

## TENNESSEE RESIDENTIAL PROPERTY CONDITION DISCLOSURE

1 PROPERTY ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_

2 SELLER'S NAME(S) IRBY SIMPKINS MURIEL ROBINSON PROPERTY AGE \_\_\_\_\_

3 DATE SELLER ACQUIRED THE PROPERTY \_\_\_\_\_ DO YOU OCCUPY THE PROPERTY? YES

4 IF NOT OWNER-OCCUPIED, HOW LONG HAS IT BEEN SINCE THE SELLER OCCUPIED THE PROPERTY? \_\_\_\_\_

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 units  
7 to furnish to a buyer one of the following: (1) a residential property disclosure statement (the "Disclosure"), or (2) a residential  
8 property disclaimer statement (permitted only where the buyer waives the required Disclosure). Some property transfers may  
9 be exempt from this requirement (See Tenn. Code Ann. § 66-5-209). The following is a summary of the buyers' and sellers'  
10 rights and obligations under the Act. A complete copy of the Act may be found at <http://www.lexisnexis.com/hottopics/tncode/>  
11 (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 the
- 13 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 information
- 18 provided by a public agency, in lieu of responding to some or all of the questions on the form (See Tenn. Code Ann. § 66-
- 19 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 paid.
- 24 8. Sellers are not required to disclose if any occupant was HIV-positive, or had any other disease not likely to be transmitted
- 25 by occupying a home, or whether the home had been the site of a homicide, suicide or felony, or act or occurrence which
- 26 had no effect on the physical structure of the property.
- 27 9. Sellers may provide an "as is", "no representations or warranties" disclaimer statement in lieu of the Disclosure form only
- 28 if the buyer waives the right to the required disclosure, otherwise the sellers must provide the completed Disclosure form
- 29 (See Tenn. Code Ann. § 66-5-202).
- 30 10. Sellers may be exempt from having to complete the Disclosure form in certain limited circumstances (e.g. public auctions,
- 31 court orders, some foreclosures and bankruptcies, new construction with written warranty or owner has not resided on the
- 32 property at any time within the prior 3 years). (See Tenn. Code Ann. § 66-5-209).
- 33 11. Buyers are advised to include home, wood infestation, well, water sources, septic system, lead-based paint, radon, mold,
- 34 and other appropriate inspection contingencies in the contract, as the Disclosure form is not a warranty of any kind by the
- 35 seller, and is not a substitute for any warranties or inspections the buyer may desire to purchase.
- 36 12. Any repair of disclosed defects must be negotiated and addressed in the Purchase and Sale Agreement; otherwise, seller is
- 37 not required to repair any such items.
- 38 13. Buyers may, but do not have to, waive their right to receive the Disclosure form from the sellers if the sellers provide a
- 39 disclaimer statement with no representations or warranties (See Tenn. Code Ann. § 66-5-202).
- 40 14. Remedies for misrepresentations or nondisclosure in a Property Condition Disclosure statement may be available to buyer
- 41 and are set out fully in Tenn. Code Ann. § 66-5-208. Buyer should consult with an attorney regarding any such matters.

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- 42 15. Representations in the Disclosure form are those of the sellers only, and not of any real estate licensee, although licensees  
43 are required to disclose to all parties adverse facts of which the licensee has actual knowledge or notice.
- 44 16. Pursuant to Tenn. Code Ann. § 47-18-104(b), sellers of newly constructed residences on a septic system are prohibited  
45 from knowingly advertising or marketing a home as having more bedrooms than are permitted by the subsurface sewage  
46 disposal system permit.
- 47 17. Sellers must disclose the presence of any known exterior injection well, the presence of any known sinkhole(s), the results  
48 of any known percolation test or soil absorption rate performed on the property that is determined or accepted by the  
49 Department of Environment and Conservation, and whether the property is located within a Planned Unit Development as  
50 defined by Tenn. Code Ann. § 66-5-213 and, if requested, provide buyers with a copy of the development's restrictive  
51 covenants, homeowner bylaws and master deed. Sellers must also disclose if they have knowledge that the residence has  
52 ever been moved from an existing foundation to another foundation.

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

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

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

#### INSTRUCTIONS TO THE SELLER

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

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

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Range  | <input type="checkbox"/> Wall/Window Air Conditioning   | <input type="checkbox"/> Garage Door Opener(s) (Number of openers ____) |
| <input type="checkbox"/> Window Screens  | <input checked="" type="checkbox"/> Oven  | <input checked="" type="checkbox"/> Fireplace(s) (Number) <u>1</u>      |
| <input type="checkbox"/> Intercom  | <input checked="" type="checkbox"/> Microwave   | <input checked="" type="checkbox"/> Gas Starter for Fireplace           |
| <input checked="" type="checkbox"/> Garbage Disposal                                     | <input type="checkbox"/> Gas Fireplace Logs   | <input checked="" type="checkbox"/> TV Antenna/Satellite Dish           |
| <input type="checkbox"/> Trash Compactor   | <input checked="" type="checkbox"/> Smoke Detector/Fire Alarm   | <input type="checkbox"/> Central Vacuum System and attachments          |
| <input checked="" type="checkbox"/> Spa/Whirlpool Tub                                    | <input checked="" type="checkbox"/> Burglar Alarm   | <input type="checkbox"/> Current Termite contract                       |
| <input type="checkbox"/> Water Softener  | <input checked="" type="checkbox"/> Patio/Decking/Gazebo  | <input type="checkbox"/> Hot Tub  |
| <input type="checkbox"/> 220 Volt Wiring   | <input checked="" type="checkbox"/> Installed Outdoor Cooking Grill   | <input checked="" type="checkbox"/> Washer/Dryer Hookups                |
| <input type="checkbox"/> Sauna   | <input type="checkbox"/> Irrigation System  | <input type="checkbox"/> Pool   |
| <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"/> Heat Pump                           |
| <input checked="" type="checkbox"/> Central Heating                                      | <input checked="" type="checkbox"/> Central Air   |   |
| <input checked="" type="checkbox"/> Water Heater   | <input checked="" type="checkbox"/> Electric  | <input checked="" type="checkbox"/> Gas                                 |
| <input type="checkbox"/> Other _____   |   | <input type="checkbox"/> Solar  |
|  | <input type="checkbox"/> Other _____  |   |
| Garage: <input type="checkbox"/> Attached <input type="checkbox"/> Not Attached          | <input checked="" type="checkbox"/> Carport   |   |
| Water Supply: <input type="checkbox"/> City <input type="checkbox"/> Well                | <input checked="" type="checkbox"/> Private <input type="checkbox"/> Utility <input type="checkbox"/> Other _____ |   |
| Gas Supply: <input type="checkbox"/> Utility <input type="checkbox"/> Bottled            | <input type="checkbox"/> Other _____  |   |
| Waste Disposal: <input type="checkbox"/> City Sewer <input type="checkbox"/> Septic Tank | <input type="checkbox"/> Other _____  |   |

90 Roof(s): Type \_\_\_\_\_ Age (approx): 14 yrs

91 Other Items: \_\_\_\_\_

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To the best of your knowledge, are any of the above NOT in operating condition? ☐ YES ☒ NO

If YES, then describe (attach additional sheets if necessary):

If leases are not assumable, it will be Seller's responsibility to pay balance.

**B. ARE YOU (SELLER) AWARE OF ANY DEFECTS/MALFUNCTIONS IN ANY OF THE FOLLOWING?**

	YES	NO	UNKNOWN		YES	NO	UNKNOWN
Interior Walls	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Roof	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ceilings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Basement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Floors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Foundation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Windows	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Slab	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Doors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Driveway	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Insulation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sidewalks	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Plumbing System	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Central Heating	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sewer/Septic	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Heat Pump	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Electrical System	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Central Air Conditioning	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Exterior Walls	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				

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

	YES	NO	UNKNOWN
1. Substances, materials or products which may be environmental hazards such as, but not limited to: asbestos, radon gas, lead-based paint, fuel or chemical storage tanks, methamphetamine, contaminated soil or water, and/or known existing or past mold presence on the subject property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Features shared in common with adjoining land owners, such as walls, but not limited to, fences, and/or driveways, with joint rights and obligations for use and maintenance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Any authorized changes in roads, drainage or utilities affecting the property, or contiguous to the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Any changes since the most recent survey of the property was done? Most recent survey of the property: _____ (Date)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Any encroachments, easements, or similar items that may affect your ownership interest in the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Room additions, structural modifications or other alterations or repairs made without necessary permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Room additions, structural modifications or other alterations or repairs not in compliance with building codes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Landfill (compacted or otherwise) on the property or any portion thereof?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	YES	NO	UNKNOWN
9. Any settling from any cause, or slippage, sliding or other soil problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Flooding, drainage or grading problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Any requirement that flood insurance be maintained on the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

