



SELLER'S PROPERTY CONDITION DISCLOSURE

This is a legally binding document. If not understood, consult an attorney.



SELLER'S AGENT – COMPLETE THIS SECTION ONLY!

SELLER NAME _____ (“Seller”)

PROPERTY ADDRESS _____ (“Property”)

LISTING BROKERAGE _____ (“Company”)

NOTICE FROM COMPANY

Buyer and Seller are advised that the Company and its agents are trained in the marketing of real estate. Neither the Company nor its agents are trained or licensed to provide Buyer or Seller with professional advice regarding the physical condition of any property or regarding legal or tax matters. The Company and its agents strongly recommend that in connection with any offer to acquire the Property, Buyer retain the professional services of legal and/or tax advisors, property inspectors, surveyors, and other professionals to satisfy Buyer as to any and all aspects of the physical and legal condition of the Property. BUYER IS ADVISED NOT TO RELY ON THE COMPANY, OR ON ANY AGENTS OF THE COMPANY, FOR A DETERMINATION REGARDING THE PHYSICAL OR LEGAL CONDITION OF THE PROPERTY, including, but not limited to, the condition of any appliances, heating/cooling equipment and systems, plumbing and electrical fixtures and equipment, moisture or other problems in the roof or foundation, sewer problems, the availability and location of utilities, the exact square footage or acreage of the Property, or the location of property lines.

INSTRUCTIONS TO SELLER

SELLER IS OBLIGATED UNDER LAW TO DISCLOSE TO BUYERS DEFECTS IN THE PROPERTY KNOWN TO SELLER THAT MATERIALLY AFFECT THE VALUE OF THE PROPERTY THAT CANNOT BE DISCOVERED BY A REASONABLE INSPECTION BY AN ORDINARY PRUDENT BUYER. This disclosure form is designed to assist Seller in complying with these disclosure requirements. Please thoroughly disclose your actual knowledge regarding the condition of the Property. The Company, other real estate agents, and buyers will rely on this disclosure form.

- Complete the remainder of this form.
- Please be specific when describing any past or present problems, malfunctions or defects (location, nature of problem, etc.). Use an additional addendum if necessary.
- If a question does not apply to your Property, WRITE “N/A” NEXT TO THE QUESTION.

1. OCCUPANCY

Does Seller currently occupy the Property? If “No”, when did you last occupy the Property? _____ (Appox. Date) Yes No
 Seller has never occupied the Property

2. ROOF

- A. Are you aware of any past or present leaks in the roof? If “Yes”, please describe, to your knowledge, the nature and location of any past or present leaks: _____ Yes No
- B. Other than leaks, are you aware of any past or present problems or defects with the roof, for example, structural issues dry rot, moisture and/or ice damage, etc? If “Yes”, please describe, to your knowledge, the nature and location of any past or present problems or defects with the roof: _____ Yes No
- C. Has all or any portion of the roof been repaired or replaced during your ownership? If “Yes”, please describe, to your knowledge, the nature of any roof repairs or replacements: _____ Yes No
- D. To your knowledge, are there any written warranties presently in place for the roof? If “Yes”, please attach as part of this disclosure form copies of any warranties in your possession. Yes No

3. NATURAL GAS, ELECTRICITY, TELEPHONE, CABLE TV AND INTERNET

Are you aware of any past or present problems with utility service to the Property or with any of the utility service systems, for example, poor telephone reception, etc? If “Yes”, please describe, to your knowledge, the nature of any past or present problems with utility service or utility systems: _____ Yes No

Page 1 of 6 Seller's Initials _____ Date _____ Buyer's Initials _____ Date _____

4. WATER

Culinary water service for the Property is provided by (check applicable box):

Public Water Private Water Company Private Well

- A. (Name of Public or Private water service provider): _____ . If water service is provided by a Private Water Company, please attach as part of this disclosure form a copy of any water certificates in your possession.
- B. If water service is provided by a Private Water Company, to your knowledge, are water share assessments paid in full? Yes No
- C. Are you aware of any past or present problems with any water service provided to the Property by the Public or Private Water service provider, for example, water quality, inadequate or excessive water pressure, etc? If "Yes", please describe, to your knowledge, the nature of any such problems: _____ Yes No
- D. Is a well presently located on the Property? Yes No
- E. If a well is located on the Property, are you aware of any past or present problems with the well, for example, water quality, inadequate water pressure, faulty pump, etc? If "Yes", please describe, to your knowledge, the nature of any such problems: _____ Yes No
- F. To your knowledge, is your water right for the well represented by a contract with the Weber Basin Water Conservancy District? If "Yes", what is the number of the district contract? _____ Yes No
- G. If your water right for the well is not based on a contract with the Weber Basin Water Conservancy District, to your knowledge, what is the State Engineer "Index Number" for your water right? _____

