

# SELLER'S PROPERTY DISCLOSURE STATEMENT (LOT/LAND) 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: 4817 Cash Rd Flowery Branch, Georgia 30542.

**NOTICE TO BUYER AND SELLER:** This disclosure statement is designed to assist Seller in disclosing to a buyer all known material or adverse facts relating to the physical condition of Property that are not readily observable. 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.

**IF THE ANSWERS TO ANY OF THE QUESTIONS LISTED BELOW ARE "YES," PLEASE EXPLAIN IN DETAIL IN THE "ADDITIONAL EXPLANATIONS" SECTION.**

**1. SOIL, TREES, DRAINAGE AND BOUNDARIES:**

- |   | Yes                                 | No                                  | Don't Know                          |
|---|-------------------------------------|-------------------------------------|-------------------------------------|
| (a) Is Property vacant?<br>If yes, how long has it been since Seller occupied Property? <u>NEVER Lived on property</u>                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| (b) Are there any leases, written or verbal, on Property or any part thereof?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (c) Is there any fill dirt on Property?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (d) Is there or will there be any landfill on Property?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (e) Are there mine shafts or wells (in use or abandoned)?   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (f) Is there any sliding, settling (other than normal settling), earth movement, upheaval or earth stability/expansive-soil problems? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (g) Is Property or any part thereof located in a flood zone?  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (h) Are there any drainage or flooding problems on Property?  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (i) Are there any diseased or dead trees?   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (j) Are there any encroachments, boundary line disputes, leases or unrecorded easements?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

**2. TOXIC SUBSTANCES:**

- |   |                          |                          |                                     |
|---|--------------------------|--------------------------|-------------------------------------|
| (a) Are there any underground tanks, toxic or hazardous substances on Property (structure or soil) such as asbestos, urea-formaldehyde, methane gas, radioactive material, benzene, radon, or other environmental contaminants? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) Has Property ever been tested for radon or any other environmental contaminants?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**3. THE PROPERTY:**

- |  |                                     |                                     |                          |
|--|-------------------------------------|-------------------------------------|--------------------------|
| (a) How many acres are in Property? <u>5.08</u>  |                                     |                                     |                          |
| (b) What is the current zoning of Property? <u>AR-3</u>  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| (c) Will conveyance of Property exclude any mineral, oil and timber rights?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| (d) Are there any governmental allotments committed?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (e) Have any licenses or usage permits been granted for, but not limited to, crops, minerals, hunting, water, grazing or timber? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**4. COVENANTS, FEES AND ASSESSMENTS:**

- |  |                          |                                     |                          |
|--|--------------------------|-------------------------------------|--------------------------|
| (a) Is, or will, Property be part of a community association?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) Is or will it be subject to covenants, conditions and restrictions (CC & Rs)?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (c) Is there a mandatory membership Association Fee?<br>If yes, what amount? \$ <u>N/A</u> , per _____<br>Is there an initiation fee? If yes, what amount? \$ <u>N/A</u> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (d) Are there any special assessments approved by but yet not owing or due to the Association?<br>If yes, what amount \$ _____   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**5. OTHER MATTERS:**

- |  |                          |                                     |                          |
|--|--------------------------|-------------------------------------|--------------------------|
| (a) Have there been any inspections of Property in the past year?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) Are there any violations of local, state or federal laws, codes or regulations with respect to Property?                                 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (c) Have you received notices by governmental or quasi-governmental agency affecting Property?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (d) Are there any existing or threatened legal actions affecting Property?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (e) Is there any system or item on Property which is leased or which has a fee associated with its use?                                      | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (f) Are there any private or undedicated roadways for which owner may have financial responsibility?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (g) If Property is served by well water, is the well on Property?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (h) Are there any other adverse, material facts pertaining to the physical condition of the Property that have not otherwise been disclosed? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**6. 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  Don't Know

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.

**7. UTILITIES:**

Seller warrants that the following utilities serve Property. (The term "serve" shall mean: the indicated utilities and services are available and functional at the property line.) Check (✓) only those utilities below that are included in the sale of Property. [The utilities listed below that are not checked do not serve Property.]

- Electricity
- Natural Gas
- Telephone
- Cable Television
- Garbage Collection
- Public Sewer
- Public Water
- Private/Well Water
- Shared Well Water
- Other Septic Tank in place

**8. 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

**9. 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 the 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 Brokers. **Seller agrees to promptly update this Lot/Land Disclosure Statement and provide any Buyer and Brokers 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: Arnold M. Luck Date: 2-27-09  
 Seller: Janice Luck Date: 2-27-09

**10. RECEIPTS AND ACKNOWLEDGMENT OF BUYER:**

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

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





