

# Lozier at Newport, LLC Disclosure Statement

## INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any \* items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than FIVE BUSINESS DAYS, UNLESS OTHERWISE AGREED, after mutual acceptance of a written contract to purchase between a buyer and a seller.

## NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT "**SEE EXHIBIT A**" ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S BROKER DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S BROKER. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE BROKER OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller  is /  is not occupying the property.

## I. SELLER'S DISCLOSURES:

\*If you answer "Yes" to any question with an asterisk (\*), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

### 1. TITLE

Yes  No  Don't Know A. Do you have legal authority to sell the property? If no, please explain.

Yes  No  Don't Know \*B. Is title to the property subject to any of the following?  
(1) First right of refusal  
(2) Option  
(3) Lease or rental agreement  
(4) Life estate?

Yes  No  Don't Know \*C. Are there any encroachments, boundary agreements, or boundary disputes?

Yes  No  Don't Know \*D. Is there a private road or easement agreement for access to the property?

Seller's Representative Initials: \_\_\_\_\_

Date: \_\_\_\_\_

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.....  
 Yes  No  Don't Know \*E. Are there any rights-of-way, easements, or access limitations that may affect the Buyer's use of the property?  
.....

.....  
 Yes  No  Don't Know \*F. Are there any written agreements for joint maintenance of an easement or right-of-way?  
.....

See Exhibit A

.....  
 Yes  No  Don't Know \*G. Is there any study, survey project, or notice that would adversely affect the property?  
.....

.....  
 Yes  No  Don't Know \*H. Are there any pending or existing assessments against the property?  
.....

.....  
 Yes  No  Don't Know \*I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that would affect future construction or remodeling?  
.....

.....  
 Yes  No  Don't Know \*J. Is there a boundary survey for the property?  
.....

.....  
 Yes  No  Don't Know \*K. Are there any covenants, conditions, or restrictions recorded against the property?  
.....  
See Exhibit A

**PLEASE NOTE:** Covenants, conditions, and restrictions which purport to forbid or restrict the conveyance, encumbrance, occupancy, or lease of real property to individuals based on race, color, sex, natural origin, familial status or disability are void, unenforceable and illegal. RCW 49.60.224

## 2. WATER

### A. Household Water

- (1) The source of water for the property is:  
 Private or publicly owned water system  
 Private well serving only the subject property  
 Other water system. \*If shared, are there any written agreements?
- Yes  No  Don't Know  
 Yes  No  Don't Know \* (2) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?
- Yes  No  Don't Know  
 Yes  No  Don't Know \* (3) Are there any problems or repairs needed?
- Yes  No  Don't Know  
 Yes  No  Don't Know (4) During your ownership, has the source provided an adequate year round supply of potable water? If no, please explain.
- Yes  No  Don't Know  
 Yes  No  Don't Know \* (5) Are there any water treatment systems for the property? If yes, are they  
 Leased  Owned
- Yes  No  Don't Know  
 Yes  No  Don't Know \* (6) Are there any water rights for the property associated with its domestic water supply, such as a water right permit, certificate, or claim?  
(a) If yes, have the water right permit, certificate, or claim been assigned, transferred, or changed?  
(b) If yes, has all or any portion of the water right not been used for five or more successive years?
- Yes  No  Don't Know N/A  
 Yes  No  Don't Know N/A \* (7) Are there any defects in the operation of the water system (e.g. pipes, tank, pump, etc.)?

### B. Irrigation Water

- Yes  No  Don't Know  
 Yes  No  Don't Know N/A (1) Are there any irrigation water rights for the property, such as a water right permit, certificate, or claim?  
(a) If yes, has all or any portion of the water right not been used for five or more successive years?  
(b) If so, is the certificate available? (If yes, please attach a copy.)  
(c) If so, has the water right permit, certificate, or claim been assigned, transferred, or changed?
- Yes  No  Don't Know N/A  
 Yes  No  Don't Know N/A

.....  
Seller's Representative Initials: \_\_\_\_\_

Date: \_\_\_\_\_



**NOTICE: IF THIS RESIDENTIAL REAL PROPERTY DISCLOSURE STATEMENT IS BEING COMPLETED FOR NEW CONSTRUCTION WHICH HAS NEVER BEEN OCCUPIED, THE SELLER IS NOT REQUIRED TO COMPLETE THE QUESTIONS LISTED IN ITEM 4. STRUCTURAL OR ITEM 5. SYSTEMS AND FIXTURES.**

