

TENNESSEE RESIDENTIAL PROPERTY CONDITION DISCLOSURE

1 PROPERTY ADDRESS _____ CITY _____

2 SELLER'S NAME(S) _____ PROPERTY AGE _____

3 DATE SELLER ACQUIRED THE PROPERTY _____ DO YOU OCCUPY THE PROPERTY? _____

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

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

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

- 12 1. Sellers must disclose all known material defects and must answer the questions on the Disclosure form in good faith to the
13 best of the seller's knowledge as of the Disclosure date.
- 14 2. Sellers must give the buyers the Disclosure form before the acceptance of a purchase contract.
- 15 3. Sellers must inform the buyers, at or before closing, of any inaccuracies or material changes in the condition that have
16 occurred since the time of the initial Disclosure, or certify that there are no changes.
- 17 4. Sellers may give the buyers a report or opinion prepared by a professional inspector or other expert(s) or certain information
18 provided by a public agency, in lieu of responding to some or all of the questions on the form (See Tenn. Code Ann. § 66-
19 5-204).
- 20 5. Sellers are not required to have a home inspection or other investigation in order to complete the Disclosure form.
- 21 6. Sellers are not required to repair any items listed on the Disclosure form or on any past or future inspection report unless
22 agreed to in the purchase contract.
- 23 7. Sellers involved in the first sale of a dwelling must disclose the amount of any impact fees or adequate facility taxes paid.
- 24 8. Sellers are not required to disclose if any occupant was HIV-positive, or had any other disease not likely to be transmitted
25 by occupying a home, or whether the home had been the site of a homicide, suicide or felony, or act or occurrence which
26 had no effect on the physical structure of the property.
- 27 9. Sellers may provide an "as is", "no representations or warranties" disclaimer statement in lieu of the Disclosure form only
28 if the buyer waives the right to the required disclosure, otherwise the sellers must provide the completed Disclosure form
29 (See Tenn. Code Ann. § 66-5-202).
- 30 10. Sellers may be exempt from having to complete the Disclosure form in certain limited circumstances (e.g. public auctions,
31 court orders, some foreclosures and bankruptcies, new construction with written warranty or owner has not resided on the
32 property at any time within the prior 3 years). (See Tenn. Code Ann. § 66-5-209).
- 33 11. Buyers are advised to include home, wood infestation, well, water sources, septic system, lead-based paint, radon, mold,
34 and other appropriate inspection contingencies in the contract, as the Disclosure form is not a warranty of any kind by the
35 seller, and is not a substitute for any warranties or inspections the buyer may desire to purchase.
- 36 12. Any repair of disclosed defects must be negotiated and addressed in the Purchase and Sale Agreement; otherwise, seller is
37 not required to repair any such items.
- 38 13. Buyers may, but do not have to, waive their right to receive the Disclosure form from the sellers if the sellers provide a
39 disclaimer statement with no representations or warranties (See Tenn. Code Ann. § 66-5-202).
- 40 14. Remedies for misrepresentations or nondisclosure in a Property Condition Disclosure statement may be available to buyer
41 and are set out fully in Tenn. Code Ann. § 66-5-208. Buyer should consult with an attorney regarding any such matters.

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- 42 15. Representations in the Disclosure form are those of the sellers only, and not of any real estate licensee, although licensees
 43 are required to disclose to all parties adverse facts of which the licensee has actual knowledge or notice.
- 44 16. Pursuant to Tenn. Code Ann. § 47-18-104(b), sellers of newly constructed residences on a septic system are prohibited
 45 from knowingly advertising or marketing a home as having more bedrooms than are permitted by the subsurface sewage
 46 disposal system permit.
- 47 17. Sellers must disclose the presence of any known exterior injection well, the presence of any known sinkhole(s), the results
 48 of any known percolation test or soil absorption rate performed on the property that is determined or accepted by the
 49 Department of Environment and Conservation, and whether the property is located within a Planned Unit Development as
 50 defined by Tenn. Code Ann. § 66-5-213 and, if requested, provide buyers with a copy of the development's restrictive
 51 covenants, homeowner bylaws and master deed. Sellers must also disclose if they have knowledge that the residence has
 52 ever been moved from an existing foundation to another foundation.

