

## SELLER'S PROPERTY DISCLOSURE STATEMENT EXHIBIT " \_\_\_\_\_ "



2008 Printing

This Exhibit is part of the Agreement with an Offer Date of \_\_\_\_\_ for the purchase and sale of that certain Property known as: 3639 Tuxedo Road, Atlanta, Georgia 30305.

**NOTICE TO BUYER AND SELLER:** This disclosure statement is designed to assist Seller in disclosing to prospective buyers material adverse facts relating to the physical condition of Property that may not be readily observable, disclosing historical information and past problems with Property, and identifying those fixtures/items that are included with the sale of Property. **All answers are to be answered with respect to the above referenced property. IF THE ANSWERS TO ANY OF THE QUESTIONS LISTED BELOW ARE "YES" SELLER SHALL FULLY EXPLAIN THE ANSWER TO THE QUESTION IN THE BLANK CORRESPONDING TO THE QUESTION AND/OR IN THE ADDITIONAL EXPLANATIONS PARAGRAPH.**

|  | <u>Yes</u> | <u>No</u> | <u>Don't Know</u> |
|--|------------|-----------|-------------------|
| <b>1. OCCUPANCY:</b>   |            |           |                   |
| (a) Is Property vacant?<br>If yes, how long has it been since Seller occupied Property? _____  | _____      | ✓         | _____             |
| (b) Are there any leases, written or verbal, on Property or any part thereof?  | _____      | ✓         | _____             |
| <b>2. SOIL, TREES, SHRUBS AND BOUNDARIES:</b>  |            |           |                   |
| (a) Are there any landfills (other than foundation backfill), graves, mine shafts, trash dumps or wells (in use or abandoned) on Property?   | ✓          | _____     | _____             |
| (b) Is there any sliding, settling (other than normal settling), earth movement, sinkholes, upheaval, or earth stability/expansive soil problems?  | _____      | ✓         | _____             |
| (c) Are there any diseased or dead trees on Property?  | _____      | ✓         | _____             |
| (d) Are there any encroachments (known or recorded), leases, unrecorded easements, or boundary line disputes?  | _____      | ✓         | _____             |
| <b>3. TERMITES, DRY-ROT, PESTS, AND WOOD-DESTROYING ORGANISMS:</b>   |            |           |                   |
| (a) Is there any past or present damage to Property caused by infiltrating pests, termites, dry-rot, or other wood-destroying organisms?   | _____      | ✓         | _____             |
| (b) Is your Property currently under a transferable bond, warranty or other coverage for termites or other wood destroying organisms by a licensed pest control company?<br>If yes, check type of coverage: <input type="checkbox"/> re-treatment and repair; or <input checked="" type="checkbox"/> re-treatment  | ✓          | _____     | _____             |
| (c) Is there a cost to transfer the bond, warranty or other coverage?<br>If yes, what is the cost? \$ <u>49.00</u>   | _____      | _____     | _____             |
| (d) Is there a cost to maintain the bond, warranty or other coverage?<br>If yes, what is the annual cost? \$ <u>356.00</u>   | _____      | _____     | _____             |
| (e) Have any termite/pest control reports or treatments for Property been done in the last five (5) years?   | ✓          | _____     | _____             |
| (f) Does any dwelling or garage on Property have any untreated wood or exterior siding/cladding, such as rigid board insulation, foam plastic, synthetic stucco, hard coat stucco, wood or masonry siding (excluding brick), below grade or within six inches of finished grade?   | _____      | ✓         | _____             |
| <b>4. STRUCTURAL ITEMS, ADDITIONS AND ALTERATIONS:</b>   |            |           |                   |
| (a) What year was the main residential dwelling constructed? <u>1952</u>   | _____      | _____     | _____             |
| (b) Has there been any movement, shifting, settling (other than normal settling), cracking, deterioration, or other structural problems with any dwelling or garage on Property?   | _____      | ✓         | _____             |
| (c) Has there been any additional structural bracing, underpinning, or other structural reinforcement added to any dwelling or garage on Property?   | _____      | ✓         | _____             |
| (d) Are there any problems with driveways, walkways, patios, or retaining walls on Property?   | _____      | ✓         | _____             |
| (e) Have there been any additions, structural changes, or any other major alterations to the original improvements on the Property?  | ✓          | _____     | _____             |
| (f) Has there been any work done on the Property where required permits and/or approvals (public or private) were not obtained?  | _____      | ✓         | _____             |
| (g) Has any work been done to Property that was not in compliance with building codes or zoning regulations?   | _____      | ✓         | _____             |
| (h) Does any part of the exterior siding or cladding of any dwelling or garage on Property consist of synthetic stucco?  | _____      | ✓         | _____             |
| <b>5. LEAD-BASED PAINT:</b> Was any part of the residential dwelling on Property constructed prior to 1978?<br><input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Don't Know <input type="checkbox"/> No <u>Don't Know about lead paint</u><br>If you have answered "Yes" or "Don't Know" the Lead-Based Paint Exhibit F54 must be executed by the parties and the Lead-Based Paint Pamphlet F55 must be provided to the buyer. |            |           |                   |



