

No. 1 Quality Realty

TENNESSEE RESIDENTIAL PROPERTY CONDITION DISCLOSURE

1 PROPERTY ADDRESS 6595 Clay County Highway 7 CITY Celina, TN
2 SELLER'S NAME(S) Hugh Davenport & Terry Davenport PROPERTY AGE 1979
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.
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.

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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 type="checkbox"/> Garage Door Opener(s) (Number of openers _____) |
| <input checked="" type="checkbox"/> Window Screens | <input checked="" 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 type="checkbox"/> Garbage Disposal | <input checked="" type="checkbox"/> Gas Fireplace Logs | <input 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 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 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 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"/> Solar |
| <input checked="" type="checkbox"/> Other <u>Whole Home Water Filter</u> | <input type="checkbox"/> Other _____ | |
| Garage: <input type="checkbox"/> Attached <input type="checkbox"/> Not Attached | <input type="checkbox"/> Carport | |
| Water Supply: <input type="checkbox"/> City <input type="checkbox"/> Well | <input type="checkbox"/> Private <input checked="" type="checkbox"/> Utility <input type="checkbox"/> Other _____ | |
| Gas Supply: <input checked="" type="checkbox"/> Utility <input type="checkbox"/> Bottled | <input type="checkbox"/> Other _____ | |
| Waste Disposal: <input type="checkbox"/> City Sewer <input checked="" type="checkbox"/> Septic Tank | <input type="checkbox"/> Other _____ | |

Roof(s): Type CS Age (approx): 16 30 yr shingles

Other Items:

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

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95 If YES, then describe (attach additional sheets if necessary):
96
97
98

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

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

		YES	NO	UNKNOWN		YES	NO	UNKNOWN
101	Interior Walls	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Roof	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
102	Ceilings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Basement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
103	Floors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Foundation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
104	Windows	<input checked="" type="checkbox"/>	<input type="checkbox"/> 2 Small, modern		Slab	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
105	Doors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Driveway	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
106	Insulation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sidewalks	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
107	Plumbing System	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Central Heating	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
108	Sewer/Septic	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Heat Pump	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
109	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"/>
110	Exterior Walls	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				

111 If any of the above is/are marked YES, please explain:
112

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

	YES	NO	UNKNOWN
114 1. Substances, materials or products which may be environmental hazards 115 such as, but not limited to: asbestos, radon gas, lead-based paint, fuel 116 or chemical storage tanks, contaminated soil or 117 water, on the subject 118 property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
119 2. Features shared in common with adjoining land owners, such as walls, but 120 not limited to, fences, and/or driveways, with joint rights and obligations 121 for use and maintenance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
122 3. Any authorized changes in roads, drainage or utilities affecting the 123 property, or contiguous to the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
124 4. Any changes since the most recent survey of the property was done? 125 Most recent survey of the property: _____ (Date)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
126 5. Any encroachments, easements, or similar items that may affect your 127 ownership interest in the property?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> present to rear property owner	<input type="checkbox"/>
128 6. Room additions, structural modifications or other alterations or 129 repairs made without necessary permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
130 7. Room additions, structural modifications or other alterations or 131 repairs not in compliance with building codes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
132 8. Landfill (compacted or otherwise) on the property or any portion 133 thereof?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
134 9. Any settling from any cause, or slippage, sliding or other soil problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
135 10. Flooding, drainage or grading problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
136 11. Any requirement that flood insurance be maintained on the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
137 12. Property or structural damage from fire, earthquake, floods, or landslides?, 138 If yes, please explain (use separate sheet if necessary).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

139
140
141 If yes, has said damage been repaired? _____

142 13. Is the property serviced by a fire department? ☒ YES ☐ NO ☐ UNKNOWN

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143 If yes, in what fire department's service area is the property located?

Moss VFD

144 Is the property owner subject to charges or fees for fire protection,
145 such as subscriptions, association dues or utility fees?

