

# SELLER'S PROPERTY DISCLOSURE STATEMENT (NEW CONSTRUCTION) EXHIBIT " \_\_\_\_\_ "



2008 Printing

This Exhibit is part of the Agreement with an Offer Date of \_\_\_\_\_ for the purchase and sale of that certain Property known as: 700 Londonberry Road, Sandy Springs, Georgia 30327.

**NOTICE TO BUYER AND SELLER:** This disclosure statement is designed to assist Seller in disclosing to prospective buyers material adverse facts relating to the physical condition of Property that may not be readily observable, disclosing historical information and past problems with Property, and identifying those fixtures/items that are included with the sale of Property. All answers are to be answered with respect to the above referenced property. IF THE ANSWERS TO ANY OF THE QUESTIONS LISTED BELOW ARE "YES" SELLER SHALL FULLY EXPLAIN THE ANSWER TO THE QUESTION IN THE BLANK CORRESPONDING TO THE QUESTION AND/OR IN THE ADDITIONAL EXPLANATIONS PARAGRAPH.

	Yes	No	Don't Know
<b>1. Date of initial building permit _____ Date of Certificate of Occupancy _____</b>			
<b>2. SOIL, TREES, DRAINAGE AND BOUNDARIES:</b>			
(a) Is there or will there be any construction or other debris buried on Property?	_____	X	_____
(b) Are there any springs, mine shafts, graves, trash dumps or wells (in use or abandoned) on Property?	_____	X	X <i>(handwritten)</i>
(c) Are there any diseased or dead trees?	_____	_____	X <i>(handwritten)</i>
(d) Are there any encroachments, boundary line disputes, leases or unrecorded easements?	_____	X	_____
(e) Is Property or any part thereof located in a flood zone?	_____	X	_____
(f) Are there any present drainage or flooding problems on Property?	_____	X	_____
(g) Has there ever been any water leakage, accumulation, or dampness within the improvements on Property after its completion?	_____	X	_____
<b>3. TERMITE TREATMENT:</b>			
(a) Is there or will there be a system (meeting the standards of the Georgia Department of Agriculture) to control termites and other wood destroying organisms serving the Property? If yes, check type: A. <input type="checkbox"/> Soil Treatment B. <input type="checkbox"/> Baiting System C. <input checked="" type="checkbox"/> Other: <u>WOOD TREATMENT</u>	X	_____	_____
(b) Is there, or will there be, a transferable termite bond on the Property? If yes, check type of coverage: <input type="checkbox"/> re-treatment and repair or <input checked="" type="checkbox"/> re-treatment only	X	_____	_____
<b>4. STRUCTURAL ITEMS:</b>			
(a) Has there been any movement, shifting, settling (other than normal settling), cracking, deterioration, or structural problems with any dwelling or garage on Property?	_____	X	_____
(b) Are there any defects in driveways, walkways, patios, or retaining walls on Property?	_____	X	_____
(c) Are there any instances where necessary permits and/or approvals were not obtained?	_____	X	_____
(d) Has there been any work done to Property that was not in compliance with building codes or zoning regulations?	_____	X	_____
(e) Does any exterior siding or cladding of any dwelling or garage on Property contain synthetic stucco?	_____	X	_____
<b>5. PLUMBING RELATED ITEMS:</b>			
(a) What is, or will be, the drinking water source? <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private System <input type="checkbox"/> Well on Property	N/A	_____	_____
(b) If the drinking water is, or will be, from a well, has it been tested within the past twelve months?	N/A	_____	_____
(c) What is, or will be, the type of sewage system? <input checked="" type="checkbox"/> Public Sewer <input type="checkbox"/> Private Sewer <input type="checkbox"/> Septic Tank	_____	X	_____
(d) Is there, or will there be, a sewage pump serving the improvements on Property?	_____	X	_____
(e) Is there, or will there be, any polybutylene plumbing, other than primary service lines, on Property?	_____	X	_____
<b>6. OTHER SYSTEMS AND COMPONENTS:</b>			
(a) What type of heating system(s) serves the main dwelling? <input checked="" type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input type="checkbox"/> Other ( <u>HEAT PUMP ABOVE GARAGE</u> )	_____	_____	_____
(b) What type of air conditioning system(s) serves the main dwelling? <input checked="" type="checkbox"/> Electric <input type="checkbox"/> Gas <input type="checkbox"/> Other	_____	_____	_____
(c) How is water heated in the main dwelling? <input type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input type="checkbox"/> Solar	_____	_____	_____
(d) Are any fireplaces not vented?	_____	X	_____
(e) If Property is served by a septic system, what is the maximum number of bedrooms permitted?	N/A	_____	_____
<b>7. TOXIC SUBSTANCES:</b>			
(a) Are there any underground tanks, toxic or hazardous substances on Property (structure or soil) such as asbestos, urea-formaldehyde, methane gas, radioactive material, radon, mold benzene or other substances or environmental contaminates?	_____	X	_____
(b) Has Property been tested for radon, mold or any other toxic substances?	_____	X	_____