5. SEWER/SEPTIC TANK

- A. Sewer service for the Property will be provided by (check applicable box): Public Sewer Septic Tank
- B. If Public Sewer, who is the Public Sewer provider? _____
- C. With the exception of an occasional clogged drain or toilet, are you aware of any past or present problems with the sewer or septic service or components, for example, broken sewer lines, consistently slow or clogged drains, etc? If "Yes", please describe, to your knowledge, the nature of any such problems: _____ Yes No
- D. If the Property is serviced by a septic tank, to your knowledge, has the tank been inspected and/or pumped within the past five years? Yes No

6. HEATING/COOLING

Are you aware of any past or present problems with any of the heating or air-conditioning equipment, components or systems, for example, baseboard-heating unit doesn't work, inadequate forced air from specific vent, etc? If "Yes", please describe, to your knowledge, the nature of any such problems: _____ Yes No

7. EQUIPMENT

Are you aware of any past or present problems with any of the following: air purifier, audio system, central vacuum, computer network, fire sprinkling system, automatic garage door opener, humidifier, intercom, media system, satellite dish & components, security system, smoke alarm, tv antenna, water heater, water purifier, water softener, range hood, attic vent fans, bathroom vent fans, or propane tanks? If "Yes", please describe, to your knowledge, the nature of any such problems, for example, audio system doesn't work, central vacuum doesn't work, etc? _____ Yes No

8. APPLIANCES

Are you aware of any past or present problems with any of the following: dishwasher, disposal, dryer, freezer, indoor grill, microwave, oven, range, refrigerator, trash compactor, washer? If "Yes", please describe, to your knowledge, the nature of any such problems, for example, disposal doesn't work, etc? _____ Yes No

9. FIREPLACES/STOVES

Are you aware of any past or present problems with any of the following: fireplace insert, gas fireplace, gas fireplace starter, woodburning fireplace, potbelly/wood stove, or pellet stove? If "Yes", please describe, to your knowledge, the nature of any such problems, for example, gas fireplace starter doesn't work, damper not working, etc? _____ Yes No

10. INTERIOR FEATURES

Are you aware of any past or present problems with any of the following: ceiling fans, dumb waiter, elevator, flooring (stone, marble, hardwood, etc.), jetted bathtub(s), indoor pool, spa/hot tub, sauna, skylights, steam room/shower, or wet bar? If "Yes", please describe, to your knowledge, the nature of any such problems, for example, pump for jetted bathtub doesn't work, skylights leak, etc? _____ Yes No

11. EXTERIOR & EXTERIOR FEATURES

- A. Are you aware of any past or present problems with any of the following: gas barbeque, heated driveway or walkway, lawn sprinkler system, pool, spa/hot tub, roof heat tape, or rain gutters? If "Yes", please describe, to your knowledge, the nature of any such problems, for example, spa/hot tub leaks, heated driveway only works on portion of driveway, etc? Yes No
- B. With the exception of regular maintenance of the *exterior surfaces* of the Property (painting, staining, etc.), are you aware of any past or present problems with any portion of the exterior, for example, moisture damage behind stucco, etc? If "Yes", please describe, to your knowledge, the nature of any such problems: _____ Yes No

12. TERMITES/DRY ROT/PESTS

- A. Are you aware of any past or present problems with termites, dry rot, rodents, or pests on or affecting the Property? If "Yes", please describe, to your knowledge, the nature and location of any such problems: _____ Yes No
- B. Are you aware of any damage to the Property caused by termites, dry rot, rodents, or pests? If "Yes", please describe, to your knowledge, the nature and location of any such damage, and any efforts to mitigate such damage: _____ Yes No
- C. To your knowledge, are there any written warranties or other termite or pest control coverage presently in place for the Property? If "Yes", please attach as part of this disclosure form any copies of such warranties in your possession. Yes No

13. ADDITIONS/REMODELS

- A. With the exception of *cosmetic upgrades* to the Property (such as carpet, paint, wallpaper, etc.), have you remodeled, made any room additions, made structural modifications or other alterations or improvements to the Property? If "Yes", please describe, to your knowledge, the nature of any such remodel/alteration work: _____ Yes No
- B. To your knowledge, did any former owners make any additions, structural changes, or other alterations to the Property? If "Yes", please describe, to your knowledge, the nature of any such remodel/alteration work: _____ Yes No

