

TENNESSEE RESIDENTIAL PROPERTY CONDITION DISCLOSURE

1 PROPERTY ADDRESS _____ CITY _____

2 SELLER'S NAME(S) _____ PROPERTY AGE _____

3 DATE SELLER ACQUIRED THE PROPERTY _____ DO YOU OCCUPY THE PROPERTY? _____

4 IF NOT OWNER-OCCUPIED, HOW LONG HAS IT BEEN SINCE THE SELLER OCCUPIED THE PROPERTY? _____

5 (Check the one that applies) The property is a site-built home non-site-built home

6 The Tennessee Residential Property Disclosure Act requires sellers of residential real property with one to four dwelling
7 units to furnish to a buyer one of the following: (1) a residential property disclosure statement (the "Disclosure"), or (2) a
8 residential property disclaimer statement (permitted only where the buyer waives the required Disclosure). Some property
9 transfers may be exempt from this requirement (See Tenn. Code Ann. § 66-5-209). The following is a summary of the
10 buyers' and sellers' rights and obligations under the Act. A complete copy of the Act may be found at
11 <http://www.lexisnexis.com/hottopics/tncode/> (See Tenn. Code Ann. § 66-5-201, et seq.)

- 12 1. Sellers must disclose all known material defects and must answer the questions on the Disclosure form in good faith to
13 the best of the seller's knowledge as of the Disclosure date.
- 14 2. Sellers must give the buyers the Disclosure form before the acceptance of a purchase contract.
- 15 3. Sellers must inform the buyers, at or before closing, of any inaccuracies or material changes in the condition that have
16 occurred since the time of the initial Disclosure, or certify that there are no changes.
- 17 4. Sellers may give the buyers a report or opinion prepared by a professional inspector or other expert(s) or certain
18 information provided by a public agency, in lieu of responding to some or all of the questions on the form (See Tenn.
19 Code Ann. § 66-5-204).
- 20 5. Sellers are not required to have a home inspection or other investigation in order to complete the Disclosure form.
- 21 6. Sellers are not required to repair any items listed on the Disclosure form or on any past or future inspection report unless
22 agreed to in the purchase contract.
- 23 7. Sellers involved in the first sale of a dwelling must disclose the amount of any impact fees or adequate facility taxes
24 paid.
- 25 8. Sellers are not required to disclose if any occupant was HIV-positive, or had any other disease not likely to be
26 transmitted by occupying a home, or whether the home had been the site of a homicide, suicide or felony, or act or
27 occurrence which had no effect on the physical structure of the property.
- 28 9. Sellers may provide an "as is", "no representations or warranties" disclaimer statement in lieu of the Disclosure form
29 only if the buyer waives the right to the required disclosure, otherwise the sellers must provide the completed Disclosure
30 form (See Tenn. Code Ann. § 66-5-202).
- 31 10. Sellers may be exempt from having to complete the Disclosure form in certain limited circumstances (e.g. public
32 auctions, court orders, some foreclosures and bankruptcies, new construction with written warranty or owner has not
33 resided on the property at any time within the prior 3 years). (See Tenn. Code Ann. § 66-5-209).
- 34 11. Buyers are advised to include home, wood infestation, well, water sources, septic system, lead-based paint, radon, mold,
35 and other appropriate inspection contingencies in the contract, as the Disclosure form is not a warranty of any kind by
36 the seller, and is not a substitute for any warranties or inspections the buyer may desire to purchase.
- 37 12. Any repair of disclosed defects must be negotiated and addressed in the Purchase and Sale Agreement; otherwise, seller
38 is not required to repair any such items.
- 39 13. Buyers may, but do not have to, waive their right to receive the Disclosure form from the sellers if the sellers provide a
40 disclaimer statement with no representations or warranties (See Tenn. Code Ann. § 66-5-202).
- 41 14. Remedies for misrepresentations or nondisclosure in a Property Condition Disclosure statement may be available to
42 buyer and are set out fully in Tenn. Code Ann. § 66-5-208. Buyer should consult with an attorney regarding any such
43 matters.

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- 44 15. Representations in the Disclosure form are those of the sellers only, and not of any real estate licensee, although
 45 licensees are required to disclose to all parties adverse facts of which the licensee has actual knowledge or notice.
- 46 16. Pursuant to Tenn. Code Ann. § 47-18-104(b), sellers of newly constructed residences on a septic system are prohibited
 47 from knowingly advertising or marketing a home as having more bedrooms than are permitted by the subsurface sewage
 48 disposal system permit.
- 49 17. Sellers must disclose the presence of any known exterior injection well, the presence of any known sinkhole(s), the
 50 results of any known percolation test or soil absorption rate performed on the property that is determined or accepted by
 51 the Department of Environment and Conservation, and whether the property is located within a Planned Unit
 52 Development as defined by Tenn. Code Ann. § 66-5-213 and, if requested, provide buyers with a copy of the
 53 development's restrictive covenants, homeowner bylaws and master deed. Sellers must also disclose if they have
 54 knowledge that the residence has ever been moved from an existing foundation to another foundation.

