



# SELLER'S PROPERTY DISCLOSURE STATEMENT, Page 1 of 4

Property address: 17433 Brookhurst Dr. Lake Oswego OR 97034

## INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. Please refer to the line number(s) of the question(s) when you provide your explanation(s). If you are not claiming an exclusion or refusing to provide the form under ORS 105.475 (4), you should date and sign each page of this disclosure statement and each attachment.

Each seller of residential property described in ORS 105.465 must deliver this form to each buyer who makes a written offer to purchase. Under ORS 105.475 (4), refusal to provide this form gives the buyer the right to revoke their offer at any time prior to closing the transaction. Use only the section(s) of the form that apply to the transaction for which the form is used. If you are claiming an exclusion under ORS 105.470, fill out only Section 1

An exclusion may be claimed only if the seller qualifies for the exclusion under the law. If not excluded, the seller must disclose the condition of the property or the buyer may revoke their offer to purchase anytime prior to closing the transaction. Questions regarding the legal consequences of the seller's choice should be directed to a qualified attorney.

### DO NOT FILL OUT THIS SECTION UNLESS YOU ARE CLAIMING AN EXCLUSION UNDER ORS 105.470

#### Section 1. EXCLUSION FROM ORS 105.465 TO 105.490:

You may claim an exclusion under ORS 105.470 only if you qualify under the statute. If you are not claiming an exclusion, you must fill out Section 2 of this form completely.

Initial only the exclusion you wish to claim.

- This is the first sale of a dwelling never occupied. The dwelling is constructed or installed under building or installation permit(s) # \_\_\_\_\_ issued by \_\_\_\_\_.
- This sale is by a financial institution that acquired the property as custodian, agent or trustee, or by foreclosure or deed in lieu of foreclosure.
- The seller is a court appointed receiver, personal representative, trustee, conservator or guardian.
- This sale or transfer is by a governmental agency.

#### Signature(s) of Seller(s) Claiming Exclusion

Seller \_\_\_\_\_ Date \_\_\_\_\_ ← Seller \_\_\_\_\_ Date \_\_\_\_\_ ←

#### Signature(s) of Buyer(s) Acknowledging Seller's Claim

Buyer \_\_\_\_\_ Date \_\_\_\_\_ ← Buyer \_\_\_\_\_ Date \_\_\_\_\_ ←

### IF YOU DID NOT CLAIM AN EXCLUSION IN SECTION 1, YOU MUST FILL OUT THIS SECTION.

#### Section 2. SELLER'S PROPERTY DISCLOSURE STATEMENT

(NOT A WARRANTY) (ORS 105.465)

NOTICE TO THE BUYER: THE FOLLOWING REPRESENTATIONS ARE MADE BY THE SELLER(S) CONCERNING THE CONDITION OF THE PROPERTY LOCATED AT 17433 Brookhurst Dr Lake Oswego OR "THE PROPERTY."

DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE. BUYER HAS FIVE BUSINESS DAYS FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO REVOKE BUYER'S OFFER BY DELIVERING BUYER'S SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE SELLER DISAPPROVING THE SELLER'S DISCLOSURE STATEMENT, UNLESS BUYER WAIVES THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY, BUYER IS ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF A QUALIFIED SPECIALIST TO INSPECT THE PROPERTY ON BUYER'S BEHALF INCLUDING, FOR EXAMPLE, ONE OR MORE OF THE FOLLOWING: ARCHITECTS, ENGINEERS, PLUMBERS, ELECTRICIANS, ROOFERS, ENVIRONMENTAL INSPECTORS, BUILDING INSPECTORS, CERTIFIED HOME INSPECTORS, OR PEST AND DRY ROT INSPECTORS.

Seller  is  is not occupying the property.

