



# SELLER'S PROPERTY DISCLOSURE STATEMENT, Page 1 of 4

Property address: \_\_\_\_\_

## INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. Please refer to the line number(s) of the question(s) when you provide your explanation(s). If you are not claiming an exclusion or refusing to provide the form under ORS 105.475 (4), you should date and sign each page of this disclosure statement and each attachment.

Each seller of residential property described in ORS 105.465 must deliver this form to each buyer who makes a written offer to purchase. Under ORS 105.475 (4), refusal to provide this form gives the buyer the right to revoke their offer at any time prior to closing the transaction. Use only the section(s) of the form that apply to the transaction for which the form is used. If you are claiming an exclusion under ORS 105.470, fill out only Section 1.

An exclusion may be claimed only if the seller qualifies for the exclusion under the law. If not excluded, the seller must disclose the condition of the property or the buyer may revoke their offer to purchase anytime prior to closing the transaction. Questions regarding the legal consequences of the seller's choice should be directed to a qualified attorney.

### **DO NOT FILL OUT THIS SECTION UNLESS YOU ARE CLAIMING AN EXCLUSION UNDER ORS 105.470**

#### Section 1. EXCLUSION FROM ORS 105.465 TO 105.490:

You may claim an exclusion under ORS 105.470 only if you qualify under the statute. If you are not claiming an exclusion, you must fill out Section 2 of this form completely.

#### Initial only the exclusion you wish to claim.

\_\_\_\_\_ This is the first sale of a dwelling never occupied. The dwelling is constructed or installed under building or installation permit(s) # \_\_\_\_\_ issued by \_\_\_\_\_.

\_\_\_\_\_ This sale is by a financial institution that acquired the property as custodian, agent or trustee, or by foreclosure or deed in lieu of foreclosure.

\_\_\_\_\_ The seller is a court appointed receiver, personal representative, trustee, conservator or guardian.

\_\_\_\_\_ This sale or transfer is by a governmental agency.

#### **Signature(s) of Seller(s) Claiming Exclusion**

Seller \_\_\_\_\_ Date \_\_\_\_\_ ← Seller \_\_\_\_\_ Date \_\_\_\_\_ ←

#### **Signature(s) of Buyer(s) Acknowledging Seller's Claim**

Buyer \_\_\_\_\_ Date \_\_\_\_\_ ← Buyer \_\_\_\_\_ Date \_\_\_\_\_ ←

### **IF YOU DID NOT CLAIM AN EXCLUSION IN SECTION 1, YOU MUST FILL OUT THIS SECTION.**

#### Section 2. SELLER'S PROPERTY DISCLOSURE STATEMENT

**(NOT A WARRANTY)** (ORS 105.465)

NOTICE TO THE BUYER: THE FOLLOWING REPRESENTATIONS ARE MADE BY THE SELLER(S) CONCERNING THE CONDITION OF THE PROPERTY LOCATED AT \_\_\_\_\_ "THE PROPERTY."

DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE. BUYER HAS FIVE BUSINESS DAYS FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO REVOKE BUYER'S OFFER BY DELIVERING BUYER'S SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE SELLER DISAPPROVING THE SELLER'S DISCLOSURE STATEMENT, UNLESS BUYER WAIVES THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY, BUYER IS ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF A QUALIFIED SPECIALIST TO INSPECT THE PROPERTY ON BUYER'S BEHALF INCLUDING, FOR EXAMPLE, ONE OR MORE OF THE FOLLOWING: ARCHITECTS, ENGINEERS, PLUMBERS, ELECTRICIANS, ROOFERS, ENVIRONMENTAL INSPECTORS, BUILDING INSPECTORS, CERTIFIED HOME INSPECTORS, OR PEST AND DRY ROT INSPECTORS.

Seller  is  is not occupying the property.

