

## UTAH SELLER'S PROPERTY CONDITION DISCLOSURE

**RESERVED FOR LISTING AGENT ONLY:**

Seller Name: \_\_\_\_\_ ("Seller")

Property Address: \_\_\_\_\_ ("Property")

Listing Brokerage: \_\_\_\_\_ ("Company")

### **NOTICE FROM COMPANY**

Buyer and Seller please be advised that the Company and its agents are trained in the marketing of real estate. Neither the Company nor its agents are trained or licensed to provide Buyer or Seller with professional advice regarding the physical condition of any property or regarding legal or tax matters. In connection with any offer to acquire the Property, the Company highly suggests that the Buyer retain the professional services of legal counsel, tax advisors, property inspectors, surveyors, and other such professionals to satisfy the Buyer with respect to any and all aspects of the physical and legal condition of the Property.

**BUYER IS ADVISED NOT TO RELY ON THE COMPANY, OR ON ANY AGENTS OF THE COMPANY, FOR A DETERMINATION REGARDING THE PHYSICAL OR LEGAL CONDITION OF THE PROPERTY**, including, but not limited to, legal uses of the Property, the condition of any appliances, heating or cooling equipment and systems, plumbing and electrical fixtures and equipment, moisture or other problems in the roof or foundation, sewer problems, the availability and location of utilities, the exact square footage or acreage of the Property, or the location of property lines.

### **INSTRUCTIONS TO SELLER**

**SELLER IS OBLIGATED UNDER LAW TO DISCLOSE TO BUYERS DEFECTS IN THE PROPERTY AND FACTS KNOWN TO SELLER THAT MATERIALLY AND ADVERSELY AFFECT THE USE AND VALUE OF THE PROPERTY THAT CANNOT OTHERWISE BE DISCOVERED BY A REASONABLE INSPECTION BY AN ORDINARY PRUDENT BUYER.**

Seller may use this form to comply with said disclosure requirements by disclosing Seller's actual knowledge regarding the condition of the Property. The Company, other real estate agents, and buyers will rely on this disclosure form. If a question does not apply to your Property, write "N/A" next to the question.

**OCCUPANCY**

Does Seller currently occupy the Property?  YES  NO

If "NO," has Seller occupied the Property in the past?  YES, \_\_\_\_\_ (Est. Date)

NO, Seller has never occupied the Property

**USE OF PROPERTY**

Are you aware of any past or present non-conforming or illegal uses of the Property (such as renting the Property in violation of local zoning laws, or renting the Property without a business license where such license is required)?  YES  NO

If "YES," please describe, to your knowledge, the nature of any such non-conforming or illegal use(s):

---

Are you aware of any existing or threatened legal action affecting the Property?

YES  NO

If "YES," please describe, to your knowledge, the nature of any such legal action:

---

Are you aware of any past or present violations of any local, state, or federal law or regulation, or of any restrictive covenants relating to the Property?  YES  NO

If "YES," please describe, to your knowledge, the nature of any such violations:

---

To your knowledge, is any portion of the Property presently assessed, for property tax purposes, as "Greenbelt"?  YES  NO

**ROOF**

Are you aware of any past or present leaks in the roof?  YES  NO

If "YES," please describe, to your knowledge, the nature and location of any past or present leaks:

---

Other than leaks, are you aware of any past or present problems or defects with the roof, for example, structural issues, dry rot, moisture and/or ice damage, etc.?

YES  NO

If "YES," please describe, to your knowledge, the nature and location of any past or present problems or defects with the roof:

---

Has all or any portion of the roof been repaired or replaced during your ownership?  
 YES  NO

If "YES," please describe, to your knowledge, the nature of any roof repairs or replacements:

---

To your knowledge, are there any written warranties presently in place for the roof?  
 YES  NO

If "YES," please attach copies of any warranties in your possession.

**NATURAL GAS, ELECTRICITY, TELEPHONE, CABLE TV**

Are you aware of any past or present problems with utility service to the Property or with any of the utility service systems, for example, poor telephone reception, etc.?  
 YES  NO

If "YES," please describe, to your knowledge, the nature of any past or present problems with utility service or utility systems:

---

**WATER**

Culinary water service for the Property is provided by (*check applicable box*):

Public Water  Private Water Company  Private Well

Name of Public or Private Water Service Provider (If Any):

---

If water service is provided by a Private Water Company, please attach a copy of any water certificates in your possession.