55 The Buyers and Sellers involved in the current or prospective real estate transaction for the property listed above
 56 acknowledge that they were informed of their rights and obligations regarding Residential Property Disclosures, and that this
 57 information was provided by the real estate licensee(s) prior to the completion or reviewing of a Tennessee Residential
 58 Property Condition Disclosure, a Tennessee Residential Property Condition Disclaimer Statement, or a Tennessee Residential
 59 Property Condition Exemption Notification. Buyers and Sellers also acknowledge that they were advised to seek the advice
 60 of an attorney on any legal questions they may have regarding this information or prior to taking any legal actions.

61 The Tennessee Residential Property Disclosure Act states that anyone transferring title to residential real property must
 62 provide information about the condition of the property. This completed form constitutes that disclosure by the Seller. The
 63 information contained in the disclosure is the representation of the owner and not the representation of the real estate licensee
 64 or sales person, if any. This is not a warranty or a substitute for any professional inspections or warranties that the purchasers
 65 may wish to obtain.

66 **Buyers and Sellers should be aware that any sales agreement executed between the parties will supersede this form as**
 67 **to the terms of sale, property included in the sale and any obligations on the part of the seller to repair items identified**
 68 **below and/or the obligation of the buyer to accept such items "as is."**

69 **INSTRUCTIONS TO THE SELLER**

70 Complete this form yourself and answer each question to the best of your knowledge. If an answer is an estimate, clearly
 71 label it as such. The Seller hereby authorizes any agent(s) representing any party in this transaction to provide a copy of this
 72 statement to any person or entity in connection with any actual or anticipated sale of the subject property.

73 **A. THE SUBJECT PROPERTY INCLUDES THE ITEMS CHECKED BELOW:**

- | | | |
|--|---|---|
| 74 <input type="checkbox"/> Range | <input type="checkbox"/> Wall/Window Air Conditioning | <input type="checkbox"/> Garage Door Opener(s) (Number of openers ____) |
| 75 <input type="checkbox"/> Window Screens | <input type="checkbox"/> Oven | <input type="checkbox"/> Fireplace(s) (Number) _____ |
| 76 <input type="checkbox"/> Intercom | <input type="checkbox"/> Microwave | <input type="checkbox"/> Gas Starter for Fireplace |
| 77 <input type="checkbox"/> Garbage Disposal | <input type="checkbox"/> Gas Fireplace Logs | <input type="checkbox"/> TV Antenna/Satellite Dish |
| 78 <input type="checkbox"/> Trash Compactor | <input type="checkbox"/> Smoke Detector/Fire Alarm | <input type="checkbox"/> Central Vacuum System and attachments |
| 79 <input type="checkbox"/> Spa/Whirlpool Tub | <input type="checkbox"/> Burglar Alarm | <input type="checkbox"/> Current Termite contract |
| 80 <input type="checkbox"/> Water Softener | <input type="checkbox"/> Patio/Decking/Gazebo | <input type="checkbox"/> Hot Tub |
| 81 <input type="checkbox"/> 220 Volt Wiring | <input type="checkbox"/> Installed Outdoor Cooking Grill | <input type="checkbox"/> Washer/Dryer Hookups |
| 82 <input type="checkbox"/> Sauna | <input type="checkbox"/> Irrigation System | <input type="checkbox"/> Pool |
| 83 <input type="checkbox"/> Dishwasher | <input type="checkbox"/> A key to all exterior doors | <input type="checkbox"/> Access to Public Streets |
| 84 <input type="checkbox"/> Sump Pump | <input type="checkbox"/> Rain Gutters | <input type="checkbox"/> Heat Pump |
| 85 <input type="checkbox"/> Central Heating | <input type="checkbox"/> Central Air | |
| 86 <input type="checkbox"/> Water Heater | <input type="checkbox"/> Electric <input type="checkbox"/> Gas <input type="checkbox"/> Solar | |
| 87 <input type="checkbox"/> Other _____ | <input type="checkbox"/> Other _____ | |
| 88 Garage <input type="checkbox"/> Attached <input type="checkbox"/> Not Attached <input type="checkbox"/> Carport | | |
| 89 Water Supply <input type="checkbox"/> City <input type="checkbox"/> Well <input type="checkbox"/> Private <input type="checkbox"/> Utility <input type="checkbox"/> Other _____ | | |
| 90 Gas Supply <input type="checkbox"/> Utility <input type="checkbox"/> Bottled <input type="checkbox"/> Other | | |

