

# SELLER'S PROPERTY DISCLOSURE STATEMENT

## EXHIBIT " \_\_\_\_\_ "



2018 Printing

This Seller's Property Disclosure Statement ("Statement") is an exhibit to the Purchase and Sale Agreement with an Offer Date of \_\_\_\_\_ for the Property (known as or located at: 1337 Burton Rd Young Harris, Georgia, 30582). This Statement is intended to make it easier for Seller to fulfill Seller's legal duty to disclose hidden defects in the Property of which Seller is aware. Seller is obligated to disclose such defects even when the Property is being sold "as-is."

**A. INSTRUCTIONS TO SELLER IN COMPLETING THIS STATEMENT.**

In completing this Statement, Seller agrees to:

- (1) answer all questions in reference to the Property and the improvements thereon;
- (2) answer all questions fully, accurately and to the actual knowledge and belief of all Sellers;
- (3) provide additional explanations to all "yes" answers in the corresponding Explanation section below each group of questions, unless the "yes" answer is self-evident;
- (4) promptly revise the Statement if there are any material changes in the answers to any of the questions prior to closing and provide a copy of the same to the Buyer and any Broker involved in the transaction.

**B. HOW THIS STATEMENT SHOULD BE USED BY BUYER.** Caveat emptor or "buyer beware" is the law in Georgia. Buyer should conduct a thorough inspection of the Property. If Seller has not occupied the Property recently, Seller's knowledge of the Property's condition may be limited. Buyer is expected to use reasonable care to inspect the Property and confirm that is suitable for Buyer's purposes. If an inspection of the Property reveals problems or areas of concern that would cause a reasonable Buyer to investigate further, Buyer should investigate further. A "yes" or "no" answer to a question means "yes" or "no" to the actual knowledge and belief of all Sellers of the Property.

**C. SELLER DISCLOSURES.**

| 1. GENERAL:                                                                                                                                                        | YES | NO |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| (a) What year was the main residential dwelling constructed? <u>1974</u>                                                                                           |     |    |
| (b) Is the Property vacant?                                                                                                                                        |     | X  |
| If yes, how long has it been since the Property has been occupied? <u>N/A</u>                                                                                      |     |    |
| (c) Is the Property or any portion thereof leased?                                                                                                                 |     | X  |
| (d) Has the Property been designated as historic or in a historic district where permission must be received to make modifications and additions?                  | X   | X  |
| EXPLANATION: <u>Property does join the walking trail and park area across the street, and at one time they were wanting to put paved side walks through there.</u> |     |    |

| 2. COVENANTS, FEES, and ASSESSMENTS:                                                                                                                                                                                        | YES | NO |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| (a) Is the Property subject to a recorded Declaration of Covenants, Conditions, and Restrictions ("CC&Rs") or other similar restrictions?                                                                                   | X   | X  |
| (b) Is the Property part of a condominium or community in which there is a community association? IF YES, SELLER TO COMPLETE AND PROVIDE BUYER WITH A "COMMUNITY ASSOCIATION FEES, DISCLOSURES AND RELATED ISSUES" GAR F55. | X   | X  |
| EXPLANATION: <u>Property does join the walking trail and park area across the street, which I believe has something to do with Young Harris College</u>                                                                     |     |    |

| 3. LEAD-BASED PAINT:                                                                                                                                                                                                                                                                                                         | YES | NO |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| (a) Was any part of the residential dwelling on the Property or any painted component, fixture, or material used therein constructed or manufacture prior to 1978? IF YES, THE "LEAD-BASED PAINT EXHIBIT" GAR F54 MUST BE EXECUTED BY THE PARTIES AND THE "LEAD-BASED PAINT PAMPHLET" GAR B11 MUST BE PROVIDED TO THE BUYER. |     | X  |

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| 4. STRUCTURAL ITEMS, ADDITIONS AND ALTERATIONS:                                                                                                                                                    | YES | NO |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| (a) Has there been any settling, movement, cracking or breakage of the foundations or structural supports of the improvements?                                                                     |     | X  |
| (b) Have any structural reinforcements or supports been added?                                                                                                                                     |     | X  |
| (c) Have there been any additions, structural changes, or any other major alterations to the original improvements or Property, including without limitation pools, carports or storage buildings? | X   |    |
| (d) Has any work been done where a required building permit was not obtained?                                                                                                                      |     | X  |
| (e) Are there violations of building codes, housing codes, or zoning regulations (not otherwise grandfathered)?                                                                                    |     | X  |
| (f) Have any notices alleging such violations been received?                                                                                                                                       |     | X  |
| (g) Is any portion of the main dwelling a mobile, modular or manufactured home?                                                                                                                    |     | X  |
| (h) Was any dwelling or portion thereof (excluding mobile, modular and manufactured dwelling) moved to the site from another location?                                                             |     | X  |