If water service is provided by a Private Water Company, to your knowledge, are water share assessments paid in full?  YES  NO

Are you aware of any past or present problems with any water service provided to the Property by a Public or Private Water service provider, for example, water quality, inadequate or excessive water pressure, etc.?  YES  NO

If "YES," please describe, to your knowledge, the nature of any such problems:

---

Is a well presently located on the Property?  YES  NO

If a well is located on the Property, are you aware of any past or present problems with the well, for example, water quality, inadequate water pressure, faulty pump, etc.?

YES  NO

If "YES," please describe, to your knowledge, the nature of any such problems:

---

To your knowledge, is your water right for the well represented by a contract with a special improvement or water conservancy district?  YES  NO

If "YES," what is the number of the district contract? \_\_\_\_\_

If your water right for the well is not based on a contract with a special improvement or water conservancy district, to your knowledge, what is the State Engineer "Index Number" for your water right? \_\_\_\_\_

### **SEWER/SEPTIC TANK**

Sewer service for the Property will be provided by (*check applicable box*):

Public Sewer  Septic Tank

If Public Sewer, who is the Public Sewer provider? \_\_\_\_\_

With the exception of an occasional clogged drain or toilet, are you aware of any past or present problems with the sewer or septic service or components, for example, broken sewer lines, consistently slow or clogged drains, etc.?  YES  NO

If "YES," please describe, to your knowledge, the nature of any such problems:

---

If the Property is serviced by a septic tank, to your knowledge, has the tank been inspected and/or pumped within the past five years?  YES  NO

### **HEATING/COOLING**

Are you aware of any past or present problems with any of the heating or air-conditioning equipment, components or systems, for example, baseboard-heating unit doesn't work, inadequate forced air from specific vent, etc.?  YES  NO

If "YES," please describe, to your knowledge, the nature of any such problems:

---

### **EQUIPMENT**

Are you aware of any past or present problems with any of the following: air purifier, audio system, central vacuum, computer network, fire sprinkling system, automatic garage door opener, humidifier, intercom, media system, satellite dish & components, security system, smoke alarm, tv antenna, water heater, water purifier, water softener, range hood, attic vent fans, bathroom vent fans, or propane tanks?  YES  NO

If "YES," please describe, to your knowledge, the nature of any such problems, for example, audio system doesn't work, central vacuum doesn't work, etc.

---

### **APPLIANCES**

Are you aware of any past or present problems with any of the following: dishwasher, disposal, dryer, freezer, indoor grill, microwave, oven, range, refrigerator, trash compactor, washer?  YES  NO

If "YES," please describe, to your knowledge, the nature of any such problems, for example, disposal doesn't work, etc.

---

### **FIREPLACES/STOVES**

Are you aware of any past or present problems with any of the following: fireplace insert, gas fireplace, gas fireplace starter, woodburning fireplace, potbelly/wood stove, or pellet stove?  YES  NO

If "YES," please describe, to your knowledge, the nature of any such problems, for example, gas fireplace starter doesn't work, damper not working, etc.

---

### **INTERIOR FEATURES**

Are you aware of any past or present problems with any of the following: ceiling fans, dumb waiter, elevator, flooring (stone, marble, hardwood, etc.), jetted bathtub(s), indoor pool, spa/hot tub, sauna, skylights, steam room/shower, or wet bar?  YES  NO

If "YES," please describe, to your knowledge, the nature of any such problems, for example, pump for jetted bathtub doesn't work, skylights leak, etc.

---

## **EXTERIOR & EXTERIOR FEATURES**

Are you aware of any past or present problems with any of the following: gas barbeque, heated driveway or walkway, lawn sprinkler system, pool, spa/hot tub, roof heat tape, or rain gutters?  YES  NO

If "YES," please describe, to your knowledge, the nature of any such problems, for example, spa/hot tub leaks, heated driveway only works on portion of driveway, etc.

