WALLACE REAL ESTATE

TENNESSEE RESIDENTIAL PROPERTY CONDITION DISCLOSURE

PROPERTY ADDRESS 12207 Mallard Bay Dr, Knoxville, TN 37922 CITY Knoxville

SELLER'S NAME(S) Bernie & Amy Encarnacion PROPERTY AGE 21

DATE SELLER ACQUIRED THE PROPERTY 09/16/2005 DO YOU OCCUPY THE PROPERTY? ✓ Yes

IF NOT OWNER-OCCUPIED, HOW LONG HAS IT BEEN SINCE THE SELLER OCCUPIED THE PROPERTY? _____

(Check the one that applies) The property is a ☑ site-built home ☐ non-site-built home

The Tennessee Residential Property Disclosure Act requires sellers of residential real property with one to four dwelling units to furnish to a buyer one of the following: (1) a residential property disclosure statement (the "Disclosure"), or (2) a residential property disclaimer statement (permitted only where the buyer waives the required Disclosure). Some property transfers may be exempt from this requirement (See Tenn. Code Ann. § 66-5-209). The following is a summary of the buyers' and sellers' rights and obligations under the Act. A complete copy of the Act may be found at Tenn. Code Ann. § 66-5-201, et seq.

1. Sellers must disclose all known material defects and must answer the questions on the Disclosure form in good faith to the best of the seller's knowledge as of the Disclosure date.
2. Sellers must give the buyers the Disclosure form before the acceptance of a purchase contract.
3. Sellers must inform the buyers, at or before closing, of any inaccuracies or material changes in the condition that have occurred since the time of the initial Disclosure, or certify that there are no changes.
4. Sellers may give the buyers a report or opinion prepared by a professional inspector or other expert(s) or certain information provided by a public agency, in lieu of responding to some or all of the questions on the form (See Tenn. Code Ann. § 66-5-204).
5. Sellers are not required to have a home inspection or other investigation in order to complete the Disclosure form.
6. Sellers are not required to repair any items listed on the Disclosure form or on any past or future inspection report unless agreed to in the purchase contract.
7. Sellers involved in the first sale of a dwelling must disclose the amount of any impact fees or adequate facility taxes paid.
8. Sellers are not required to disclose if any occupant was HIV–positive, or had any other disease not likely to be transmitted by occupying a home, or whether the home had been the site of a homicide, suicide or felony, or act or occurrence which had no effect on the physical structure of the property.
9. Sellers may provide an "as is", "no representations or warranties" disclaimer statement in lieu of the Disclosure form only if the buyer waives the right to the required disclosure, otherwise the sellers must provide the completed Disclosure form (See Tenn. Code Ann. § 66-5-202).
10. Sellers may be exempt from having to complete the Disclosure form in certain limited circumstances (e.g. public auctions, court orders, some foreclosures and bankruptcies, new construction with written warranty or owner has not resided on the property at any time within the prior 3 years). (See Tenn. Code Ann. § 66-5-209).
11. Buyers are advised to include home, wood infestation, well, water sources, septic system, lead-based paint, radon, mold, and other appropriate inspection contingencies in the contract, as the Disclosure form is not a warranty of any kind by the seller, and is not a substitute for any warranties or inspections the buyer may desire to purchase.
12. Any repair of disclosed defects must be negotiated and addressed in the Purchase and Sale Agreement; otherwise, seller is not required to repair any such items.
13. Buyers may, but do not have to, waive their right to receive the Disclosure form from the sellers if the sellers provide a disclaimer statement with no representations or warranties (See Tenn. Code Ann. § 66-5-202).
14. Remedies for misrepresentations or nondisclosure in a Property Condition Disclosure statement may be available to buyer and are set out fully in Tenn. Code Ann. § 66-5-208. Buyer should consult with an attorney regarding any such matters.
15. Representations in the Disclosure form are those of the sellers only, and not of any real estate licensee, although licensees are required to disclose to all parties adverse facts of which the licensee has actual knowledge or notice.