Seller [Signature] Date \_\_\_\_\_ ← Seller [Signature] Date 11/11 ←

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Buyer's Initials & Date

**SELLER'S PROPERTY DISCLOSURE STATEMENT, Page 2 of 4**

Property address: 17433 Bradford Dr. Lake Oswego OR 97034

The following are representations made by the seller and are not the representations of any financial institution that may have made or may make a loan pertaining to the property, or that may have or take a security interest in the property, or any real estate licensee engaged by the seller or the buyer.

If you mark yes on items with \*, attach a copy or explain on an attached sheet.

**1. TITLE**

- A. Do you have legal authority to sell the property?  Yes  No  Unknown
- \*B. Is title to the property subject to any of the following:  First right of refusal  Option  Lease or rental agreement  Other listing  Life estate  Yes  No  Unknown
- \*C. Are there any encroachments, boundary agreements, boundary disputes or recent boundary changes?  Yes  No  Unknown
- \*D. Are there any rights of way, easements, licenses, access limitations or claims that may affect your interest in the property?  Yes  No  Unknown
- \*E. Are there any agreements for joint maintenance of an easement or right of way?  Yes  No  Unknown
- \*F. Are there any governmental studies, designations, zoning overlays, surveys or notices that would affect the property?  Yes  No  Unknown
- \*G. Are there any pending or existing governmental assessments against the property?  Yes  No  Unknown
- H. Are there any zoning violations or nonconforming uses?  Yes  No  Unknown
- \*I. Is there a boundary survey for the property?  Yes  No  Unknown
- \*J. Are there any covenants, conditions, restrictions or private assessments that affect the property?  Yes  No  Unknown *HOA see below*
- \*K. Is the property subject to any special tax assessment or tax treatment that may result in levy of additional taxes if the property is sold?  Yes  No  Unknown

**2. WATER**

- A. Household water
  - (1) The source of the water is (check ALL that apply):  Public  Community  Private  Other
  - (2) Water source information:
    - \*a) Does the water source require a water permit?  Yes  No  Unknown  
If yes, do you have a permit?  Yes  No
    - b) Is the water source located on the property?  Yes  No  Unknown *NA*  
\*If not, are there any written agreements for a shared water source?  Yes  No
    - \*c) Is there an easement (recorded or unrecorded) for your access to or maintenance of the water source?  Yes  No  Unknown
    - d) If the source of water is from a well or spring, have you had any of the following in the past 12 months?  Yes  No  Unknown *NA*  
 Flow test  Bacteria test  Chemical contents test
    - \*e) Are there any water source plumbing problems or needed repairs?  Yes  No  Unknown
  - (3) Are there any water treatment systems for the property?  Yes  No  Unknown  
 Leased  Owned

**B. Irrigation**

- (1) Are there any  water rights or  other rights for the property?  Yes  No  Unknown
- \* (2) If any exist, has the irrigation water been used during the last five-year period?  Yes  No  Unknown *NA*
- \* (3) Is there a water rights certificate or other written evidence available?  Yes  No  Unknown *NA*

**C. Outdoor sprinkler system**

- (1) Is there an outdoor sprinkler system for the property?  Yes  No  Unknown
- (2) Has a back flow valve been installed?  Yes  No  Unknown *NA*
- (3) Is the outdoor sprinkler system operable?  Yes  No  Unknown *NA*

**3. SEWAGE SYSTEM**

- A. Is the property connected to a public or community sewage system?  Yes  No  Unknown
- B. Are there any new public or community sewage systems proposed for the property?  Yes  No  Unknown
- C. Is the property connected to an on-site septic system?  Yes  No  Unknown  
If yes, was it installed by permit?  Yes  No  Unknown  
\*Has the system been repaired or altered?  Yes  No  Unknown *NA*  
Has the condition of the system been evaluated and a report issued?  Yes  No  Unknown  
Has it ever been pumped?  Yes  No  Unknown *NA*  
If yes, when? \_\_\_\_\_

Seller Buyer Date \_\_\_\_\_ Seller Jandy a Gelli Date 1/1

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Property address: 17433 Brookhurst Dr Lake Oswego OR 97034

