



# Seller's Real Property Disclosure Statement

FLORIDA ASSOCIATION OF REALTORS®

NAME: ANGEL L SIERRA BENITEZ AND WIFE CONCEPCION SANTIAGO SIERRA

SELLER HAS  HAS NOT  OCCUPIED THE PROPERTY.

DATE SELLER PURCHASED PROPERTY? NOV. 2005

IS THE PROPERTY CURRENTLY LEASED? NO  YES  TERMINATION DATE OF LEASE: \_\_\_\_\_

DOES THE PROPERTY CURRENTLY HAVE HOMESTEAD EXEMPTION? NO  YES ; YEAR \_\_\_\_\_

### GENERAL INFORMATION ABOUT PROPERTY:

PROPERTY ADDRESS: 9401 COLLINS AVE # 805, SURFSIDE, FL 3

LEGAL DESCRIPTION: AZURE CONDO, UNIT 805, UNDIV 1.098086

### NOTICE TO BUYER AND SELLER:

In Florida, a Seller is obligated to disclose to a Buyer all known facts that materially affect the value of the property being sold and that are not readily observable. This disclosure statement is designed to assist Seller in complying with the disclosure requirements under Florida law and to assist the Buyer in evaluating the property being considered. This disclosure statement concerns the condition of the real property located at above address. It is not a warranty of any kind by the Seller or any Licensee in this transaction. It is not a substitute for any inspections or warranties the parties may wish to obtain. It is based only upon Seller's knowledge of the property condition. This disclosure is not intended to be a part of any contract for sale and purchase. All parties may refer to this information when they evaluate, market, or present Seller's property to prospective Buyers.

The following representations are made by the Seller(s) and are not the representations of any real estate licensees.

### 1. CLAIMS & ASSESSMENTS

a. Are you aware of existing, pending, or proposed legal actions, claims, special assessments, municipal service taxing or benefit unit charges or unpaid assessments (including homeowners' association maintenance fees or proposed increases in assessments and/or maintenance fees) affecting the property? NO  YES  If yes, explain: \_\_\_\_\_

b. Have any local, state, or federal authorities notified you that repairs, alterations or corrections of the property are required? NO  YES  If yes, explain: \_\_\_\_\_

### 2. DEED/HOMEOWNERS' ASSOCIATION RESTRICTIONS

Are You Aware:

a. of any deed or homeowner restrictions? NO  YES

b. of any proposed changes to any of the restrictions? NO  YES

c. of any resale restrictions? NO  YES

d. of any restrictions on leasing the property? NO  YES

e. If any answer to questions 2a-2e is yes, please explain: \_\_\_\_\_

f. Are access roads private  public ? If private, describe the terms and conditions of the maintenance agreement: \_\_\_\_\_

g. If there is a homeowner association, is membership mandatory? NO  YES , and are fees charged by the homeowner association? NO  YES  If yes, explain: N/A

### 3. PROPERTY-RELATED ITEMS

Are You Aware:

a. if you have ever had the property surveyed? NO  YES  Date: \_\_\_\_\_

b. if the property was surveyed, did you receive an elevation certificate? NO  YES  Date: \_\_\_\_\_

c. of any walls, driveways, fences or other features shared in common with adjoining landowners or any encroachments, boundary line disputes, setback violations, or easements affecting the property? NO  YES

d. of any portion of the property that is fenced? NO  YES

If any answer to questions 3a-3d is yes, please explain: \_\_\_\_\_

SECURITY FENCE AROUND PROPERTY

Buyer (\_\_\_\_) (\_\_\_\_) and Seller (Signature) (C.A.) acknowledge receipt of a copy of this page, which is Page 1 of 5 Pages.

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4. THE LAND:

Are You Aware:

- a. of any past or present settling, soil movement, or sinkhole problems on the property or on adjacent properties? NO  YES
- i. of any sinkhole insurance claim that has been made on subject property? NO  YES
- ii. if claim made, was claim paid? NO  YES
- iii. was the full amount of the insurance proceeds used to repair the sinkhole damage? NO  YES
- b. of any past or present drainage or flood problems affecting the property or adjacent properties? NO  YES
- c. of any past or present problems with driveways, walkways, patios, seawalls, or retaining walls on the property or adjacent properties due to drainage, flooding, or soil movements? NO  YES

If any answer to questions 4a-4c is yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. ENVIRONMENT:

Was the property built before 1978? NO  YES

Are You Aware:

a. of any substances, materials, or products which may be an environmental hazard, such as, but not limited to, asbestos, urea formaldehyde, radon gas, mold, lead-based paint, fuel, propane or chemical storage tanks (active or abandoned), or contaminated soil or water on the property? NO  YES  If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

i. of any damage to the structures located on the property due to any of the substances, materials or products listed in subsection (a) above? NO  YES  If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

ii. of any clean up, repairs, or remediation of the property due to any of the substances, materials or products listed in subsection (a) above? NO  YES  If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

b. of any condition or proposed change in the vicinity of the property that does or will materially affect the value of the property, such as, but not limited to, proposed development or proposed roadways? NO  YES

c. of wetlands, mangroves, archeological sites, or other environmentally sensitive areas located on the property? NO  YES

