Utah Association of REALTORS®

SELLER'S PROPERTY CONDITION DISCLOSURE (LAND)

This is a legally binding contract. If not understood, consult an attorney.

EQUAL HOUSING OPPORTUNITY

LISTING AGENT - COMPLETE THIS SECTION ONLY!

SELLER NAME 3 Falls development **("Seller")**
PROPERTY ADDRESS 3 Falls **("Property")**
LISTING BROKERAGE Pine Valley Realty **("Company")**

NOTICE FROM COMPANY

Buyer and Seller are advised that the Company and its agents are trained in the marketing of real estate. Neither the Company nor its agents are trained or licensed to provide Buyer or Seller with professional advice regarding the physical condition of any property or regarding legal or tax matters. The Company and its agents strongly recommend that in connection with any offer to acquire the Property, Buyer retain the professional services of legal and/or tax advisors, property inspectors, surveyors, and other professionals to satisfy Buyer as to any and all aspects of the physical and legal condition of the Property. BUYER IS ADVISED NOT TO RELY ON THE COMPANY, OR ON ANY AGENTS OF THE COMPANY, FOR A DETERMINATION REGARDING THE PHYSICAL OR LEGAL CONDITION OF THE PROPERTY, including, but not limited to: the cost, location, availability and quality of water and water service; the cost, location and availability of utility services; the cost of all utility service connection fees; any environmental issues associated with the Property; the boundaries of the Property; any planning, zoning and building restrictions; any private deed restrictions or other restrictive covenants; or the size or acreage of the Property.

INSTRUCTIONS TO SELLER

SELLER IS OBLIGATED UNDER LAW TO DISCLOSE TO BUYERS DEFECTS IN THE PROPERTY KNOWN TO SELLER THAT MATERIALLY AND ADVERSELY AFFECT THE VALUE OF THE PROPERTY THAT CANNOT BE DISCOVERED BY A REASONABLE INSPECTION BY AN ORDINARY PRUDENT BUYER. This disclosure form is designed to assist Seller in complying with these disclosure requirements. Please thoroughly disclose your actual knowledge regarding the condition of the Property. The Company, other real estate agents, and buyers will rely on this disclosure form.

- Complete the remainder of this form.
- Please be specific when describing any past or present issues or defects (location, nature of problem, etc.). Use additional addendum if necessary.
- If a question does not apply to your Property, WRITE "N/A" NEXT TO THE QUESTION.

1. **NATURAL GAS, ELECTRICITY, TELEPHONE, CABLE TV**
   Please describe, to your knowledge, the approximate location of the nearest following utility service lines:
   A. Natural Gas: [ ] Located in _____(Name of Street/Road) [ ] Stubbed to Lot Line
   [✓] Other (specify) Will be
   B. Electricity: [ ] Located in _____ (Name of Street/Road) [ ] Stubbed to Lot Line
   [✓] Other (specify) Will be.
   C. Telephone: [ ] Located in _____ (Name of Street/Road) [ ] Stubbed to Lot Line
   [✓] Other (specify) Will be
   D. Cable TV: [ ] Located in _____ (Name of Street/Road) [ ] Stubbed to Lot Line
   [✓] Other (specify) Will be

2. **SEWER/SEPTIC TANK**
   A. To your knowledge, sewer service for the Property will be provided by (check applicable box):
   [✓] Public Sewer
   [ ] Septic Tank
   B. If Public Sewer, who is the Public Sewer provider: Alpine City
   C. If sewer service is Septic Tank, to your knowledge has a percolation test been conducted on the Property? **[ ]Yes [ ]No**
   D. If a percolation test was conducted, to your knowledge, did the Property pass the test? **[ ]Yes [ ]No**

Seller's Initials W Date 9-15-15 Buyer's Initials _____ Date _____

3. **CULINARY WATER**

A. To your knowledge, culinary water service for the Property will be provided by **(check applicable box):**

[✓] **Public Water** (Name of water service provider): Alpine City

[ ] **Private Water Company** (Name of water service provider): _____

[ ] **Private Well**

NOTE: IF WATER SERVICE WILL BE PROVIDED BY PUBLIC WATER, SKIP TO SECTION 4

B. **Private Water Company**

(1) To your knowledge, what is the approximate location of the nearest private water company water service line?

