RESIDENTIAL SELLER DISCLOSURE ADVISORY

October 2017



WHEN IN DOUBT - DISCLOSE!



Arizona law <u>requires</u> the seller to disclose material (important) facts about the property, even if you are not asked by the buyer or a real estate agent. These disclosure obligations remain even if you and the buyer agree that no Seller's Property Disclosure Statement ("SPDS") will be provided.

The SPDS is designed to assist you, the seller, in making these legally required disclosures and to avoid inadvertent nondisclosures of material facts. To satisfy your disclosure obligations and protect yourself against alleged nondisclosure, you should complete the SPDS by answering all questions as truthfully and as thoroughly as possible. Attach copies of any available invoices, warranties, inspection reports, and leases, to insure that you are disclosing accurate information. Use the blank lines to explain your answers. If you do not have the personal knowledge to answer a question, it is important not to guess - use the blank lines to explain the situation.



If the buyer asks you about an aspect of the property, you have a duty to disclose the information, even if you do not consider the information material.* You also have a legal duty to disclose facts when disclosure is necessary to prevent a previous statement from being misleading or misrepresented: for example, if something changes.

If you do not make the legally required disclosures, you may be subject to civil liability. Under certain circumstances, nondisclosure of a fact is the same as saying that the fact does not exist. Therefore, nondisclosure may be given the same legal effect as fraud.

If you are using the Arizona Association of REALTORS® ("AAR") Residential Resale Real Estate Purchase Contract, the seller is required to deliver "a completed AAR Residential SPDS form to the Buyer within three (3) days after Contract acceptance." If the Seller does not provide the SPDS as the Contract requires, the Seller is potentially in breach of the Contract, thereby enabling the Buyer to cancel the transaction and receive the earnest money deposit.

*By law, sellers are not obligated to disclose that the property is or has been: (1) a site of a natural death, suicide, homicide, or any other crime classified as a felony; (2) owned or occupied by a person exposed to HIV, or diagnosed as having AIDS or any other disease not known to be transmitted through common occupancy of real estate; or (3) located in the vicinity of a sex offender. However, the law does not protect a seller who makes an intentional misrepresentation. For example, if you are asked whether there has been a death on the property and you know that there was such a death, you should not answer "no" or "I don't know." Instead you should either answer truthfully or respond that you are not legally required to answer the question.





RESIDENTIAL SELLER'S PROPERTY DISCLOSURE STATEMENT (SPDS) (To be completed by Seller)

Document updated: October 2017



The pre-printed portion of this form has been drafted by the Arizona Association of REALTORS®. Any change in the pre-printed language of this form must be made in a prominent manner. No representations are made as to the legal validity, adequacy and/or effects of any provision, including tax consequences thereof. If you desire legal, tax or other professional advice, please consult your attorney, tax advisor or professional consultant.





MESSAGE TO THE SELLER:

Sellers are obligated by law to disclose all known material (important) facts about the Property to the Buyer. The SPDS is designed to assist you in making these disclosures. If you know something important about the Property that is not addressed on the SPDS, add that information to the form. Prospective Buyers may rely on the information you provide.

INSTRUCTIONS: (1) Complete this form yourself. (2) Answer all questions truthfully and as fully as possible. (3) Attach all available supporting documentation. (4) Use explanation lines as necessary. (5) If you do not have the personal knowledge to answer a question, use the explanation lines to explain. By signing on page 7, you acknowledge that the failure to disclose known material information about the Property may result in liability.

MESSAGE TO THE BUYER:

DECDERTY AND OWNERSHIP

Although Sellers are obligated to disclose all known material (important) facts about the Property, there are likely facts about the Property that the Sellers do not know. Therefore, it is important that you take an active role in obtaining information about the Property.

INSTRUCTIONS: (1) Review this form and any attachments carefully. (2) Verify all important information. (3) Ask about any incomplete or inadequate responses. (4) Inquire about any concerns not addressed on the SPDS. (5) Review all other applicable documents, such as CC&R's, association bylaws, surveys, rules, and the title report or commitment. (6) Obtain professional inspections of the Property. (7) Investigate the surrounding area.

