



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

Property address: 376 SE 40th Ave Hillsboro 97123 OR

## 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**

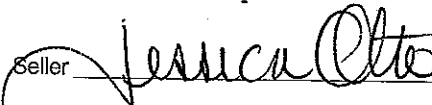
NOTICE TO THE BUYER: THE FOLLOWING REPRESENTATIONS ARE MADE BY THE SELLER(S) CONCERNING THE CONDITION OF THE PROPERTY LOCATED AT 376 SE 40th Ave, Hillsboro "THE PROPERTY"

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  Date \_\_\_\_\_

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

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Buyer's Initials & Date

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

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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
- \*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
- \*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  Unknown
  - \*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

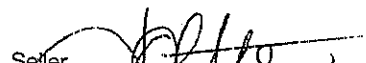
#### C. Outdoor sprinkler system

- (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  
Has the condition of the system been evaluated and a report issued?  Yes  No  Unknown  NA  
Has it ever been pumped?  Yes  No  Unknown  NA  
If yes, when? \_\_\_\_\_

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

← Seller  Date \_\_\_\_\_

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## SELLER'S PROPERTY DISCLOSURE STATEMENT, Page 3 of 4

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- \*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 106

- 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 112

- \*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 114  
 If yes, was a building permit required?  Yes  No  Unknown  NA 115  
 If yes, was a building permit obtained?  Yes  No  Unknown  NA 116  
 If yes, was final inspection obtained?  Yes  No  Unknown  NA 117  
 C. Are there smoke alarms or detectors?  Yes  No  Unknown 118  
 D Is there a woodstove included in the sale? Make \_\_\_\_\_ 119  
 \*E Has a pest and dry rot, structural or "whole house" inspection been done 120  
 within the last three years?  Yes  No  Unknown 121  
 \*F. Are there any moisture problems, areas of water penetration, mildew odors 122  
 or other moisture conditions (especially in the basement)?  Yes  No  Unknown 123  
 \*If yes, explain on attached sheet the frequency and extent of problem and 124  
 any insurance claims, repairs or remediation done 125  
 G. Is there a sump pump on the property?  Yes  No  Unknown 126  
 H Are there any materials used in the construction of the structure that are or 127  
 have been the subject of a recall, class action suit, settlement or litigation?  Yes  No  Unknown 128  
 If yes, what are the materials? \_\_\_\_\_ 129  
 (1) Are there problems with the materials?  Yes  No  Unknown  NA 130  
 (2) Are the materials covered by a warranty?  Yes  No  Unknown  NA 131  
 (3) Have the materials been inspected?  Yes  No  Unknown  NA 132  
 (4) Have there ever been claims filed for these materials by you or by 133  
 previous owners? If yes, when? \_\_\_\_\_  Yes  No  Unknown  NA 134  
 (5) Was money received?  Yes  No  Unknown  NA 135  
 (6) Were any of the materials repaired or replaced?  Yes  No  Unknown  NA 136  
 137

#### 6. DWELLING SYSTEMS AND FIXTURES 138

- 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? 139  
 A. Electrical system, including wiring, switches, outlets and service  Yes  No  Unknown 140  
 B. Plumbing system, including pipes, faucets, fixtures and toilets  Yes  No  Unknown 141  
 C. Water heater tank  Yes  No  Unknown 142  
 D. Garbage disposal  Yes  No  Unknown  NA 143  
 E. Built-in range and oven  Yes  No  Unknown  NA 144  
 F. Built-in dishwasher  Yes  No  Unknown  NA 145  
 G. Sump pump  Yes  No  Unknown  NA 146  
 H. Heating and cooling systems  Yes  No  Unknown  NA 147  
 I. Security system  Owned  Leased  Yes  No  Unknown  NA 148  
 J. Are there any materials or products used in the systems and fixtures 149  
 that are or have been the subject of a recall, class action settlement or other 150  
 litigations? If yes, what product? \_\_\_\_\_ 151  
 (1) Are there problems with the product?  Yes  No  Unknown 152  
 (2) Is the product covered by a warranty?  Yes  No  Unknown 153  
 (3) Has the product been inspected?  Yes  No  Unknown 154  
 (4) Have claims been filed for this product by you or by previous owners? 155  
 If yes, when? \_\_\_\_\_  Yes  No  Unknown 156  
 (5) Was money received?  Yes  No  Unknown 157  
 (6) Were any of the materials or products repaired or replaced?  Yes  No  Unknown 158

