



FORT REALTY

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



2018 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:

Lot 1,2,3 Freeman Dr and Rosewood Circle

Hartwell

Georgia 30643

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) 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.**

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
<b>1. OCCUPANCY:</b>			
(a) Is the Property vacant? If yes, how long has it been since Seller occupied the Property? _____	<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>			
(a) Is the Property subject to a recorded Declaration of Covenants, Conditions and Restrictions ("CC&Rs") or other similar restrictions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Is the Property part of a condominium or community in which there is a homeowners' association? [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>1.238, 1.526, 1.167</u>			
(b) What is the current zoning of Property? _____			
(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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>
(c) Is there now or has there ever been any visible soil settlement or movement?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Are there any drainage or flooding problems on Property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Are there any diseased or dead trees?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

THIS FORM IS COPYRIGHTED AND MAY ONLY BE USED IN REAL ESTATE TRANSACTIONS IN WHICH Reese Oglesby IS INVOLVED AS A REAL ESTATE LICENSEE. UNAUTHORIZED USE OF THE FORM MAY RESULT IN LEGAL SANCTIONS BEING BROUGHT AGAINST THE USER AND SHOULD BE REPORTED TO THE GEORGIA ASSOCIATION OF REALTORS® AT (770) 451-1831.

Yes No Don't Know

**5. TOXIC SUBSTANCES:**

- (a) Are there any underground tanks or toxic or hazardous substances such as asbestos?  Yes  No  Don't Know
- (b) Has Property ever been tested for radon or any other environmental contaminates?  Yes  No  Don't Know

**6. OTHER MATTERS:**

- (a) Have there been any inspections in the past year?  Yes  No  Don't Know  
If yes, by whom and of what type? Soil Test
- (b) Are there any violations of local, state or federal laws, codes or regulations with respect to Property?  Yes  No  Don't Know
- (c) Have you received notices by governmental or quasi-governmental agency affecting Property?  Yes  No  Don't Know
- (d) Are there any existing or threatened legal actions affecting Property?  Yes  No  Don't Know
- (e) Is there any system or item on Property which is leased or which has a fee associated with its use?  Yes  No  Don't Know
- (f) Are there any private or undedicated roadways for which owner may have financial responsibility?  Yes  No  Don't Know
- (g) If Property is served by well water, is the well on Property?  Yes  No  Don't Know
- (h) Has the Property been enrolled in a Conservation Use Program?  Yes  No  Don't Know  
If yes, when was the Property enrolled? \_\_\_\_\_
- (i) Are there any other latent or hidden defects that have not otherwise been disclosed?  Yes  No  Don't Know

**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?  Yes  No  Don't Know

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.]

- Electricity  Public Sewer
- Natural Gas  Public Water
- Telephone  Private/Well Water
- Cable Television  Shared Well Water
- Garbage Collection  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.]

4B Well was filled in and abandoned.

Additional pages  are or  are not attached.

**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: FOGS LLC / Rem F. O. J. MGR

Date: 12-28-18

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

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

Additional Signature Page (F149)  is  is not attached.

**RECEIPT AND ACKNOWLEDGMENT BY BUYER:**

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

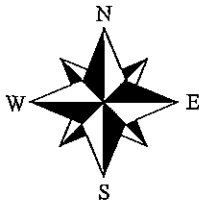
Buyer: \_\_\_\_\_

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

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

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

Additional Signature Page (F149)  is  is not attached.

