



**SELLER'S DISCLOSURE OF REAL PROPERTY
CONDITION REPORT
State of Delaware**

Approved by the Delaware Real Estate Commission (effective 12/01/2013)

Seller (s) Name: _____

Property Address: _____

Approximate Age of Buildings(s): _____ **Date Purchased:** _____

Chapter 25, Title 6 of the Delaware Code, requires a Seller of residential property to disclose in writing all material defects of the property that are known at the time the property is offered for sale or that are known prior to the time of final settlement. Residential property means any interest in a property or manufactured housing lot, improved by dwelling units for 1-4 families. The disclosure must be made on this Report, which has been approved by the Delaware Real Estate Commission, and shall be updated as necessary for any material changes occurring in the property before final settlement. This Report shall be given to all prospective Buyers prior to the time the Buyer makes an offer to purchase. This Report, signed by Buyer and Seller, shall become a part of the Agreement of Sale. This Report is a good faith effort by the Seller to make the disclosures required by Delaware law and is not a warranty of any kind by the Seller or any Agents or Sub-Agents representing Seller or Buyer in the transfer and is not a substitute for any inspections or warranties that the Seller or Buyer may wish to obtain. The Buyer has no cause of action against the Seller or Real Estate Agent for material defects in the property disclosed to the Buyer prior to the Buyer making an offer; material defects developed after the offer was made but disclosed in an update of this Report prior to settlement, provided Seller has complied with the Agreement of Sale; or material defects which occur after settlement. State websites containing helpful information include: Office of State Planning Coordination www.stateplanning.delaware.gov, Delaware Department of Natural Resources and Environmental Control www.dnrec.delaware.gov, Delaware Division of Public Health www.dhss.delaware.gov/dhss/dph, Delaware State Police Sex Offender Registry www.state.de.us/dsp and other agencies listed on www.delaware.gov.

Yes	No	*	* Write in <i>U</i> if Unknown or <i>NA</i> if Not Applicable, otherwise mark either the Yes or No column. Where selections are requested, place a check mark next to each correct answer or fill in the correct answer. Certain answers require a further explanation in Section XVI.
			<u>I. OCCUPANCY</u>
			1. Do you currently occupy this property full-time? If No, how long has it been since you occupied the property? _____ . Property is your: (___ Primary Residence) (___ Second / Vacation Home) (___ Rental Property) (___ Other _____).
			2. Is the property encumbered by a (___ lease), (___ option to purchase), or (___ first right of refusal)? If Yes, describe in XVI.
			3. If the property is leased, have all necessary permits / licenses been obtained?
			4. Is the property new construction?
			5. If # 4 is Yes, Seller warrants that the property (___ is) or (___ is not) exempt from providing the buyer with a Public Offering Statement as described in §81-401 or §81-403(b) of Chapter 81, Title 25 of the Delaware Code, The Delaware Uniform Common Interest Ownership Act. If not exempt, in compliance with §317A of Chapter 3, Title 25, Seller has attached a copy of all documents in the chain of title that create any financial obligation for the buyer, and a written summary of all financial obligations created by documents in the chain of title. As evidenced by signature below, buyer has received a copy of these documents.
			<u>II. DEED RESTRICTIONS, HOMEOWNERS ASSOCIATIONS / CONDOMINIUMS AND CO-OPS</u>
			6. Is the property subject to any deed restrictions? If Yes, describe in XVI.
			7. Are you in violation of any deed restrictions at this time? If Yes, describe in XVI.
			8. Is the property subject to any agreements concerning affordable housing or workforce housing?
			9. Is the property subject to any private or public architectural review control other than building codes?
			10. Is the property part of a condominium or other common ownership?