- \*D. Are there sewage system problems or needed repairs?  Yes  No  Unknown 104
- E Does your sewage system require on-site pumping to another level?  Yes  No  Unknown 105

**4. DWELLING INSULATION**

- A. Is there insulation in the: 106
  - (1) Ceiling?  Yes  No  Unknown 107
  - (2) Exterior walls?  Yes  No  Unknown 108
  - (3) Floors?  Yes  No  Unknown 109
- B Are there any defective insulated doors or windows?  Yes  No  Unknown 110-111

**5. DWELLING STRUCTURE**

- \*A. Has the roof leaked?  Yes  No  Unknown 112
  - If yes, has it been repaired?  Yes  No  Unknown  NA 113
- B. Are there any additions, conversions or remodeling?  Yes  No  Unknown 115
  - If yes, was a building permit required?  Yes  No  Unknown  NA 116
  - If yes, was a building permit obtained?  Yes  No  Unknown  NA 117
  - If yes, was final inspection obtained?  Yes  No  Unknown  NA 118
- C Are there smoke alarms or detectors?  Yes  No  Unknown 119
- D Is there a woodstove included in the sale? Make \_\_\_\_\_  Yes  No  Unknown 120
  - Was it installed with a permit?  Yes  No  Unknown 121
- \*E. Has a pest and dry rot, structural or "whole house" inspection been done within the last three years?  Yes  No  Unknown 122-123
- \*F. Are there any moisture problems, areas of water penetration, mildew odors or other moisture conditions (especially in the basement)?  Yes  No  Unknown 124-127
  - \*If yes, explain on attached sheet the frequency and extent of problem and any insurance claims, repairs or remediation done.
- G. Is there a sump pump on the property?  Yes  No  Unknown 128
- H. Are there any materials used in the construction of the structure that are or have been the subject of a recall, class action suit, settlement or litigation?  Yes  No  Unknown 129-130
  - If yes, what are the materials? \_\_\_\_\_ 131
    - (1) Are there problems with the materials?  Yes  No  Unknown  NA 132
    - (2) Are the materials covered by a warranty?  Yes  No  Unknown  NA 133
    - (3) Have the materials been inspected?  Yes  No  Unknown  NA 134
    - (4) Have there ever been claims filed for these materials by you or by previous owners? If yes, when? \_\_\_\_\_ 135-136
    - (5) Was money received?  Yes  No  Unknown  NA 137
    - (6) Were any of the materials repaired or replaced?  Yes  No  Unknown  NA 138

**6. DWELLING SYSTEMS AND FIXTURES**

- If the following systems or fixtures are included in the purchase price, are they in good working order on the date this form is signed? 140
- A. Electrical system, including wiring, switches, outlets and service  Yes  No  Unknown 141
  - B. Plumbing system, including pipes, faucets, fixtures and toilets  Yes  No  Unknown 142
  - C. Water heater tank  Yes  No  Unknown 143
  - D. Garbage disposal  Yes  No  Unknown  NA 144
  - E. Built-in range and oven  Yes  No  Unknown  NA 145
  - F. Built-in dishwasher  Yes  No  Unknown  NA 146
  - G. Sump pump  Yes  No  Unknown  NA 147
  - H. Heating and cooling systems  Yes  No  Unknown  NA 148
  - I. Security system  Owned  Leased  Yes  No  Unknown  NA 149
  - J. Are there any materials or products used in the systems and fixtures that are or have been the subject of a recall, class action settlement or other litigations? If yes, what product? \_\_\_\_\_ 150-151
    - (1) Are there problems with the product?  Yes  No  Unknown 153
    - (2) Is the product covered by a warranty?  Yes  No  Unknown 154
    - (3) Has the product been inspected?  Yes  No  Unknown 155
    - (4) Have claims been filed for this product by you or by previous owners? If yes, when? \_\_\_\_\_ 156-157
    - (5) Was money received?  Yes  No  Unknown 158
    - (6) Were any of the materials or products repaired or replaced?  Yes  No  Unknown 159

