

RESIDENTIAL SELLER DISCLOSURE ADVISORY

Document updated:
February 2023



WHEN IN DOUBT – DISCLOSE!



Arizona law requires the seller to disclose material (important) facts about the property, even if you are not asked by the buyer or a real estate agent. These disclosure obligations remain even if you and the buyer agree that no Seller's Property Disclosure Statement ("SPDS") will be provided.

The SPDS is designed to assist you, the seller, in making these legally required disclosures and to avoid inadvertent nondisclosures of material facts. To satisfy your disclosure obligations and protect yourself against alleged nondisclosure, you should complete the SPDS by answering all questions as truthfully and as thoroughly as possible. Attach copies of any available invoices, receipts, permits, warranties, inspection reports, and leases, to ensure that you are disclosing accurate information. Use the blank lines to explain your answers. If you do not have the personal knowledge to answer a question, it is important not to guess – use the blank lines to explain the situation.



If the buyer asks you about an aspect of the property, you have a duty to disclose the information, even if you do not consider the information material.* You also have a legal duty to disclose facts when disclosure is necessary to prevent a previous statement from being misleading or misrepresented: for example, if something changes.

If you do not make the legally required disclosures, you may be subject to civil liability. Under certain circumstances, nondisclosure of a fact is the same as saying that the fact does not exist. Therefore, nondisclosure may be given the same legal effect as fraud.

Note: These disclosures are warranties that survive closing.

If you are using the Arizona Association of REALTORS® ("AAR") Residential Resale Real Estate Purchase Contract, the seller is required to deliver "a completed AAR Residential SPDS form to the Buyer within three (3) days after Contract acceptance." If the Seller does not provide the SPDS as the Contract requires, the Seller is potentially in breach of the Contract, thereby enabling the Buyer to cancel the transaction and receive the earnest money deposit.

* By law, sellers are not obligated to disclose that the property is or has been: (1) a site of a natural death, suicide, homicide, or any other crime classified as a felony; (2) owned or occupied by a person exposed to HIV, or diagnosed as having AIDS or any other disease not known to be transmitted through common occupancy of real estate; or (3) located in the vicinity of a sex offender. However, the law does not protect a seller who makes an intentional misrepresentation. For example, if you are asked whether there has been a death on the property and you know that there was such a death, you should not answer "no" or "I don't know." Instead you should either answer truthfully or respond that you are not legally required to answer the question.

R RESIDENTIAL SELLER'S PROPERTY DISCLOSURE STATEMENT (SPDS) *(To be completed by Seller)*

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The pre-printed portion of this form has been drafted by the Arizona Association of REALTORS®. Any change in the pre-printed language of this form must be made in a prominent manner. No representations are made as to the legal validity, adequacy and/or effects of any provision, including tax consequences thereof. If you desire legal, tax or other professional advice, please consult your attorney, tax advisor or professional consultant.



MESSAGE TO THE SELLER:

Sellers are obligated by law to disclose all known material (important) facts about the Property to the Buyer. The SPDS is designed to assist you in making these disclosures. If you know something important about the Property that is not addressed on the SPDS, add that information to the form. Prospective Buyers may rely on the information you provide.

INSTRUCTIONS: (1) Complete this form yourself. (2) Answer all questions truthfully and as fully as possible. (3) Attach all available supporting documentation. (4) Use explanation lines as necessary. (5) If you do not have the personal knowledge to answer a question, use the explanation lines to explain. By signing on page 9, you acknowledge that the failure to disclose known material information about the Property may result in liability.

MESSAGE TO THE BUYER:

Although Sellers are obligated to disclose all known material (important) facts about the Property, there are likely facts about the Property that the Sellers do not know. Therefore, it is important that you take an active role in obtaining information about the Property.

INSTRUCTIONS: (1) Review this form and any attachments carefully. (2) Verify all important information. (3) Ask about any incomplete or inadequate responses. (4) Inquire about any concerns not addressed on the SPDS. (5) Review all other applicable documents, such as CC&R's, association bylaws, surveys, rules, and the title report or commitment. (6) Obtain professional inspections of the Property. (7) Investigate the surrounding area.

THE FOLLOWING ARE REPRESENTATIONS OF THE SELLER(S) AND ARE NOT VERIFIED BY THE BROKER(S) OR AGENT(S).

