

# NOTICE OF AGENCY RELATIONSHIP

When working with a real estate agent in buying or selling real estate West Virginia Law requires that you be informed of whom the agent is representing in the transaction.

The agent may represent the seller, the buyer, or both. The party represented by the agent is known as the agent's principal and as such, the agent owes the principal the duty of utmost care, integrity, honesty and loyalty.

Regardless of whom they represent, the agent has the following duties to both the buyer and the seller in any transaction:

- \* Diligent exercise of reasonable skill and care in the performance of the agent's duties.
- \* A duty of honest and fair dealing and good faith.
- \* Must offer all property without regard to race, color, religion, sex, ancestry, physical or mental handicap, national origin or familial status.
- \* Must promptly present all written offers to the owner.
- \* Provide a true legible copy of every contract to each person signing the contract.

The agent is not obligated to reveal to either party any confidential information obtained from the other party which does not involve the affirmative duties set forth above.

Should you desire to have a real estate agent represent you as your agent, you should enter into a written contract that clearly establishes the obligations of both parties. If you have any questions about the roles and responsibilities of a real estate agent, they can provide information upon your request.

In compliance with the West Virginia Real Estate License Act, all parties are hereby notified that:

(printed name of agent) Jane Wilson, affiliated with

(firm name) Adrian Properties WV, LLC, is acting as agent of:

- The Seller, as listing agent or subagent.  The Buyer, as the buyer's agent.  
 Both the Seller and Buyer, with the full knowledge and consent of both parties.

## CERTIFICATION

By signing below, the parties certify that they have read and understand the information contained in this disclosure and have been provided with signed copies prior to signing any contract.

<u>Brynda Badgett</u>	<u>8/28/24</u>		
Seller	Date	Buyer	Date
Seller	Date	Buyer	Date
Seller	Date	Buyer	Date

I hereby certify that I have provided the above named individuals with a copy of this form prior to signing any contract.

Agent's Signature Jane Wilson

Date 8/28/24

WV Real Estate Commission  
300 Capitol Street, Suite 400  
Charleston, WV 25301  
304.558.3555  
<www.wvrec.org>

This form has been promulgated by the WVREC for required use by all West Virginia real estate licensees.



# Property Condition Disclosure Statement

Name of Seller or Sellers: Brynda J. Badgett

Property Address: 6323 Staunton Turnpike, Davisville WV 26142

### General Instructions:

The Property Condition Disclosure Act requires the seller of residential real property to cause this disclosure statement or a copy thereof to be delivered to a buyer or buyer's agent prior to the signing by the buyer of a binding contract of sale.

### Purpose of Statement:

This is a statement of certain conditions and information concerning the property known to the seller. This Disclosure Statement is not a warranty of any kind by the seller or by any agent representing the seller in this transaction. It is not a substitute for any inspections or tests and the buyer is encouraged to obtain his or her own independent professional inspections and environmental tests and also is encouraged to check public records pertaining to the property.

A knowingly false or incomplete statement by the seller on this form may subject the seller to claims by the buyer prior to or after the transfer of title. In the event a seller fails to perform the duty prescribed in this article to deliver a Disclosure Statement prior to the signing by the buyer of a binding contract of sale, the buyer shall receive upon the transfer of title a credit of \$500 against the agreed upon purchase price of the residential real property.

"Residential real property" means real property improved by a one to four family dwelling used or occupied, or intended to be used or occupied, wholly or partly, as the home or residence of one or more persons, but shall not refer to (a) unimproved real property upon which such dwellings are to be constructed or (b) condominium units or cooperative apartments or (c) property on a homeowners' association that is not owned in fee simple by the seller.

### Instructions to the Seller:

- a. Answer all questions based upon your actual knowledge.
- b. Attach additional pages with your signature if additional space is required.
- c. Complete this form yourself.
- d. If some items do not apply to your property, check "NA" (Non-applicable). If you do not know the answer check "Unkn" (Unknown).