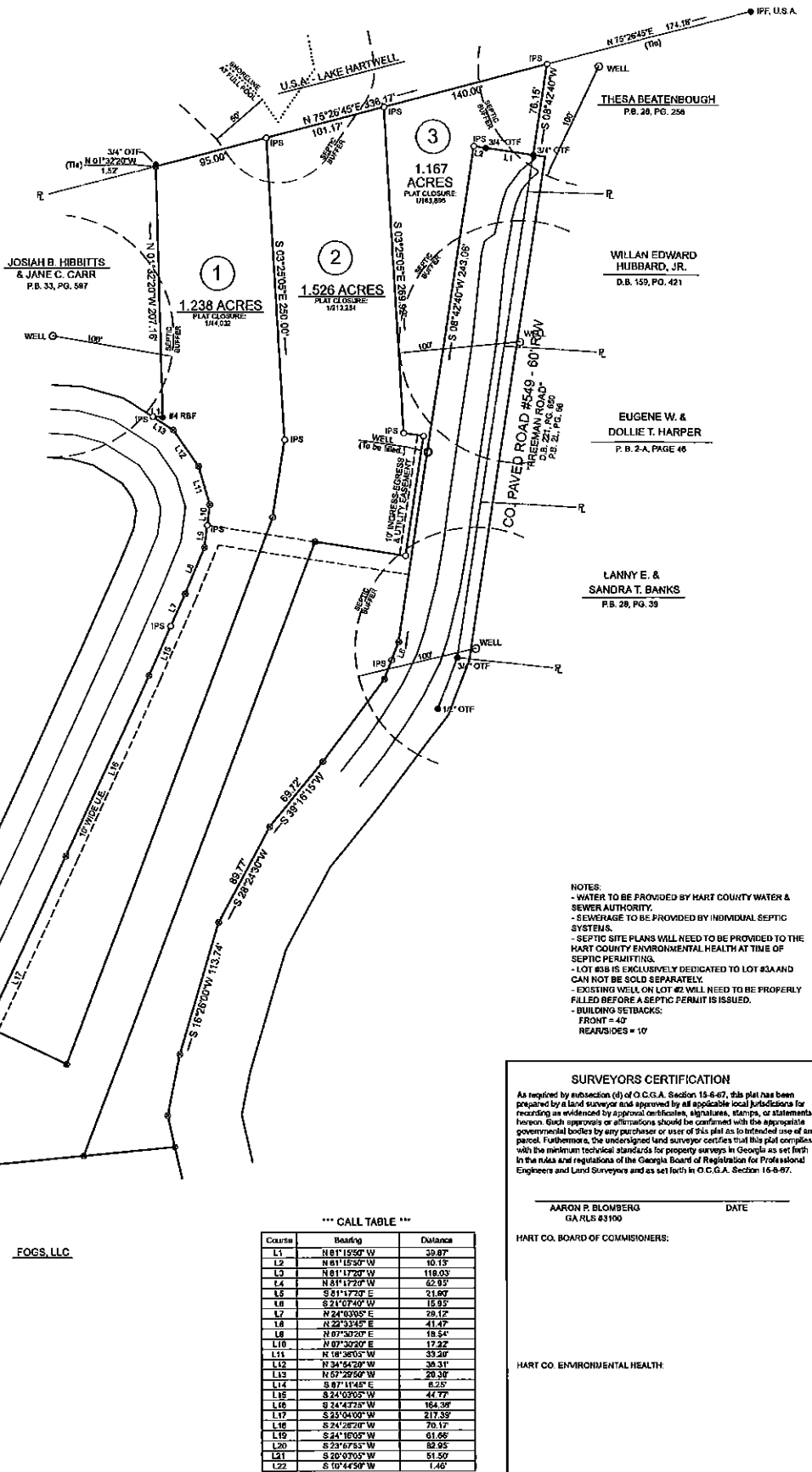


THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

NOTES:  
 1) SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR IN BLUE INK.  
 2) SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.  
 3) THE CERTIFICATION, AS SHOWN HEREON, IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF AND BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE. THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE.  
 4) THIS SURVEY COMPLIES WITH BOTH THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ANNOTATED (O.C.G.A.) 15-6-47 AS AMENDED BY HB1004 (2018), IN THAT WHERE A CONFLICT EXISTS BETWEEN THESE TWO SETS OF SPECIFICATIONS, THE REQUIREMENTS

SURVEY DATA:  
 E.O.C. PLAT AS SHOWN  
 E.O.C. FIELD, 123,513  
 ANGULAR ERROR: 2" per 100'  
 ADJUSTED BY: LEAST SQUARES  
 EQUIPMENT USED:  
 GEOMAX ZOOM 80  
 ROBOTIC TOTAL STATION  
 GEOMAX ZENITH 45 OPS  
 ON SMARTNET NETWORK

