



**SELLER'S PROPERTY DISCLOSURE STATEMENT  
(NEW CONSTRUCTION)  
EXHIBIT " \_\_\_\_\_ "**



2021 Printing

This Seller's Property Disclosure Statement ("Statement") is an exhibit to the New Construction Purchase and Sale Agreement with an Offer Date of \_\_\_\_\_ for Property known as or located at: 320 South Forest Ave, Hartwell Georgia 30643. This Statement is intended to make it easier for Seller to fulfill Seller's legal duty to disclose hidden defects in the Property of which Seller is aware. Seller is obligated to disclose such defects even when the Property is being sold "as-is."

**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 and the improvements thereon;
- (2) answer all questions fully, accurately and to the actual knowledge and belief of all Sellers in the New Construction Purchase and Sale Agreement;
- (3) provide additional explanations to all "yes" answers in the corresponding Explanation section below each group of questions, unless the "yes" answer is self-evident;
- (4) promptly revise the Statement if there are any material changes in the answers to any of the questions prior to closing and provide a copy of the same to the Buyer and any Broker involved in the transaction.

**B. HOW THIS STATEMENT SHOULD BE USED BY BUYER.** Caveat emptor or "buyer beware" is the law in Georgia. Buyer should conduct a thorough inspection of the Property. If Seller has not occupied the Property recently, Seller's knowledge of the Property's condition may be limited. Buyer is expected to use reasonable care to inspect the Property and confirm that is suitable for Buyer's purposes. If an inspection of the Property reveals problems or areas of concern that would cause a reasonable Buyer to investigate further, Buyer should investigate further. A "yes" or "no" answer to a question means "yes" or "no" to the actual knowledge and belief of all Sellers of the Property.

**C. SELLERS DISCLOSURES.**

1. GENERAL:	YES	NO
(a) Date of initial building permit: <u>8/19/2020</u>		
Date of Certificate of Occupancy: <u>4/2/2021</u>		
EXPLANATION:		

2. COVENANTS, FEES, and ASSESSMENTS:	YES	NO
(a) Is the Property subject to a recorded Declaration of Covenants, Conditions, and Restrictions ("CC&Rs") or other similar restrictions?		<b>X</b>
(b) Is the Property part of a condominium or community in which there is a community association? IF YES, SELLER TO COMPLETE AND PROVIDE BUYER WITH A "COMMUNITY ASSOCIATION DISCLOSURE EXHIBIT" GAR F322.		<b>X</b>
EXPLANATION:		

THIS FORM IS COPYRIGHTED AND MAY ONLY BE USED IN REAL ESTATE TRANSACTIONS IN WHICH Jeanna Foley 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.



3. STRUCTURAL ITEMS, ADDITIONS AND ALTERATIONS:	YES	NO
(a) Has there been any settling, movement, cracking or breakage of the foundations or structural supports of the improvements?		X
(b) Has there been any cracking, settlement or visible movement of retaining walls?		X
(c) Has any work been done where a required building permit was not obtained?		X
(d) Is Seller aware of violations of building codes or zoning regulations or received notice of the same?		X
EXPLANATION:		

4. SYSTEMS and COMPONENTS:	YES	NO
(a) What is/are the heating system(s) serving the Property? <input checked="" type="checkbox"/> Electric <input type="checkbox"/> Gas <input type="checkbox"/>		
(b) What is/are the air conditioning systems(s) (A/C) serving the Property? <input checked="" type="checkbox"/> Electric <input type="checkbox"/> Gas <input type="checkbox"/>		
(c) What is/are the water heater(s) serving the Property? <input checked="" type="checkbox"/> Electric <input type="checkbox"/> Gas <input type="checkbox"/> Solar		
(d) Are any fireplaces not vented?	X	
EXPLANATION: Fireplace in living room is ventless gas.		

5. SEWER/PLUMBING RELATED ITEMS:	YES	NO
(a) What is the drinking water source: <input checked="" type="checkbox"/> public <input type="checkbox"/> private <input type="checkbox"/> well		
(b) If the drinking water is from a well, has the water been tested within the past twelve (12) months?		
(c) What is the sewer system: <input checked="" type="checkbox"/> public <input type="checkbox"/> private <input type="checkbox"/> septic tank		
(d) Is, or will, the main dwelling served by a sewage pump?		
(e) Is there presently any polybutylene plumbing, other than the primary service line?		
EXPLANATION:		

6. SOIL, TREES, SHRUBS AND BOUNDARIES:	YES	NO
(a) Is there or will there be any construction or other debris buried on Property?		X
(b) Are there any springs, mine shafts, graves, trash dumps or wells (in use or abandoned) on Property?		X
(c) Are there any diseased or dead trees?		X
(d) Are there any encroachments, boundary line disputes, leases or unrecorded easements?		X
(e) Is any part of the Property or any improvements thereon presently located in a 100 year Special Flood Hazard Area where there is at least a 1% chance of a flood in any given year?		X
(f) Are there any present drainage or flooding problems?		X
(g) Has there ever been any water leakage, accumulation, or dampness within the improvements on Property after its completion?		X
EXPLANATION:		