EXPLANATION: Washing machine hose sprung a leak so floor was redone in laundry room area with plywood over existing floor

| 5. SYSTEMS and COMPONENTS: put in home in                                                                     | YES | NO |
|---------------------------------------------------------------------------------------------------------------|-----|----|
| (a) Approximate age of HVAC system(s): 1974 years                                                             |     |    |
| (b) Is any heated and cooled portion of the main dwelling not served by a central heating and cooling system? |     | X  |
| (c) Is any portion of the heating and cooling system in need of repair or replacement?                        | X   |    |
| (d) Does any dwelling or garage have aluminum wiring other than in the primary service line?                  |     | X  |
| (e) Are any fireplaces decorative only or in need of repair?                                                  | X   |    |
| (f) Have there been any reports of damaging moisture behind exterior walls constructed of synthetic stucco?   |     | X  |

EXPLANATION: Fire places have not been used since 1984 when my grandfather passed away so they need to be cleaned out by a chimney sweeper.

② Furnace in attic either needs to be replace or have an electronic part put on it that lights the gas each time it comes on. Because right now it does not always send the spark out to do so.

| 6. SEWER/PLUMBING RELATED ITEMS:                                                                                                                                | YES | NO |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| (a) What is the drinking water source: <input checked="" type="checkbox"/> public <input type="checkbox"/> private <input type="checkbox"/> well                |     |    |
| (b) If the drinking water is from a well, has there ever been a test the results of which indicate that the water is not safe to drink?                         |     | X  |
| (c) What is the sewer system: <input type="checkbox"/> public <input type="checkbox"/> private <input checked="" type="checkbox"/> septic tank                  |     |    |
| (d) If the Property is served by a septic system, how many bedrooms was the septic system approved for by local government authorities? unknown see Explanation |     |    |
| (e) Is the main dwelling served by a sewage pump?                                                                                                               |     | X  |
| (f) Has any septic tank or cesspool on Property ever been professionally serviced?                                                                              |     | X  |
| If yes, please give the date of last service: N/A                                                                                                               |     |    |
| (g) Are there any leaks, backups, or other similar problems with any portion of the plumbing, water, or sewage systems or damage therefrom?                     |     | X  |
| (h) Is there presently any polybutylene plumbing, other than the primary service line?                                                                          |     | X  |
| (i) Has there ever been any damage from a frozen water line, spigot, or fixture?                                                                                |     | X  |

EXPLANATION: Home has 2 septic tanks - One is to the left when facing carport down near Apple trees and serves the main floor. The other one is at the end of block walls from basement area and serves the basement floor plumbing

| 7. ROOFS, GUTTERS, and DOWNSPOUTS:                                                                   | YES | NO |
|------------------------------------------------------------------------------------------------------|-----|----|
| (a) Approximate age of roof on main dwelling: <u>UNKNOWN</u> years.                                  |     |    |
| (b) Has any part of the roof been repaired during Seller's ownership?                                | X   |    |
| (c) Are there any roof leaks or other problems with the roof, roof flashing, gutters, or downspouts? |     | X  |
| EXPLANATION: Home was built in 1974 and has the 2nd roof on it since it was built.                   |     |    |

| 8. FLOODING, DRAINING, MOISTURE, and SPRINGS:                                                                                                     | YES | NO |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| (a) Is there now or has there been any water intrusion in the basement, crawl space or other parts of any dwelling or garage or damage therefrom? |     | X  |
| (b) Have any repairs been made to control water intrusion in the basement, crawl space, or other parts of any dwelling or garage?                 |     | X  |
| (c) Is any part of the Property or any improvements thereon presently located in a Special Flood Hazard Area?                                     |     | X  |
| (d) Has there ever been any flooding?                                                                                                             |     | X  |
| (e) Are there any streams that do not flow year round or underground springs?                                                                     |     | X  |
| (f) Are there any dams, retention ponds, storm water detention basins, or other similar facilities?                                               |     | X  |
| EXPLANATION:                                                                                                                                      |     |    |

