

**201 KAR 11:350. Seller's disclosure of property conditions form.**

RELATES TO: KRS 324.360

STATUTORY AUTHORITY: KRS 324.281(5), 324.282, 324.360(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 324.360(2) requires the Kentucky Real Estate Commission to promulgate an administrative regulation authorizing a "seller's disclosure of conditions form" and KRS 324.360(3) sets forth matters which the form shall contain and allows the inclusion of additional matters. This administrative regulation establishes the required "Seller Disclosure of Property Condition" form required by KRS 324.360.

Section 1. The "Seller Disclosure of Property Condition" form established in Section 2 of this administrative regulation shall be completed and signed as required by KRS 324.360 by a seller of residential real estate.

Section 2. "The Seller Disclosure of Property Condition" form shall be in the following format:

**"SELLER DISCLOSURE OF PROPERTY CONDITION"**

The information in this form is only for the period the undersigned owned the property beginning **July 1, 1999 to August 27, 2006.**

**4213 Gaudet Road, Jeffersontown, KY 40299:**

This form applies to sales and purchases of residential real estate.

This form is not required for:

1. Residential purchases of new homes if a warranty is offered;
2. Sales of real estate at auction; or
3. A court supervised foreclosure.

PURPOSE OF STATEMENT: Completion of this form shall satisfy the requirements of KRS 324.360 which mandates the seller's disclosure of information about the property he is about to sell. This disclosure is based solely on the seller's observation and knowledge of the property's condition and the improvements thereon. This statement shall not be a warranty by the seller or seller's agent and shall not be intended as a substitute for an inspection or warranty the purchaser may wish to obtain.

INSTRUCTIONS TO THE SELLER: (1) Complete all numbered items. (2) Report all known conditions affecting the property. (3) Attach additional pages, if necessary, with your signature and date and time of signing. (4) Complete this form yourself or sign the authorization at the end of this form to authorize the licensee to complete this form on your behalf in accordance with KRS 324.360(9). (5) If some items do not apply to your property, write "not applicable". (6) If you do not know the answer to a question, write "unknown".

SELLER'S DISCLOSURE: As seller, I/we disclose the following information regarding the property. This information is true and accurate to the best of my/our knowledge as of the date signed. Seller authorizes the agent to provide a copy of this statement to a person or entity in connection with actual or anticipated sale of the property or as otherwise provided by law. The following are not the representations of the agent.

Please answer all questions. If the answer is yes, please explain. If additional space is needed, use the reverse side or make attachments.

1. HOUSE SYSTEMS	Yes	No	Unknown	Action / status
Any past or current problems affecting:				
(a) Plumbing	x			Exterior main repaired, upstairs tub drain repaired. Master shower needs regrouting
(b) Electrical system		x		

(c) Appliances		x		
(d) Floors and wall	x			Laundry room wall & ceiling repaired
(e) Doors and windows	x			Some window locks not functional
(f) Ceiling and attic fans		x		
(g) Security system			NA	
(h) Sump pump	x			Replaced Jan 06
(i) Chimneys, fireplaces, inserts		x		Furnace chimney has small leak during heavy rain. Catch basin placed.
(j) Pool, hot tubs, sauna		x		
(k) Sprinkler system			NA	
(l) Heating: age	x			Filter sensor replaced /original unit 1998
(m) Cooling/air conditioning: age		x		Original equipment (1998)
Explain: Main water break outside home repaired. Small drain leak in upstairs BA when using tub. Leak repaired Jul, 06.				
<b>2. FOUNDATION/STRUCTURE/BASEMENT</b>				
(a) Any defects or problems, current or past, to the foundation or slab?	x			Front corner settling – steel piers installed w/ lifetime 0 vertical movement warrantee. Aug. 2004 - Alph Kaufman
(b) Any defects or problems, current or past, to the structure or exterior veneer?	x			Brick veneer tuck pointed to repair surface cracks due to above.
Explain: No basement leaks or cracking. Settling effected veneer and was repaired				
(c) Has the basement leaked at any time since you have owned or lived in the property?		x		
(d) When was the last time the basement leaked?			NA	
(e) Have you ever had any repairs done to the basement?		x		
(f) If you have had repairs done to the basement relative to leaking, when was the repair performed?			NA	
Explain:				
(g) If the basement presently leaks, how often does it leak? (e.g., every time it rains, only after an extremely heavy rain, etc.)			NA	
(h) Have you experienced, or are you aware of, any water or drainage problems with regard to the crawl space?			NA	
<b>3. ROOF</b>				