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Seller's Initials _____ Seller's Initials _____ Buyer's Initials _____ Buyer's Initials _____

Yes	No	*	* Write in <i>U</i> if Unknown or <i>NA</i> if Not Applicable, otherwise mark either the Yes or No column. Where selections are requested, place a check mark next to each correct answer or fill in the correct answer. Certain answers require a further explanation in Section XVI.
			11. Is there a (___ Homeowners Association), (___ Condominium Association), (___ Civic Association), or (___ Maintenance Corporation) included in the deed?
			12. Is there a capital contribution fee due by a new owner to the Association? If yes, how much _____?
			13. If # 11 is Yes, are there any (___ fees), (___ dues), (___ assessments), or (___ bonds) involved? If Yes, how much? _____ and how often? _____.
			Are they (___ Mandatory) or (___ Voluntary)?
			14. Are there any unpaid assessments? If Yes, indicate amount _____. If Yes, describe in XVI.
			15. Has there been a special assessment in the past 12 months? If Yes, describe in XVI.
			16. Have you received notice of any new or proposed increases in fees, dues, assessments, or bonds? If Yes, describe in XVI.
			17. Is there any condition or claim which may result in an increase in assessments or fees? If Yes, describe in XVI.
			18. Management Company Name: _____
			19. Representative Name: _____ Phone # _____
			20. Representative E-mail Address: _____
			III. TITLE / ZONING INFORMATION
			21. Does the amount owed on your mortgages and other liens exceed the estimated value of the property? If Yes, are additional funds available from Seller for settlement? _____
			22. Is your property owned (___ In fee simple) or (___ Leasehold) or (___ Cooperative)?
			23. Are there any right-of-ways, easements, or similar matters that may affect the property? If Yes, describe in XVI.
			24. Are there any shared maintenance agreements affecting the property? If Yes, describe in XVI.
			25. Are there any variance, zoning, non-conforming use, or setback violations? If Yes, describe in XVI.
			26. Has the variance or non-conforming use expired or would not be transferable? If Yes, describe in XVI.
			27. Has a title policy been issued on the property in the past 5 years?
			IV. MISCELLANEOUS
			28. Have you received notice from any local, state, or federal agencies requiring repairs, alterations, or corrections of any existing conditions? If Yes, describe in XVI.
			29. Is there any existing or threatened legal action affecting this property? If Yes, describe in XVI.
			30. Are there any violations of local, state, federal laws, or regulations relating to this property? If Yes, describe in XVI.
			31. Is there anything else you should disclose to a prospective Buyer because it may materially and adversely affect the property, e.g., zoning changes, road changes, proposed utility changes, threat of condemnation, noise, bright lights, odors, or other nuisances, etc.? If Yes to any, describe in XVI.
			32. Are all the exterior door locks in the house in working condition? If No, describe in XVI.
			33. Will keys be provided for each lock?
			34. Have you had, or do you now have, any animals (pets) in the house?
			35. Is there or has there ever been a (___ swimming pool), (___ hot tub), (___ spa), or (___ whirlpool) on the property? If Yes and there are any defects describe in XVI.
			36. If there is a pool, does it conform to all local ordinances? If No, describe in XVI.
			37. What is the type of trash disposal? (___ Private), (___ Municipal) or (___ Other _____).
			38. The cost of repairing and paving the streets adjacent to the property is paid for by: ___ The property owner(s), estimated fees: \$ _____ ___ Delaware Department of Transportation or the State of Delaware ___ Unknown
			Note to Buyer: Repairing and repaving of the streets can be very costly. (6 Delaware Code§ 2578)
			39. Is off street parking available for this property? If Yes, number of spaces available: _____
			V. ENVIRONMENTAL HAZARDS