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

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

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

67 **INSTRUCTIONS TO THE SELLER**

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

71 **A. THE SUBJECT PROPERTY INCLUDES THE ITEMS CHECKED BELOW:**

- | | | |
|--|--|--|
| 72 <input type="checkbox"/> Range | <input type="checkbox"/> Wall/Window Air Conditioning | <input type="checkbox"/> Garage Door Opener(s) (Number of openers_____) |
| 73 <input type="checkbox"/> Window Screens | <input type="checkbox"/> Oven | <input type="checkbox"/> Fireplace(s) (Number) _____ |
| 74 <input type="checkbox"/> Intercom | <input type="checkbox"/> Microwave | <input type="checkbox"/> Gas Starter for Fireplace |
| 75 <input type="checkbox"/> Garbage Disposal | <input type="checkbox"/> Gas Fireplace Logs | <input type="checkbox"/> TV Antenna/Satellite Dish |
| 76 <input type="checkbox"/> Trash Compactor | <input type="checkbox"/> Smoke Detector/Fire Alarm | <input type="checkbox"/> Central Vacuum System and attachments |
| 77 <input type="checkbox"/> Spa/Whirlpool Tub | <input type="checkbox"/> Burglar Alarm | <input type="checkbox"/> Current Termite contract |
| 78 <input type="checkbox"/> Water Softener | <input type="checkbox"/> Patio/Decking/Gazebo | <input type="checkbox"/> Hot Tub |
| 79 <input type="checkbox"/> 220 Volt Wiring | <input type="checkbox"/> Installed Outdoor Cooking Grill | <input type="checkbox"/> Washer/Dryer Hookups |
| 80 <input type="checkbox"/> Sauna | <input type="checkbox"/> Irrigation System | <input type="checkbox"/> Pool |
| 81 <input type="checkbox"/> Dishwasher | <input type="checkbox"/> A key to all exterior doors | <input type="checkbox"/> Access to Public Streets |
| 82 <input type="checkbox"/> Sump Pump | <input type="checkbox"/> Rain Gutters | <input type="checkbox"/> Heat Pump |
| 83 <input type="checkbox"/> Central Heating | <input type="checkbox"/> Central Air | |
| 84 <input type="checkbox"/> Other _____ | <input type="checkbox"/> Other _____ | |
| 85 Water Heater: <input type="checkbox"/> Electric | <input type="checkbox"/> Gas | <input type="checkbox"/> Solar |
| 86 Garage: <input type="checkbox"/> Attached | <input type="checkbox"/> Not Attached | <input type="checkbox"/> Carport |
| 87 Water Supply: <input type="checkbox"/> City | <input type="checkbox"/> Well | <input type="checkbox"/> Private <input type="checkbox"/> Utility <input type="checkbox"/> Other _____ |
| 88 Gas Supply: <input type="checkbox"/> Utility | <input type="checkbox"/> Bottled | <input type="checkbox"/> Other |
| 89 Waste Disposal: <input type="checkbox"/> City Sewer | <input type="checkbox"/> Septic Tank | <input type="checkbox"/> Other _____ |
| 90 Roof(s): Type _____ | Age (approx): _____ | |

91 Other Items:

92 _____
93 _____

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

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

96 _____
97 _____
98 _____

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

	YES	NO	UNKNOWN		YES	NO	UNKNOWN
100	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Interior Walls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
101	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ceilings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
102	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Floors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
103	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Windows	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
104	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Doors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
105	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Insulation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
106	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Plumbing System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
107	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sewer/Septic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
108	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Electrical System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
109	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exterior Walls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Roof	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Basement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Foundation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Slab	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Driveway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Sidewalks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Central Heating	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Heat Pump	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Central Air Conditioning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