(a) Age of the roof?				1998
(b)1. Has the roof leaked at any time since you have owned or lived in the property?		x		
2. When was the last time the roof leaked?			NA	
(c)1. Have you ever had any repairs done to the roof?		x		
2. If you have ever had the roof repaired, when was the repair performed?			NA	
(d)1. Have you ever had the roof replaced?		x		
2. If you have had the roof replaced, when was the replacement performed?			NA	
(e) If the roof presently leaks, how often does it leak? (e.g., every time it rains, only after an extremely heavy rain, etc.)			NA	
(f)1. Have you ever had roof repairs that involved placing shingles on the roof instead of replacing the entire roof?		x		
(f)2. If you have ever had roof repairs that involved placing shingles on the roof instead of replacing the entire roof, when was the repair performed?			NA	
<b>4. LAND/DRAINAGE</b>				
(a) Any soil stability problems?		x		
(b) Has the property ever had a drainage, flooding, or grading problem?	x			Ground retains some water in lower corner during wet seasons
(c) Is the property in a flood plain zone?		x		
(d) Is there a retention/ detention basin, pond, lake, creek, spring, or water shed on or adjoining this property?		x		
Explain:				
<b>5. BOUNDARIES</b>				
(a) Have you ever had a staked or pinned survey of the property?		x		
(b) Do you know the boundaries?	x			
(c) Are the boundaries marked in any way?	x			Boundary extends well beyond fence on upper side of back yard

(d) Are there any encroachments or unrecorded easements relating to the property of which you are aware?		x		
Explain:				
<b>6. WATER</b>				
(a)1. Source of water supply				city
2. Are you aware of below normal water supply or water pressure?		x		
(b) Is there a water purification system or softener remaining with the house?		x		
(c) Has your water ever been tested? If yes, give results		x		
Explain:				
<b>7. SEWER SYSTEM</b>				
(a) Property is serviced by:				MSD
public sewer;	x			
private sewer;		x		
septic tank;		x		
storm sewer;		x		
leach field;		x		
aeration tank;		x		
filtration bed;		x		
Unknown				NA
(b) If not a public or private sewer:				NA
Date of last inspection:				
Date last cleaned:				
(c) Are you aware of any problems with the sewer system?		x		
Explain:				
<b>8. CONSTRUCTION/REMODELING</b>				
(a) Have there been any additions, structural modifications, or other alterations made?	x			Basement finished
(b) Were all necessary permits and government approvals obtained?	x			
Explain:				
<b>9. HOMEOWNER'S ASSOCIATION</b>				
(a)1. Is the property subject to rules or regulations of a homeowner's association?	x			
2. If yes, what is the yearly				\$35