**7. COMMON INTEREST**

- A. Is there a Home Owners' Association or other governing entity?  Yes  No  Unknown 160
  - Name of Association or Other Governing Entity Maryshurst HOA 161

Contact Person John Ragsdale 163

Address P.O. Box 195, Marylhurst, OR 97036 Phone Number (503) 636-5899 or (503) 636-9399 164

Seller [Signature] Date \_\_\_\_\_ ← Seller Jandy A. Yellin Date 7/1 ← 165

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- B. Regular periodic assessments: \$ 300/Ann per [ ] Month [ ] Year [ ] Other
\*C. Are there any pending or proposed special assessments? [ ] Yes [X] No [ ] Unknown
D. Are there shared "common areas" or joint maintenance agreements... [X] Yes [ ] No [ ] Unknown
E. Is the Home Owners' Association or other governing entity a party to pending litigation... [ ] Yes [X] No [X] Unknown [ ] NA
F. Is the property in violation of recorded covenants, conditions and restrictions... [ ] Yes [X] No [ ] Unknown [ ] NA

8. GENERAL

- A. Are there problems with settling, soil, standing water or drainage on the property... [ ] Yes [X] No [ ] Unknown
B. Does the property contain fill? [ ] Yes [ ] No [X] Unknown
C. Is there any material damage to the property or any of the structure(s) from fire, wind, floods... [ ] Yes [X] No [ ] Unknown
D. Is the property in a designated floodplain? [ ] Yes [X] No [ ] Unknown
E. Is the property in a designated slide or other geologic hazard zone? [ ] Yes [X] No [ ] Unknown
\*F. Has any portion of the property been tested or treated for asbestos, formaldehyde, radon... [ ] Yes [X] No [ ] Unknown
G. Are there any tanks or underground storage tanks (e.g., septic, chemical, fuel, etc.) on the property? [ ] Yes [X] No [ ] Unknown
H. Has the property ever been used as an illegal drug manufacturing or distribution site? [ ] Yes [X] No [ ] Unknown
\*If yes, was a Certificate of Fitness issued? [ ] Yes [ ] No [ ] Unknown

9. FULL DISCLOSURE BY SELLER(S)

- \*A. Are there any other material defects affecting this property or its value that a prospective buyer should know about? [ ] Yes [X] No
If yes, describe the defect on attached sheet and explain the frequency and extent of the problem and any insurance claims, repairs or remediation.

VERIFICATION

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy of this disclosure statement. I/we authorize my/our agents to deliver a copy of this disclosure statement to all prospective buyers of the property or their agents.

Seller [Signature] Date [ ]/ [ ]/ [ ] ← Seller [Signature] Date [ ]/ [ ]/ [ ]

II. BUYER'S ACKNOWLEDGMENT:

- A. As buyer(s), I/we acknowledge the duty to pay diligent attention to any material defects that are known to me/us or can be known by me/us by utilizing diligent attention and observation.
B. Each buyer acknowledges and understands that the disclosures set forth in this statement and in any amendments to this statement are made only by the seller and are not the representations of any financial institution...
C. Buyer (which term includes all persons signing the "Buyer's Acknowledgment" portion of this disclosure statement below) hereby acknowledges receipt of a copy of this disclosure statement (including attachments, if any) bearing seller's signature(s).

DISCLOSURES, IF ANY, CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE. IF THE SELLER HAS FILLED OUT SECTION 2 OF THIS FORM, YOU, THE BUYER, HAVE FIVE BUSINESS DAYS FROM THE SELLER'S DELIVERY OF THIS DISCLOSURE STATEMENT TO REVOKE YOUR OFFER BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE SELLER DISAPPROVING THE SELLER'S DISCLOSURE UNLESS YOU WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS SELLER'S PROPERTY DISCLOSURE STATEMENT.