THE FOLLOWING ARE REPRESENTATIONS OF THE SELLER(S) AND ARE NOT VERIFIED BY THE BROKER(S) OR AGENT(S).

	. 11.0 - 11.1 - 1				
1	As used herein, "Property" shall mean the real property and all fixtures and improvements thereon and appurtenances incidental thereto, plus fixtures and personal property described in the Contract.				
3	PROPERTY ADDRESS: (STREET ADDRESS) (CITY) (STATE) (ZIP)				
	(STREET ADDRESS) (CITY) (STATE) (ZIP)				
4 5	Does the property include any leased land?				
6 7	Is the Property located in an unincorporated area of the county? Yes No If yes, and five or fewer parcels of land other than subdivided land are being transferred, the Seller must furnish the Buyer with a written Affidavit of Disclosure in the form required by law.				
8	LEGAL OWNER(S) OF PROPERTY: Date Purchased:				
9 10 11 12	The Property is currently: Owner-occupied Leased Estate Foreclosure Vacant If vacant, how long? If a rental property, how long? Expiration date of current lease: (Attach a copy of the lease if available. If any refundable deposits or prepaid rents are being held, by whom and how much? Explain:				
Is the legal owner(s) of the Property a foreign person pursuant to the Foreign Investment in Real Property Tax A Yes No If yes, consult a tax advisor; mandatory withholding may apply.					
5	Is the Property located in a community defined by the fair housing laws as housing for older persons?				
7	Approximate year built: If Property was built prior to 1978, Seller must furnish the Buyer with a lead-based paint disclosure form.				
18 19 20	NOTICE TO BUYER: If the Property is in a subdivision, a subdivision public report, which contains a variety of information about the subdivision at the time the subdivision was approved, may be available by contacting the Arizona Department of Real Estate or the homebuilder. The public report information may be outdated. www.azre.gov.				
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Re	sidential Seller's Property Disclosure Statement (SPDS)				
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Page 1 of 7



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	Resid	entia	I Seller's Property Disclosure Statement (SPDS) >>			
	YES	NO				
2			Have you entered into any agreement to transfer your interest in the Property in any war or options to purchase? Explain:	ay, including	rental renev	vals
			Are you aware if there are any association(s) governing the Property?			
			If yes, provide contact(s) information: Name:	Phone	#:	
			Name:	Phone	#:	
			Name: If yes, are there any fees? How much? \$ How or How	often?		
			Are you aware of any association fees payable upon transfer of the Property? Exp	olain:		
			Are you aware of any proposed or existing association assessment(s)? Explain: _			
			Are you aware of any pending or anticipated disputes or litigation regarding the Pro		e associatio	n(s)?
			Explain:Are you aware of any of the following recorded against the Property? (Check all the Judgment liens Tax liens Other non-consensual liens	at apply):		9
		П	Explain: Are you aware of any assessments affecting this Property? (Check all that apply):			
			Paving Sewer Water Electric Other Explain:			
			Are you aware of any title issues affecting this Property? (Check all that apply): Recorded easements Use restrictions Lot line disputes Encreachme	nts		
			Unrecorded easements Use permits Other			
			Are you aware if the Property is located within the boundaries of a Con If yes, provide the name of the CFD:			
			Are you aware of any public or private use paths or roadways on or across this Pro	perty?		
			Are you aware of any problems with legal or physical access to the Property? Exp		A i - ti	Drivetel
			The road/street access to the Property is maintained by the County City Holf privately maintained, is there a recorded road maintenance agreement? Explain			
	Ш	Ш	Are you aware of any violation(s) of any of the following? (Check all that apply): Zoning Building Codes Utility Service Sanitary health regulations Covenants, Conditions, Restrictions (CC&R's) Other (Attach a copy of Explain:	of notice(s) o	of violation i	f available.)
			Are you aware of any homeowner's insurance claims having been filed against the Explain:	Property?		<u></u>
			NOTICE TO BUYER: Your claims history, your credit report, the Property's clair affect the insurability of the Property and at what cost. Under Arizona law, your your homeowner's insurance within 60 days after the effective date. Contact	r insurance	company	may cancel
	BUILD	ING	AND SAFETY INFORMATION			
2	YES	NO	ROOF / STRUCTURAL:			_
		[NOTICE TO BUYER: Contact a professional to verify the condition of	the roof.		
			Are you aware of any past or present roof leaks? Explain:			
			Are you aware of any other past or present roof problems? Explain:			
						>>
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			Page 2 of 7	BUYER	BUYER	



