



HAMILTON  
& ASSOCIATES

## TENNESSEE RESIDENTIAL PROPERTY CONDITION DISCLOSURE

- 1 PROPERTY ADDRESS 1508 Van Davis Road NW CITY Charleston  
 2 SELLER'S NAME(S) Eric M. & Catherine D. Roettner CITY Georgetown  
 3 DATE SELLER ACQUIRED THE PROPERTY 1995 PROPERTY AGE 35 yrs  
 4 IF NOT OWNER-OCCUPIED, HOW LONG HAS IT BEEN SINCE THE SELLER OCCUPIED THE PROPERTY? Yes  
 5 (Check the one that applies) The property is a ☒ site-built home ☐ non-site-built home  
 6 The Tennessee Residential Property Disclosure Act requires sellers of residential real property with one to four dwelling  
 7 units to furnish to a buyer one of the following: (1) a residential property disclosure statement (the "Disclosure"), or (2) a  
 8 residential property disclaimer statement (permitted only where the buyer waives the required Disclosure). Some property  
 9 transfers may be exempt from this requirement (See Tenn. Code Ann. § 66-5-209). The following is a summary of the  
 10 buyers' and sellers' rights and obligations under the Act. A complete copy of the Act may be found at  
 11 <http://www.tn.gov/regboards/trec/law.shtml>. (See Tenn. Code Ann. § 66-5-201, et seq.)  
 12 1. Sellers must disclose all known material defects and must answer the questions on the Disclosure form in good faith to  
 13 the best of the seller's knowledge as of the Disclosure date.  
 14 2. Sellers must give the buyers the Disclosure form before the acceptance of a purchase contract.  
 15 3. Sellers must inform the buyers, at or before closing, of any inaccuracies or material changes in the condition that have  
 16 occurred since the time of the initial Disclosure, or certify that there are no changes.  
 17 4. Sellers may give the buyers a report or opinion prepared by a professional inspector or other expert(s) or certain  
 18 information provided by a public agency, in lieu of responding to some or all of the questions on the form (See Tenn.  
 19 Code Ann. § 66-5-204).  
 20 5. Sellers are not required to have a home inspection or other investigation in order to complete the Disclosure form.  
 21 6. Sellers are not required to repair any items listed on the Disclosure form or on any past or future inspection report unless  
 22 agreed to in the purchase contract.  
 23 7. Sellers involved in the first sale of a dwelling must disclose the amount of any impact fees or adequate facility taxes  
 24 paid.  
 25 8. Sellers are not required to disclose if any occupant was HIV-positive, or had any other disease not likely to be  
 26 transmitted by occupying a home, or whether the home had been the site of a homicide, suicide or felony, or act or  
 27 occurrence which had no effect on the physical structure of the property.  
 28 9. Sellers may provide an "as is", "no representations or warranties" disclaimer statement in lieu of the Disclosure form  
 29 only if the buyer waives the right to the required disclosure, otherwise the sellers must provide the completed Disclosure  
 30 form (See Tenn. Code Ann. § 66-5-202).  
 31 10. Sellers may be exempt from having to complete the Disclosure form in certain limited circumstances (e.g. public  
 32 auctions, court orders, some foreclosures and bankruptcies, new construction with written warranty or owner has not  
 33 resided on the property at any time within the prior 3 years. (See Tenn. Code Ann. § 66-5-209).  
 34 11. Buyers are advised to include home, wood infestation, well, water sources, septic system, lead-based paint, radon, mold,  
 35 and other appropriate inspection contingencies in the contract, as the Disclosure form is not a warranty of any kind by  
 36 the seller, and is not a substitute for any warranties or inspections the buyer may desire to purchase.  
 37 12. Any repair of disclosed defects must be negotiated and addressed in the Purchase and Sale Agreement; otherwise, seller  
 38 is not required to repair any such items.  
 39 13. Buyers may, but do not have to, waive their right to receive the Disclosure form from the sellers if the sellers provide a  
 40 disclaimer statement with no representations or warranties (See Tenn. Code Ann. § 66-5-202).

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14. Remedies for misrepresentations or nondisclosure in a Property Condition Disclosure statement may be available to buyer and are set out fully in Tenn. Code Ann. § 66-5-208. Buyer should consult with an attorney regarding any such matters.