LEGEND:  
 ● = IPF  
 ○ = IPS W/ CAP  
 ⊗ = POINT ONLY  
 ○ = UTILITY POLE  
 ○ = IRON PIN FOUND  
 ○ = IRON PIN SET W/ CAP  
 CTF = CRIMPED TOP PIPE FOUND  
 OTF = OPEN TOP PIPE FOUND  
 RBT = REBAR FOUND  
 B.S. = BUILDING SETBACK  
 RW = RIGHT-OF-WAY  
 --- = OVERHEAD POWERLINE  
 --- = OVERHEAD POWERLINE  
 CTF = CRIMPED TOP PIPE FOUND  
 U.E. = UTILITY EASEMENT



NOTES:  
 - WATER TO BE PROVIDED BY HART COUNTY WATER & SEWER AUTHORITY.  
 - SEWERAGE TO BE PROVIDED BY INDIVIDUAL SEPTIC SYSTEMS.  
 - SEPTIC SITE PLANS WILL NEED TO BE PROVIDED TO THE HART COUNTY ENVIRONMENTAL HEALTH AT TIME OF SEPTIC PERMITTING.  
 - LOT #3 IS EXCLUSIVELY DEDICATED TO LOT #3A AND CAN NOT BE SOLD SEPARATELY.  
 - EXISTING WELL ON LOT #2 WILL NEED TO BE PROPERLY FILLED BEFORE A SEPTIC PERMIT IS ISSUED.  
 - BUILDING SETBACKS:  
 FRONT = 40'  
 REAR/SIDES = 10'

**SURVEYORS CERTIFICATION**  
 As required by subsection (d) of O.C.G.A. Section 15-6-47, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-47.

AARON R. BLONBERG  
 GA RLS #3100

HART CO. BOARD OF COMMISSIONERS:

HART CO. ENVIRONMENTAL HEALTH

\*\*\* CALL TABLE \*\*\*

Course	Bearing	Distance
L1	N 81° 15' 50" W	35.87'
L2	N 61° 15' 50" W	10.13'
L3	N 61° 17' 20" W	118.03'
L4	N 81° 17' 20" W	62.93'
L5	S 61° 17' 20" E	21.80'
L6	S 21° 07' 40" W	15.93'
L7	N 24° 03' 05" E	26.12'
L8	N 22° 32' 15" E	41.47'
L9	N 07° 30' 20" E	15.54'
L10	N 07° 30' 20" E	17.22'
L11	N 08° 36' 05" W	33.20'
L12	N 34° 54' 20" W	35.31'
L13	N 57° 22' 50" W	20.30'
L14	S 07° 11' 45" E	6.25'
L15	S 24° 02' 05" W	44.77'
L16	S 24° 42' 15" W	164.36'
L17	S 23° 04' 00" W	217.32'
L18	S 24° 28' 20" W	70.17'
L19	S 24° 16' 05" W	61.66'
L20	S 22° 07' 55" W	82.95'
L21	S 20° 02' 05" W	51.50'
L22	S 10° 44' 50" W	1.46'

FOGS, LLC

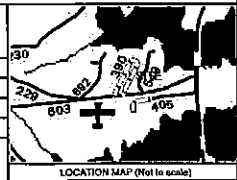
CO. PAVED ROAD #503 - 80' RW  
 "MOUNT OLIVET ROAD"



**LandLake SURVEYING, P.C.**  
 AARON P. BLONBERG, GA RLS #3100  
 C.O.A. LSF#001233 113 W. FRANKLIN ST. LANDERSURVEYING@GMAIL.COM HARTWELL, GA 30643  
 LandLakeSurveying.com 706-438-4543

SURVEY FOR: **FOGS, LLC**

STATE: GEORGIA	PLAT DATE: MAY 23, 2018
COUNTY: HART	FIELD DATE: MAY 18, 2018
G.M.D.: 1112	SCALE: 1" = 80'
REF: P.B. 242, PAGE 635	FILE: 18-145-SUBD1
REVISIONS:	





## Public Health

Hart County Health Department  
64 Reynolds Street  
Hartwell, Georgia 30643  
Phone: 706-376-5117 Fax: 706-376-5011  
www.phdistrict2.org

District 2 Public Health

Pamela Logan, M.D., MPH, CPE, Health Director

December 27, 2018

FOG, LLC/ Reese Oglesby  
963 Frank Crook Rd  
Canon, GA 30520

Re: 4 Lots on Freeman Drive

Mr. Oglesby,

The above lots on Freeman Drive is approved based on:

Plat provided by Land and Lake Surveying, P.C. dated October 24, 2018  
Level 3 soil report by KW Soils and dated February 16, 2018  
Private wells as water supply  
Preliminary site plan created and approved by Hart County Health Department  
Well abandonment letter from William O. Tucker, Inc. dated December 19, 2018

Review is based on typical three-bedroom residences with average appurtenances.