If any answer to questions 5a-5c is yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. ZONING:

Are You Aware:

a. of the zoning classification of the property? NO  YES  If yes, identify the zoning classification \_\_\_\_\_

b. of any zoning violations or nonconforming uses? NO  YES

c. if the property is zoned for its current use? NO  YES

d. of any zoning restrictions affecting additions, improvements or replacement of the property? NO  YES

e. if there are any zoning, land use or administrative regulations which are in conflict with the existing or intended use of the property? NO  YES

f. of any restrictions other than association and flood area requirements affecting improvements or replacement of the property? NO  YES

If any answer to questions 6a-6f is yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. FLOOD:

Are You Aware:

a. if any portion of the property is in a special flood hazard area? NO  YES

b. does the property require flood insurance? NO  YES  Bldg. carries it.

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- c. whether any improvements including additions, are located below the base flood elevation? NO  YES
  - d. whether such improvements have been constructed in violation of applicable local flood guidelines? NO  YES
  - e. if any portion of the property is seaward of the coastal construction control line? NO  YES
- If any answer to questions 7a-7e is yes, please explain: \_\_\_\_\_

**8. TERMITES, DRY ROT, PESTS, WOOD DESTROYING ORGANISMS:**

a. Do you have any knowledge of termites, dry rot, pests or wood destroying organisms on or affecting any improvements located on the property or any structural damage to the property by them? NO  YES  If yes, explain: \_\_\_\_\_

b. Have you ever had the property inspected for termites, dry rot, pest or wood destroying organism? NO  YES  Date of inspection \_\_\_\_\_ If so, what was the outcome of the inspection? \_\_\_\_\_

c. Has the property been treated for termites, dry rot, pest or wood destroying organisms? NO  YES  Date and type of treatment \_\_\_\_\_, Company name: \_\_\_\_\_

**9. STRUCTURE-RELATED ITEMS:**

Are You Aware:

- a. of any structural damage which may have resulted from events including, but not limited to, fire, wind, flood, hail, landslide, or blasting, and which materially affect the value of the property? NO  YES
  - b. of any structural condition or, in the case of a homeowner association, any condition in the common elements that materially affects the value of the property? NO  YES
  - c. of any improvements or additions to the property, whether by you or by others, that have been constructed in violation of building codes or without necessary permits? NO  YES
  - d. of any active permits on the property which have not been closed by a final inspection? NO  YES
- If any answer to questions 9a-9d is yes, please explain: \_\_\_\_\_

**10. ROOF-RELATED ITEMS:**

Are You Aware:

- a. of any roof or overhang defects? NO  YES
  - b. if the roof has leaked since you owned the property? NO  YES
  - c. if anything was done to correct the leaks? NO  YES
  - d. if the roof has been replaced? NO  YES  If yes, when: New in 2005
  - e. If there is a warranty on the roof? NO  YES  If yes, is it transferable? NO  YES
  - f. If the roof has been inspected within the last twelve months? NO  YES
- If any answer to questions 10a-10f is yes, please explain: \_\_\_\_\_

**11. PLUMBING-RELATED ITEMS:**

- a. What is your drinking water source? Public  Private Well  Other Source. If your drinking water is from a well or other source, when was your water last checked for safety and what was the result of the test? \_\_\_\_\_
- b. Do you have a water conditioning system? NO  YES  If yes, type: \_\_\_\_\_ Owned  Leased
- c. What is the balance owed on the system? \_\_\_\_\_
- d. Do you have a sewer  or septic system ? If septic system describe the location of each system: \_\_\_\_\_
- e. Are you aware of any septic tanks or wells on the property which are not currently being used? NO  YES  If yes, explain: \_\_\_\_\_
- f. Are you aware of any plumbing leaks since you have owned the property? NO  YES  If yes, explain: \_\_\_\_\_

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g. Are you aware of any conditions that materially affect the value of the property relating to the septic tank/drain field, sewer lines, or any other plumbing related items? NO  YES  If yes, explain: \_\_\_\_\_

**12. POOLS/HOT TUBS/SPAS:**

- a. Does the property have a swimming pool? NO  YES  Hot tub? NO  YES  Spa? NO  YES
- b. If you answered yes to any part of 12a, was the certificate of completion received after Oct. 1, 2000 for the pool? NO  YES  For the spa? NO  YES  For the hot tub? NO  YES
- c. Check the pool safety features (as defined by Section 515.27, Florida Statutes) your swimming pool, hot tub or spa has: Enclosure that meets the pool barrier requirements  Approved safety pool cover   
Required door and window exit alarms  Required door locks  none
- d. Are you aware of any conditions regarding these items that materially affect the value of the property? NO  YES  If yes, explain: \_\_\_\_\_