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
<b>8. COVENANTS, FEES AND ASSESSMENTS:</b>			
(a) Is or will Property be a part of a condominium or other community association?	_____	X	_____
(b) Is or will Property, be subject to covenants, conditions and restrictions (CC&Rs)?	_____	X	_____
(c) Is there or will there be a mandatory membership Association Fee? If yes, what amount? \$ _____, per _____.	_____	X	_____
(d) Is there an initiation fee? If yes, amount? _____.	_____	X	_____
(e) Are there any special assessments approved by but yet not owing or due to the Association?	_____	X	_____

<b>9. OTHER MATTERS:</b>			
(a) Do you know of any outstanding notices of violations of local, state, or federal laws, codes or regulations with respect to Property?	_____	X	_____
(b) Is Property currently or has it been the subject of litigation including, but not limited to defective building products, construction defects, termites, and/or title problems?	_____	X	_____
(c) Have you signed any release that would limit a future owner from making any claims in connection with Property?	_____	X	_____
(d) Are there any other adverse, material facts pertaining to the physical condition of the Property that have not otherwise been disclosed?	_____	X	_____

**10. AGRICULTURAL DISCLOSURE:**  
 Is the subject Property within, partially within, or adjacent to any property zoned or identified on an approved county land use plan as agricultural or forestry use?     Yes     No

It is the policy of this state and this community to conserve, protect, and encourage the development and improvement of farm and forestland 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 the 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.

**11. ADDITIONAL EXPLANATIONS FOR ALL QUESTIONS ANSWERED "YES":** *[Explanations should reference the number of the question for which more detailed information is being provided.]*

MARK BOX IF ADDITIONAL PAGES ARE ATTACHED

**12. SELLER'S REPRESENTATION:**

In this disclosure, Seller warrants that to the best of Seller's knowledge and belief, the information contained herein with respect to the condition of Property is accurate and complete as of the date signed by Seller. It is not a substitute for any inspections or warranties that Buyer may wish to obtain. Seller hereby authorizes Broker to provide this information to prospective buyers of Property and to all real estate Brokers and their affiliated licensees. **Seller agrees to promptly update this Property Disclosure Statement and provide any Buyer and Broker with a revised copy of the same if there are any material changes in the answers to the questions contained herein.**

Is each individual named below a U. S. Citizen or resident alien?

Yes     No

Has each individual named below been a Georgia resident for the past two years?

Yes     No

Has Property been Seller's primary residence for at least two of the last five years?

Yes     No

Seller: 

Date: 2/18/08

Seller: \_\_\_\_\_

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

**13. RECEIPTS AND ACKNOWLEDGMENT BY BUYER:**

I acknowledge receipt of this Seller's New Construction Property Disclosure Statement. I understand that, except as stated herein in the New Construction Purchase and Sale Agreement, Property is being sold without warranties or guarantees of any kind by Seller or Brokers. No representations concerning the condition of Property are being relied upon by Buyer except as disclosed herein or stated in the New Construction Purchase and Sale Agreement.

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

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

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

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