



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



2019 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:

1844 46044 Bolanah Hill Rd, Broken Arrow Rd, And, GA 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) 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.

C. DISCLOSURES.

1. OCCUPANCY: (a) Is the Property vacant? (b) Is the Property or any portion thereof leased?
2. COVENANTS, FEES AND ASSESSMENTS: (a) Is the Property subject to a recorded Declaration of Covenants, Conditions and Restrictions ("CC&Rs") or other similar restrictions? (b) Is the Property part of a condominium or community in which there is a homeowners' association?
3. THE PROPERTY: (a) How many acres are in Property? (b) What is the current zoning of Property? (c) Will conveyance of Property exclude any mineral, oil and timber rights? (d) Are there any governmental allotments committed? (e) Have any licenses or usage permits been granted for, but not limited to, crops, minerals, hunting, water, grazing or timber?
4. SOIL, TREES, SHRUBS AND BOUNDARIES: (a) Is there any fill dirt on Property? (b) Are there any landfills (other than foundation backfill), graves, burial pits, caves, mine shafts, trash dumps or wells (in use or abandoned)? (c) Is there now or has there ever been any visible soil settlement or movement? (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? (e) Are there any drainage or flooding problems on Property? (f) Are there any diseased or dead trees? (g) Are there presently any encroachments, unrecorded easements or boundary line disputes with a neighboring property owner?

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- |   | Yes | No                                  | Don't Know |
|---|-----|-------------------------------------|------------|
| <b>5. TOXIC SUBSTANCES:</b>   |     |                                     |            |
| (a) Are there any underground tanks or toxic or hazardous substances such as asbestos?                                      |     | <input checked="" type="checkbox"/> |            |
| (b) Has Property ever been tested for radon or any other environmental contaminants?  |     | <input checked="" type="checkbox"/> |            |
| <b>6. OTHER MATTERS:</b>  |     |                                     |            |
| (a) Have there been any inspections in the past year?<br>If yes, by whom and of what type?                                  |     | <input checked="" type="checkbox"/> |            |
| (b) Are there any violations of local, state or federal laws, codes or regulations with respect to Property?                |     | <input checked="" type="checkbox"/> |            |
| (c) Have you received notices by governmental or quasi-governmental agency affecting Property?                              |     | <input checked="" type="checkbox"/> |            |
| (d) Are there any existing or threatened legal actions affecting Property?  |     | <input checked="" type="checkbox"/> |            |
| (e) Is there any system or item on Property which is leased or which has a fee associated with its use?                     |     | <input checked="" type="checkbox"/> |            |
| (f) Are there any private or undedicated roadways for which owner may have financial responsibility?                        |     | <input checked="" type="checkbox"/> |            |
| (g) If Property is served by well water, is the well on Property?   |     | <input checked="" type="checkbox"/> |            |
| (h) Has the Property been enrolled in a Conservation Use Program?<br>If yes, when was the Property enrolled? <u>3/29/12</u> |     | <input checked="" type="checkbox"/> |            |
| (i) Are there any other latent or hidden defects that have not otherwise been disclosed?                                    |     | <input checked="" type="checkbox"/> |            |

**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.

(See 6h above)

**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 type="checkbox"/> Public Sewer       |
| <input type="checkbox"/> Natural Gas ?                 | <input type="checkbox"/> Public Water       |
| <input checked="" type="checkbox"/> Telephone          | <input type="checkbox"/> Private/Well Water |
| <input 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.]

Not certain about natural gas, cable television availability in #8

Abandoned well in 4(b) appears to have been filled in  
Conservation use agreement in 6(h) expires 2021

Additional pages are 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: James C. Cobb  
James C. Cobb  
Seller: Lyra M. Cobb  
Lyra M. Cobb

Date: 3-13-19  
Date: 3-13-2019

Additional Signature Page (F267) is attached.

**RECEIPT AND ACKNOWLEDGMENT BY BUYER:**

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

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

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

Additional Signature Page (F267) is attached.