**4. STRUCTURAL**

- Yes  No  Don't Know N/A \*A. Has the roof leaked within the last five years?
- 
- Yes  No  Don't Know N/A \*B. Has the basement flooded or leaked?
- 
- Yes  No  Don't Know N/A \*C. Have there been any conversions, additions, or remodeling?  
 Yes  No  Don't Know N/A \*(1) If yes, were all building permits obtained?  
 Yes  No  Don't Know N/A \*(2) If yes, were all final inspections obtained?
- 
- Yes  No  Don't Know N/A D. Do you know the age of the house? If yes, year of original construction: N/A New
- 
- Yes  No  Don't Know N/A \*E. Has there been any settling, slippage, or sliding of the property or its improvements?
- 
- Yes  No  Don't Know N/A \*F. Are there any defects with the following: (If yes, please check applicable items and explain.)
- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Foundation    | <input type="checkbox"/> Decks          | <input type="checkbox"/> Exterior Walls |
| <input type="checkbox"/> Chimneys      | <input type="checkbox"/> Interior Walls | <input type="checkbox"/> Fire Alarm     |
| <input type="checkbox"/> Doors         | <input type="checkbox"/> Windows        | <input type="checkbox"/> Patio          |
| <input type="checkbox"/> Ceilings      | <input type="checkbox"/> Slab Floors    | <input type="checkbox"/> Driveways      |
| <input type="checkbox"/> Pools         | <input type="checkbox"/> Hot Tub        | <input type="checkbox"/> Sauna          |
| <input type="checkbox"/> Sidewalks     | <input type="checkbox"/> Outbuildings   | <input type="checkbox"/> Fireplaces     |
| <input type="checkbox"/> Garage Floors | <input type="checkbox"/> Walkways       | <input type="checkbox"/> Siding         |
| <input type="checkbox"/> Other         | <input type="checkbox"/> Wood Stoves    |   |
- 
- Yes  No  Don't Know N/A \*G. Was a structural pest or "whole house" inspection done? If yes, when and by whom was the inspection completed?
- 
- Yes  No  Don't Know N/A H. During your ownership, has the property had any wood destroying organism or pest infestation?
- 
- Yes  No  Don't Know N/A I. Is the attic insulated?
- 
- Yes  No  Don't Know N/A J. Is the basement insulated?

**5. SYSTEMS AND FIXTURES**

- \*A. If any of the following systems or fixtures are included with the transfer, are there any defects? If yes, please explain.
- |                              |                             |                                     |     |  |
|------------------------------|-----------------------------|-------------------------------------|-----|--|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't Know | N/A | Electrical system, including wiring, switches, outlets, and service            |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't Know | N/A | Plumbing system, including pipes, faucets, fixtures, and toilets               |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't Know | N/A | Hot water tank   |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't Know | N/A | Garbage disposal   |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't Know | N/A | Appliances   |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't Know | N/A | Sump pump  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't Know | N/A | Heating and cooling systems  |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't Know | N/A | Security system <input type="checkbox"/> Owned <input type="checkbox"/> Leased |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't Know | N/A | Other <u>N/A</u>   |

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.....

Yes    No    Don't Know   N/A   \*B.   If any of the following fixtures or property is included with the transfer, are they leased? If yes, please attach copy of lease

Yes    No    Don't Know   N/A   Security system

Yes    No    Don't Know   N/A   Tanks (type)

Yes    No    Don't Know   N/A   Satellite dish

Yes    No    Don't Know   N/A   Other

.....

Yes    No    Don't Know   N/A   \*C.   Are any of the following kinds of wood burning appliances present at the property?

Yes    No    Don't Know   N/A   (1) Woodstove?

Yes    No    Don't Know   N/A   (2) Fireplace insert?

Yes    No    Don't Know   N/A   (3) Pellet stove?

Yes    No    Don't Know   N/A   (4) Fireplace?

Yes    No    Don't Know   N/A   If yes, are all of the (1) woodstoves or (2) fireplace inserts certified by the U.S. Environmental Protection Agency as clean burning appliances to improve air quality and public health?

**6. HOMEOWNERS' ASSOCIATION/COMMON INTEREST**

Yes    No    Don't Know   A.   Is there a Home Owners' Association? Name of Association and contract information for an officer, director, employee, or other authorized agent, if any, who may provide the Association's financial statements, minutes, bylaws, fining policy, and other information that is not publicly available. See Exhibit A

.....

Yes    No    Don't Know   B.   Are there regular periodic assessments?

\$ See Exhibit A per    Month    Year

Other \_\_\_\_\_

.....

Yes    No    Don't Know   \*C.   Are there any pending special assessments?

.....

Yes    No    Don't Know   \*D.   Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)? **See Exhibit A**

**7. ENVIRONMENTAL**

Yes    No    Don't Know   \*A.   Have there been any flooding, standing water or drainage problems on the property that affect the property or access to the property?

.....

Yes    No    Don't Know   \*B.   Does any part of the property contain fill dirt, waste or other fill material? **See Exhibit A**

.....

Yes    No    Don't Know   \*C.   Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

.....

Yes    No    Don't Know   D.   Are there any shorelines, wetlands, floodplains, or critical areas on the property?

.....

Yes    No    Don't Know   \*E.   Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?

