

**THIS FORM HAS IMPORTANT LEGAL CONSEQUENCES AND THE PARTIES SHOULD CONSULT LEGAL AND TAX OR OTHER COUNSEL BEFORE SIGNING.**

## SELLER'S PROPERTY DISCLOSURE (RESIDENTIAL)

**THIS DISCLOSURE SHOULD BE COMPLETED BY SELLER, NOT BY BROKER.**

Seller states that the information contained in this Disclosure is correct to Seller's **CURRENT ACTUAL KNOWLEDGE** as of this Date. **Any changes must be disclosed by Seller to Buyer promptly after discovery. Seller's failure to disclose a known material defect may result in legal liability.** If Seller has knowledge of an adverse material fact affecting the Property or occupants, it must be disclosed whether there is a specific item on this Disclosure or not. If the Property is part of a Common Interest Community, this Disclosure is limited to the Property or unit itself, except as stated in Section O. Broker may deliver a copy of this Disclosure to prospective buyers.

**Note:** The Contract to Buy and Sell Real Estate, not this Disclosure, determines whether an item is included or excluded; if there is an inconsistency between this Disclosure and the Contract, the Contract controls.

Date: 9.6.19

Property Address: 85 HARMAN PARK DRIVE PAGOSA SPRINGS, CO. 81147

Seller: ESTATE OF NORMA HARMAN

Year Built: \_\_\_\_\_

### I. IMPROVEMENTS

A.	STRUCTURAL CONDITIONS If you know of any of the following problems <b>EVER EXISTING</b> check the "Yes" column:	Yes	Comments
1	Structural problems	<input type="checkbox"/>	
2	Moisture and/or water problems	<input checked="" type="checkbox"/>	<u>STORE ROOM REAR OF GARAGE</u>
3	Damage due to termites, other insects, birds, animals or rodents	<input type="checkbox"/>	
4	Damage due to hail, wind, fire, flood or other casualty	<input type="checkbox"/>	
5	Cracks, heaving or settling problems	<input type="checkbox"/>	
6	Exterior wall or window problems	<input type="checkbox"/>	
7	Exterior Artificial Stucco (EIFS)	<input type="checkbox"/>	
8		<input type="checkbox"/>	
9		<input type="checkbox"/>	

B.	ROOF If you know of any of the following problems <b>EVER EXISTING</b> check the "Yes" column:	Yes	Comments
1	Roof leak	<input type="checkbox"/>	
2	Damage to roof	<input type="checkbox"/>	
3	Skylight problems	<input type="checkbox"/>	
4	Gutter or downspout problems	<input type="checkbox"/>	
5	Other roof problems	<input type="checkbox"/>	
6		<input type="checkbox"/>	
7		<input type="checkbox"/>	

<b>B-1.</b>	<b>ROOF – Other Information</b> Do you know of the following on the Property:	Yes	Comments
1	Roof under warranty until _____ Transferable _____	<input type="checkbox"/>	
2	Roof work done while under current roof warranty	<input type="checkbox"/>	
3	Roof material: _____ Age _____	<input type="checkbox"/>	
4		<input type="checkbox"/>	
5		<input type="checkbox"/>	

<b>C.</b>	<b>APPLIANCES</b> If you know of any problems <b>NOW EXISTING</b> with the following check the “Yes” column:	Yes	Age If Known	Comments
1	Built-in vacuum system & accessories	<input type="checkbox"/>		
2	Clothes dryer	<input type="checkbox"/>		
3	Clothes washer	<input type="checkbox"/>		
4	Dishwasher	<input type="checkbox"/>		
5	Disposal	<input type="checkbox"/>		
6	Freezer	<input type="checkbox"/>		
7	Gas grill	<input type="checkbox"/>		
8	Hood	<input type="checkbox"/>		
9	Microwave oven	<input type="checkbox"/>		
10	Oven	<input type="checkbox"/>		
11	Range	<input type="checkbox"/>		
12	Refrigerator	<input type="checkbox"/>		
13	T.V. antenna: <input type="checkbox"/> Owned <input type="checkbox"/> Leased	<input type="checkbox"/>		
14	Satellite system or DSS dish: <input type="checkbox"/> Owned <input type="checkbox"/> Leased	<input type="checkbox"/>		
15	Trash compactor	<input type="checkbox"/>		
16		<input type="checkbox"/>		
17		<input type="checkbox"/>		