**12. OTHER MATTERS:**

- |  | Yes | No | Don't Know |
|--|-----|----|------------|
| (a) Have there been any inspections of Property in the past year?<br>If yes, by whom and of what type? <u>regular termite</u>  | ✓   |    |            |
| (b) Does Property contain any building products which are or have been the subject of class action lawsuits, litigation or legal claims alleging that the product is defective? If yes, please identify in the Additional Explanations the product or products and the general location of each on Property. |     | ✓  |            |
| (c) Is there or has there been in the past any litigation involving Property or any improvement therein alleging negligent or improper construction defects, termites, and/or title problems?  |     | ✓  |            |
| (d) Has there been any award or payment of money in lieu of repairs for such a defective building product?   |     | ✓  |            |
| (e) Has any release been signed that would limit a future owner from making any claims in connection with Property?  |     | ✓  |            |
| (f) Has there been any fire, flood or wind damage which required repairs to Property in excess of \$500.00?  |     | ✓  |            |
| (g) Approximately how many insurance claims have been filed on Property since you owned it? _____  |     |    |            |
| (h) Are any fixtures or appliances included in the sale in need of repair?   |     | ✓  |            |
| (i) Have any repairs been made to the electrical, plumbing, or heating and air condition systems, or any part thereof?   | ✓   |    |            |
| (j) Was any dwelling on Property or portion thereof (excluding mobile, modular and manufactured dwelling) moved to the site from another location?   |     | ✓  |            |
| (k) Are there any other adverse, material facts pertaining to the physical condition of the Property that have not otherwise been disclosed?   |     | ✓  |            |

**13. FIXTURES/ITEMS: (Check (✓) only those fixtures/items below that are included in the sale of Property. Unless otherwise indicated, if there is more than one item (such as a second refrigerator or two chandeliers or three smoke detectors), all such fixtures/items checked are included in the sale of Property. Those fixtures/items listed below that are not checked shall not be included in the sale of Property.**

