]Yes [ ]No [ ]Unknown [ ]NA  
 31 I. Security system [ ]Owned [ ]Leased [ ]Yes [ ]No [ ]Unknown [ ]NA  
 32 J. Are there any materials or products used in  
 33 the systems and fixtures that are or have  
 34 been the subject of a recall, class action  
 35 suit settlement or litigation? [ ]Yes [ ]No [ ]Unknown  
 36 If yes, what product? \_\_\_\_\_  
 37 (1) Are there problems with the product? [ ]Yes [ ]No [ ]Unknown  
 38 (2) Is the product covered by a warranty? [ ]Yes [ ]No [ ]Unknown  
 39 (3) Has the product been inspected? [ ]Yes [ ]No [ ]Unknown  
 40 (4) Have claims been filed for this product  
 41 by you or by previous owners? [ ]Yes [ ]No [ ]Unknown  
 42 If yes, when? \_\_\_\_\_  
 43 (5) Was money received? [ ]Yes [ ]No [ ]Unknown  
 44 (6) Were any of the materials or products repaired  
 45 or replaced? [ ]Yes [ ]No [ ]Unknown

- 1 7. COMMON INTEREST
- 2 A. Is there a Home Owners' Association
- 3 or other governing entity?  ]Yes  ]No  ]Unknown
- 4 Name of Association or Other Governing
- 5 Entity \_\_\_\_\_
- 6 Contact Person \_\_\_\_\_
- 7 Address \_\_\_\_\_
- 8 Phone Number \_\_\_\_\_
- 9 B. Regular periodic assessments: \$\_\_\_\_\_
- 10 per  ]Month  ]Year  ]Other \_\_\_\_\_
- 11 \*C. Are there any pending or proposed special
- 12 assessments?  ]Yes  ]No  ]Unknown
- 13 D. Are there shared "common areas" or joint
- 14 maintenance agreements for facilities like
- 15 walls, fences, pools, tennis courts, walkways
- 16 or other areas co-owned in undivided interest
- 17 with others?  ]Yes  ]No  ]Unknown
- 18 E. Is the Home Owners' Association or other
- 19 governing entity a party to pending litigation
- 20 or subject to an unsatisfied judgment?  ]Yes  ]No  ]Unknown  ]NA
- 21 F. Is the property in violation of recorded
- 22 covenants, conditions and restrictions or in
- 23 violation of other bylaws or governing rules,
- 24 whether recorded or not?  ]Yes  ]No  ]Unknown  ]NA
- 25
- 26 8. SEISMIC
- 27 Was the house constructed before 1974?  ]Yes  ]No  ]Unknown
- 28 If yes, has the house been bolted to its
- 29 foundation?  ]Yes  ]No  ]Unknown
- 30
- 31 9. GENERAL
- 32 A. Are there problems with settling, soil,
- 33 standing water or drainage on the property
- 34 or in the immediate area?  ]Yes  ]No  ]Unknown
- 35 B. Does the property contain fill?  ]Yes  ]No  ]Unknown
- 36 C. Is there any material damage to the property or
- 37 any of the structure(s) from fire, wind, floods,
- 38 beach movements, earthquake, expansive soils
- 39 or landslides?  ]Yes  ]No  ]Unknown
- 40 D. Is the property in a designated floodplain?  ]Yes  ]No  ]Unknown
- 41 E. Is the property in a designated slide or other
- 42 geologic hazard zone?  ]Yes  ]No  ]Unknown
- 43 \*F. Has any portion of the property been tested
- 44 or treated for asbestos, formaldehyde, radon
- 45 gas, lead-based paint, mold, fuel or chemical



- 1 storage tanks or contaminated soil or water? [ ]Yes [ ]No [ ]Unknown
- 2 G. Are there any tanks or underground storage
- 3 tanks (e.g., septic, chemical, fuel, etc.)
- 4 on the property? [ ]Yes [ ]No [ ]Unknown
- 5 H. Has the property ever been used as an illegal
- 6 drug manufacturing or distribution site? [ ]Yes [ ]No [ ]Unknown
- 7 \*If yes, was a Certificate of Fitness issued? [ ]Yes [ ]No [ ]Unknown
- 8 \*I. Has the property been classified as
- 9 forestland-urban interface? [ ]Yes [ ]No [ ]Unknown

10  
11 10. FULL DISCLOSURE BY SELLERS

- 12 \*A. Are there any other material defects affecting
- 13 this property or its value that a prospective
- 14 buyer should know about? [ ]Yes [ ]No
- 15 \*If yes, describe the defect on attached sheet and
- 16 explain the frequency and extent of the problem
- 17 and any insurance claims, repairs or remediation.

18 B. Verification:

19 The foregoing answers and attached explanations (if any) are complete and correct to  
 20 the best of my/our knowledge and I/we have received a copy of this disclosure statement.  
 21 I/we authorize my/our agents to deliver a copy of this disclosure statement to all  
 22 prospective buyers of the property or their agents.

23  
24 Seller(s) signature:

25  
26 SELLER \_\_\_\_\_ DATE \_\_\_\_\_

27  
28 SELLER \_\_\_\_\_ DATE \_\_\_\_\_  
29 \_\_\_\_\_

30  
31  
32 II. BUYER'S ACKNOWLEDGMENT

33  
34 A. As buyer(s), I/we acknowledge the duty to pay diligent attention to any material defects that are  
35 known to me/us or can be known by me/us by utilizing diligent attention and observation.

36  
37 B. Each buyer acknowledges and understands that the disclosures set forth in this statement and in  
38 any amendments to this statement are made only by the seller and are not the representations of  
39 any financial institution that may have made or may make a loan pertaining to the property, or that  
40 may have or take a security interest in the property, or of any real estate licensee engaged by the  
41 seller or buyer. A financial institution or real estate licensee is not bound by and has no liability  
42 with respect to any representation, misrepresentation, omission, error or inaccuracy contained in  
43 another party's disclosure statement required by this section or any amendment to the disclosure  
44 statement.

1 C. Buyer (which term includes all persons signing the "buyer's acknowledgment" portion of this  
2 disclosure statement below) hereby acknowledges receipt of a copy of this disclosure statement (in-  
3 cluding attachments, if any) bearing seller's signature(s).

4  
5 DISCLOSURES, IF ANY, CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON  
6 THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DIS-  
7 CLOSURE. IF THE SELLER HAS FILLED OUT SECTION 2 OF THIS FORM, YOU, THE BUYER,  
8 HAVE FIVE DAYS FROM THE SELLER'S DELIVERY OF THIS DISCLOSURE STATEMENT TO  
9 REVOKE YOUR OFFER BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT  
10 OF REVOCATION TO THE SELLER DISAPPROVING THE SELLER'S DISCLOSURE UNLESS  
11 YOU WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT.

12  
13 BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS SELLER'S PROPERTY  
14 DISCLOSURE STATEMENT.

15  
16 BUYER \_\_\_\_\_ DATE \_\_\_\_\_

17  
18 BUYER \_\_\_\_\_ DATE \_\_\_\_\_

19  
20 Agent receiving disclosure statement on buyer's behalf to sign and date:

21  
22 \_\_\_\_\_ Real Estate Licensee

23  
24 \_\_\_\_\_ Real Estate Firm

25  
26 Date received by agent \_\_\_\_\_

27 \_\_\_\_\_

28  
29 \_\_\_\_\_