7. TERMITE TREATMENT:		YES	NO
(a)	Is there or will there be a system (meeting the standards of the Georgia Department of Agriculture) to control termites and other wood destroying organisms serving the Property?	X	
	If yes, check type: <input type="checkbox"/> Soil Treatment <input type="checkbox"/> Baiting System <input checked="" type="checkbox"/> Other: <u>Termite Pre-Treatment</u>		
(b)	Is there, or will there be, a transferable termite bond on the Property?		X
	If yes, check type of coverage: <input type="checkbox"/> re-treatment and repair or <input type="checkbox"/> re-treatment only		

EXPLANATION:

8. TOXIC SUBSTANCES:		YES	NO
(a)	Are there any underground tanks, toxic or hazardous substances on Property (structure or soil) such as asbestos, urea-formaldehyde, methane gas, radioactive material, radon, mold benzene or other substances or environmental contaminants?		X
(b)	Has Property been tested for radon, mold or any other toxic substances?		X

EXPLANATION:

9. OTHER MATTERS:		YES	NO
(a)	Do you know of any outstanding notices of violations of local, state, or federal laws, codes or regulations with respect to Property?		X
(b)	Is Property currently or has it been the subject of litigation including, but not limited to defective building products, construction defects, termites, and/or title problems?		X
(c)	Have you signed any release that would limit a future owner from making any claims in connection with Property?		X
(d)	Are there any other adverse, material facts pertaining to the physical condition of the Property that have not otherwise been disclosed?		X

EXPLANATION:

10. AGRICULTURAL DISCLOSURE:		YES	NO
(a)	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?		X

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.

Additional pages are attached.



**SELLER'S REPRESENTATION REGARDING SELLER'S NEW CONSTRUCTION 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:  \_\_\_\_\_ Date: \_\_\_\_\_  
Seller: \_\_\_\_\_ Date: \_\_\_\_\_

Additional Signature Page (F267) is attached.

**RECEIPT AND ACKNOWLEDGMENT BY BUYER:**

Buyer acknowledges the receipt of this Seller's New Construction Property Disclosure Statement.

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

Additional Signature Page (F267) is attached.



FILED IN OFFICE  
HART SUPERIOR COURT

2019 SEP -9 PM 2: 15

*Deborah Smith*  
FRANKIE H. GRAY, CLERK

RECORDED  
Book 876 Page 14-15  
Date 9-9-2019  
Frankie Gray, Clerk

Hart County, Georgia  
Real Estate Transfer Tax

Paid: 3.00

Date: 9-9-2019

PT 61#073: 2619-001037  
Frankie Gray, Clerk

RETURN TO:  
RIDGWAY & RIDGWAY, LLP  
Attorneys at Law  
P. O. Box 710  
Hartwell, Georgia 30643  
(706) 376-3991

**WARRANTY DEED**

State of Georgia,

County of Hart.

THIS INDENTURE, made and entered into on the 6th day of September, 2019 between

**LEONEL ORBEA**

of 2512 Autumn Maple Dr., Braselton, GA 30517, as party of the first part, hereinafter referred to as Grantor,  
and

**KIMBERLY H. PIERCE**

of 396 Azalea Drive, Hartwell, GA 30643, as party of the second part, hereinafter referred to as Grantee (the words "Grantor" and "Grantee" to include their respective heirs, executors, administrators, successors and assigns where the context requires or permits, and, when appropriate, any kind of entity, either gender, and both singular and plural).

WITNESSETH: That the said Grantor, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold, aliened, assigned, confirmed and conveyed, and by these presents does hereby grant, bargain, sell, alien, assign, confirm and convey unto the said Grantee, the following described property, to-wit:

All that tract or parcel of land with improvements thereon, lying and being in the City of Hartwell, 1112<sup>th</sup> Georgia Militia District of Hart County, Georgia fronting 130 feet on the west side of Forest Avenue, and being more particularly described as to courses and distances in the following manner, to-wit: BEGINNING at an iron pin located on the west side of Forest Avenue, at the southeast corner of the lot herein described and running thence north 67.50 degrees west 130 feet to a point; thence north 9.75 degrees east 120 feet to a point; thence south 71.25 degrees east 170 feet to a point located on the west side of Forest Avenue; thence along the west side of Forest Avenue south 27.50 degrees west 130 feet to the beginning corner.

The above described property is more particularly shown and delineated on a plat of survey prepared by Lon C. Jones, Surveyor, of record in Plat Book 7, page 62 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.

**THIS CONVEYANCE is made subject to all zoning ordinances, easements, rights of way for public roads and public utilities and any restrictions of record affecting said described property.**

**The above described property is the same property conveyed by Warranty Deed dated July 20, 2009 from Stephen M. Wright to Leonel Orbea, recorded in Deed Book 640, Page 177, Hart County, Georgia Deed Records.**

TO HAVE AND TO HOLD the said bargained premises, together 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, in fee simple. And the said Grantor, for themselves, their executors, administrators, successors, and assigns, shall and will warrant and forever defend, by virtue of these presents, the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

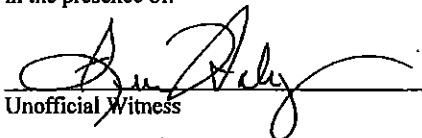
IN WITNESS WHEREOF, the said Grantor has signed and sealed this deed, the day and year first herein written.



(SEAL)

LEONEL ORBEA

Signed, sealed and delivered  
in the presence of:

  
Unofficial Witness

  
Notary Public  
My Comm. Expires: 4/9/21

