

(IF YOU DID NOT CLAIM AN EXCLUSION IN SECTION 1, YOU MUST FILL OUT THIS SECTION.)

Section 2. SELLER'S PROPERTY DISCLOSURE STATEMENT

(NOT A WARRANTY)

(ORS 105.464)

NOTICE TO THE BUYER: THE FOLLOWING REPRESENTATIONS ARE MADE BY THE SELLER(S) CONCERNING THE CONDITION OF THE PROPERTY LOCATED AT 260 SKYCREST ("THE PROPERTY"). DR, Ashland, OR 97520 DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE. BUYER HAS FIVE DAYS FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO REVOKE BUYER'S OFFER BY DELIVERING BUYER'S SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE SELLER DISAPPROVING THE SELLER'S DISCLOSURE STATEMENT, UNLESS BUYER WAIVES THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT. FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY, BUYER IS ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF A QUALIFIED SPECIALIST TO INSPECT THE PROPERTY ON BUYER'S BEHALF INCLUDING, FOR EXAMPLE, ONE OR MORE OF THE FOLLOWING: ARCHITECTS, ENGINEERS, PLUMBERS, ELECTRICIANS, ROOFERS, ENVIRONMENTAL INSPECTORS, BUILDING INSPECTORS, CERTIFIED HOME INSPECTORS, OR PEST AND DRY ROT INSPECTORS.

Seller \_\_\_\_\_ is/  is not occupying the property.

I. SELLER'S REPRESENTATIONS:

The following are representations made by the seller and are not the representations of any financial institution that may have made or may make a loan pertaining to the property, or that may have or take a security interest in the property, or any real estate licensee engaged by the seller or the buyer.

**\*If you mark yes on items with \*, attach a copy or explain on an attached sheet.**

1. TITLE

A. Do you have legal authority to sell the property?  Yes  No  Unknown

\*B. Is title to the property subject to any of the following:  Yes  No  Unknown

- (1) First right of refusal
- (2) Option
- (3) Lease or rental agreement
- (4) Other listing
- (5) Life estate?

\*C. Is the property being transferred an unlawfully established unit of land?  Yes  No  Unknown

\*D. Are there any encroachments, boundary agreements, boundary disputes or recent

- boundary changes?  Yes  No  Unknown
- \*E. Are there any rights of way, easements, licenses, access limitations or claims that may affect your interest in the property?  Yes  No  Unknown
- \*F. Are there any agreements for joint maintenance of an easement or right of way?  Yes  No  Unknown
- \*G. Are there any governmental studies, designations, zoning overlays, surveys or notices that would affect the property?  Yes  No  Unknown
- \*H. Are there any pending or existing governmental assessments against the property?  Yes  No  Unknown
- \*I. Are there any zoning violations or nonconforming uses?  Yes  No  Unknown
- \*J. Is there a boundary survey for the property?  Yes  No  Unknown
- \*K. Are there any covenants, conditions, restrictions or private assessments that affect the property?  Yes  No  Unknown
- \*L. Is the property subject to any special tax assessment or tax treatment that may result in levy of additional taxes if the property is sold?  Yes  No  Unknown

2. WATER

A. Household water

(1) The source of the water is (check ALL that apply):

- Public  Community  Private
- Other \_\_\_\_\_

(2) Water source information:

- \*a. Does the water source require a water permit?  Yes  No  Unknown  
If yes, do you have a permit?  Yes  No
- b. Is the water source located on the property?  Yes  No  Unknown  
\*If not, are there any written agreements for a shared water source?  Yes  No  Unknown  N/A
- \*c. Is there an easement (recorded or unrecorded) for your access to or maintenance of the water source?  Yes  No  Unknown
- d. If the source of water is from a well or spring, have you had any of the following in the past 12 months?  Flow test  Bacteria test  Chemical contents test  Yes  No  Unknown  N/A
- \*e. Are there any water source plumbing problems or needed repairs?  Yes  No  Unknown
- (3) Are there any water treatment systems for the property?  Yes  No  Unknown  
 Leased  Owned

B. Irrigation

- (1) Are there any  water rights or  other irrigation rights for the property?  Yes  No  Unknown
- \*(2) If any exist, has the irrigation water been used during the last five-year period?  Yes  No  Unknown  NA
- \*(3) Is there a water rights certificate or other written evidence available?  Yes  No  Unknown  NA
- C. Outdoor sprinkler system
- (1) Is there an outdoor sprinkler system for the property?  Yes  No  Unknown
- (2) Has a back flow valve been installed?  Yes  No  Unknown  NA
- (3) Is the outdoor sprinkler system operable?  Yes  No  Unknown  NA