PROPERTY AND OWNERSHIP

- As used herein, "Property" shall mean the real property and all fixtures and improvements thereon and appurtenances incidental thereto, plus fixtures and personal property described in the Contract.

3. **LEGAL OWNER(S) OF PROPERTY:** Patricia Beliles

4. **Date Acquired:** 4/7/2021

5. **PROPERTY ADDRESS:** 8700 E. University Dr #548 Mesa AZ 85207
(STREET ADDRESS) (CITY) (STATE) (ZIP)

6. Does the Property include any leased land? Yes No

7. Explain: _____

8. **NOTICE TO SELLER:** Arizona law imposes certain requirements on the sale or lease of subdivided and unsubdivided land or lots. If a sale involves six or more parcels, lots, or fractional interests being sold, certain requirements are imposed on the Seller for a Subdivision Public Report. Information may be obtained by contacting the Arizona Department of Real Estate, A.R.S. 32-2101 (56) and (57).

11. Are you aware if the Property is located in an unincorporated area of the county? Yes No If yes, and five or fewer parcels of land other than subdivided land are being transferred, the Seller must furnish the Buyer with a written Affidavit of Disclosure in the form required by law.

13. The Property is currently (Check all that apply): Owner-occupied Rental/Leased Estate Vacant If vacant, how long? _____

14. Other: _____ Explain: _____

15. If a rental property, how long? _____ Expiration date of current lease: _____ (Attach a copy of the lease if available.)

16. If any refundable deposits or prepaid rents are being held, by whom and how much? Explain: _____

18. Are you aware of any regulations surrounding length of time for rentals? Yes No Explain: _____

20. Is the legal owner(s) of the Property a foreign person pursuant to the Foreign Investment in Real Property Tax Act (FIRPTA)?

21. Yes No If yes, consult a tax advisor; mandatory withholding may apply.

22. Is the Property located in a community defined as an age restricted community? Yes No

23. Explain: 55+ Resort

24. Approximate year built: 1994 If the Property was built prior to 1978, Seller must furnish the Buyer with a lead-based paint disclosure form.

25. Are you aware if the Property is designated as a historic home or located in a historic district? (A.A.C. R12-6-301) Yes No

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BUYER BUYER

Residential Seller's Property Disclosure Statement (SPDS) >>

NOTICE TO BUYER: If the Property is in a subdivision, a subdivision public report, which contains a variety of information about the subdivision at the time the subdivision was approved, may be available by contacting the Arizona Department of Real Estate or the homebuilder. The public report information may be outdated. www.azdre.gov

26. YES NO
29. Have you entered into any agreement to transfer your interest in the Property in any way, including rental renewals or options to purchase? Explain: _____
30. _____
31. Are you aware if there are any association(s) regulating the Property? If yes, Mandatory Voluntary (if no, skip to line 40.)
32. If yes, provide contact(s) information: Name: ELS management Phone #: 480 373-8700
33. Name: _____ Phone #: _____
34. If yes, are there any fees? How much? \$ 4785.14 How often? every 6 months
35. How much? \$ under, trash How often? monthly
36. Are you aware if the Property has any association(s) notices of potential violation(s) or unresolved violation(s)?
37. Explain: _____
38. Are you aware of any pending or anticipated disputes or litigation regarding the Property or the association(s)?
39. Explain: _____
40. Are you aware of any of the following recorded against the Property? (Check all that apply):
41. Judgment liens Tax liens Notice of Default Other non-consensual liens
42. Explain: _____
43. Are you aware of any assessments affecting the Property? (Check all that apply):
44. Paving Sewer Water Electric Other _____
45. Explain: _____
46. Are you aware of any of the following title issues affecting the Property? (Check all that apply):
47. Recorded easements Use restrictions Lot line disputes Encroachments Variance(s)
48. Unrecorded easements Use permits Other _____
49. Explain: _____
50. Are you aware if the Property is located within the boundaries of a Community Facilities District (CFD)? (If no, skip to line 54.)
51. If yes, provide the name of the CFD: _____
52. If yes, are there any fees? How much? \$ _____ How often? _____
53. The CFD fees are Included in the Property Taxes Paid Separately
54. Are you aware of any public or private use paths or roadways on or across the Property? Explain: _____
55. _____
56. Are you aware of any problems with legal or physical access to the Property? Explain: _____
57. _____
58. The road/street access to the Property is maintained by the County City Homeowners' Association
59. Privately Not Maintained
60. If privately maintained, is there a road maintenance agreement? (Attach agreement if available.)
61. Explain: _____
62. Are you aware of any notices of potential violation(s) or unresolved violation(s) of any of the following? (Check all that apply):
63. Zoning Building Codes Utility Service Sanitary health regulations Municipal Ordinances
64. Covenants, Conditions, Restrictions (CC&R's) Other _____ (Attach a copy of notice(s) if available.)
65. Explain: _____