| 9. SOIL AND BOUNDARIES:                                                                                                                                                                                                                                                                                                                                                              | YES | NO |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| (a) Are there any landfills (other than foundation backfill), graves, burial pits, caves, mine shafts, trash dumps or wells (in use or abandoned)?                                                                                                                                                                                                                                   | X   | X  |
| (b) Is there now or has there ever been any visible soil settlement or movement?                                                                                                                                                                                                                                                                                                     |     | X  |
| (c) Are there presently any encroachments, unrecorded easements or boundary line disputes with a neighboring property owner?                                                                                                                                                                                                                                                         |     | X  |
| (d) Do any of the improvements encroach onto a neighboring property?                                                                                                                                                                                                                                                                                                                 |     | X  |
| EXPLANATION: When facing the Magnolia tree the original home place was to your left, which was burnt down and used to fill in the old home place basement area. There was also an old hand cranked well that was filled in as well. Plus more than likely a septic tank somewhere also in that area. Telephone pole down in field area would be about back corner of old home place. |     |    |

| 10. TERMITES, DRY ROT, PESTS, and WOOD DESTROYING ORGANISMS:                                                                                                                                             | YES | NO |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| (a) Is there any damage resulting from animals (such as squirrels, mice, possum or raccoons); insects (such as termites, bees and ants); or by fungi or dry rot?                                         |     | X  |
| (b) Is there presently a bond, warranty or service contract for termites or other wood destroying organisms by a licensed pest control company?                                                          |     | X  |
| If yes, is it transferable? <u>N/A</u> What is the cost? \$ <u>N/A</u>                                                                                                                                   |     | X  |
| If yes, company name/contact: <u>N/A</u>                                                                                                                                                                 |     |    |
| Coverage: <input type="checkbox"/> re-treatment and repair <input type="checkbox"/> re-treatment <input type="checkbox"/> periodic inspections only                                                      |     |    |
| Expiration Date <u>N/A</u> Renewal Date <u>N/A</u>                                                                                                                                                       |     |    |
| (c) Is there a cost to maintain the bond, warranty or service contract?                                                                                                                                  |     | X  |
| If yes, what is the annual cost? \$ <u>N/A</u>                                                                                                                                                           |     |    |
| EXPLANATION: My grandparents used to have orkaw bug people come out but now we have just been putting out stuff like moth balls and rad-a-bug dust or spraying with bug spray from local hardware store. |     |    |

telephone pole  
old home place  
(tree)

| 11. ENVIRONMENTAL, HEALTH, and SAFETY CONCERNS:                                                                                             | YES | NO |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| (a) Are there any underground tanks or toxic or hazardous substances such as asbestos?                                                      | X   | X  |
| (b) Has Methamphetamine ("Meth") ever been produced on the Property?                                                                        |     | X  |
| (c) Have there ever been adverse test results for radon, lead, mold or any other potentially toxic or environmentally hazardous substances? |     | X  |

EXPLANATION: When facing the Magnolia Tree down to your left will be a telephone pole the original home place sat between the two and probly had a septic tank but was so long ago no one knows any thing about it. But original home was burnt down in 1974 and used to fill in old basement area.

| 12. LITIGATION and INSURANCE:                                                                                                             | YES | NO |
|-------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| (a) Is there now or has there been any litigation therein alleging negligent construction or defective building products?                 |     | X  |
| (b) Has there been any award or payment of money in lieu of repairs for defective building products or poor construction?                 |     | X  |
| (c) Has any release been signed regarding defective products or poor construction that would limit a future owner from making any claims? |     | X  |
| (d) During Seller's ownership have there been any insurance claims for more than 10% of the value of the Property?                        |     | X  |
| (e) Is the Property subject to a threatened or pending condemnation action?                                                               |     | X  |
| (f) How many insurance claims have been filed during Seller's ownership? None known of                                                    |     |    |

EXPLANATION:

| 13. OTHER HIDDEN DEFECTS:                                                      | YES | NO |
|--------------------------------------------------------------------------------|-----|----|
| (a) Are there any other hidden defects that have not otherwise been disclosed? | X   | X  |

EXPLANATION: See Additional Explanation Sheet for more stuff on home.

| 14. AGRICULTURAL DISCLOSURE:                                                                                                                                   | YES | NO |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| (a) Is Property within, partially within, or adjacent to any property zoned or identified on an approved county land use plan as agricultural or forestry use? |     | X  |

It is the policy of this state and this community to conserve, protect, and encourage the development and improvement of farm and forest land for the production of food, fiber, and other products, and also for its natural and environmental value. This notice is to inform prospective property owners or other persons or entities leasing or acquiring an interest in real property that property in which they are about to acquire an interest lies within, partially within, or adjacent to an area zoned, used, or identified for farm and forest activities and that farm and forest activities occur in the area. Such farm and forest activities may include intensive operations that cause discomfort and inconveniences that involve, but are not limited to, noises, odors, fumes, dust, smoke, insects, operations of machinery during any 24-hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides. One or more of these inconveniences may occur as the result of farm or forest activities which are in conformance with existing laws and regulations and accepted customs and standards.