14. STRUCTURAL ITEMS & SOILS

- A. Are you aware of any settlement or heaving of soil on the Property or on any adjoining Property (collapsible or expansive soils, poorly compacted fill)? If "Yes", please describe, to your knowledge, the nature and location of any settlement or heaving of soil: _____ Yes No
- B. Are you aware of any sliding or earth movement on the Property or on any adjoining Property (landslides, falling rocks, debris or mud flows)? If "Yes", please describe, to your knowledge, the nature and location of any sliding or earth movement: _____ Yes No
- C. Are you aware of any past or present movement, shifting, deterioration, or other problems with the walls or foundation? If "Yes", please describe, to your knowledge, the nature and location of any such shifting, problems, etc: _____ Yes No
- D. To your knowledge, does any portion of the Property contain any subsurface, man-made debris that has been buried, covered or abandoned, including without limitation, any discarded or abandoned construction materials, concrete footings or foundations, trash, etc? If "Yes", please describe the nature and location of such subsurface debris: _____ Yes No
- E. Please describe, to your knowledge, any action taken to repair or mitigate any of the issues described in 14A through 14D: _____
- F. Are you aware of any geologic, soils or engineering reports that have been prepared for the Property? If "Yes", please attach as part of this disclosure form a copy of any such reports in your possession. Yes No

15. BOUNDARIES & EASEMENTS

- A. Do you know if anything on your Property (such as a fence, deck, or any other improvement) encroaches (extends) onto any adjoining property? If "Yes", please describe, to your knowledge, the nature and approximate location of any such encroachment: _____ Yes No
- B. Do you know if anything on any adjoining property (such as a fence, deck, or any other improvements) encroaches onto your Property? If "Yes", please describe, to your knowledge, the nature and approximate location of any such encroachment: _____ Yes No
- C. Are you aware of any boundary disputes or conflicts involving your Property and any adjoining property or properties? If "Yes", please describe, to your knowledge, the nature of any such boundary disputes or conflicts: _____ Yes No
- D. Are you aware of any unrecorded easements affecting the Property? If "Yes", please describe, to your knowledge, the nature and approximate location of any such easements: _____ Yes No

16. USE OF PROPERTY

- A. To your knowledge, is any portion of the Property presently assessed, for property tax purposes, as "Greenbelt"? Yes No
- B. Are you aware of any past or present non-conforming uses of the Property (such as renting the Property as a triplex, but local zoning only permits a duplex)? If "Yes", please describe, to your knowledge, the nature of any such non-conforming use(s): _____ Yes No
- C. Are you aware of any existing or threatened legal action affecting the Property? If "Yes", please describe, to your knowledge, the nature of any such legal action: _____ Yes No
- D. Are you aware of any past or present violations of any local, state, or federal law or regulation, or of any restrictive covenants relating to the Property? If "Yes", please describe, to your knowledge, the nature of any such violations: _____ Yes No
- E. Are you aware of any deed restrictions or CC&R's that treat the property as affordable housing and in any manner place restrictions on eligibility to purchase, appreciation, rental, or resale pricing of the Property? If "Yes" please describe, to your knowledge, the nature of any such restrictions: _____ Yes No

17. ELECTRICAL

Are you aware of any past or present problems with any electrical switches, outlets and/or any portion of the electrical system? If "Yes", please describe, to your knowledge, the nature of any such problems: _____ Yes No

18. MOLD

- A. With the exception of any occasional accumulation of mold and mildew in bathroom shower, tub and sink areas, are you aware of any past or present mold on walls, ceilings, floors, or any other interior portion of the Property? If "Yes", please describe, to your knowledge, the nature and location of any such mold: _____ Yes No
- B. Have you had the Property inspected for the existence of any mold? If "Yes", please describe, to your knowledge, the results of the inspection, and attach as part of this disclosure form copies of any inspection reports in your possession: _____ Yes No

