



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

Approved by the Delaware Real Estate Commission (effective 1/1/2011)

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.
			I. OCCUPANCY
			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)?
			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.
			II. DEED RESTRICTIONS, HOMEOWNERS ASSOCIATIONS/CONDOMINIUMS AND CO-OPS
			6. Is the property subject to any deed restrictions?
			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	*	<p>* Write in U if Unknown or NA 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.</p>
			11. Is there a (___ Homeowners Association), (___ Condominium Association), (___ Civic Association), or (___ Maintenance Corporation) included in the deed?
			12. If # 11 is Yes, are there any (___ fees), (___ dues), (___ assessments) or (___ bonds) involved? If Yes, how much? _____ Are they (___ Mandatory) or (___ Voluntary)?
			13. Are there any unpaid assessments? If Yes, indicate amount _____.
			14. Has there been a special assessment in the past 12 months? If Yes, describe in XVI.
			15. Have you received notice of any new or proposed increases in fees, dues, assessments or bonds? If Yes, describe in XVI.
			16. Is there any condition or claim, which may result in an increase in assessments or fees? If Yes, describe in XVI.
			17. Management Company Name: _____
			18. Representative Name: _____ Phone # _____
			III. TITLE / ZONING INFORMATION
			19. 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? _____
			20. Is your property owned (___ In fee simple) or (___ Leasehold) or (___ Cooperative)?
			21. Are there any right-of-ways, easements or similar matters that may affect the property? If Yes, describe in XVI.
			22. Are there any shared maintenance agreements affecting the property? If Yes, describe in XVI.
			23. Are there any variance, zoning, non-conforming use, or setback violations? If Yes, describe in XVI.
			24. Has the variance or non-conforming use expired or would not be transferable? If Yes, describe in XVI.
			25. Has a title policy been issued on the property in the past 5 years?
			IV. MISCELLANEOUS
			26. 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.
			27. Is there any existing or threatened legal action affecting this property? If Yes, describe in XVI.
			28. Are there any violations of local, state or federal laws or regulations relating to this property? If Yes, describe in XVI.
			29. 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.
			30. Are all the exterior door locks in the house in working condition? If No, describe in XVI.
			31. Will keys be provided for each lock?
			32. Have you had, or do you now have, any animals (pets) in the house?
			33. 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.
			34. If there is a pool, does it conform to all local ordinances? If No, describe in XVI.
			35. What is the type of trash disposal? (___ Private), (___ Municipal) or (___ Other _____).
			36. 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)
			37. Is off street parking available for this property? If Yes, number of spaces available: _____
			V. ENVIRONMENTAL HAZARDS
			38. 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.
			39. If the tank was abandoned, was it done with all necessary permits and properly abandoned?
			40. Are asbestos-containing materials present? If Yes, describe in XVI.

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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.
			41. Are there any lead hazards? (e.g., lead paint, lead pipes, lead in soil.) If Yes, describe in XVI.
			42. Has the property been tested for toxic or hazardous substances? Attach each test report, if available.
			43. Has the property ever been tested for mold, if Yes, provide the test results.
			44. Is there currently mold in the property? If Yes, describe in XVI.
			VI. LAND (SOILS, DRAINAGE AND BOUNDARIES)
			45. Is there fill soil or other fill material on the property?
			46. 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.
			47. Is any part of the property located in (___ a flood zone) and/or (___ a wetlands area)?
			48. Are there any drainage or flood problems affecting the property? If Yes, describe in XVI.
			49. Do you carry flood insurance? Agent: _____ Policy # _____
			50. If # 49 is Yes, what is the annual cost of this policy? _____
			51. Have you made any insurance claims on the property in the past 5 years? If Yes, describe in XVI.
			52. Does the property have standing water in front, rear or side yards for more than 48 hours after raining?
			53. Are there encroachments or boundary line disputes affecting the property? If Yes, describe in XVI.
			54. Are there any tax ditches crossing or bordering the property?
			55. Has the property ever been surveyed?
			56. Are the boundaries of the property marked in any way?
			VII. STRUCTURAL ITEMS
			57. Have you made any additions or structural changes? If Yes, describe in XVI.
			58. If Yes, was all work done with all necessary permits and approvals in compliance with building codes?
			59. Is there any movement, shifting, or other problems with walls or foundations? If Yes, describe in XVI.
			60. Has the property or improvements thereon ever been damaged by (___ fire), (___ smoke), (___ wind), or (___ flood)? If Yes, describe in XVI.
			61. Was the structure moved to this site? (___ Double Wide) (___ Modular) (___ Other: _____)
			62. Was fire retardant plywood used in the construction?
			63. Is there any (___ past) or (___ present) water leakage in the house? If Yes, describe in XVI.
			64. Are there any problems with (___ driveways), (___ walkways), (___ patios), or (___ retaining walls) on the property? If Yes, describe in XVI.
			65. Have there been any repairs or other attempts to control the cause or effect of problems described in questions 63 and 64? If Yes, describe in XVI.
			66. Is there insulation in: The ceiling / attic? The exterior walls? Other places? Describe _____ What type(s) of insulation does your property have? _____
			67. Are there any drywall issues or drywall smells? If Yes, describe in XVI.
			VIII. TERMITES, DRYROT, PESTS
			68. Is there or has there been any infestation by termites or other wood destroying insects? If Yes, describe in XVI.
			69. 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.
			70. Have there been any termite / pest control inspections or treatments made on the property?
			71. Is your property currently under warranty or other coverage by a professional pest control company? If Yes, name of exterminating company: _____
			IX. BASEMENT AND CRAWL SPACES
			72. Does the property have a sump pump? If Yes, where does it drain? _____
			73. Is there any water leakage, accumulation, or dampness within the basement or crawlspace?
			74. Have there been any repairs or other attempts to control any water or dampness problem in the basement or