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16. Pursuant to Tenn. Code Ann. § 47-18-104(b), sellers of newly constructed residences on a septic system are prohibited from knowingly advertising or marketing a home as having more bedrooms than are permitted by the subsurface sewage disposal system permit.

17. Sellers must disclose the presence of any known exterior injection well, the presence of any known sinkhole(s), the results of any known percolation test or soil absorption rate performed on the property that is determined or accepted by the Department of Environment and Conservation, and whether the property is located within a Planned Unit Development as defined by Tenn. Code Ann. § 66-5-213 and, if requested, provide buyers with a copy of the development's restrictive covenants, homeowner bylaws and master deed. Sellers must also disclose if they have knowledge that the residence has ever been moved from an existing foundation to another foundation.

The Buyers and Sellers involved in the current or prospective real estate transaction for the property listed above acknowledge that they were informed of their rights and obligations regarding Residential Property Disclosures, and that this information was provided by the real estate licensee(s) prior to the completion or reviewing of a Tennessee Residential Property Condition Disclosure, a Tennessee Residential Property Condition Disclaimer Statement, or a Tennessee Residential Property Condition Exemption Notification. Buyers and Sellers also acknowledge that they were advised to seek the advice of an attorney on any legal questions they may have regarding this information or prior to taking any legal actions.

The Tennessee Residential Property Disclosure Act states that anyone transferring title to residential real property must provide information about the condition of the property. This completed form constitutes that disclosure by the Seller. The information contained in the disclosure is the representation of the owner and not the representation of the real estate licensee or sales person, if any. This is not a warranty or a substitute for any professional inspections or warranties that the purchasers may wish to obtain.

Buyers and Sellers should be aware that any sales agreement executed between the parties shall supersede this form as to the terms of sale, property included in the sale and any obligations on the part of the seller to repair items identified below and/or the obligation of the buyer to accept such items "as is."

INSTRUCTIONS TO THE SELLER

Complete this form yourself and answer each question to the best of your knowledge. If an answer is an estimate, clearly label it as such. The Seller hereby authorizes any agent(s) representing any party in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the subject property.

A. THE SUBJECT PROPERTY INCLUDES THE ITEMS CHECKED BELOW:

☑ Range	☐ Wall/Window Air Conditioning	☑ Garage Door Opener(s) (Number of openers 3)
☑ Window Screens	☑ Oven	☑ Fireplace(s) (Number) 2
☐ Intercom	☑ Microwave	☑ Gas Starter for Fireplace
☑ Garbage Disposal	☑ Gas Fireplace Logs	☐ TV Antenna/Satellite Dish
☐ Trash Compactor	☑ Smoke Detector/Fire Alarm	☑ Central Vacuum System and attachments
☑ Spa/Whirlpool Tub	☑ Burglar Alarm	☑ Current Termite contract
☑ Water Softener	☑ Patio/Decking/Gazebo	☑ Hot Tub
☑ 220 Volt Wiring	☑ Installed Outdoor Cooking Grill	☑ Washer/Dryer Hookups
☐ Sauna	☑ Irrigation System	☑ Pool
☑ Dishwasher	☑ A key to all exterior doors	☑ Access to Public Streets
☐ Sump Pump	☑ Rain Gutters	☐ Heat Pump
☑ Central Heating	☑ Central Air	
☐ Other _____		☐ Other pool pavilion with wood burning fireplace

Water Heater: ☐ Electric ☑ Gas ☐ Solar

Garage: ☑ Attached ☐ Not Attached ☐ Carport

Water Supply: ☑ City ☐ Well ☐ Private ☐ Utility ☐ Other _____

Gas Supply: ☑ Utility ☐ Bottled ☐ Other

Waste Disposal: ☑ City Sewer ☐ Septic Tank ☐ Other _____

Roof(s): Type asphalt Age (approx): new in 2011

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Other Items:

To the best of your knowledge, are any of the above NOT in operating condition? ☐ YES ☑ NO

If YES, then describe (attach additional sheets if necessary):

addendum :> beverage fridge in dry bar not operational. (however, that space is plumbed for an ice maker.
> front door bell not operational, (but will work if phone land line re-activated.)