19. OTHER MOISTURE CONDITIONS

- A. In reference to the basement and/or crawlspace, are you aware of any past or present water leakage, water accumulation or dampness? If "Yes", please describe, to your knowledge, the nature of any such water leakage, accumulation or dampness: _____ Yes No
- B. Are you aware of any past or present water or moisture-related damage caused by: flooding; lot drainage; moisture seepage or condensation; sewer overflow/backup; leaking or broken pipes, pipe fittings, or plumbing fixtures; or leaking appliances, fixtures, or equipment? If "Yes", please describe, to your knowledge, the nature and location of any such water or moisture-related damage: _____ Yes No
- C. Please describe, to your knowledge, any attempts to repair any moisture-related damage and/or to prevent any recurrence of water and moisture-related problems on the Property: _____
- D. Are you aware of any wetlands located on the Property? If "Yes", please describe, to your knowledge, the nature and location of any wetlands on the Property: _____ Yes No
- E. Are you aware of any attempts to mitigate any wetland issues through the Army Corps of Engineers? If "Yes", please describe: _____ Yes No

20. ENVIRONMENTAL ISSUES

NOTE: Historic mining activities in the Park City area have been associated with hazardous substances in the soils. The Park City Landscaping & Maintenance of Soil Cover Ordinance (the "Ordinance") was enacted by Park City under agreement with the U.S. Environmental Protection Agency (the "EPA") to eliminate, or limit, exposure to these soils in certain areas of the city where certain contamination is known or suspected.

- A. **PARK CITY LANDSCAPING & MAINTENANCE OF SOIL COVER ORDINANCE (APPLIES ONLY TO PROPERTY IN PARK CITY)**
 - (1) To your knowledge, is the Property subject to the Ordinance? If "No", skip to Section 20.B Yes No
 - (2) If the Property is subject to the Ordinance, to your knowledge, has the Property been tested for compliance with the Ordinance? Yes No
 - (3) If the Property has been tested for compliance with the Ordinance, to your knowledge, does the Property comply with the Ordinance? If "Yes", please attach as part of this disclosure form a copy of the Certificate of Compliance, if available. Yes No
 - (4) If the Property does not comply with the Ordinance, please describe, to your knowledge, the nature of any non-compliance with the Ordinance: _____
- B. **RADON GAS.**
 - (1) Are you aware of any testing for radon in the Property during, or prior to your ownership? Yes No
 - (2) If "Yes", please describe to your knowledge the results of the test(s) and attach as part of this disclosure form a copy of any inspection / test results in your possession. _____

- (3) Are you aware of any radon mitigation work proposed, or completed, on the Property? Yes No
- (4) If "Yes", please describe to your knowledge, the nature of any mitigation work, and attach as part of this disclosure any mitigation reports: _____

C. OTHER ENVIRONMENTAL ISSUES.

- (1) With the exception of the Ordinance described above, are you aware of any past or present hazardous conditions, substances, or materials on the Property, such as methane gas, radioactive material, landfill, mineshaft, buried storage tanks and lines, or toxic materials? "Yes", please describe, to your knowledge the nature of any such hazardous conditions: _____ Yes No
- (2) If you are aware of any past or present hazardous conditions, substances, or materials on the Property, then to your knowledge, has any work been done at the Property to mitigate any such hazardous conditions? If "Yes", please describe to your knowledge, the nature of any mitigation work: _____ Yes No
- (3) Are you aware of any environmental reports that have been prepared for the Property? If "Yes", please attach as part of this disclosure form copies of any such reports in your possession. Yes No
- (4) To your knowledge, is the Property currently contaminated from the storing or manufacturing of methamphetamines? If "Yes", please describe to your knowledge, the nature of such contamination and any mitigation work, and attach copies of any inspection or mitigation reports: _____ Yes No

21. HOMEOWNERS ASSOCIATION

- A. Is the Property part of a: [] **Condominium**; or [] **Other homeowner's association (HOA)**? If "Yes", please provide as part of this disclosure form copies of the following documents (if available): CC&R's for the Property; Articles of Incorporation and Bylaws for the HOA; and the most recent available HOA minutes, budget and financial statements. Yes No
- B. Are you aware of any existing or proposed HOA special assessments affecting the Property? If "Yes", please describe, to your knowledge, the nature and amount of any such assessments: _____ Yes No
- C. Are you aware of any transfer fees (where the transfer fee represents a percentage of the purchase price) charged by the HOA as a result of the transfer of title to the Property? If "Yes" describe, to your knowledge, the nature of any such fees: _____ Yes No
- D. For questions regarding the HOA, information may be obtained from the following:
 (Name) _____ (Address) _____
 (Contact Person) _____ (Phone) _____ (Website) _____

22. OTHER ASSESSMENTS

Are you aware of any municipal, special improvement district or other non-HOA assessments that are presently owing, or that have been approved but not yet levied against the Property? If "Yes", please describe, to your knowledge, the nature and amount of any such unpaid assessments: _____ Yes No