15. Representations in the Disclosure form are those of the sellers only, and not of any real estate licensee, although licensees are required to disclose to all parties adverse facts of which the licensee has actual knowledge or notice.

16. Pursuant to Tenn. Code Ann. § 47-18-104(b), sellers of newly constructed residences on a septic system are prohibited from knowingly advertising or marketing a home as having more bedrooms than are permitted by the subsurface sewage disposal system permit.

17. Sellers must disclose the presence of any known exterior injection well, the presence of any known sinkhole(s), the results of any known percolation test or soil absorption rate performed on the property that is determined or accepted by the Department of Environment and Conservation, and whether the property is located within a Planned Unit Development as defined by Tenn. Code Ann. § 66-5-213 and, if requested, provide buyers with a copy of the development's restrictive covenants, homeowner bylaws and master deed. Sellers must also disclose if they have knowledge that the residence has ever been moved from an existing foundation to another foundation.

The Buyers and Sellers involved in the current or prospective real estate transaction for the property listed above acknowledge that they were informed of their rights and obligations regarding Residential Property Disclosures, and that this information was provided by the real estate licensee(s) prior to the completion or reviewing of a Tennessee Residential Property Condition Disclosure, a Tennessee Residential Property Condition Disclaimer Statement, or a Tennessee Residential Property Condition Exemption Notification. Buyers and Sellers also acknowledge that they were advised to seek the advice of an attorney on any legal questions they may have regarding this information or prior to taking any legal actions.

The Tennessee Residential Property Disclosure Act states that anyone transferring title to residential real property must provide information about the condition of the property. This completed form constitutes that disclosure by the Seller. The information contained in the disclosure is the representation of the owner and not the representation of the real estate licensee or sales person, if any. This is not a warranty or a substitute for any professional inspections or warranties that the purchasers may wish to obtain.

Buyers and Sellers should be aware that any sales agreement executed between the parties will supersede this form as to the terms of sale, property included in the sale and any obligations on the part of the seller to repair items identified below and/or the obligation of the buyer to accept such items "as is."

#### INSTRUCTIONS TO THE SELLER

Complete this form yourself and answer each question to the best of your knowledge. If an answer is an estimate, clearly label it as such. The Seller hereby authorizes any agent(s) representing any party in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the subject property.

#### A. THE SUBJECT PROPERTY INCLUDES THE ITEMS CHECKED BELOW:

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Range  | <input type="checkbox"/> Wall/Window Air Conditioning              | <input checked="" type="checkbox"/> Garage Door Opener(s) (Number of openers <u>2</u> )                |
| <input checked="" type="checkbox"/> Ice Maker Hookup   | <input type="checkbox"/> Window Screens                            | <input checked="" type="checkbox"/> <u>2</u> Garage Door Remote(s)                                     |
| <input type="checkbox"/> Oven  | <input checked="" type="checkbox"/> Fireplace(s) (Number) <u>1</u> | <input checked="" type="checkbox"/> Intercom   |
| <input checked="" type="checkbox"/> Microwave  | <input type="checkbox"/> Gas Starter for Fireplace                 | <input checked="" type="checkbox"/> TV Antenna/Satellite Dish (excluding components)                   |
| <input type="checkbox"/> Garbage Disposal  | <input type="checkbox"/> Gas Fireplace Logs                        | <input type="checkbox"/> Central Vacuum System and attachments   |
| <input checked="" type="checkbox"/> Trash Compactor  | <input checked="" type="checkbox"/> Smoke Detector/Fire Alarm      | <input type="checkbox"/> Spa/Whirlpool Tub   |
| <input type="checkbox"/> Water Softener  | <input checked="" type="checkbox"/> Patio/Decking/Gazebo           | <input type="checkbox"/> Hot Tub   |
| <input checked="" type="checkbox"/> 220 Volt Wiring  | <input type="checkbox"/> Installed Outdoor Cooking Grill           | <input checked="" type="checkbox"/> Washer/Dryer Hookups   |
| <input type="checkbox"/> Sauna   | <input checked="" type="checkbox"/> Irrigation System              | <input type="checkbox"/> Pool <input type="checkbox"/> In-ground <input type="checkbox"/> Above-ground |
| <input checked="" type="checkbox"/> Dishwasher   | <input checked="" type="checkbox"/> A key to all exterior doors    | <input checked="" type="checkbox"/> Access to Public Streets   |
| <input type="checkbox"/> Sump Pump   | <input checked="" type="checkbox"/> Rain Gutters                   | <input checked="" type="checkbox"/> All Landscaping and all outdoor lighting                           |
| <input type="checkbox"/> Burglar Alarm/Security System Components and controls                               |  |  |
| <input type="checkbox"/> Current Termite contract with <u>Treated November 2015 by Maffield Pest Control</u> |  |  |