Seller \_\_\_\_\_ Date \_\_\_\_\_ ← Seller \_\_\_\_\_ Date \_\_\_\_\_ ←

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Buyer's Initials \_\_\_\_\_ / \_\_\_\_\_ Date \_\_\_\_\_

**SELLER'S PROPERTY DISCLOSURE STATEMENT, Page 2 of 4**

Property address: \_\_\_\_\_

The following are representations made by the seller and are not the representations of any financial institution that may have made or may make a loan pertaining to the property, or that may have or take a security interest in the property, or any real estate licensee engaged by the seller or the buyer.  
 \*If you mark yes on items with \*, attach a copy or explain on an attached sheet.

**1. TITLE**

- A. Do you have legal authority to sell the property?  Yes  No  Unknown
- \*B. Is title to the property subject to any of the following:  
 First right of refusal  Option  Lease or rental agreement  Other listing  Life estate
- \*C. Are there any encroachments, boundary agreements, boundary disputes or recent boundary changes?  Yes  No  Unknown
- \*D. Are there any rights of way, easements, licenses, access limitations or claims that may affect your interest in the property?  Yes  No  Unknown
- \*E. Are there any agreements for joint maintenance of an easement or right of way?  Yes  No  Unknown
- \*F. Are there any governmental studies, designations, zoning overlays, surveys or notices that would affect the property?  Yes  No  Unknown
- \*G. Are there any pending or existing governmental assessments against the property?  Yes  No  Unknown
- H. Are there any zoning violations or nonconforming uses?  Yes  No  Unknown
- \*I. Is there a boundary survey for the property?  Yes  No  Unknown
- \*J. Are there any covenants, conditions, restrictions or private assessments that affect the property?  Yes  No  Unknown
- \*K. Is the property subject to any special tax assessment or tax treatment that may result in levy of additional taxes if the property is sold?  Yes  No  Unknown

**2. WATER**

- A. Household water
  - (1) The source of the water is (check ALL that apply):  Public  Community  Private  Other
  - (2) Water source information:
    - \*a) Does the water source require a water permit?  Yes  No  Unknown  
 If yes, do you have a permit?  Yes  No
    - b) Is the water source located on the property?  Yes  No  Unknown  NA  
 \*If not, are there any written agreements for a shared water source?  Yes  No
    - \*c) Is there an easement (recorded or unrecorded) for your access to or maintenance of the water source?  Yes  No  Unknown
    - d) If the source of water is from a well or spring, have you had any of the following in the past 12 months?  
 Flow test  Bacteria test  Chemical contents test
    - \*e) Are there any water source plumbing problems or needed repairs?  Yes  No  Unknown
  - (3) Are there any water treatment systems for the property?  
 Leased  Owned
- B. Irrigation
  - (1) Are there any  water rights or  other rights for the property?  Yes  No  Unknown
  - \* (2) If any exist, has the irrigation water been used during the last five-year period?  Yes  No  Unknown  NA
  - \* (3) Is there a water rights certificate or other written evidence available?  Yes  No  Unknown  NA
- C. Outdoor sprinkler system
  - (1) Is there an outdoor sprinkler system for the property?  Yes  No  Unknown
  - (2) Has a back flow valve been installed?  Yes  No  Unknown  NA
  - (3) Is the outdoor sprinkler system operable?  Yes  No  Unknown  NA

**3. SEWAGE SYSTEM**

- A. Is the property connected to a public or community sewage system?  Yes  No  Unknown
- B. Are there any new public or community sewage systems proposed for the property?  Yes  No  Unknown
- C. Is the property connected to an on-site septic system?  
 If yes, was it installed by permit?  Yes  No  Unknown  
 \*Has the system been repaired or altered?  Yes  No  Unknown  NA  
 Has the condition of the system been evaluated and a report issued?  Yes  No  Unknown  
 Has it ever been pumped?  Yes  No  Unknown  NA  
 If yes, when? \_\_\_\_\_
- \*D. Are there any sewage system problems or needed repairs?  Yes  No  Unknown
- E. Does your sewage system require on-site pumping to another level?  Yes  No  Unknown

