



### SELLER'S PROPERTY DISCLOSURE STATEMENT

Property Address 20440 SW ALMOND ST, BEAVERTON OREGON

#### 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 20440 SW ALMOND ST, BEAVERTON OREGON "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.

Seller \_\_\_\_\_ Date \_\_\_\_\_ ← Seller Mark Mutschler, manager Date 1-26-06 ←

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Buyer Initials \_\_\_\_\_ / \_\_\_\_\_ Date \_\_\_\_\_



SELLER'S PROPERTY DISCLOSURE STATEMENT

Property Address 20440 SW ALMOND ST, BEAVERTON OREGON

47
48 FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY, BUYER IS ADVISED TO OBTAIN AND PAY
49 FOR THE SERVICES OF A QUALIFIED SPECIALIST TO INSPECT THE PROPERTY ON BUYER'S BEHALF INCLUDING, FOR EXAMPLE, ONE OR
50 MORE OF THE FOLLOWING: ARCHITECTS, ENGINEERS, PLUMBERS, ELECTRICIANS, ROOFERS, ENVIRONMENTAL INSPECTORS, BUILDING
51 INSPECTORS, CERTIFIED HOME INSPECTORS, OR PEST AND DRY ROT INSPECTORS.

52
53 Seller [ ] is [X] is not occupying the property.
54 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
55 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.
56 \*If you mark yes on items with \*, attach a copy or explain on an attached sheet.

1. TITLE

- 58
59 A. Do you have legal authority to sell the property? [X] Yes [ ] No [ ] Unknown
60 \*B. Is title to the property subject to any of the following: [ ] Yes [X] No [ ] Unknown
61 [ ] First right of refusal [ ] Option [ ] Lease or rental agreement [ ] Other listing [ ] Life estate
62 \*C. Are there any encroachments, boundary agreements, boundary disputes or
63 recent boundary changes? [ ] Yes [X] No [ ] Unknown
64 \*D. Are there any rights of way, easements, licenses, access limitations or
65 claims that may affect your interest in the property? [ ] Yes [ ] No [X] Unknown
66 \*E. Are there any agreements for joint maintenance of an easement or right of way? [ ] Yes [X] No [ ] Unknown
67 \*F. Are there any governmental studies, designations, zoning overlays, surveys
68 or notices that would affect the property? [ ] Yes [ ] No [X] Unknown
69 \*G. Are there any pending or existing governmental assessments against the property? [ ] Yes [X] No [ ] Unknown
70 H. Are there any zoning violations or nonconforming uses? [ ] Yes [X] No [ ] Unknown
71 \*I. Is there a boundary survey for the property? [ ] Yes [X] No [ ] Unknown
72 \*J. Are there any covenants, conditions, restrictions or private assessments that affect the property? [ ] Yes [ ] No [X] Unknown
73 \*K. Is the property subject to any special tax assessment or tax treatment that may
74 result in levy of additional taxes if the property is sold? [ ] Yes [X] No [ ] Unknown

2. WATER

- 76 A. Household water
77 (1) The source of the water is (check ALL that apply):
78 [X] Public [ ] Community [ ] Private [ ] Other
79 (2) Water source information:
80 \*a) Does the water source require a water permit? [ ] Yes [X] No [ ] Unknown
81 If yes, do you have a permit? [ ] Yes [ ] No
82 \*b) Is the water source located on the property? [ ] Yes [X] No [ ] Unknown [X] NA
83 \*If not, are there any written agreements for a shared water source? [ ] Yes [ ] No
84 \*c) Is there an easement (recorded or unrecorded) for your access to or
85 maintenance of the water source? [ ] Yes [X] No [ ] Unknown
86 d) If the source of water is from a well or spring, have you had any of
87 the following in the past 12 months? [ ] Yes [ ] No [ ] Unknown [X] NA
88 [ ] Flow test [ ] Bacteria test [ ] Chemical contents test
89 \*e) Are there any water source plumbing problems or needed repairs? [ ] Yes [ ] No [X] Unknown
90 (3) Are there any water treatment systems for the property? [ ] Yes [X] No [ ] Unknown
91 [ ] Leased [ ] Owned
92 B. Irrigation
93 (1) Are there any [ ] water rights or [ ] other rights for the property? [ ] Yes [ ] No [X] Unknown
94 \* (2) If any exist, has the irrigation water been used during the last five-year period? [ ] Yes [ ] No [X] Unknown [ ] NA
95 \* (3) Is there a water rights certificate or other written evidence available? [ ] Yes [ ] No [X] Unknown [ ] NA
96 C. Outdoor sprinkler system
97 (1) Is there an outdoor sprinkler system for the property? [ ] Yes [X] No [ ] Unknown
98 (2) Has a back flow valve been installed? [ ] Yes [ ] No [ ] Unknown [X] NA
99 (3) Is the outdoor sprinkler system operable? [ ] Yes [ ] No [ ] Unknown [X] NA

