



SELLER'S REAL PROPERTY DISCLOSURE STATEMENT

Hawaii Association of REALTORS® Standard Form

Revised 12/09 (NC) For Release 11/12



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Information Obtained from Public Records (May Be Completed by Listing Broker)

Seller(s) Name(s) (All on Title): _____
 Property Reference or Address: _____
 Tax Map Key: Div. _____ /Zone _____ /Sec. _____ /Plat _____ /Parcel _____ /CPR _____ (if applicable).
 County Zoning: _____ State Land Use Designation: _____ [] Fee Simple [] Leasehold
 Licensee: _____ Brokerage Firm: _____

Purpose of Disclosure Statement: Pursuant to Hawaii Revised Statutes, Chapter 508D (for residential real property), and under common law (for all other real estate transactions, including the sale of vacant land) a seller of residential real property is obligated to fully and accurately disclose in writing to a buyer all "material facts" concerning the property. "Material facts" are defined as "any fact, defect, or condition, past or present, that would be expected to measurably affect the value to a reasonable person of the residential real property being offered for sale." This Disclosure Statement is intended to assist Seller in organizing and presenting all material facts concerning the Property. It is very important that Seller exercise due care in preparing responses to questions posed in the Disclosure Statement, and that all responses are made in good faith, are truthful and complete to the best of Seller's knowledge. Seller's agent, Buyer and Buyer's agent may rely upon Seller's disclosures. **SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR HAVE AN EXPERT INSPECT PROPERTY PRIOR TO PREPARING DISCLOSURE.**

MUST BE COMPLETED BY SELLER ONLY

Seller's Statement: This is a statement concerning information relating to the condition of Property that: (i) is within the knowledge or control of Seller; (ii) can be observed from visible, accessible areas; or (iii) which is required by Section 508D-4.5 and 508D-15, Hawaii Revised Statutes. Seller may not be aware of problems affecting Property, and there may be material facts of which Seller is not aware that qualified experts may be able to discover or time may reveal. Unless Buyer has been otherwise specifically advised, Seller has not conducted any inspections of generally inaccessible areas of Property. **BUYER SHOULD TAKE CARE TO PROTECT BUYER'S OWN INTEREST BY OBTAINING PROFESSIONAL ADVICE AND BY CONDUCTING THOROUGH INSPECTIONS AND OBTAINING EXPERT HELP IN EVALUATING PROPERTY AND BY OBTAINING BUYER'S OWN PUBLIC RECORDS.** The statements made below are made by Seller and are not statements or representations of Seller's agent. The Disclosure Statement and the disclosures made by Seller are provided exclusively to Buyers involved in this transaction only, and do not apply to any subsequent sales not involving this Seller.

THIS DISCLOSURE STATEMENT IS NOT A WARRANTY OF ANY KIND BY SELLER OR BY ANY AGENT REPRESENTING SELLER AND IS NOT A SUBSTITUTE FOR ANY EXPERT INSPECTION, PROFESSIONAL ADVICE, OR WARRANTY THAT BUYER MAY WISH TO OBTAIN.

If not presently owner occupied, date of Seller's last visit _____

General Instructions to Seller: (1) Answer ALL questions. (2) If checked or answered yes, explain all material facts known to you in Section I. (3) If additional space is needed to explain material facts, attach additional pages and sign/date at the bottom. (4) Each property/dwelling/structure shall have its own Disclosure. (5) NTMK means NOT TO MY KNOWLEDGE. (6) NA means NOT APPLICABLE and cannot be answered by "Yes," "No" or "NTMK."

A. DEFECTS OR REPAIRS (Past or present): Check items listed below if you are aware of any past or present defects or repairs. If checked, use the same number and describe in Section I.

- | | | |
|---|--------------------------------------|---------------------------------------|
| (1) [] Appliances | (12) [] Fire Sprinkler System | (23) [] Smoke Detectors |
| (2) [] Bathtubs/showers/Basins/Toilets | (13) [] Fireplace/Chimney | (24) [] Solar/Water/Electric Systems |
| (3) [] Ceilings | (14) [] Floors/Floor Coverings | (25) [] Spa/Hot Tub/Sauna |
| (4) [] Ceiling Fans | (15) [] Foundations/Slabs | (26) [] Swimming Pool |
| (5) [] Central Vacuum Systems | (16) [] Gutters | (27) [] Walkways |
| (6) [] Counters/Cabinets | (17) [] Heating/Ventilating/Cooling | (28) [] Walls Exterior |
| (7) [] Decking/Railings/Lanai | (18) [] Lawn Sprinkler System | (29) [] Walls Interior |
| (8) [] Doors/Door Bells/Garage Door | (19) [] Plumbing | (30) [] Water Features |
| (9) [] Driveways | (20) [] Roofs | (31) [] Water Heater |
| (10) [] Electric Outlets/Switches/Lights | (21) [] Security Systems | (32) [] Windows/Jalousies/Skylights |
| (11) [] Fences/Perimeter Walls | (22) [] Sinks/Faucets | (33) [] Other _____ |

BUYER'S INITIALS & DATE _____

SELLER'S INITIALS & DATE _____



B. GENERAL: Do any of the following conditions exist? If "yes", use the same number and describe in Section I.

- | | YES | NO | NTMK | NA | |
|------|-----|-----|------|-----|--|
| 34) | [] | [] | [] | [] |] Does any other party have an unrecorded interest in this Property and/or a say in its disposition? |
| 35) | [] | [] | [] | [] |] Are there any lawsuits or foreclosure actions affecting this Property? |
| 36) | [] | [] | [] | [] |] Are there any easements affecting this Property? |
| 37) | [] | [] | [] | [] |] Are there any roadways, driveways, walls, fences, and/or other improvements which are shared with adjoining land owners? |
| 38) | [] | [] | [] | [] |] Are there any known encroachments? |
| 39) | [] | [] | [] | [] |] Are there any written agreements concerning items 36, 37 or 38? |
| 40) | [] | [] | [] | [] |] Have there ever been substances, materials, or products which may be an environmental hazard such as, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, contaminated soil or water? |
| 41) | [] | [] | [] | [] |] Is there filled land on this Property? |
| 42) | [] | [] | [] | [] |] Has there ever been any settling or slippage, sliding, subsidence, or other soil problem? |
| 43) | [] | [] | [] | [] |] Has there ever been any drainage, water infiltration, seepage, flooding, or grading problems? |
| 44) | [] | [] | [] | [] |] Are there any violations of government regulations/ordinances related to this Property? |
| 44a) | [] | [] | [] | [] |] (a) Are there any zoning or setback violations and/or citations? |
| 44b) | [] | [] | [] | [] |] (b) Are there any nonconforming uses or restrictions on rebuilding? |
| 45) | [] | [] | [] | [] |] Is the Property currently rented? |
| 45a) | [] | [] | [] | [] |] (a) Is there a written Rental Agreement? |
| 46) | [] | [] | [] | [] |] Is the Property subject to any recorded or unrecorded land lease (e.g. Pasture lease, sandwich lease)? |
| 46a) | [] | [] | [] | [] |] (a) If yes, are there any violations of the land leases? |
| 47) | [] | [] | [] | [] |] Is the Property licensed for any transient accommodations (e.g. TVR, B&B)? |
| 47a) | [] | [] | [] | [] |] (a) If yes, are there any periodic re-licensing requirements? |
| 47b) | [] | [] | [] | [] |] (b) Are there any violations of the license? |
| 48) | [] | [] | [] | [] |] Is this Property subject to Covenants, Conditions and Restrictions (CC&Rs)? |
| 48a) | [] | [] | [] | [] |] (a) Are there any violations of the Covenants, Conditions and Restrictions covering this Property? |
| 49) | [] | [] | [] | [] |] Is there any damage caused by tree roots? |
| 50) | [] | [] | [] | [] |] Is the Property located in a Special Management Area? |
| 51) | [] | [] | [] | [] |] Is this Property located in a geothermal subzone or near a geothermal facility? |
| 52) | [] | [] | [] | [] |] Is the Property located in a tsunami evacuation zone? |
| 53) | [] | [] | [] | [] |] Is the Property located in a Special Flood Hazard Area based on FEMA's Flood Insurance Rate Maps? |
| 54) | [] | [] | [] | [] |] Is the Property located in volcanic hazard Zone 1 or 2? (Only applicable to Island of Hawaii) |
| 55) | [] | [] | [] | [] |] Is there any existing or past damage to the Property or any of the structures from earthquake, fire, flooding, landslides, falling rocks, tsunami, volcanic activity, or wind? |
| 56) | [] | [] | [] | [] |] Is the Property subject to excessive air pollution? (e.g., "VOG") |
| 57) | [] | [] | [] | [] |] Are you aware of any adverse conditions existing in this general neighborhood/area (e.g., pesticides, soil problems, irrigation, odors etc.)? |
| 58) | [] | [] | [] | [] |] Is the Property exposed to other types of recurring excessive noise (e.g., night club, school, street traffic, animals (e.g. coqui frogs, birds, barking dogs etc.)?) |
| 59) | [] | [] | [] | [] |] Is there any wildlife refuge or sanctuary in the neighborhood/area? |
| 60) | [] | [] | [] | [] |] Are there any additional facts regarding the Property or neighborhood (e.g., history of homicide, felony, or suicide, pending development in the area, road widening projects, zoning changes; etc.)? |
| 61) | [] | [] | [] | [] |] Is the Property located in the regular path of aircraft and does it experience regular excessive aircraft noise? |
| 62) | [] | [] | [] | [] |] Is the Property located within the boundaries of the Air Installation Compatibility Use Zone of any Air Force, Army, Navy, or Marine Corps airport as officially designated by military authorities? |
| 63) | [] | [] | [] | [] |] Are you aware of the presence of or removal of unexploded military ordnance in this general area? |
| 64) | [] | [] | [] | [] |] Is access to the Property restricted? |
| | | | | |] <input type="checkbox"/> Private Road <input type="checkbox"/> By easement <input type="checkbox"/> Other |

C. IMPROVEMENTS: Do any of the following conditions exist? If "yes", use the same number and describe in Section I.

- | | YES | NO | NTMK | NA | |
|------|-----|-----|------|-----|--|
| 65) | [] | [] | [] | [] |] Were any improvements, additions, structural modifications or alterations built without building permits, association design committee or other governmental approvals? |
| 66) | [] | [] | [] | [] |] Were any of the building permits not finalized (closed) by the permitting agency? |
| 67) | [] | [] | [] | [] |] Were any of the improvements to this Property built under an owner-builder permit? |
| 67a) | | | | |] (a) Date of Completion of the improvements covered under the owner-builder permit: _____ |
| 68) | [] | [] | [] | [] |] Is the Seller/Builder a licensed contractor who is providing warranties? |
| 69) | [] | [] | [] | [] |] Have you given any release or waiver of liability, or release from a warranty to any government agency, contractor, engineer, architect, land surveyor, or landscape architect, for any defect, mistake, or omission in the design or construction of this Property? |
| 70) | [] | [] | [] | [] |] Has the roof been repaired or replaced? |
| 70a) | | | | |] (a) When and by whom? _____ |
| 70b) | | | | |] (b) What is the age of the roof? _____ |
| 70c) | [] | [] | [] | [] |] Are there any transferable warranties? |

BUYER'S INITIALS & DATE

SELLER'S INITIALS & DATE