### Seller's Statement:

The seller makes the following representations to the buyer based upon the seller's actual knowledge at the time of signing this document. The seller authorizes his or her agent, if any, to provide a copy of this statement to a prospective buyer of the residential real property. The following are representations made by the seller and are not the representations of the seller's agent.

### GENERAL INFORMATION

- 1. How long have you owned the property? ..... 17 or 18 yrs.
- 2. How long have you occupied the property? ..... the 17 or 18 yrs.
- 3. What is the age of the structure or structures? ..... 26 yrs.  
*Note to buyer – If the structure was built before 1978 you are encouraged to investigate for the presence of lead based paint..*
- 4. Does anybody other than yourself have a lease, easement or any other right to use or occupy any part of your property other than those stated in documents available in the public record, such as rights to use a road or path or cut trees or crops? .....  Yes  No  Unkn  NA
- 5. Does anybody else claim to own any part of your property? *If Yes, explain below* .....  Yes  No  Unkn  NA

# Property Condition Disclosure Statement

6. Has anyone denied you access to the property or made a formal legal claim challenging your title to the property? *If Yes, explain below* .....  Yes  No  Unkn  NA

7. Are there any features of the property shared in common with adjoining landowners or a homeowner's association, such as walls, fences or driveways? *If Yes, describe below* .....  Yes  No  Unkn  NA

8. Are there any electric or gas utility surcharges for line extensions, special assessments or homeowner or other association fees that apply to the property? *If Yes, explain below* .....  Yes  No  Unkn  NA

9. Are there certificates of occupancy related to the property? *If No, explain below* .....  Yes  No  Unkn  NA

## ENVIRONMENTAL

### Note to Seller:

In this section, you will be asked questions regarding petroleum products and hazardous or toxic substances that you know to have been spilled, leaked or otherwise been released on the property or from the property onto any other property. Petroleum products may include, but are not limited to, gasoline, diesel fuel, home heating fuel, and lubricants. Hazardous or toxic substances are products that could pose short or long-term danger to personal health or the environment if they are not properly disposed of, applied or stored. These include, but are not limited to, fertilizers, pesticides and insecticides, paint including paint thinner, varnish remover and wood preservatives, treated wood, construction materials such as asphalt and roofing materials, antifreeze and other automotive products, batteries, cleaning solvents including septic tank cleaners, household cleaners and pool chemicals and products containing mercury and lead.

### Note to Buyer:

If contamination of this property from petroleum products and/or hazardous or toxic substances is a concern to you, you are urged to consider soil and groundwater testing of this property.

10. Is any or all of the property located in a designated floodplain? *If Yes, explain below* .....  Yes  No  Unkn  NA

11. Is any or all of the property located in a designated wetland? *If Yes, explain below* .....  Yes  No  Unkn  NA

12. Is the property located in an agricultural district? *If Yes, explain below* .....  Yes  No  Unkn  NA

13. Was the property ever the site of a landfill? *If Yes, explain below* .....  Yes  No  Unkn  NA

# Property Condition Disclosure Statement

14. Are there or have there ever been fuel storage tanks above or below the ground on the property? .....  Yes  No  Unkn  NA
- If Yes, are they currently in use? .....  Yes  No  Unkn  NA
  - Location(s) \_\_\_\_\_
  - Are they leaking or have they ever leaked? *If Yes, explain below* .....  Yes  No  Unkn  NA
15. Is there asbestos in the structure? *If Yes, state location or locations below* .....  Yes  No  Unkn  NA
16. Is lead plumbing present? *If Yes, state location or locations below* .....  Yes  No  Unkn  NA
17. Has a radon test been done? *If Yes, attach a copy of the report* .....  Yes  No  Unkn  NA
18. Has motor fuel, motor oil, home heating fuel, lubricating oil or any other petroleum product, methane gas, or any hazardous or toxic substance spilled, leaked or otherwise been released on the property or from the property onto any other property? *If Yes, describe below* .....  Yes  No  Unkn  NA
19. Has the property been tested for the presence of motor fuel, motor oil, home heating fuel, lubricating oil, or any other petroleum product, methane gas, or any hazardous or toxic substance? *If Yes, attach report(s)* .....  Yes  No  Unkn  NA