☐ ☒ Voluntary ☐

147 14. Any zoning violations, nonconforming uses and/or violations of
148 "setback" requirements?

☐ ☒ ☐

149 15. Neighborhood noise problems or other nuisances?

☐ ☒ ☐

150 16. Subdivision and/or deed restrictions or obligations?

☐ ☒ ☐

151 17. A Condominium/Homeowners Association (HOA) which has any authority
152 over the subject property?

153 Name of HOA: _____

HOA Address: _____

154 HOA Phone Number: _____

Monthly Dues: _____

155 Special Assessments: _____

Transfer Fees: _____

156 Management Company: _____

Phone: _____

157 Management Co. Address: _____

158 18. Any "common area" (facilities such as, but not limited to, pools, tennis
159 courts, walkways or other areas co-owned in undivided interest with others)?

☐ ☒ ☐

160 19. Any notices of abatement or citations against the property?

☐ ☒ ☐

161 20. Any lawsuit(s) or proposed lawsuit(s) by or against the seller which affects
162 or will affect the property?

☐ ☒ ☐

163 21. Is any system, equipment or part of the property being leased?

☐ ☒ ☐

164 If yes, please explain, and include a written statement regarding payment
165 information.

166 22. Any exterior wall covering of the structure(s) covered with exterior
167 insulation and finish systems (EIFS), also known as "synthetic stucco"?

☐ ☒ ☐

169 If yes, has there been a recent inspection to determine whether the structure
170 has excessive moisture accumulation and/or moisture related damage?

☐ ☐ ☐

171 *(The Tennessee Real Estate Commission urges any buyer or seller who encounters this product to have a qualified*
172 *professional inspect the structure in question for the preceding concern and provide a written report of the professional's*
173 *finding.)*

174 If yes, please explain. If necessary, please attach an additional sheet.

175 23. Is there an exterior injection well anywhere on the property?

☐ ☒ ☐

178 24. Is seller aware of any percolation tests or soil absorption rates being
179 performed on the property that are determined or accepted by
180 the Tennessee Department of Environment and Conservation?
181 If yes, results of test(s) and/or rate(s) are attached.

☐ ☒ ☐

182 25. Has any residence on this property ever been moved from its original
183 foundation to another foundation?

☐ ☒ ☐

184 26. Is this property in a Planned Unit Development? Planned Unit Development
185 is defined pursuant to Tenn. Code Ann. § 66-5-213 as "an area of land,
186 controlled by one (1) or more landowners, to be developed under unified control
187 or unified plan of development for a number of dwelling units, commercial,
188 educational, recreational or industrial uses, or any combination of the
189 foregoing, the plan for which does not correspond in lot size, bulk or type of
190 use, density, lot coverage, open space, or other restrictions to the existing land
191 use regulations." Unknown is not a permissible answer under the statute.

☐ ☒ ☐

192 27. Is a sinkhole present on the property? A sinkhole is defined pursuant to Tenn.
193 Code Ann. § 66-5-212(c) as "a subterranean void created by the dissolution of
194 limestone or dolostone strata resulting from groundwater erosion, causing a
195 surface subsidence of soil, sediment, or rock and is indicated through the
196 contour lines on the property's recorded plat map."

☒ ☐ ☐

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

200 6595 Clay County Highway Celina, TN

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

203 Transferor (Seller) [Signature] Date 2/22/19 Time 12:00

204 Transferor (Seller) [Signature] Date 2/22/19 Time 12:00 noon

205 Parties may wish to obtain professional advice and/or inspections of the property and to negotiate
206 appropriate provisions in the purchase agreement regarding advice, inspections or defects.
207

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

211 Transferee (Buyer) _____ Date _____ Time _____

212 Transferee (Buyer) _____ Date _____ Time _____

213 If the property being purchased is a condominium, the transferee/buyer is hereby given notice that the transferee/buyer is
214 entitled, upon request, to receive certain information regarding the administration of the condominium from the developer or
215 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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