

# TENNESSEE RESIDENTIAL PROPERTY CONDITION DISCLOSURE

1 PROPERTY ADDRESS 4869 Lynbar Ave CITY Memphis, TN  
2 SELLER'S NAME(S) Tanner & Jenna Simmons PROPERTY AGE 70  
3 DATE SELLER ACQUIRED THE PROPERTY December 2021 DO YOU OCCUPY THE PROPERTY? Yes  
4 IF NOT OWNER-OCCUPIED, HOW LONG HAS IT BEEN SINCE THE SELLER OCCUPIED THE PROPERTY? NA  
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 Tenn. Code Ann. § 66-5-201, et seq.

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

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- 43 16. Pursuant to Tenn. Code Ann. § 47-18-104(b), sellers of newly constructed residences on a septic system are prohibited  
 44 from knowingly advertising or marketing a home as having more bedrooms than are permitted by the subsurface sewage  
 45 disposal system permit.
- 46 17. Sellers must disclose the presence of any known exterior injection well, the presence of any known sinkhole(s), the results  
 47 of any known percolation test or soil absorption rate performed on the property that is determined or accepted by the  
 48 Department of Environment and Conservation, and whether the property is located within a Planned Unit Development as  
 49 defined by Tenn. Code Ann. § 66-5-213 and, if requested, provide buyers with a copy of the development's restrictive  
 50 covenants, homeowner bylaws and master deed. Sellers must also disclose if they have knowledge that the residence has  
 51 ever been moved from an existing foundation to another foundation.

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

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

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

66 **INSTRUCTIONS TO THE SELLER**

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

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

- |   |   |   |
|---|---|---|
| 71 <input type="checkbox"/> Range                       | <input type="checkbox"/> Wall/Window Air Conditioning         | <input type="checkbox"/> Garage Door Opener(s) (Number of openers ____) |
| 72 <input checked="" type="checkbox"/> Window Screens   | <input checked="" type="checkbox"/> Oven                      | <input type="checkbox"/> Fireplace(s) (Number) ____                     |
| 73 <input type="checkbox"/> Intercom                    | <input checked="" type="checkbox"/> Microwave                 | <input type="checkbox"/> Gas Starter for Fireplace                      |
| 74 <input checked="" type="checkbox"/> Garbage Disposal | <input type="checkbox"/> Gas Fireplace Logs                   | <input type="checkbox"/> TV Antenna/Satellite Dish                      |
| 75 <input type="checkbox"/> Trash Compactor             | <input checked="" type="checkbox"/> Smoke Detector/Fire Alarm | <input type="checkbox"/> Central Vacuum System and attachments          |
| 76 <input type="checkbox"/> Spa/Whirlpool Tub           | <input type="checkbox"/> Burglar Alarm                        | <input type="checkbox"/> Current Termite contract                       |
| 77 <input type="checkbox"/> Water Softener              | <input checked="" type="checkbox"/> Patio/Decking/Gazebo      | <input type="checkbox"/> Hot Tub  |
| 78 <input checked="" type="checkbox"/> 220 Volt Wiring  | <input type="checkbox"/> Installed Outdoor Cooking Grill      | <input checked="" type="checkbox"/> Washer/Dryer Hookups                |
| 79 <input type="checkbox"/> Sauna                       | <input type="checkbox"/> Irrigation System                    | <input type="checkbox"/> Pool   |
| 80 <input checked="" type="checkbox"/> Dishwasher       | <input type="checkbox"/> A key to all exterior doors          | <input type="checkbox"/> Access to Public Streets                       |
| 81 <input type="checkbox"/> Sump Pump                   | <input type="checkbox"/> Rain Gutters                         | <input type="checkbox"/> Heat Pump                                      |
| 82 <input checked="" type="checkbox"/> Central Heating  | <input checked="" type="checkbox"/> Central Air               |   |
| 83 <input type="checkbox"/> Other _____                 |   | <input type="checkbox"/> Other _____                                    |

- 84 Water Heater:  Electric  Gas  Solar
- 85 Garage:  Attached  Not Attached  Carport
- 86 Water Supply:  City  Well  Private  Utility  Other \_\_\_\_\_
- 87 Gas Supply:  Utility  Bottled  Other
- 88 Waste Disposal:  City Sewer  Septic Tank  Other \_\_\_\_\_

89 Roof(s): Type Shingle Age (approx): 3-4 years

90 Other Items:

91

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94  
95  
96  
97

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):

