



FORT REALTY

# SELLER'S PROPERTY DISCLOSURE STATEMENT (LOT/LAND) EXHIBIT " \_\_\_\_\_ "



2014 Printing

This Seller's Property Disclosure Statement ("Statement") is an exhibit to the Purchase and Sale Agreement with an Offer Date of \_\_\_\_\_ for Property known as or located at:

12506 Augusta Road, Lavonia Georgia 30553

This Statement contains Seller's disclosures to Buyer regarding the present condition of the Property, certain past repairs and the history of the Property.

**A. INSTRUCTIONS TO SELLER IN COMPLETING THIS DISCLOSURE STATEMENT.** In completing this Disclosure Statement, Seller agrees to:

- (1) answer all questions in reference to the Property (which, unless otherwise noted, shall include the improvements thereon);
- (2) leave no question unanswered;
- (3) answer all questions fully and accurately based upon the best knowledge and belief of all Sellers in the Lot/Land Purchase and Sale Agreement;
- (4) fully explain in the Additional Explanations paragraph any questions to which the answer is "yes" or "don't know" referencing the number of the question for which the additional explanation is being given; and
- (5) promptly revise the Statement and provide a copy of the same to the Buyer and any Broker involved in the transaction if prior to closing there are any material changes in the answers to any of the questions.

**B. HOW THIS STATEMENT SHOULD BE USED BY BUYER.** The answers of Seller below should not be a substitute for Buyer conducting a careful, independent evaluation of the Property. Caveat emptor or buyer beware is the law in Georgia. Buyer is expected to use reasonable care to identify defects in the Property and satisfy herself or himself that the Property is suitable for Buyer's needs and purposes. If an independent evaluation of the Property reveals potential problems or areas of concern that would cause a reasonable buyer to investigate further, Buyer may not have legal recourse if Buyer fails to investigate further.

**C. DISCLOSURES.**

	Yes	No	Don't Know
<b>1. OCCUPANCY:</b>			
(a) Is the Property vacant? If yes, how long has it been since Seller occupied the Property? <u>5 years</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Is the Property or any portion thereof leased?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>2. COVENANTS, FEES AND ASSESSMENTS:</b> Is the Property part of a condominium, community association or subject to a Declaration of Covenants, Conditions and Restrictions (CC & Rs) or other similar restrictions? [IF YES, SELLER IS INSTRUCTED TO ADDITIONALLY FILL OUT AND PROVIDE TO BUYER A COMMUNITY ASSOCIATION DISCLOSURE EXHIBIT, GAR FORM 123].	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>3. THE PROPERTY:</b>			
(a) How many acres are in Property? <u>1.9</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) What is the current zoning of Property? <u>Commercial</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Will conveyance of Property exclude any mineral, oil and timber rights?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Are there any governmental allotments committed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Have any licenses or usage permits been granted for, but not limited to, crops, minerals, hunting, water, grazing or timber?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>4. SOIL, TREES, SHRUBS AND BOUNDARIES:</b>			
(a) Is there any fill dirt on Property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Are there any landfills (other than foundation backfill), graves, burial pits, caves, mine shafts, trash dumps or wells (in use or abandoned)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Is there now or has there ever been any visible soil settlement or movement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Is any part of Property located in a 100 year Special Flood Hazard Area where there is at least a 1% chance of a flood in any given year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Are there any drainage or flooding problems on Property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Are there any diseased or dead trees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) Are there presently any encroachments, unrecorded easements or boundary line disputes with a neighboring property owner?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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**6. TOXIC SUBSTANCES:**

- (a) Are there any underground tanks or toxic or hazardous substances such as asbestos? \_\_\_\_\_
- (b) Has Property ever been tested for radon or any other environmental contaminants? \_\_\_\_\_

Yes    No    Don't Know

\_\_\_\_\_ ✓ \_\_\_\_\_  
 \_\_\_\_\_ \_\_\_\_\_ ✓ \_\_\_\_\_

**6. OTHER MATTERS:**

- (a) Have there been any inspections in the past year? \_\_\_\_\_  
 If yes, by whom and of what type? \_\_\_\_\_
- (b) Are there any violations of local, state or federal laws, codes or regulations with respect to Property? \_\_\_\_\_
- (c) Have you received notices by governmental or quasi-governmental agency affecting Property? \_\_\_\_\_
- (d) Are there any existing or threatened legal actions affecting Property? \_\_\_\_\_
- (e) Is there any system or item on Property which is leased or which has a fee associated with its use? \_\_\_\_\_
- (f) Are there any private or undedicated roadways for which owner may have financial responsibility? \_\_\_\_\_
- (g) If Property is served by well water, is the well on Property? \_\_\_\_\_
- (h) Are there any other latent or hidden defects that have not otherwise been disclosed? \_\_\_\_\_

\_\_\_\_\_ ✓ \_\_\_\_\_  
 \_\_\_\_\_ ✓ \_\_\_\_\_  
 \_\_\_\_\_ ✓ \_\_\_\_\_  
 \_\_\_\_\_ ✓ \_\_\_\_\_  
 \_\_\_\_\_ ✓ \_\_\_\_\_  
 \_\_\_\_\_ ✓ \_\_\_\_\_  
 \_\_\_\_\_ ✓ \_\_\_\_\_

