

# SELLER'S PROPERTY DISCLOSURE STATEMENT (LOT/LAND) EXHIBIT " \_\_\_\_\_ "



2018 Printing

This Seller's Property Disclosure Statement ("Statement") is an exhibit to the Purchase and Sale Agreement with an Offer Date of \_\_\_\_\_ for Property known as or located at:

Lot 7, Deer Forest S/D, Hampton Rd. \_\_\_\_\_ Blairsville Georgia 30512 .

This Statement contains Seller's disclosures to Buyer regarding the present condition of the Property, certain past repairs and the history of the Property.

**A. INSTRUCTIONS TO SELLER IN COMPLETING THIS DISCLOSURE STATEMENT.** In completing this Disclosure Statement, Seller agrees to:

- (1) answer all questions in reference to the Property (which, unless otherwise noted, shall include the improvements thereon);
- (2) leave no question unanswered;
- (3) answer all questions fully and accurately based upon the best knowledge and belief of all Sellers in the Lot/Land Purchase and Sale Agreement;
- (4) fully explain in the Additional Explanations paragraph any questions to which the answer is "yes" or "don't know" referencing the number of the question for which the additional explanation is being given; and
- (5) promptly revise the Statement and provide a copy of the same to the Buyer and any Broker involved in the transaction if prior to closing there are any material changes in the answers to any of the questions.

**B. HOW THIS STATEMENT SHOULD BE USED BY BUYER.** The answers of Seller below should not be a substitute for Buyer conducting a careful, independent evaluation of the Property. Caveat emptor or buyer beware is the law in Georgia. Buyer is expected to use reasonable care to identify defects in the Property and satisfy herself or himself that the Property is suitable for Buyer's needs and purposes. If an independent evaluation of the Property reveals potential problems or areas of concern that would cause a reasonable buyer to investigate further, Buyer may not have legal recourse if Buyer fails to investigate further.

**C. DISCLOSURES.**

	Yes	No	Don't Know
<b>1. OCCUPANCY:</b>			
(a) Is the Property vacant? _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, how long has it been since Seller occupied the Property? <u>N/A</u>		<input checked="" type="checkbox"/>	
(b) Is the Property or any portion thereof leased? _____		<input checked="" type="checkbox"/>	
<b>2. COVENANTS, FEES AND ASSESSMENTS:</b>			
(a) Is the Property subject to a recorded Declaration of Covenants, Conditions and Restrictions ("CC&Rs") or other similar restrictions? _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Is the Property part of a condominium or community in which there is a homeowners' association? _____ [IF YES, SELLER IS INSTRUCTED TO ADDITIONALLY FILL OUT AND PROVIDE TO BUYER A COMMUNITY ASSOCIATION DISCLOSURE EXHIBIT, GAR FORM 123].	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>3. THE PROPERTY:</b>			
(a) How many acres are in Property? _____			
(b) What is the current zoning of Property? <u>residential</u>			
(c) Will conveyance of Property exclude any mineral, oil and timber rights? _____	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Are there any governmental allotments committed? _____		<input checked="" type="checkbox"/>	
(e) Have any licenses or usage permits been granted for, but not limited to, crops, minerals, hunting, water, grazing or timber? _____		<input checked="" type="checkbox"/>	
<b>4. SOIL, TREES, SHRUBS AND BOUNDARIES:</b>			
(a) Is there any fill dirt on Property? _____		<input checked="" type="checkbox"/>	
(b) Are there any landfills (other than foundation backfill), graves, burial pits, caves, mine shafts, trash dumps or wells (in use or abandoned)? _____		<input checked="" type="checkbox"/>	
(c) Is there now or has there ever been any visible soil settlement or movement? _____		<input checked="" type="checkbox"/>	
(d) Is any part of Property located in a 100 year Special Flood Hazard Area where there is at least a 1% chance of a flood in any given year? _____		<input checked="" type="checkbox"/>	
(e) Are there any drainage or flooding problems on Property? _____		<input checked="" type="checkbox"/>	
(f) Are there any diseased or dead trees? _____	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
(g) Are there presently any encroachments, unrecorded easements or boundary line disputes with a neighboring property owner? _____		<input checked="" type="checkbox"/>	

THIS FORM IS COPYRIGHTED AND MAY ONLY BE USED IN REAL ESTATE TRANSACTIONS IN WHICH Melinda Allen IS INVOLVED AS A REAL ESTATE LICENSEE. UNAUTHORIZED USE OF THE FORM MAY RESULT IN LEGAL SANCTIONS BEING BROUGHT AGAINST THE USER AND SHOULD BE REPORTED TO THE GEORGIA ASSOCIATION OF REALTORS® AT (770) 451-1831.