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Appraiser

87 ☒ Heat Pump Unit #1 16 Age (Approx) - New Compressor 6 years  
88 ☒ Heat Pump Unit #2 10 Age (Approx)  
89 ☐ Heat Pump Unit #3 \_\_\_\_\_ Age (Approx)  
90 ☐ Central Heating Unit #1 \_\_\_\_\_ Age ☐ Electric ☐ Gas ☐ Other  
91 ☐ Central Heating Unit #2 \_\_\_\_\_ Age ☐ Electric ☐ Gas ☐ Other  
92 ☐ Central Heating Unit #3 \_\_\_\_\_ Age ☐ Electric ☐ Gas ☐ Other  
93 ☐ Central Air Conditioning #1 \_\_\_\_\_ Age ☐ Electric ☐ Gas ☐ Other  
94 ☐ Central Air Conditioning #2 \_\_\_\_\_ Age ☐ Electric ☐ Gas ☐ Other  
95 ☐ Central Air Conditioning #3 \_\_\_\_\_ Age ☐ Electric ☐ Gas ☐ Other  
96 ☒ Water Heater #1 2 yrs Age ☒ Electric ☐ Gas ☐ Solar ☐ Other  
97 ☒ Water Heater #2 2 yrs Age ☒ Electric ☐ Gas ☐ Solar ☐ Other  
98 ☐ Other \_\_\_\_\_  
99 Garage ☒ Attached ☐ Not Attached ☐ Other  
100 Water Supply ☒ City ☒ Well ☐ Private ☐ Utility ☐ Other  
101 Gas Supply ☐ Utility ☐ Bottled ☐ Other  
102 Waste Disposal ☐ City Sewer ☒ Septic Tank ☐ Other  
103 Roof(s): Type Asphalt Shingle Age (approx): 3  
104 Other Items: \_\_\_\_\_  
105 \_\_\_\_\_  
106 \_\_\_\_\_  
107 \_\_\_\_\_

108 To the best of your knowledge, are any of the above NOT in operating condition? ☐ YES ☒ NO  
109 If YES, then describe (attach additional sheets if necessary):  
110 \_\_\_\_\_  
111 \_\_\_\_\_  
112 \_\_\_\_\_  
113 \_\_\_\_\_  
114 \_\_\_\_\_  
115 \_\_\_\_\_

116 Leased Items: Leased items that remain with the Property are (e.g. security systems, water softener systems, etc.):  
117 \_\_\_\_\_  
118 \_\_\_\_\_  
119 \_\_\_\_\_

120 If leases are not assumable, it will be Seller's responsibility to pay balance.  
121 B. ARE YOU (SELLER) AWARE OF ANY DEFECTS/MALFUNCTIONS IN ANY OF THE FOLLOWING?

	YES	NO	UNKNOWN		YES	NO	UNKNOWN
122 Interior Walls	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Roof Components	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
123 Ceilings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Basement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
124 Floors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Foundation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
125 Windows	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Slab	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
126 Doors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Driveway	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
127 Insulation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sidewalks	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
128 Plumbing System	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Central Heating	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



	YES	NO	UNKNOWN		YES	NO	UNKNOWN
129		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Heat Pump	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
130	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Central Air Conditioning	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
131	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Double Paned or Insulated Window and/or Doors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

133 If any of the above is/are marked YES, please explain:  
134

135 Please describe any repairs made by you or any previous owners of which you are aware (use separate sheet if necessary).  
136

137 **C. ARE YOU (SELLER) AWARE OF ANY OF THE FOLLOWING:**

138 1. Substances, materials or products which may be environmental hazards  
139 such as, but not limited to: asbestos, radon gas, lead-based paint, fuel  
140 or chemical storage tanks, methamphetamine, contaminated soil or  
141 water, and/or known existing or past mold presence on the subject  
142 property?

YES NO UNKNOWN  
☐ ☒ ☐

143 2. Features shared in common with adjoining land owners, such as walls, but  
144 not limited to, fences, and/or driveways, with joint rights and obligations  
145 for use and maintenance?