137	12. Any past or present interior water intrusions(s) from outside home,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
138	standing water within foundation and/or basement?			
139	If yes, please explain. If necessary, please attach an additional sheet			
140	and any available documents pertaining to these repairs/corrections.			
141	<div style="border: 1px solid black; height: 30px;"></div>			
142				
143				
144	13. Property or structural damage from fire, earthquake, floods, landslides,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
145	tremors, wind, storm or wood destroying organisms?			
146	If yes, please explain (use separate sheet if necessary).			
147	<div style="border: 1px solid black; height: 30px;"></div>			
148				
149	If yes, has said damage been repaired?			
150	14. Is the property serviced by a fire department?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
151	If yes, in what fire department's service area is the property located?			
152				
153	Is the property owner subject to charges or fees for fire protection,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
154	such as subscriptions, association dues or utility fees?			
155	15. Any zoning violations, nonconforming uses and/or violations of	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
156	"setback" requirements?			
157	16. Neighborhood noise problems or other nuisances?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
158	17. Subdivision and/or deed restrictions or obligations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
159	18. A Condominium/Homeowners Association (HOA) which has any authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
160	over the subject property?			
161	Name of HOA: _____	HOA Address: _____		
162	HOA Phone Number: _____	Monthly Dues: _____		
163	Special Assessments: _____	Transfer Fees: _____		
164	Management Company: _____	Phone: _____		
165	Management Co. Address: _____			
166	19. Any "common area" (facilities such as, but not limited to, pools, tennis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
167	courts, walkways or other areas co-owned in undivided interest with others)?			
168	20. Any notices of abatement or citations against the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
169	21. Any lawsuit(s) or proposed lawsuit(s) by or against the seller which affects	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
170	or will affect the property?			
171	22. Is any system, equipment or part of the property being leased?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
172	If yes, please explain, and include a written statement regarding payment			
173	information.			
174	<div style="border: 1px solid black; height: 30px;"></div>			
175				
176	23. Any exterior wall covering of the structure(s) covered with exterior	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
177	insulation and finish systems (EIFS), also known as "synthetic stucco"?			
178	If yes, has there been a recent inspection to determine whether the structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
179	has excessive moisture accumulation and/or moisture related damage?			
180	<i>(The Tennessee Real Estate Commission urges any buyer or seller who encounters this product to have a qualified</i>			
181	<i>professional inspect the structure in question for the preceding concern and provide a written report of the professional's</i>			
182	<i>finding.)</i>			
183	If yes, please explain. If necessary, please attach an additional sheet.			
184	<div style="border: 1px solid black; height: 30px;"></div>			
185				
186	24. Is heating and air conditioning supplied to all finished rooms?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
187	If the same type of system is not used for all finished rooms, please explain.			
188	<div style="border: 1px solid black; height: 30px;"></div>			
189				
190				



- |   | YES                                 | NO                                  | UNKNOWN                  |
|---|-------------------------------------|-------------------------------------|--------------------------|
| 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"/> |
| 26. 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"/> |
| 27. Is there an exterior injection well anywhere on the property?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 28. 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"/> |
| 29. Has any residence on this property ever been moved from its original foundation to another foundation?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 30. Is this property in a Planned Unit Development? Planned Unit Development is defined pursuant to Tenn. Code Ann. § 66-5-213 as "an area of land, controlled by one (1) or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk or type of use, density, lot coverage, open space, or other restrictions to the existing land use regulations." Unknown is not a permissible answer under the statute. | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 31. Is a sinkhole present on the property? A sinkhole is defined pursuant to Tenn. Code Ann. § 66-5-212(c) as "a subterranean void created by the dissolution of limestone or dolostone strata resulting from groundwater erosion, causing a surface subsidence of soil, sediment, or rock and is indicated through the contour lines on the property's recorded plat map."   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**D. CERTIFICATION.** I/We certify that the information herein, concerning the real property located at

is true and correct to the best of my/our knowledge as of the date signed. Should any of these conditions change prior to conveyance of title to this property, these changes will be disclosed in an addendum to this document.

Transferor (Seller) Poly Stephens dotloop verified 01/03/19 4:36 PM CST XICW-E7NC-MPIG-B4UG Date \_\_\_\_\_ Time \_\_\_\_\_

Transferor (Seller) Murriel Robinson Date \_\_\_\_\_ Time \_\_\_\_\_

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.

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

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

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

If the property being purchased is a condominium, the transferee/buyer is hereby given notice that the transferee/buyer is entitled, upon request, to receive certain information regarding the administration of the condominium from the developer or 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.*

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