YES	NO	Are you aware of any roof repairs? Explain:
		Is there a roof warranty? (Attach a copy of warranty if available.)
	Ц	If yes, is the roof warranty transferable? Cost to transfer
		Are you aware of any interior wall/ceiling/door/window/floor problems? Explain:
		Are you aware of any cracks or settling involving the foundation, exterior walls or slab? Explain:
		Are you aware of any chimney or fireplace problems, if applicable? Explain:
		Are you aware of any damage to any structure on the Property by any of the following? (Check all that apply): Flood Fire Wind Expansive soil(s) Water Hail Other Explain:
		WOOD INFESTATION:
		Are you aware of any of the following:
		Past presence of termites or other wood destroying organisms on the Property?
		Current presence of termites or other wood destroying organisms on the Property?
		Past or present damage to the Property by termites or other wood destroying organisms? Explain:
		Are you aware of past or present treatment(s) of the Property for termites or other wood destroying organisms?
		If yes, date last treatment was performed:
		Is there a treatment warranty? (Attach a copy of warranty if available.) If yes, is the treatment warranty transferable?
		NOTICE TO BUYER: Contact Office of Pest Management for past termite reports or treatment history. www.sb.state.az.us
		HEATING & COOLING:
		Heating: Type(s)
		Approximate Age(s)
		Cooling: Type(s)
		Approximate Age(s)
		Approximate rigido
		Are you aware of any past or present problems with the heating or cooling system(s)?
		Are you aware of any past or present problems with the heating or cooling system(s)?
		Are you aware of any past or present problems with the heating or cooling system(s)? Explain: PLUMBING:
		Are you aware of any past or present problems with the heating or cooling system(s)? Explain: PLUMBING: Are you aware of the type of water pipes, such as galvanized, copper, PVC CPVC or polybutylene? If yes, identify:
		Are you aware of any past or present problems with the heating or cooling system(s)? Explain: PLUMBING: Are you aware of the type of water pipes, such as galvanized, copper, PVC, CPVC or polybutylene?
		Are you aware of any past or present problems with the heating or cooling system(s)? Explain: PLUMBING: Are you aware of the type of water pipes, such as galvanized, copper, PVC CPVC or polybutylene? If yes, identify: Are you aware of any past or present plumbing problems? Explain: Are you aware of any water presents problems? Explain:
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		Are you aware of any past or present problems with the heating or cooling system(s)? Explain: PLUMBING: Are you aware of the type of water pipes, such as galvanized, copper, PVC CPVC or polybutylene? If yes, identify: Are you aware of any past or present plumbing problems? Explain: Are you aware of any water pressure problems? Explain: Type of water heater(s): Gas Electric Solar Approx. age(s): Are you aware of any past or present water heater problems? Explain: Is there a landscape watering system? If yes, type: automatic timer manual both If yes, are you aware of any past or present problems with the landscape watering system?
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		Are you aware of any past or present problems with the heating or cooling system(s)? PLUMBING: Are you aware of the type of water pipes, such as galvanized, copper, PVC CPVC or polybutylene? If yes, identify: Are you aware of any past or present plumbing problems? Explain: Are you aware of any water pressure problems? Explain: Type of water heater(s): Gas Electric Solar Approx. age(s): Are you aware of any past or present water heater problems? Explain: Is there a landscape watering system? If yes, type: automatic timer manual both If yes, are you aware of any past or present problems with the landscape watering system? Explain: Are there any water treatment systems? (Check all that apply):
		Are you aware of any past or present problems with the heating or cooling system(s)? PLUMBING: Are you aware of the type of water pipes, such as galvanized, copper, PVC CPVC or polybutylene? If yes, identify: Are you aware of any past or present plumbing problems? Explain: Type of water heater(s): Gas Electric Solar Approx. age(s): Are you aware of any past or present water heater problems? Explain: Is there a landscape watering system? If yes, type: automatic timer manual both lf yes, are you aware of any past or present problems with the landscape watering system? Explain: Are there any water treatment systems? (Check all that apply): water filtration reverse osmosis water softener Other
		Are you aware of any past or present problems with the heating or cooling system(s)? PLUMBING: Are you aware of the type of water pipes, such as galvanized, copper, PVC CPVC or polybutylene? If yes, identify: Are you aware of any past or present plumbing problems? Explain: Are you aware of any water pressure problems? Explain: Type of water heater(s): Gas Electric Solar Approx. age(s): Are you aware of any past or present water heater problems? Explain: Is there a landscape watering system? If yes, type: automatic timer manual both If yes, are you aware of any past or present problems with the landscape watering system? Explain: Are there any water treatment systems? (Check all that apply):