3. SEWAGE SYSTEM

- A. Is the property connected to a public or community sewage system?  Yes  No  Unknown
- B. Are there any new public or community sewage systems proposed for the property?  Yes  No  Unknown
- C. Is the property connected to an on-site septic system?  
If yes, was it installed by permit?  Yes  No  Unknown  NA  
\*Has the system been repaired or altered?  Yes  No  Unknown  
Has the condition of the system been evaluated and a report issued?  Yes  No  Unknown  
Has it ever been pumped?  Yes  No  Unknown  NA  
If yes, when? \_\_\_\_\_
- \*D. Are there any sewage system problems or needed repairs?  Yes  No  Unknown
- E. Does your sewage system require on-site pumping to another level?  Yes  No  Unknown

4. DWELLING INSULATION

- A. Is there insulation in the:
- (1) Ceiling?  Yes  No  Unknown
- (2) Exterior walls?  Yes  No  Unknown
- (3) Floors?  Yes  No  Unknown
- B. Are there any defective insulated doors or windows?  Yes  No  Unknown

5. DWELLING STRUCTURE

- \*A. Has the roof leaked?  Yes  No  Unknown  
If yes, has it been repaired?  Yes  No  Unknown  NA
- B. Are there any additions, conversions or remodeling?  Yes  No  Unknown  
If yes, was a building permit required?  Yes  No  Unknown  NA  
If yes, was a building permit obtained?  Yes  No  Unknown  NA

- If yes, was final inspection obtained?  Yes  No  Unknown  N/A
- C. Are there smoke alarms or detectors?  Yes  No  Unknown
- D. Is there a woodstove included in the sale?  
Make \_\_\_\_\_  
 Yes  No  Unknown
- \*E. Has pest and dry rot, structural or  
"whole house" inspection been done  
within the last three years?  Yes  No  Unknown
- \*F. Are there any moisture problems, areas of  
water penetration, mildew odors or other  
moisture conditions (especially in the  
basement)?  Yes  No  Unknown  
\*If yes, explain on attached sheet the frequency and  
extent of problem and any insurance claims,  
repairs or remediation done.
- G. Is there a sump pump on the property?  Yes  No  Unknown
- H. Are there any materials used in the  
construction of the structure that are or  
have been the subject of a recall, class  
action suit, settlement or litigation?  
If yes, what are the materials? \_\_\_\_\_  
 Yes  No  Unknown
- (1) Are there problems with the materials?  Yes  No  Unknown  N/A
- (2) Are the materials covered by a warranty?  Yes  No  Unknown  N/A
- (3) Have the materials been inspected?  Yes  No  Unknown  N/A
- (4) Have there ever been claims filed for these  
materials by you or by previous owners?  
If yes, when? \_\_\_\_\_  
 Yes  No  Unknown  N/A
- (5) Was money received?  Yes  No  Unknown  N/A
- (6) Were any of the materials repaired or  
replaced?  Yes  No  Unknown  N/A
6. DWELLING SYSTEMS AND FIXTURES  
If the following systems or fixtures are included  
in the purchase price, are they in good working  
order on the date this form is signed?
- A. Electrical system, including wiring, switches,  
outlets and service  Yes  No  Unknown
- B. Plumbing system, including pipes, faucets,  
fixtures and toilets  Yes  No  Unknown
- C. Water heater tank  Yes  No  Unknown
- D. Garbage disposal  Yes  No  Unknown  N/A
- E. Built-in range and oven  Yes  No  Unknown  N/A
- F. Built-in dishwasher  Yes  No  Unknown  N/A
- G. Sump pump  Yes  No  Unknown  N/A
- H. Heating and cooling systems  Yes  No  Unknown  N/A
- I. Security system  Owned  Leased  Yes  No  Unknown  N/A
- J. Are there any materials or products used in

the systems and fixtures that are or have been the subject of a recall, class action settlement or other litigations?

Yes  No  Unknown

If yes, what product? \_\_\_\_\_

(1) Are there problems with the product?

Yes  No  Unknown

(2) Is the product covered by a warranty?

Yes  No  Unknown

(3) Has the product been inspected?

Yes  No  Unknown

(4) Have claims been filed for this product by you or by previous owners?

Yes  No  Unknown

If yes, when? \_\_\_\_\_

(5) Was money received?

