

**SELLER'S PROPERTY DISCLOSURE STATEMENT**

**Property Address:** 300 Walnuttown Road, Ruscombmanor Township, Berks County, Pennsylvania

**Seller:** Estate of James P. Borst

A seller must disclose to a buyer all known material defects about property being sold that are not readily observable. This disclosure statement is designed to assist the seller in complying with disclosure requirements and to assist the buyer in evaluating the property being considered.

This statement discloses the seller's knowledge of the condition of the property as of the date signed by the seller and is not a substitute for any inspections or warranties that the buyer may wish to obtain. This statement is not a warranty of any kind by the seller or a warranty or representation by any listing real estate broker, any selling real estate broker or their agents. The buyer is encouraged to address concerns about the conditions of the property that may not be included in this statement. This statement does not relieve the seller of the obligation to disclose a material defect that may not be addressed on this form.

A material defect is a problem with the property or any portion of it that would have a significant adverse impact on the value of the residential real property or that involves an unreasonable risk to people on the land. The fact that a structural element, system or subsystem is near, at or beyond the end of its normal useful life is not by itself a material defect.

**Please write yes, no, unknown, or not applicable (N/A) for each question.**

**1. Seller's Expertise.**

The Seller does not possess expertise in contracting, engineering, architecture or other areas related to the construction and condition of the property and its improvements, except as follows: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**2. Occupancy.**

Do you, the Seller, currently occupy this property? \_\_\_\_ yes \_\_\_\_ no

If "no," when did you last occupy the property? \_\_\_\_\_.

**3. Roof.**

a. Date roof was installed: \_\_\_\_\_ Documented? \_\_\_\_ yes \_\_\_\_ no

b. Has the roof been replaced or repaired during your ownership? \_\_\_\_ yes \_\_\_\_ no

If "yes," were the existing shingles removed? \_\_\_\_ yes \_\_\_\_ no \_\_\_\_ unknown

c. Has the roof ever leaked during your ownership? \_\_\_\_ yes \_\_\_\_ no

d. Do you know of any problems with the roof, gutters or downspouts? \_\_\_\_ yes \_\_\_\_ no

Explain any "yes" answers that you give in this section, including the location and extent of any problem(s) and repair: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. **Basements and Crawl Spaces (complete only if applicable).**

- a. Does the property have a sump pump?  yes  no  unknown
- b. Are you aware of any water leakage, accumulation or dampness within the basement or crawl space?  yes  no

If "yes," describe in detail: \_\_\_\_\_  
\_\_\_\_\_

- c. Do you know of any repairs or other attempts to control any water or dampness problem in the basement or crawl space?  yes  no

If "yes," describe the location, extent, date and name of the person who did the repair or control effort: \_\_\_\_\_  
\_\_\_\_\_

5. **Termites/Wood Destroying Insects, Dry Rot, Pests.**

- a. Are you aware of any termites/wood destroying insects, dry rot or pests affecting the property?  yes  no
- b. Are you aware of any damage to the property caused by termites/wood destroying insects, dry rot or pests?  yes  no
- c. Is your property currently under contract by a licensed pest control company?  yes  no
- d. Are you aware of any termite/pest control reports or treatments for the property in the last five years?  yes  no

Explain any "yes" answers that you give in this section: \_\_\_\_\_  
\_\_\_\_\_

6. **Structural Items.**

- a. Are you aware of any past or present water leakage in the house or other structures?  yes  no
- b. Are you aware of any past or present movement, shifting, deterioration or other problems with walls, foundations or other structural components?  yes  no
- c. Are you aware of any past or present problems with driveways, walkways, patios or retaining walls on the property?  yes  no

Explain any "yes" answers that you give in this section: \_\_\_\_\_  
\_\_\_\_\_

When explaining efforts to control or repair, please describe the location and extent of the problem and the date and person by whom the work was done, if known: \_\_\_\_\_  
\_\_\_\_\_

9. **Plumbing System.**

a. Type of plumbing:  copper  galvanized  lead  PVC  unknown  other

If "other," please explain: \_\_\_\_\_

b. Are you aware of any problems with any of your plumbing fixtures (including, but not limited to: kitchen, laundry or bathroom fixtures, wet bars, hot water heater, etc.)?  yes  no

