



# SELLER'S DISCLOSURE AND CONDITION OF PROPERTY ADDENDUM

(Land)

(IF PROPERTY IS IMPROVED, USE IN CONJUNCTION WITH THE APPROPRIATE SELLER'S  
DISCLOSURE AND CONDITION OF PROPERTY ADDENDUM)

**SELLER** (Indicate Marital Status): Jeffrey E. Cakin and Angeline M. Cakin, a married couple

**LEGAL DESCRIPTION:** (As described in the attached Legal Description/Company Disclosure Addendum, or described below)

3161 Florida Road, Pomona, KS 66076

Approximate date SELLER purchased Property: . Property is currently zoned as .

## 1. NOTICE TO SELLER.

Be as complete and accurate as possible when answering the questions in this disclosure. Attach additional sheets if space is insufficient for all applicable comments. SELLER understands that the law requires disclosure of any material defects, known to SELLER, in the Property to prospective Buyer(s) and that failure to do so may result in civil liability for damages. This disclosure statement is designed to assist SELLER in making these disclosures. Licensee(s), prospective buyers and buyers will rely on this information.

## 2. NOTICE TO BUYER.

This is a disclosure of SELLER'S knowledge of the Property as of the date signed by SELLER and is not a substitute for any inspections or warranties that BUYER may wish to obtain. It is not a warranty of any kind by SELLER or a warranty or representation by the Broker(s) or their licensees.

## 3. WATER SOURCE.

- a. Is there a water source on or to the Property? ..... Yes ☒ No ☐  
☐ Public ☐ Private ☒ Well ☐ Cistern ☐ None ☐ Other \_\_\_\_\_  
If well, state type unk depth unk  
Has water been tested? ..... Yes ☒ No ☐  
b. Other water systems and their condition: \_\_\_\_\_  
c. Is there a water meter on the Property? ..... Yes ☐ No ☒  
d. Is there a rural water certificate? ..... Yes ☐ No ☒  
e. Other applicable information: \_\_\_\_\_

If any of the answers in this section are "Yes", explain in detail or attach documentation:

See Attached Form

## 4. GAS/ELECTRIC.

- a. Is there electric service on the Property? ..... Yes ☒ No ☐  
If "Yes", is there a meter? ..... N/A ☐ Yes ☒ No ☐  
b. Is there gas service on the Property? ..... Yes ☐ No ☒  
If "Yes", what is the source? \_\_\_\_\_  
c. Are you aware of any additional costs to hook up utilities? ..... Yes ☐ No ☒  
d. Other applicable information: \_\_\_\_\_

If any of the answers in this section are "Yes", explain in detail or attach documentation:

See Attached Form

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**5. LAND (SOILS, DRAINAGE AND BOUNDARIES). ARE YOU AWARE OF:**

- a. The Property or any portion thereof being located in a flood zone, wetlands area or proposed to be located in such as designated by FEMA which requires flood insurance? ..... Yes ☐ No ☒
- b. Any drainage or flood problems on the Property or adjacent properties? ..... Yes ☐ No ☒
- c. Any neighbors complaining Property causes drainage problems? ..... Yes ☐ No ☒
- d. The Property having had a stake survey? ..... Yes ☒ No ☐
- e. Any boundaries of the Property being marked in any way? ..... Yes ☒ No ☐
- f. Having an Improvement Location Certificate (ILC) for the Property? ..... Yes ☐ No ☒
- g. Any fencing/gates on the Property? ..... Yes ☒ No ☐  
If "Yes", does fencing/gates belong to the Property? ..... Yes ☒ No ☐
- h. Any encroachments, boundary line disputes, or non-utility easements affecting the Property? ..... Yes ☐ No ☒
- i. Any expansive soil, fill dirt, sliding, settling, earth movement, upheaval, or earth stability problems that have occurred on the Property or in the immediate vicinity? ..... Yes ☐ No ☒
- j. Any diseased, dead, or damaged trees or shrubs on the Property? ..... Yes ☒ No ☐
- k. Other applicable information: \_\_\_\_\_

If any of the answers in this section are "Yes" explain in detail or attach all warranty information and other documentation:

See Attached Form

**6. SEWAGE.**

- a. Does the Property have any sewage facilities on or connected to it? ..... Yes ☒ No ☐  
If "Yes", are they:  
☐ Public Sewer ☐ Private Sewer ☐ Septic System ☒ Cesspool  
☒ Lagoon ☐ Grinder Pump ☐ Other \_\_\_\_\_  
If applicable, when last serviced? July 2021  
By whom? Wadwitz Service LLC  
Approximate location of septic tank and/or absorption field: Approximately 150 yards East of the house  
Has Property had any surface or subsurface soil testing related to installation of sewage facility? ..... N/A ☐ Yes ☐ No ☒
- b. Are you aware of any problems relating to the sewage facilities? ..... Yes ☐ No ☒

If any of the answers in this section are "Yes", explain in detail or attach all warranty information and other documentation:

See Attached Form

**7. LEASEHOLD AND TENANT'S RIGHTS, INTERESTS, INCLUDING GAS AND OIL LEASES. (Check and complete applicable box(es))**

- a. Are there leasehold interests in the Property? ..... Yes ☐ No ☒  
If "Yes", complete the following:  
Lessee is: \_\_\_\_\_  
Contact number is: \_\_\_\_\_  
Seller is responsible for: \_\_\_\_\_  
Lessee is responsible for: \_\_\_\_\_  
Split or Rent is: \_\_\_\_\_  
Agreement between Seller and Lessee shall end on or before: \_\_\_\_\_  
☐ Copy of Lease is attached.

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- b. Are there tenant's rights in the Property? ..... Yes ☐ No ☒
- If "Yes", complete the following:
- Tenant/Tenant Farmer is: \_\_\_\_\_
- Contact number is: \_\_\_\_\_
- Seller is responsible for: \_\_\_\_\_
- Tenant/Tenant Farmer is responsible for: \_\_\_\_\_
- Split or Rent is: \_\_\_\_\_
- Agreement between Seller and Tenant shall end on or before: \_\_\_\_\_
- ☐ Copy of Agreement is attached.
- c. Do additional leasehold interests or tenant's rights exist? ..... Yes ☐ No ☒
- If "Yes", explain: \_\_\_\_\_

8. MINERAL RIGHTS (unless superseded by local, state or federal laws).

- ☐ Pass unencumbered with the land to the Buyer.
- ☐ Remain with the Seller.
- ☐ Have been previously assigned as follows: None Known

9. WATER RIGHTS (unless superseded by local, state or federal laws).

- ☐ Pass unencumbered with the land to the Buyer.
- ☐ Remain with the Seller.
- ☐ Have been previously assigned as follows: None Known

10. CROPS (planted at time of sale).

- ☐ Pass with the land to the Buyer.
- ☐ Remain with the Seller.
- ☐ Have been previously assigned as follows: N/A

11. GOVERNMENT PROGRAMS.

- a. Are you currently participating, or do you intend to participate, in any government farm program? ..... Yes ☐ No ☒
- b. Are you aware of any interest in all or part of the Property that has been reserved by previous owner or government action to benefit any other property? ..... Yes ☐ No ☒

If any of the answers in this section are "Yes", explain in detail or attach documentation:

12. HAZARDOUS CONDITIONS. ARE YOU AWARE OF:

- a. Any underground storage tanks on or near Property? ..... Yes ☐ No ☒
- b. Any previous or current existence of hazardous conditions (e.g., storage tanks, oil tanks, oil spills, tires, batteries, or other hazardous conditions)? ..... Yes ☐ No ☒
- If "Yes", what is the location? \_\_\_\_\_
- c. Any previous environmental reports (e.g., Phase 1 Environmental reports)? ..... Yes ☐ No ☒
- d. Any disposal of any hazardous waste products, chemicals, polychlorinated biphenyl's (PCB's), hydraulic fluids, solvents, paint, illegal or other drugs or insulation on the Property or adjacent property? ..... Yes ☐ No ☒
- e. Environmental matters (e.g. discoloration of soil or vegetation or oil sheers in wet areas)? ..... Yes ☐ No ☒
- f. Any existing hazardous conditions on the Property or adjacent properties (e.g. methane gas, radon gas, radioactive material, landfill, toxic materials)? ..... Yes ☐ No ☒

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- g. Gas/oil wells, lines or storage facilities on the Property or adjacent property? ..... Yes ☐ No ☒
- h. Any other environmental conditions on the Property or adjacent properties? ..... Yes ☐ No ☒
- i. Any tests conducted on the Property? ..... Yes ☐ No ☒