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			40. Are there now or have there been any underground storage tanks on the property? For (___ heating fuel), (___ propane), (___ septic), or (___ Other _____). If Yes, describe locations in XVI.
			41. If the tank was abandoned, was it done with all necessary permits and properly abandoned?
			42. Are asbestos-containing materials present? If Yes, describe in XVI.
			43. Are there any lead hazards? (e.g., lead paint, lead pipes, lead in soil.) If Yes, describe in XVI.
			44. Has the property been tested for toxic or hazardous substances? Attach each test report, if available.
			45. Has the property ever been tested for mold, if Yes, provide the test results.
			46. Is there currently mold in the property? If Yes, describe in XVI.
			47. Has the illegal manufacture, storage, or use of methamphetamines occurred in the property? If Yes, describe in XVI.
			VI. LAND (SOILS, DRAINAGE, AND BOUNDARIES)
			48. Is there fill soil or other fill material on the property?
			49. Are there any sliding, settling, earth movement, upheaval, earth stability, or methane gas release problems that have occurred on the property or in the immediate neighborhood? If Yes, describe in XVI.
			50. Is any part of the property located in (___ a flood zone) and / or (___ a wetlands area)?
			51. Are there any drainage or flood problems affecting the property? If Yes, describe in XVI.
			52. Do you carry flood insurance? Agent: _____ Policy # _____
			53. If # 52 is Yes, what is the annual cost of this policy? _____
			54. Have you made any insurance claims on the property in the past 5 years? If Yes, describe in XVI.
			55. Does the property have standing water in front, rear, or side yards for more than 48 hours after raining?
			56. Are there encroachments or boundary line disputes affecting the property? If Yes, describe in XVI.
			57. Are there any tax ditches crossing or bordering the property?
			58. Are there any swales crossing the property that are under the control of a Soil and Conservation District? If Yes, describe in XVI.
			59. Has the property ever been surveyed?
			60. Are the boundaries of the property marked in any way?
			VII. STRUCTURAL ITEMS
			61. Have you made any additions or structural changes? If Yes, describe in XVI.
			62. If Yes, was all work done with all necessary permits and approvals in compliance with building codes?
			63. Is there any movement, shifting, or other problems with walls or foundations? If Yes, describe in XVI.
			64. Have the property or improvements thereon, ever been damaged by (___ fire), (___ smoke), (___ wind), or (___ flood)? If Yes, describe in XVI.
			65. Was the structure moved to this site? (___ Double Wide) (___ Modular) (___ Other: _____)
			66. Is there any (___ past) or (___ present) water leakage in the house? If Yes, describe in XVI.
			67. Are there any problems with (___ driveways), (___ walkways), (___ patios), or (___ retaining walls) on the property? If Yes, describe in XVI.
			68. Have there been any repairs or other attempts to control the cause or effect of problems described in questions 66 and 67? If Yes, describe in XVI.
			69. Is there insulation in:
			The ceiling / attic?
			The exterior walls?
			Other places? Describe _____
			What type(s) of insulation does your property have? _____
			70. Are there any drywall issues or drywall smells? If Yes, describe in XVI.
			VIII. TERMITES, DRYROT, PESTS
			71. Is there, or has there been, any infestation by termites or other wood destroying insects? If Yes, describe in XVI.
			72. Is there or has there been any damage to the property caused by (___ termites), (___ other wood destroying insects), (___ pests), or (___ dryrot)? If Yes, describe in XVI.
			73. Have there been any termite or pest control inspections made on the property? If Yes, describe in XVI.

