

## MARYLAND RESIDENTIAL PROPERTY DISCLOSURE AND DISCLAIMER STATEMENT

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

Legal Description: \_\_\_\_\_

### NOTICE TO SELLER AND PURCHASER

Section 10-702 of the Real Property Article, *Annotated Code of Maryland*, requires the seller of certain residential real property to furnish to the purchaser either (a) a RESIDENTIAL PROPERTY DISCLAIMER STATEMENT stating that the seller is selling the property "as is" and makes no representations or warranties as to the condition of the property or any improvements on the real property, except as otherwise provided in the contract of sale, or in a listing of latent defects; or (b) a RESIDENTIAL PROPERTY DISCLOSURE STATEMENT disclosing defects or other information about the condition of the real property actually known by the seller. Certain transfers of residential property are excluded from this requirement (see the exemptions listed below).

10-702. EXEMPTIONS. The following are specifically excluded from the provisions of §10-702:

1. The initial sale of single family residential real property:
  - A. that has never been occupied; or
  - B. for which a certificate of occupancy has been issued within 1 year before the seller and buyer enter into a contract of sale;
2. A transfer that is exempt from the transfer tax under §13-207 of the Tax-Property Article, except land installment contracts of sales under §13-207(a)(11) of the Tax-Property Article and options to purchase real property under §13-207(a)(12) of the Tax-Property Article;
3. A sale by a lender or an affiliate or subsidiary of a lender that acquired the real property by foreclosure or deed in lieu of foreclosure;
4. A sheriff's sale, tax sale, or sale by foreclosure, partition, or by court appointed trustee;
5. A transfer by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
6. A transfer of single family residential real property to be converted by the buyer into use other than residential use or to be demolished; or
7. A sale of unimproved real property.

Section 10-702 also requires the seller to disclose information about latent defects in the property that the seller has actual knowledge of. The seller must provide this information even if selling the property "as is." "Latent defects" are defined as: Material defects in real property or an improvement to real property that:

- (1) A purchaser would not reasonably be expected to ascertain or observe by a careful visual inspection of the real property; and
- (2) Would pose a direct threat to the health or safety of:
  - (i) the purchaser; or
  - (ii) an occupant of the real property, including a tenant or invitee of the purchaser.

### MARYLAND RESIDENTIAL PROPERTY DISCLOSURE STATEMENT

**NOTICE TO SELLERS:** Complete and sign this statement only if you elect to disclose defects, including latent defects, or other information about the condition of the property actually known by you; otherwise, sign the Residential Property Disclaimer Statement. You may wish to obtain professional advice or inspections of the property; however, you are not required to undertake or provide any independent investigation or inspection of the property in order to make the disclosure set forth below. The disclosure is based on your personal knowledge of the condition of the property at the time of the signing of this statement.

[NOTICE TO PURCHASERS: The information provided is the representation of the Sellers and is based upon the actual knowledge of Sellers as of the date noted. Disclosure by the Sellers is not a substitute for an inspection by an independent home inspection company, and you may wish to obtain such an inspection. The information contained in this statement is not a warranty by the Sellers as to the condition of the property of which the Sellers have no knowledge or other conditions of which the Sellers have no actual knowledge.]

*NOTICE TO PURCHASERS: The information provided is the representation of the Seller(s) based upon the actual knowledge of Seller(s) as of the date of their signature(s) on this form; it is not the representation of the real estate broker or salesperson, if any. You may wish to obtain professional advice about, or an inspection of, the property. Disclosure by the Seller(s) is not a substitute for an inspection by an independent home inspection company, and you may wish to obtain such an inspection. The information contained in this statement is not a warranty by the Seller(s) as to; the condition of the property of which the Seller(s) has no actual knowledge, or other conditions of which the Seller(s) has no actual knowledge.*

***Please indicate your actual knowledge with respect to the following:***

1. How long have you owned the property? \_\_\_\_\_
2. Property [System] Systems: Water, Sewage, Heating & Air Conditioning (Answer all that apply)  
Water Supply       Public       Well       Other \_\_\_\_\_  
Sewage Disposal       Public       Septic System: [approved for \_\_\_\_\_ (# bedrooms) **Other Type** \_\_\_\_\_] *What type of Septic System?*

Holding Tank  Other Describe: \_\_\_\_\_

Garbage Disposal  Yes  No

Dishwasher  Yes  No

Heating  Oil  Natural Gas  Electric  Heat Pump Age \_\_\_\_\_  Other Describe: \_\_\_\_\_

[Air Conditioning  Oil  Natural Gas  Electric  Heat Pump Age \_\_\_\_\_  Other \_\_\_\_\_ ]

Air Conditioning  Central Air  Window Units  Wall Mounted A/C  Other Describe: \_\_\_\_\_

Hot Water  Oil  Natural Gas  Electric  Electric Capacity \_\_\_\_\_  Age \_\_\_\_\_  Other \_\_\_\_\_

[Please indicate your actual knowledge with respect to the following:]

[1.]3. Foundation: Any settlement or other problems?  Yes  No  Unknown

Comments: \_\_\_\_\_

[2.]4. Basement: [Any leaks or evidence of moisture?] Does your house have a basement or crawl space?  Yes  No  Unknown  
 Does Not Apply]

If yes, select one:  Basement  Crawl Space

4A. Is there any water damage, leaks, or evidence of moisture?  Yes  No  Unknown

4B. Does the basement or crawl space have a sump pump?  Yes  No

If yes, is it operational?  Yes  No  Unknown

Comments: \_\_\_\_\_

[3.]5. Roof: Any leaks or evidence of moisture?  Yes  No  Unknown

Type of Roof: \_\_\_\_\_ Age \_\_\_\_\_

Comments: \_\_\_\_\_

Is there any existing [fire retardant] fire-retardant treated plywood?  Yes  No  Unknown

Comments: \_\_\_\_\_

[4.]6. Other Structural Systems, including [exterior] walls and floors:

Comments: \_\_\_\_\_

Any defects (structural or otherwise)?  Yes  No  Unknown

Comments: \_\_\_\_\_

[5.]7. Plumbing system: Is the system in operating condition including the absence of leaks?  Yes  No  Unknown

Comments: \_\_\_\_\_

[6.]8. Heating Systems: Is heat supplied to all finished rooms?  Yes  No  Unknown

Comments: \_\_\_\_\_

Is the system in operating condition?  Yes  No  Unknown

Comments: \_\_\_\_\_

[7.] Air Conditioning System: Is cooling supplied to all finished rooms?  Yes  No  Unknown  Does Not Apply

Comments: \_\_\_\_\_ ]

9. Air Conditioning System: Is there an air conditioning system?  Yes  No

If yes, select one:  Central Air  Window Units  Wall Mounted A/C  Other Describe: \_\_\_\_\_

Comments: \_\_\_\_\_

9A. Is cooling supplied to all finished rooms?  Yes  No  Unknown  Does Not Apply

Comments: \_\_\_\_\_

9B. Is the system in operating condition?  Yes  No  Unknown  Does Not Apply

Comments: \_\_\_\_\_

[8.]10. Electric Systems: Are there any problems with electrical fuses, circuit breakers, outlets, or wiring?  Yes  No  Unknown

Comments: \_\_\_\_\_

[8A. Will the smoke alarms provide an alarm in the event of a power outage?  Yes  No

Are the smoke alarms over 10 years old?  Yes  No

If the smoke alarms are battery operated, are they sealed, tamper resistant units incorporating a silence/hush button, which use long-life batteries as required in all Maryland Homes by 2018?  Yes  No

Comments: \_\_\_\_\_ ]

11. Does the property have a sprinkler system?  Yes  No

12. Do the smoke alarms comply with all requirements for smoke alarms as set forth in Title 9 of the Public Safety article, including with respect to their number, location, arrangement, type, power source, and any other requirement? (See sections 9-101-109 of the Public Safety article.)  Yes  No  Unknown

Comments: \_\_\_\_\_

12A. Will all smoke alarms provide an alarm in the event of a power outage?  Yes  No  Unknown

12B. Are any of the smoke alarms over 10 years old?  Yes  No  Unknown

12C. Are all battery-operated smoke alarms sealed, tamper resistant units incorporating a silence/hush button and using long-life batteries.

Yes  No  Unknown  N/A (no battery operated units)

[9. Septic Systems: Is the septic system functioning properly?  Yes  No  Unknown  Does Not Apply

When was the system last pumped? Date \_\_\_\_\_  Unknown

Comments: \_\_\_\_\_ ]

13. Sewer/Septic Systems: What type of sewer/septic system? Select one:  Public  Septic

13A. If septic, what type:  Holding Tank  Other Describe: \_\_\_\_\_

13B. Is the septic system functioning properly?  Yes  No  Unknown  Does Not Apply

If not sure, contact your local health department.

13C. When was the system last pumped? Date \_\_\_\_\_  Unknown

Comments: \_\_\_\_\_

[10.]14. Water Supply: Any problem with water supply?  Yes  No  Unknown

Comments: \_\_\_\_\_

Home water treatment system:  Yes  No  Unknown

Comments: \_\_\_\_\_

Fire sprinkler system:  Yes  No  Unknown  Does Not Apply

Comments: \_\_\_\_\_

Are the systems in operating condition?  Yes  No  Unknown

Comments: \_\_\_\_\_

[11.]15. Insulation:

In exterior walls?  Yes  No  Unknown

In ceiling/attic?  Yes  No  Unknown

In any other areas?  Yes  No Where? \_\_\_\_\_

Comments: \_\_\_\_\_

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[12.]16. Exterior Drainage: Does water stand on the property for more than 24 hours after a heavy rain?  Yes  No  Unknown

Comments: \_\_\_\_\_

Are gutters and downspouts in good repair?  Yes  No  Unknown

Comments: \_\_\_\_\_

[13.]17. Wood-destroying insects: Any infestation and/or prior damage?  Yes  No  Unknown

Comments: \_\_\_\_\_

Any treatments or repairs?  Yes  No  Unknown

Any warranties?  Yes  No  Unknown

Comments: \_\_\_\_\_

[14.]18. Are there any hazardous or regulated materials (including, but not limited to, licensed landfills, asbestos, radon gas, lead-based paint, oil tank, propane tank, underground storage tanks, or other contamination) on the property?  Yes  No  Unknown

If yes, specify below.