**ADDITIONAL EXPLANATIONS (If needed):**

- 1) Front property line is about 10 to 15 feet on other side of Road but Road is a public Rd.
- 2) Butted out Rd to the right of property goes with property but has an easement on it as well as a water meter for Brick home to the right back side of property.
- 3) There are 2 water meters too your left when facing home one is for home the other was for the old home place.
- 4) Home was buildt from lumber grown on the property and taken over to Cleveland Ga. where it was planed down into lumber at the Sawmill then brought back.
- 5) My dad James Bobby Kirby Sr. drawed up the house plans for the home which was to be his parents who were Vick and Lorraine Kerby.
- 6) Vick and Lorraine owned the only shoe shop and pool room in young harris and were the first people to own a TV in the area, Lorraine was also a high school principle. Vick had a grape orchered to your left that run along road leading to red house across field that he used for making grape wine. Poles in very top center of big grey barn were used to hang and dry tobacco. Stalls were used to keep there bulls in they used for pulling farm poles.
- 7) My dad James Bobby Kirby and Ceicle Hughes did all the Block and Brick work on the house.
- 8) On the main floor you have 1/2 inch plywood above ceiling tiles making it a double ceiling. All in All home is a very stought well built home.
- 9) Ceicle Hughes who is Kathy Hughes brother = (706) 897-4349 Kathy's number has been cutting hay off the field to your left and upper field above barn for free just to keep place cleared off these latter years. So if new owner want to change that they need to try to get up with him.
- 10) When facing basement door double window to your left used to be a grage door but when grandparent got old it was closed in and basement was turned into living quarters for their live in help and them. I hope this answers most of new possible owners question's as my father now has beginning stages of Alzemizers and tryied to help with answers to the best of his ability.

#### D. FIXTURES CHECKLIST

**Directions on HOW TO USE:** It is often unclear what constitutes a fixture which remains with the Property versus personal property which does not remain with the Property. To avoid disputes, Seller shall have the right to remove all items on the checklist below that are left blank. THE ITEMS ON THE CHECKLIST BELOW THAT ARE CHECKED OR MARKED SHALL REMAIN WITH THE PROPERTY. All items remaining with Property shall include remotes and/or all accessories necessary for use. Unless otherwise indicated, if an item is left blank, the Seller may remove all of that item from the Property. For example, if "Refrigerator" is left blank, Seller may remove all Refrigerators on the Property. This checklist is intended to supersede the common law of fixtures with regard to the items below. The common law of fixtures shall apply to all items not on this checklist. Seller shall remove all items left blank below prior to closing or the transfer of possession, whichever is later. Seller shall lose the right to remove those items not timely removed. In removing items, Seller shall use reasonable care to prevent and repair damage to the area where the item was removed.

##### Appliances

- ☐ Clothes Dryer
- ☐ Clothes Washing Machine
- ☒ Dishwasher *upstairs*
- ☐ Garage Door Opener
- ☐ Garbage Disposal
- ☐ Ice Maker
- ☐ Microwave Oven
- ☐ Oven
- ☐ Refrigerator w/o Freezer
- ☒ Refrigerator/Freezer *upstairs*
- ☐ Free Standing Freezer
- ☒ Stove/gas *upstairs*
- ☐ Surface Cook Top
- ☐ Trash Compactor
- ☐ Vacuum System
- ☒ Vent Hood *upstairs*
- ☐ Warming Drawer
- ☐ Wine Cooler

##### Home Media

- ☐ Amplifier
- ☐ Cable Jacks
- ☐ Cable Receiver
- ☐ Cable Remotes
- ☐ Intercom System
- ☐ Internet HUB
- ☐ Internet Wiring
- ☐ Satellite Dish
- ☐ Satellite Receiver
- ☐ Speakers
- ☐ Speaker Wiring
- ☒ Switch Plate Covers