**7. AGRICULTURAL DISCLOSURE:**

Is Property within, partially within, or adjacent to any property zoned or identified on an approved county land use plan as agricultural or forestry use? \_\_\_\_\_

\_\_\_\_\_ ✓ \_\_\_\_\_

It is the policy of this state and this community to conserve, protect, and encourage the development and improvement of farm and forest land for the production of food, fiber, and other products, and also for its natural and environmental value. This notice is to inform prospective property owners or other persons or entities leasing or acquiring an interest in real property that property in which they are about to acquire an interest lies within, partially within, or adjacent to an area zoned, used, or identified for farm and forest activities and that farm and forest activities occur in the area. Such farm and forest activities may include intensive operations that cause discomfort and inconveniences that involve, but are not limited to, noises, odors, fumes, dust, smoke, insects, operations of machinery during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides. One or more of these inconveniences may occur as the result of farm or forest activities which are in conformance with existing laws and regulations and accepted customs and standards.

**8. UTILITIES:**

Seller warrants that the following utilities serve Property. (The term "serve" shall mean: the indicated utilities and services are available and functional at the property line.) Check (✓) only those utilities below that are included in the sale of Property. [The utilities listed below that are not checked do not serve Property.]

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Electricity        | <input checked="" type="checkbox"/> Public Sewer |
| <input checked="" type="checkbox"/> Natural Gas        | <input checked="" type="checkbox"/> Public Water |
| <input checked="" type="checkbox"/> Telephone          | <input type="checkbox"/> Private/Well Water      |
| <input checked="" type="checkbox"/> Cable Television   | <input type="checkbox"/> Shared Well Water       |
| <input checked="" type="checkbox"/> Garbage Collection | <input type="checkbox"/> Other _____             |

**9. ADDITIONAL EXPLANATIONS FOR ALL QUESTIONS ANSWERED "YES":** [Explanations should reference the number of the question for which more detailed information is being provided.]

Additional pages  are or  are not attached.

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**SELLER'S REPRESENTATION REGARDING SELLER'S LOT/LAND PROPERTY DISCLOSURE STATEMENT:**

Seller represents that Seller has followed the Instructions to Seller in Completing This Disclosure Statement set forth in Paragraph A above and will follow the same in updating this Disclosure Statement as needed from time to time.

Seller: Gregory S. Judd

Date: May 27, 2014

Seller: \_\_\_\_\_

Date: \_\_\_\_\_

**RECEIPT AND ACKNOWLEDGMENT BY BUYER:**

Buyer acknowledges the receipt of this Seller's Lot/Land Property Disclosure Statement.

Buyer: \_\_\_\_\_

Date: \_\_\_\_\_

Buyer: \_\_\_\_\_

Date: \_\_\_\_\_

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F63, Lot/Land Seller's Property Disclosure Statement Exhibit, Page 3 of 3, 04/01/14



FILED IN OFFICE  
THIS 20th DAY OF NOV, 2012  
AT 10:40 AM

Recorded 11/20/2012 10:40 Doc. ESTD

Return Recorded Document to:  
Law Office of Douglas T. Kidd, P.C.  
13033 Jones Street, Suite 1  
P.O. Box 628  
Lavonia, GA 30553

Georgia Transfer Tax Paid : \$0.00  
MELISSA B HOLBROOK 4592012001081  
Clerk Superior Court, FRANKLIN County, Ga.  
bk 01097 Pg 0183-0184

## EXECUTORS' DEED

STATE OF GEORGIA  
COUNTY OF FRANKLIN

This Indenture made this 29 day of October, 2012 between

PEGGY S. TODD AND SARA S. DARE,  
AS EXECUTORS OF THE ESTATE OF ANNETTE SMITH FLEMING

whose Last Will and Testament was proven in Solemn form on the 18<sup>th</sup> day of October, 2012, in the Probate Court of Franklin County, Georgia, as party of the first part, hereinafter called Grantor, and

PEGGY S. TODD AND SARA S. DARE, INDIVIDUALLY

as party of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors, and assigns where the context requires or permits).

WITNESSETH that: whereas letters testamentary were issued to the Grantor by the Probate Court of Franklin County, Georgia, on October 18, 2012, and by virtue of the power and authority given by Title 53 of the Official Code of Georgia, and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell and convey unto said Grantee,

ALL THAT tract or parcel of land lying and being in the 206<sup>th</sup>, GMD, of Franklin County, Georgia, and in the City of Lavonia, being Lot No. 20, Lavonia MFG Co. property as per plat of survey recorded in Plat Book 1, Page 146, Franklin County, Georgia, public records. Said plat and its description as to metes and bounds is incorporated herein by reference.