<b>D.</b>	<b>ELECTRICAL &amp; TELECOMMUNICATIONS</b> If you know of any problems <b>NOW EXISTING</b> with the following check the “Yes” column:	Yes	Age If Known	Comments
1	Security system: <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased	<input type="checkbox"/>		<i>Hall and office defective</i>
2	Smoke/fire detectors: <input type="checkbox"/> Battery <input type="checkbox"/> Hardwire	<input type="checkbox"/>		
3	Carbon Monoxide Alarm: <input type="checkbox"/> Battery <input type="checkbox"/> Hardwire	<input type="checkbox"/>		
4	Light fixtures	<input type="checkbox"/>		
5	Switches & outlets	<input type="checkbox"/>		
6	Electrical Service	<input type="checkbox"/>		
7	Telecommunications (T1, fiber, cable, satellite)	<input type="checkbox"/>		
8	Inside telephone wiring & blocks/jacks	<input type="checkbox"/>		
9	Ceiling fans	<input type="checkbox"/>		
10	Garage door opener and remote control	<input type="checkbox"/>		
11	Intercom/doorbell	<input type="checkbox"/>		
12	In-wall speakers	<input type="checkbox"/>		
13		<input type="checkbox"/>		
14		<input type="checkbox"/>		

<b>D-1.</b>	<b>ELECTRICAL &amp; TELECOMMUNICATIONS – Other Information:</b> Do you know of the following on the Property:	Yes	Age If Known	Comments
1	220 volt service	<input type="checkbox"/>		
2	Landscape lighting	<input type="checkbox"/>		
3	Aluminum wiring at the outlets (110)	<input type="checkbox"/>		
4	Electrical Service: Amps _____	<input type="checkbox"/>		
5	Garage door control(s) # _____	<input type="checkbox"/>		
6		<input type="checkbox"/>		
7		<input type="checkbox"/>		

<b>E.</b>	<b>MECHANICAL</b> If you know of any problems <b>NOW EXISTING</b> with the following check the “Yes” column:	Yes	Age If Known	Comments
1	Overhead doors (including garage doors)	<input type="checkbox"/>		
2	Entry gate system	<input type="checkbox"/>		
3	Elevator	<input type="checkbox"/>		
4		<input type="checkbox"/>		
5		<input type="checkbox"/>		

<b>F.</b>	<b>VENTILATION, AIR, HEAT</b> If you know of any problems <b>NOW EXISTING</b> with the following check the “Yes” column:	Yes	Age If Known	Comments
1	Heating system	<input checked="" type="checkbox"/>		BREAKER 37 NW LIVING ROOM. HEATER HARDWIRED NOT ON INDEPENDANT BREAKER.
2	Air conditioning:	<input type="checkbox"/>		
	Evaporative cooler	<input type="checkbox"/>		
	Window units	<input type="checkbox"/>		
	Central	<input type="checkbox"/>		
3	Attic/whole house fan	<input type="checkbox"/>		
4	Vent fans	<input type="checkbox"/>		
5	Humidifier	<input type="checkbox"/>		
6	Air purifier	<input type="checkbox"/>		
7	Fireplace	<input type="checkbox"/>		
8	Fireplace insert	<input type="checkbox"/>		
9	Heating Stove	<input type="checkbox"/>		
10	Fuel tanks	<input type="checkbox"/>		
11		<input type="checkbox"/>		
12		<input type="checkbox"/>		

<b>F-1.</b>	<b>VENTILATION, AIR, HEAT – Other Information:</b> Do you know of the following on the Property:	Comments
1	Heating system (including furnace): Type _____ Fuel _____ Type _____ Fuel _____	
2	Fireplace: Type _____ Fuel _____	
3	Fireplace insert	
4	Heating Stove: Type _____ Fuel _____	

5	When was fireplace/wood stove, chimney/flue last cleaned: Date: _____ <input type="checkbox"/> Do not know	
6	Fuel tanks: <input type="checkbox"/> Owned <input type="checkbox"/> Leased	
7	Radiant heating system: <input type="checkbox"/> Interior <input type="checkbox"/> Exterior Type _____	
8		
9		