- ☐ Television (TV)
- ☐ TV Antenna
- ☐ TV Mounts/Brackets
- ☐ TV Wiring

##### Interior Fixtures

- ☐ Ceiling Fan
- ☒ Chandelier *Wagon wheel upstairs*
- ☐ Closet System
- ☒ Fireplace (FP) *upstairs*
- ☐ FP Gas Logs
- ☐ FP Screen/Door
- ☐ FP Wood Burning Insert
- ☒ Light Bulbs
- ☒ Light Fixtures
- ☐ Mirrors
  - ☐ Wall Mirrors
  - ☐ Vanity (hanging)

- ☐ Mirrors
- ☐ Shelving Unit & System
- ☐ Shower Head/Sprayer
- ☐ Storage Unit/System
- ☒ Window Blinds (and Hardware)
- ☒ Window Shutters (and Hardware)
- ☒ Window Draperies (and Hardware)
- ☐ Unused Paint

##### Landscaping / Yard

- ☐ Arbor
- ☐ Awning
- ☐ Basketball Post and Goal

- ☐ Birdhouses
- ☐ Boat Dock
- ☐ Fence - Invisible
- ☐ Dog House
- ☐ Flag Pole
- ☐ Gazebo

- ☐ Irrigation System
- ☐ Landscaping Lights
- ☐ Mailbox

- ☒ Out/Storage Building *Large Grey Barn Oak Hill*
- ☐ Porch Swing
- ☐ Statuary
- ☐ Stepping Stones
- ☐ Swing Set
- ☐ Tree House
- ☐ Trellis
- ☐ Weather Vane

##### Recreation

- ☐ Gas Grill
- ☐ Hot Tub
- ☐ Outdoor Furniture
- ☐ Outdoor Playhouse
- ☐ Pool
- ☐ Pool Equipment
- ☐ Pool Chemicals
- ☐ Sauna

##### Safety

- ☐ Alarm System (Burglar)
- ☐ Alarm System (Smoke/Fire)
- ☐ Security Camera
- ☒ Carbon Monoxide Detector *on wall in hallway*
- ☐ Doorbell
- ☒ Door & Window Hardware

- ☐ Fire Sprinkler System
- ☐ Gate
- ☐ Safe (Built-In)
- ☒ Smoke Detector
- ☒ Window Screens

##### Systems

- ☐ A/C Window Unit
- ☐ Air Purifier
- ☐ Whole House Fan
- ☒ Attic Ventilator Fan *Electric in Attic*
- ☐ Ventilator Fan
- ☐ Dehumidifier
- ☐ Generator
- ☐ Humidifier
- ☐ Propane Tank
- ☐ Propane Fuel in Tank
- ☐ Fuel Oil Tank
- ☐ Fuel Oil in Tank
- ☐ Sewage Pump
- ☐ Solar Panel
- ☐ Sump Pump
- ☒ Thermostat *on wall in upstairs hallway*
- ☐ Water Purification System
- ☐ Water Softener System
- ☐ Well Pump

##### Other

- ☒ Electric Blower in (FP)
- ☒ (FP) Screen *Small*
- ☒ Electric Space Heater *upstairs Bedroom*
- ☒ Small Electric Space Heater *upstairs Bedroom by bathroom*
- ☒ Large Electric Space Heater *upstairs Kitchen*

**Clarification Regarding Multiple Items.** Items identified above as remaining with Property where Seller is actually taking one or more of such items shall be identified below. For example, if "Refrigerator" is marked as staying with the Property, but Seller is taking the extra refrigerator in the basement, the extra refrigerator and its location shall be described below. This section shall control over any conflicting or inconsistent provisions contained elsewhere herein.

**Items Needing Repair.** The following items remaining with Property are in need of repair or replacement:

*Furnace in Attic Needs to have electric part replaced*

RECEIPT AND ACKNOWLEDGEMENT BY BUYER

Buyer acknowledges receipt of this Seller's Property Disclosure Statement.

1 Buyer's Signature

Print or Type Name

Date

2 Buyer's Signature

Print or Type Name

Date

Additional Signature Page (F149) ☐ is ☐ is not attached.

SELLER'S REPRESENTATION REGARDING THIS STATEMENT

Seller represents that the questions in this Statement have been answered to the actual knowledge and belief of all Sellers of the Property

1 Seller's Signature

Print or Type Name

Date

2 Seller's Signature

Print or Type Name

Date

Additional Signature Page (F149) ☐ is ☐ is not attached.

3)

~~person's signature filling out paper work~~

Karin E. Tye-Carter

print or Type Name

Oct. 01, 2018

Date