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			crawlspace? If Yes, describe in XVI.
			75. Are there any cracks or bulges in the floor or foundation walls? If Yes, describe in XVI.
			X. ROOF
			76. Date last roof surface installed: _____
			77. How many layers of roof material are there (e.g., new shingles over old shingles)? _____
			78. Are there any problems with the roof, flashing, or rain gutters? If Yes or repaired under your ownership, explain in XVI.
			79. If under warranty, is warranty transferable?
			80. Where do your gutters drain? (___ Surface) (___ Drywell) (___ Storm Sewers) (___ Other _____)
			XI. PLUMBING-RELATED ITEMS
			81. What is the drinking water source? _____
			82. If drinking water supplied by utility, name of utility: _____
			83. What type of plumbing (copper, lead, cast iron, PVC, polybutylene, galvanized, unknown) is in the house? 1. Water supply _____ 2. Drainage _____
			84. Have there been any additions / upgrades to the original service? If Yes, describe in XVI.
			85. If any, was the work done by a licensed contractor?
			86. 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: _____
			87. When was well installed? _____ Location of well? _____ Depth of well? _____
			88. Is there a water treatment system? If Yes, (___ Leased) or (___ Owned)?
			89. What is the type of sewage system? (___ Public Sewer) (___ Community Sewer) (___ Septic System) (___ Cesspool) (___ Other _____)
			90. If a septic system, type: (___ Gravity Fed) (___ Capping Fill) (___ LPP) (___ Mound) (___ Holding Tank) (___ Other: _____)
			91. When was septic system or cesspool last serviced? _____
			92. Is there a wastewater spray irrigation system installed on or adjacent to the property?
			93. Has a soil / site evaluation ever been done? If Yes, when? _____ Results? _____
			94. Any leaks, backups, or other problems relating to any of the plumbing, water and sewage related items? If Yes, describe in XVI.
			95. Are there any shut off, disconnected, or abandoned wells, underground water or sewer tanks on the property? If Yes, describe locations in XVI.
			96. If # 95 is Yes, were they abandoned with all necessary permits and properly abandoned?
			97. Water heater type: (___ Electric) (___ Oil) (___ Gas) or (___ Other: _____)
			XII. HEATING AND AIR CONDITIONING
			98. 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.
			99. 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: _____
			100. Age of furnace? _____ Date of last service? _____
			101. Are there any contractual obligations affecting the fuel supply, tanks, or systems? If Yes, describe in XVI.
			102. What is the type of air conditioning system? (e.g., central, units) _____
			103. Age of air conditioning system? _____ Date of last service? _____
			104. Have there been any additions / upgrades to the original heating or air conditioning? If Yes, describe in XVI.
			105. If question 104 is Yes, was work done by a licensed contractor?
			106. Are there any problems with the heating or air conditioning systems? If Yes, describe in XVI.
			XIII. ELECTRICAL SYSTEM
			107. What type of wiring (copper, aluminum, other, etc.) is in the house? _____
			108. What amp service does it have?(___ 60) (___ 100) (___ 150) (___ 200) (___ Other: _____) Do you have (___ Circuit Breakers) or (___ Fuses) ?

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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.
			109. Do you have any 220/240-volt circuits?
			110. Do fuses blow or circuit breakers trip when two or more appliances are being used at the same time? If Yes, describe in XVI.
			111. Have there been any additions to the original service?
			112. Have any (___ solar) and/or (___ wind power) enhancements been made to supplement service?
			113. If Yes to question 111 or 112, was work done by a licensed electrician?
			114. Are there wall switches, light fixtures or electrical outlets in need of repair? If Yes, explain in XVI.
			115. Are the permits associated with questions 58, 85, 105, and 113 closed?
			XIV. FIREPLACE OR HEATING STOVE
			116. Fireplace Type: (___ Wood Burning) (___ Gas) (___ Insert) (___ Other: _____)?
			117. Heating Stove type: (___ Wood Burning) (___ Pellet) (___ Other _____)?
			118. Was the fireplace or heating stove part of the original house design?
			119. Was the fireplace or heating stove installed by a professional contractor or manufacturer's representative?
			120. Are there any problems? If Yes, explain in XVI.
			121. 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? Indicate NA if the item does not exist or if the item will not convey with the property. Note: The Agreement of Sale will specify and govern what is included or excluded.

