

# Seller's Real Property Disclosure Statement



**SELLER(S) NAME(S):** Laurence Gavin and Gloria Gavin Life Estate ("Seller")  
**Property Address:** 3530 Beach Haven Cove Drive, Pensacola Florida 32507

## 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 and selling real estate brokers 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 conditions below 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>
<b>1. OCCUPANCY</b>			
(a) Do you reside in the Property? If not, when did you last? _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(b) Is the Property Currently leased? If "YES", when does the lease expire? _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) If your answers to (a) and (b) are no, is the Property Vacant? If YES, explain in detail who occupies the Property and what rights, if any, they may have to continue to occupy the Property if it is sold			
<b>2. LAND CONDITIONS</b>			
(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 of adjoining properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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", where 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 (or any part thereof) 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 zone 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 _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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"/>	<input type="checkbox"/>
<b>3. DEED RESTRICTIONS / BOUNDARIES</b>			
(a) Are there any deed restrictions, covenants, or declarations (including, but not limited to, rental or pet restrictions) 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 surface 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. **STRUCTURAL ITEMS**

- (a) Is there now, or has there been in the past, any movement, shifting, deteriorations or other problems with the walls or foundations?  YES  NO  UNKNOWN
- (b) Have you ever filed an insurance or manufacturer's claim for defective or damaged construction materials?  YES  NO  UNKNOWN
- (c) Are there now, or have there been in the past, any structural cracks or flaws in the walls, floors, or foundations?  YES  NO  UNKNOWN
- (d) Are there any defects or problems with driveways, walkways, patios, or retaining walls?  YES  NO  UNKNOWN
- (e) If any of your answers in (a) – (d) above are "YES", explain in detail: \_\_\_\_\_

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 a 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, safety, 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: \_\_\_\_\_  YES  NO  UNKNOWN

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
- (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? \_\_\_\_\_
- (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: 1 year years  YES  NO  UNKNOWN
- (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

	<u>YES</u>	<u>NO</u>	<u>UNKNOWN</u>
(d) Have you ever filed an insurance claim or manufacturer's claim for roof defects or damage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Are there any existing problems or defects with the roof or rain gutters?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) If any of your answers in (b) – (e) above are "YES", explain in detail: _____ <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>			
<b>11. TERMITES, WOOD DESTROYING ORGANISMS ("WDO"), RODENTS, PESTS</b>			
(a) Are there termites of other WDO's (e.g., powder-posts beetles, old house borers, wood decaying fungi), rodents, or pest infestations on or affecting the Property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) If your answer to (a) is "YES", is there any existing damage to the Property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Do you know of any termite, WDO or pest control reports or treatments for the Property in the last five years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) If any of your answers in (a) – (c) above are "YES", explain in detail: _____ <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>			
(e) Is the Property currently under warranty or other coverage by a licensed pest control company? If "YES", state the name of the company: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Does the warranty cover (check all that apply): <input type="checkbox"/> repairs <input type="checkbox"/> treatment <input type="checkbox"/> regular pest control			
(g) Is the warranty transferable to the Buyer? (If "YES", Buyer should check with warranty company for transfer procedures and costs, if any).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>12. DOCKS, DAVITS, PIERS AND SEAWALLS</b>			
(a) Are there any conditions that may affect the desirability, use, or function of any dock, davits, pier or seawall? If "YES", explain: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Was (is) a governmental permit required for the construction or maintenance of the dock, davits, pier or seawall?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) If your answer to (b) is "YES", were all appropriate permits and approvals obtained? If "NO", explain: _____			
<b>13. MOLD, ENVIRONMENTAL, AND LEAD BASED PAINT</b>			
(a) Is there now, or has there been in the past, any:			
(i) water leakage, intrusion, accumulation, or dampness in or affecting the Property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(ii) instances of mold, moisture or dampness in or affecting the Property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) damage to the Property that resulted from any of the conditions in (i) or (ii) above?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) If your answer to (i), (ii) or (iii) above is "YES", explain in detail: _____ <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>			
(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).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Has the Property been tested for any of the items listed above in (d) above? If "YES", explain in detail: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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: _____ <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) Are there archeological sites, mangroves, or other environmentally sensitive or protected areas located on the Property? If "YES", explain in detail: _____ <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>14. POOLS; HOT TUBS; SPAS</b>			
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