#### 7. COMMON INTEREST 159

- A Is there a Home Owners' Association or other governing entity?  Yes  No  Unknown 159  
 Name of Association or Other Governing Entity \_\_\_\_\_ 160

Contact Person \_\_\_\_\_ 161

Address \_\_\_\_\_ 162

Phone Number \_\_\_\_\_ 163

Seller [Signature] Date \_\_\_\_\_ Seller [Signature] Date \_\_\_\_\_ 164

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Buyer's Initials & Date \_\_\_\_\_

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

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- B. Regular periodic assessments: \$ \_\_\_\_\_ per  Month  Year  Other 165
- \*C. Are there any pending or proposed special assessments?  Yes  No  Unknown 166
- D. Are there shared "common areas" or joint maintenance agreements for facilities like walls, fences, pools, tennis courts, walkways or other areas co-owned in undivided interest with others?  Yes  No  Unknown 167
- E. Is the Home Owners' Association or other governing entity a party to pending litigation or subject to an unsatisfied judgment?  Yes  No  Unknown  NA 168
- F. Is the property in violation of recorded covenants, conditions and restrictions or in violation of other bylaws or governing rules, whether recorded or not?  Yes  No  Unknown  NA 169
- 8. GENERAL** 170
- A. Are there problems with settling, soil, standing water or drainage on the property or in the immediate area?  Yes  No  Unknown 171
- B. Does the property contain fill?  Yes  No  Unknown 172
- C. Is there any material damage to the property or any of the structure(s) from fire, wind, floods, beach movements, earthquake, expansive soils or landslides?  Yes  No  Unknown 173
- D. Is the property in a designated floodplain?  Yes  No  Unknown 174
- E. Is the property in a designated slide or other geologic hazard zone?  Yes  No  Unknown 175
- \*F. Has any portion of the property been tested or treated for asbestos, formaldehyde, radon, gas, lead-based paint, mold, fuel or chemical storage tanks or contaminated soil or water?  Yes  No  Unknown 176
- G. Are there any tanks or underground storage tanks (e.g., septic, chemical, fuel, etc.) on the property?  Yes  No  Unknown 177
- H. Has the property ever been used as an illegal drug manufacturing or distribution site?  Yes  No  Unknown 178
- \*If yes, was a Certificate of Fitness issued?  Yes  No  Unknown 179
- 9. FULL DISCLOSURE BY SELLER(S)** 180
- \*A. Are there any other material defects affecting this property or its value that a prospective buyer should know about?  Yes  No 181
- If yes, describe the defect on attached sheet and explain the frequency and extent of the problem and any insurance claims, repairs or remediation. 182

**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. 192

Seller: [Signature] Date: \_\_\_\_\_ Seller: [Signature] Date: \_\_\_\_\_ 193

**II. BUYER'S ACKNOWLEDGEMENT**

- 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. 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 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 of any real estate licensee engaged by the seller or buyer. A financial institution or real estate licensee is not bound by and has no liability with respect to any representation, misrepresentation, omission, error or inaccuracy contained in another party's disclosure statement required by this section or any amendment to the disclosure statement. 203
- 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). 204

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. 205

**BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS SELLER'S PROPERTY DISCLOSURE STATEMENT.** 206

Buyer \_\_\_\_\_ Date \_\_\_\_\_ Buyer \_\_\_\_\_ Date \_\_\_\_\_ 207

Agent receiving disclosure statement on buyer's behalf to sign and date: \_\_\_\_\_ 208

Real Estate Licensee \_\_\_\_\_ Date received by agent: \_\_\_\_\_ 209

Real Estate Firm \_\_\_\_\_ 210

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Buyer's Initials & Date



Sale Agreement #  
Addendum

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

Buyer(s) \_\_\_\_\_

Seller(s) Allan and Jessie Otto

Property Address 376 SE 40th Ave Hillsboro 97111 OR

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: VINYL
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 Prudential Northwest Properties

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