

# SELLER'S PROPERTY DISCLOSURE STATEMENT

## EXHIBIT " \_\_\_\_\_ "



2019 Printing

This Seller's Property Disclosure Statement ("Statement") is an exhibit to the Purchase and Sale Agreement with an Offer Date of \_\_\_\_\_ for the Property (known as or located at: 934 Marion Dairy Road  
Lindale, Georgia, 30147). This Statement is intended to make it easier for Seller to fulfill Seller's legal duty to disclose hidden defects in the Property of which Seller is aware. Seller is obligated to disclose such defects even when the Property is being sold "as-is."

**A. INSTRUCTIONS TO SELLER IN COMPLETING THIS STATEMENT.**

In completing this Statement, Seller agrees to:

- (1) answer all questions in reference to the Property and the improvements thereon;
- (2) answer all questions fully, accurately and to the actual knowledge and belief of all Sellers;
- (3) provide additional explanations to all "yes" answers in the corresponding Explanation section below each group of questions, unless the "yes" answer is self-evident;
- (4) promptly revise the Statement if there are any material changes in the answers to any of the questions prior to closing and provide a copy of the same to the Buyer and any Broker involved in the transaction.

**B. HOW THIS STATEMENT SHOULD BE USED BY BUYER.** Caveat emptor or "buyer beware" is the law in Georgia. Buyer should conduct a thorough inspection of the Property. If Seller has not occupied the Property recently, Seller's knowledge of the Property's condition may be limited. Buyer is expected to use reasonable care to inspect the Property and confirm that is suitable for Buyer's purposes. If an inspection of the Property reveals problems or areas of concern that would cause a reasonable Buyer to investigate further, Buyer should investigate further. A "yes" or "no" answer to a question means "yes" or "no" to the actual knowledge and belief of all Sellers of the Property.

**C. SELLER DISCLOSURES.**

	YES	NO
<b>1. GENERAL:</b>		
(a) What year was the main residential dwelling constructed? _____		
(b) Is the Property vacant? If yes, how long has it been since the Property has been occupied? _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is the Property or any portion thereof leased?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Has the Property been designated as historic or in a historic district where permission must be received to make modifications and additions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**EXPLANATION:**  
 \_\_\_\_\_  
 \_\_\_\_\_

	YES	NO
<b>2. COVENANTS, FEES, and ASSESSMENTS:</b>		
(a) Is the Property subject to a recorded Declaration of Covenants, Conditions, and Restrictions ("CC&Rs") or other similar restrictions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Is the Property part of a condominium or community in which there is a community association? <b>IF YES, SELLER TO COMPLETE AND PROVIDE BUYER WITH A "COMMUNITY ASSOCIATION FEES, DISCLOSURES AND RELATED ISSUES" GAR F322.</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**EXPLANATION:**  
 \_\_\_\_\_  
 \_\_\_\_\_

	YES	NO
<b>3. LEAD-BASED PAINT:</b>		
(a) Was any part of the residential dwelling on the Property or any painted component, fixture, or material used therein constructed or manufacture prior to 1978? <b>IF YES, THE "LEAD-BASED PAINT EXHIBIT" GAR F316 MUST BE EXECUTED BY THE PARTIES AND THE "LEAD-BASED PAINT PAMPHLET" GAR CB04 MUST BE PROVIDED TO THE BUYER.</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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4. STRUCTURAL ITEMS, ADDITIONS AND ALTERATIONS:		YES	NO
(a)	Has there been any settling, movement, cracking or breakage of the foundations or structural supports of the improvements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Have any structural reinforcements or supports been added?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c)	Have there been any additions, structural changes, or any other major alterations to the original improvements or Property, including without limitation pools, carports or storage buildings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d)	Has any work been done where a required building permit was not obtained?	<input type="checkbox"/>	<input type="checkbox"/>
(e)	Are there violations of building codes, housing codes, or zoning regulations (not otherwise grandfathered)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f)	Have any notices alleging such violations been received?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g)	Is any portion of the main dwelling a mobile, modular or manufactured home?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h)	Was any dwelling or portion thereof (excluding mobile, modular and manufactured dwelling) moved to the site from another location?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**EXPLANATION:**

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5. SYSTEMS and COMPONENTS:		YES	NO
(a)	Approximate age of HVAC system(s): <u>4</u> years		
(b)	Is any heated and cooled portion of the main dwelling not served by a central heating and cooling system?	<input type="checkbox"/>	<input type="checkbox"/>
(c)	Is any portion of the heating and cooling system in need of repair or replacement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d)	Does any dwelling or garage have aluminum wiring other than in the primary service line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e)	Are any fireplaces decorative only or in need of repair?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f)	Have there been any reports of damaging moisture behind exterior walls constructed of synthetic stucco?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**EXPLANATION:**

