

## SELLER'S PROPERTY DISCLOSURE STATEMENT

Property Address \_\_\_\_\_

### INSTRUCTIONS TO THE SELLER

1 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  
 2 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  
 3 this disclosure statement and each attachment.

4 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  
 5 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  
 6 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  
 7 Section 1.

8 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  
 9 property or the buyer may revoke their offer to purchase any time prior to closing the transaction. Questions regarding the legal consequences of the  
 10 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**

12 Section 1. EXCLUSION FROM ORS 105.465 TO 105.490:

13 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  
 14 of this form completely.

15 Initial only the exclusion you wish to claim.

16 \_\_\_\_\_ This is the first sale of a dwelling never occupied. The dwelling is constructed or installed under building or installation permit(s) #  
 17 \_\_\_\_\_ issued by \_\_\_\_\_.

18 \_\_\_\_\_ This sale is by a financial institution that acquired the property as custodian, agent or trustee, or by foreclosure or deed in lieu of  
 19 foreclosure.

20 \_\_\_\_\_ The seller is a court appointed (Check only one):  receiver  personal representative  trustee  conservator  guardian

21 \_\_\_\_\_ This sale or transfer is by a governmental agency.

22 **Signature(s) of Seller(s) Claiming Exclusion**

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

24 **Signature(s) of Buyer(s) Acknowledging Seller's Claim**

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

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

27 Section 2. SELLER'S PROPERTY DISCLOSURE STATEMENT

28 **(NOT A WARRANTY)** (ORS 105.465)

29 NOTICE TO THE BUYER: THE FOLLOWING REPRESENTATIONS ARE MADE BY THE SELLER(S) CONCERNING THE CONDITION OF  
 30 THE PROPERTY LOCATED AT \_\_\_\_\_ "THE PROPERTY."

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

36 SELLER \_\_\_\_\_ Date \_\_\_\_\_ ← SELLER \_\_\_\_\_ Date \_\_\_\_\_ ←

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37 FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY, BUYER IS ADVISED TO OBTAIN  
38 AND PAY FOR THE SERVICES OF A QUALIFIED SPECIALIST TO INSPECT THE PROPERTY ON BUYER'S BEHALF INCLUDING, FOR  
39 EXAMPLE, ONE OR MORE OF THE FOLLOWING: ARCHITECTS, ENGINEERS, PLUMBERS, ELECTRICIANS, ROOFERS,  
40 ENVIRONMENTAL INSPECTORS, BUILDING INSPECTORS, CERTIFIED HOME INSPECTORS, OR PEST AND DRY ROT INSPECTORS.  
41 Seller  is  is not occupying the property.

## I. SELLER'S REPRESENTATIONS:

42 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  
43 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  
44 buyer.

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

### 46 1. TITLE

- 47 A. Do you have legal authority to sell the property? .....  Yes  No  Unknown
- 48 \*B. Is title to the property subject to any of the following: .....  Yes\*  No  Unknown
  - 49  First right of refusal  Option  Lease or rental agreement  Other listing  Life estate
- 50 \*C. Is the property being transferred an unlawfully established unit of land? .....  Yes\*  No  Unknown
- 51 \*D. Are there any encroachments, boundary agreements, boundary disputes or  
52 recent boundary changes? .....  Yes\*  No  Unknown
- 53 \*E. Are there any rights of way, easements, licenses, access limitations or  
54 claims that may affect your interest in the property? .....  Yes\*  No  Unknown
- 55 \*F. Are there any agreements for joint maintenance of an easement or right of way? .....  Yes\*  No  Unknown
- 56 \*G. Are there any governmental studies, designations, zoning overlays, surveys  
57 or notices that would affect the property? .....  Yes\*  No  Unknown
- 58 \*H. Are there any pending or existing governmental assessments against the property? .....  Yes\*  No  Unknown
- 59 \*I. Are there any zoning violations or nonconforming uses? .....  Yes\*  No  Unknown
- 60 \*J. Is there a boundary survey for the property? .....  Yes\*  No  Unknown
- 61 \*K. Are there any covenants, conditions, restrictions or private assessments that affect the property? ...  Yes\*  No  Unknown
- 62 \*L. Is the property subject to any special tax assessment or tax treatment that may  
63 result in levy of additional taxes if the property is sold? .....  Yes\*  No  Unknown

