

# PILKERTON REALTORS®

EST. 1969

## TENNESSEE RESIDENTIAL PROPERTY CONDITION DISCLOSURE

- 1 PROPERTY ADDRESS 5297 Old Harding Road CITY Franklin  
2 SELLER'S NAME(S) Jean C Davis PROPERTY AGE BUILT 1914  
3 DATE SELLER ACQUIRED THE PROPERTY 9/15/1995 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 units  
7 to furnish to a buyer one of the following: (1) a residential property disclosure statement (the "Disclosure"), or (2) a residential  
8 property disclaimer statement (permitted only where the buyer waives the required Disclosure). Some property transfers may  
9 be exempt from this requirement (See Tenn. Code Ann. § 66-5-209). The following is a summary of the buyers' and sellers'  
10 rights and obligations under the Act. A complete copy of the Act may be found at <http://www.lexisnexis.com/hottopics/tncode/>  
11 (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 the  
13 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 information  
18 provided by a public agency, in lieu of responding to some or all of the questions on the form (See Tenn. Code Ann. § 66-  
19 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 paid.  
24 8. Sellers are not required to disclose if any occupant was HIV-positive, or had any other disease not likely to be transmitted  
25 by occupying a home, or whether the home had been the site of a homicide, suicide or felony, or act or occurrence which  
26 had no effect on the physical structure of the property.  
27 9. Sellers may provide an "as is", "no representations or warranties" disclaimer statement in lieu of the Disclosure form only  
28 if the buyer waives the right to the required disclosure, otherwise the sellers must provide the completed Disclosure form  
29 (See Tenn. Code Ann. § 66-5-202).  
30 10. Sellers may be exempt from having to complete the Disclosure form in certain limited circumstances (e.g. public auctions,  
31 court orders, some foreclosures and bankruptcies, new construction with written warranty or owner has not resided on the  
32 property at any time within the prior 3 years). (See Tenn. Code Ann. § 66-5-209).  
33 11. Buyers are advised to include home, wood infestation, well, water sources, septic system, lead-based paint, radon, mold,  
34 and other appropriate inspection contingencies in the contract, as the Disclosure form is not a warranty of any kind by the  
35 seller, and is not a substitute for any warranties or inspections the buyer may desire to purchase.  
36 12. Any repair of disclosed defects must be negotiated and addressed in the Purchase and Sale Agreement; otherwise, seller is  
37 not required to repair any such items.  
38 13. Buyers may, but do not have to, waive their right to receive the Disclosure form from the sellers if the sellers provide a  
39 disclaimer statement with no representations or warranties (See Tenn. Code Ann. § 66-5-202).  
40 14. Remedies for misrepresentations or nondisclosure in a Property Condition Disclosure statement may be available to buyer  
41 and are set out fully in Tenn. Code Ann. § 66-5-208. Buyer should consult with an attorney regarding any such matters.  
42 15. Representations in the Disclosure form are those of the sellers only, and not of any real estate licensee, although licensees  
43 are required to disclose to all parties adverse facts of which the licensee has actual knowledge or notice.

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- 44 16. Pursuant to Tenn. Code Ann. § 47-18-104(b), sellers of newly constructed residences on a septic system are prohibited  
45 from knowingly advertising or marketing a home as having more bedrooms than are permitted by the subsurface sewage  
46 disposal system permit.
- 47 17. Sellers must disclose the presence of any known exterior injection well, the presence of any known sinkhole(s), the results  
48 of any known percolation test or soil absorption rate performed on the property that is determined or accepted by the  
49 Department of Environment and Conservation, and whether the property is located within a Planned Unit Development as  
50 defined by Tenn. Code Ann. § 66-5-213 and, if requested, provide buyers with a copy of the development's restrictive  
51 covenants, homeowner bylaws and master deed. Sellers must also disclose if they have knowledge that the residence has  
52 ever been moved from an existing foundation to another foundation.