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6. SEWER/PLUMBING RELATED ITEMS:		YES	NO
(a)	What is the drinking water source: <input checked="" type="checkbox"/> public <input type="checkbox"/> private <input type="checkbox"/> well		
(b)	If the drinking water is from a well, has there ever been a test the results of which indicate that the water is not safe to drink?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c)	What is the sewer system: <input type="checkbox"/> public <input type="checkbox"/> private <input checked="" type="checkbox"/> septic tank		
(d)	If the Property is served by a septic system, how many bedrooms was the septic system approved for by local government authorities?		
(e)	Is the main dwelling served by a sewage pump?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f)	Has any septic tank or cesspool on Property ever been professionally serviced?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	If yes, please give the date of last service: _____		
(g)	Are there any leaks, backups, or other similar problems with any portion of the plumbing, water, or sewage systems or damage therefrom?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h)	Is there presently any polybutylene plumbing, other than the primary service line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i)	Has there ever been any damage from a frozen water line, spigot, or fixture?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**EXPLANATION:**

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7. ROOFS, GUTTERS, and DOWNSPOUTS:		YES	NO
(a)	Approximate age of roof on main dwelling: <u>4</u> years.		
(b)	Has any part of the roof been repaired during Seller's ownership?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c)	Are there any roof leaks or other problems with the roof, roof flashing, gutters, or downspouts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>EXPLANATION:</b>			

8. FLOODING, DRAINING, MOISTURE, and SPRINGS:		YES	NO
(a)	Is there now or has there been any water intrusion in the basement, crawl space or other parts of any dwelling or garage or damage therefrom?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Have any repairs been made to control water intrusion in the basement, crawl space, or other parts of any dwelling or garage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c)	Is any part of the Property or any improvements thereon presently located in a Special Flood Hazard Area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d)	Has there ever been any flooding?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e)	Are there any streams that do not flow year round or underground springs?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f)	Are there any dams, retention ponds, storm water detention basins, or other similar facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>EXPLANATION:</b>			

9. SOIL AND BOUNDARIES:		YES	NO
(a)	Are there any landfills (other than foundation backfill), graves, burial pits, caves, mine shafts, trash dumps or wells (in use or abandoned)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Is there now or has there ever been any visible soil settlement or movement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c)	Are there presently any encroachments, unrecorded easements or boundary line disputes with a neighboring property owner?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d)	Do any of the improvements encroach onto a neighboring property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>EXPLANATION:</b>			

10. TERMITES, DRY ROT, PESTS, and WOOD DESTROYING ORGANISMS:		YES	NO
(a)	Is there any damage resulting from animals (such as squirrels, mice, possum or raccoons); insects (such as termites, bees and ants); or by fungi or dry rot?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Is there presently a bond, warranty or service contract for termites or other wood destroying organisms by a licensed pest control company?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	If yes, is it transferable? _____ What is the cost? \$ _____	<input type="checkbox"/>	<input type="checkbox"/>
	If yes, company name/contact: _____		
	Coverage: <input type="checkbox"/> re-treatment and repair <input type="checkbox"/> re-treatment <input type="checkbox"/> periodic inspections only		
	Expiration Date _____ Renewal Date _____		
(c)	Is there a cost to maintain the bond, warranty or service contract?	<input type="checkbox"/>	<input type="checkbox"/>
	If yes, what is the annual cost? \$ _____		
<b>EXPLANATION:</b>			

11. ENVIRONMENTAL, HEALTH, and SAFETY CONCERNS:	YES	NO
(a) Are there any underground tanks or toxic or hazardous substances such as asbestos?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Has Methamphetamine ("Meth") ever been produced on the Property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Have there ever been adverse test results for radon, lead, mold or any other potentially toxic or environmentally hazardous substances?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**EXPLANATION:**

12. LITIGATION and INSURANCE:	YES	NO
(a) Is there now or has there been any litigation therein alleging negligent construction or defective building products?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Has there been any award or payment of money in lieu of repairs for defective building products or poor construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Has any release been signed regarding defective products or poor construction that would limit a future owner from making any claims?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) During Seller's ownership have there been any insurance claims for more than 10% of the value of the Property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Is the Property subject to a threatened or pending condemnation action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) How many insurance claims have been filed during Seller's ownership? _____		

**EXPLANATION:**

13. OTHER HIDDEN DEFECTS:	YES	NO
(a) Are there any other hidden defects that have not otherwise been disclosed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**EXPLANATION:**

14. AGRICULTURAL DISCLOSURE:	YES	NO
(a) Is Property within, partially within, or adjacent to any property zoned or identified on an approved county land use plan as agricultural or forestry use?	<input type="checkbox"/>	<input type="checkbox"/>

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 which are in conformance with existing laws and regulations and accepted customs and standards.

