Seller's Property Disclosure – Residential

Notice to Licensee: The **Seller** should fill out this form.

Notice to Seller: Florida law[1] requires a seller of a home to disclose to the buyer all known facts that materially affect the value of the property being sold and that are not readily observable or known by the buyer. This disclosure form is designed to help you comply with the law. However, this disclosure form may not address every significant issue that is unique to the Property. You should think about what you would want to know if you were buying the Property today; and if you need more space for additional information, comments, or explanations, check the Paragraph 10 checkbox and attach an addendum.

Notice to Buyer: The following representations are made by **Seller** and **not** by any real estate licensee. This disclosure is not a guaranty or warranty of any kind. It is not a substitute for any inspections, warranties, or professional advice you may wish to obtain. It is not a substitute for your own personal judgment and common sense. The following information is based only upon **Seller's** actual knowledge of the Property's condition. Sellers can disclose only what they actually know. **Seller** may not know about all material or significant items. You should have an independent, professional home inspection to verify the condition of the Property and determine the cost of repairs, if any. This disclosure is not a contract and is not intended to be a part of any contract for sale and purchase.

Seller makes the following disclosure regarding the property described as: _____
_____ (the "Property")

The Property is ☐owner occupied ☐tenant occupied ☐unoccupied (If unoccupied, how long has it been since **Seller** occupied the Property? _____

	Yes	No	Don't Know
1. Structures; Systems; Appliances:			
(a) Are the structures, including roofs; ceilings; walls; doors; windows; foundation; and pool, hot tub, and spa, if any, structurally sound and free of leaks?	☐	☐	☐
(b) Is seawall, if any, and dockage, if any, structurally sound?	☐	☐	☐
(c) Are existing major appliances and heating, cooling, mechanical, electrical, security, and sprinkler systems, in working condition, i.e., operating in the manner in which the item was designed to operate?	☐	☐	☐
(d) Are any of the appliances leased? If yes, which ones: _____	☐	☐	☐
(e) If any answer to questions 1(a) – 1(c) is no, please explain: _____ _____			
2. Termites; Other Wood-Destroying Organisms; Pests:			
(a) Are termites; other wood-destroying organisms, including fungi; or pests present on the Property or has the Property had any structural damage by them?	☐	☐	☐
(b) Has the Property been treated for termites; other wood-destroying organisms, including fungi; or pests?	☐	☐	☐
(c) If any answer to questions 2(a) - 2(b) is yes, please explain: _____ _____			
3. Water Intrusion; Drainage; Flooding:			
(a) Has past or present water intrusion affected the Property?	☐	☐	☐
(b) Have past or present drainage or flooding problems affected the Property?	☐	☐	☐
(c) Is any of the Property located in a special flood hazard area?	☐	☐	☐
(d) Is any of the Property located seaward of the coastal construction control line?	☐	☐	☐
(e) Does your lender require flood insurance?	☐	☐	☐
(f) Do you have an elevation certificate? If yes, please attach a copy.	☐	☐	☐
(g) If any answer to questions 3(a) - 3(d) is yes, please explain: _____ _____			

[1] *Johnson v. Davis,* 480 So.2d 625 (Fla. 1985).

	Yes	No	Don't Know
4. Plumbing:			
(a) What is your drinking water source? ☐public ☐private ☐well ☐other			
(b) Have you ever had a problem with the quality, supply, or flow of potable water?	☐	☐	☐
(c) Do you have a water treatment system? If yes, is it ☐owned ☐leased?	☐	☐	☐
(d) Do you have a ☐sewer or ☐septic system? If septic system, describe the location of each system: _____ _____			
(e) Are any septic tanks, drain fields, or wells that are not currently being used located on the Property?	☐	☐	☐
(f) Have there been any plumbing leaks since you have owned the Property?	☐	☐	☐
(g) Are any polybutylene pipes on the Property?	☐	☐	☐
(h) If any answer to questions 4(b), 4(c), and 4(e) - 4(g) is yes, please explain: _____ _____			
5. Pools; Hot Tubs; Spas:			
Note: Florida law requires swimming pools, hot tubs, and spas that received a certificate of completion on or after October 1, 2000, to have at least one safety feature as specified by Section 515.27, Florida Statutes.			
(a) If the Property has a swimming pool, hot tub, or spa that received a certificate of completion on or after October 1, 2000, indicate the existing safety feature(s): ☐enclosure that meets the pool barrier requirements ☐approved safety pool cover ☐required door and window exit alarms ☐required door locks ☐none			
(b) Has an in-ground pool on the Property been demolished and/or filled?	☐	☐	☐
6. Sinkholes:			
Note: When an insurance claim for sinkhole damage has been made by the seller and paid by the insurer, Section 627.7073(2)(c), Florida Statutes, requires the seller to disclose to the buyer that a claim was paid and whether or not the full amount paid was used to repair the sinkhole damage.			
(a) Does past or present settling, soil movement, or sinkhole(s) affect the Property or adjacent properties?	☐	☐	☐
(b) Has any insurance claim for sinkhole damage been made?	☐	☐	☐
(c) If any insurance claim for sinkhole damage was made, was the claim paid?	☐	☐	☐
(d) If any insurance claim for sinkhole damage was paid, were all the proceeds used to repair the damage?	☐	☐	☐
(e) If any answer to questions 6(a) - 6(c) is yes or the answer to question 6(d) is no, please explain: _____			
7. Deed/Homeowners' Association Restrictions; Boundaries; Access Roads:			
(a) Are there any deed or homeowners' restrictions?	☐	☐	☐
(b) Are there any proposed changes to any of the restrictions?	☐	☐	☐
(c) Are there any resale or leasing restrictions?	☐	☐	☐
(d) Is membership mandatory in a homeowners' association?	☐	☐	☐
(e) Are fees charged by the homeowners' association?	☐	☐	☐
(f) Are any driveways, walls, fences, or other features shared with adjoining landowners?	☐	☐	☐
(g) Are there any encroachments on the Property or any encroachments by the Property's improvements on other lands?	☐	☐	☐
(h) Are there boundary line disputes or easements affecting the Property?	☐	☐	☐
(i) Are access roads ☐private ☐public? If private, describe the terms and conditions of the maintenance agreement: _____ _____			
(j) If any answer to questions 7(a) - 7(h) is yes, please explain: _____ _____			