Items	Yes	No	NA	Items	Yes	No	NA	Items	Yes	No	NA
Oven or Range				Window A/C Units				Draperies/Curtains			
Cooktop				Smoke Detectors				Drapery/Curtain Rods			
Wall Oven(s)				Fireplace Equipment				Shades/Blinds			
Refrigerator(s)				Fireplace Screen/Doors				Cornices/Valances			
Icemaker				Electronic Air Filter				Sheds/Outbuildings			
Freezer				Attic Fan				Playground Equipment			
Dishwasher				Whole House Fan				Wood Stove			
Disposal				Window Fan(s)				Satellite Dish			
Microwave				Ceiling Fan(s)				Satellite Dish Controls & Remote(s)			
Washer				Central Vacuum				Fuel Storage Tank(s) owned			
Clothes Dryer				Intercoms				Fuel Storage Tank(s) leased			
Bathroom Vents/Fans				Solar Equipment				Security Systems owned			
Trash Compactor				Attached Antenna/Rotor				Security Systems leased			
Water Conditioner owned				Range Hood-Exhaust Fan				Fire Detecting Equipment owned			
Water Conditioner leased				Garage Opener(s)				Fire Detecting Equipment leased			
Water Filter				Garage Opener Remotes				Other Items:			
Water Heater				Pool Equipment							
Sump Pump				Pool cover							
Storm Windows/Doors				Hot Tub, Equipment							
Screens				Hot Tub Cover							
Furnace Humidifier											
Furnace De-Humidifier											

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(B) Are you aware of any problems affecting these area? If Yes, describe in XVI.

	Yes	No	NA
Ceilings			
Floors			
Patios / Decks / Porches			

	Yes	No	NA
Exterior and Interior Walls			
Windows			

XVI. ADDITIONAL INFORMATION

If you were directed to this section to clarify an answer or if you indicated there is a problem with any of the items in sections I through XV, provide a detailed explanation below or on additional sheet(s).

Question Number	Additional Information

Are there additional problem/clarification sheets attached? ___ No ___ Yes _____ Number of Sheets Attached?

ACKNOWLEDGMENT OF SELLER

Seller has provided the information contained in this Report. This information is to the best of Seller’s knowledge and belief, 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 Agents 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, consult an Attorney.

SELLER _____ Date _____ SELLER _____ Date _____

Date the contents of this Report were last updated: _____

ACKNOWLEDGMENT OF BUYER

I am relying upon the above Report and statements within the Agreement of Sale as the representation of the condition of property, and not relying upon any other information about the property. I have carefully inspected the property. I acknowledge that Agents are not experts at detecting or repairing physical defects in property. I understand 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. I have read and received a signed copy of this Report. I may negotiate in my Agreement of Sale for other professional advice and / or inspections of the property. I understand 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. I further understand that it is my responsibility to contact the appropriate agencies to determine whether any such projects are planned or underway. If I do not understand the impact of such project(s) on the property I am purchasing, I should consult my Attorney. I understand that before signing an Agreement of Sale, I 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, consult an Attorney.

BUYER _____ Date _____ BUYER _____ Date _____

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Seller’s Initials _____ Seller’s Initials _____ Buyer’s Initials _____ Buyer’s Initials _____



RADON DISCLOSURE

Required by Chapter 25, Title 6, Section 2572A of the Delaware Code

Property Address: _____

Seller's Disclosure

Delaware law requires that the seller of any interest in residential real property that includes a dwelling must provide the buyer with any information about any known radon. Sellers also must disclose any tests or inspections for radon in the seller's possession.

The seller(s) must answer the following questions and provide the required information:

1. Are you aware of the presence of radon in the property identified above?
Yes No (circle one)
2. Are you aware of any radon tests or inspections that have been performed on the property identified above?
Yes No (circle one)
3. If you responded "yes" to Question 2 above, have you provided the buyer(s) with copies of all radon tests and/or inspection reports in your possession? Yes No (circle one)
4. Identify each report referred to in Question 3, including the date of each report:

By signing this form, the seller(s) acknowledge(s) the following:

I/we have been informed of my/our obligation and am/are aware of my/our responsibility to comply with Delaware law regarding radon disclosure, as provided in Title 6, Chapter 25, Section 2572A of the Delaware Code.

Seller Date

Seller Date

Buyer's Acknowledgement

Delaware law requires that every buyer of any interest in residential real property that includes a dwelling must be notified that the property may present the potential for exposure to radon.

By signing this form, the buyer(s) acknowledge(s) the following:

1. I/we have received the *Radon Rights, Risks and Remedy for Home Buyer* document, which describes the potential hazards of exposure to radon, testing for radon and remediation.
2. I/we have the option to have the property identified above tested for radon.
3. I/we have received copies of all radon tests and/or inspection reports identified in Item 4 of the Seller's Disclosure above.

Buyer Date

Buyer Date