If any of the answers in this section are "Yes" explain in detail or attach documentation:

**13. OTHER MATTERS. ARE YOU AWARE OF:**

- a. Any violation of zoning, setbacks or restrictions, or non-conforming use? ..... Yes ☐ No ☒
- b. Any violation of laws or regulations affecting the Property? ..... Yes ☐ No ☒
- c. Any existing or threatened legal action pertaining to the Property? ..... Yes ☐ No ☒
- d. Any litigation or settlement pertaining to the Property? ..... Yes ☐ No ☒
- e. Any current/pending bonds, assessments, or special taxes that apply to the Property? ..... Yes ☐ No ☒
- f. Any burial grounds on the Property? ..... Yes ☐ No ☒
- g. Any abandoned wells on the Property? ..... Yes ☐ No ☒
- h. Any public authority contemplating condemnation proceedings? ..... Yes ☐ No ☒
- i. Any government rule limiting the future use of the Property other than existing zoning and subdivision regulations? ..... Yes ☐ No ☒
- j. Any condition or proposed change in surrounding area or received any notice of such? ..... Yes ☐ No ☒
- k. Any government plans or discussion of public projects that could lead to special benefit assessment against the Property or any part thereof? ..... Yes ☐ No ☒
- l. Any unrecorded interests affecting the Property? ..... Yes ☐ No ☒
- m. Anything that would interfere with passing clear title to the Buyer? ..... Yes ☐ No ☒
- n. The Property being subject to a right of first refusal? ..... Yes ☐ No ☒  
If "Yes", number of days required for notice: \_\_\_\_\_
- o. The Property subject to a Homeowner's Association fee? ..... Yes ☐ No ☒
- p. Any other conditions that may materially and adversely affect the value or desirability of the Property? ..... Yes ☐ No ☒
- q. Any other condition that may prevent you from completing the sale of the Property? ..... Yes ☐ No ☒

If any of the answers in this section are "Yes", explain in detail or attach documentation:

**14. UTILITIES.** Identify the name and phone number for utilities listed below.

Electric Company Name: Evergy Phone #: 1800 383 1183

Gas Company Name: N/A Phone #: \_\_\_\_\_

Water Company Name: N/A Phone #: \_\_\_\_\_

Other: \_\_\_\_\_ Phone #: \_\_\_\_\_

**15. ELECTRONIC SYSTEMS AND COMPONENTS.**

Any technology or systems staying with the Property? ..... N/A ☐ Yes ☐ No ☒

If "Yes", list:

Upon Closing, SELLER will provide Buyer with codes and passwords, or items will be reset to factory settings.

The undersigned SELLER represents, to the best of their knowledge, the information set forth in the foregoing Disclosure Statement is accurate and complete. SELLER does not intend this Disclosure Statement to be a warranty or guarantee of any kind. SELLER hereby authorizes Licensee assisting SELLER to provide this information to prospective BUYER of the Property and to real estate brokers and licensees. **SELLER will promptly notify Licensee assisting the SELLER, in writing, if any information in this disclosure changes prior to Closing, and Licensee assisting the SELLER will promptly notify Licensee assisting the BUYER, in writing, of such changes. (SELLER and BUYER initial and date any changes and/or any list of additional changes. If attached, # \_\_\_\_\_ of pages).**


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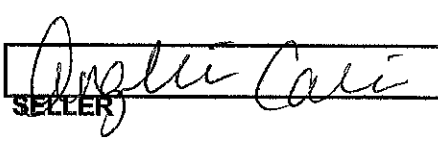
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 BUYER

CAREFULLY READ THE TERMS HEREOF BEFORE SIGNING. WHEN SIGNED BY ALL PARTIES, THIS DOCUMENT BECOMES PART OF A LEGALLY BINDING CONTRACT. IF NOT UNDERSTOOD, CONSULT AN ATTORNEY BEFORE SIGNING.