All 3 lots near lake appear to require pump systems. Middle portion of lots 1 and 2 is where drain fields will need to be placed because the drainage ditch between the 2 lots and the 20-foot buffer from that soil area does not leave a lot of usable soil in the lower portion of the lots.

The lot at the corner of Freeman Dr and Mount Olivet Rd does have a drainage way on the back of the lot. Depending on house placement, this lot may require a pump as well.

Specific plans will be required on all lots when applying for septic permit.

This is not a permit. A preliminary site inspection is performed on the basis of information provided by the applicant, the current site conditions, and on current regulations and policies. If the information, site conditions, regulations and/or policies, etc. change after date inspected, these recommendations/comments will be invalidated. The comments provided are not considered an approval or guarantee of permit issuance.

If you have any questions, feel free to contact me at the Hart County Health Department.

Sincerely,

Lillie Sherman  
Environmental Manager

CC: Jon Terry District 2 Environmental Health

Copy

**RESTRICTIONS AND COVENANTS ON  
PROPERTY OF MRS. H. G. FREEMAN**

I, the undersigned, Mrs. Mathie H. Freeman, also known as Mrs. H. G. Freeman, do hereby establish the following restrictions and covenants upon these five (5) tracts of land situated in the 1112th G. M. District of Hart County, Georgia, as shown on a plat prepared by Teasley, Paul and Associates, Surveyors, dated December 30, 1970, of record in Plat Book 2-A, Page 43, Hart County, Georgia Records, of which property I am the owner in fee simple; and by reference, said plat is specifically incorporated herein and made a part of these restrictions and covenants.


The following restrictions shall run with the land and shall encumber same, and shall be in full force and effect for a period of fifty (50) years from this date, and shall be binding on myself as owner, as well as on my heirs and assigns, and said restrictions may not be altered, modified or changed in any way or in any manner without the expressed unanimous written consent of all the owners of any lots or parcels of land that may later be cut off and sold from the property.


**A: RESTRICTIONS AND COVENANTS ON TRACTS 1, 2 AND 3:**

The following covenants and restrictions are hereby placed upon and shall encumber Tracts 1, 2 & 3 of that property which is shown and delineated on a plat prepared by Teasley, Paul and Associates, Surveyors, dated December 30, 1970, of record in Plat Book 2-A, Page 43, Hart County, Georgia Records:

1. The property shall be used exclusively for single family residences and dwellings, having not less than 800 square feet of heated area;
2. No house, dwelling or other structure may be built or erected within ten (10) feet of any now existing property line or within ten (10) feet of any property line that may hereinafter be established;
3. No tract or lot of land that may be cut off or subdivided from any of the property, unless said tract or lot has a minimum area of not less than 20,000 square feet;
4. No tents, shacks, trailers, mobile homes or temporary buildings or structures shall be placed upon the property;
5. All residence dwellings must be built and constructed of new building supplies and materials, and no structures, dwellings or other buildings may be relocated or moved onto any of the property;
6. No garbage, trash or junk may be deposited on any of the property, nor shall privies or outside toilet facilities be permitted on any of said property;
7. No business or commercial activities of any type may be conducted on any of said property;
8. No horses, cattle, livestock or poultry shall be kept on any of said property, nor shall any commercial dog kennels be permitted on any of said property;
9. No commercial signs or billboards may be placed or erected on any of said property.

