

Seller's Real Property Disclosure Statement



SELLER(S) NAME(S): Marianela Desdin and Constantino Desdin ("Seller")

PROPERTY ADDRESS: 3610 N. 12th Avenue, Pensacola, FL 32503 ("Property")

IMPORTANT NOTICE TO SELLER AND BUYER

Florida law requires sellers of residential real estate to disclose to a buyer all known facts that materially affect the value or desirability of the property being sold that are not readily observable by, or known to, the buyer. This Disclosure Statement is designed to assist the seller in complying with those disclosure requirements and to assist the buyer in evaluating the Property. The listing real estate broker, the selling real estate broker and their respective representatives (collectively, "Brokers") will also rely upon this information when they evaluate, market and present the Property to prospective buyers.

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. Buyer agrees that the information contained below is not a warranty or representation of any kind by the Brokers (none of whom have made any independent verification of the information contained herein) and buyer agrees not to rely on it as such. By signing below, buyer agrees to hold Brokers harmless from any non-disclosure, omission, or misrepresentation of seller or any other party.

	<u>YES</u>	<u>NO</u>	<u>UNKNOWN</u>
1. <u>OCCUPANCY</u>			
(a) Do you reside in the Property? If not, when did you last? <u>Never</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) Is the Property currently leased? If YES, when will the lease expire? _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. <u>LAND CONDITIONS</u>			
(a) Is there any fill or expansive soil on the Property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Are you aware of any existing or prior sinkholes, sliding, settling, earth movement or earth stability problems on the Property or adjoining properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) Has any insurance company paid any amounts on a claim relating to a sinkhole affecting the Property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) If your answer to (c) is "YES", were the full amounts of the proceeds utilized to repair the sinkhole damage? (Seller responses to (c) and (d) required by §627.7073(c), Florida Statutes).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Is the Property located in a flood zone or wetlands area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Are you aware of any existing or prior drainage or flood problems affecting the Property or adjoining properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) If any of your answers in (a) – (f) above are "YES", explain in detail: _____ <div style="border: 1px solid black; height: 20px; width: 600px; margin-top: 5px;"></div>			
(h) Is the Property partially or totally seaward of the Coastal Construction Control Line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) Does your lender require you to maintain flood insurance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. <u>DEED RESTRICTIONS / BOUNDARIES</u>			
(a) Are there any deed restrictions, covenants, or declarations affecting the Property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Are any driveways, walls, fences, or other features shared with adjoining property owners?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Have any subsurface rights, as defined by section 689.29(3)(b), Florida Statutes, or rights of entry been severed or retained from the Property by a third party or prior owner/developer?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Are there any encroachments, boundary disputes, or easements on or affecting the Property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) If any of your answers in (a) – (d) above are "YES", explain in detail: _____			
4. <u>STRUCTURAL ITEMS</u>			
(a) Is there now, or has there been in the past, any movement, shifting, deterioration or other problems with the walls or foundations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Have you ever filed an insurance or manufacturer's claim for defective or damaged construction materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Are there now, or have there been in the past, any structural cracks or flaws in the walls, floors, or foundations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Are there any defects or problems with driveways, walkways, patios, or retaining walls?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) If any of your answers in (a) – (d) above are "YES", explain in detail: _____ <div style="border: 1px solid black; height: 20px; width: 600px; margin-top: 5px;"></div>			

YES **NO** **UNKNOWN**

5. ADDITIONS / REMODELS

- (a) Have there been any additions, structural changes, or other alterations made to the Property? YES NO UNKNOWN
- (b) If your answer to (a) is "YES", were all necessary permits / approvals obtained and was all work done in compliance with the applicable zoning and building codes? YES NO UNKNOWN
- (c) If your answer to (b) is "NO", explain in detail: _____
- (d) Are any improvements built below the base flood elevation level? YES NO UNKNOWN
- (e) Do any improvements violate applicable local, state or federal flood regulations or guidelines? YES NO UNKNOWN
- (f) If your answer to either (d) or (e) above is "YES", explain in detail: _____

6. ELECTRICAL SYSTEMS

- (a) Is there knob and tube wiring on the Property? YES NO UNKNOWN
- (b) Is there aluminum wiring on the Property other than the primary service line? YES NO UNKNOWN
- (c) Are there any problems or conditions that affect the operation or desirability of the electrical wiring or systems? If "YES", explain in detail: _____

7. HEATING AND AIR CONDITIONING (check all that apply)

- (a) Air Conditioning: Central Electric Central Gas Window
- (b) Heating: Electric Fuel Oil Natural Gas Other _____
- (c) Water Heating: Electric Gas Solar Other _____
- (d) Is each item checked above in good working order (i.e., operating in the manner that it was intended to operate)? If "NO", explain in detail: _____