## STRUCTURAL

20. Is there any rot or water damage to the structure or structures? *If Yes, explain below* .....  Yes  No  Unkn  NA
21. Is there any fire or smoke damage to the structure or structures? *If Yes, explain below* .....  Yes  No  Unkn  NA
22. Is there any termite, insect, rodent or pest infestation or damage? *If Yes, explain below* ...  Yes  No  Unkn  NA
23. Has the property been tested for termite, insect, rodent or pest infestation or damage? .....  Yes  No  Unkn  NA  
*If Yes, please attach report(s)*
24. What is the type of roof/roof covering (slate, asphalt, other)? ..... Metal Roof
- Any known material defects? ..... N
  - How old is the roof? ..... 4 years

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• Is there a transferable warrantee on the roof in effect now? *If Yes, explain below* . . . . .  Yes  No  Unkn  NA

25. Are there any know material defects in any of the following structural systems: footings, beams, girders, lintels, columns or partitions? *If Yes, explain below* . . . . .  Yes  No  Unkn  NA

## MECHANICAL SYSTEMS AND SERVICES

26. What is the water source? (*Circle all that apply*) . . . . . well, private, municipal, other: Claywood Water

• If municipal, is it metered? . . . . .  Yes  No  Unkn  NA

27. Has the water quality and/or flow rate been tested? *If Yes, describe below* . . . . .  Yes  No  Unkn  NA

28. What is the type of sewage system? (*Circle all that apply*) . . . . . public sewer, private sewer, septic, cesspool

- If septic or cesspool, age? . . . . . \_\_\_\_\_
- Date last pumped? . . . . . \_\_\_\_\_
- Frequency of pumping? . . . . . \_\_\_\_\_
- Any known material defects? *If Yes, explain below* . . . . .  Yes  No  Unkn  NA

29. Who is your electrical service provider? . . . . . \_\_\_\_\_

- What is the amperage? . . . . . \_\_\_\_\_
- Does it have circuit breakers or fuses? . . . . . Breakers
- Private or public poles? . . . . . Public
- Any known material defects? *If yes, explain below* . . . . .  Yes  No  Unkn  NA

30. Are there any flooding, drainage or grading problems that resulted in standing water on any portion of the property? *If Yes, state locations and explain below* . . . . .  Yes  No  Unkn  NA

31. Does the basement have seepage that results in standing water? *If Yes, explain below* . . . . .  Yes  No  Unkn  NA  
no basement - Has a crawl space

Are there any known material defects in any of the following? *If Yes, explain below. Use additional sheets if necessary* . . . . .

32. Plumbing system? . . . . .  Yes  No  Unkn  NA

33. Security system? . . . . . No Security system  Yes  No  Unkn  NA

34. Carbon monoxide detector? . . . . . No Carbon monoxide detector  Yes  No  Unkn  NA

*Property Condition Disclosure Statement*

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**Seller's Certification:**

Seller certifies that the information in this Property Condition Disclosure Statement is true and complete to the seller's actual knowledge as of the date signed by the seller. If a seller of residential real property acquires knowledge which renders materially inaccurate a Property Condition Disclosure Statement provided previously, the seller shall deliver a revised Property Condition Disclosure Statement to the buyer as soon as practicable. In no event, however, shall a seller be required to provide a revised Property Condition Disclosure Statement after the transfer of title from the seller to the buyer or occupancy by the buyer, whichever is earlier.

*Seller's Signature*

X Brynda Badgett

Date 8-28-24

*Seller's Signature*

X \_\_\_\_\_

Date \_\_\_\_\_

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**Buyer's Acknowledgment:**

Buyer acknowledges receipt of a copy of this statement and buyer understands that this information is a statement of certain conditions and information concerning the property known to the seller. It is not a warranty of any kind by the seller or seller's agent and is not a substitute for any home, pest, radon or other inspections or testing of the property or inspection of the public records.