[ ] **Located in** _____ **(Name of Street/Road)** [ ] **Stubbed to Lot Line**

[ ] **Other (specify)** _____

(2) Are the water share certificates in your possession? If yes, please attach a copy. [ ]Yes [ ]No

(3) To your knowledge, are water share assessments paid in full? [ ]Yes [ ]No

C. **Private Well**

(1) Is a well presently located on the Property? [ ]Yes [ ]No

(2) To your knowledge, is your water right for the well represented by a contract with a special improvement or water conservancy district? If "Yes", what is the number of the district contract? _____ [ ]Yes [ ]No

(3) If your water right for the well is not based on a contract with a special improvement or water conservancy district, to your knowledge, what is the State Engineer "Index Number" for your water right? _____ - _____

4. **IRRIGATION WATER**

A. Are there any irrigation water rights with the Property? [ ]Yes [✓]No

B. If irrigation water is delivered to you by an irrigation water company, what is the name of the company?

_____

C. Do you have in your possession water share certificates representing your right to receive and use irrigation water? If "Yes", please attach a copy of any such share certificates. [ ]Yes [✓]No

D. If the irrigation water rights are other than shares in an irrigation water company, to your knowledge, what is the State Engineer "Index Number" or numbers for your irrigation water rights? X - X

E. Is there an irrigation water source and distribution facility in place for the Property such as canals, ditches or pressurized sprinkler system? If "Yes", what is the name of the water source: [ ]Yes [✓]No

_____

5. **SOILS**

A. Are you aware of any settlement or heaving of soil on the Property (collapsible or expansive soils, poorly compacted fill)? If "Yes", please describe, to your knowledge, the nature and location of any settlement or heaving of soil: [ ]Yes [✓]No

_____

B. To your knowledge, is there any fill located on the Property? If "Yes", please describe, to your knowledge, the nature and approximate location of any fill: [ ]Yes [✓]No

_____

C. Are you aware of any sliding or earth movement on the Property or on any adjoining property (landslides, falling rocks, debris or mud flows)? If "Yes", please describe the nature and location of the sliding or earth movement: [ ]Yes [✓]No

_____

D. To your knowledge, does any portion of the Property contain any subsurface, man-made debris that has been buried, covered or abandoned, including without limitation, any discarded or abandoned construction materials, concrete footings or foundations, trash, etc? If "Yes", please describe the nature and location of such subsurface debris: [ ]Yes [✓]No

_____

E. Please describe, to your knowledge, any action taken to repair or mitigate any of the issues described 5A, 5B, 5C or 5D:

_____

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F. Are you aware of any geologic, soils, engineering, or environmental reports that have been prepared for the Property? If "Yes", please attach a copy of any such reports in your possession. [✓]Yes [ ]No

6. **BOUNDARIES & ACCESS**

A. To your knowledge, is there anything on your Property (such as a fence or any other improvement) that encroaches (extends) onto any adjoining property? If "Yes", please describe, to your knowledge, the nature and approximate location of any such encroachment: [ ]Yes [✓]No

B. To your knowledge, is there anything on any adjoining property (such as a fence, deck, or any other improvements) that encroaches (extends) onto your Property? If "Yes", please describe, to your knowledge, the nature and approximate location of any such encroachment: [ ]Yes [✓]No

C. Are you aware of any boundary disputes or conflicts involving your Property and any adjoining property or properties? If "Yes", please describe, to your knowledge, the nature of any such boundary disputes or conflicts: [ ]Yes [✓]No

D. Are you aware of any survey(s) that have been prepared for the Property or any adjoining property or properties? If "Yes", please provide a copy of any such survey(s) in your possession. [✓]Yes [ ]No

E. Are you aware of any unrecorded easements, or claims for easements, affecting the Property? If "Yes", please describe, to your knowledge, the nature and approximate location of any such easement(s): [ ]Yes [✓]No

F. To your knowledge, is there direct access to the Property from a public street/road? [✓]Yes [ ]No

G. If direct access to the Property is not from a public street/road, to your knowledge, is there direct access to the Property through **(check applicable box): [ ] Private Easement [ ] Private Street/Road** [ ]Yes [ ]No

7. **FLOODING/DRAINAGE**

A. Are you aware of any flooding or lot drainage issues on the Property? If "Yes", please describe, to your knowledge, the nature and approximate location of any flooding or lot drainage issues: [ ]Yes [✓]No

Each lot should do its own study

B. If there are flooding or lot drainage issues, are you aware of any work done at the Property to mitigate or to prevent any recurrence of any flooding or lot drainage issues? If "Yes", please describe, to your knowledge, any work done at the Property to mitigate or prevent flooding or lot drainage issues: [ ]Yes [ ]No

C. Are you aware of any wetlands located on the Property? [ ]Yes [✓]No

D. If you are aware of wetlands on the Property, to your knowledge, has the Property been mapped for wetlands? If "Yes", please provide a copy of any wetlands maps and wetlands permits in your possession. [ ]Yes [ ]No

E. Are you aware of any action taken to mitigate any wetland issues through the Army Corps of Engineers? If "Yes", please describe, to your knowledge, the nature of any mitigation work done at the Property: [ ]Yes [ ]No