66. **NOTICE TO BUYER:** Your claims history, your credit report, the Property's claims history, occupancy and other factors may affect the insurability of the Property and at what cost. Under Arizona law, your insurance company may cancel your homeowner's insurance within 60 days after the effective date. Contact your insurance company.

69. Are you aware of any homeowner's insurance claims having been filed against the Property?
 70. Explain: _____

BUILDING AND SAFETY INFORMATION

YES NO

71. **ROOF / STRUCTURAL:**

72. **NOTICE TO BUYER:** Contact a professional to verify the condition of the roof.

73. Approximate age of roof? don't know

74. Are you aware of any past or present roof leaks? Explain: _____

76. Are you aware of any other past or present roof problems? Explain: _____

78. Are you aware of any roof repairs? Explain: _____

80. Is there a roof warranty? (Attach a copy of warranty if available.)

81. If yes, is the roof warranty transferable? Cost to transfer: _____

82. Are you aware of any interior wall/ceiling/door/window/floor problems? Explain: _____

84. Are you aware of any past or present cracks or settling involving the foundation, exterior walls or slab? Explain: _____

86. Are you aware of any chimney or fireplace problems, if applicable? Explain: _____

88. Are you aware of any damage to any structure on the Property by any of the following? (Check all that apply):

Flood Fire Wind Expansive soil(s) Water Hill Other _____

90. Explain: _____

WOOD INFESTATION:

NOTICE TO BUYER: Contact Office of Pest Management for past termite reports or treatment history on file. <https://agriculture.az.gov>

94. Are you aware of any of the following:

95. Past presence of termites or other wood destroying organisms on the Property?

96. Current presence of termites or other wood destroying organisms on the Property?

97. Past or present damage to the Property by termites or other wood destroying organisms?

98. Explain: _____

100. Are you aware of past or present treatment(s) of the Property for termites or other wood destroying organisms? (If no, skip to line 105.)

101. If yes, date last treatment was performed: _____

102. Name of treatment provider(s): _____

103. Is there a treatment warranty? (Attach a copy of warranty if available.)

104. If yes, is the treatment warranty transferable? Cost to transfer: _____

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YES NO

105. **HEATING & COOLING:**
106. Heating: Type(s) _____
107. Approximate Age(s) _____
108. Cooling: Type(s) _____
109. Approximate Age(s) _____
110. Are you aware of any past or present problems with the heating or cooling system(s)?
111. Explain: _____
112. **PLUMBING:**
113. Are you aware of the type of water pipes, such as galvanized, copper, PVC, CPVC, PEX or polybutylene?
114. If yes, identify: _____
115. Are you aware of any past or present plumbing problems? Explain: _____
116. _____
117. Are you aware of any water pressure problems? Explain: _____
118. Type of water heater(s): Gas Electric Solar Tankless Approx. Age(s): _____
119. Are you aware of any past or present water heater problems? Explain: _____
120. _____
121. Is there a landscape watering system? If yes, type: Automatic Timer Manual Both *part operated*
122. If yes, are you aware of any past or present problems with the landscape watering system?
123. Explain: _____
124. Are there any water treatment systems? (Check all that apply):
125. Water Filtration Reverse Osmosis Water Softener Other _____
126. Is water treatment system(s) Owned Leased (Attach a copy of lease if available.)
127. Are you aware of any past or present problems with the water treatment system(s)?
128. Explain: _____
129. **SWIMMING POOL/SPA/HOT TUB/SAUNA/WATER FEATURE:**
130. Does the Property contain any of the following? (Check all that apply):
131. Swimming pool Spa Hot tub Sauna Water feature
132. If yes, are either of the following heated? Swimming pool Spa If yes, type of heat: _____
133. Are you aware of any past or present problems relating to the swimming pool, spa, hot tub, sauna or water feature?
134. Explain: _____
135. Are you aware if a swimming pool was: Removed Capped/decked over Filled
136. Explain: _____
137. Do you lease any pool equipment? Explain: _____
138. _____
139. **ELECTRICAL AND OTHER RELATED SYSTEMS:**
140. Are you aware of the type of wiring? (Check all that apply): Copper Aluminum Other _____
141. Are you aware of any past or present problems with the electrical system? Explain: _____
142. _____
143. Is there a charging station for an electric vehicle? If yes, Owned Leased (Attach a copy of lease if available.)
144. Is there a security system? If yes, is it (Check all that apply):
145. Owned Leased (Attach a copy of lease if available.) Monitored Other _____
146. Are you aware of any past or present problems with the security system? Explain: _____
147. _____