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			74. Have there been any termite or pest control treatments made on the property? If Yes, describe in XVI.
			75. Is your property currently under warranty, or other coverage, by a professional pest control company? If Yes, name of exterminating company: _____
			<u>IX. BASEMENT AND CRAWL SPACES</u>
			76. Does the property have a sump pump? If Yes, where does it drain? _____
			77. Is there any water leakage, accumulation, or dampness within the basement or crawlspace?
			78. Have there been any repairs or other attempts to control any water or dampness problem in the basement or crawlspace? If Yes, describe in XVI.
			79. Are there any cracks or bulges in the floor or foundation walls? If Yes, describe in XVI.
			<u>X. ROOF</u>
			80. Date last roof surface installed: _____
			81. How many layers of roof material are there (e.g., new shingles over old shingles)? _____
			82. Are there any problems with the roof, flashing, or rain gutters? If Yes or repaired under your ownership, explain in XVI.
			83. If under warranty, is warranty transferable?
			84. Where do your gutters drain? (___ Surface) (___ Drywell) (___ Storm Sewers) (___ Other _____)
			<u>XI. PLUMBING-RELATED ITEMS</u>
			85. What is the drinking water source? _____
			86. If drinking water supplied by utility, name of utility: _____
			87. What type of plumbing (copper, lead, cast iron, PVC, polybutylene, galvanized, unknown) is in the house? 1. Water supply _____ 2. Drainage _____
			88. Have there been any additions / upgrades to the original service? If Yes, describe in XVI.
			89. If any, was the work done by a licensed contractor?
			90. If your drinking water is from a well, when was your water last tested and what were the results of the test? Tested on: _____, Results: _____
			91. When was well installed? _____ Location of well? _____ Depth of well? _____
			92. Is there a water treatment system? If Yes, (___ Leased) or (___ Owned)?
			93. What is the type of sewage system? (___ Public Sewer) (___ Community Sewer) (___ Septic System) (___ Cesspool) (___ Other _____)
			94. If a septic system, type: (___ Gravity Fed) (___ Capping Fill) (___ LPP) (___ Mound) (___ Holding Tank) (___ Other: _____)
			95. When was septic system or cesspool last serviced? _____
			96. Is there a wastewater spray irrigation system installed on or adjacent to the property?
			97. Has a soil / site evaluation ever been done? If Yes, when? _____ Results? _____
			98. Any leaks, backups, or other problems relating to any of the plumbing, water, and sewage related items? If Yes, describe in XVI.
			99. Are there any shut off, disconnected, or abandoned wells, underground water, or sewer tanks on the property? If Yes, describe locations in XVI.
			100. If # 99 is Yes, were they abandoned with all necessary permits and properly abandoned?
			101. Water heater type: (___ Electric) (___ Oil) (___ Gas) or (___ Other: _____)
			<u>XII. HEATING AND AIR CONDITIONING</u>
			102. How many heating and / or air conditioning zones are in the property? _____. If more than one, indicate the zone number next to each answer in this section and provide the answer for each zone.
			103. What is the type of heating system and fuel? (e.g., System: forced air, heat pump, hot water, baseboard. Fuel: oil, gas, electric, solar etc.) System: _____ Fuel: _____
			104. Age of furnace? _____ Date of last service? _____
			105. Are there any contractual obligations affecting the fuel supply, tanks, or systems? If Yes, describe in XVI.
			106. What is the type of air conditioning system? (e.g., central, window units) _____
			107. Age of air conditioning system? _____ Date of last service? _____
			108. Have there been any additions / upgrades to the original heating or air conditioning? If Yes, describe in XVI.

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			109. If question 108 is Yes, was work done by a licensed contractor?
			110. Are there any problems with the heating or air conditioning systems? If Yes, describe in XVI.
			XIII. ELECTRICAL SYSTEM
			111. What type of wiring is in the house? (copper, aluminum, other, etc.) _____
			112. What amp service does it have?(___ 60) (___ 100) (___ 150) (___ 200) (___ Other: _____) Do you have (___ Circuit Breakers) or (___ Fuses) ?
			113. Does it have any 220 / 240-volt circuits?
			114. Do fuses blow or circuit breakers trip when two or more appliances are being used at the same time? If Yes, describe in XVI.
			115. Have there been any additions to the original service?
			116. Have any (___ solar) and / or (___ wind power) enhancements been made to supplement service?
			117. If Yes to question 115 or 116, was work done by a licensed electrician?
			118. Are there wall switches, light fixtures, or electrical outlets in need of repair? If Yes, explain in XVI.
			119. Are the permits associated with questions 62, 88, 109, and 117 closed?
			XIV. FIREPLACE OR HEATING STOVE
			120. Fireplace Type: (___ Wood Burning) (___ Gas) (___ Insert) (___ Other: _____)?
			121. Heating Stove type: (___ Wood Burning) (___ Pellet) (___ Other _____)?
			122. Was the fireplace or heating stove part of the original house design?
			123. Was the fireplace or heating stove installed by a professional contractor or manufacturer's representative?
			124. Are there any problems? If Yes, explain in XVI.
			125. When were the flues / chimneys last cleaned, serviced or repaired? _____ Explain nature of service or repair in XVI.

XV. MAJOR APPLIANCES AND OTHER ITEMS

(A) Are the following items in working order? If an item does not convey or does not exist, leave the yes / no fields blank. Note: The Agreement of Sale will specify and govern what is included or excluded.