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

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

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

#### 67 INSTRUCTIONS TO THE SELLER

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

#### 71 A. THE SUBJECT PROPERTY INCLUDES THE ITEMS CHECKED BELOW:

- |                                                          |                                                                 |                                                                                     |
|----------------------------------------------------------|-----------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 72 <input checked="" type="checkbox"/> Range             | <input type="checkbox"/> Wall/Window Air Conditioning           | <input checked="" type="checkbox"/> Garage Door Opener(s) (Number of openers _____) |
| 73 <input checked="" type="checkbox"/> Window Screens    | <input checked="" type="checkbox"/> Oven                        | <input checked="" type="checkbox"/> Fireplace(s) (Number) <u>5</u>                  |
| 74 <input type="checkbox"/> Intercom                     | <input checked="" type="checkbox"/> Microwave                   | <input type="checkbox"/> Gas Starter for Fireplace                                  |
| 75 <input checked="" type="checkbox"/> Garbage Disposal  | <input type="checkbox"/> Gas Fireplace Logs                     | <input checked="" type="checkbox"/> TV Antenna/Satellite Dish                       |
| 76 <input checked="" type="checkbox"/> Trash Compactor   | <input checked="" type="checkbox"/> Smoke Detector/Fire Alarm   | <input type="checkbox"/> Central Vacuum System and attachments                      |
| 77 <input checked="" type="checkbox"/> Spa/Whirlpool Tub | <input type="checkbox"/> Burglar Alarm                          | <input type="checkbox"/> Current Termite contract                                   |
| 78 <input type="checkbox"/> Water Softener               | <input checked="" type="checkbox"/> Patio/Decking/Gazebo        | <input type="checkbox"/> Hot Tub                                                    |
| 79 <input type="checkbox"/> 220 Volt Wiring              | <input type="checkbox"/> Installed Outdoor Cooking Grill        | <input checked="" type="checkbox"/> Washer/Dryer Hookups                            |
| 80 <input type="checkbox"/> Sauna                        | <input type="checkbox"/> Irrigation System                      | <input type="checkbox"/> Pool                                                       |
| 81 <input checked="" type="checkbox"/> Dishwasher        | <input checked="" type="checkbox"/> A key to all exterior doors | <input checked="" type="checkbox"/> Access to Public Streets                        |
| 82 <input checked="" type="checkbox"/> Sump Pump         | <input checked="" type="checkbox"/> Rain Gutters                | <input checked="" type="checkbox"/> Heat Pump                                       |
| 83 <input checked="" type="checkbox"/> Central Heating   | <input checked="" type="checkbox"/> Central Air                 |                                                                                     |
| 84 <input checked="" type="checkbox"/> Water Heater      | <input checked="" type="checkbox"/> Electric                    | <input type="checkbox"/> Gas <input type="checkbox"/> Solar                         |
| 85 <input type="checkbox"/> Other _____                  | <input type="checkbox"/> Other _____                            |                                                                                     |

- |                                                                                                                                                                                                |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 86 Garage: <input type="checkbox"/> Attached <input checked="" type="checkbox"/> Not Attached <input type="checkbox"/> Carport                                                                 |  |
| 87 Water Supply: <input checked="" type="checkbox"/> City <input type="checkbox"/> Well <input type="checkbox"/> Private <input type="checkbox"/> Utility <input type="checkbox"/> Other _____ |  |
| 88 Gas Supply: <input type="checkbox"/> Utility <input type="checkbox"/> Bottled <input type="checkbox"/> Other _____                                                                          |  |
| 89 Waste Disposal: <input type="checkbox"/> City Sewer <input checked="" type="checkbox"/> Septic Tank <input type="checkbox"/> Other _____                                                    |  |

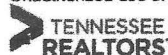
90 Roof(s): Type asphalt Age (approx): 12<sup>yr</sup> 11 (eleven)

91 Other Items:

92  
93

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

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95 If YES, then describe (attach additional sheets if necessary):  
96  
97  
98

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

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

	YES	NO	UNKNOWN		YES	NO	UNKNOWN
101			<input checked="" type="checkbox"/>	Roof	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
102			<input checked="" type="checkbox"/>	Basement	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
103			<input checked="" type="checkbox"/>	Foundation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
104		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Slab	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
105		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Driveway	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
106			<input checked="" type="checkbox"/>	Sidewalks	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
107			<input checked="" type="checkbox"/>	Central Heating	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
108			<input checked="" type="checkbox"/>	Heat Pump	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
109			<input checked="" type="checkbox"/>	Central Air Conditioning	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
110			<input checked="" type="checkbox"/>				