---

With the exception of regular maintenance of the exterior surfaces of the Property (painting, staining, etc.), are you aware of any past or present problems with any portion of the exterior, for example, moisture damage behind stucco, etc.?  YES  NO

If "YES," please describe, to your knowledge, the nature of any such problems:

---

## **TERMITES/DRY ROT/PESTS**

Are you aware of any past or present problems with termites, dry rot, rodents, or pests on or affecting the Property?  YES  NO

If "YES," please describe, to your knowledge, the nature and location of any such problems:

---

Are you aware of any damage to the Property caused by termites, dry rot, rodents, or pests?  YES  NO

If "YES," please describe, to your knowledge, the nature and location of any such damage and any efforts to mitigate such damage:

---

To your knowledge, are there any written warranties or other termite or pest control coverage presently in place for the Property?  YES  NO

If "YES," please attach any copies of such warranties in your possession.

## **ADDITIONS/REMODELS**

With the exception of cosmetic upgrades to the Property (such as carpet, paint, wallpaper, etc.), have you remodeled, made any room additions, made structural modifications or other alterations or improvements to the Property?  YES  NO

If "YES" please describe, to your knowledge, the nature of any such remodel/alteration work:

---

To your knowledge, did any former owners make any additions, structural changes, or other alterations to the Property?  YES  NO

If "YES," please describe, to your knowledge, the nature of any such remodel/alteration work:

---

### **STRUCTURAL ITEMS & SOILS**

Are you aware of any settlement or heaving of soil on the Property or on any adjoining Property (collapsible or expansive soils, poorly compacted fill)?  YES  NO

If "YES," please describe, to your knowledge, the nature and location of any settlement or heaving of soil:

---

Are you aware of any sliding or earth movement on the Property or on any adjoining Property (landslides, falling rocks, debris or mud flows)?  YES  NO

If "YES" please describe, to your knowledge, the nature and location of any sliding or earth movement:

---

Are you aware of any past or present movement, shifting, deterioration, or other problems with the walls or foundation?  YES  NO

If "YES," please describe, to your knowledge, the nature and location of any such shifting, problems, etc.:

---

To your knowledge, does any portion of the Property contain any subsurface, man-made debris that has been buried, covered or abandoned, including without limitation, any discarded or abandoned construction materials, concrete footings or foundations, trash, etc.?  YES  NO

If "YES," please describe the nature and location of such subsurface debris:

---

Please describe, to your knowledge, any other action taken to repair or mitigate any of the issues described regarding structural items and soils:

---

Are you aware of any geologic, soils or engineering reports that have been prepared for the Property?  YES  NO

If "YES," please attach a copy of any such reports in your possession.

**BOUNDARIES & EASEMENTS**

Do you know if anything on your Property (such as a fence, deck, or any other improvement) encroaches (extends) onto any adjoining property?  YES  NO

If "YES," please describe, to your knowledge, the nature and approximate location of any such encroachment:

---

Do you know if anything on any adjoining property (such as a fence, deck, or any other improvements) encroaches onto your Property?  YES  NO

If "YES," please describe, to your knowledge, the nature and approximate location of any such encroachment:

---

Are you aware of any boundary disputes or conflicts involving your Property and any adjoining property or properties?  YES  NO

If "YES," please describe, to your knowledge, the nature of any such boundary disputes or conflicts:

---

Are you aware of any unrecorded easements affecting the Property?  YES  NO

If "YES," please describe, to your knowledge, the nature and approximate location of any such easements:

---

**ELECTRICAL**

Are you aware of any past or present problems with any electrical switches, outlets and/or any portion of the electrical system?  YES  NO

If "YES" please describe, to your knowledge, the nature of any such problems:

---

**MOLD**



With the exception of any occasional accumulation of mold and mildew in bathroom shower, tub and sink areas, are you aware of any past or present mold on walls, ceilings, floors, or any other interior portion of the Property?  YES  NO

If "YES" please describe, to your knowledge, the nature and location of any such mold:

---

Have you had the Property inspected for the existence of any mold?  YES  NO

If "YES," please describe, to your knowledge, the results of the inspection, and attach copies of any inspection reports in your possession:

---

### **OTHER MOISTURE CONDITIONS**

In reference to the basement and/or crawlspace, are you aware of any past or present water leakage, water accumulation or dampness?  YES  NO

If "YES," please describe, to your knowledge, the nature of any such water leakage, accumulation or dampness:

---

Are you aware of any past or present water or moisture-related damage caused by: flooding; lot drainage; moisture seepage or condensation; sewer overflow/backup; leaking or broken pipes, pipe fittings, or plumbing fixtures; or leaking appliances, fixtures, or equipment?  
 YES  NO