B. ARE YOU (SELLER) AWARE OF ANY DEFECTS/MALFUNCTIONS IN ANY OF THE FOLLOWING?

	YES	NO	UNKNOWN		YES	NO	UNKNOWN
Interior Walls	☐	☑	☐	Roof	☐	☑	☐
Ceilings	☐	☑	☐	Basement	☐	☐	☐
Floors	☐	☑	☐	Foundation	☐	☑	☐
Windows	☐	☑	☐	Slab	☐	☐	☐
Doors	☐	☑	☐	Driveway	☐	☑	☐
Insulation	☐	☑	☐	Sidewalks	☐	☑	☐
Plumbing System	☐	☑	☐	Central Heating	☐	☑	☐
Sewer/Septic	☐	☑	☐	Heat Pump	☐	☐	☐
Electrical System	☐	☑	☐	Central Air Conditioning	☐	☑	☐
Exterior Walls	☐	☑	☐				

If any of the above is/are marked YES, please explain:

C. ARE YOU (SELLER) AWARE OF ANY OF THE FOLLOWING:	YES	NO	UNKNOWN
1. Substances, materials or products which may be environmental hazards such as, but not limited to: asbestos, radon gas, lead-based paint, fuel or chemical storage tanks, contaminated soil or water, on the subject property?	☐	☑	☐
2. Features shared in common with adjoining land owners, such as walls, but not limited to, fences, and/or driveways, with joint rights and obligations for use and maintenance?	☑	☐	☐
3. Any authorized changes in roads, drainage or utilities affecting the property, or contiguous to the property?	☐	☑	☐
4. Any changes since the most recent survey of the property was done?	☐	☑	☐
Most recent survey of the property: _____ (Date)	(check here if unknown)		☐
5. Any encroachments, easements, or similar items that may affect your ownership interest in the property?	☐	☑	☐
6. Room additions, structural modifications or other alterations or repairs made without necessary permits?	☐	☑	☐
7. Room additions, structural modifications or other alterations or repairs not in compliance with building codes?	☐	☑	☐
8. Landfill (compacted or otherwise) on the property or any portion thereof?	☐	☑	☐
9. Any settling from any cause, or slippage, sliding or other soil problems?	☐	☑	☐
10. Flooding, drainage or grading problems?	☐	☑	☐
11. Any requirement that flood insurance be maintained on the property?	☐	☑	☐

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	YES	NO	UNKNOWN
12. Property or structural damage from fire, earthquake, floods, or landslides?	☐	☑	☐
13. Is the property serviced by a fire department?	☐	☐	☐
Is the property owner subject to charges or fees for fire protection, such as subscriptions, association dues or utility fees?	☐	☑	☐
14. Any zoning violations, nonconforming uses and/or violations of "setback" requirements?	☐	☑	☐
15. Neighborhood noise problems or other nuisances?	☐	☑	☐
16. Subdivision and/or deed restrictions or obligations?	☐	☑	☐
17. A Condominium/Homeowners Association (HOA) which has any authority over the subject property?	☑	☐	☐
18. Is the location of the property within an improvement district that is subject to special assessment:	☐	☑	☐
19. Any "common area" (facilities such as, but not limited to, pools, tennis courts, walkways or other areas co-owned in undivided interest with others)?	☑	☐	☐
20. Any notices of abatement or citations against the property?	☐	☑	☐
21. Any lawsuit(s) or proposed lawsuit(s) by or against the seller which affects or shall affect the property?	☐	☑	☐
22. Is any system, equipment or part of the property being leased?	☑	☐	☐
23. Any exterior wall covering of the structure(s) covered with exterior insulation and finish systems (EIFS), also known as "synthetic stucco"?	☐	☑	☐
If yes, has there been a recent inspection to determine whether the structure has excessive moisture accumulation and/or moisture related damage?	☐	☐	☐
24. Is there an exterior injection well anywhere on the property?	☐	☑	☐
25. Is seller aware of any percolation tests or soil absorption rates being performed on the property that are determined or accepted by the Tennessee Department of Environment and Conservation?	☐	☑	☐
26. Has any residence on this property ever been moved from its original	☐	☑	☐