Buyer \_\_\_\_\_ Date \_\_\_\_\_ ← Buyer \_\_\_\_\_ Date \_\_\_\_\_ ←

Agent receiving disclosure statement on buyer's behalf to sign and date:
Real Estate Licensee Date received by agent: \_\_\_\_\_
Real Estate Firm

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# EXTERIOR SIDING / STUCCO / E.I.F.S. DISCLOSURE

Buyer(s) \_\_\_\_\_  
 Seller(s) YOLVIN  
 Property Address 17433 BROOKLYN ST DE, H-D.

In addition to natural wood siding, commercially-made siding products have been used on the exterior of homes and other structures. Commercially-made siding products (hereinafter referred to as "Siding") have been used in lap (board), panel (sheet), Stucco (including Exterior Insulated Finishing Systems "E.I.F.S.") and other applications in a variety of textures. Some of these products have been involved in class action lawsuits. Seller and Buyer are advised that neither the listing licensee nor the selling licensee can guarantee when, if ever, claims from such lawsuits will be paid. **Buyer(s) is/are advised that some claims that have been paid by companies pursuant to the terms of class action settlements have been less than initially promised or expected by the recipients.**

Buyer has the duty to pay diligent attention to any material defects which are known to Buyer or can be known by Buyer by utilizing diligent attention and observation.

## SELLER'S DISCLOSURE

Disclosures contained in this form are provided by the Seller on the basis of Seller's actual knowledge of the Property at the time of disclosure. Seller agrees to notify Buyer of any material corrections or changes to the answers below.

1. Is all of the siding all-natural wood?  Yes  No  Unknown
2. Identify manufacturer(s) and product name(s) of Siding on all structures, if known: \_\_\_\_\_
3. Is the Siding covered by a warranty?  Yes  No  Unknown
4. Is the Siding involved in a class action lawsuit or court settlement?  Yes  No  Unknown
5. Are there any defects or problems with the Siding?  Yes  No  Unknown
6. Have there been any inspections of the Siding?  
If yes, attach copies if available.  Yes  No  Unknown
7. Have there ever been any claims filed for this Siding by you or by previous owners?  Yes  No  Unknown
  - a) If yes, when was the claim(s) filed? \_\_\_\_\_  
If yes, attach copies if available.
  - b) Was there money received?  Yes  No  Unknown
  - c) Has any Siding been replaced?  Yes  No  Unknown

Commercially made siding can develop problems in the future which may necessitate repair or replacement and could affect the home's insurability. A professional siding inspection is recommended.

**EXPLAIN ALL ANSWERS TO QUESTIONS NOS. 3-7 MARKED "YES"**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Buyer \_\_\_\_\_ Date \_\_\_\_\_ ← Seller [Signature] Date \_\_\_\_\_  
 Buyer \_\_\_\_\_ Date \_\_\_\_\_ ← Seller [Signature] Date \_\_\_\_\_  
 Selling Licensee \_\_\_\_\_ Date \_\_\_\_\_ ← Listing Licensee [Signature] Date \_\_\_\_\_  
 Selling Firm \_\_\_\_\_ Listing Firm \_\_\_\_\_

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Principal Broker's  
Initials & Date

## Smoke Alarm Q and A

### What is the difference between smoke alarms and smoke detectors?

- **Smoke alarms** are defined as self-contained, single or multiple-station smoke-sensing devices. Smoke alarms may include two or more single station units wired to operate in conjunction with each other.
- **Smoke detectors** are defined as smoke-sensing devices that are not self-contained, that are intended for use in conjunction with a fire alarm system control panel.

### What is the difference between an ionization alarm and a photoelectric alarm?

- **Ionization smoke alarms** contain material that ionizes the air, making an electrical path. When products of combustion enter the device, the molecules attach themselves to the ions. The change in electric current flow triggers the alarm.
- **Photoelectric smoke alarms** contain a light source and photocell, which is activated by light. Light from the bulb reflects off the smoke particles and is directed towards the photocell. The photocell is then activated to trigger the alarm.

When properly installed and maintained, both types of alarms alert you to a fire and will save lives.