Comments: \_\_\_\_\_

18A. If you or a contractor have made improvements to the property, were the required permits issued by the county or local permitting office, and did the improvements pass all required inspections?  Yes  No  Does Not Apply  Unknown

Comments: \_\_\_\_\_

[15.]19. If the property relies on [the combustion of a] fossil fuel *combustion* for heat, ventilation, hot water, [or] clothes dryer operation, or other purposes, is a carbon monoxide alarm installed in the property?  Yes  No  Unknown

Comments: \_\_\_\_\_

[16.]20. Are there any zoning violations, nonconforming uses, violation of building restrictions or setback requirements or any recorded or unrecorded easement, except for utilities, on or affecting the property?  Yes  No  Unknown If yes, specify below.

Comments: \_\_\_\_\_

**[16A. If you or a contractor have made improvements to the property, were the required permits pulled from the county or local permitting office?  Yes  No  Does Not Apply  Unknown**

Comments: \_\_\_\_\_

[17.]21. Is the property located in a flood zone, conservation area, wetland area, Chesapeake Bay critical area or Designated Historic District?  Yes  No  Unknown If yes, specify below.

Comments: \_\_\_\_\_

**21A. If answered Yes, are there currently any open violations? Comments: \_\_\_\_\_**

[18.]22. Is the property subject to any restriction imposed by a [Home Owners] Homeowners Association or any other type of community association?  Yes  No  Unknown If yes, specify below.

Comments: \_\_\_\_\_

23. Is the property subject to any restrictions imposed by a covenant?  Yes  No  Unknown If yes, specify below.

Comments: \_\_\_\_\_

24. Has the property ever had flooding or a fire?  Yes  No  Unknown

Comments: \_\_\_\_\_

[19.]25. Are there any other material defects, including latent defects, affecting the physical condition of the property?  Yes  No  Unknown

Comments: \_\_\_\_\_

NOTE: Seller(s) may wish to disclose the condition of other buildings on the property on a separate RESIDENTIAL PROPERTY DISCLOSURE STATEMENT.

The seller(s) acknowledge having carefully examined this statement, including any comments, and verify that it is complete and accurate as of the date signed. The seller(s) further acknowledge that they have been informed of their rights and obligations under §10-702 of the Maryland Real Property Article.

Seller(s) \_\_\_\_\_ Date \_\_\_\_\_

Seller(s) \_\_\_\_\_ Date \_\_\_\_\_

***NOTICE TO PURCHASER: THIS DISCLOSURE STATEMENT IS NOT A SUBSTITUTE FOR A HOME INSPECTION.***

The purchaser(s) acknowledge receipt of a copy of this disclosure statement and further acknowledge that they have been informed of their rights and obligations under §10-702 of the Maryland Real Property Article.

Purchaser \_\_\_\_\_ Date \_\_\_\_\_

Purchaser \_\_\_\_\_ Date \_\_\_\_\_

**MARYLAND RESIDENTIAL PROPERTY DISCLAIMER STATEMENT**

NOTICE TO SELLER(S): Sign this statement only if you elect to sell the property without representations and warranties as to its condition, except as otherwise provided in the contract of sale and in the listing of latent defects set forth below; otherwise, complete and sign the RESIDENTIAL PROPERTY DISCLOSURE STATEMENT.

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- (1) A purchaser would not reasonably be expected to ascertain or observe by a careful visual inspection of the real property; and*
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  - (i) the purchaser; or*
  - (ii) an occupant of the real property, including a tenant or invitee of the purchaser.*

Except for the latent defects listed below, the undersigned seller(s) of the real property make no representations or warranties as to the condition of the real property or any improvements thereon, and the purchaser will be receiving the real property "as is" with all defects, including latent defects, which may exist, except as otherwise provided in the real estate contract of sale. The seller(s) acknowledge having carefully examined this statement and further acknowledge that they have been informed of their rights and obligations under §10-702 of the Maryland Real Property Article.

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Does the seller(s) have actual knowledge of any latent defects?  Yes  No If yes, specify:

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Seller \_\_\_\_\_

Date \_\_\_\_\_

Seller \_\_\_\_\_

Date \_\_\_\_\_

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Purchaser \_\_\_\_\_

Date \_\_\_\_\_

Purchaser \_\_\_\_\_

Date \_\_\_\_\_