8. APPLIANCES

- (a) Is each appliance that is being sold with the Property (as agreed to in the contract) in working condition (i.e., operating in the manner that it was intended to operate)? YES NO UNKNOWN
- (b) If your answer to (a) is "NO", explain in detail: _____
- (c) Are any of the appliances leased? If "YES" which ones: _____ YES NO UNKNOWN

9. PLUMBING RELATED ITEMS

- (a) What is your drinking water source? Public Private System Well
- (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? If "YES" is it: leased owned YES NO UNKNOWN
- (d) Are there polybutylene or cast iron wastewater pipes on the Property? YES NO UNKNOWN
- (e) What is the water source for your sprinkler system, if applicable? No sprinkler system
- (f) What is the type of sewage system: Public Sewer Private Sewer Septic Tank Cesspool
- (g) If septic tank or cesspool, when was it last serviced? _____
- (h) Is there a sewage or sump pump? YES NO UNKNOWN

10. ROOF

- (a) Approximate age: 11 years.
- (b) Has the roof ever leaked or been damaged? YES NO UNKNOWN
- (c) Has the roof been replaced or repaired during your ownership? YES NO UNKNOWN
- (d) Have you ever filed an insurance claim or manufacturer's claim for roof defects or damage? YES NO UNKNOWN
- (e) Are there any existing problems or defects with the roof or rain gutters? YES NO UNKNOWN
- (f) If any of your answers in (b) – (e) above are "YES", explain in detail: _____

11. TERMITES, WOOD DESTROYING ORGANISMS ("WDO"), RODENTS, PESTS

- (a) Are there termites or other WDO's (e.g., powder-post beetles, oldhouse borers, wood decaying fungi), rodents, or pest infestations on or affecting the Property? YES NO UNKNOWN
- (b) If your answer to (a) is "YES", is there any existing damage to the Property? YES NO UNKNOWN
- (c) Do you know of any termite, WDO or pest control reports or treatments for the Property in the last five years? YES NO UNKNOWN
- (d) If any of your answers in (a) – (c) above are "YES", explain in detail: _____
- (e) Is the Property currently under warranty or other coverage by a licensed pest control company? YES NO UNKNOWN
If "YES", state the name of the company: _____
- (f) Does the warranty cover (check all that apply): repairs treatment regular pest control

YES **NO** **UNKNOWN**

(g) Is the warranty transferable to the Buyer? (If "YES", Buyer should check with warranty company for transfer procedures and costs, if any).

12. DOCKS, DAVITS, PIERS AND SEAWALLS

(a) Are there any conditions that may affect the desirability, use, or function of any dock, davits, pier or seawall? If "YES", explain: _____

(b) Was (is) a governmental permit required for the construction or maintenance of the dock, davits, pier or seawall?

(c) If your answer to (b) is "YES", were all appropriate permits and approvals obtained? If "NO", explain: _____

13. MOLD, ENVIRONMENTAL, AND LEAD BASED PAINT

(a) Is there now, or has there been in the past, any:

(i) water leakage, intrusion, accumulation, or dampness in or affecting the Property?

(ii) instances of mold, moisture or dampness in or affecting the Property?

(iii) damage to the Property that resulted from any of the conditions identified in (i) or (ii) above?

(b) If your answer to (i), (ii) or (iii) above is "YES", explain in detail: _____

(c) Was the Property built before 1978? (If "YES", Buyer must be provided with a Lead Based Paint Disclosure Statement prior to being bound by a sales contract in compliance with federal law).

(d) Are there any environmental hazards or contaminants on or affecting the Property including, but not limited to: lead based paint, formaldehyde, asbestos, radon gas, PCB's, methamphetamine contamination, defective or contaminated drywall, contaminated soil or water, active or abandoned storage tanks (fuel, propane or chemical)?

(e) Has the Property been tested for any of the items listed in (d) above? If "YES", explain in detail: _____

(f) Have there been any repairs made or other corrective or remedial measures undertaken as a result of the matters identified in (a) – (e) above? If "YES", explain in detail: _____

(g) Are there any archeological sites, mangroves or other environmentally sensitive or protected areas located on the Property? If "YES", explain in detail: _____

14. POOLS; HOT TUBS; SPAS

Notice to Buyer and Seller

The Florida Residential Swimming Pool Safety Act ("Act") requires a "swimming pool" with a certificate of completion on or after October 1, 2000, to have at least one safety feature specified in §515.27(1) of the Act. The Act defines a "swimming pool" as "any structure, located in a residential area, that is intended for swimming or recreational bathing and contains water over 24" deep including, but not limited to, in-ground, aboveground, and on-ground swimming pools; hot tubs; and nonportable spas."

