

# SELLER'S DISCLOSURE STATEMENT

1. Seller(s) Name(s): James M. Sprague, Family Trust  
 Property Address: 24983 West Virginia  
 Is each individual named above a U.S. Citizen or resident alien? Yes ☒ No ☐ Date Purchased: June 1998

2. NOTICE TO SELLER. Each Seller is obligated to disclose to a buyer all known facts that materially and adversely affect the value of the property being sold and that are not readily observable. This disclosure statement is designed to assist Seller in complying with disclosure requirements and to assist Buyer in evaluating the property being considered. The listing real estate broker, the selling real estate broker and their respective agents will also rely upon this information when they evaluate, market and present Seller's property to prospective buyers.

3. NOTICE TO BUYER. This is a disclosure of Seller's knowledge of the condition of the property as of the date signed by Seller and is not a substitute for any inspections or warranties that Buyer may wish to obtain. It is not a warranty of any kind by Seller or a warranty or representation by the listing broker, the selling broker, or their agents.

4. OCCUPANCY. Does seller currently occupy this property? Yes ☐ No ☒ If not, how long since Seller occupied property? Year 2000

5. LAND (SOILS, DRAINAGE AND BOUNDARIES).

- Is there any fill or expansive soil on the property? Yes ☐ No ☐ Unknown ☒
- Do you know of any sliding, settling, earth movement, upheaval or earth stability problems that have occurred on the property or in the immediate neighborhood? Yes ☐ No ☒
- Is the property located in an earthquake zone? Yes ☐ No ☒ Unknown ☐
- Is the property located in a flood zone or wetlands area? Yes ☐ No ☒ Unknown ☐
- Do you know of any past or present drainage or flood problems affecting the property or adjacent properties? Yes ☐ No ☒
- Do you know of any encroachments, boundary line disputes, or easements affecting the property? Yes ☐ No ☒

If any of your answers in this section are "Yes," explain in detail: \_\_\_\_\_

6. ROOF.

- Age: not sure years. Probably 15+ years
- Has the roof ever leaked during your ownership? Yes ☐ No ☒ Except for small storm damage at one time - repaired
- Has the roof been replaced or repaired during your ownership? Yes ☒ No ☐
- Do you know of any problems with the roof or rain gutters? Yes ☐ No ☒ Don't know

If any of your answers in this section are "Yes," explain in detail: \_\_\_\_\_

7. TERMITES, DRY ROT, PESTS.

- Do you have any knowledge of termites, dry rot, or pests on or affecting the property? Yes ☐ No ☒
- Do you have any knowledge of any damage to the property caused by termites, dry rot, or pests? Yes ☐ No ☒
- Is your property currently under warranty or other coverage by a licensed pest control company? Yes ☐ No ☒
- Do you know of any termite/ pest control reports or treatments for the property in the last five years? Yes ☐ No ☒

If any of your answers in this section are "Yes," explain in detail: \_\_\_\_\_

8. MOLD

- Are you aware of any past or present mold growth on the property? Yes ☒ No ☐ Mold developed in basement during years not occupied - the
- Are you aware of any conditions conducive to mold growth, such as dampness, moisture, flooding, water damage or water leaks of any kind? Yes ☒ No ☐ If "Yes," please explain in detail: mold was fully abated by Astor

9. STRUCTURAL ITEMS. - Abatement in year 2011 at a cost of \$12,500.00. I put the whole basement treated

- Are you aware of any past or present moving, shifting, deteriorating, or other problems with walls or foundations? Yes ☐ No ☒
- Are you aware of any past or present cracks or flaws in the walls or foundation? Yes ☐ No ☒ Don't know
- Are you aware of any past or present water leakage in the house? Yes ☐ No ☒ Don't know
- Are you aware of any past or present problems with driveways, walkways, patios, or retaining walls? Yes ☒ No ☐
- Have there been any repairs or other attempts to control the cause or effect of any problem described above? Yes ☐ No ☒

If any of your answers in this section are "Yes," explain in detail. When describing repairs or control efforts, describe the location, extent, date, and name of the person who did the repair or control effort. \_\_\_\_\_

10. BASEMENT AND CRAWL SPACES. (Complete only if applicable.)

- Does the property have a sump pump? Yes ☐ No ☒ Don't know
- Has there ever been water leakage, accumulation, or dampness within the basement or crawlspace? Yes ☐ No ☒ Don't know
- Have there been any repairs or other attempts to control any water or dampness problem? Yes ☐ No ☒ Don't know