### 64 2. WATER

- 65 A. Household water
- 66 (1) The source of the water is (check ALL that apply):  Public  Community  Private  Other
- 67 (2) Water source information:
- 68 \*a) Does the water source require a water permit? .....  Yes\*  No  Unknown
- 69 If yes, do you have a permit? .....  Yes  No  Unknown  NA
- 70 \*b) Is the water source located on the property? .....  Yes\*  No  Unknown  NA

71 SELLER \_\_\_\_\_ Date \_\_\_\_\_ ← SELLER \_\_\_\_\_ Date \_\_\_\_\_ ←

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72 \*If not, are there any written agreements for a shared water source? .....  Yes\*  No  Unknown  NA

73 \*c) Is there an easement (recorded or unrecorded) for your access to or  
74 maintenance of the water source?.....  Yes\*  No  Unknown

75 d) If the source of water is from a well or spring, have you had any of  
76 the following in the past 12 months?.....  Yes  No  Unknown  NA  
77  Flow test  Bacteria test  Chemical contents test

78 \*e) Are there any water source plumbing problems or needed repairs?.....  Yes\*  No  Unknown

79 (3) Are there any water treatment systems for the property? .....  Yes  No  Unknown  
80  Leased  Owned

81 B. Irrigation

82 (1) Are there any  water rights or  other rights for the property? .....  Yes  No  Unknown

83 \* (2) If any exist, has the irrigation water been used during the last five-year period?.....  Yes\*  No  Unknown  NA

84 \* (3) Is there a water rights certificate or other written evidence available? .....  Yes\*  No  Unknown  NA

85 C. Outdoor sprinkler system

86 (1) Is there an outdoor sprinkler system for the property? .....  Yes  No  Unknown

87 (2) Has a back flow valve been installed? .....  Yes  No  Unknown  NA

88 (3) Is the outdoor sprinkler system operable? .....  Yes  No  Unknown  NA

89 3. SEWAGE SYSTEM

90 A Is the property connected to a public or community sewage system? .....  Yes  No  Unknown

91 B. Are there any new public or community sewage systems proposed for the property? .....  Yes  No  Unknown

92 C. Is the property connected to an on-site septic system?.....  Yes  No  Unknown

93 (1) If yes, when was the system installed? .....  Unknown  NA

94 (2) \*If yes, was the system installed by permit? .....  Yes\*  No  Unknown  NA

95 (3) \*Has the system been repaired or altered? .....  Yes\*  No  Unknown  NA

96 (4) \*Has the condition of the system been evaluated and a report issued? .....  Yes  No  Unknown  NA

97 (5) Has the septic tank ever been pumped? .....  Yes  No  Unknown  NA

98 If yes, when?.....  NA

99 (6) Does the system have a pump?  Yes  No  Unknown  NA

100 (7) Does the system have a treatment unit such as a sand filter or an aerobic unit?  Yes  No  Unknown  NA

101 (8) \*Is a service contract for routine maintenance required for the system?  Yes  No  Unknown  NA

102 (9) Are all components of the system located on the property?  Yes  No  Unknown  NA

103 \*D. Are there any 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

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## 106 4. DWELLING INSULATION

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

## 112 5. DWELLING STRUCTURE

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

140 SELLER \_\_\_\_\_ Date \_\_\_\_\_ ← SELLER \_\_\_\_\_ Date \_\_\_\_\_ ←

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141 (6) Were any of the materials repaired or replaced? .....  Yes  No  Unknown  NA

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 by Seller?

- 144 A. Electrical system, including wiring, switches, outlets and service.....  Yes  No  Unknown
- 145 B. Plumbing system, including pipes, faucets, fixtures and toilets .....  Yes  No  Unknown
- 146 C. Water heater tank.....  Yes  No  Unknown
- 147 D. Garbage disposal .....  Yes  No  Unknown  NA.
- 148 E. Built-in range and oven .....  Yes  No  Unknown  NA
- 149 F. Built-in dishwasher .....  Yes  No  Unknown  NA
- 150 G. Sump pump .....  Yes  No  Unknown  NA
- 151 H. Heating and cooling systems

152 (1) Heating systems .....  Yes  No  Unknown  NA

153 (2) Cooling systems .....  Yes  No  Unknown  NA

154 I. Security system  Owned  Leased .....  Yes  No  Unknown  NA

155 J. Are there any materials or products used in the systems and fixtures  
156 that are or have been the subject of a recall, class action settlement or other litigations? ...  Yes  No  Unknown