(a) If the Property has a "swimming pool" as defined by the Act, does it comply with the Act?

(b) Has any in-ground pool, hot tub or spa on the Property been demolished and/or filled?

(c) Are there any structural or other defects with the pool, hot tub, spa or related equipment? If "YES" explain in detail: Does not have pool, hot tub or spa

15. HOMEOWNERS' ASSOCIATION

Notice to Buyer

If the Property is governed by a homeowner's association, Buyer should read the association's official records, by-laws, restrictions, covenants and declarations prior to making an offer. These documents may include information on matters such as the association's financial condition, recurring dues or fees, periodic and/or special assessments, capital contributions, penalties; restrictions on construction, architectural modifications, landscaping, parking, vehicles, pets, resale, leasing and other matters. Buyer should also ask if there are any proposed changes or assessments being considered.

(a) Is membership in a homeowner's association mandatory?

(b) Are there any existing or threatened legal or administrative actions that may affect the association or common areas? If "YES", explain in detail: No HOA

(c) Are the Property access roads: association owned OR publicly owned (e.g., city, county)?

16. NEIGHBORHOOD

Are you aware of any existing conditions or proposed changes in the immediate neighborhood that may materially affect the value or desirability of the Property such as noise or other nuisances, electric or magnetic field levels, or threat of condemnation?

YES **NO** **UNKNOWN**

If "YES", explain in detail: _____

17. FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT ("FIRPTA")

Is the owner of the Property a "foreign person" (i.e., foreign individual or foreign corporation that has not made an election under §897(i) of the Internal Revenue Service Code to be treated as a domestic corporation, or foreign partnership, trust or estate) subject to FIRPTA withholding under §1445 of the IRS Code? (If your answer is "YES", Buyer and Seller are advised to consult with appropriate tax and legal professionals regarding any tax and withholding obligations).

18. OTHER MATTERS

- (a) Are there any existing or threatened legal actions affecting the Property (including, but not limited to, any unrecorded liens)?
- (b) Are there any violations of any laws or regulations relating to the Property (e.g., zoning or code violations, nonconforming uses, setback violations)?
- (c) Have you ever had any claims filed against your homeowner's insurance policy?
- (d) Are there any potential zoning, code, or road changes that may affect the Property?
- (e) Are there any other conditions that have not been disclosed in this Disclosure Statement that may materially affect the value or desirability of the Property that are not readily observable to a buyer?
- (f) If any answer to (a) – (e) above is "YES", explain in detail: _____
- (g) Is there an existing home warranty in place?
- (h) Does the warranty automatically transfer to the buyer?

Additional Notes: 9d -

There are no polybutylene pipes on the property; all incoming water pipes have been replaced with copper and cpvc. Most wastewater pipes have been converted to pvc but some cast iron pipes remain.

ACKNOWLEDGMENT OF SELLER

Seller acknowledges that (a) seller, and not the Brokers, has filled out this Disclosure Statement and that seller is not relying on the Brokers for any of the information contained herein, (b) the information in this Disclosure Statement is accurate and complete, and (c) seller agrees to notify the listing broker in writing immediately if any information becomes inaccurate or incomplete in any way with the passage of time. Seller authorizes the Brokers to provide this information to prospective buyers.

Seller:   /Marianela Desdin _____ Date: _____
(signature) (print name)

Seller:   /Constantino Desdin _____ Date: 09/15/2021
(signature) (print name)

ACKNOWLEDGMENT OF BUYER

Buyer acknowledges and represents that (a) buyer has been advised to have the Property examined by professional inspectors to evaluate its condition and to investigate every aspect that may be important to buyer, (b) the Brokers are not qualified to conduct such professional inspections or to inspect or detect physical defects in or affecting the Property, (c) the Brokers have not undertaken any independent investigation to verify the accuracy or completeness of the information contained in this Disclosure Statement, (d) if there are any blank or incomplete responses that are important to buyer, buyer agrees to obtain written responses or a corrected Disclosure Statement from the seller prior to signing below, (e) buyer's signing of this Disclosure Statement with partial or incomplete answers shall constitute buyer's knowing and voluntary waiver of any claims against any of the Brokers in any way related to such information, and (f) seller will not be obligated to repair or correct any item listed above unless agreed to in the sales contract.

Buyer: _____ / _____ Date: _____
(signature) (print name)

Buyer: _____ / _____ Date: _____
(signature) (print name)