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UTILITIES/SERVICES

190. DOES THE PROPERTY CURRENTLY RECEIVE THE FOLLOWING SERVICES?

YES	NO	NAME OF PROVIDER
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Cable / Satellite: _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Electricity: <u>SRP</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fire: _____
		<input type="checkbox"/> Public <input type="checkbox"/> Private
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Flood Irrigation: _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fuel: <input type="checkbox"/> Natural gas <input type="checkbox"/> Propane <input type="checkbox"/> Oil
		If propane tank, <input type="checkbox"/> Owned <input type="checkbox"/> Leased (Attach a copy of lease if available.)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Garbage Collection: <u>SRP</u>
		<input checked="" type="checkbox"/> Public <input type="checkbox"/> Private
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Internet: _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Telephone: _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Water Source: <u>Through ELS network</u>
		<input type="checkbox"/> Public <input type="checkbox"/> Private water co. <input type="checkbox"/> Hauled water
		<input type="checkbox"/> Private well <input type="checkbox"/> Shared well If water source is a private or shared well, complete and attach Domestic Water Well/Water Use Addendum.

NOTICE TO BUYER: If the Property is served by a well, private water company or a municipal water provider, the Arizona Department of Water Resources may not have made a water supply determination. For more information about water supply, or any of the above services, contact the provider.

209. Are you aware of any past or present drinking water problems? Explain: _____

210. _____

211. U.S. Postal Service delivery is available at: Property Post Office Other _____

212. Cluster Mailbox, Box Number 548 Location Civic Center post-office

213. Are there any alternate power systems serving the Property? (If no, skip to line 224.)

214. If yes, indicate type (Check all that apply):

215. Solar Wind Generator Other _____

216. Are you aware of any past or present problems with the alternate power system(s)? Explain: _____

217. _____

218. Are any alternate power systems serving the Property leased? Explain: _____

219. _____

220. If yes, provide name and phone number of the leasing company (Attach copy of lease if available.): _____

221. _____

NOTICE TO BUYER: If the Property is served by a solar system, Buyer is advised to read all pertinent documents and review the cost, insurability, operation, and value of the system, among other items.

SEWER/WASTEWATER TREATMENT

YES	NO	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	224. Is the entire Property connected to a sewer?
<input type="checkbox"/>	<input type="checkbox"/>	225. If no, is a portion of the Property connected to a sewer? Explain: _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	227. If the entire Property or a portion of the Property is connected to a sewer, are you aware if a professional verified the sewer connection? If yes, how and when: _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	229. Is there a lift pump? Explain: _____

230. NOTICE TO BUYER: Contact a professional to conduct a sewer verification test.

YES NO

231. Type of sewer: Public Private Planned and approved sewer system, but not connected

232. Name of Provider: MCSA

233. Are you aware of any past or present problems with the sewer? Explain: _____

234. Is the Property served by a septic/On-Site Wastewater Treatment Facility? (If no, skip to line 250.)

235. If yes, the Facility is: Conventional septic system Alternative system; type: _____

236. Number of Facilities: _____

237. If the Facility is an alternative system, is it currently being serviced under a maintenance contract?

238. If yes, name of contractor: _____ Phone #: _____

239. Approximate year Facility was installed: _____ (Attach copy of permit if available.)

240. Are you aware of any repairs or alterations made to this Facility since original installation?

241. Explain: _____

242. _____

243. Approximate date of last Facility inspection and/or pumping of septic tank: _____

244. Are you aware of any past or present problems with the Facility? Explain: _____

245. _____

246. Are you aware if a Facility was: Abandoned Capped Removed

247. Explain: _____

248. NOTICE TO SELLER AND BUYER: The Arizona Department of Environmental Quality requires a Pre-Transfer Inspection of On-Site Wastewater Treatment Facilities on re-sale properties.