23. PROPERTY MANAGEMENT & RENTAL OR LEASE AGREEMENTS

- A. Is all or any portion of the Property being used as a rental? Yes No
- B. If all or any portion of the Property is being used as a rental, to your knowledge, does that use comply with local zoning and restrictive covenants, if any? If "No", explain: _____ Yes No
- C. Are there property management agreements and/or rental or lease agreements currently affecting the Property? If "Yes", please provide as part of this disclosure form a copy of all such agreements. Yes No
- D. If the Property is subject to a property management agreement, approximately how long have you been using the services of the current property management company? _____ months _____ years
- E. If the Property is subject to a property management agreement, has the property management company been generally consistent in making timely owner payments to you? If "No", please describe: _____ Yes No
- F. For questions regarding any property management information may be obtained from the following:
 (Name) _____ (Address) _____
 (Contact Person) _____ (Phone) _____ (Website) _____

24. INSURANCE

- A. During your ownership of the Property, have you filed any insurance claims based on loss or damage to the Property? If "Yes", please describe, to your knowledge, the nature of any such claims: _____ Yes No
- B. If the Property is part of a condominium or other homeowner's association, to your knowledge has the HOA filed any insurance claims for loss or damage to any portion of the development? If "Yes", please describe, to your knowledge, _____ Yes No

the nature of any such claims: _____

C. Do you carry flood insurance on the Property?

Yes No

SQUARE FOOTAGE/ACREAGE

House: The source(s) of the square footage figures used in marketing of the house located on the Property is/are the following (check applicable box): County Records Appraiser Building Plans Other (explain) _____.

Lot: The source(s) of the square footage/acreage figures, if any, used in marketing of the lot on which the house is located is/are the following (check applicable box): County Records Appraiser Survey Plat Other (explain) _____.

Buyer is advised that County Records are not intended to be used by Buyer as the primary source of information regarding the square footage of the house, or the square footage/acreage of the lot on which the house is located. Any figures provided in any documents regarding the square footage of the house or square footage/acreage of the lot, are not based on any personal measurement by Seller. If the square footage of the house or square footage/acreage of the lot is of material concern to Buyer, Buyer is advised to verify the square footage of the house and square footage/acreage of the lot through any independent sources or means deemed appropriate by Buyer. BUYER IS ADVISED NOT TO RELY ON SELLER, THE COMPANY, OR ANY AGENTS OF THE COMPANY FOR A DETERMINATION REGARDING THE SQUARE FOOTAGE OF THE HOUSE OR SQUARE FOOTAGE/ACREAGE OF THE LOT.

VERIFICATION BY SELLER

Seller verifies that Seller has prepared this disclosure form and that the information contained herein is accurate and complete to the best of Seller's actual knowledge as of the date signed by Seller below. SELLER UNDERSTANDS AND AGREES THAT SELLER WILL UPDATE THIS DISCLOSURE FORM IF ANY INFORMATION CONTAINED HEREIN BECOMES INACCURATE OR INCORRECT IN ANY WAY. Seller authorizes the Company to provide copies of this disclosure form to prospective buyers, and to real estate brokers and agents. This disclosure form is not a warranty of any kind. If Buyer and Seller enter into a sales contract for the Property, and such sales contract includes, excludes, or warrants the condition of any item referenced herein, then to the extent there is a conflict between the sales contract and any representations contained herein, the terms of the sales contract shall control. BY SIGNING THIS DISCLOSURE FORM SELLER AUTHORIZES AND DIRECTS THE HOA AND ANY PROPERTY MANAGEMENT COMPANY SERVICING THE PROPERTY TO PROVIDE TO SELLER'S AGENT, BUYER'S AGENT AND/OR BUYER, ALL REQUESTED INFORMATION REGARDING THE PROPERTY, THE HOA, AND PROPERTY MANAGEMENT AND/OR MAINTENANCE CONTRACTS.

Seller: _____ Date: _____ Seller: _____ Date: _____

ACKNOWLEDGEMENT OF RECEIPT BY BUYER

Buyer's signature below acknowledges Buyer's receipt of a copy of this disclosure form.

Buyer: _____ Date: _____ Buyer: _____ Date: _____

DISCLOSURE FORM UPDATE

The above disclosure form was reviewed and updated by Seller on the date signed by Seller below. **(Check Applicable Boxes)**

There are no changes in the above disclosure form;

The above disclosure form has been changed as follows: _____

and/or

The above disclosure form has been changed as noted an attached Addendum No. ____ to this disclosure form.

Seller: _____ Date: _____ Seller: _____ Date: _____

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