



# SELLER'S DISCLOSURE AND LATENT DEFECTS STATEMENT

(To Be Completed At Time of Listing)



## **NOTICE TO SELLER**

In Florida, each Seller is obligated to disclose to a buyer all facts known to Seller that materially and adversely affect the value of the property being sold and which are not readily observable by Buyer. 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(s) and cooperating broker(s) will also rely upon this information when they evaluate, market and present your property to prospective buyers.

## **NOTICE TO BUYER**

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

1. Seller(s) Name(s): \_\_\_\_\_

Property Address: \_\_\_\_\_

County \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_ Telephone \_\_\_\_\_

Year Built: \_\_\_\_\_ Seller a U.S. citizen?  Yes  No

## **2. OCCUPANCY**

Is property currently occupied by  Seller  Tenant  Vacant.

If occupied by tenant, lease expiration date \_\_\_\_\_.

## **3. LAND (SOILS, DRAINAGE AND BOUNDARIES)**

(a) Do you have any knowledge of any fill or expansive soil on the property?  Yes  No.

(b) Do you have any knowledge of any sliding, settling, sinking, earth movement, upheaval or earth stability problems that have occurred on the property or in the immediate neighborhood?  Yes  No.

(c) Do you have any knowledge whether the property has been affected by any adverse weather conditions (e.g., earthquake, hurricane, hailstorm, tornado, lightning)?  Yes  No.

(d) Do you have any knowledge whether the property or adjacent properties have been affected by any past or recent drainage or flood problems?  Yes  No  Unknown.

(e) Do you have any knowledge of any encroachments, boundary line disputes, or easements affecting the property?  Yes  No  Unknown.

(f) Are you currently required to carry flood insurance?  Yes  No.

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

(g) Do you have a survey of the property?  Yes  No. If "Yes," please provide a copy.

## **4. ROOF**

(a) \_\_\_\_\_ Year existing roof installed.  Unknown.

(b) Has the roof leaked, suffered any other significant damage, been replaced or inspected during your ownership?  Yes  No.

(c) Do you have any knowledge of any present problems with the roof or rain gutters?  Yes  No.

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

## **5. TERMITES, DRYROT, PESTS**

(a) Do you have any knowledge of termites, dryrot, or pests presently affecting the property?  Yes  No.

(b) Do you have any knowledge of any damage to the property caused by termites, dryrot, or pests?  Yes  No.

(c) Is your property currently under a termite bond or termite warranty by a licensed pest control company?  Yes  No.

Transferable?  Yes  No. Cost to transfer \_\_\_\_\_.

Transferability unknown (to be determined upon request).

(d) 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**6. STRUCTURAL ITEMS**

- (a) Do you have any knowledge of any past or present movement, shifting, deteriorations, or other problems with walls or foundations?  Yes  No.
- (b) Do you have any knowledge of any past or present cracks or flaws in the walls, ceilings or foundations?  Yes  No.
- (c) Do you have any knowledge of any past or present water leakage in the house?  Yes  No.
- (d) Do you have any knowledge of any past or present problems with driveways, walkways, patios, or retaining walls on the property?  Yes  No.
- (e) Do you have any knowledge of repairs or other attempts made 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**7. BASEMENTS AND CRAWL SPACES** (complete only if applicable)

- (a) Does the property have a sump pump?  Yes  No.
- (b) Do you have any knowledge of any water leakage, accumulation, or dampness within the basement or crawl space?  Yes  No.

If "Yes," describe in detail: \_\_\_\_\_  
\_\_\_\_\_.

- (c) Do you have any knowledge of repairs or other attempts made to control any water or dampness problem in the basement or crawl space?  Yes  No.

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

**8. ADDITIONS/REMODELS**

- (a) Have you had any additions, structural changes, or other alterations made to the property?  Yes  No  Unknown.

If "Yes," were all necessary permits and approvals obtained and was all work in compliance with building code?  Yes  No. If your answer is "No," explain: \_\_\_\_\_  
\_\_\_\_\_.

- (b) Do you have any knowledge whether any former owners of the property made 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 your answer is "No," explain: \_\_\_\_\_  
\_\_\_\_\_.

**9. PLUMBING-RELATED ITEMS**

- (a) What are your potable (drinking) water sources?  Public  Private System  Well on Property.
- (b) If your drinking water is from a well, when was your water last checked for safety and what was the result of the test? \_\_\_\_\_
- (c) Do you have a water softener?  Yes  No. If "yes," is it:  Leased  Owned  Included in sale.
- (d) What is the type of sewage system:  Public Sewer  Private Sewer  Septic Tank  Cesspool. Location of Drainfield: \_\_\_\_\_
- (e) Is there a sewage pump?  Yes  No.
- (f) Have you had the septic tank or cesspool serviced?  Yes What year? \_\_\_\_\_  No.
- (g) Do you have any knowledge of any leaks, backups, or other problems relating to plumbing, water, and sewage systems?  Yes  No.
- (h) Do you have any knowledge whether the home has ever been replumbed?  Yes What year? \_\_\_\_\_  No.