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91 Waste Disposal City Sewer Septic Tank Other _____

92 Roof(s): Type _____ Age (approx): _____

93 Other Items:

94 _____
95 _____

96 To the best of your knowledge, are any of the above NOT in operating condition? YES NO

97 If YES, then describe (attach additional sheets if necessary):

98 _____
99 _____
100 _____

101 If leases are not assumable, it will be Seller's responsibility to pay balance.

102 **B. ARE YOU (SELLER) AWARE OF ANY DEFECTS/MALFUNCTIONS IN ANY OF THE FOLLOWING?**

	YES	NO	UNKNOWN		YES	NO	UNKNOWN
103 Interior Walls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Roof	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
104 Ceilings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Basement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
105 Floors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Foundation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
106 Windows	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Slab	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
107 Doors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Driveway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
108 Insulation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sidewalks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
109 Plumbing System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Central Heating	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
110 Sewer/Septic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Heat Pump	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
111 Electrical System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Central Air Conditioning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
112 Exterior Walls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

113 If any of the above is/are marked YES, please explain:

114 _____

115 **C. ARE YOU (SELLER) AWARE OF ANY OF THE FOLLOWING:**

	YES	NO	UNKNOWN
116 1. Substances, materials or products which may be environmental hazards 117 such as, but not limited to: asbestos, radon gas, lead-based paint, fuel 118 or chemical storage tanks, methamphetamine, contaminated soil or 119 water, and/or known existing or past mold presence on the subject 120 property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
121 2. Features shared in common with adjoining land owners, such as walls, but 122 not limited to, fences, and/or driveways, with joint rights and obligations 123 for use and maintenance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
124 3. Any authorized changes in roads, drainage or utilities affecting the 125 property, or contiguous to the property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
126 4. Any changes since the most recent survey of the property was done? 127 Most recent survey of the property: <input type="checkbox"/> (check here if unknown) 128 _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
129 5. Any encroachments, easements, or similar items that may affect your 130 ownership interest in the property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
131 6. Room additions, structural modifications or other alterations or 132 repairs made without necessary permits?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
133 7. Room additions, structural modifications or other alterations or 134 repairs not in compliance with building codes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
135 8. Landfill (compacted or otherwise) on the property or any portion 136 thereof?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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		YES	NO	UNKNOWN
137	9. Any settling from any cause, or slippage, sliding or other soil problems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
138	10. Flooding, drainage or grading problems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
139	11. Any requirement that flood insurance be maintained on the property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
140	13. Any past or present interior water intrusions(s) from outside home,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
141	standing water within foundation and/or basement?			
142	If yes, please explain. If necessary, please attach an additional sheet			
143	and any available documents pertaining to these repairs/corrections.			
144				
145				
146				
147	14. Property or structural damage from fire, earthquake, floods, landslides,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
148	tremors, wind, storm or wood destroying organisms?			
149	If yes, please explain (use separate sheet if necessary).			
150				
151				
152	If yes, has said damage been repaired? _____			
153	15. Any zoning violations, nonconforming uses and/or violations of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
154	“setback” requirements?			
155	16. Neighborhood noise problems or other nuisances?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
156	17. Subdivision and/or deed restrictions or obligations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
157	18. A Condominium/Homeowners Association (HOA) which has any authority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
158	over the subject property?			
159	Name of HOA: _____ HOA Address: _____			
160	HOA Phone Number: _____ Monthly Dues: _____			
161	Special Assessments: _____ Transfer Fees: _____			
162	Management Company: _____ Phone: _____			
163	Management Co. Address: _____			
164	19. Any “common area” (facilities such as, but not limited to, pools, tennis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
165	courts, walkways or other areas co-owned in undivided interest with others)?			
166	20. Any notices of abatement or citations against the property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
167	21. Any lawsuit(s) or proposed lawsuit(s) by or against the seller which affects	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
168	or will affect the property?			
169	22. Is any system, equipment or part of the property being leased?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
170	If yes, please explain, and include a written statement regarding payment			
171	information.			
172				
173				
174	23. Any exterior wall covering of the structure(s) covered with exterior	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
175	insulation and finish systems (EIFS), also known as “synthetic stucco”?			
176	If yes, has there been a recent inspection to determine whether the structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
177	has excessive moisture accumulation and/or moisture related damage?			
178	<i>(The Tennessee Real Estate Commission urges any buyer or seller who encounters this product to have a qualified</i>			
179	<i>professional inspect the structure in question for the preceding concern and provide a written report of the</i>			
180	<i>professional's finding.)</i>			
181	If yes, please explain. If necessary, please attach an additional sheet.			
182				
183				
184	24. Is heating and air conditioning supplied to all finished rooms?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
185	If the same type of system is not used for all finished rooms, please explain.			
186				
187				
188				