 08/03/23  
SELLER DATE

 8/3/23  
SELLER DATE

**BUYER ACKNOWLEDGEMENT AND AGREEMENT**

1. I understand and agree the information in this form is limited to information of which SELLER has actual knowledge and SELLER need only make an honest effort at fully revealing the information requested.
2. This Property is being sold to me without warranties or guaranties of any kind by SELLER, Broker(s) or Licensees concerning the condition or value of the Property.
3. I agree to verify any of the above information, and any other important information provided by SELLER or Broker(s) (including any information obtained through the Multiple Listing Service) by an independent investigation of my own. I have been specifically advised to have the Property examined by professional inspectors. Buyer assumes responsibility Property is suitable for their intended use.
4. I acknowledge neither SELLER nor Broker(s) is an expert at detecting or repairing physical defects in the Property.
5. I specifically represent there are no important representations concerning the condition or value of the Property made by SELLER or Broker(s) on which I am relying except as may be fully set forth in writing and signed by them.

  
BUYER DATE

  
BUYER DATE

Approved by Legal Counsel of the Kansas City Regional Association of REALTORS® for exclusive use by its REALTOR® members. No warranty is made or implied as to the legal validity or adequacy of this Contract, or that it complies in every respect with the law or that its use is appropriate for all situations. Local law, customs and practices, and differing circumstances in each transaction may dictate that amendments to this Contract be made. Last revised 10/21. All previous versions of this document may no longer be valid. Copyright January 2023.

**3161 FLORIDA RD POMONA, KS 66076**

**SELLER'S DISCLOSURE AND CONDITION OF PROPERTY ADDENDUM  
(LAND)**

**SECTION 3:** The home has well water. The well pump house is located in the front yard of the home. The well has a submersible pump and a pressure tank. The well house is fully insulated and comes with heat lamps and installed heat tape with thermostat for the winters. We had the water tested prior to our purchase. The water from the well is our favorite water to drink.

**SECTION 4:** The property had electric. The electric service extends down to the shop, which also has it's own breaker box. Most of the outlets in the shop are 120V but there is a 220V outlet for a welder or larger appliance. The outside lean-to areas also have lighting and electrical outlets.

**SECTION 5:** The property has an owned partial fence along the North edge of the property. The neighbor to the North recently installed an additional barbed wire fence along the North boundary of the property.

The East boundary has an older barbed wire fence along it. The South boundaries have fence posts and possibly still some of the survey markers along the property line. There are some small sections of fence along the south border that may still remain, but it's mainly marked by fence posts.

The property was surveyed by the previous owners prior to us purchasing the home. When we purchased the home, there were survey markers along the boundaries. We did not disturb or remove any of the ones in the East field and timber. They may still be there, or they may have been destroyed by nature over time.

There are many trees and bushes throughout the property. Some trees in the back timber have died or may currently be dying. None in large numbers. We are unaware of any disease effecting any of the flora on the property. Just nature and natural succession.

There is a shared pond on the property to the North of the house. The pond contains channel catfish, green sunfish, bluegill, brown bullheads, black crappie, golden shiners, goldfish, crawfish, snapping turtles, red eared slider turtles, bullfrogs, leopard frogs, and a few largemouth bass. We have stocked the pond with additional fish mentioned above throughout the years.

The creek that divides the property always has water in it. There are small minnows and darters that inhabit the creek. We never tried catching them.

As for wildlife, there is tons of it. Lots and lots of whitetail deer. They used to come up to the shop area where we kept our dogs and tease them. When we first purchased the home we put a feeder in the back timber with a trail camera. Lots of does and some decent bucks at that time. We never did hunt the deer because we saw them so often they felt like pets. We stopped using the feeder and trail camera years ago. The field surrounding the lagoon is basically a food plot. The previous owners had horses there and planted white clover, chicory, and brome grass. We have kept it mowed so the chicory and white clover have done well.

Lots and lots of turkeys. They have a roost along the timber in the back. We did hunt those when we first moved there and found it to easy to kill them. They will also routinely walk into the yard and field. There is a hen that nests every year below the pond dam under the cedars.

We have plenty of raccoons, opossums, red foxes, owls, hawks, and song birds throughout the property. We have occasionally seen a bobcat every now and then. There are 2 coveys of quail that are routinely on the property. One is located in the back field to the East and the other stays in the brush and tree line to the south and west.

In the summer we get a lot of green tree frogs that like to stick onto the house near the porch and garage lights to eat bugs. We like to watch them.

If you are looking for wild edibles, during the spring this is the place for morel mushrooms. Starting in late March and going through April there are morels everywhere in the back timber and along the creek edge. We even have them pop up in the yard next to the firepit and shop.

#### **SELLERS**



**JEFFREY CAKIN**



**ANGELINE CAKIN**