

SHB 2417 - H AMD 812

By Representative Benson

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 64.06.020 and 2003 c 200 s 1 are each amended to read
4 as follows:

5 (1) In a transaction for the sale of residential property, the
6 seller shall, unless the buyer has expressly waived the right to
7 receive the disclosure statement, or unless the transfer is exempt
8 under RCW 64.06.010, deliver to the buyer a completed seller disclosure
9 statement in the following format and that contains, at a minimum, the
10 following information:

11 INSTRUCTIONS TO THE SELLER

12 Please complete the following form. Do not leave any spaces blank. If
13 the question clearly does not apply to the property write "NA". If the
14 answer is "yes" to any * items, please explain on attached sheets.
15 Please refer to the line number(s) of the question(s) when you provide
16 your explanation(s). For your protection you must date and sign each
17 page of this disclosure statement and each attachment. Delivery of the
18 disclosure statement must occur not later than five business days,
19 unless otherwise agreed, after mutual acceptance of a written contract
20 to purchase between a buyer and a seller.

21 NOTICE TO THE BUYER

22 THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE
23 PROPERTY LOCATED AT
24 ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

25 SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR
26 MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE
27 PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT.
28 UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE
29 BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS

1 DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A
2 SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S
3 AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE
4 STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER
5 THE TIME YOU ENTER INTO A SALE AGREEMENT.

6 THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE
7 REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS
8 INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF
9 ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

10 FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS
11 PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF
12 QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT
13 LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS,
14 ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER
15 TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE
16 BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS
17 OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT
18 BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR
19 WARRANTIES.

20 Seller is/ is not occupying the property.

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I. SELLER'S DISCLOSURES:

If you answer "Yes" to a question with an asterisk (), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

1. TITLE

- | | | | |
|------------------------------|-----------------------------|-------------------------------------|--|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | A. Do you have legal authority to sell the property? If no, please explain. |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *B. Is title to the property subject to any of the following?
(1) First right of refusal
(2) Option
(3) Lease or rental agreement
(4) Life estate? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know | *C. Are there any encroachments, boundary agreements, or boundary disputes? |

1	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* (a) If yes, have the water rights been used during the last five years?
2				
3	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* (b) If so, is the certificate available?
4				
5				C. Outdoor Sprinkler System
6	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(1) Is there an outdoor sprinkler system for the property?
7				
8	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(2) If yes, are there any defects in the system?
9				
10	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* (3) If yes, is the sprinkler system connected to irrigation water?
11				
12				
13				3. SEWER/ON-SITE SEWAGE SYSTEM
14				A. The property is served by: <input type="checkbox"/> Public sewer system, <input type="checkbox"/> On-site sewage system (including pipes, tanks, drainfields, and all other component parts) <input type="checkbox"/> Other disposal system, please describe:
15			
16				
17				B. If public sewer system service is available to the property, is the house connected to the sewer main? If no, please explain.
18			
19				
20	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	C. Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?
21				
22				
23				D. If the property is connected to an on-site sewage system:
24				
25	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* (1) Was a permit issued for its construction, and was it approved by the local health department or district following its construction?
26				
27				(2) When was it last pumped:
28			
29				
30				* (3) Are there any defects in the operation of the on-site sewage system?
31				
32	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(4) When was it last inspected?
33			
34				
35				By Whom:
36				
37				
38	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(5) For how many bedrooms was the on-site sewage system approved ?
39				
40				
41			<input type="checkbox"/> Don't know bedrooms
42				
43				
44			<input type="checkbox"/> Don't know	
45				
46				

1		<input type="checkbox"/> Garage Floors	<input type="checkbox"/> Walkways	<input type="checkbox"/> Siding
2		<input type="checkbox"/> Other	<input type="checkbox"/> Wood Stoves	
3	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*G. Was a structural pest or "whole
4				house" inspection done? If yes, when
5				and by whom was the inspection
6				completed?
7	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	H. During your ownership, has the
8				property had any wood destroying
9				organism or pest infestation?
10	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	I. Is the attic insulated?
11	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	J. Is the basement insulated?
12				5. SYSTEMS AND FIXTURES
13				*A. If any of the following systems or
14				fixtures are included with the transfer,
15				are there any defects? If yes, please
16				explain.
17	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Electrical system, including wiring,
18				switches, outlets, and service
19	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Plumbing system, including pipes,
20				faucets, fixtures, and toilets
21	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Hot water tank
22	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Garbage disposal
23	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Appliances
24	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Sump pump
25	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Heating and cooling systems
26	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Security system
27				<input type="checkbox"/> Owned <input type="checkbox"/> Leased
28				Other
29				*B. If any of the following fixtures
30				or property is included with the
31				transfer, are they leased? (If yes,
32				please attach copy of lease.)
33	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Security system
34	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Tanks (type):
35	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Satellite dish
36				Other:
37				6. COMMON INTERESTS
38	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	A. Is there a Home Owners'
39				Association? Name of Association
40			
41	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	B. Are there regular periodic
42				assessments:
43				\$. . . per <input type="checkbox"/> Month <input type="checkbox"/> Year
44				<input type="checkbox"/> Other
45	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*C. Are there any pending special
46				assessments?

1 STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER
2 DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE
3 THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE
4 AGREEMENT.

5 BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE
6 STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE
7 OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.
8 DATE BUYER BUYER

9 (2) If the disclosure statement is being completed for new
10 construction which has never been occupied, the disclosure statement is
11 not required to contain and the seller is not required to complete the
12 questions listed in item 4. Structural or item 5. Systems and
13 Fixtures.

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

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 64.06 RCW
22 to read as follows:

23 The notice regarding sex offenders under RCW 64.06.020 does not
24 create any legal duty on the part of the seller, or on the part of any
25 real estate licensee, to investigate or to provide the buyer with
26 information regarding the actual presence, or lack thereof, of
27 registered sex offenders in the area of any property, including but not
28 limited to any property that is the subject of a disclosure or waiver
29 of disclosure under this chapter, or that is exempt from disclosure
30 under RCW 64.06.010.

31 NEW SECTION. **Sec. 3.** This act applies prospectively only and not
32 retroactively. It applies only to residential real property purchase
33 and sale agreements entered into on or after the effective date of this
34 act, without regard to when the agreements are closed or finalized.

1 NEW SECTION. **Sec. 4.** This act takes effect January 1, 2005."

2 Correct the title.

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