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Air Conditioning Window Unit         | <input checked="" type="checkbox"/> Gas Grille                           | <input checked="" type="checkbox"/> Smoke Detector                                  |
| <input checked="" type="checkbox"/> Air Purifier                         | <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing | <input type="checkbox"/> Battery Operated <input checked="" type="checkbox"/> Hard  |
| <input checked="" type="checkbox"/> Alarm System (Burglar)               | <input checked="" type="checkbox"/> Gates                                | <input type="checkbox"/> Wired <input type="checkbox"/> Speakers (Built-In)         |
| <input type="checkbox"/> Leased <input type="checkbox"/> Owned           | <input checked="" type="checkbox"/> Gazebo                               | <input checked="" type="checkbox"/> Sprinkler System                                |
| <input checked="" type="checkbox"/> Alarm System (Smoke/Fire)            | <input type="checkbox"/> Hot Tub   | <input type="checkbox"/> Statuary   |
| <input type="checkbox"/> Leased <input type="checkbox"/> Owned           | <input type="checkbox"/> Humidifier                                      | <input checked="" type="checkbox"/> Stepping Stones                                 |
| <input checked="" type="checkbox"/> Arbor                                | <input checked="" type="checkbox"/> Ice Maker                            | <input type="checkbox"/> Storage Building   |
| <input type="checkbox"/> Attic Fan (Whole House Fan)                     | <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing | <input checked="" type="checkbox"/> Stove   |
| <input type="checkbox"/> Attic Ventilator Fan                            | <input type="checkbox"/> Intercom  | <input type="checkbox"/> Gas <input type="checkbox"/> Electric                      |
| <input type="checkbox"/> Awning  | <input checked="" type="checkbox"/> Jetted Tub                           | <input type="checkbox"/> Built-In <input checked="" type="checkbox"/> Free Standing |
| <input checked="" type="checkbox"/> Basketball Post & Goal               | <input checked="" type="checkbox"/> Landscaping Lights                   | <input type="checkbox"/> Sump Pump  |
| <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing | <input checked="" type="checkbox"/> Light Bulbs Fixtures                 | <input type="checkbox"/> Surface Unit Cook Top                                      |
| <input checked="" type="checkbox"/> Birdhouses                           | (Except Chandeliers)   | <input type="checkbox"/> Gas <input type="checkbox"/> Electric                      |
| <input type="checkbox"/> Boat Dock                                       | <input checked="" type="checkbox"/> Light Fixtures                       | <input checked="" type="checkbox"/> Swimming Pool                                   |
| <input checked="" type="checkbox"/> Carbon Monoxide Detector             | (Except Chandeliers)   | <input type="checkbox"/> Above Ground   |
| <input checked="" type="checkbox"/> Ceiling Fan                          | <input checked="" type="checkbox"/> Mailbox                              | <input checked="" type="checkbox"/> Swimming Pool Equipment                         |
| <input checked="" type="checkbox"/> Chandelier                           | <input checked="" type="checkbox"/> Microwave Oven                       | (List below)  |
| <input checked="" type="checkbox"/> Closet Shelving System               | <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing | <input checked="" type="checkbox"/> Swing Set                                       |
| <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing | <input checked="" type="checkbox"/> Mirror (Attached)                    | <input checked="" type="checkbox"/> Switch Plate Covers                             |
| <input checked="" type="checkbox"/> Dehumidifier                         | <input type="checkbox"/> Outbuilding                                     | <input checked="" type="checkbox"/> Telephone Jacks/Wires                           |
| <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing | <input type="checkbox"/> Outdoor Bench                                   | <input type="checkbox"/> Television Antenna   |
| <input checked="" type="checkbox"/> Dishwasher                           | <input checked="" type="checkbox"/> Playhouse                            | <input type="checkbox"/> Television Cable/Jacks                                     |
| <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing | <input type="checkbox"/> Porch swing                                     | <input checked="" type="checkbox"/> Thermostat (Programmable)                       |
| <input type="checkbox"/> Dog House                                       | <input type="checkbox"/> Propane Gas Tanks                               | <input type="checkbox"/> Trash Compactor  |
| <input checked="" type="checkbox"/> Door & Window Hardware               | <input type="checkbox"/> Above ground <input type="checkbox"/> Buried    | <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing            |
| <input checked="" type="checkbox"/> Dryer                                | <input type="checkbox"/> Leased <input type="checkbox"/> Owned           | <input type="checkbox"/> Tree House   |
| <input type="checkbox"/> Gas <input type="checkbox"/> Electric           | <input type="checkbox"/> Propane in Tank                                 | <input type="checkbox"/> Trellis  |
| <input type="checkbox"/> Fence (Invisible)                               | <input type="checkbox"/> Radio (Built-In)                                | <input checked="" type="checkbox"/> Vacuum System (Built-In)                        |
| <input type="checkbox"/> Fence Pet Collar                                | <input checked="" type="checkbox"/> Refrigerator                         | <input checked="" type="checkbox"/> Vacuum Attachments                              |
| <input checked="" type="checkbox"/> Fireplace                            | <input checked="" type="checkbox"/> Safe                                 | <input checked="" type="checkbox"/> Vent Hood                                       |
| <input type="checkbox"/> Gas Logs  | <input checked="" type="checkbox"/> Satellite Dish/Receiver              | <input checked="" type="checkbox"/> Washing Machine                                 |
| <input type="checkbox"/> Screen/Door                                     | <input type="checkbox"/> Sauna   | <input checked="" type="checkbox"/> Water Purification System                       |
| <input type="checkbox"/> Wood Burning Insert                             | <input type="checkbox"/> Septic Pump                                     | <input type="checkbox"/> Water Softener System                                      |
| <input type="checkbox"/> Flag Pole                                       | <input type="checkbox"/> Shelving Unit & System                          | <input type="checkbox"/> Weather Vane   |
| <input checked="" type="checkbox"/> Garage Door Opener                   | <input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing | <input type="checkbox"/> Well Pump  |
| <input type="checkbox"/> Remote Control                                  | <input checked="" type="checkbox"/> Shower Head/Sprayer                  | <input checked="" type="checkbox"/> Window Screens                                  |
| <input checked="" type="checkbox"/> Garbage Disposal                     |  | <input type="checkbox"/> Window Treatments  |
|  |  | <input type="checkbox"/> Wine Cooler  |