Yes  No  Unknown

(6) Were any of the materials or products repaired or replaced?

Yes  No  Unknown

## 7. COMMON INTEREST

A. Is there a Home Owners' Association or other governing entity?

Yes  No  Unknown

Name of Association or Other Governing Entity \_\_\_\_\_

Contact Person \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

B. Regular periodic assessments: \$ \_\_\_\_\_ per  Month  Year  Other \_\_\_\_\_

\*C. Are there any pending or proposed special assessments?

Yes  No  Unknown

D. Are there shared "common areas" or joint maintenance agreements for facilities like walls, fences, pools, tennis courts, walkways or other areas co-owned in undivided interest with others?

Yes  No  Unknown

E. Is the Home Owners' Association or other governing entity a party to pending litigation or subject to an unsatisfied judgment?

Yes  No  Unknown  N/A

F. Is the property in violation of recorded covenants, conditions and restrictions or in violation of other bylaws or governing rules, whether recorded or not?

Yes  No  Unknown  N/A

## 8. GENERAL

A. Are there problems with settling, soil, standing water or drainage on the property or in the immediate area?

Yes  No  Unknown

B. Does the property contain fill?

Yes  No  Unknown

C. Is there any material damage to the property or any of the structure(s) from fire, wind, floods,

beach movements, earthquake, expansive soils or landslides?

Yes  No  Unknown

D. Is the property in a designated floodplain?

Yes  No  Unknown

E. Is the property in a designated slide or other geologic hazard zone?

Yes  No  Unknown

\*F. Has any portion of the property been tested or treated for asbestos, formaldehyde, radon gas, lead-based paint, mold, fuel or chemical storage tanks or contaminated soil or water?

Yes  No  Unknown

G. Are there any tanks or underground storage tanks (e.g., septic, chemical, fuel, etc.) on the property?

Yes  No  Unknown

H. Has the property ever been used as an illegal drug manufacturing or distribution site?

Yes  No  Unknown

\*If yes, was a Certificate of Fitness issued?

Yes  No  Unknown

\*I. Has the property been classified as forestland-urban interface?

Yes  No  Unknown

9. FULL DISCLOSURE BY SELLERS

\*A. Are there any other material defects affecting this property or its value that a prospective buyer should know about?

Yes  No

\*If yes, describe the defect on attached sheet and explain the frequency and extent of the problem and any insurance claims, repairs or remediation.

B. Verification:

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy of this disclosure statement. I/we authorize my/our agents to deliver a copy of this disclosure statement to all prospective buyers of the property or their agents.

Seller(s) signature:

SELLER Gerald K. Miller DATE 7-9-08  
SELLER \_\_\_\_\_ DATE \_\_\_\_\_

II. BUYER'S ACKNOWLEDGMENT

A. As buyer(s), I/we acknowledge the duty to pay diligent attention to any material defects that are known to me/us or can be known by me/us by utilizing diligent attention and observation.

B. Each buyer acknowledges and understands that the disclosures set forth in this statement and in any amendments to this statement are made only by the seller and are not the representations of any financial institution that may have made or may make a loan pertaining to the property, or that may have or take a security interest in the property, or of any real estate licensee engaged by

the seller or buyer. A financial institution or real estate licensee is not bound by and has no liability with respect to any representation, misrepresentation, omission, error or inaccuracy contained in another party's disclosure statement required by this section or any amendment to the disclosure statement.

C. Buyer (which term includes all persons signing the "buyer's acknowledgment" portion of this disclosure statement below) hereby acknowledges receipt of a copy of this disclosure statement (including attachments, if any) bearing seller's signature(s).

DISCLOSURES, IF ANY, CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE. IF THE SELLER HAS FILLED OUT SECTION 2 OF THIS FORM, YOU, THE BUYER, HAVE FIVE DAYS FROM THE SELLER'S DELIVERY OF THIS DISCLOSURE STATEMENT TO REVOKE YOUR OFFER BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE SELLER DISAPPROVING THE SELLER'S DISCLOSURE UNLESS YOU WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS SELLER'S PROPERTY DISCLOSURE STATEMENT.

BUYER \_\_\_\_\_ DATE \_\_\_\_\_

BUYER \_\_\_\_\_ DATE \_\_\_\_\_

Agent receiving disclosure statement on buyer's behalf to sign and date:

\_\_\_\_\_ Real Estate Licensee

\_\_\_\_\_ Real Estate Firm

Date received by agent \_\_\_\_\_

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