111 If any of the above is/are marked YES, please explain:  
112

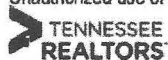
113 **C. ARE YOU (SELLER) AWARE OF ANY OF THE FOLLOWING:**

	YES	NO	UNKNOWN
114 1. Substances, materials or products which may be environmental hazards 115 such as, but not limited to: asbestos, radon gas, lead-based paint, fuel 116 or chemical storage tanks, contaminated soil or 117 water, on the subject 118 property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
119 2. Features shared in common with adjoining land owners, such as walls, but 120 not limited to, fences, and/or driveways, with joint rights and obligations 121 for use and maintenance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
122 3. Any authorized changes in roads, drainage or utilities affecting the 123 property, or contiguous to the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
124 4. Any changes since the most recent survey of the property was done? 125 Most recent survey of the property: _____ (Date)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
126 5. Any encroachments, easements, or similar items that may affect your 127 ownership interest in the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
128 6. Room additions, structural modifications or other alterations or 129 repairs made without necessary permits?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
130 7. Room additions, structural modifications or other alterations or 131 repairs not in compliance with building codes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
132 8. Landfill (compacted or otherwise) on the property or any portion 133 thereof?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
134 9. Any settling from any cause, or slippage, sliding or other soil problems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
135 10. Flooding, drainage or grading problems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
136 11. Any requirement that flood insurance be maintained on the property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
137 12. Property or structural damage from fire, earthquake, floods, or landslides? 138 If yes, please explain (use separate sheet if necessary).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

139  
140  
141 If yes, has said damage been repaired? yes

142 13. Is the property serviced by a fire department? ☒ YES ☐ NO ☐ UNKNOWN

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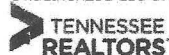
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143	If yes, in what fire department's service area is the property located?		
144			
145	Is the property owner subject to charges or fees for fire protection,	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
146	such as subscriptions, association dues or utility fees?		<input type="checkbox"/>
147	14. Any zoning violations, nonconforming uses and/or violations of	<input type="checkbox"/>	<input type="checkbox"/>
148	"setback" requirements?		<input checked="" type="checkbox"/>
149	15. Neighborhood noise problems or other nuisances?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
150	16. Subdivision and/or deed restrictions or obligations?	<input type="checkbox"/>	<input type="checkbox"/>
151	17. A Condominium/Homeowners Association (HOA) which has any authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>
152	over the subject property?		<input type="checkbox"/>
153	Name of HOA: _____	HOA Address: _____	
154	HOA Phone Number: _____	Monthly Dues: _____	
155	Special Assessments: _____	Transfer Fees: _____	
156	Management Company: _____	Phone: _____	
157	Management Co. Address: _____		
158	18. Any "common area" (facilities such as, but not limited to, pools, tennis	<input type="checkbox"/>	<input checked="" type="checkbox"/>
159	courts, walkways or other areas co-owned in undivided interest with others)?		<input type="checkbox"/>
160	19. Any notices of abatement or citations against the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
161	20. Any lawsuit(s) or proposed lawsuit(s) by or against the seller which affects	<input type="checkbox"/>	<input checked="" type="checkbox"/>
162	or will affect the property?		<input type="checkbox"/>
163	21. Is any system, equipment or part of the property being leased?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
164	If yes, please explain, and include a written statement regarding payment		<input type="checkbox"/>
165	information.		
166			
167			
168	22. Any exterior wall covering of the structure(s) covered with exterior	<input type="checkbox"/>	<input checked="" type="checkbox"/>
169	insulation and finish systems (EIFS), also known as "synthetic stucco"?		<input type="checkbox"/>
170	If yes, has there been a recent inspection to determine whether the structure	<input type="checkbox"/>	<input type="checkbox"/>
171	has excessive moisture accumulation and/or moisture related damage?		<input type="checkbox"/>
172	<i>(The Tennessee Real Estate Commission urges any buyer or seller who encounters this product to have a qualified</i>		
173	<i>professional inspect the structure in question for the preceding concern and provide a written report of the professional's</i>		
174	<i>finding.)</i>		
175	If yes, please explain. If necessary, please attach an additional sheet.		
176			
177			
178	23. Is there an exterior injection well anywhere on the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
179	24. Is seller aware of any percolation tests or soil absorption rates being	<input type="checkbox"/>	<input checked="" type="checkbox"/>
180	performed on the property that are determined or accepted by		
181	the Tennessee Department of Environment and Conservation?		
182	If yes, results of test(s) and/or rate(s) are attached.		
183	25. Has any residence on this property ever been moved from its original	<input type="checkbox"/>	<input checked="" type="checkbox"/>
184	foundation to another foundation?		<input type="checkbox"/>
185	26. Is this property in a Planned Unit Development? Planned Unit Development	<input type="checkbox"/>	<input checked="" type="checkbox"/>
186	is defined pursuant to Tenn. Code Ann. § 66-5-213 as "an area of land,		
187	controlled by one (1) or more landowners, to be developed under unified control		
188	or unified plan of development for a number of dwelling units, commercial,		
189	educational, recreational or industrial uses, or any combination of the		
190	foregoing, the plan for which does not correspond in lot size, bulk or type of		
191	use, density, lot coverage, open space, or other restrictions to the existing land		
192	use regulations." Unknown is not a permissible answer under the statute.		
193	27. Is a sinkhole present on the property? A sinkhole is defined pursuant to Tenn.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
194	Code Ann. § 66-5-212(c) as "a subterranean void created by the dissolution of		
195	limestone or dolostone strata resulting from groundwater erosion, causing a		
196	surface subsidence of soil, sediment, or rock and is indicated through the		
197	contour lines on the property's recorded plat map."		