Other fixtures/items included in the sale of Property shall be: all window treatment except livingroom

Other fixtures/items not included in the sale of Property shall be: (2) chandeliers in livingroom, dining room entrance, occ. room outside the bay, outside master bath / pictures included

The common law of fixtures shall apply to fixtures not addressed herein. Those fixtures/items that are not included in the sale of Property shall remain Property of Seller and shall be removed prior to closing or the transfer of possession of Property to Buyer, whichever is later. Seller shall lose the right to remove any such fixtures/items not timely removed. In removing all fixtures/items, Seller shall use reasonable care to prevent damage and, if necessary, to restore Property to its original condition.

14. **AGRICULTURAL DISCLOSURE:** Is Property within, partially within, or adjacent to any property zoned or identified on an approved county land use plan as agricultural or forestry use?  Yes  No  Don't Know

It is the policy of this state and this community to conserve, protect, and encourage the development and improvement of farm and forest land for the production of food, fiber, and other products, and also for its natural and environmental value. This notice is to inform prospective property owners or other persons or entities leasing or acquiring an interest in real property that property in which they are about to acquire an interest lies within, partially within, or adjacent to an area zoned, used, or identified for farm and forest activities and that farm and forest activities occur in the area. Such farm and forest activities may include intensive operations that cause discomfort and inconveniences that involve, but are not limited to, noises, odors, fumes, dust, smoke, insects, operations of machinery during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides. One or more of these inconveniences may occur as the result of farm or forest activities which are in conformance with existing laws and regulations and accepted customs and standards.

15. **ADDITIONAL EXPLANATIONS FOR ALL QUESTIONS ANSWERED "YES":** [Explanations should reference the number of the question for which more detailed information is being provided.]

MARK BOX IF ADDITIONAL PAGES ARE ATTACHED.

**SELLER'S REPRESENTATION:**

To the best of Seller's knowledge and belief, the information contained in this Seller's Property Disclosure Statement is accurate and complete as of the date signed by Seller. It should not be a substitute for Buyer inspecting Property or obtaining any warranties with regard to Property that Buyer may wish to obtain. Seller hereby authorizes Broker to provide this Seller's Property Disclosure Statement to prospective buyers of Property and to real estate Brokers and their affiliated Licensees. **Seller agrees to promptly update this Seller's Property Disclosure Statement and to provide any Buyer and Broker with a revised copy of the same if there are any material changes in the answers to the questions contained herein.**

Is each individual named below a U.S. Citizen or resident alien?  Yes  No  
Has each individual named below been a Georgia resident for the past two years?  Yes  No  
Has Property been Seller's primary residence for at least two of the last five years?  Yes  No

Seller: [Signature]  
Seller: \_\_\_\_\_

Date: 4/28/2008  
Date: \_\_\_\_\_

**RECEIPT AND ACKNOWLEDGMENT BY BUYER:**

I acknowledge receipt of this Seller's Property Disclosure Statement. I understand that, except as stated in the Purchase and Sale Agreement, Property is being sold in its present condition, without warranties or guarantees of any kind by Seller or Brokers. No representations concerning the condition of Property are being relied upon by Buyer except as disclosed herein or stated in the Purchase and Sale Agreement.

Buyer: \_\_\_\_\_  
Buyer: \_\_\_\_\_

Date: \_\_\_\_\_  
Date: \_\_\_\_\_