If "yes," please explain: \_\_\_\_\_

\_\_\_\_\_

10. **Domestic Water Heating.**

a. Type of air conditioning:  central electric  central gas  wall  none

b. List any areas of the house that are not air conditioned: \_\_\_\_\_

\_\_\_\_\_

c. Type of heating:  electric  fuel oil  natural gas  other

If "other," please explain: \_\_\_\_\_

d. List any areas of the house that are not heated: \_\_\_\_\_

\_\_\_\_\_

e. Type of water heating:  electric  gas  solar  other

If "other," please explain: \_\_\_\_\_

f. Are you aware of any underground fuel tanks on the property?  yes  no

If "yes," please describe: \_\_\_\_\_

Are you aware of any problems with any item in this section?  yes  no

If "yes," please explain: \_\_\_\_\_

\_\_\_\_\_

11. **Electrical System.**

Are you aware of any problems or repairs needed in the electrical system?  yes  no

If "yes," please explain: \_\_\_\_\_

\_\_\_\_\_

12. **Equipment and Appliances.**

The following items included in the sale are in need of repair or replacement: \_\_\_\_\_

\_\_\_\_\_

13. **Land (soils, drainage, boundaries and sinkholes).**

a. Are you aware of any fill or expansive soil on the property?  yes  no

- b. Are you aware of any sliding, settling, earth movement, upheaval, subsidence or earth stability problems that have occurred on or that affect the property? \_\_\_\_yes \_\_\_\_no

**NOTE TO BUYER:** Some properties may be subject to mine subsidence damage. Maps of the counties and mines where mine subsidence damage may occur and mine subsidence insurance are available through the Department of Environmental Protection, Mine Subsidence Insurance Fund.

- c. Are you aware of any existing or proposed mining, strip mining or any other excavations that might affect this property? \_\_\_\_yes \_\_\_\_no
- d. To your knowledge, is this property or part of it located in a flood zone or wetlands area? \_\_\_\_yes \_\_\_\_no
- e. Do you know of any past or present drainage or flooding problems affecting the property? \_\_\_\_yes \_\_\_\_no
- f. Do you know of any encroachments, boundary line disputes or easements? \_\_\_\_yes \_\_\_\_no

**NOTE TO BUYER:** Most properties have easements running across them for utility services and other reasons. In many cases, the easements do not restrict the ordinary use of the property, and the seller may not be readily aware of them. Buyers may wish to determine the existence of easements and restrictions by examining the property and ordering an abstract of title or searching the records in the Office of the Recorder of Deeds for the county before entering into an agreement of sale.

- g. Are you aware of any shared or common areas (for example, driveways, bridges, docks, walls, etc.) or maintenance agreements? \_\_\_\_yes \_\_\_\_no
- h. Are you aware of any sinkholes that have developed on the property? \_\_\_\_yes \_\_\_\_no

Explain any "yes" answers that you give in this section: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**14. Hazardous Substances.**

- a. Are you aware of any underground tanks or hazardous substances present on the property (structure or soil), including, but not limited to, asbestos, polychlorinated biphenyls (PCBs), radon, lead paint, urea-formaldehyde foam insulation (UFFI), etc.? \_\_\_\_yes \_\_\_\_no
- b. To your knowledge, has the property been tested for any hazardous substances? \_\_\_\_yes \_\_\_\_no
- c. Do you know of any other environmental concerns that might impact the property? \_\_\_\_yes \_\_\_\_no

Explain any "yes" answers that you give in this section: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**15. Condominiums and Other Homeowners Associations (complete only if applicable).**

Type: \_\_\_\_condominium\* \_\_\_\_cooperative \_\_\_\_home-owners association \_\_\_\_other

If "other," please explain: \_\_\_\_\_

**NOTICE REGARDING CONDOMINIUMS AND COOPERATIVES:**

According to Section 3407 of the Uniform Condominium Act (68 Pa.C.S.A. §3407)(relating to resales of units) and 68 Pa.C.S. § 4409 (relating to resales of cooperative interests),a buyer of a resale unit in a condominium or cooperative must receive a certificate of resale issued by the association in the condominium or cooperative. The buyer will have the option of canceling the agreement with return of all deposit moneys until the certificate has been provided to the buyer and for five days thereafter or until conveyance, whichever occurs first.