If "Yes," describe the location, extent, date, and name of the person who did the repair or control effort: \_\_\_\_\_

11. ADDITIONS/ REMODELS.

- Have you made any additions, structural changes, or other alterations to the property? Yes ☐ No ☒ If "Yes," did you obtain all necessary permits and approvals and was all the work in compliance with building codes? Yes ☐ No ☐ If "No," explain in detail: \_\_\_\_\_
- Did any former owners of the property make any additions, structural changes, or other alterations to the property? Yes ☐ No ☒ Unknown ☐ If "Yes," was all work done with all necessary permits and approvals in compliance with building codes? Yes ☐ No ☒ Unknown ☐ If "No," explain in detail: \_\_\_\_\_

12. PLUMBING-RELATED ITEMS.

- What is your drinking water source: Public ☐ Private System ☒ Well on Property ☒

Re: II 9-II The hand made bricks for wall behind house were not properly cured. The bricks for the house were from a different order and never had the same problem. I am not aware of any structural damage.

- b. If drinking water is from a well, when was your water last checked for safety and what was the test result? don't know
- c. Do you have a water softener? Yes ☐ No ☒ If "Yes," Leased ☐ Owned ☐
- d. What is the type of sewage system?: Public Sewer ☐ Private Sewer ☐ Septic Tank ☒ Cesspool ☐
- e. Is there a sewage pump? Yes ☐ No ☐
- f. When was the septic tank or cesspool last serviced? don't know
- g. Do you know of any leaks, backups, or other problems relating to any of the plumbing, water, and sewage-related items? Yes ☐ No ☒ If "Yes," explain in detail: \_\_\_\_\_
- 13. HEATING AND AIR CONDITIONING.**
- a. Air Conditioning ☐ Central Electric ☐ Central Gas ☐ Window ☐ (#) Units Included in Sale
- b. Heating ☐ Electric ☒ Fuel Oil ☐ Natural Gas ☐ Other: \_\_\_\_\_
- c. Water Heating ☐ Electric ☐ Gas ☐ Solar ☐
- d. Are you aware of any problems regarding these items Yes ☐ No ☐ If "Yes," explain in detail: \_\_\_\_\_
- 14. ELECTRICAL SYSTEM.** Are you aware of any problems or conditions that affect the value or desirability of the electrical system? Yes ☐ No ☒ If "Yes," explain in detail: \_\_\_\_\_
- 15. OTHER EQUIPMENT AND APPLIANCES BEING SOLD.**
- Mark the items included in the sale of your property:
- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Electric Garage Door Opener | <input checked="" type="checkbox"/> Number of Transmitters)    | <input type="checkbox"/> Security Alarm System ( <input type="checkbox"/> Owned <input type="checkbox"/> Leased)                    |
| <input checked="" type="checkbox"/> Smoke Detectors             | <input checked="" type="checkbox"/> Number of Smoke Detectors) | <input type="checkbox"/> Lawn Sprinklers <input type="checkbox"/> Automatic Timer   |
| <input type="checkbox"/> Swimming Pool                          | <input type="checkbox"/> Pool Heater                           | <input type="checkbox"/> Spa/ Hot Tub   |
| <input checked="" type="checkbox"/> Refrigerator                | <input checked="" type="checkbox"/> Stove                      | <input checked="" type="checkbox"/> Microwave Oven  |
| <input type="checkbox"/> Trash Compactor                        | <input checked="" type="checkbox"/> Intercom                   | <input type="checkbox"/> Ceiling Fans   |
|   |  | <input checked="" type="checkbox"/> Washer <input checked="" type="checkbox"/> Dryer <input checked="" type="checkbox"/> Dishwasher |
|   |  | Other: _____  |
- Are any of these in need of repair or replacement? Yes ☐ No ☐ If "Yes," explain in detail: \_\_\_\_\_
- 16. NEIGHBORHOOD.** Are you aware of any condition or proposed change in your neighborhood that could adversely affect the value or desirability of the property, such as noise or other nuisance, threat of condemnation or street changes? Yes ☐ No ☒ If "Yes," explain in detail: \_\_\_\_\_
- 17. TOXIC SUBSTANCES.**
- a. Are you aware of any underground tanks or toxic substances present on the property (structure or soil) such as asbestos, PCBs, accumulated radon, lead paint, or others? Yes ☐ No ☒ If "Yes," explain in detail: \_\_\_\_\_
- b. Has property been tested for radon or other toxic substances? Yes ☐ No ☐ If "Yes," explain in detail: don't know
- 18. CONDOMINIUMS AND OTHER HOMEOWNERS ASSOCIATIONS.**
- a. Is the property part of a condominium or other common ownership or is it subject to covenants, conditions, and restrictions (CC & R's) of a homeowner's association? Yes ☐ No ☐ (If "No," you may continue to section 19).
- b. Is there any defect, damage, or problem with any common elements or common areas which could affect their value or desirability? Yes ☐ No ☐ Unknown ☐ N/A
- c. Is there any condition or claim which may result in an increase in assessments or fees? Yes ☐ No ☐ Unknown ☐ If your answer to (b) or (c) is "Yes," explain in detail: \_\_\_\_\_
- 19. OTHER MATTERS.**
- a. Is there any existing or threatened legal action affecting the property? Yes ☐ No ☒
- b. Do you know of any violations of local, state, or federal laws or regulations relating to this property? Yes ☐ No ☒
- c. Is there anything else you feel you should disclose to a prospective buyer because it may materially and adversely affect the value or desirability of the property, e.g., zoning violation, non-conforming units, setback violations, zoning changes, road changes, etc.? Yes ☐ No ☒
- If any of your answers in this section are "Yes," explain in detail: \_\_\_\_\_