**4. DWELLING INSULATION**

- A. Is there insulation in the:
  - (1) Ceiling?  Yes  No  Unknown
  - (2) Exterior walls?  Yes  No  Unknown
  - (3) Floors?  Yes  No  Unknown
- B. Are there any defective insulated doors or windows?  Yes  No  Unknown

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## 5. DWELLING STRUCTURE

- \*A. Has the roof leaked?  Yes  No  Unknown 100
- If yes, has it been repaired?  Yes  No  Unknown  NA 101
- B. Are there any additions, conversions or remodeling?  Yes  No  Unknown 102
- If yes, was a building permit required?  Yes  No  Unknown  NA 103
- If yes, was a building permit obtained?  Yes  No  Unknown  NA 104
- If yes, was final inspection obtained?  Yes  No  Unknown  NA 105
- C. Are there smoke alarms or detectors?  Yes  No  Unknown 106
- D. Is there a woodstove included in the sale? Make \_\_\_\_\_  Yes  No  Unknown 107
- Was it installed with a permit?  Yes  No  Unknown 108
- \*E. Has pest and dry rot, structural or "whole house" inspection been done within the last three years?  Yes  No  Unknown 109
- \*F. Are there any moisture problems, areas of water penetration, mildew odors  Yes  No  Unknown 110
- or other moisture conditions (especially in the basement)?  Yes  No  Unknown 111
- \*If yes, explain on attached sheet the frequency and extent of problem and any insurance claims, repairs or remediation done. 112
- G. Is there a sump pump on the property?  Yes  No  Unknown 113
- H. Are there any materials used in the construction of the structure that are or  Yes  No  Unknown 114
- have been the subject of a recall, class action suit, settlement or litigation?  Yes  No  Unknown 115
- If yes, what are the materials? \_\_\_\_\_ 116
- (1) Are there problems with the materials?  Yes  No  Unknown  NA 117
- (2) Are the materials covered by a warranty?  Yes  No  Unknown  NA 118
- (3) Have the materials been inspected?  Yes  No  Unknown  NA 119
- (4) Have there ever been claims filed for these materials by you or by previous owners?  Yes  No  Unknown  NA 120
- If yes, when? \_\_\_\_\_ 121
- (5) Was money received?  Yes  No  Unknown  NA 122
- (6) Were any of the materials repaired or replaced?  Yes  No  Unknown  NA 123

## 6. DWELLING SYSTEMS AND FIXTURES

- If the following systems or fixtures are included in the purchase price, are they in good working order on the date this form is signed? 124
- A. Electrical system, including wiring, switches, outlets and service  Yes  No  Unknown 125
  - B. Plumbing system, including pipes, faucets, fixtures and toilets  Yes  No  Unknown 126
  - C. Water heater tank  Yes  No  Unknown 127
  - D. Garbage disposal  Yes  No  Unknown  NA 128
  - E. Built-in range and oven  Yes  No  Unknown  NA 129
  - F. Built-in dishwasher  Yes  No  Unknown  NA 130
  - G. Sump pump  Yes  No  Unknown  NA 131
  - H. Heating and cooling systems  Yes  No  Unknown  NA 132
  - I. Security system  Owned  Leased  Yes  No  Unknown 133
  - J. Are there any materials or products used in the systems and fixtures  Yes  No  Unknown 134
  - that are or have been the subject of a recall, class action settlement or other litigations?  Yes  No  Unknown 135
  - If yes, what product? \_\_\_\_\_ 136
  - (1) Are there problems with the product?  Yes  No  Unknown 137
  - (2) Is the product covered by a warranty?  Yes  No  Unknown 138
  - (3) Has the product been inspected?  Yes  No  Unknown 139
  - (4) Have claims been filed for this product by you or by previous owners?  Yes  No  Unknown 140
  - If yes, when? \_\_\_\_\_ 141
  - (5) Was money received?  Yes  No  Unknown 142
  - (6) Were any of the materials or products repaired or replaced?  Yes  No  Unknown 143