**ADDITIONAL EXPLANATIONS** (If needed):

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**D. FIXTURES CHECKLIST**

**Directions on HOW TO USE:** It is often unclear what constitutes a fixture which remains with the Property versus personal property which does not remain with the Property. **To avoid disputes, Seller shall have the right to remove all items on the checklist below that are left blank. THE ITEMS ON THE CHECKLIST BELOW THAT ARE CHECKED OR MARKED SHALL REMAIN WITH THE PROPERTY.** All items remaining with Property shall include remotes and/or all accessories necessary for use. Unless otherwise indicated, if an item is left blank, the Seller may remove all of that item from the Property. For example, if "Refrigerator" is left blank, Seller may remove all Refrigerators on the Property. This checklist is intended to supersede the common law of fixtures with regard to the items below. The common law of fixtures shall apply to all items not on this checklist. Seller shall remove all items left blank below prior to closing or the transfer of possession, whichever is later. Seller shall lose the right to remove those items not timely removed but shall remain liable for the cost of Buyer having to dispose of such items provided that Buyer disposes of them within 30 days after Closing. In removing items, Seller shall use reasonable care to prevent and repair damage to the area where the item was removed.

Items identified as remaining with the Property shall mean those specific items as they existed in the Property as of the Offer Date. No such item shall be removed from the Property unless it is broken or destroyed. In the event such item is removed, it shall be replaced with a substantially identical item, if reasonably available. If not reasonably available, it shall be replaced with a substantially similar item of equal quality and value, or better. The same or newer model of the item being replaced in the same color and size and with the same functions or better shall be considered substantially identical. This section entitled "Fixtures Checklist" shall survive Closing.

**Appliances**

- Clothes Dryer
- Clothes Washing Machine
- Dishwasher
- Garage Door Opener
- Garbage Disposal
- Ice Maker
- Microwave Oven
- Oven
- Refrigerator w/o Freezer
- Refrigerator/Freezer
- Free Standing Freezer
- Stove
- Surface Cook Top
- Trash Compactor
- Vacuum System
- Vent Hood
- Warming Drawer
- Wine Cooler

**Home Media**

- Amplifier
- Cable Jacks
- Cable Receiver
- Cable Remotes
- Intercom System
- Internet HUB
- Internet Wiring
- Satellite Dish
- Satellite Receiver
- Speakers
- Speaker Wiring
- Switch Plate Covers

- Television (TV)
- TV Antenna
- TV Mounts/Brackets
- TV Wiring

**Interior Fixtures**

- Ceiling Fan
- Chandelier
- Closet System
- Fireplace (FP)
- FP Gas Logs
- FP Screen/Door
- FP Wood Burning Insert
- Light Bulbs
- Light Fixtures
- Mirrors
  - Wall Mirrors
  - Vanity (hanging) Mirrors
- Shelving Unit & System
- Shower Head/Sprayer
- Storage Unit/System
- Window Blinds (and Hardware)
- Window Shutters (and Hardware)
- Window Draperies (and Hardware)
- Unused Paint

**Landscaping / Yard**

- Arbor
- Awning
- Basketball Post and Goal

- Birdhouses
- Boat Dock
- Fence - Invisible
- Dog House
- Flag Pole
- Gazebo
- Irrigation System
- Landscaping Lights
- Mailbox
- Out/Storage Building
- Porch Swing
- Statuary
- Stepping Stones
- Swing Set
- Tree House
- Trellis
- Weather Vane

**Recreation**

- Gas Grill
- Hot Tub
- Outdoor Furniture
- Outdoor Playhouse
- Pool
- Pool Equipment
- Pool Chemicals
- Sauna

**Safety**

- Alarm System (Burglar)
- Alarm System (Smoke/Fire)
- Security Camera
- Carbon Monoxide Detector
- Doorbell
- Door & Window Hardware

- Fire Sprinkler System
- Gate
- Safe (Built-In)
- Smoke Detector
- Window Screens

**Systems**

- A/C Window Unit
- Air Purifier
- Whole House Fan
- Attic Ventilator Fan
- Ventilator Fan
- Dehumidifier
- Generator
- Humidifier
- Propane Tank
- Propane Fuel in Tank
- Fuel Oil Tank
- Fuel Oil in Tank
- Sewage Pump
- Solar Panel
- Sump Pump
- Thermostat
- Water Purification System
- Water Softener System
- Well Pump

**Other**

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**Clarification Regarding Multiple Items.** Items identified above as remaining with Property where Seller is actually taking one or more of such items shall be identified below. For example, if "Refrigerator" is marked as staying with the Property, but Seller is taking the extra refrigerator in the basement, the extra refrigerator and its location shall be described below. This section shall control over any conflicting or inconsistent provisions contained elsewhere herein.

**Items Needing Repair.** The following items remaining with Property are in need of repair or replacement:

**RECEIPT AND ACKNOWLEDGEMENT BY BUYER**

Buyer acknowledges receipt of this Seller's Property Disclosure Statement.

[Signature Line]

**1 Buyer's Signature**

Print or Type Name

Date

[Signature Line]

**2 Buyer's Signature**

Print or Type Name

Date

Additional Signature Page (F267) is attached.

**SELLER'S REPRESENTATION REGARDING THIS STATEMENT**

Seller represents that the questions in this Statement have been answered to the actual knowledge and belief of all Sellers of the Property

[Signature Line]

**1 Seller's Signature**

Tony L. Burch  
Print or Type Name

8-21-19  
Date

[Signature Line]

**2 Seller's Signature**

Linda E. Burch  
Print or Type Name

8-21-19  
Date

Additional Signature Page (F267) is attached.