☐ ☒ ☐

146 3. Any authorized changes in roads, drainage or utilities affecting the  
147 property, or contiguous to the property?

☐ ☒ ☐

148 4. Any changes since the most recent survey of the property was done?  
149 Most recent survey of the property: ☒ (check here if unknown)  
150

☐ ☒ ☐

151 5. Any encroachments, easements, or similar items that may affect your  
152 ownership interest in the property?

☐ ☒ ☐

153 6. Room additions, structural modifications or other alterations or  
154 repairs made without necessary permits?

☐ ☒ ☐

155 7. Room additions, structural modifications or other alterations or  
156 repairs not in compliance with building codes?

☐ ☒ ☐

157 8. Landfill (compacted or otherwise) on the property or any portion  
158 thereof?

☐ ☒ ☐

159 9. Any settling from any cause, or slippage, sliding or other soil problems?

☐ ☒ ☐

160 10. Flooding, drainage or grading problems?

☐ ☒ ☐

161 11. Any requirement that flood insurance be maintained on the property?

☐ ☒ ☐

162 12. Is any of the property in a flood plain?

☐ ☒ ☐

163 13. Any past or present interior water intrusions(s) from outside home,  
164 standing water within foundation and/or basement?

☒ ☒ ☐

165 If yes, please explain. If necessary, please attach an additional sheet  
166 and any available documents pertaining to these repairs/corrections.

167 All have been fixed when drainage and driveway were  
168 repaired/replaced.  
169

170 14. Property or structural damage from fire, earthquake, floods, landslides,  
171 tremors, wind, storm or wood destroying organisms?

☐ ☒ ☐

172 If yes, please explain (use separate sheet if necessary).  
173  
174

175 If yes, has said damage been repaired?

☐ ☐ ☐



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	YES	NO	UNKNOWN
15. Any zoning violations, nonconforming uses and/or violations of "setback" requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Neighborhood noise problems or other nuisances?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Subdivision and/or deed restrictions or obligations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18. A Condominium/Homeowners Association (HOA) which has any authority over the subject property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Name of HOA: _____ HOA Address: _____ HOA Phone Number: _____ Monthly Dues: _____ Special Assessments: _____ Transfer Fees: _____ Management Company: _____ Phone: _____ Management Co. Address: _____			
19. Any "common area" (facilities such as, but not limited to, pools, tennis courts, walkways or other areas co-owned in undivided interest with others)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Any notices of abatement or citations against the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
21. Any lawsuit(s) or proposed lawsuit(s) by or against the seller which affects or will affect the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22. Is any system, equipment or part of the property being leased? If yes, please explain, and include a written statement regarding payment information.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
23. Any exterior wall covering of the structure(s) covered with exterior insulation and finish systems (EIFS), also known as "synthetic stucco"? If yes, has there been a recent inspection to determine whether the structure has excessive moisture accumulation and/or moisture related damage? <i>(The Tennessee Real Estate Commission urges any buyer or seller who encounters this product to have a qualified professional inspect the structure in question for the preceding concern and provide a written report of the professional's finding.)</i> If yes, please explain. If necessary, please attach an additional sheet.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
24. Is heating and air conditioning supplied to all finished rooms? If the same type of system is not used for all finished rooms, please explain.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
25. If septic tank or other private disposal system is marked under item (A), does it have adequate capacity and approved design to comply with present state and local requirements for the actual land area and number of bedrooms and facilities existing at the residence?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Permitted for 5 bedrooms
26. Is the property affected by governmental regulations or restrictions requiring approval for changes, use, or alterations to the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
27. Is this property in a historical district or has it been declared historical by any governmental authority such that permission must be obtained before certain types of improvements or aesthetic changes to the property are made?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
28. Does this property have an exterior injection well located anywhere on it?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29. Is seller aware of any percolation tests or soil absorption rates being performed on the property that are determined or accepted by the Tennessee Department of Environment and Conservation? If yes, results of test(s) and/or rate(s) are attached.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- |     |  | YES                      | NO                                  | UNKNOWN                  |
|-----|--|--------------------------|-------------------------------------|--------------------------|
| 226 | 30. Has any residence on this property ever been moved from its original           | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 227 | foundation to another foundation?  |                          |                                     |                          |
| 228 | 31. Is this property in a Planned Unit Development? Planned Unit Development       | <input type="checkbox"/> | <input checked="" type="checkbox"/> |                          |
| 229 | is defined pursuant to Tenn. Code Ann. § 66-5-213 as "an area of land,             |                          |                                     |                          |
| 230 | controlled by one (1) or more landowners, to be developed under unified            |                          |                                     |                          |
| 231 | control or unified plan of development for a number of dwelling units,             |                          |                                     |                          |
| 232 | commercial, educational, recreational or industrial uses, or any combination of    |                          |                                     |                          |
| 233 | the foregoing, the plan for which does not correspond in lot size, bulk or type    |                          |                                     |                          |
| 234 | of use, density, lot coverage, open space, or other restrictions to the existing   |                          |                                     |                          |
| 235 | land use regulations." Unknown is not a permissible answer under the statute.      |                          |                                     |                          |
| 236 | 32. Is a sinkhole present on the property? A sinkhole is defined pursuant to Tenn. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 237 | Code Ann. § 66-5-212(c) as "a subterranean void created by the dissolution of      |                          |                                     |                          |
| 238 | limestone or dolostone strata resulting from groundwater erosion, causing a        |                          |                                     |                          |
| 239 | surface subsidence of soil, sediment, or rock and is indicated through the         |                          |                                     |                          |
| 240 | contour lines on the property's recorded plat map."                                |                          |                                     |                          |