## 7. COMMON INTEREST

- A. Is there a Home Owners' Association or other governing entity?  Yes  No  Unknown 144
- Name of Association or Other Governing Entity \_\_\_\_\_ 145
- Contact Person \_\_\_\_\_ 146
- Address \_\_\_\_\_ Phone Number \_\_\_\_\_ 147
- B. Regular periodic assessments: \$ \_\_\_\_\_ per  Month  Year  Other 148
- \*C. Are there any pending or proposed special assessments?  Yes  No  Unknown 149
- D. Are there shared "common areas" or joint maintenance agreement for facilities like walls, fences,  Yes  No  Unknown 150
- pools, tennis courts, walkways or other areas co-owned in undivided interest with others?  Yes  No  Unknown 151
- E. Is the Home Owners' Association or other governing entity a party to  Yes  No  Unknown  NA 152
- pending litigation or subject to an unsatisfied judgment?  Yes  No  Unknown  NA 153
- F. Is the property in violation of recorded covenants, conditions and  Yes  No  Unknown  NA 154
- restrictions or in violation of other bylaws or governing rules, whether recorded or not?  Yes  No  Unknown  NA 155

Seller \_\_\_\_\_ Date \_\_\_\_\_ ← Seller \_\_\_\_\_ Date \_\_\_\_\_ ←

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Property address: \_\_\_\_\_

8. GENERAL

- A. Are there problems with settling, soil, standing water or drainage on the property or in the immediate area?
B. Does the property contain fill?
C. Is there any material damage to the property or any of the structure(s) from fire, wind, floods, beach movements, earthquake, expansive soils or landslides?
D. Is the property in a designated floodplain?
E. Is the property in a designated slide or other geologic hazard zone?
\*F. Has any portion of the property been tested or treated for asbestos, formaldehyde, radon, gas, lead-based paint, mold, fuel or chemical storage tanks or contaminated soil or water?
G. Are there any tanks or underground storage tanks (e.g., septic, chemical, fuel, etc.) on the property?
H. Has the property ever been used as an illegal drug manufacturing or distribution site?
9. FULL DISCLOSURE BY SELLER(S)
\*A. Are there any other material defects affecting this property or its value that a prospective buyer should know about?

VERIFICATION

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy of this disclosure statement. I/we authorize my/our agents to deliver a copy of this disclosure statement to all prospective buyers of the property or their agents.

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

II. BUYER'S ACKNOWLEDGMENT:

- A. As buyer(s), I/we acknowledge the duty to pay diligent attention to any material defects that are known to me/us or can be known by me/us by utilizing diligent attention and observation.
B. Each buyer acknowledges and understands that the disclosures set forth in this statement and in any amendments to this statement are made only by the seller and are not the representations of any financial institution that may have made or may make a loan pertaining to the property, or that may have or take a security interest in the property, or of any real estate licensee engaged by the seller or buyer.
C. Buyer (which term includes all persons signing the "Buyer's Acknowledgment" portion of this disclosure statement below) hereby acknowledges receipt of a copy of this disclosure statement (including attachments, if any) bearing seller's signature(s).

DISCLOSURES, IF ANY, CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE. IF THE SELLER HAS FILLED OUT SECTION 2 OF THIS FORM, YOU, THE BUYER, HAVE FIVE BUSINESS DAYS FROM THE SELLER'S DELIVERY OF THIS DISCLOSURE STATEMENT TO REVOKE YOUR OFFER BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE SELLER DISAPPROVING THE SELLER'S DISCLOSURE UNLESS YOU WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS SELLER'S PROPERTY DISCLOSURE STATEMENT.

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

Agent receiving disclosure statement on buyer's behalf to sign and date:
Real Estate Licensee Date received by agent:
Real Estate Firm

Buyer's Initials \_\_\_\_\_ / \_\_\_\_\_ Date \_\_\_\_\_