If yes, has said damage been repaired? _____

If yes, in what fire department's service area is the property located? (Fire Dept. Locator can be found: https://tnmap.tn.gov/fdtn/)

_____

Name of HOA: _____ HOA Address: _____

HOA Phone Number: _____ Monthly Dues: _____

Special Assessments: _____ Transfer Fees: _____

Management Company: _____ Phone: _____

Management Co. Address: _____

Rate of special assessment: _____

If yes, please explain (use separate sheet if necessary).

_____

_____

If yes, please explain, and include a written statement regarding payment information.

_____

_____

(The Tennessee Real Estate Commission urges any buyer or seller who encounters this product to have a qualified professional inspect the structure in question for the preceding concern and provide a written report of the professional's finding.)

If yes, please explain. If necessary, please attach an additional sheet.

_____

_____

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foundation to another foundation?

	YES	NO	UNKNOWN
27. Is this property in a Planned Unit Development? Planned Unit Development is defined pursuant to Tenn. Code Ann. § 66-5-213 as "an area of land, controlled by one (1) or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk or type of use, density, lot coverage, open space, or other restrictions to the existing land use regulations." Unknown is not a permissible answer under the statute.	☐	☑	
28. Is a sinkhole present on the property? A sinkhole is defined pursuant to Tenn. Code Ann. § 66-5-212(c) as "a subterranean void created by the dissolution of limestone or dolostone strata resulting from groundwater erosion, causing a surface subsidence of soil, sediment, or rock and is indicated through the contour lines on the property's recorded plat map." This disclosure is required regardless of whether the sinkhole is indicated through the contour lines on the property's recorded plat map.	☐	☑	☐
29. Was a permit for a subsurface sewage disposal system for the Property issued during a sewer moratorium pursuant to Tenn. Code Ann. § 68-221-409? If yes, Buyer may have a future obligation to connect to the public sewer system.	☐	☑	

D. CERTIFICATION. I/We certify that the information herein, concerning the real property located at 12207 Mallard Bay Dr. Knoxville, TN 37922 is true and correct to the best of my/our knowledge as of the date signed. Should any of these conditions change prior to conveyance of title to this property, these changes shall be disclosed in an addendum to this document.

Transferor (Seller) [signature] Date 11-16-26 Time 1:00 pm

Transferor (Seller) [signature] Date 11-16-26 Time 1:00 pm

Parties may wish to obtain professional advice and/or inspections of the property and to negotiate appropriate provisions in the purchase agreement regarding advice, inspections or defects.

Transferee/Buyer's Acknowledgment: I/We understand that this disclosure statement is not intended as a substitute for any inspection, and that I/we have a responsibility to pay diligent attention to and inquire about those material defects which are evident by careful observation. **I/We acknowledge receipt of a copy of this disclosure.**

Transferee (Buyer) _____ Date _____ Time _____

Transferee (Buyer) _____ Date _____ Time _____

If the property being purchased is a condominium, the transferee/buyer is hereby given notice that the transferee/buyer is entitled, upon request, to receive certain information regarding the administration of the condominium from the developer or the condominium association as applicable, pursuant to Tennessee Code Annotated §66-27-502.

NOTE: This form is provided by Tennessee REALTORS® to its members for their use in real estate transactions and is to be used as is. ***This form contains language that is in addition to the language mandated by the state of Tennessee pursuant to the disclosure requirements of the "Tennessee Residential Property Disclosure Act". Tennessee Code Annotated § 66-5-201, et seq.*** *By downloading and/or using this form, you agree and covenant not to alter, amend, or edit said form or its contents except as where provided in the blank fields, and agree and acknowledge that any such alteration, amendment or edit of said form is done at your own risk. Use of the Tennessee REALTORS® logo in conjunction with any form other than standardized forms created by Tennessee REALTORS® is strictly prohibited. This form is subject to periodic revision and it is the responsibility of the member to use the most recent available form.*

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