Items	Yes	No	Items	Yes	No	Items	Yes	No
Range with oven			Furnace Humidifier			Attached Antenna/Rotor		
Range Hood-exhaust fan			Smoke Detectors			Garage Opener(s) # _____		
Cooktop-stand alone			Carbon Monoxide Detectors			with remote(s) # _____		
Wall Oven(s) # _____			Wood Stove			Pool Equipment		
Kitchen Refrigerator			Fireplace Equipment			Pool cover		
with icemaker			Fireplace Screen/Doors			Hot Tub, Equipment		
Refrigerator(s)-additional # _____			Electronic Air Filter			with cover		
Freezer -free standing			Window A/C Units # _____			Sheds/Outbuildings # _____		
Ice Maker-free standing			Attic fan			Playground Equipment		
Dishwasher			Whole house fan			Irrigation system		
Disposal			Bathroom Vents/Fans			Water Conditioner (owned)		
Microwave			Window Fan(s) # _____			Water Conditioner (leased)		
Washer			Ceiling Fan(s) # _____			Fuel Storage Tank(s) (owned)		
Dryer			Central Vacuum			Fuel Storage Tank(s) (leased)		
Trash Compactor			with attachments			Security/Monitoring Systems (owned)		
Water Filter			Intercoms			Security/Monitoring Systems (leased)		
Water Heater			Satellite Dish					
Sump Pump			with controls & remote(s)			Other Items:		
Storm Windows/Doors			Wall Mounted Flat Screen TV					
Screens			Wall brackets for TV					
Draperies/Curtains			Surround sound system & controls					
Drapery/Curtain rods			Solar Equipment					
Shades/Blinds								
Cornices/Valances								

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Seller's Initials _____ Seller's Initials _____ Buyer's Initials _____ Buyer's Initials _____

ACKNOWLEDGMENT OF SELLER

Seller has provided the information contained in this report. This information is to the best of Seller's knowledge and belief is complete, true, and accurate. Seller has no knowledge, information, or other reason to believe that any defects or problems with the property have been disclosed to, or discussed with, any Real Estate Agent or Broker involved in the sale of this property, other than those set forth in this report. Seller does hereby indemnify and hold harmless any Real Estate Agent involved in the sale of this property from any liability incurred as a result of any third-party reliance on the disclosures contained herein, or on any subsequent amendment hereto. Seller's Broker and / or Cooperating Broker, if any, is / are hereby authorized to furnish this report to any prospective Buyer. This is a legally binding document. If not understood, an attorney should be consulted.

SELLER _____ Date _____ SELLER _____ Date _____

SELLER _____ Date _____ SELLER _____ Date _____

Date the contents of this Report were last updated: _____

ACKNOWLEDGMENT OF BUYER

Buyer is relying upon the above report, and statements within the Agreement of Sale, as the representation of the condition of property, and is not relying upon any other information about the property. Buyer has carefully inspected the property and Buyer acknowledges that Agents are not experts at detecting or repairing physical defects in property. Buyer understands there may be areas of the property of which Seller has no knowledge and this report does not encompass those areas. Unless stated otherwise in my contract with Seller, the property is real estate being sold in its present condition, without warranties or guarantees of any kind by Seller or any Agent. Buyer has received and read a signed copy of this report. Buyer may negotiate in the Agreement of Sale for other professional advice and / or inspections of the property. Buyer understands there may be projects either planned or being undertaken by the State, County, or Local Municipality which may affect this property of which the Seller has no knowledge. Buyer further understands that it is Buyer's responsibility to contact the appropriate agencies to determine whether any such projects are planned or underway. If Buyer does not understand the impact of such project(s) on the property being purchased, Buyer should consult with an Attorney. Buyer understands that before signing an Agreement of Sale, Buyer may review the applicable Master Plan or Comprehensive Land Use Plan for the County and / or appropriate City or Town Plans showing planned land uses, zoning, roads, highways, locations, and nature of current or proposed parks and other public facilities. This is a legally binding document. If not understood, an attorney should be consulted.

BUYER _____ Date _____ BUYER _____ Date _____

BUYER _____ Date _____ BUYER _____ Date _____