The undersigned Seller represents that the information set forth in the foregoing disclosure statement is accurate and complete. Seller does not intend this disclosure statement to be a warranty or guaranty of any kind. Seller hereby authorizes Mountain State Land & Timber, Inc. to provide this information to prospective buyers of the property and to real estate brokers and sales people. Seller understands and agrees that Seller will notify Mountain State Land & Timber, Inc. in writing immediately if any information set forth in this disclosure statement becomes inaccurate or incorrect in any way through the passage of time.

Seller: James M. Spruill, Daniel J. Spruill Date: 1-23-13 Seller: \_\_\_\_\_ Date: \_\_\_\_\_

#### RECEIPT AND ACKNOWLEDGEMENT OF BUYER

- I HAVE CAREFULLY INSPECTED THE PROPERTY. I HAVE BEEN ADVISED TO HAVE THE PROPERTY EXAMINED BY PROFESSIONAL INSPECTORS. I ACKNOWLEDGE THAT NEITHER ANY BROKER OR AGENT INVOLVED IN THIS TRANSACTION IS AN EXPERT AT DETECTING OR REPAIRING PHYSICAL DEFECTS IN THE PROPERTY.
- I UNDERSTAND THAT UNLESS STATED OTHERWISE IN MY CONTRACT WITH SELLER, THE PROPERTY IS BEING SOLD IN ITS PRESENT CONDITION ONLY, WITHOUT WARRANTIES OR GUARANTIES OF ANY KIND BY SELLER OR ANY BROKER OR AGENT. I STATE THAT NO REPRESENTATIONS CONCERNING THE CONDITION OF THE PROPERTY ARE BEING RULED UPON BY ME EXCEPT AS DISCLOSED ABOVE OR STATED WITHIN THE SALES CONTRACT.

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

THIS IS A LEGALLY BINDING DOCUMENT. IF NOT UNDERSTOOD, PLEASE CONSULT AN ATTORNEY.

## Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards SALES

### Lead Warning Statement

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

### Seller's Disclosure

(a) Presence of lead-based paint and/or lead-based paint hazards (Check (i) or (ii) below):

(i) ☐ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

(ii) ☒ Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the seller (Check (i) or (ii) below):

(i) ☐ Seller has provided the purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

(ii) ☒ Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

### Purchaser's Acknowledgment (initial)

(c) \_\_\_\_\_ Purchaser has received copies of all information listed above.

(d) \_\_\_\_\_ Purchaser has received the pamphlet *Protect Your Family from Lead in Your Home*.

(e) \_\_\_\_\_ Purchaser has (check (i) or (ii) below):

(i) ☐ received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or

(ii) ☐ waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

### Agent's Acknowledgment (initial)

(f) \_\_\_\_\_ Agent has informed the seller of the seller's obligations under 42 U.S.C. 4852d and is aware of his/her responsibility to ensure compliance.

### Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

<u>James M. Spruill, Trustee</u>		<u>June 15, 2013</u>	
SELLER	DATE	SELLER	DATE
<u>June M. Spruill, Trustee</u>			
_____ PURCHASER	_____ DATE	_____ PURCHASER	_____ DATE
_____ AGENT	_____ DATE	_____ AGENT	_____ DATE