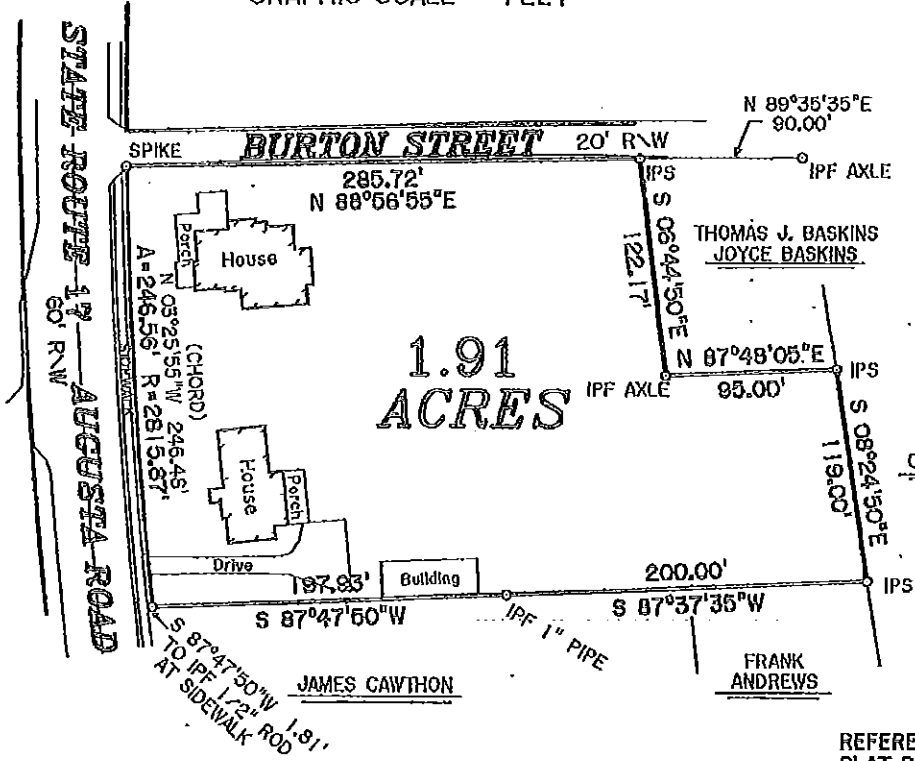
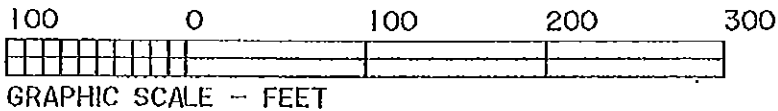
ALSO: Lot No. 19, Lavonia MFG Co., property as per plat of survey recorded in Plat Book 1, Page 146, Franklin County, Georgia, public records. Said plat and its description as to metes and bounds is incorporated herein by reference.

This Deed is given subject to all easements and restrictions of record, if any.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in any wise appertaining, to the only proper use, benefit, and behoof of the said Grantee forever in FEE SIMPLE.

IN WITNESS WHEREOF, Grantors have set their hands and seal this day and year first above written.

[Space Intentionally Left Blank.]



REFERENCE:  
PLAT BOOK 1, PAGE 143.  
DEED BOOK 87, PAGE 507.  
PLAT BOOK 14, PAGE 88.

SURVEY FOR:

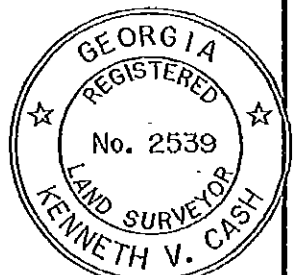
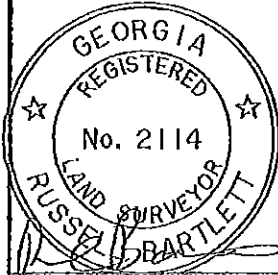
# ANNETTE SMITH FLEMING

COUNTY: FRANKLIN, GEORGIA  
GMD: 208; CITY: LAVONIA  
DATE: 25-JULY-2012 MAPPED: 31-JULY-2012  
SCALE: 1" = 100  
FB: 362  
JOB: ASF  
FILE: SMITH, MRS E.H.

THIS SURVEY IS SUBJECT  
TO ALL RIGHTS OF WAY  
AND EASEMENTS WRITTEN OR  
UNWRITTEN.

IPS = IRON PIN SET  
(3/4" STEEL PIPE)  
IPF = IRON PIN FOUND  
O/S = OFF SET  
C/L = CENTER LINE  
CM = CONCRETE MONUMENT  
R/W = RIGHT OF WAY

SURVEYED BY:  
BARTLETT & CASH LAND SURVEYORS, INC.  
RUSSELL N. BARTLETT - KENNETH V. CASH  
RLS NO. 2114 RLS NO. 2539  
10262 GA. HWY. 17  
MARTIN, GA. 30557  
(706) 779-5047



THIS SURVEY MADE WITH A TOPCON TOTAL STATION.  
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS  
A CLOSURE PRECISION OF ONE FOOT IN 56558 FEET,  
AND AN ANGULAR ERROR OF 0°0'03" PER ANGLE POINT,  
AND WAS ADJUSTED BY ANGLE BALANCING.  
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS  
FOUND TO BE ACCURATE WITHIN ONE FOOT IN 146235 FEET.