LESLIE W. BAISER, JR.  
ATTORNEY AT LAW  
P.O. BOX 222  
MARTIN, GEORGIA  
30057

STATE OF GEORGIA  
COUNTY OF HART  
I DO HEREBY CERTIFY THIS TO BE  
A TRUE AND CORRECT COPY OF  
THE WITHIN AND FOREGOING  
DOCUMENT NOW OF RECORD IN  
THIS OFFICE  
GIVEN UNDER MY HAND AND SEAL  
OF SAID COURT THIS 21<sup>ST</sup> DAY OF  
JULY 2011  
  
DEPUTY CLERK (SERIAL)  
HART SUPERIOR COURT  
HART COUNTY, GEORGIA

STATE OF GEORGIA  
COUNTY OF HART  
I DO HEREBY CERTIFY THIS TO BE  
A TRUE AND CORRECT COPY OF  
THE WITHIN AND FOREGOING  
DOCUMENT NOW OF RECORD IN  
THIS OFFICE  
GIVEN UNDER MY HAND AND SEAL  
OF SAID COURT THIS 21<sup>ST</sup> DAY OF  
JULY 2011  
  
DEPUTY CLERK (SERIAL)  
HART SUPERIOR COURT  
HART COUNTY, GEORGIA

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**B: RESTRICTIONS AND COVENANTS ON TRACT 4:**

There is now located on Tract 4 of that property shown on a plat prepared by Teasley, Paul and Associates, Surveyors, dated December 30, 1970, of record in Plat Book 2-A, Page 43, Hart County, Georgia Records, a fishing tackle and general merchandising store, which is operated by Mr. and Mrs. N. C. Freeman; however, if said Tract 4 is ever sold, it shall be sold only for residential purposes, and said Tract 4 shall be covered and encumbered by the same and identical restrictions and covenants set forth above which encumber Tracts 1, 2 and 3 above. However, so long as the fishing tackle and general merchandising business is operated on said Tract 4 by Mr. and Mrs. N. C. Freeman, the following restrictions and covenants shall encumber and be enforced as to said Tract 4:

1. No business except a general merchandising and fishing tackle business may be operated on said property;
2. No gasoline or fuel pumps or gas tanks may be located on said property, either permanently or temporarily;
3. No automotive sales or repair business, nor any junk or salvage business shall be conducted on said property;
4. No commercial signs or billboards may be placed or erected on said property;
5. No tents, shacks, trailers, mobile homes, or temporary buildings or structures shall be erected or placed upon the property;
6. No garbage or trash may be deposited on any of the property, nor shall junk, privies or outside toilet facilities be permitted on said property;
7. No horses, cattle, livestock or poultry shall be kept on any of said property, nor shall any commercial dog kennels be permitted on said property;
8. No tract or lot may be cut off from or be subdivided out of said property unless said tract or lot so cut off or subdivided contains not less than an area of 20,000 square feet, and is used solely for single family residence dwellings, and any such tract or lot cut off or subdivided from said property shall be encumbered by the same and identical covenants and restrictions as those which encumber Tracts 1, 2 and 3 of that property shown on a plat prepared by Teasley, Paul and Associates, Surveyors, dated December 30, 1970, of record in Plat Book 2-A, Page 43, Hart County, Georgia Records.

**C: RESTRICTIONS AND COVENANTS ON TRACT 5:**

The following covenants and restrictions are hereby placed upon and shall encumber Tract 5 of that property which is shown and delineated on a plat prepared by Teasley, Paul and Associates, Surveyors, dated December 30, 1970, of record in Plat Book 2-A, Page 43, Hart County, Georgia Records:

1. No commercial signs or billboards may be placed or erected on said property;
2. No gasoline or fuel pumps or gasoline tanks may be placed upon said property;
3. No automotive sales or repair business nor junk or salvage business may be operated on said property;

4. No tents, shacks, trailers, mobile homes or temporary buildings or structures shall be placed or erected upon this property;
5. No garbage or trash may be deposited on any of the property, nor shall junk, privies or outside toilet facilities be permitted on said property;
6. No horses, cattle, livestock or poultry shall be kept on any of said property, nor shall commercial dog kennels be permitted on said property;
7. No business or commercial business or enterprise may be carried on or conducted on said property except that of a fishing tackle and general merchandising business;
8. Said property may also be used for the construction and erection of one single family residence dwelling.

IN WITNESS WHEREOF, I have set my hand and affixed my seal this //<sup>th</sup> day of January, 1971.

*Mrs. Mathie H. Freeman* (SEAL)  
 Mrs. Mathie H. Freeman, also known  
 as Mrs. N. C. Freeman

Signed, sealed and established  
 in the presence of:

*N. C. Freeman*

*James H. [unclear]*  
 Georgia Clerk of the Superior Court

Filed: January 11, 1971 at 9AM  
 Recorded January 11, 1971  
 Betty W. Isbell, Deputy Clerk