3. SEWAGE SYSTEM

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

Seller Mark Mutschler, manager Date 1-26-06 ← Seller Date ←

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SELLER'S PROPERTY DISCLOSURE STATEMENT

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108 If yes, when?
109 \*D. Are there any sewage system problems or needed repairs?
110 E. Does your sewage system require on-site pumping to another level?
111 4. DWELLING INSULATION
112 A. Is there insulation in the:
113 (1) Ceiling?
114 (2) Exterior walls?
115 (3) Floors?
116 B. Are there any defective insulated doors or windows?
117 5. DWELLING STRUCTURE
118 \*A. Has the roof leaked?
119 If yes, has it been repaired?
120 B. Are there any additions, conversions or remodeling?
121 If yes, was a building permit required?
122 If yes, was a building permit obtained?
123 If yes, was final inspection obtained?
124 C. Are there smoke alarms or detectors?
125 D. Is there a woodstove included in the sale?
126 Was it installed with a permit?
127 \*E. Has pest and dry rot, structural or "whole house" inspection been done within the last three years?
128 \*F. Are there any moisture problems, areas of water penetration, mildew odors
129 or other moisture conditions (especially in the basement)?
130 \*If yes, explain on attached sheet the frequency and extent of problem and any insurance claims, repairs or remediation done.
131 G. Is there a sump pump on the property?
132 H. Are there any materials used in the construction of the structure that are or
133 have been the subject of a recall, class action suit, settlement or litigation?
134 If yes, what are the materials?
135 (1) Are there problems with the materials?
136 (2) Are the materials covered by a warranty?
137 (3) Have the materials been inspected?
138 (4) Have there ever been claims filed for these materials by you or by previous owners?
139 If yes, when?
140 (5) Was money received?
141 (6) Were any of the materials repaired or replaced?

142 6. DWELLING SYSTEMS AND FIXTURES
143 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?
144 A. Electrical system, including wiring, switches, outlets and service
145 B. Plumbing system, including pipes, faucets, fixtures and toilets
146 C. Water heater tank
147 D. Garbage disposal
148 E. Built-in range and oven
149 F. Built-in dishwasher
150 G. Sump pump
151 H. Heating and cooling systems
152 I. Security system
153 J. Are there any materials or products used in the systems and fixtures
154 that are or have been the subject of a recall, class action settlement or other litigations?
155 If yes, what product?
156 (1) Are there problems with the product?
157 (2) Is the product covered by a warranty?
158 (3) Has the product been inspected?
159 (4) Have claims been filed for this product by you or by previous owners?
160 If yes, when?
161 (5) Was money received?
162 (6) Were any of the materials or products repaired or replaced?

163 7. COMMON INTEREST
164 A. Is there a Home Owners' Association or other governing entity?
165 Name of Association or Other Governing Entity
166 Contact Person
167 Address
168 Regular periodic assessments: \$ per
169 \*C. Are there any pending or proposed special assessments?
170 D. Are there shared "common areas" or joint maintenance agreement for facilities like walls, fences,
171 pools, tennis courts, walkways or other areas co-owned in undivided interest with others?

Seller Date Seller Mark Mutschler, manager Date 1-26-06

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SELLER'S PROPERTY DISCLOSURE STATEMENT

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- 172 E. Is the Home Owners' Association or other governing entity a party to
173 pending litigation or subject to an unsatisfied judgment?
174 F. Is the property in violation of recorded covenants, conditions and
175 restrictions or in violation of other bylaws or governing rules, whether recorded or not?
176 8. GENERAL
177 A. Are there problems with settling, soil, standing water or drainage on
178 the property or in the immediate area?
179 B. Does the property contain fill?
180 C. Is there any material damage to the property or any of the structure(s)
181 from fire, wind, floods, beach movements, earthquake, expansive soils or landslides?
182 D. Is the property in a designated floodplain?
183 E. Is the property in a designated slide or other geologic hazard zone?
184 \*F. Has any portion of the property been tested or treated for asbestos, formaldehyde, radon, gas,
185 lead-based paint, mold, fuel or chemical storage tanks or contaminated soil or water?
186 G. Are there any tanks or underground storage tanks (e.g., septic, chemical, fuel, etc.) on the property?
187 H. Has the property ever been used as an illegal drug manufacturing or distribution site?
188 \*If yes, was a Certificate of Fitness issued?
189 9. FULL DISCLOSURE BY SELLER(S)
190 \*A. Are there any other material defects affecting this property or its value that
191 a prospective buyer should know about?
192 If yes, describe the defect on attached sheet and explain the frequency and extent
193 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 \_\_\_\_\_ Date \_\_\_\_\_ ← Seller Mark Mutschler, manager Date 1-26-06 ←

II. BUYER'S ACKNOWLEDGMENT:

- 200 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
201 diligent attention and observation.
202 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
203 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
204 have or take a security interest in the property, or of any real estate licensee engaged by the seller or buyer. A financial institution or real estate
205 licensee is not bound by and has no liability with respect to any representation, misrepresentation, omission, error or inaccuracy contained in another
206 party's disclosure statement required by this section or any amendment to the disclosure statement.
207 C. Buyer (which term includes all persons signing the "Buyer's Acknowledgment" portion of this disclosure statement below) hereby acknowledges receipt
208 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