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	YES	NO	
119	_	_	SWIMMING POOL/SPA/HOT TUB/SAUNA/WATER FEATURE:
120			Does the Property contain any of the following? (Check all that apply):
121 122			Swimming pool Spa Hot tub Sauna Water feature
123	H	H	If yes, are either of the following heated? Swimming pool Spa If yes, type of heat: Are you aware of any past or present problems relating to the swimming pool, spa, hot tub, sauna or water feature?
124		Ш	Explain:
125	20.29	105 45	ELECTRICAL AND OTHER RELATED SYSTEMS:
126 127			Are you aware of any past or present problems with the electrical system? Explain:
128			Is there a security system? If yes, is it (Check all that apply):
129			Leased (Attach copy of lease if available.) Owned Monitored Other
130 131		Ш	Are you aware of any past or present problems with the security system? Explain:
132			Does the Property contain any of the following systems or detectors?(Check all that apply):
133			Smoke/fire detection Fire suppression (sprinklers) Carbon monoxide detector
134 135			If yes, are you aware of any past or present problems with the above systems? Explain:
136			MISCELLANEOUS:
137			Are you aware of any animals/pets that have resided in the Property? If yes, what kind:
138 139			Are you aware of or have you observed any of the following on the Property? (Check all that apply):
140			Scorpions Rabid animals Bee swarms Rodents Reptiles Bed Bugs Other:
141			Explain: Has the Property been serviced or treated for pests, reptiles, insects, birds or animals? If yes, how often:
142 143			Name of service provider(s): Date of last service:
144			Are you aware of any work done on the Property, such as building, plumbing, electrical or other improvements or
145			alterations or room conversions? (If no, skip to line 156.)
146 147			Explain:
148			
149			
150			Were permits for the work required? Explain:
151		Ц	If yes, were permits for the work obtained? Explain:
152	H	H	Was the work performed by a person licensed to perform the work? Explain:
153 154			Was approval for the work required by any association governing the property? Explain:
155			Was the work completed? Explain:
156	П	Ħ	Are there any security bars or other obstructions to door or window openings? Explain:
157			Are you aware of any past or present problems with any built-in appliances? Explain:
158 159	П		Are there any leased propane tanks, equipment or other systems on the Property? (Attach a copy of lease if available.)
160 161	Ш	Ш	Explain:

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	Resid	entia	Seller's Property Disclosure Statement (SPDS) >>
	UTILI	TIES	
162	DOES YES N		PROPERTY CURRENTLY RECEIVE THE FOLLOWING SERVICES? PROVIDER
163 164 165 166 167 168 169 170 171 172 173 174			Electricity: Fuel: Natural gas Propane Oil Cable / Satellite: Internet: Telephone: Garbage Collection: Fire: Irrigation: Water Source: Public Private water co. Hauled water Private well Shared well If water source is a private or shared well, complete and attach Domestic Water Well/Water Use Addendum.
175 176 177			NOTICE TO BUYER: If the Property is served by a well, private water company or a municipal water provider, the Arizona Department of Water Resources may not have made a water supply determination. For more information about water supply, or any of the above services, contact the provider.
178 179			Are you aware of any past or present drinking water problems? Explain:
180 181 182 183 184			U.S. Postal Service delivery is available at: Property Cluster Mailbox Post Office Other Are there any alternate power systems serving the Property? (If no, skip to line 190.) If yes, indicate type (Check all that apply): Solar Wind Generator Other Are you aware of any past or present problems with the alternate power system(s)? Explain:
185 186			Are any alternate power systems serving the Property leased? Explain:
187 188 189			If yes, provide name and phone number of the leasing company (Attach copy of lease if available):
190 191			NOTICE TO BUYER: If the Property is served by a solar system, Buyer is advised to read all pertinent documents and review the cost, insurability, operation, and value of the system, among other items.
	ENVIF	RONN	MENTAL INFORMATION
192 193 194 195 196 197 198	YES		Are you aware of any past or present issues or problems with any of the following on the Property? (Check all that apply): Soil settlement/expansion Drainage/grade Erosion Fissures Dampness/moisture Other Explain: Are you aware of any past or present issues or problems in close proximity to the Property related to any of the following? (Check all that apply): Soil settlement/expansion Drainage/grade Erosion Fissures Other Explain:
199 200			NOTICE TO BUYER: The Arizona Department of Real Estate provides earth fissure maps to any member of the public in printed or electronic format upon request and on its website at www.azre.gov.
201 202 203 204 205 206			Are you aware if the Property is subject to any present or proposed effects of any of the following? (Check all that apply): Airport noise Traffic noise Rail line noise Neighborhood noise Landfill Toxic waste disposal Odors Nuisances Sand/gravel operations Other Explain: Are you aware if any portion of the Property has ever been used as a "Clandestine drug laboratory" (manufacture of, or storage of, chemicals or equipment used in manufacturing methamphetamine, ecstasy or LSD)?
			>>

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207 208	YES	NC	Are you aware if the Property is located in the vicinity of a public or private airport? Explain:
209 210 211 212 213			NOTICE TO SELLER AND BUYER: Pursuant to Arizona law a Seller shall provide a written disclosure to the Buyer if the Property is located in territory in the vicinity of a military airport or ancillary military facility as delineated on a map prepared by the State Land Department. The Department of Real Estate also is obligated to record a document at the County Recorder's Office disclosing if the Property is under restricted air space and to maintain the State Land Department Military Airport Map on its website at www.azre.gov.
214 215 216 217 218 219 220 221 222 223 224			Is the Property located in the vicinity of a military airport or ancillary military facility? Explain: Are you aware of the presence of any of the following on the Property, past or present? (Check all that apply): Asbestos Radongas Lead-based paint Pesticides Underground storage tanks Fuel/chemical storage Explain: Are you aware if the Property is located within or subject to any of the following ordinances? (Check all that apply): Superfund / WQARF / CERCLA Wetlands area Natural Area Open Spaces Are you aware of any open mine shafts/tunnels or abandoned wells on the Property? If yes, describe location: Are you aware if any portion of the Property is in a flood plain/way? Explain:
225 226 227 228 229 230 231 232 233 234 235 236 237 238			NOTICE TO BUYER: Your mortgage lender [may] [will] require you to purchase flood insurance in connection with your purchase of this property. The National Flood Insurance Program provides for the availability of flood insurance and establishes flood insurance policy premiums based on the risk of flooding in the area where properties are located. Recent changes to federal law (The Biggert-Waters Flood Insurance Reform Act of 2012 and the Homeowner Flood Insurance Affordability Act of 2014, in particular) will result in changes to flood insurance premiums that are likely to be higher, and in the future may be substantially higher, than premiums paid for flood insurance prior to or at the time of sale of the property. As a result, purchasers of property should not rely on the premiums paid for flood insurance on this property previously as an indication of the premiums that will apply after completion of the purchase. In considering purchase of this property you should consult with one or more carriers of flood insurance for a better understanding of flood insurance coverage, current and anticipated future flood insurance premiums, whether the prior owner's policy may be assumed by a subsequent purchaser of the property, and other matters related to the purchase of flood insurance for the property. You may also wish to contact the Federal Emergency Management Agency (FEMA) for more information about flood insurance as it relates to this property.
239 240			Are you aware of any portion of the Property ever having been flooded? Explain:
241 242			Are you aware of any water damage or water leaks of any kind on the Property? Explain:
243 244			Are you aware of any past or present mold growth on the Property? If yes, explain:
	The second second second		ASTEWATER TREATMENT
245 246 247 248 249	YES		Is the entire Property connected to a sewer? If no, is a portion of the Property connected to a sewer? Explain: If the entire Property or a portion of the Property is connected to a sewer, has a professional verified the sewer connection? If yes, how and when:
250			NOTICE TO BUYER: Contact a professional to conduct a sewer verification test.
251 252		L	Type of sewer: Public Private Planned and approved sewer system, but not connected Name of Provider:
Water w	998 - 989 - BERGER	2 12 200	>>
Upd	idential Sel ated: Octo ights reserv	ber 201	roperty Disclosure Statement (SPDS) 17 ● Copyright © 2017 Arizona Association of REALTORS®. Initials>