.....

Yes    No    Don't Know   \*F.   Has the property been used for commercial or industrial purposes?

.....

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- .....
- Yes  No  Don't Know \*G. Is there any soil or groundwater contamination?
- .....
- Yes  No  Don't Know \*H. Are there transmission poles or other electrical utility equipment installed, maintained, or buried on the property that do not provide utility service to the structures on the property? **See Exhibit A**
- .....
- Yes  No  Don't Know \*I. Has the property been used as a legal or illegal dumping site?
- .....
- Yes  No  Don't Know \*J. Has the property been used as an illegal drug manufacturing site?
- .....
- Yes  No  Don't Know \*K. Are there any radio towers in the area that cause interference with cellular telephone reception?

**8. MANUFACTURED AND MOBILE HOMES**

If the property includes a manufactured or mobile home. N/A

- Yes  No  Don't Know N/A \*A. Did you make any alterations to the home? If yes, please describe the alterations.
- .....
- Yes  No  Don't Know N/A \*B. Did any previous owner make any alterations to the home?
- .....
- Yes  No  Don't Know N/A \*C. If alterations were made, were permits or variance for these alterations obtained?

**9. FARM PROXIMITY**

This notice is to inform you that the real property you are considering for purchase may lie in close proximity to a farm. The operation of a farm involves usual and customary agricultural practices, which are protected under RCW 7.48.305, the Washington right to farm act.

**10. FULL DISCLOSURE BY SELLERS**

- Yes  No  Don't Know
- A. Other conditions or defects:  
\*Are there any other existing material defects affecting the property that a prospective buyer should know about?
- .....
- B. 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 hereof. I/we authorize all of my/our real estate Brokers, if any, to deliver a copy of this disclosure statement to other real estate Brokers and all prospective buyers of the property.

Lozier at Newport, LLC

Date: \_\_\_\_\_

By: \_\_\_\_\_

Seller's Representative Initials: \_\_\_\_\_  
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Date: \_\_\_\_\_

**NOTICE TO BUYER**

**INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.**

**II. BUYER'S ACKNOWLEDGMENT**

- A. Buyer hereby acknowledges that: Buyer has the duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.
- B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate Broker or other party.
- C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate Brokers are not liable for inaccurate information provided by Seller, except to the extent that real estate Brokers know of such inaccurate information.
- D. This information is for disclosure only and is not intended to be a part of any written agreement between the Buyer and the Seller.
- E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S BROKER DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S BROKER. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALES AGREEMENT.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE BROKER OR OTHER PARTY.

**BUYER'S WAIVER OF RIGHT TO REVOKE OFFER**

Buyer has read and reviewed the Seller's responses to this Disclosure Statement. Buyer approves this statement and waives Buyer's right to revoke or rescind Buyer's offer.

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Buyer \_\_\_\_\_

Buyer \_\_\_\_\_

Seller's Representative Initials: \_\_\_\_\_

Date: \_\_\_\_\_

Exhibit A  
Lozier at Newport, LLC Disclosure Statement

Legal Description:

**Insert Lot Number Below**

Lot 12, Westfield, according to the Plat recorded in Volume 239 of Plats pages 66 through 70, inclusive, in King County, Washington.

Title Question 1.F.

Are there any written agreements for joint maintenance of an easement or right of way?

**Yes**, Private Storm Drainage Easements per the recorded plat.

**Yes**, Declaration of Private Storm Drainage Easements under recording number 20070423002064 for Lots 11 and 12.

No for all other Lots.

Title Question 1.K.

Are there any covenants, conditions, or restrictions recorded against the property?

**Yes**. The CCR's for the property are attached. Any other covenants, conditions and restrictions will be shown on the preliminary title report.

Sewer/On-Site Sewage System Question 3.C.

Is the property subject to any sewer system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?

**Yes**, sewer capacity charge.

Homeowners' Association Question 6.A.

Name of Association: Westfield Community Organization

Contact Information: Westfield Community Organization  
11602 SE 63<sup>rd</sup> Street  
Bellevue, WA 98006

Homeowners' Association Question 6.B.

Homeowners' Dues are currently **\$750** per year.

Homeowners' Association Question 6.D.

The Homeowners' Association maintains common areas including the mailbox structures; landscaped areas in public right of way; Tracts reserved for open space, recreation and native growth protection areas; fencing installed as a plat amenity along the property lines of Tracts, etc. Please refer to Article E of the CCR's or contact the Association for further information.

Environmental Question 7.B.

All foundations are constructed on suitable natural soils or on structurally engineered fills to building code standards. Yard areas may contain suitable nonstructural fill.

Environmental Question 7.H.

All power lines in the community are located underground. Certain lots in the community have power equipment (e.g. vaults) located within recorded easements granted to the power company.

Seller's Representative Initials: \_\_\_\_\_

Date: \_\_\_\_\_

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