G.	WATER	Yes	Comments
	If you know of any problems <b>NOW EXISTING</b> with the following check the "Yes" column:		
1	Water system (including lines and water pressure)	<input type="checkbox"/>	
2	Water heater(s)	<input type="checkbox"/>	
3	Water filter system	<input type="checkbox"/>	
4	Water softener	<input type="checkbox"/>	
5	Well	<input type="checkbox"/>	
6	Water system pump	<input type="checkbox"/>	
7	Sauna	<input type="checkbox"/>	
8	Hot tub or spa	<input type="checkbox"/>	
9	Steam room/shower	<input type="checkbox"/>	
10	Pool	<input type="checkbox"/>	
11	Underground sprinkler system	<input type="checkbox"/>	
12	Fire sprinkler system	<input type="checkbox"/>	
13	Backflow prevention device	<input type="checkbox"/>	
14	Irrigation system	<input type="checkbox"/>	
15	Irrigation pump	<input type="checkbox"/>	
16		<input type="checkbox"/>	
17		<input type="checkbox"/>	

G-1.	WATER – Other Information:	Yes	Age If Known	Comments
	Do you know of the following on the Property:			
1	Water heater: Number of _____ Fuel type _____ Capacity _____	<input type="checkbox"/>		
2	Water filter system: <input type="checkbox"/> Owned <input type="checkbox"/> Leased	<input type="checkbox"/>		
3	Water softener: <input type="checkbox"/> Owned <input type="checkbox"/> Leased	<input type="checkbox"/>		
4	Well metered	<input type="checkbox"/>		
5	Well – Date of last inspection _____	<input type="checkbox"/>		
6	Galvanized pipe	<input type="checkbox"/>		
7	Polybutylene pipe	<input type="checkbox"/>		
8		<input type="checkbox"/>		
9		<input type="checkbox"/>		

H.	SOURCE OF WATER & WATER SUPPLY
	Do you know of the following on the Property:
1	Type of water supply: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Community <input type="checkbox"/> Well <input type="checkbox"/> Shared Well <input type="checkbox"/> Cistern <input type="checkbox"/> None If the Property is served by a Well, a copy of the Well Permit <input type="checkbox"/> Is <input type="checkbox"/> Is Not attached. Well Permit #: _____ Drilling Records <input type="checkbox"/> Are <input type="checkbox"/> Are Not attached. Shared Well Agreement <input type="checkbox"/> Yes <input type="checkbox"/> No.

The **Water Provider** for the Property can be contacted at:  
 Name: \_\_\_\_\_ Address: \_\_\_\_\_  
 Web Site: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
 There is neither a Well nor a Water Provider for the Property. The source of potable water for the Property is [describe source]: \_\_\_\_\_

**SOME WATER PROVIDERS RELY, TO VARYING DEGREES, ON NONRENEWABLE GROUND WATER. YOU MAY WISH TO CONTACT YOUR PROVIDER (OR INVESTIGATE THE DESCRIBED SOURCE) TO DETERMINE THE LONG-TERM SUFFICIENCY OF THE PROVIDER'S WATER SUPPLIES.**

<b>I.</b>	<b>SEWER</b> If you know of any problems <b>NOW EXISTING</b> with the following check the "Yes" column:	<b>Yes</b>	<b>Comments</b>
1	Sewage system (including sewer lines)	<input type="checkbox"/>	
2	Lift station (sewage ejector pump)	<input type="checkbox"/>	
3	Sump pump(s) # of _____	<input type="checkbox"/>	
4	Gray water storage/use	<input type="checkbox"/>	
5		<input type="checkbox"/>	

**I-1. SEWER – Other Information:**  
 Do you know of the following on the Property:

1 Type of sanitary sewer service:  Public  Community  Septic System  None  Other \_\_\_\_\_  
 If the Property is served by an on-site septic system, provide buyer with a copy of the permit.  
 Type of septic system:  Tank  Leach  Lagoon

2 If a septic system, date latest Individual Use Permit issued: \_\_\_\_\_

3 If a septic system, date of latest Inspection: \_\_\_\_\_

4 If a septic system, date of latest Pumping: \_\_\_\_\_

5 \_\_\_\_\_

6 \_\_\_\_\_

<b>J.</b>	<b>FLOODING AND DRAINAGE</b> If you know of any problems <b>EVER EXISTING</b> with the following on the Property check the "Yes" column:	<b>Yes</b>	<b>Comments</b>
1	Flooding or drainage	<input type="checkbox"/>	
2		<input type="checkbox"/>	

<b>J-1.</b>	<b>DRAINAGE AND RETENTION PONDS – Other Information</b> Do you know of the following on the Property:	<b>Yes</b>	<b>Comments</b>
1	Drainage, retention ponds	<input type="checkbox"/>	
2		<input type="checkbox"/>	