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

5297 Old Harding Road Franklin TN 37064  
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) Jean C. Davis Date Mar 17, 2019 Time 7:00 p.m.

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.**

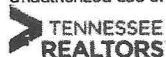
Transferee (Buyer) \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

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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# PILKERTON REALTORS®

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## LEAD-BASED PAINT DISCLOSURE

Federal law mandates that Sellers of housing constructed prior to 1978 must complete certain Lead-Based Paint Disclosure requirements. These should be completed before the Buyer makes an offer and certainly before the Seller accepts a purchase offer, otherwise the Buyer may not be obligated under any contract to purchase such housing.

### 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.

Property Address: 5297 Old Harding Road Franklin TN 37064

### Seller Disclosure

Seller to check one box below:

- ☒ Seller has no knowledge, records, or reports of lead-based paint and/or lead-based paint hazards in the housing.
- ☐ Seller is aware of the presence of lead-based paint and/or lead-based paint hazards in the housing and has provided the Buyer with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing. List any records, reports and/or additional information, including but not limited to the basis for the determination that lead-based paint and/or lead-based paint hazards exists, the location of the lead-based paint and the conditions of the painted surfaces. This requirement includes records or reports regarding common areas. It also includes records or reports of other residential dwellings in multifamily housing, provided that such information is part of an evaluation or reduction of lead-based paint and/or lead-based paint hazards in the target housing as a whole. If no reports or records are available, Seller shall indicate as such.

### Buyer Acknowledgment

- 1) Buyer has received copies of all records, reports and information listed above (if any);
- 2) Buyer has read the Lead Warning Statement (above) and understands its contents;
- 3) Buyer has received the lead hazard information pamphlet, "Protect Your Family From Lead In Your Home" (Copies available at <http://www.hud.gov> and <http://www.epa.gov>);
- 4) Buyer has received a 10-day opportunity (unless the parties mutually agreed upon a different period of time) before becoming obligated under the contract to purchase the housing to conduct a risk assessment or inspection for the presence of lead-based paint hazards. This opportunity is waived if Buyer checks the second box below.

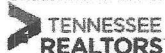
Buyer to check one box below:

- ☐ Contract is subject to Buyer's approval of the results of a risk assessment or inspection of the property for the presence of lead-based paint and/or lead-based paint hazards, to be completed at the Buyer's expense. This contingency shall be satisfied within 10 calendar days after the Binding Agreement Date.
- ☐ Buyer waives the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

### Licensee Acknowledgment

Licensees have informed the Seller of the Seller's obligations under 42 U.S.C. § 4852d, as amended, and are aware of listing and selling licensees' duty to ensure compliance.

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