**EXHIBIT "B"**

All that tract or parcel of land lying and being in the 1115th Georgia Militia District of Hart County, Georgia, containing 48.843 acres, more or less, and being bounded substantially as follows: on the Northeast by property of Vivian O'Barr Estate and right of way of County Road No. 301 known as Boleman Hill Road; on the East by property now or formerly of James Roy Risner; on the South by centerline of County Road No. 281 known as Wagon Ho Farm Road and properties of Grantees, Grantors (a 2.00 acre OUT parcel), and Hoon Lee and Young Ja Lee; on the Southwest by of Kenneth Ray; on the South by centerline of County Road No. 281 (Wagon Ho Farm Road); on the Northwest by right of way of County Road No. 279 known as Broken Arrow Road and property of Craig E. McKeel.

Said property is more particularly shown and described on a plat of survey dated May 27, 1988, prepared by Bauknight & Associates, Registered Land Surveyors, of record in Plat Book 26 at Page 24 in the Office of the Clerk of the Superior Court of Hart County, Georgia, which plat and the recordation thereof are by reference incorporated herein to aid in this description.

Said property is conveyed subject to the right of way of County Road No. 281 as shown on said plat.

DEPUTY/CLERK

THIS DECLARATION OF RESTRICTIVE AND PROTECTIVE COVENANTS, made as of the 31<sup>st</sup> day of June, 1998, by Charles E. McKeel and Nancy L. McKeel of 336 Wagon Ho Farm Road, Hartwell, GA 30643 (hereinafter referred to as "Declarants"), for certain Real Property (herein referred to as the "Property" or "Real Property") located between Boleman Hill, Broken Arrow and Wagon Ho Farm Roads in Hart County, Georgia, more particularly described hereinafter,

RECORDED  
BOOK 314 PAGE 169-172  
DATE 6-3-98  
V.A.E. "L.W." HOLLAND, JR., CLERK

WITNESSETH

WHEREAS, Declarants are the current owners of the Real Property described in Exhibits A and B hereof; and

WHEREAS, James C. Cobb and Lyra M. Cobb have agreed to purchase the Real Property described in Exhibit B, provided the Real Property described in Exhibit A is declared to be subject to the restrictive and protective covenants set forth below; and

Whereas, the Declarants desire to establish these restrictive and protective covenants in order to induce James C. Cobb and Lyra M. Cobb to purchase the Real Property described in Exhibit B;

NOW, THEREFORE, for and in consideration of the sum of \$1.00 and other good and valuable consideration, including the agreement to purchase of and the purchase by James C. Cobb and Lyra M. Cobb of the Real Property described in Exhibit B hereof, and of the benefits to be derived by each and every subsequent owner of all or any portion of the Real Property described in Exhibit B, Declarants do hereby set up, establish, promulgate and declare the following protective covenants to apply to the Real Property described in Exhibit A. These protective covenants shall be binding upon and run with and against the land described in Exhibit A and on all persons claiming under and through the Declarants. These protective covenants shall also run with and enure to the benefit of the land described in Exhibit B and all subsequent owners of all or any portion of the Real Property described in Exhibit B.

1. Land Use and Building Type. No part of the Real Property described in Exhibit A shall be used for raising, preserving, keeping or maintaining, in any commercial manner, chickens, pigs, hogs, emu, ostrich, hogs, poultry, or other farm or domesticated animals,

m:\users\bob\contracts\cobb\res.cov

Page 1

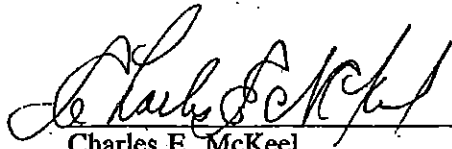
with the exception of household pets.