<b>K.</b>	<b>OTHER DISCLOSURES – IMPROVEMENTS</b> If you know of any problems <b>NOW EXISTING</b> with the following check the "Yes" column:	<b>Yes</b>	<b>Comments</b>
1	Included fixtures and equipment	<input type="checkbox"/>	
2	Stains on carpet	<input checked="" type="checkbox"/>	
3	Floors and sub-floors	<input type="checkbox"/>	
4		<input type="checkbox"/>	
5		<input type="checkbox"/>	

## II. GENERAL

L.	USE, ZONING & LEGAL ISSUES If you know of any of the following <b>EVER EXISTING</b> check the "Yes" column:	Yes	Comments
1	Zoning violation, variance, conditional use, violation of an enforceable PUD or non-conforming use	<input type="checkbox"/>	
2	Notice or threat of condemnation proceedings	<input type="checkbox"/>	
3	Notice of any adverse conditions from any governmental or quasi-governmental agency that have not been resolved	<input type="checkbox"/>	
4	Notice of zoning action related to the Property	<input type="checkbox"/>	
5	Building code, city or county violations	<input type="checkbox"/>	
6	Violation of restrictive covenants or owners' association rules or regulations	<input type="checkbox"/>	
7	Any building or improvements constructed within the past one year from this Date without approval by the owner's association or its designated approving body	<input type="checkbox"/>	
8	Any additions or alterations made	<input type="checkbox"/>	
9	Other legal action	<input type="checkbox"/>	
10		<input type="checkbox"/>	
11		<input type="checkbox"/>	

M.	ACCESS & PARKING If you know of any of the following <b>EVER EXISTING</b> check the "Yes" column:	Yes	Comments
1	Any access problems	<input type="checkbox"/>	
2	Roads, trails, paths or driveways through the Property used by others	<input type="checkbox"/>	
3	Public highway or county road bordering the Property	<input type="checkbox"/>	
4	Any proposed or existing transportation project that affects or is expected to affect the Property	<input type="checkbox"/>	
5	Encroachments, boundary disputes or unrecorded easements	<input type="checkbox"/>	
6	Shared or common areas with adjoining properties	<input type="checkbox"/>	
7	Requirements for curb, gravel/paving, landscaping	<input type="checkbox"/>	
8		<input type="checkbox"/>	
9		<input type="checkbox"/>	

N.	ENVIRONMENTAL CONDITIONS If you know of any of the following <b>EVER EXISTING</b> on any part of the Property check the "Yes" column:	Yes	Comments
1	Hazardous materials on the Property, such as radioactive, toxic, or biohazardous materials, asbestos, pesticides, herbicides, wastewater sludge, radon, methane, mill tailings, solvents or petroleum products	<input type="checkbox"/>	
2	Underground storage tanks	<input type="checkbox"/>	
3	Aboveground storage tanks	<input type="checkbox"/>	
4	Underground transmission lines	<input type="checkbox"/>	
5	Animals kept in the residence	<input type="checkbox"/>	
6	Property used as, situated on, or adjoining a dump, land fill or municipal solid waste land fill	<input type="checkbox"/>	

7	Monitoring wells or test equipment	<input type="checkbox"/>	
8	Sliding, settling, upheaval, movement or instability of earth or expansive soils on the Property	<input type="checkbox"/>	
9	Mine shafts, tunnels or abandoned wells on the Property	<input type="checkbox"/>	
10	Within governmentally designated geological hazard or sensitive area	<input type="checkbox"/>	
11	Within governmentally designated flood plain or wetland area	<input type="checkbox"/>	
12	Dead, diseased or infested trees or shrubs	<input type="checkbox"/>	
13	Environmental assessments, studies or reports done involving the physical condition of the Property	<input type="checkbox"/>	
14	Used for any mining, graveling, or other natural resource extraction operations such as oil and gas wells	<input type="checkbox"/>	
15	Tobacco smoke in interior of improvements of Property	<input type="checkbox"/>	
16	Other environmental problems	<input type="checkbox"/>	
17		<input type="checkbox"/>	
18		<input type="checkbox"/>	