157 If yes, what product? \_\_\_\_\_

158 (1) Are there problems with the product? .....  Yes  No  Unknown  NA

159 (2) Is the product covered by a warranty? .....  Yes  No  Unknown  NA

160 (3) Has the product been inspected?.....  Yes  No  Unknown  NA

161 (4) Have claims been filed for this product by you or by previous owners?.....  Yes  No  Unknown  NA

162 If yes, when? \_\_\_\_\_

163 (5) Was money received? .....  Yes  No  Unknown  NA

164 (6) Were any of the materials or products repaired or replaced? .....  Yes  No  Unknown  NA

165 **7. COMMON INTEREST**

166 A. Is there a Home Owners' Association or other governing entity?.....  Yes  No  Unknown

167 Name of Association or Other Governing Entity \_\_\_\_\_

168 Contact Person \_\_\_\_\_

169 Address \_\_\_\_\_ Phone Number \_\_\_\_\_

170 B. Regular periodic assessments: \$ \_\_\_\_\_ per  Month  Year  Other

171 \*C. Are there any pending or proposed special assessments? .....  Yes\*  No  Unknown

172 D. Are there shared "common areas" or joint maintenance agreement for facilities like walls, fences,  
173 pools, tennis courts, walkways or other areas co-owned in undivided interest with others? .....  Yes  No  Unknown

174 E. Is the Home Owners' Association or other governing entity a party to  
175 pending litigation or subject to an unsatisfied judgment?.....  Yes  No  Unknown  NA

176 SELLER \_\_\_\_\_ Date \_\_\_\_\_ ← SELLER \_\_\_\_\_ Date \_\_\_\_\_ ←

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177 F. Is the property in violation of recorded covenants, conditions and  
178 restrictions or in violation of other bylaws or governing rules, whether recorded or not?.....  Yes  No  Unknown  NA

## 8. SEISMIC

180 A. Was the house constructed before 1974? .....  Yes  No  Unknown

181 If yes, has the house been bolted to its foundation? .....  Yes  No  Unknown

## 9. GENERAL

183 A. Are there problems with settling, soil, standing water or drainage on  
184 the property or in the immediate area?.....  Yes  No  Unknown

185 B. Does the property contain fill?.....  Yes  No  Unknown

186 C. Is there any material damage to the property or any of the structure(s)  
187 from fire, wind, floods, beach movements, earthquake, expansive soils or landslides? .....  Yes  No  Unknown

188 D. Is the property in a designated floodplain? .....  Yes  No  Unknown

189 E. Is the property in a designated slide or other geologic hazard zone? .....  Yes  No  Unknown

190 \*F. Has any portion of the property been tested or treated for asbestos, formaldehyde, radon, gas,  
191 lead-based paint, mold, fuel or chemical storage tanks or contaminated soil or water?.....  Yes\*  No  Unknown

192 G. Are there any tanks or underground storage tanks (e.g., septic, chemical, fuel, etc.) on the property?  Yes  No  Unknown

193 H. Has the property ever been used as an illegal drug manufacturing or distribution site?.....  Yes  No  Unknown

194 \*If yes, was a Certificate of Fitness issued? .....  Yes\*  No  Unknown  NA

195 I. Has the property been classified as forestland-urban interface?.....  Yes  No  Unknown

## 10. FULL DISCLOSURE BY SELLER(S)

197 \*A. Are there any other material defects affecting this property or its value that  
198 a prospective buyer should know about? .....  Yes\*  No

199 If yes, describe the defect on attached sheet and explain the frequency and extent of the problem and any insurance claims, repairs or  
200 remediation?

## VERIFICATION

201 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  
202 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.

203 \_\_\_\_\_ (complete even if zero) Number of pages of explanations are attached.

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

## II. BUYER'S ACKNOWLEDGMENT:

205 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  
206 by utilizing diligent attention and observation.

207 B. Each buyer acknowledges and understands that the disclosures set forth in this statement and in any amendments to this statement are  
208 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  
209 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

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

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211 C. institution or real estate licensee is not bound by and has no liability with respect to any representation, misrepresentation, omission, error or  
212 inaccuracy contained in another party's disclosure statement required by this section or any amendment to the disclosure statement.

213 Buyer (which term includes all persons signing the "Buyer's Acknowledgment" portion of this disclosure statement below) hereby  
214 acknowledges receipt of a copy of this disclosure statement (including attachments, if any) bearing seller's signature(s).

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

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

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

222 Agent receiving disclosure statement on buyer's behalf to sign and date:

223 \_\_\_\_\_ Real Estate Agent Date received by Agent \_\_\_\_\_

224 \_\_\_\_\_ Real Estate Firm

SAMPLE