*Buyer's Signature*

X \_\_\_\_\_

Date \_\_\_\_\_

*Buyer's Signature*

X \_\_\_\_\_

Date \_\_\_\_\_

**Property Condition Disclosure Statement**

- 35. Smoke detector? .....  Yes  No  Unkn  NA
- 36. Fire sprinkler system? .....  Yes  No  Unkn  NA
- 37. Sump pump? ..... *new put in July*  Yes  No  Unkn  NA
- 38. Foundation/slab? .....  Yes  No  Unkn  NA
- 39. Interior walls/ceilings? .....  Yes  No  Unkn  NA
- 40. Exterior walls or siding? .....  Yes  No  Unkn  NA
- 41. Floors? .....  Yes  No  Unkn  NA
- 42. Chimney/fireplace or stove? .....  Yes  No  Unkn  NA
- 43. Patio/deck? .....  Yes  No  Unkn  NA
- 44. Driveway? .....  Yes  No  Unkn  NA
- 45. Air conditioner? .....  Yes  No  Unkn  NA
- 46. Heating system? .....  Yes  No  Unkn  NA
- 47. Hot water heater? .....  Yes  No  Unkn  NA

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48. The property is located in the following school district Kanawha Elementary, All wood  Unkn  
County public & Christian schools

**Note:** Buyer is encouraged to check public records concerning the property (e.g. tax records and wetland and floodplain maps).

*The seller should use this area to further explain any item above. If necessary, attach additional pages and indicate here the number of additional pages attached.*

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Seller Badgett

Buyer \_\_\_\_\_

Property 6323 Staunton Turnpike, Davisville WV 26142

**OIL, GAS & MINERALS, FREE GAS RIGHTS, LEASING RIGHTS,  
TIMBER OR TIMBER RIGHTS**

**NOTICE TO BUYERS AND SELLERS OF REAL ESTATE**

This Real Estate Brokerage firm(s) and its agent(s) are limited in the assistance they can offer when you sell or purchase real estate with oil, gas and mineral rights, free gas rights, leasing rights, timber or timber rights.

When listing real estate for sale, we must rely on the Seller's knowledge of any such rights they own and whether or not they wish to convey those rights. It is beyond the area of expertise of this Brokerage and its agents to recommend a fair market value for any oil, gas and minerals, free gas rights, leasing rights, timber or timber rights. If you are selling or buying real estate with any such rights, we recommend that you seek expert advice on the value of such rights.

When purchasing real estate you may be purchasing only the surface rights, or you may be purchasing the surface with some part of or all of the oil, gas and mineral rights which the seller owns. To determine that ownership requires a title examination back to or before the Civil War era. A title search for the transfer of real estate generally provides certification from the Title Company that you are receiving good, marketable title to the SURFACE, AND ONLY THE SURFACE, which certification is generally based on a 60-year title examination.

If you purchase real estate, there may be oil, gas and mineral leases in place that affect that ownership. Further, if someone else owns the oil, gas and minerals they may have leased or in the future may lease the oil, gas and minerals and may mine or drill to develop the oil, gas and minerals, and may have certain rights to use the surface so as to extract the oil, gas and minerals. If, before making a purchase, you want to know more about the oil, gas and minerals or about surface owners' rights, you may find these websites informative:  
<http://www.wvsoro.org> or <http://www.oogeep.org>

The owners of the surface and the owners of the oil, gas and minerals have correlative rights to use the same property; however, in the exercise of those rights each owner has duties to accommodate one another and to act with due regard for the rights of one another; to avoid unreasonable interference; to use methods which are least destructive to the other owner; and in some instances, adopt alternate means where other means reasonably exist.

READ, UNDERSTOOD, AND AGREED:

Bryanda Badgett 8/28/24  
Seller Date Buyer Date

[Signature] 8/28/24  
Listing Agent Date Selling Agent Date