**16. Storm Water Facilities.**

- a. Do you know the location and condition of any basin, pond, ditch, drain, swale, culver, pipe or other manmade feature of land that temporarily or permanently conveys or manages storm water for the property? \_\_\_\_yes \_\_\_\_no \_\_\_\_unknown
- b. If the answer to (a) is yes, is the owner of this property responsible for the ongoing maintenance of the storm water facility? \_\_\_\_yes \_\_\_\_no \_\_\_\_unknown

Explain any "yes" answers that you give in this section: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**17. Miscellaneous.**

- a. Are you aware of any existing or threatened legal action affecting the property? \_\_\_\_\_.
- b. Do you know of any violations of Federal, State, or local laws or regulations relating to this property? \_\_\_\_\_.
- c. Are you aware of any public improvement, condominium or homeowner association assessments against the property that remain unpaid or of any violations of zoning, housing, building, safety or fire ordinances that remain uncorrected? \_\_\_\_\_.
- d. Are you aware of any judgment, encumbrance, lien or other debt against this property that cannot be satisfied by the proceeds of this sale? \_\_\_\_\_.
- e. Are you aware of any reason, including a defect in title, that would prevent you from giving a warranty deed or conveying title to the property? \_\_\_\_\_.
- f. Are you aware of any material defects to the property, dwelling or fixtures which are not disclosed elsewhere on this form? \_\_\_\_\_.

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Explain any "yes" answers: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned seller represents that the information set forth in this disclosure statement is accurate and complete to the best of the seller's knowledge. The seller hereby authorizes any agent for the seller to provide this information to prospective buyers of the property and to other real estate agents. The seller alone is responsible for the accuracy of the information contained in this statement. The seller shall cause the buyer to be notified in writing of any information supplied on this form which is rendered inaccurate by a change in the condition of the property following the completion of this form.

**SELLER:**

Date: \_\_\_\_\_ (SEAL)

Date: \_\_\_\_\_ (SEAL)

**EXECUTOR, ADMINISTRATOR, TRUSTEE, SELLER**

The undersigned has never occupied the property and lacks the personal knowledge necessary to complete this disclosure statement.

Date: \_\_\_\_\_ (SEAL)

Date: \_\_\_\_\_ (SEAL)

**RECEIPT AND ACKNOWLEDGEMENT BY BUYER**

Property Address:

The undersigned buyer acknowledges receipt of this disclosure statement. The buyer acknowledges that this statement is not a warranty and that, unless stated otherwise in the sales contract, the buyer is purchasing this property in its present condition. It is the buyer's responsibility to satisfy himself or herself as to the condition of the property. The buyer may request that the property be inspected, at the buyer's expense and by qualified professionals, to determine the condition of the structure or its components.

**BUYER:**

Date: \_\_\_\_\_ (SEAL)

Date: \_\_\_\_\_ (SEAL)

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a. Date roof was installed: \_\_\_\_\_ Documented? \_\_\_\_yes \_\_\_\_no

b. Has the roof been replaced or repaired during your ownership? \_\_\_\_yes \_\_\_\_no

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\_\_\_\_\_  
\_\_\_\_\_

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Explain any "yes" answers: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**SELLER:**

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Date: \_\_\_\_\_ (SEAL)

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Date: \_\_\_\_\_ (SEAL)

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**BUYER:**

Date: \_\_\_\_\_ (SEAL)

Date: \_\_\_\_\_ (SEAL)

**Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards**

**Lead Warning Statement**

*Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.*

**Seller's Disclosure**

- (a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):
- (i) \_\_\_\_\_ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).  
\_\_\_\_\_
  - (ii) \_\_\_\_\_ Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.
- (b) Records and reports available to the seller (check (i) or (ii) below):
- (i) \_\_\_\_\_ Seller has provided the purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).  
\_\_\_\_\_
  - (ii) \_\_\_\_\_ Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

**Purchaser's Acknowledgment (Initial)**

- (c) \_\_\_\_\_ Purchaser has received copies of all information listed above.
- (d) \_\_\_\_\_ Purchaser has received the pamphlet *Protect Your Family from Lead in Your Home*.
- (e) Purchaser has (check (i) or (ii) below):
- (i) \_\_\_\_\_ received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or
  - (ii) \_\_\_\_\_ waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

**Agent's Acknowledgment (Initial)**

- (f) \_\_\_\_\_ Agent has informed the seller of the seller's obligations under 42 U.S.C. 4852(d) and is aware of his/her responsibility to ensure compliance.

**Certification of Accuracy**

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

_____ Seller	_____ Date	_____ Seller	_____ Date
_____ Purchaser	_____ Date	_____ Purchaser	_____ Date
_____ Agent	_____ Date	_____ Agent	_____ Date