### What types of alarms does Oregon law require?

- All ionization smoke alarms sold in Oregon are required to have the hush feature. Solely battery-powered ionization alarms sold in Oregon must be packaged and sold with a ten-year battery.

### What types of alarms are exempt?

- Photoelectric smoke alarms are exempt from these requirements.
- Multipurpose alarms; i.e., combination smoke and fire/carbon monoxide alarms, are exempt from these requirements.
- **Fire alarm systems** do not require the hush feature and ten-year battery.

### What are the requirements of January 1, 2002?

- **Tenant occupied spaces:** All tenant occupied dwellings shall have smoke alarms. If ionization, they shall include a hush feature and if battery-powered, they shall include ten-year batteries.
- **Sale of dwelling unit:** Prior to the sale of any dwelling or structure containing a dwelling, the dwellings shall meet the same requirements.

### What about 110 v (hard-wired) smoke alarms? Do they have to have the hush feature and ten-year battery back-up?

All ionization smoke alarms not connected to a commercial fire alarm system, whether 110 v (hard-wired) or solely battery operated, need to have a hush feature. Only ionization smoke alarms that are solely battery operated need to have a ten-year battery.

### Can I replace my 110 v (hard-wired) smoke alarms with solely battery operated smoke alarms?

No, you cannot replace a 110 v (hard-wired) system with a solely battery operated smoke alarm(s).

### Do combination fire/burglar alarm systems meet Oregon hush feature requirements?

Yes, if they can be silenced at a control unit (panel).

Buyer/Seller:  Buyer/Seller: 

## Where must alarms be installed in an apartment?

The minimum requirements are:

- Smoke alarms must be installed outside the sleeping area.
- If the apartment has more than one level a smoke alarm must be installed on each level.
- Install smoke alarms on the ceiling at least four inches from the nearest wall or high on a wall, four to 12 inches from the ceiling.
- Apartment buildings are required to meet the applicable requirements of the State Building Code at the time of construction.

## Where must alarms be installed in a single family home?

The minimum requirements are:

- Smoke alarms must be installed outside the sleeping area.
- If the home has more than one level a smoke alarm must be installed on each level.
- Install smoke alarms on the ceiling at least four inches from the nearest wall or high on a wall, four to 12 inches from the ceiling. The Office of State Fire Marshal recommends adding smoke alarms to each bedroom for additional protection.
- Single family dwellings are required to meet the applicable requirements of the State Building Code at the time of construction.

## Do smoke alarms need to be installed in the bedrooms?

Only if required by Building Codes at the time of construction; BUT, the Office of State Fire Marshal encourages everyone to install smoke alarms in their bedrooms to help ensure ultimate protection.

## Where must smoke alarms not be placed?

Smoke alarms should not be installed in kitchens, bathrooms, garages or unheated areas because moisture, frost, cooking vapors and exhaust fumes could cause the unit to sound a false alarm.

## How do I tell if my smoke alarms meet the Oregon requirements?

If you have an ionization alarm(s), it must have a hush feature, and if the ionization alarm(s) is solely battery operated it must have a ten-year battery. An ionization smoke alarm will have a radioactive symbol inside the detector or on the back.

## How do I maintain my smoke alarms?

Smoke alarms have a limited life span. Alarms that are ten years old or older need to be replaced because the sensor wears out. (Look for the date stamp on the smoke alarm.) Test smoke alarms monthly. Vacuum your alarms monthly to remove dust and cobwebs.

## What should I look for when purchasing an ionization smoke alarm?

Look for an alarm that has a hush feature, a low battery warning signal, a loud alarm and if it is solely battery operated, a ten-year battery. Only purchase an alarm that has been tested by the Underwriter's Laboratories (it will have a UL<sup>®</sup> symbol or other nationally recognized testing laboratories on it).

Property Address: 17433 BROOKWOOD DR

Buyer/Seller: [Signature]

Buyer/Seller: [Signature]