Sale Agreement #  
Addendum

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

1 Buyer(s) \_\_\_\_\_  
 2 Seller(s) **MUTSCHLER GROUP LLC**  
 3 Property Address **20440 SW ALMOND ST, BEAVERTON OREGON**

4  
 5 In addition to natural wood siding, commercially-made siding products have been used on the exterior of homes and other structures. Commercially-made  
 6 siding products (hereinafter referred to as "Siding") have been used in lap (board), panel (sheet), Stucco (including Exterior Insulated Finishing Systems  
 7 "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  
 8 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**  
 9 **claims that have been paid by companies pursuant to the terms of class action settlements have been less than initially promised or expected by**  
 10 **the recipients.**

11  
 12 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  
 13 observation.

**SELLER'S DISCLOSURE**

14  
 15 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.  
 16 Seller agrees to notify Buyer of any material corrections or changes to the answers below.

- 17  
 18 1. Is all of the siding all-natural wood?  Yes  No  Unknown  
 19 2. Identify manufacturer(s) and product name(s) of Siding on all structures, if known: \_\_\_\_\_  
 20 3. Is the Siding covered by a warranty?  Yes  No  Unknown  
 21 4. Is the Siding involved in a class action lawsuit or court settlement?  Yes  No  Unknown  
 22 5. Are there any defects or problems with the Siding?  Yes  No  Unknown  
 23 6. Have there been any inspections of the Siding?  Yes  No  Unknown  
 24 If yes, attach copies if available.  
 25 7. Have there ever been any claims filed for this Siding by you or by previous owners?  Yes  No  Unknown  
 26 a) If yes, when was the claim(s) filed? \_\_\_\_\_  
 27 If yes, attach copies if available.  
 28 b) Was there money received?  Yes  No  Unknown  
 29 c) Has any Siding been replaced?  Yes  No  Unknown

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

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

32  
 33  
 34  
 35 Buyer \_\_\_\_\_ Date \_\_\_\_\_ ← Seller Mark Mutschler, manager Date 1-26-06 ←  
 36 Buyer \_\_\_\_\_ Date \_\_\_\_\_ ← Seller \_\_\_\_\_ Date \_\_\_\_\_ ←  
 37 Selling Licensee \_\_\_\_\_ Date \_\_\_\_\_ ← Listing Licensee \_\_\_\_\_ Date \_\_\_\_\_ ←  
 38 Selling Firm \_\_\_\_\_ Listing Firm Prudential NW Properties

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Principal Broker's Initials \_\_\_\_\_  
 Date \_\_\_\_\_



Sale Agreement #  
Addendum

### LEAD-BASED PAINT DISCLOSURE ADDENDUM

This Addendum must be part of every Real Estate Sale Agreement for the sale of a home built prior to 1978. A photocopy of the completed Addendum may be treated as an original.

#### LEAD WARNING STATEMENT

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

PROPERTY ADDRESS 20440 SW ALMOND ST, BEAVERTON OREGON

ADDENDUM TO REAL ESTATE SALE AGREEMENT NO. \_\_\_\_\_

#### SELLER'S DISCLOSURE

1. Presence of lead-based paint and/or lead-based paint hazards (check either (a) or (b) below):

(a)  Seller has knowledge of lead-based paint and/or lead-based paint hazards in the housing (explain).  
\_\_\_\_\_

(b)  Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

2. Records and reports available to the Seller (check either (a) or (b) below):

(a)  Seller has provided the Buyer with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below):  
\_\_\_\_\_

(b)  Seller has no records or reports pertaining to lead-based paint and/or lead-based paint hazards in the housing.

#### BUYER'S ACKNOWLEDGMENT (Initial below):

1. \_\_\_\_\_ Buyer has received copies of all information listed at 2(a) above.

2. \_\_\_\_\_ Buyer has received the pamphlet *Protect Your Family from Lead in Your Home*.

3. Buyer has (check either (a) or (b) below):

(a)  Pursuant to the provisions contained in the "Lead Based Paint Inspection" section of the Real Estate Sale Agreement, received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or

(b)  Waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

#### AGENT'S ACKNOWLEDGMENT (Initial below):

Mark Seller's Agent has informed the seller of the seller's obligations under 42 USC 4852d and is aware of his/her responsibility to ensure compliance.

#### CERTIFICATION OF ACCURACY

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

Buyer _____	Date _____	← Seller <u>Mark Mutschler, manager</u>	Date <u>1-26-06</u>	←
Buyer _____	Date _____	← Seller _____	Date _____	←
Selling Licensee _____	Date _____	← Listing Licensee _____	Date _____	←
Selling Firm _____	Listing Firm <u>Prudential NW Properties</u>			

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