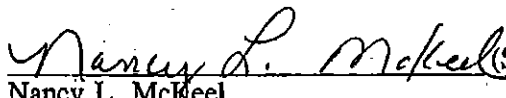
2. **Temporary Structures.** No structure of a temporary character, trailer, mobile home, tent, shack, garage, barn or other outbuilding shall be used on any portion of the Real Property described in Exhibit B at any time as a residence for a period exceeding 18 months.

3. **Enforcement.** Enforcement of the covenants contained in this instrument shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain violation or to recover damages. Any person now or in the future owning any portion of the Real Property purchased or to be purchased by James C. Cobb and Lyra M. Cobb and described in Exhibit B shall have standing to enforce these covenants. The unanimous consent of all of the owners of all portions of the Real Property described in Exhibit B shall be required to modify or terminate these covenants.

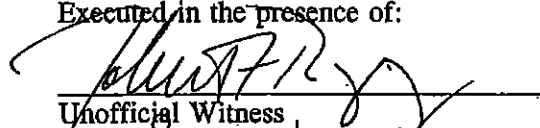
4. **Severability.** Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions of this instrument which shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarants have caused this instrument to be executed under seal, as of the day and year first above written.

  
\_\_\_\_\_  
Charles E. McKeel (SEAL)

  
\_\_\_\_\_  
Nancy L. McKeel (SEAL)

Executed in the presence of:

  
\_\_\_\_\_  
Unofficial Witness

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 7-14-2000



After recording, return to:  
Ridgway & Ridgway, LLP  
Attorneys at Law  
P.O. Box 710  
Hartwell, GA 30643

FILED IN OFFICE  
HART SUPERIOR COURT

2019 FEB 19 PM 12:07

*Frankie H. Gray*  
FRANKIE H. GRAY, CLERK

RECORDED  
Book 861 Page 350  
Date 2-19-2019  
Frankie Gray, Clerk

SCRIVENER'S AFFIDAVIT

STATE OF GEORGIA,  
COUNTY OF HART.

Personally appeared before the undersigned officer authorized by law to administer oaths in this state and county, comes the undersigned, who states on oath as follows:

1.

Deponent is an attorney at law licensed to practice in the State of Georgia.

2.

Deponent prepared a Declaration of Restrictive and Protective Covenants dated June 3, 1998, recorded in Deed Book 314, Pages 169-172, Superior Court Clerk's Office, Hart County, Georgia. Said Declaration contains a scrivener's error in Item 2 on the second page. Item 2 should refer to Exhibit A and not Exhibit B. The Correct language is as follows:

"2. Temporary Structures. No structure of a temporary character, trailer, mobile home, tent, shack, garage, barn or other outbuilding shall be used on any portion of the Real Property described in Exhibit A at any time as a residence for a period exceeding 18 months."

3.

This Affidavit may be relied upon by future purchasers, lenders, attorneys and title insurance companies.

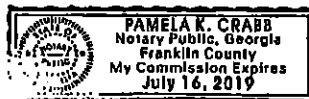
*Robert E. Ridgway, Jr.*

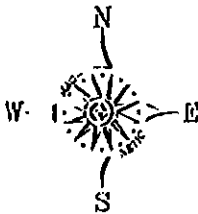
Robert E. Ridgway, Jr.  
Bar Number 604950  
Ridgway & Ridgway, LLP  
Attorney at Law  
P.O. Box 710  
Hartwell, GA 30643

Sworn to and subscribed before me  
this 18<sup>th</sup> day of February, 2019.

*Pamela K. Crabb*  
Notary Public  
My Commission Expires: 7/16/19

(Notary Seal)