assessment? \$				
(b) Are you aware of any condition which may result in an increase in taxes or assessments?		x		
(c) Are any features of the property shared in common with adjoining landowners, such as walls, fences, driveways, etc.?	x			Fence on lower side of back yard is shared with neighbor
Explain:				
10. MISCELLANEOUS				
(a) Was this house built before 1978?		x		
(b) Are you aware of any use of ureaformaldehyde, asbestos materials, or lead-based paint in or on this home?		x		
(c)1. Are you aware of any testing for radon gas?		x		
2. Results, if tested:			NA	
(d) Are you aware of any under-ground storage tanks, old septic tanks, field lines, cisterns, or abandoned wells on the property?		x		
(e) Are you aware of any present or past wood infestation (i.e., termites, bores, carpenter ants, fungi, etc.)?		x		
(f) Are you aware of any damage due to wood infestation?		x		
(g)1. Have the house or other improvements ever been treated for wood infestation?		x		
2. If yes, when, by whom, and any warranties?			NA	
(h) Are you aware of any existing or threatened legal action affecting this property?		x		
(i) Are there any assessments other than property assessments that apply to this property (i.e., sewer assessments)?		x		
(j) Are you aware of any violations of local, state, or federal laws, codes, or ordinances relating to this property?		x		

(k) Are you aware of any other conditions which are defective with regard to this property?		x		
(l) Are there any environmental hazards known to seller?		x		
(m) Are there any warranties to be passed on?			x	Foundation lifetime warranty – possible transfer
(n) Has this house ever been damaged by fire or other disaster (i.e., tornado, hail, etc.)? If yes, please explain:		x		
(o) Are you aware of the existence of mold or other fungi in the property?			x	Possible mold on ceiling drywall in BR 2 to be cut out and replaced prior to sale.
SPACE FOR ADDITIONAL INFORMATION:				

The seller has owned this property since July 1, 1999 and makes these representations only since that date. Seller agrees to immediately notify buyer of any changes which may become known to seller prior to closing.

Seller: Tim Lehmann

Date: August 27, 2006

Seller: Susan Lehmann

Date: August 27, 2006

THE LICENSEE NAMED HERE **NOT APPLICABLE** HAS BEEN REQUESTED BY THE OWNER TO COMPLETE THIS FORM AND HAS DONE SO. I HEREBY AGREE TO HOLD HARMLESS THE NAMED LICENSEE FOR ANY REPRESENTATION THAT APPEAR ON THIS FORM IN ACCORDANCE WITH KRS 324.360(9).

Seller:

Date:

THE SELLER REFUSES TO COMPLETE THIS FORM AND ACKNOWLEDGES THAT THE AGENT SHALL SO INFORM THE BUYER.

Seller:

Date:

THE SELLER HAS REFUSED TO COMPLETE THE FORM AND HAS REFUSED TO ACKNOWLEDGE HIS FAILURE TO COMPLETE THE FORM.

Broker/Agent:

Date:

THE BUYER ACKNOWLEDGES RECEIPT OF THIS FORM.

Buyer:

Date:

Buyer:

Date:

THE SELLER MAY DISCLOSE ADDITIONAL INFORMATION NOT REQUESTED ON THIS FORM AND MAY RESPOND TO ADDITIONAL INQUIRIES OF THE BUYER."

Section 3. (1) In addition to the information specified in Section 2 of this administrative regulation, the seller's disclosure of property conditions form set out in it shall also include the following additional information:

(a) The property address, which shall appear at the top of each page of the form; and

(b) The initials of all parties who sign the form, including the date and time for the initialing, all of which shall appear at the bottom of each page of the form.

(2) If the property that is the subject of the seller disclosure of property form is listed, the listing agent shall solicit the initials of all property owners-sellers and the date and time for the initialing at the time he or she executes any listing agreement or similar agreement by which a licensee intends to market the property.

(3) If the property that is the subject of the seller disclosure of property conditions form is not listed, any licensee involved in the transaction shall solicit:

(a) The initials of all property owners-sellers and the date and time for the initialing; and

(b) The initials of all prospective buyers and the date and time for initialing. (19 Ky.R. 1695; Am. 2065; 2400; eff. 4-15-93; 24 Ky.R. 2417; 25 Ky.R. 58; eff. 7-13-98; 27 Ky.R. 1522; 2496; 2715; eff. 4-9-2001; 31 Ky.R. 1334; 1650; eff. 4-22-05.)