If your answer is "Yes," explain in detail: \_\_\_\_\_

**10. HEATING AND AIR CONDITIONING**

- (a) Air Conditioning:  Central Electric  Central Gas  Window  Heat Pump. If heat pump, type: \_\_\_\_\_ #Window Units Included in Sale \_\_\_\_\_.
- (b) Heating:  Electric  Fuel Oil  Natural Gas  Fireplace  Other.
- (c) Water Heating:  Electric  Gas  Solar.
- (d) Do you have any fuel storage tanks?  Yes  No. If yes, what type of fuel? \_\_\_\_\_  
 Location of fuel tank: \_\_\_\_\_. Above ground?  Yes  No.  
 Below ground?  Yes  No.  
 Do you have any knowledge of any problems regarding these items?  Yes  No. If "Yes," explain in detail: \_\_\_\_\_

**11. ELECTRICAL SYSTEM**

- Is the wiring:  Aluminum  Copper  Unknown?
- Do you have any knowledge of any problems or conditions that affect the value or desirability of the electrical system?  Yes  No.
- If "Yes," explain in detail: \_\_\_\_\_

**12. OTHER EQUIPMENT AND APPLIANCES BEING SOLD**

- Mark the items included in the sale of your property:
- Electric Garage Door Opener, (\_\_\_\_ Number of Transmitters),  Security Alarm System ( Owned  Leased),  Solar Equipment ( Owned  Leased),  Smoke Detector (\_\_\_\_ How Many?),  Lawn Sprinklers,  Automatic Timer,  Swimming Pool,  Pool Heater,  Spa/Hot Tub, Pool/Spa Equipment (list): \_\_\_\_\_
- Refrigerator,  Stove,  Microwave Oven,  Washer,  Dryer,  Dishwasher,  Trash Compactor,  Disposal,  Intercom,  Ceiling Fans (\_\_\_\_ How Many?),  Fences,  Fireplace Hardware. Other: \_\_\_\_\_
- Are any of the above items in need of repair or replacement?  Yes  No. If "Yes," explain in detail: \_\_\_\_\_
- Are any of the above items leased?  Yes  No. If "Yes," list which ones: \_\_\_\_\_

**13. TOXIC SUBSTANCES**

- (a) Do you have any knowledge 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) Do you have any knowledge whether the property has been tested for radon or any other toxic substance?  Yes  No.  
 If "Yes," explain in detail: \_\_\_\_\_

**14. NEIGHBORHOOD**

- Do you have any knowledge of any condition or proposed change of conditions in your neighborhood that could adversely affect the value or desirability of the property, such as noise or other nuisance, threat of condemnation, etc.?  Yes  No. If "Yes," explain in detail: \_\_\_\_\_

**15. 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 your answer is "No," you may ignore the remainder of this section.)
- (b) Do you have any knowledge of any defect or damage to, or claim or problem relating to, any common elements or common areas which could affect their value or desirability?  
 Yes  No  Unknown.
- (c) Do you have any knowledge of any condition of, or claim or problem relating to, the common elements or common areas which may result in an increase in assessments or fees?  
 Yes  No.  
 If your answer to (b) or (c) is "Yes," explain in detail: \_\_\_\_\_
- (d) Do you have any knowledge of any present violations of any covenants, conditions and restrictions (CC & R's) on the property?  Yes  No.

If "Yes," explain in detail: \_\_\_\_\_

(e) Are dues required?  Yes  No. Annual amount \$\_\_\_\_\_. Paid \$\_\_\_\_\_/month, \$\_\_\_\_\_/quarter, \$\_\_\_\_\_/6 months.

**16. OTHER MATTERS**

- (a) Do you have any knowledge of any existing or threatened legal action affecting the property?  Yes  No.
- (b) Do you have any knowledge of any violations of local, state or federal laws or regulations relating to this property?  Yes  No.
- (c) Do you have any knowledge of anything else that 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 violations, nonconforming units, setback violations, zoning changes, road changes, etc.?  Yes  No.
- (d) Do you have in your possession any inspection reports on the property?  Yes  No.
- (e) Have you received any proceeds from any insurance claims regarding this property?  Yes  No.
- (f) Do you have any knowledge of any title problems affecting the property (such as delinquent taxes) or any other person claiming an interest in the property?  Yes  No.
- (g) Is your property currently covered by a home warranty program which can be transferred to a buyer of your property?  Yes  No. If "Yes", name of home warranty company \_\_\_\_\_
- (h) Do you have an owner's title insurance policy?  Yes  No. If yes, please provide a copy.
- (i) Are there any deed restrictions on the property?  Yes  No. If yes, please provide a copy of deed containing restrictions.

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 and latent defects statement is accurate and complete to the best of the Seller's knowledge. Seller does not intend this disclosure to be a warranty or guaranty of any kind. Seller hereby authorizes the listing broker to provide this form to prospective buyers of the property and to real estate brokers and sales people. Seller understands and agrees that Seller will notify the listing broker in writing immediately if any information set forth in this disclosure becomes inaccurate or incorrect in any way through the passage of time.

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

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

**RECEIPT AND ACKNOWLEDGEMENT OF BUYER**

- 17. I HAVE INSPECTED THE PROPERTY. I HAVE BEEN ADVISED TO HAVE THE PROPERTY EXAMINED BY PROFESSIONAL INSPECTORS. I ACKNOWLEDGE THAT NEITHER ANY BROKER NOR AGENT INVOLVED IN THIS TRANSACTION IS AN EXPERT AT DETECTING OR REPAIRING PHYSICAL DEFECTS IN THE PROPERTY.
- 18. I STATE THAT NO REPRESENTATIONS CONCERNING THE CONDITION OF THE PROPERTY ARE BEING RELIED ON BY ME EXCEPT AS DISCLOSED ABOVE OR STATED WITHIN THE SALES CONTRACT.
- 19. THIS IS A LEGALLY BINDING DOCUMENT. IF NOT UNDERSTOOD, CONSULT AN ATTORNEY.

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

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

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