O.	<b>COMMON INTEREST COMMUNITY – ASSOCIATION PROPERTY</b> If you know of any of the following <b>NOW EXISTING</b> check the “Yes” column:	Yes	Comments
1	Property is part of an owners’ association	<input type="checkbox"/>	
2	Special assessments or increases in regular assessments approved by owners’ association but not yet implemented	<input type="checkbox"/>	
3	Has the Association made demand or commenced a lawsuit against a builder or contractor alleging defective construction of improvements of the Association Property (common area or property owned or controlled by the Association but outside the Seller’s Property or unit)	<input type="checkbox"/>	
4	Problems or defects in the Common Elements or Limited Common Elements of the Association Property	<input type="checkbox"/>	
5		<input type="checkbox"/>	
6		<input type="checkbox"/>	

P.	<b>OTHER DISCLOSURES – GENERAL</b> If you know of any of the following <b>NOW EXISTING</b> check the “Yes” column:	Yes	Comments
1	Any part of the Property leased to others (written or oral)	<input type="checkbox"/>	
2	Written reports of any building, site, roofing, soils or engineering investigations or studies of the Property	<input type="checkbox"/>	
3	Any property insurance claim submitted (whether paid or not)	<input type="checkbox"/>	
4	Structural, architectural and engineering plans and/or specifications for any existing improvements	<input type="checkbox"/>	
5	Property was previously used as a methamphetamine laboratory and not remediated to state standards	<input type="checkbox"/>	
6	Government special improvements approved, but not yet installed, that may become a lien against the Property	<input type="checkbox"/>	
7	Pending: (1) litigation or (2) other dispute resolution proceeding regarding the Property	<input type="checkbox"/>	
8		<input type="checkbox"/>	
9		<input type="checkbox"/>	

Seller and Buyer understand that the real estate brokers do not warrant or guarantee the above information on the Property. Property inspection services may be purchased and are advisable. This Disclosure is **not** intended as a substitute for an inspection of the Property.

**ADVISORY TO SELLER:**

Seller acknowledges that Broker will disclose to any prospective buyer all adverse material facts actually known by Broker, including but not limited to adverse material facts pertaining to the physical condition of the Property, any material defects in the Property, and any environmental hazards affecting the Property. These types of disclosures may include such matters as structural defects, soil conditions, violations of health, zoning or building laws, and nonconforming uses and zoning variances.

The information contained in this Disclosure has been furnished by Seller, who certifies it was answered truthfully, based on **Seller's CURRENT ACTUAL KNOWLEDGE.**

Lisa Romanelli                      9/6/19                      [Signature]                      9.16.19  
Seller                                      Date                                      Seller                                      Date

**ADVISORY TO BUYER:**

1. Even though Seller has answered the above questions to Seller's current actual knowledge, Buyer should thoroughly inspect the Property and obtain expert assistance to accurately and fully evaluate the Property to confirm the status of the following matters:
  - a. the physical condition of the Property;
  - b. the presence of mold or other biological hazards;
  - c. the presence of rodents, insects and vermin including termites;
  - d. the legal use of the Property and legal access to the Property;
  - e. the availability and source of water, sewer, and utilities;
  - f. the environmental and geological condition of the Property;
  - g. the presence of noxious weeds; and
  - h. any other matters that may affect Buyer's use and ownership of the Property that are important to Buyer as Buyer decides whether to purchase the Property.
2. Seller states that the information is correct to "Seller's current actual knowledge" as of the date of this form. The term "current actual knowledge" is intended to limit Seller's disclosure only to facts actually known by the Seller and does not include "constructive knowledge" or "common knowledge" or what Seller "should have known" about the Property. The Seller has no duty to inspect the Property when this Disclosure is filled in and signed.
3. Valuable information may be obtained from various local/state/federal agencies, and other experts may assist Buyer by performing more specific evaluations and inspections of the Property.
4. Boundaries, location and ownership of fences, driveways, hedges, and similar features of the Property may become the subjects of a dispute between a property owner and a neighbor. A survey may be used to determine the likelihood of such problems.
5. Whether any item is included or excluded is determined by the contract between Buyer and Seller and not this Seller's Property Disclosure.
6. Seller does not warrant that the Property is fit for Buyer's intended purposes or use of the Property. Disclosure of the condition of an item is not to be construed as a warranty of its continued operability or as a representation or warranty that such item is fit for Buyer's intended purposes.
7. Buyer receipts for a copy of this Disclosure.

[Signature]                      9-9-19                      \_\_\_\_\_  
Buyer                                      Date                                      Buyer                                      Date