YES NO UNKNOWN

- (b) Has any in-ground pool, hot tub or spa on the Property been demolished and/or filled?  YES  NO  UNKNOWN
- (c) Are any of the following heated? Pool: Yes  OR No  Hot Tub/ Spa: Yes  OR No   YES  NO  UNKNOWN
- (d) Is the pool and hot tub/ spa equipment (including, but not limited to, any heater, vacuum system, chlorinator, or waterfall feature) in good working condition? If "NO", explain in detail: \_\_\_\_\_  YES  NO  UNKNOWN
- (e) Is any of the equipment servicing the pool or hot tub/spa leased? If "Yes", explain in detail: \_\_\_\_\_  YES  NO  UNKNOWN
- (f) Are there any structural or other defects with the pool, hot tub, spa or related equipment? If "YES", explain in detail: \_\_\_\_\_  YES  NO  UNKNOWN

15. HOMEOWNERS' ASSOCIATION

If the Property is governed by a homeowner's association (HOA), Buyer should read the HOA's official records, by-laws, restrictions, covenants and declarations prior to making an offer. These documents may include information on matters such as the HOA's financial condition; any 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 HOA mandatory?  YES  NO  UNKNOWN
- (b) Are there any existing or threatened legal or administrative actions against the HOA or common areas? If "YES", explain in detail: \_\_\_\_\_  YES  NO  UNKNOWN

- (c) Are the Property access roads:  HOA 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?

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

Notice to Buyer: The Florida Department of Law Enforcement maintains a public database of sexual offenders and where they may reside. For more information, or to conduct a search of a particular neighborhood, visit www.fdle.state.fl.us

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).

YES  NO  UNKNOWN

18. OTHER MATTERS

- (a) Are there any existing or threatened legal actions against the Property (including, but not limited to, any unrecorded liens)?  YES  NO  UNKNOWN
- (b) Is the Property subject to any Property Assessed Clean Energy (PACE) assessment pursuant to §163.08, Florida Statutes? If "YES", Seller must provide the buyer with a written disclosure statement at or before the time buyer executes a contract in accordance with to §163.14, F.S.  YES  NO  UNKNOWN
- (c) Are there any leased or financed solar panels or equipment on the Property? If "YES", explain in detail: \_\_\_\_\_  YES  NO  UNKNOWN
- (d) Are there any violations of any laws or regulations relating to the Property (e.g., zoning or code violations, nonconforming uses, setback violations)?  YES  NO  UNKNOWN
- (e) Have you ever had any claims filed against your homeowner's insurance policy?  YES  NO  UNKNOWN
- (f) Are there any potential zoning, code, or road changes that may affect the Property?  YES  NO  UNKNOWN
- (g) 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?  YES  NO  UNKNOWN
- (h) If any answer to (a) – (g) above is "YES", explain in detail: \_\_\_\_\_
- (i) Is there an existing home warranty in place?  YES  NO  UNKNOWN
- (j) If your answer to (i) is "YES", does the warranty automatically transfer to the buyer?  YES  NO  UNKNOWN

Additional Notes:

[Empty box for additional notes]

**ACKNOWLEDGMENT OF SELLER**

Seller acknowledges that (a) Seller, and not the Brokers, has filled out this Disclosure 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: Laurence W. Gavin (signature) / Laurence W. Gavin Life Estate (print) Date: 03/18/2022

Seller: Gloria Y. Gavin (signature) / Gloria Y. Gavin Life Estate (print) Date: 03/18/22

**ACKNOWLEDGMENT OF BUYER**

By signing below, Buyer acknowledges and represents that (a) Buyer has been advised to (i) personally review the HOA Docs and Meeting Information, if applicable, and (ii) 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 the 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: [ ] (signature) / [ ] (print) Date: [ ]

Buyer: [ ] (signature) / [ ] (print) Date: [ ]