

Pursuant to A.R.S. §33-422, a seller of five or fewer parcels of land, other than subdivided land, in an unincorporated area of a county, and any subsequent seller of such a parcel, shall complete and furnish a written affidavit of disclosure, in substantially the same form set forth in the statute, to the buyer at least seven days before the transfer of the property. The buyer shall acknowledge receipt of the affidavit. The buyer has the right to rescind the sales transaction for a period of five days after receipt of the affidavit of disclosure. The seller must record the executed affidavit of disclosure at the same time that the deed is recorded.

Various statutes are referred to in the Affidavit of Disclosure. The seller should review these statutes before completing the Affidavit. Arizona statutes are available at www.azleg.state.az.us/ArizonaRevisedStatutes.asp.

The Affidavit of Disclosure also refers to various maps and information available on the State Real Estate Department's ("ADRE") website at www.azre.gov/.

The Affidavit of Disclosure should be used in conjunction with any other appropriate seller's property disclosure statement or other seller disclosure documentation.

No representation is made as to the legal validity or adequacy of the following Affidavit of Disclosure or the consequences thereof. If you desire legal advice, tax or other professional advice, please contact your attorney, tax advisor or other professional consultant.

The Legislature frequently adds to the Affidavit of Disclosure. The following Affidavit of Disclosure form may not be updated or revised for accuracy as statutory or case law changes.

Review the statutory requirements for the Affidavit at:

www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/33/00422.htm&Title=33&DocType=ARS

You should not act upon this information without seeking independent legal counsel.

WHEN RECORDED MAIL TO:

AFFIDAVIT OF DISCLOSURE
PURSUANT TO A.R.S. § 33-422

I, _____ (“Seller”)

being duly sworn, hereby make this affidavit of disclosure relating to the real property situated in the unincorporated area of:

_____ County, State of Arizona, located at:

and legally described as:

(Legal description attached hereto as Exhibit “A”)

(“Property”)

1. There is is not legal access to the Property, as defined in A.R.S. § 11-831 Unknown.

Explain:

2. There is is not physical access to the Property. Unknown.

Explain:

3. There is is not a statement from a licensed surveyor or engineer available stating whether the property has physical access that is traversable by a two-wheel drive passenger motor vehicle.
4. The legal and physical access to the Property is is not the same
 Unknown Not Applicable.

Explain:

If access to the parcel is not traversable by emergency vehicles, the county and emergency service providers may not be held liable for any damages resulting from the inability to traverse the access to provide needed services.

5. The road(s) is/are publicly maintained privately maintained not maintained not applicable. If applicable, there is is not a recorded road maintenance agreement.

If the roads are not publicly maintained, it is the responsibility of the property owner(s) to maintain the roads and roads that are not improved to county standards and accepted for maintenance are not the county's responsibility.

6. A portion or all of the property is is not located in a FEMA designated regulatory floodplain. If the property is in a floodplain, it may be subject to floodplain regulation.

7. The Property is is not subject to fissures or expansive soils.
 Unknown

Explain:

8. The following services are currently provided to the Property: water sewer electric natural gas single party telephone cable television services.

9. The Property is is not served by a water supply that requires the transportation of water to the Property.

If the Property is served by a water supply that requires the transportation of water to the Property, the seller shall disclose the name and contact information of the water hauler or water hauling company that is currently providing the transportation services to the Property and the name and location of the water supply from which the water is currently being transported.

Water hauler name:

Phone:

Water supply:

Location:

10. The Property is served by a private water company a municipal water provider a private well a shared well no well. If served by a shared well, the shared well is is not a public water system, as defined by the safe drinking water act (42 United States Code § 300f).

Notice to buyer: If the Property is served by a well, a 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, contact the water provider.

11. The Property or the water used on the Property is is not the subject of a statement of claimant for the use of water in a general adjudication of water rights. Unknown.

This is a lawsuit to determine the use of and relative priority of water rights. A map of adjudicated areas is available at the website of the department of water resources.

12. The Property does have does not have an on-site wastewater treatment facility (i.e., standard septic or alternative system to treat and dispose of wastewater). Unknown.

If applicable:

a) The Property will will not require installation of an on-site wastewater treatment facility;

b) The on-site wastewater treatment facility has has not been inspected.

13. The Property has been has not been subject to a percolation test.
 Unknown.

14. The Property does have does not have one or more solar energy devices that are leased owned.

If the solar energy devices are leased, the seller shall disclose the name and contact information of the leasing company.

Leasing company name:

Phone:

15. The Property does have does not have one or more battery energy storage devices that are leased owned.

If the battery energy storage devices are leased, the Seller shall disclose the name and contact information of the leasing company.

Leasing company name:

Phone:

15. 16. The Property does does not meet the minimum applicable county zoning requirements of the applicable zoning designation.

16. 17. The sale of the Property does does not ... meet the requirements of A.R.S. § 11–831 and § 32–2181 regarding land divisions. If those requirements are not met, the Property’s owner may not be able to obtain a building permit. It is unlawful pursuant to § 11–831, subsection F and § 32–2181, subsection D for a person or group of persons to attempt to avoid the subdivision laws of this state by acting in concert to divide a parcel of land into six or more lots or parcels. The county where the land division occurred or the state real estate department may investigate and enforce the prohibition against acting in concert to unlawfully divide a parcel of land into six or more lots or parcels. The Seller or the Property’s owner shall disclose each of the deficiencies to the buyer.

Explain:

18. The Property is is not located in the clear zone of a military airport or

ancillary military facility, as defined in A.R.S. § 28–8461.
(Maps are available at the state real estate department's website.)

19. The Property is is not located in the high noise or accident potential zone of a military airport or ancillary military facility, as defined in A.R.S. § 28–8461.
(Maps are available at the state real estate department's website.)

20. Notice: If the Property is located within the territory in the vicinity of a military airport or ancillary military facility, the property is required to comply with sound attenuation standards as prescribed by A.R.S. § 28–8482.
(Maps are available at the state real estate department's website.)

21. The Property is is not located under military restricted airspace.
 Unknown. (Maps are available at the state real estate department's website.)

22. The Property is is not located in a military electronics range as defined in A.R.S. § 9–500.28 and § 11–818.
 Unknown. (Maps are available at the state real estate department's website.)

23. Use of the Property is is not limited in any way relating to an encumbrance of title due to a lis pendens, a court order or a state real estate department order or a pending legal action. If the use of the Property is limited due to an encumbrance of title, the Seller or Property owner shall disclose the limitations to the buyer.

Explain:

This affidavit of disclosure supersedes any previously recorded affidavit of disclosure.

I certify under penalty of perjury that the information contained in this affidavit is true, complete and correct according to my best belief and knowledge.

Dated this _____ day of _____, 20_____, by:

Seller's name (print):

Signature:

Seller's name (print):

Signature:

State of Arizona)
) ss.
County of _____)

Subscribed and sworn before me this _____ day of _____, 20____.

Notary Public

My commission expires:

Buyer(s) hereby acknowledges receipt of a copy of this affidavit of disclosure
this _____ day of _____, 20_____.

Buyer's name (print):

Signature:

Buyer's name (print):

Signature:
