HOUSE BILL 1579

State of Washington 65th Legislature 2017 Regular Session

By Representatives Kilduff, Fey, and Ortiz-Self

Read first time 01/24/17. Referred to Committee on Business & Financial Services.

- 1 AN ACT Relating to including school district information on
- 2 disclosure statements by sellers of real property; and amending RCW
- 3 64.06.020.

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- 4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 5 **Sec. 1.** RCW 64.06.020 and 2015 c 110 s 1 are each amended to 6 read as follows:
- 7 (1) In a transaction for the sale of improved residential real

property, the seller shall, unless the buyer has expressly waived the

- 9 right to receive the disclosure statement under RCW 64.06.010, or
- 10 unless the transfer is otherwise exempt under RCW 64.06.010, deliver
- 11 to the buyer a completed seller disclosure statement in the following
- 12 format and that contains, at a minimum, the following information:
- 13 INSTRUCTIONS TO THE SELLER
- 14 Please complete the following form. Do not leave any spaces blank. If
- 15 the question clearly does not apply to the property write "NA." If
- 16 the answer is "yes" to any * items, please explain on attached
- 17 sheets. Please refer to the line number(s) of the question(s) when
- 18 you provide your explanation(s). For your protection you must date
- 19 and sign each page of this disclosure statement and each attachment.
- 20 Delivery of the disclosure statement must occur not later than five

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1	business days, unless otherwise agreed, after mutual acceptance of a
2	written contract to purchase between a buyer and a seller.
3	NOTICE TO THE BUYER
4	THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF
5	THE PROPERTY LOCATED AT
6	("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.
7	SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR
8	MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE
9	PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT.
10	UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE
11	BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS
12	DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A
13	SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR
14	SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED
15	DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR
16	TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.
17	THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE
18	REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS
19	INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART
20	OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.
21	FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF
22	THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF
23	QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT
24	LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS,
25	ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER
26	TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE
27	BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR
28	INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A
29	CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS
30	OR WARRANTIES.
31	Seller is/ is not occupying the property.
32	I. SELLER'S DISCLOSURES:
33	*If you answer "Yes" to a question with an asterisk (*), please explain your
34	answer and attach documents, if available and not otherwise publicly recorded. If
35	necessary, use an attached sheet.
36	1. TITLE

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1	[] Yes	[] No	[] Don't know	A. Do you have legal authority to sell
2				the property? If no, please explain.
3	[] Yes	[] No	[] Don't know	*B. Is title to the property subject to
4				any of the following?
5				(1) First right of refusal
6				(2) Option
7				(3) Lease or rental agreement
8				(4) Life estate?
9	[] Yes	[] No	[] Don't know	*C. Are there any encroachments,
10				boundary agreements, or boundary
11				disputes?
12	[] Yes	[] No	[] Don't know	*D. Is there a private road or easement
13				agreement for access to the property?
14	[] Yes	[] No	[] Don't know	*E. Are there any rights-of-way,
15				easements, or access limitations that
16				may affect the Buyer's use of the
17				property?
18	[] Yes	[] No	[] Don't know	*F. Are there any written agreements
19				for joint maintenance of an easement
20				or right-of-way?
21	[] Yes	[] No	[] Don't know	*G. Is there any study, survey project,
22				or notice that would adversely affect
23				the property?
24	[] Yes	[] No	[] Don't know	*H. Are there any pending or existing
25				assessments against the property?
26	[] Yes	[] No	[] Don't know	*I. Are there any zoning violations,
27				nonconforming uses, or any unusual
28				restrictions on the property that would
29				affect future construction or
30				remodeling?
31	[] Yes	[] No	[] Don't know	*J. Is there a boundary survey for the
32				property?
33	[] Yes	[] No	[] Don't know	*K. Are there any covenants,
34				conditions, or restrictions recorded
35				against the property?
36				2. WATER
37				A. Household Water

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1				(1) The source of water for the
2				property is:
3				[] Private or publicly owned
4				water system
5				[] Private well serving only the
6				subject property
7				*[] Other water system
8	[] Yes	[] No	[] Don't know	*If shared, are there any written
9				agreements?
10	[] Yes	[] No	[] Don't know	*(2) Is there an easement
11				(recorded or unrecorded) for
12				access to and/or maintenance of
13				the water source?
14	[] Yes	[] No	[] Don't know	*(3) Are there any problems or
15				repairs needed?
16	[] Yes	[] No	[] Don't know	(4) During your ownership, has
17				the source provided an adequate
18				year-round supply of potable
19				water? If no, please explain.
20	[] Yes	[] No	[] Don't know	*(5) Are there any water
21				treatment systems for the
22				property? If yes, are they
23				[]Leased[]Owned
24	[] Yes	[] No	[] Don't know	*(6) Are there any water rights
25				for the property associated with
26				its domestic water supply, such
27				as a water right permit,
28				certificate, or claim?
29	[] Yes	[] No	[] Don't know	(a) If yes, has the water right
30				permit, certificate, or claim been
31				assigned, transferred, or
32				changed?
33				*(b) If yes, has all or any portion
34				of the water right not been used
35				for five or more successive
36				years?
37	[] Yes	[] No	[] Don't know	*(7) Are there any defects in the
38				operation of the water system
39				(e.g. pipes, tank, pump, etc.)?

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1				B. Irrigation Water
2	[] Yes	[] No	[] Don't know	(1) Are there any irrigation water
3				rights for the property, such as a
4				water right permit, certificate, or
5				claim?
6	[] Yes	[] No	[] Don't know	*(a) If yes, has all or any portion
7				of the water right not been used
8				for five or more successive
9				years?
10	[] Yes	[] No	[] Don't know	*(b) If so, is the certificate
11				available? (If yes, please attach a
12				copy.)
13	[] Yes	[] No	[] Don't know	*(c) If so, has the water right
14				permit, certificate, or claim been
15				assigned, transferred, or
16				changed?
17	[] Yes	[] No	[] Don't know	*(2) Does the property receive
18				irrigation water from a ditch
19				company, irrigation district, or
20				other entity? If so, please identify
21				the entity that supplies water to
22				the property:
23				C. Outdoor Sprinkler System
24	[] Yes	[] No	[] Don't know	(1) Is there an outdoor sprinkler
25				system for the property?
26	[] Yes	[] No	[] Don't know	*(2) If yes, are there any defects
27				in the system?
28	[] Yes	[] No	[] Don't know	*(3) If yes, is the sprinkler
29				system connected to irrigation
30				water?
31				3. SEWER/ON-SITE SEWAGE
32				SYSTEM

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1				A. The property is served by:
2				[] Public sewer system,
3				[] On-site sewage system (including
4				pipes, tanks, drainfields, and all other
5				component parts)
6				[] Other disposal system, please
7				describe:
8	[] Yes	[] No	[] Don't know	B. If public sewer system service is
9				available to the property, is the house
10				connected to the sewer main? If no,
11				please explain.
12	[] Yes	[] No	[] Don't know	*C. Is the property subject to any
13				sewage system fees or charges in
14				addition to those covered in your
15				regularly billed sewer or on-site
16				sewage system maintenance service?
17				D. If the property is connected to an
18				on-site sewage system:
19	[] Yes	[] No	[] Don't know	*(1) Was a permit issued for its
20				construction, and was it approved
21				by the local health department or
22				district following its
23				construction?
24				(2) When was it last pumped?
25				
26	[] Yes	[] No	[] Don't know	*(3) Are there any defects in the
27				operation of the on-site sewage
28				system?
29			[] Don't know	(4) When was it last inspected?
30				
31				By whom:
32			[] Don't know	(5) For how many bedrooms was
33				the on-site sewage system
34				approved?
35				bedrooms

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1	[] Yes	[] No	[] Don't know	E. Are all plumbing fixtures, including
2				laundry drain, connected to the
3				sewer/on-site sewage system? If no,
4				please explain:
5	[] Yes	[] No	[] Don't know	*F. Have there been any changes or
6				repairs to the on-site sewage system?
7	[] Yes	[] No	[] Don't know	G. Is the on-site sewage system,
8				including the drainfield, located
9				entirely within the boundaries of the
10				property? If no, please explain.
11				
12	[] Yes	[] No	[] Don't know	*H. Does the on-site sewage system
13				require monitoring and maintenance
14				services more frequently than once a
15				year?
16				
17	NOTICE:	IF THIS	RESIDENTIAL	REAL PROPERTY DISCLOSURE
18	STATEME	NT IS BEI	NG COMPLETED	FOR NEW CONSTRUCTION WHICH
19	HAS NEV	ER BEEN	OCCUPIED, THE	E SELLER IS NOT REQUIRED TO
20	COMPLET	E THE Q	UESTIONS LISTE	ED IN ITEM 4. STRUCTURAL OR
21	ITEM 5. SY	STEMS A	ND FIXTURES	
22				4. STRUCTURAL
23	[] Yes	[] No	Don't know	
			[] Don't know	*A. Has the roof leaked within the last
24			[] Don't know	*A. Has the roof leaked within the last five years?
2425	[] Yes	[] No	[] Don't know	
	[] Yes	[] No		five years?
25	[] Yes	[] No		five years? *B. Has the basement flooded or
25 26			[] Don't know	five years? *B. Has the basement flooded or leaked?
25 26 27			[] Don't know	five years? *B. Has the basement flooded or leaked? *C. Have there been any conversions,
25262728	[] Yes	[] No	[] Don't know	five years? *B. Has the basement flooded or leaked? *C. Have there been any conversions, additions, or remodeling?
2526272829	[] Yes	[] No	[] Don't know	five years? *B. Has the basement flooded or leaked? *C. Have there been any conversions, additions, or remodeling? *(1) If yes, were all building
25 26 27 28 29 30	[] Yes [] Yes	[] No	[] Don't know [] Don't know [] Don't know	five years? *B. Has the basement flooded or leaked? *C. Have there been any conversions, additions, or remodeling? *(1) If yes, were all building permits obtained?
25 26 27 28 29 30 31	[] Yes [] Yes	[] No	[] Don't know [] Don't know [] Don't know	five years? *B. Has the basement flooded or leaked? *C. Have there been any conversions, additions, or remodeling? *(1) If yes, were all building permits obtained? *(2) If yes, were all final
25 26 27 28 29 30	[] Yes [] Yes [] Yes	[] No	[] Don't know [] Don't know [] Don't know	five years? *B. Has the basement flooded or leaked? *C. Have there been any conversions, additions, or remodeling? *(1) If yes, were all building permits obtained? *(2) If yes, were all final inspections obtained?
25 26 27 28 29 30 31 32 33	[] Yes [] Yes [] Yes	[] No	[] Don't know [] Don't know [] Don't know	five years? *B. Has the basement flooded or leaked? *C. Have there been any conversions, additions, or remodeling? *(1) If yes, were all building permits obtained? *(2) If yes, were all final inspections obtained? D. Do you know the age of the house?
25 26 27 28 29 30 31 32	[] Yes [] Yes [] Yes [] Yes	[] No [] No [] No	[] Don't know [] Don't know [] Don't know [] Don't know	*B. Has the basement flooded or leaked? *C. Have there been any conversions, additions, or remodeling? *(1) If yes, were all building permits obtained? *(2) If yes, were all final inspections obtained? D. Do you know the age of the house? If yes, year of original construction:

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1	[] Yes	[] No	[] Don	t know	*F. Are there any defects with the
2					following: (If yes, please check
3					applicable items and explain.)
4	_ l	Foundations		□ Decks	s Exterior Walls
5	- (Chimneys		□ Interi	or Walls □ Fire Alarm
6	_ l	Doors		□ Wind	ows Patio
7	_ (Ceilings		□ Slab l	Floors □ Driveways
8	_ l	Pools		□ Hot T	`ub □ Sauna
9	- 5	Sidewalks		□ Outbu	ildings □ Fireplaces
10	_ (Garage Floo	rs	□ Walk	ways
11	_ (Other		□ Wood	Istoves □ Elevators
12	_ l	ncline Eleva	ators	□ Stairv	vay Chair Wheelchair Lifts
13				Lifts	
14	[] Yes	[] No	[] Don	t know	*G. Was a structural pest or "whole
15					house" inspection done? If yes, when
16					and by whom was the inspection
17					completed?
18	[] Yes	[] No	[] Don	t know	H. During your ownership, has the
19					property had any wood destroying
20					organism or pest infestation?
21	[] Yes	[] No	[] Don	t know	I. Is the attic insulated?
22	[] Yes	[] No	[] Don	t know	J. Is the basement insulated?
23					5. SYSTEMS AND FIXTURES
24					*A. If any of the following systems or
25					fixtures are included with the transfer,
26					are there any defects? If yes, please
27					explain.
28	[] Yes	[] No	[] Don	't know	Electrical system, including
29					wiring, switches, outlets, and
30					service
31	[] Yes	[] No	[] Don	t know	Plumbing system, including
32					pipes, faucets, fixtures, and
33					toilets
34	[] Yes	[] No	[] Don	't know	Hot water tank
35	[] Yes	[] No	[] Don	t know	Garbage disposal
36	[] Yes	[] No	[] Don	't know	Appliances
37	[] Yes	[] No	[] Don	t know	Sump pump

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1	[] Yes	[] No	[] Don't know	Heating and cooling systems
2	[] Yes	[] No	[] Don't know	Security system
3				[] Owned [] Leased
4				Other
5				*B. If any of the following fixtures or
6				property is included with the transfer,
7				are they leased? (If yes, please attach
8				copy of lease.)
9	[] Yes	[] No	[] Don't know	Security system
10	[] Yes	[] No	[] Don't know	Tanks (type):
11	[] Yes	[] No	[] Don't know	Satellite dish
12				Other:
13				*C. Are any of the following kinds of
14				wood burning appliances present at
15				the property?
16	[] Yes	[] No	[] Don't know	(1) Woodstove?
17	[] Yes	[] No	[] Don't know	(2) Fireplace insert?
18	[] Yes	[] No	[] Don't know	(3) Pellet stove?
19	[] Yes	[] No	[] Don't know	(4) Fireplace?
20	[] Yes	[] No	[] Don't know	If yes, are all of the (1)
21				woodstoves or (2) fireplace
22				inserts certified by the U.S.
23				Environmental Protection
24				Agency as clean burning
25				appliances to improve air quality
26				and public health?
27	[] Yes	[] No	[] Don't know	D. Is the property located within a
28				city, county, or district or within a
29				department of natural resources fire
30				protection zone that provides fire
31				protection services?
32	[] Yes	[] No	[] Don't know	E. Is the property equipped with
33				carbon monoxide alarms?
34				(Note: Pursuant to RCW 19.27.530,
35				seller must equip the residence with
36				carbon monoxide alarms as required
37				by the state building code.)

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1	[] Yes	[] No	[] Don't know	F. Is the property equipped with
2				smoke alarms?
3				6. HOMEOWNERS'
4				ASSOCIATION/COMMON
5				INTERESTS
6	[] Yes	[] No	[] Don't know	A. Is there a Homeowners'
7				Association? Name of Association and
8				contact information for an officer,
9				director, employee, or other
10				authorized agent, if any, who may
11				provide the association's financial
12				statements, minutes, bylaws, fining
13				policy, and other information that is
14				not publicly available:
15	[] Yes	[] No	[] Don't know	B. Are there regular periodic
16				assessments:
17				\$ per [] Month [] Year
18				[] Other
19	[] Yes	[] No	[] Don't know	*C. Are there any pending special
20				assessments?
21	[] Yes	[] No	[] Don't know	*D. Are there any shared "common
22				areas" or any joint maintenance
23				agreements (facilities such as walls,
24				fences, landscaping, pools, tennis
25				courts, walkways, or other areas co-
26				owned in undivided interest with
27				others)?
28				7. ENVIRONMENTAL
29	[] Yes	[] No	[] Don't know	*A. Have there been any flooding,
30				standing water, or drainage problems
31				on the property that affect the property
32				or access to the property?
33	[] Yes	[] No	[] Don't know	*B. Does any part of the property
34				contain fill dirt, waste, or other fill
35				material?

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1	[] Yes	[] No	[] Don't know	*C. Is there any material damage to
2				the property from fire, wind, floods,
3				beach movements, earthquake,
4				expansive soils, or landslides?
5	[] Yes	[] No	[] Don't know	D. Are there any shorelines, wetlands,
6				floodplains, or critical areas on the
7				property?
8	[] Yes	[] No	[] Don't know	*E. Are there any substances,
9				materials, or products in or on the
10				property that may be environmental
11				concerns, such as asbestos,
12				formaldehyde, radon gas, lead-based
13				paint, fuel or chemical storage tanks,
14				or contaminated soil or water?
15	[] Yes	[] No	[] Don't know	*F. Has the property been used for
16				commercial or industrial purposes?
17	[] Yes	[] No	[] Don't know	*G. Is there any soil or groundwater
18				contamination?
19	[] Yes	[] No	[] Don't know	*H. Are there transmission poles or
20				other electrical utility equipment
21				installed, maintained, or buried on the
22				property that do not provide utility
23				service to the structures on the
24				property?
25	[] Yes	[] No	[] Don't know	*I. Has the property been used as a
26				legal or illegal dumping site?
27	[] Yes	[] No	[] Don't know	*J. Has the property been used as an
28				illegal drug manufacturing site?
29	[] Yes	[] No	[] Don't know	*K. Are there any radio towers in the
30				area that cause interference with
31				cellular telephone reception?
32				8. MANUFACTURED AND
33				MOBILE HOMES
34				If the property includes a
35				manufactured or mobile home,
36	[] Yes	[] No	[] Don't know	*A. Did you make any alterations to
37				the home? If yes, please describe the
38				alterations:

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1	[] Yes	[] No	[] Don't know	*B. Did any previous owner make any
2				alterations to the home?
3	[] Yes	[] No	[] Don't know	*C. If alterations were made, were
4				permits or variances for these
5				alterations obtained?
6				9. SCHOOL DISTRICT
7				What school district does the property
8				reside within?
9			[] Don't know	<u></u>
10				10. FULL DISCLOSURE BY
11				SELLERS
12				A. Other conditions or defects:
13	[] Yes	[] No	[] Don't know	*Are there any other existing material
14				defects affecting the property that a
15				prospective buyer should know about?
16				B. Verification:
17				The foregoing answers and attached
18				explanations (if any) are complete and
19				correct to the best of my/our
20				knowledge and I/we have received a
21				copy hereof. I/we authorize all of
22				my/our real estate licensees, if any, to
23				deliver a copy of this disclosure
24				statement to other real estate licensees
25				and all prospective buyers of the
26				property.
27	DATE		SELLER	SELLER
28			NOTICE TO	THE BUYER
29	INFORM	ATION RE	GARDING REGIS	TERED SEX OFFENDERS MAY
30	BE OBTA	AINED FR	OM LOCAL LAW	/ ENFORCEMENT AGENCIES. THIS
31	NOTICE	IS INTENI	DED ONLY TO IN	FORM YOU OF WHERE TO OBTAIN
32	THIS INF	ORMATIC	ON AND IS NOT A	AN INDICATION OF THE PRESENCE
33	OF REGIS	STERED S	EX OFFENDERS.	
34		II. BUY	ER'S ACKNOWL	EDGMENT

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1	A. Buyer hereby acknowledges that: Buyer has a duty to pay
2	diligent attention to any material defects that are known to
3	Buyer or can be known to Buyer by utilizing diligent
4	attention and observation.
5	B. The disclosures set forth in this statement and in any
6	amendments to this statement are made only by the Seller
7	and not by any real estate licensee or other party.
8	C. Buyer acknowledges that, pursuant to RCW 64.06.050(2),
9	real estate licensees are not liable for inaccurate
10	information provided by Seller, except to the extent that
11	real estate licensees know of such inaccurate information.
12	D. This information is for disclosure only and is not intended
13	to be a part of the written agreement between the Buyer
14	and Seller.
15	E. Buyer (which term includes all persons signing the
16	"Buyer's acceptance" portion of this disclosure statement
17	below) has received a copy of this Disclosure Statement
18	(including attachments, if any) bearing Seller's signature.
19	DICCLOCUDES COMMAINED IN MILE DICCLOCUDE CHAMEMEN AND DOUTDED DV
20	DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME
21	SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER
22	OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM
23	THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT
24	TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN

THE TIME ID SELLER DAYS FROM STATEMENT SEPARATELY SIGNED WRITTEN 25 STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE 26 THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE 27 AGREEMENT. 28 BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE 29 STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE 30 OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER 31 PARTY. 32 DATE BUYER BUYER.

33 (2) If the disclosure statement is being completed for new 34 construction which has never been occupied, the disclosure statement 35 is not required to contain and the seller is not required to complete 36 the questions listed in item 4. Structural or item 5. Systems and

37 Fixtures.

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(3) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

--- END ---

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