111 _____

112 **C. ARE YOU (SELLER) AWARE OF ANY OF THE FOLLOWING:** YES NO UNKNOWN

113	1. Substances, materials or products which may be environmental hazards	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
114	such as, but not limited to: asbestos, radon gas, lead-based paint, fuel			
115	or chemical storage tanks, contaminated soil or			
116	water, on the subject			
117	property?			
118	2. Features shared in common with adjoining land owners, such as walls, but	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
119	not limited to, fences, and/or driveways, with joint rights and obligations			
120	for use and maintenance?			
121	3. Any authorized changes in roads, drainage or utilities affecting the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
122	property, or contiguous to the property?			
123	4. Any changes since the most recent survey of the property was done?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
124	Most recent survey of the property: _____ (Date) (check here if unknown)			<input type="checkbox"/>
125	5. Any encroachments, easements, or similar items that may affect your	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
126	ownership interest in the property?			
127	6. Room additions, structural modifications or other alterations or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
128	repairs made without necessary permits?			
129	7. Room additions, structural modifications or other alterations or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
130	repairs not in compliance with building codes?			
131	8. Landfill (compacted or otherwise) on the property or any portion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
132	thereof?			
133	9. Any settling from any cause, or slippage, sliding or other soil problems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
134	10. Flooding, drainage or grading problems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
135	11. Any requirement that flood insurance be maintained on the property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO	UNKNOWN
136 12. Property or structural damage from fire, earthquake, floods, or landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
137 If yes, please explain (use separate sheet if necessary).			
138 _____			
139 _____			
140 If yes, has said damage been repaired? _____			
141 13. Is the property serviced by a fire department?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
142 If yes, in what fire department's service area is the property located? (Fire Dept. Locator can be found:			
143 https://tnmap.tn.gov/fdtn/)			
144 _____			
145 Is the property owner subject to charges or fees for fire protection,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
146 such as subscriptions, association dues or utility fees?			
147 14. Any zoning violations, nonconforming uses and/or violations of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
148 "setback" requirements?			
149 15. Neighborhood noise problems or other nuisances?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
150 16. Subdivision and/or deed restrictions or obligations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
151 17. A Condominium/Homeowners Association (HOA) which has any authority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
152 over the subject property?			
153 Name of HOA: _____ HOA Address: _____			
154 HOA Phone Number: _____ Monthly Dues: _____			
155 Special Assessments: _____ Transfer Fees: _____			
156 Management Company: _____ Phone: _____			
157 Management Co. Address: _____			
158 18. Any "common area" (facilities such as, but not limited to, pools, tennis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
159 courts, walkways or other areas co-owned in undivided interest with others)?			
160 19. Any notices of abatement or citations against the property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
161 20. Any lawsuit(s) or proposed lawsuit(s) by or against the seller which affects	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
162 or will affect the property?			
163 21. Is any system, equipment or part of the property being leased?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
164 If yes, please explain, and include a written statement regarding payment			
165 information.			
166 _____			
167 _____			
168 22. Any exterior wall covering of the structure(s) covered with exterior	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
169 insulation and finish systems (EIFS), also known as "synthetic stucco"?			
170 If yes, has there been a recent inspection to determine whether the structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
171 has excessive moisture accumulation and/or moisture related damage?			
172 <i>(The Tennessee Real Estate Commission urges any buyer or seller who encounters this product to have a qualified</i>			
173 <i>professional inspect the structure in question for the preceding concern and provide a written report of the professional's</i>			
174 <i>finding.)</i>			
175 If yes, please explain. If necessary, please attach an additional sheet.			
176 _____			
177 _____			
178 23. Is there an exterior injection well anywhere on the property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
179 24. Is seller aware of any percolation tests or soil absorption rates being	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
180 performed on the property that are determined or accepted by			
181 the Tennessee Department of Environment and Conservation?			
182 If yes, results of test(s) and/or rate(s) are attached.			
183 25. Has any residence on this property ever been moved from its original	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
184 foundation to another foundation?			

- | | | YES | NO | UNKNOWN |
|-----|--|--------------------------|--------------------------|--------------------------|
| 185 | 26. Is this property in a Planned Unit Development? Planned Unit Development | <input type="checkbox"/> | <input type="checkbox"/> | |
| 186 | is defined pursuant to Tenn. Code Ann. § 66-5-213 as "an area of land, | | | |
| 187 | controlled by one (1) or more landowners, to be developed under unified control | | | |
| 188 | or unified plan of development for a number of dwelling units, commercial, | | | |
| 189 | educational, recreational or industrial uses, or any combination of the | | | |
| 190 | foregoing, the plan for which does not correspond in lot size, bulk or type of | | | |
| 191 | use, density, lot coverage, open space, or other restrictions to the existing land | | | |
| 192 | use regulations." Unknown is not a permissible answer under the statute. | | | |
| 193 | 27. Is a sinkhole present on the property? A sinkhole is defined pursuant to Tenn. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 194 | Code Ann. § 66-5-212(c) as "a subterranean void created by the dissolution of | | | |
| 195 | limestone or dolostone strata resulting from groundwater erosion, causing a | | | |
| 196 | surface subsidence of soil, sediment, or rock and is indicated through the | | | |
| 197 | contour lines on the property's recorded plat map." | | | |
| 198 | 28. Was a permit for a subsurface sewage disposal system for the Property issued | <input type="checkbox"/> | <input type="checkbox"/> | |
| 199 | during a sewer moratorium pursuant to Tenn. Code Ann. § 68-221-409? If | | | |
| 200 | yes, Buyer may have a future obligation to connect to the public sewer system. | | | |
| 201 | D. CERTIFICATION. I/We certify that the information herein, concerning the | | | |
| 202 | real property located at | | | |

203 _____
 204 is true and correct to the best of my/our knowledge as of the date signed. Should any of these conditions change prior to
 205 conveyance of title to this property, these changes will be disclosed in an addendum to this document.

206 Transferor (Seller) _____ Date _____ Time _____

207 Transferor (Seller) _____ Date _____ Time _____

208 Parties may wish to obtain professional advice and/or inspections of the property and to negotiate
 209 appropriate provisions in the purchase agreement regarding advice, inspections or defects.
 210

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

214 Transferee (Buyer) _____ Date _____ Time _____

215 Transferee (Buyer) _____ Date _____ Time _____

216 If the property being purchased is a condominium, the transferee/buyer is hereby given notice that the transferee/buyer is
 217 entitled, upon request, to receive certain information regarding the administration of the condominium from the developer or
 218 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.