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YES N	Are you aware of any past		n the sewer? Explain: reatment Facility? (If no, skip	to line 267)
			n Alternative system; typ	
	If yes, name of contractor:		being serviced under a mainte	Phone #:
	Approximate year Facility i Are you aware of any repa	nstalled: irs or alterations made to	this Facility since original inst	h copy of permit if available.)
	Approximate date of last F Are you aware of any past	acility inspection and/or a or present problems wit	oumping of septic tank: h the Facility? Explain:	
			Department of Environment t Facilities on re-sale pro	tal Quality requires a Pre-Transfe
OTHER C	ONDITIONS AND FACTO	ORS		
			cerning the Property that mig	ht affect the buyer's decision-maki
ADDITION	NAL EXPLANATIONS			
G C				
12.				
20 20 20				
20 20 20				
SELLER C knowledge to Buyer pr	CERTIFICATION: Seller cert as of the date signed. Seller a	ifies that the informatior grees that any changes in ling any information that	n contained herein is true ar the information contained here may be revealed by subseque	nd complete to the best of Selle in will be disclosed in writing by Sel ent inspections. Seller acknowledg
SELLER Consideration Receipt of Figure 1	CERTIFICATION: Seller cert as of the date signed. Seller agont to Close of Escrow, including	ifies that the informatior grees that any changes in ling any information that	n contained herein is true ar the information contained here may be revealed by subseque	in will be disclosed in writing by Sel
SELLER C knowledge to Buyer pr receipt of R	EERTIFICATION: Seller cert as of the date signed. Seller ago to Close of Escrow, included tesidential Seller Disclosure A	ifies that the information grees that any changes in ling any information that Advisory titled When in De	contained herein is true ar the information contained here may be revealed by subseque bubt - Disclose.	in will be disclosed in writing by Sel ent inspections. Seller acknowledg
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SELLER O knowledge to Buyer pr receipt of R *SELLER'S Reviewed BUYER'S knowledge regard to t consider ob NOTICE: Bu of a natural of	EERTIFICATION: Seller cert as of the date signed. Seller are for to Close of Escrow, included the sidential Seller Disclosure A SIGNATURE I and updated: Initials: ACKNOWLEDGMENT: Buyer and is not a warranty of any the Property. Buyer is encounted to the second t	ifies that the information grees that any changes in ding any information that Advisory titled When in Domestic MO/DA/YR MO/DA/YR SELLER SELLER SELLER ar acknowledges that the kind. Buyer acknowledges that the kind. Buyer acknowledge uraged to obtain Proper tection plan. Sellers, Lessors and Broker other crime classified as a final content of the	n contained herein is true are the information contained here may be revealed by subseque oubt - Disclose. **SELLER'S SIGNATURE MO/DA/YR information contained herein is Buyer's obligation to investigate ty inspections by professions are not obligated to disclose the elony; (2) owned or occupied by	in will be disclosed in writing by Selent inspections. Seller acknowledg MO/DA/ is based only on the Seller's actuate any material (important) facts
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