	Yes	No	Don't Know
<b>5. TOXIC SUBSTANCES:</b>			
(a) Are there any underground tanks or toxic or hazardous substances such as asbestos?	_____	<input checked="" type="checkbox"/>	_____
(b) Has Property ever been tested for radon or any other environmental contaminates?	_____	<input checked="" type="checkbox"/>	_____
<b>6. OTHER MATTERS:</b>			
(a) Have there been any inspections in the past year? If yes, by whom and of what type? _____	_____	<input checked="" type="checkbox"/>	_____
(b) Are there any violations of local, state or federal laws, codes or regulations with respect to Property?	_____	<input checked="" type="checkbox"/>	_____
(c) Have you received notices by governmental or quasi-governmental agency affecting Property?	_____	<input checked="" type="checkbox"/>	_____
(d) Are there any existing or threatened legal actions affecting Property?	_____	<input checked="" type="checkbox"/>	_____
(e) Is there any system or item on Property which is leased or which has a fee associated with its use?	_____	<input checked="" type="checkbox"/>	_____
(f) Are there any private or undedicated roadways for which owner may have financial responsibility?	_____	<input checked="" type="checkbox"/>	_____
(g) If Property is served by well water, is the well on Property?	_____	<input checked="" type="checkbox"/>	_____
(h) Has the Property been enrolled in a Conservation Use Program? If yes, when was the Property enrolled? _____	_____	<input checked="" type="checkbox"/>	_____
(i) Are there any other latent or hidden defects that have not otherwise been disclosed?	_____	<input checked="" type="checkbox"/>	_____

**7. 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? \_\_\_\_\_

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.

**8. UTILITIES:**  
Seller warrants that the following utilities serve Property. (The term "serve" shall mean: the indicated utilities and services are available and functional at the property line.) Check (✓) only those utilities below that are included in the sale of Property.  
[The utilities listed below that are not checked do not serve Property.]

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Electricity | <input type="checkbox"/> Public Sewer            |
| <input type="checkbox"/> Natural Gas            | <input checked="" type="checkbox"/> Public Water |
| <input checked="" type="checkbox"/> Telephone   | <input type="checkbox"/> Private/Well Water      |
| <input type="checkbox"/> Cable Television       | <input type="checkbox"/> Shared Well Water       |
| <input type="checkbox"/> Garbage Collection     | <input type="checkbox"/> Other _____             |

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

Additional pages  are or  are not attached.

**SELLER'S REPRESENTATION REGARDING SELLER'S LOT/LAND PROPERTY DISCLOSURE STATEMENT:**

Seller represents that Seller has followed the Instructions to Seller in Completing This Disclosure Statement set forth in Paragraph A above and will follow the same in updating this Disclosure Statement as needed from time to time.

Seller: Alice S. O'Rourke-Cushman Date: Apr. 27, 2018

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

Additional Signature Page (F149)  is  is not attached.

**RECEIPT AND ACKNOWLEDGMENT BY BUYER:**

Buyer acknowledges the receipt of this Seller's Lot/Land Property Disclosure Statement.

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

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

Additional Signature Page (F149)  is  is not attached.

Union County, Georgia  
 Real Estate Transfer Tax  
 Paid \$11:50  
 Date November 24, 2010  
 Clerk of Superior Court  
 Casey D. Cox, P.C.  
 P.O. Box 748  
 Blairsville, GA 30514

UNION COUNTY, GEORGIA  
 FILED & RECORDED November 24, 2010  
 AT 12:45 P.M.  
 RECORDED IN BOOK 850 PAGE 653

*Casey D. Cox*  
 SUPERIOR COURT CLERK  
 LIMITED WARRANTY DEED

STATE OF GEORGIA  
 COUNTY OF UNION

FILE #: 1011-G14

THIS INDENTURE made this 23rd day of November, 2010, between Cadence Bank, N.A. of the County of ~~Oktobch~~ and State of MS, as party or parties of the first part, hereinafter called Grantor, and Altee S. O'Rourke Cushman, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

All that tract or parcel of land lying and being in the 8th District, 1st Section, Land Lot 85 of Union County, Georgia, containing 1.404 acre, more or less, and being more particularly described as Lot Seven (7) of Deer Forest Subdivision as shown on a plat of survey by Landtech Services, Inc., RLS #2653, dated September 16, 2004 and recorded in Plat Book 55, Page 57, Union County, Georgia records. Said plat is incorporated into this instrument, by reference hereto, for a complete and accurate description of the above described property.

The property is subject to the road easements as shown on the above referenced plat.  
 The property is subject to the restrictions recorded in Deed Book 511, Pages 548-551, Union County, Georgia records.

The property is subject to an easement to Blue Ridge Mountain Electric Membership Corporation recorded in Deed Book 497, Page 393 and in Deed Book 547, Pages 519-520, Union County, Georgia records.

The property is subject to an easement to Hometown Investments, Inc., in Deed Book 478, Page 207, Union County, Georgia records.

The property is subject to the right of way granted to Union County, Georgia in Deed Book 186, Page 40, Union County, Georgia records.

Grantor grants to grantee a non-exclusive perpetual easement for the use of the subdivision roads for ingress and egress to the above property.

This Deed is given subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in FEE SIMPLE.

AND THE SAID party of the first part for its successors and assigns, will warrant and defend the right and title to the above described property, unto the said party of the second part, his heirs and assigns, against the claims of all person owning, holding or claiming by, through or under the said party of the first part.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in presence of:

CADENCE BANK, N.A.

*Joseph Pittman*  
 Witness

*Thomas A. Williams S.V.D.* (SEAL)  
 BY:

*Barbara B. Reed*  
 Notary public

ATTEST: \_\_\_\_\_ (SEAL)

My commission expires: My Commission Expires February 11, 2011

Seal Affixed

653