8. **ENVIRONMENTAL ISSUES**

A. Are you aware of any past or present hazardous conditions, substances, or materials on the Property, such as methane gas, radioactive material, landfill, mineshaft, buried storage tanks and lines, or toxic materials? If "Yes", please describe, to your knowledge the nature of any such hazardous conditions: [ ]Yes [✓]No

B. If you are aware of any past or present hazardous conditions, substances, or materials on the Property, are you aware of any work done at the Property to mitigate any such hazardous conditions? If "Yes", please describe, to your knowledge, the nature of any mitigation work: [ ]Yes [✓]No

C. Are you aware of any environmental reports that have been prepared for the Property? If "Yes", please attach copies of any such reports in your possession. [✓]Yes [ ]No

9. **HOMEOWNERS ASSOCIATION**

A. To your knowledge, is the Property part of a Homeowner's Association (HOA)? [✓]Yes [ ]No

B. If the Property is part of an HOA, does the HOA levy dues or assessments for maintenance of common areas and/or other common expenses? [✓]Yes [ ]No

Seller's Initials W Date 9-17-15 Buyer's Initials _____ Date _____

C. For questions regarding the HOA, including past, present or future dues or assessments, or regarding financial statements, bylaws, HOA meetings and minutes, information may be obtained from the following:

(Name) Will Jones

(Address) 372 S main A Alpine, Ut

(Phone) 801-756-3581

BY SIGNING THIS DISCLOSURE FORM, SELLER AUTHORIZES THE RELEASE OF HOA INFORMATION TO BUYER AND/OR TO BUYER'S AGENT.

10. **UNPAID ASSESSMENTS**

A. Are you aware of any HOA, municipal, special improvement district or other assessments that are presently owing against the Property? If "Yes", please describe, to your knowledge, the nature and amount of any such unpaid assessments: [ ]Yes [✓]No

_____

B. Are you aware of any HOA, municipal, or special improvement district assessments that have been approved but not yet levied against the Property? If "Yes", please describe, to your knowledge, the nature and amount of any such approved, but not yet levied, assessments: [ ]Yes [✓]No

_____

11. **MISCELLANEOUS**

A. To your knowledge, is any portion of the Property presently assessed, for property tax purposes, as "Greenbelt"? [ ]Yes [✓]No

B. Are you aware of any existing or threatened legal action affecting the Property? If "Yes", please describe, to your knowledge, the nature of any such legal action: [ ]Yes [✓]No

_____

ACREAGE/SQUARE FOOTAGE

Seller represents that any figures provided by Seller in any documents regarding the square footage or acreage of the Property are not based on any personal measurement by Seller. If the square footage or acreage of the Property is of material concern to Buyer, Buyer is advised to verify the square footage or acreage through any independent sources or means deemed appropriate by Buyer. BUYER IS ADVISED NOT TO RELY ON SELLER, THE COMPANY, OR ANY AGENTS OF THE COMPANY FOR A DETERMINATION REGARDING THE SQUARE FOOTAGE OR ACREAGE OF THE PROPERTY.

VERIFICATION BY SELLER

Seller verifies that Seller has completed this disclosure form and that the information contained herein is accurate and complete to the best of Seller's actual knowledge as of the date signed by Seller below. SELLER UNDERSTANDS AND AGREES THAT SELLER WILL UPDATE THIS DISCLOSURE FORM IF ANY INFORMATION CONTAINED HEREIN BECOMES INACCURATE OR INCORRECT IN ANY WAY. Seller authorizes the Company to provide copies of this disclosure form to prospective buyers, and to real estate brokers and agents. This disclosure form is not a warranty of any kind. If Buyer and Seller enter into a sales contract for the Property, and such sales contract includes, excludes, or warrants the condition of any item referenced herein, then to the extent there is a conflict between the sales contract and any representations contained herein, the terms of the sales contract shall control.

Seller: Will **Date:** 9-17-15 **Seller:**_____ **Date:**_____

Three Falls Development

ACKNOWLEDGEMENT OF RECEIPT BY BUYER

Buyer's signature below acknowledges Buyer's receipt of a copy of this disclosure form.

Buyer:_____ **Date:**_____ **Buyer:**_____ **Date:**_____

Seller's Initials W Date 9-17-15 Buyer's Initials _____ Date _____

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DISCLOSURE FORM UPDATE

The above disclosure form was reviewed and updated by Seller on the date signed by Seller below. **(Check Applicable Boxes)**
[ ] There are no changes in the above disclosure form; [ ] The above disclosure form has been changed as follows:

_____

_____

_____

and/or [ ] The above disclosure form has been changed as noted on attached Addendum No._____ to this disclosure form.

Seller:_____**Date**:_____**Seller**:_____**Date**:_____

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UAR FORM 10A

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