249.

ENVIRONMENTAL INFORMATION

YES NO

250. Are you aware of any past or present issues or problems with any of the following on the Property? (Check all that apply):

251. Soil settlement/expansion Drainage/grade Erosion Fissures Dampness/moisture Other

252. Explain: _____

253. Are you aware of any past or present issues or problems in close proximity to the Property related to any of the

254. following? (Check all that apply):

255. Soil settlement/expansion Drainage/grade Erosion Fissures Other _____

256. Explain: _____

257. NOTICE TO BUYER: The Arizona Department of Real Estate provides earth fissure maps to any member of the public in printed or electronic format upon request and on its website at www.azre.gov.

258. Are you aware if the Property is subject to any present or proposed effects of any of the following? (Check all that apply):

259. Airport noise Traffic noise Rail line noise Neighborhood noise Landfill Toxic waste disposal

260. Odors Nuisances Sand/gravel operations Other _____

261. Explain: _____

262. Are you aware if any portion of the Property has ever been used as a "Clandestine drug laboratory" (manufacture of,

263. or storage of, chemicals or equipment used in manufacturing methamphetamine, ecstasy or LSD)?

264. Are you aware if the Property is located in the vicinity of a public or private airport?

265. Explain: _____

266. _____

YES NO

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NOTICE TO SELLER AND BUYER: Pursuant to Arizona law a Seller shall provide a written disclosure to the Buyer if the Property is located in territory in the vicinity of a military airport or ancillary military facility as delineated on a map prepared by the State Land Department. The Department of Real Estate also is obligated to record a document at the County Recorder's Office disclosing if the Property is under restricted air space and to maintain the State Land Department Military Airport Map on its website at www.azre.gov.

- 272. YES NO Is the Property located in the vicinity of a military airport or ancillary military facility?
Explain: _____
- 274. YES NO Are you aware of the presence of any of the following on the Property, past or present? (Check all that apply):
 Asbestos Radon gas Lead-based paint Pesticides Underground storage tanks Fuel/chemical storage
 Explain: _____
- 277. YES NO Are you aware if the Property is located within or subject to any of the following ordinances? (Check all that apply):
 Superfund / WQARF / CERCLA Wetlands area Natural Area Open Spaces
- 279. YES NO Are you aware of any open mine shafts/tunnels or abandoned wells on the Property?
 If yes, describe location: _____
- 281. YES NO Are you aware if any portion of the Property is in a flood plain/way? Explain: _____
- 283. YES NO Are you aware of any portion of the Property ever having been flooded? Explain: _____
- 285. YES NO Are you aware of any water damage or water leaks of any kind on the Property? Explain: _____
- 287. YES NO Are you aware of any past or present mold growth on the Property? Explain: _____

NOTICE TO BUYER: Your mortgage lender [may] [will] require you to purchase flood insurance in connection with your purchase of this property. The National Flood Insurance Program provides for the availability of flood insurance and establishes flood insurance policy premiums based on the risk of flooding in the area where properties are located. Recent changes to federal law (The Biggert-Waters Flood Insurance Reform Act of 2012 and the Homeowner Flood Insurance Affordability Act of 2014, in particular) will result in changes to flood insurance premiums that are likely to be higher, and in the future may be substantially higher, than premiums paid for flood insurance prior to or at the time of sale of the property. As a result, purchasers of property should not rely on the premiums paid for flood insurance on this property previously as an indication of the premiums that will apply after completion of the purchase. In considering purchase of this property you should consult with one or more carriers of flood insurance for a better understanding of flood insurance coverage, current and anticipated future flood insurance premiums, whether the prior owner's policy may be assumed by a subsequent purchaser of the property, and other matters related to the purchase of flood insurance for the property. You may also wish to contact the Federal Emergency Management Agency (FEMA) for more information about flood insurance as it relates to this property.

OTHER CONDITIONS AND FACTORS

- 303. What other material (important) information are you aware of concerning the Property that might affect the Buyer's decision-making
- 304. process, the value of the Property, or its use? Explain: _____
- 305. _____

ADDITIONAL EXPLANATIONS

- 306. _____
- 307. _____
- 308. _____

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