**13. MAJOR APPLIANCES:**

Indicate existing equipment:  
 Range  Oven  Microwave  Dishwasher  Garbage Disposal  Trash Compactor  Refrigerator   
 Freezer  Washer  Dryer   
 Are any of these appliances leased? NO  YES  Are any of these gas appliances? NO  YES   
 Is the water heater: owned  leased ; Is the water heater: electric  gas   
 Are you aware of any problems with these appliances, including whether any of the appliances have leaked or overflowed, since you have owned the property? NO  YES  If yes, explain: \_\_\_\_\_

**14. ELECTRICAL SYSTEM:**

Are You Aware:  
 a. of any damaged or malfunctioning switches, receptacles, or wiring? NO  YES   
 b. of any conditions that materially affect the value or operating capacity of the electrical system? NO  YES   
 If answers to questions 14a or 14b is yes, please explain: \_\_\_\_\_

**15. HEATING AND AIR CONDITIONING:**

Indicate existing equipment:  
**Air conditioning:**  
 Central  Window/Wall  Number of units 1  
**Heating:**  
 Electric  Fuel Oil  Gas  Other   
**Solar Heating:**  
 Owned  Leased   
**Wood-burning stove:** NO  YES   
**Fireplace:** NO  YES  Describe fireplace equipment: \_\_\_\_\_  
 Are you aware of any defects, malfunctioning or condensation problems regarding these items, since you have owned the property? NO  YES  If yes, explain: \_\_\_\_\_

**16. OTHER EQUIPMENT:**

Indicate existing equipment:  
 Security System: NO  YES  Leased  Owned  Connected to Central Monitor  Monthly Fee \$ included in maint.  
 Smoke Detectors: NO  YES  Number of smoke detectors? 5  
 Lawn Sprinkler System: NO  YES  Sprinkler water source: N/A If well is source, is there an iron filter? NO  YES  Is there a timer? NO  YES  Is the timer automatic? NO  YES   
 Garage door openers? NO  YES  Number of transmitters? one Humidistat? NO  YES   
 Humidifier? NO  YES  Electric air filters? NO  YES  Vent fans? NO  YES   
 Paddle fans? NO  YES  Number of paddle fans? \_\_\_\_\_

Buyer (\_\_\_\_) (\_\_\_\_) and Seller QALB (C.L.) acknowledge receipt of a copy of this page, which is Page 4 of 5 Pages.

**17. OTHER MATTERS:**

Is there anything else that materially affects the value of the property? NO  YES

If yes, explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**ACKNOWLEDGEMENT OF SELLER**

The undersigned Seller represents that the information set forth in the above disclosure statement is accurate and complete to the best of the Seller's knowledge on the date signed below. Seller does not intend for this disclosure statement to be a warranty or guaranty of any kind. Seller hereby authorizes disclosure of the information contained in this disclosure statement to prospective Buyers of the property. Seller understands and agrees that Seller will notify the Buyer in writing within five business days after Seller becomes aware that any information set forth in this disclosure statement has become inaccurate or incorrect in any way during the term of the pending purchase by the Buyer.

Seller: Angel L. Sierra Benitez (signature) / ANGEL L. SIERRA BENITEZ (print) Date: 05/13/08

Seller: Concepcion S. Sierra (signature) / CONCEPCION SANTIAGA LOZANO SIERRA (print) Date: 05/13/08

**RECEIPT AND ACKNOWLEDGMENT OF BUYER**

Seller is using this form to disclose Seller's knowledge of the condition of the real property and improvements located on the property as of the date signed by Seller. This disclosure form is not a warranty of any kind. The information contained in the disclosure is limited to information to which the seller has knowledge. It is not intended to be a substitute for any inspections or professional advice the Buyer may wish to obtain. An independent professional inspection is encouraged and may be helpful to verify the condition of the property and to determine the cost of repairs, if any. Buyer understands these representations are not made by any real estate licensee.

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Buyer: \_\_\_\_\_ / \_\_\_\_\_ Date: \_\_\_\_\_  
(signature) (print)

Buyer: \_\_\_\_\_ / \_\_\_\_\_ Date: \_\_\_\_\_  
(signature) (print)

Buyer ( ) ( ) and Seller ( ) ( ) acknowledge receipt of a copy of this page, which is Page 5 of 5 Pages.  
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# Seller's Mold Addendum to Disclosure

FLORIDA ASSOCIATION OF REALTORS®



## 1. ENVIRONMENT

Are You Aware:

a. of any substances, materials, or products which may be an environmental hazard, such as, but not limited to, asbestos, urea formaldehyde, radon gas, mold, lead-based paint, fuel, propane or chemical storage tanks (active or abandoned), or contaminated soil or water on the property? NO  YES  If yes, explain: \_\_\_\_\_

i. of any damage to the structures located on the property due to any of the substances, materials or products listed in subsection (a) above? NO  YES  If yes, explain: \_\_\_\_\_

ii. of any clean up, repairs, or remediation of the property due to any of the substances, materials or products listed in subsection (a) above? NO  YES  If yes, explain: \_\_\_\_\_

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(signature) (print)

Seller: *Conception S. Sierra* / CONCEPTION S. SIERRA Date: 05/13/08  
(signature) (print)

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(signature) (print)

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(signature) (print)