RECORDED  
BOOK 6 PAGE 37  
DATE 6-3-78  
W.E. HOLLAND, L.L. CLERK

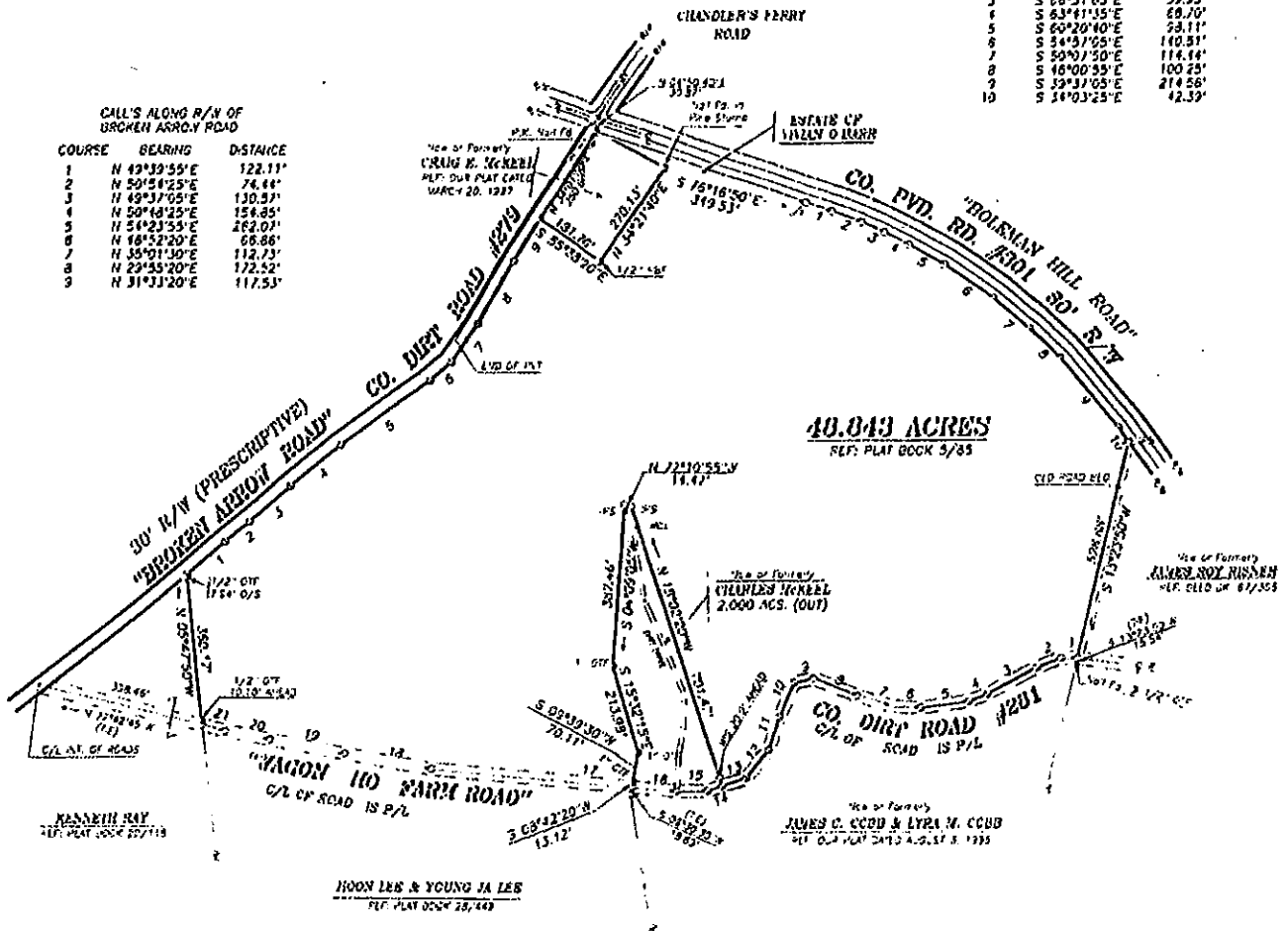
FILED IN OFFICE  
PLANT SURVEYOR COUNTY  
DEPUTY CLERK

CALL'S ALONG R/W OF  
BROKEN ARROW ROAD

COURSE	BEARING	DISTANCE
1	N 49°39'55"E	122.11'
2	N 50°58'25"E	74.64'
3	N 49°37'05"E	130.51'
4	N 50°48'25"E	154.85'
5	N 51°23'53"E	282.01'
6	N 48°52'20"E	265.86'
7	N 35°01'30"E	112.73'
8	N 29°35'20"E	172.52'
9	N 31°33'20"E	117.53'