If "YES" please describe, to your knowledge, the nature and location of any such water or moisture-related damage:

---

Please describe, to your knowledge, any attempts to repair any moisture-related damage and/or to prevent any recurrence of water and moisture-related problems on the Property:

---

Are you aware of any wetlands located on the Property?  YES  NO

If "YES" please describe, to your knowledge, the nature and location of any wetlands on the Property:

---

Are you aware of any attempts to mitigate any wetland issues through the Army Corps of Engineers?  YES  NO

If "YES" please describe:

---

**HAZARDOUS CONDITIONS**

With the exception of methamphetamines, are you aware of any past or present hazardous conditions, substances, or materials on the Property, such as asbestos, lead-based paint, methane gas, radon gas, radioactive or toxic materials, or ureaformaldehyde foam insulation, buried storage tanks and lines?  YES  NO

If "YES," please describe, to your knowledge, the nature of any such hazardous conditions:

---

Please describe, to your knowledge, any attempts to mitigate any such hazardous condition(s):

---

To your knowledge, is the Property currently contaminated from the use, storing or manufacturing of methamphetamines?  YES  NO

**HOMEOWNERS ASSOCIATION**

Is the Property part of a condominium or other homeowner's association (HOA)?  YES  NO

Does the HOA levy dues or assessments for maintenance of common areas or other common expenses?  YES  NO

For questions regarding the HOA, including past, present or future dues or assessments, or regarding financial statements, bylaws, HOA meetings and minutes, information may be obtained from the following:

---

(Name)

(Address)

(Phone)

**BY SIGNING THIS DISCLOSURE FORM, SELLER AUTHORIZES THE RELEASE OF HOA INFORMATION TO BUYER AND TO BUYER'S AGENT.**

**UNPAID ASSESSMENTS**

Are you aware of any HOA, municipal, special improvement district or other assessments that are presently owing against the Property?  YES  NO

If "YES," please describe, to your knowledge, the nature and amount of any such unpaid assessments:

---

Are you aware of any HOA, municipal, or special improvement district assessments that have been approved but not yet levied against the Property?  YES  NO

If "YES," please describe, to your knowledge, the nature and amount of any such approved, but not yet levied, assessments:

---

### **INSURANCE**

During your ownership of the Property, have you filed any insurance claims based on loss or damage to the Property?  YES  NO

If "YES," please describe, to your knowledge, the nature of any such claims:

---

If the Property is part of a condominium or other homeowner's association, do you know if the HOA has filed any insurance claims for loss or damage to any portion of the development?  YES  NO

If "YES" please describe, to your knowledge, the nature of any such claims:

---

### **SQUARE FOOTAGE/ACREAGE**

Seller represents that any figures provided by Seller in any documents regarding the square footage or acreage of the Property are not based on any personal measurement by Seller. If the square footage or acreage of the Property is of material concern to Buyer, Buyer is advised to verify the square footage or acreage through any independent sources or means deemed appropriate by Buyer.

**BUYER IS ADVISED NOT TO RELY ON SELLER, THE COMPANY, OR ANY AGENTS OF THE COMPANY FOR A DETERMINATION REGARDING THE SQUARE FOOTAGE OR ACREAGE OF THE PROPERTY.**

### **VERIFICATION BY SELLER**

Seller verifies that Seller has prepared this disclosure form and that the information contained herein is accurate and complete to the best of Seller's actual knowledge as of the date signed by Seller below.

**SELLER UNDERSTANDS AND AGREES THAT SELLER WILL UPDATE THIS DISCLOSURE FORM IF ANY INFORMATION CONTAINED HEREIN BECOMES INACCURATE OR INCORRECT IN ANY WAY.**

Seller authorizes the Company to provide copies of this disclosure form to prospective buyers, and to real estate brokers and agents. This disclosure form is not a warranty of any kind. If Buyer and Seller enter into a sales contract for the Property, and such sales contract includes, excludes, or warrants the condition of any item referenced herein, then to the extent there is a conflict between the sales contract and any representations contained herein, the terms of the sales contract shall control.

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

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

**ACKNOWLEDGEMENT OF RECEIPT BY BUYER**

Buyer's signature below acknowledges Buyer's receipt of a copy of this disclosure form.

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

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