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- | | | YES | NO | UNKNOWN |
|-----|---|--------------------------|--------------------------|--------------------------|
| 189 | 25. If septic tank or other private disposal system is marked under item (A), does | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 190 | it have adequate capacity and approved design to comply with present state | | | |
| 191 | and local requirements for the actual land area and number of bedrooms and | | | |
| 192 | facilities existing at the residence? | | | |
| 193 | 27. Is this property in a historical district or has it been declared historical by | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 194 | any governmental authority such that permission must be obtained before | | | |
| 195 | certain types of improvements or aesthetic changes to the property are made? | | | |
| 196 | 28. Is there an exterior injection well anywhere on the property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 197 | 29. Is seller aware of any percolation tests or soil absorption rates being | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 198 | performed on the property that are determined or accepted by | | | |
| 199 | the Tennessee Department of Environment and Conservation? | | | |
| 200 | If yes, results of test(s) and/or rate(s) are attached. | | | |
| 201 | 30. Has any residence on this property ever been moved from its original | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 202 | foundation to another foundation? | | | |
| 203 | 31. Is this property in a Planned Unit Development? Planned Unit Development | <input type="checkbox"/> | <input type="checkbox"/> | |
| 204 | is defined pursuant to Tenn. Code Ann. § 66-5-213 as "an area of land, | | | |
| 205 | controlled by one (1) or more landowners, to be developed under unified | | | |
| 206 | control or unified plan of development for a number of dwelling units, | | | |
| 207 | commercial, educational, recreational or industrial uses, or any combination of | | | |
| 208 | the foregoing, the plan for which does not correspond in lot size, bulk or type | | | |
| 209 | of use, density, lot coverage, open space, or other restrictions to the existing | | | |
| 210 | land use regulations." Unknown is not a permissible answer under the statute. | | | |
| 211 | 32. Is a sinkhole present on the property? A sinkhole is defined pursuant to Tenn. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 212 | Code Ann. § 66-5-212(c) as "a subterranean void created by the dissolution of | | | |
| 213 | limestone or dolostone strata resulting from groundwater erosion, causing a | | | |
| 214 | surface subsidence of soil, sediment, or rock and is indicated through the | | | |
| 215 | contour lines on the property's recorded plat map." | | | |

D. CERTIFICATION. I/We certify that the information herein, concerning the real property located at

is true and correct to the best of my/our knowledge as of the date signed. Should any of these conditions change prior to conveyance of title to this property, these changes will be disclosed in an addendum to this document.

Transferor (Seller) Date _____ Time _____

Transferor (Seller) Date _____ Time _____

Parties may wish to obtain professional advice and/or inspections of the property and to negotiate appropriate provisions in the purchase agreement regarding advice, inspections or defects.

Transferee/Buyer's Acknowledgment: I/We understand that this disclosure statement is not intended as a substitute for any inspection, and that I/we have a responsibility to pay diligent attention to and inquire about those material defects which are evident by careful observation. **I/We acknowledge receipt of a copy of this disclosure.**

Transferee (Buyer) Date _____ Time _____

Transferee (Buyer) Date _____ Time _____

If the property being purchased is a condominium, the transferee/buyer is hereby given notice that the transferee/buyer is entitled, upon request, to receive certain information regarding the administration of the condominium from the developer or the condominium association as applicable, pursuant to Tennessee Code Annotated §66-27-502.

NOTE: This form is provided by TAR to its members for their use in real estate transactions and is to be used as is. This form contains language that is in addition to the language mandated by the state of Tennessee pursuant to the disclosure requirements of the "Tennessee Residential Property Disclosure Act". Tennessee Code Annotated § 66-5-201, et seq. By downloading and/or using this form, you agree and covenant not to alter, amend, or edit said form or its contents except as where provided in the blank fields, and agree and acknowledge that any such alteration, amendment or edit of said form is done at your own risk. Use of the TAR logo in conjunction with any form other than standardized forms created by TAR is strictly prohibited. This form is subject to periodic revision and it is the responsibility of the member to use the most recent available form.

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