CALL'S ALONG DOLEMAN HILL ROAD

COURSE	BEARING	DISTANCE
1	S 71°16'05"E	66.00'
2	S 62°02'40"E	75.19'
3	S 68°51'05"E	59.98'
4	S 63°41'35"E	68.70'
5	S 60°20'40"E	58.11'
6	S 54°57'55"E	140.51'
7	S 50°07'30"E	114.44'
8	S 48°00'55"E	100.29'
9	S 53°37'05"E	214.56'
10	S 34°03'25"E	42.33'



CALL'S ALONG C/L OF  
WAGON HO FARM ROAD

COURSE	BEARING	DISTANCE
1	N 88°48'35"W	58.80'
2	S 63°02'35"W	61.43'
3	S 62°26'40"W	134.63'
4	S 68°43'45"W	49.24'
5	S 82°36'20"W	112.44'
6	N 66°33'20"W	71.58'
7	N 73°51'05"W	86.27'
8	N 67°11'35"W	112.84'
9	S 78°12'10"W	48.39'
10	S 23°13'00"W	89.84'
11	S 19°08'40"W	84.52'
12	S 38°17'10"W	84.48'
13	S 72°06'45"W	60.24'
14	S 72°06'45"W	37.52'
15	S 83°08'30"W	76.37'
16	N 84°18'20"W	103.83'
17	N 84°18'05"W	49.34'
18	N 80°15'00"W	211.58'
19	N 78°52'20"W	181.21'
20	N 79°59'40"W	110.03'
21	N 71°59'25"W	56.03'

THIS PLAN IS SUBJECT TO ANY  
EASEMENTS AND/OR RIGHTS  
OF ANY PREVIOUS GRANTEES

SCALE - 1" = 200'

THE FIELD EQUIPMENT USED FOR THIS SURVEY  
WAS A  
THE FIELD DATA WERE CHECKED AND THIS PLAN IS  
FIELD HAS A CLOSURE ERROR OF ONE  
FOOT IN 100,000. ALL ANGLES AND AN ANGULAR  
ERROR OF .5" SEC. PER ANGLE POINT AND  
HAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS  
PLAN HAS BEEN CALCULATED FOR CLOSURE  
AND IS FOUND TO BE ACCURATE WITHIN ONE  
FOOT IN 100,000. 1111'

I HEREBY CERTIFY THAT THE SURVEY  
THIS IS A CORRECT REPRESENTATION OF THE  
LAND PLANNED AND HAS BEEN PREPARED IN  
CONFORMANCE WITH THE AN ACT STATUTES  
AND REGULATIONS OF THE STATE OF GEORGIA

- PER = PERMANENT FOUND
- Q = 1/2" PLYWOOD SET
- ST = POINT SET
- STY = POINT SET FOUND
- PS = 1/2" ALUMINUM SET
- OP = PLASTER FOUND
- OP = GREY FOR PIPE AND
- CP = CONCRETE FOR PIPE AND
- LP = CONCRETE FOR FOUND
- E = FERRITILE LINE
- C = CEMENT
- 1/2" = 1/2" SET
- 1/4" = 1/4" SET
- OR = ORIGIN
- OR = POINT OF BEGINNING

STATE OF GEORGIA

**JAMES C. COBB & LYRA M. COBB**

DATE: MAY 27, 1958

SCALE: 1" = 200'

STATE: GEORGIA

PARTY TYPE: RMC

GRAND BY: ASB

REVISED BY: ASB

CODING: JCCBB

PLT TYPE: JCCBB

STACY C. CARROLL

PROFESSIONAL LAND SURVEYOR

NO. 2123

BAURNIGHT & ASSOCIATES, INC.  
N. STATE BARRACQUET  
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CANNON, GA. 30522  
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