	Yes	No	Don't Know
8. Environmental:			
(a) Was the Property built before 1978? If yes, please see Lead-Based Paint Disclosure.	☐	☐	☐
(b) Does anything exist on the Property that may be considered an environmental hazard, including but not limited to, lead-based paint; asbestos; mold; urea formaldehyde; radon gas; methamphetamine; defective drywall; fuel, propane, or chemical storage tanks (active or abandoned); or contaminated soil or water?	☐	☐	☐
(c) Has there been any damage, clean up, or repair to the Property due to any of the substances or materials listed in subsection (b) above?	☐	☐	☐
(d) Are any mangroves, archeological sites, or other environmentally sensitive areas located on the Property?	☐	☐	☐
(e) If any answer to questions 8(b) - 8(d) is yes, please explain: _____			
9. Governmental:			
(a) Are there any zoning violations or nonconforming uses?	☐	☐	☐
(b) Are there any zoning restrictions affecting additions, improvements, or replacement of the Property?	☐	☐	☐
(c) Do any zoning, land use, or administrative regulations conflict with the existing or intended use of the Property?	☐	☐	☐
(d) Do any restrictions, other than association and flood area requirements, affect improvements or replacement of the Property?	☐	☐	☐
(e) Are any improvements, including additions, located below the base flood elevation?	☐	☐	☐
(f) Have any improvements been constructed in violation of applicable local flood guidelines?	☐	☐	☐
(g) Have any improvements or additions to the Property, whether by you or by others, been constructed in violation of building codes or without necessary permits?	☐	☐	☐
(h) Are there any active permits on the Property that have not been closed by a final inspection?	☐	☐	☐
(i) Is there any violation or non-compliance regarding any unrecorded liens; code enforcement violations; or governmental, building, environmental, and safety codes, restrictions, or requirements?	☐	☐	☐
(j) If any answer to questions 9(a) - 9(i) is yes, please explain: _____			

10. ☐ **(If checked) Other Matters; Additional Comments:** The attached addendum contains additional information, explanation, or comments.

Seller represents that the information provided on this form and any attachments is accurate and complete to the best of **Seller's** knowledge on the date signed by **Seller**. **Seller** authorizes listing broker to provide this disclosure statement to real estate licensees and prospective buyers of the Property. **Seller** understands and agrees that **Seller** will promptly notify **Buyer** in writing if any information set forth in this disclosure statement becomes inaccurate or incorrect.

Seller: _____ / _____ Date: _____
(signature) (print)

Seller: _____ / _____ Date: _____
(signature) (print)

Buyer acknowledges that **Buyer** has read, understands, and has received a copy of this disclosure statement.

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

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

Seller's Update

Instructions to Seller: If the information set forth in this disclosure statement becomes inaccurate or incorrect, you must promptly notify **Buyer**. Please review the questions and your answers. Use the space below to make corrections and provide additional information, if necessary. Then acknowledge that the information is accurate as of date signed below.

Seller represents that the information provided on this form and any attachments is accurate and complete to the best of **Seller's** knowledge on the date signed by **Seller**.

Seller: _____ / _____ Date: _____
(signature) (print)

Seller: _____ / _____ Date: _____
(signature) (print)

Buyer acknowledges that **Buyer** has read, understands, and has received a copy of this revised disclosure statement.

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

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