241 **D. CERTIFICATION.** I/We certify that the information herein, concerning the real property located at  
 242 1508 Van Davis Road NW Chalreston Georgetown TN 37310  
 243 is true and correct to the best of my/our knowledge as of the date signed. Should any of these conditions change prior to  
 244 conveyance of title to this property, these changes will be disclosed in an addendum to this document.

245 ☒ Transferor (Seller) Cole & BOA Date 2/29/16 Time 11:12  
 246 ☒ Transferor (Seller) Eric J. Buehler Date 3/1/16 Time 7:00 A.M.

Parties may wish to obtain professional advice and/or inspections of the property and to negotiate appropriate provisions in the purchase agreement regarding advice, inspections or defects.

252 **Transferee/Buyer's Acknowledgment:** I/We understand that this disclosure statement is not intended as a substitute for any  
 253 inspection, and that I/we have a responsibility to pay diligent attention to and inquire about those material defects which are  
 254 evident by careful observation. I/We acknowledge receipt of a copy of this disclosure.

255 Transferee (Buyer) \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_  
 256 Transferee (Buyer) \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

257 If the property being purchased is a condominium, the transferee/buyer is hereby given notice that the transferee/buyer is  
 258 entitled, upon request, to receive certain information regarding the administration of the condominium from the developer or  
 259 the condominium association as applicable, pursuant to Tennessee Code Annotated §66-27-502.

*NOTE: This form is provided by TAR to its members for their use in real estate transactions and is to be used as is. This form contains language that is in addition to the language mandated by the state of Tennessee pursuant to the disclosure requirements of the "Tennessee Residential Property Disclosure Act". Tennessee Code Annotated § 66-5-201, et seq. By downloading and/or using this form, you agree and covenant not to alter, amend, or edit said form or its contents except as where provided in the blank fields and agree and acknowledge that any such alteration, amendment or edit of said form is done at your own risk. Use of the TAR logo in conjunction with any form other than standardized forms created by TAR is strictly prohibited. This form is subject to periodic revision and it is the responsibility of the member to use the most recent available form.*

## Addendum to Exclusive Right to Sell Listing Agreement:

Item 1 A—Other items that remain with property at no additional cost to buyer:

Kitchen Refrigerator; Trash Compactor; Dishwasher; Microwave; Rug in Hall from Garage; Wall Pegs; Dinner Bell in Garden; Arbor over sidewalk; Birdhouses on Posts; Swing by Doghouse; Rug and Study Pillows in Treehouse; Pot Rack in Kitchen; Shelves in Treehouse; All Trellises in Vegetable Garden; *Ribbon Rack*

Item 1 B—Items that will NOT remain with property:

Howling Cow Farm Sign; Custom Oak Tool Cabinet in the Basement; Vacuum Unit in Basement for Dust Collection System; Electrical Converter (from single phase to three phase power); Washer and Dryer; Bench along Sidewalk;

*Kath R*  
*Callahan*