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

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

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

110 Some windows are painted shut, Federal pacific fuse box, storm damage to dormer being repaired

**C. ARE YOU (SELLER) AWARE OF ANY OF THE FOLLOWING:**

	YES	NO	UNKNOWN
112 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
113 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
114 3. Any authorized changes in roads, drainage or utilities affecting the property, or contiguous to the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
115 4. Any changes since the most recent survey of the property was done?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
116 Most recent survey of the property: _____ (Date) (check here if unknown)			<input checked="" type="checkbox"/>
117 5. Any encroachments, easements, or similar items that may affect your ownership interest in the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
118 6. Room additions, structural modifications or other alterations or repairs made without necessary permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
119 7. Room additions, structural modifications or other alterations or repairs not in compliance with building codes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
120 8. Landfill (compacted or otherwise) on the property or any portion thereof?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
121 9. Any settling from any cause, or slippage, sliding or other soil problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
122 10. Flooding, drainage or grading problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
123 11. Any requirement that flood insurance be maintained on the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

YES NO UNKNOWN

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- 135 12. Property or structural damage from fire, earthquake, floods, or landslides?
- 136 If yes, please explain (use separate sheet if necessary).
- 137 \_\_\_\_\_
- 138 \_\_\_\_\_
- 139 If yes, has said damage been repaired? \_\_\_\_\_
- 140 13. Is the property serviced by a fire department?
- 141 If yes, in what fire department's service area is the property located? (Fire Dept. Locator can be found:
- 142 <https://tnmap.tn.gov/fdtn/>) 65 S Front street
- 143 \_\_\_\_\_
- 144 Is the property owner subject to charges or fees for fire protection,
- 145 such as subscriptions, association dues or utility fees?
- 146 14. Any zoning violations, nonconforming uses and/or violations of
- 147 "setback" requirements?
- 148 15. Neighborhood noise problems or other nuisances?
- 149 16. Subdivision and/or deed restrictions or obligations?
- 150 17. A Condominium/Homeowners Association (HOA) which has any authority
- 151 over the subject property?
- 152 Name of HOA: \_\_\_\_\_ HOA Address: \_\_\_\_\_
- 153 HOA Phone Number: \_\_\_\_\_ Monthly Dues: \_\_\_\_\_
- 154 Special Assessments: \_\_\_\_\_ Transfer Fees: \_\_\_\_\_
- 155 Management Company: \_\_\_\_\_ Phone: \_\_\_\_\_
- 156 Management Co. Address: \_\_\_\_\_
- 157 18. Any "common area" (facilities such as, but not limited to, pools, tennis
- 158 courts, walkways or other areas co-owned in undivided interest with others)?
- 159 19. Any notices of abatement or citations against the property?
- 160 20. Any lawsuit(s) or proposed lawsuit(s) by or against the seller which affects
- 161 or shall affect the property?
- 162 21. Is any system, equipment or part of the property being leased?
- 163 If yes, please explain, and include a written statement regarding payment
- 164 information.
- 165 \_\_\_\_\_
- 166 \_\_\_\_\_
- 167 22. Any exterior wall covering of the structure(s) covered with exterior
- 168 insulation and finish systems (EIFS), also known as "synthetic stucco"?
- 169 If yes, has there been a recent inspection to determine whether the structure
- 170 has excessive moisture accumulation and/or moisture related damage?
- 171 *(The Tennessee Real Estate Commission urges any buyer or seller who encounters this product to have a qualified*
- 172 *professional inspect the structure in question for the preceding concern and provide a written report of the professional's*
- 173 *finding.)*
- 174 If yes, please explain. If necessary, please attach an additional sheet.
- 175 \_\_\_\_\_
- 176 \_\_\_\_\_
- 177 23. Is there an exterior injection well anywhere on the property?
- 178 24. Is seller aware of any percolation tests or soil absorption rates being
- 179 performed on the property that are determined or accepted by
- 180 the Tennessee Department of Environment and Conservation?
- 181 If yes, results of test(s) and/or rate(s) are attached.
- 182 25. Has any residence on this property ever been moved from its original
- 183 foundation to another foundation?

YES NO UNKNOWN

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- 184 26. Is this property in a Planned Unit Development? Planned Unit Development
- 185 is defined pursuant to Tenn. Code Ann. § 66-5-213 as "an area of land,
- 186 controlled by one (1) or more landowners, to be developed under unified control
- 187 or unified plan of development for a number of dwelling units, commercial,
- 188 educational, recreational or industrial uses, or any combination of the
- 189 foregoing, the plan for which does not correspond in lot size, bulk or type of
- 190 use, density, lot coverage, open space, or other restrictions to the existing land
- 191 use regulations." Unknown is not a permissible answer under the statute.
- 192 27. Is a sinkhole present on the property? A sinkhole is defined pursuant to Tenn.
- 193 Code Ann. § 66-5-212(c) as "a subterranean void created by the dissolution of
- 194 limestone or dolostone strata resulting from groundwater erosion, causing a
- 195 surface subsidence of soil, sediment, or rock and is indicated through the
- 196 contour lines on the property's recorded plat map."
- 197 28. Was a permit for a subsurface sewage disposal system for the Property issued
- 198 during a sewer moratorium pursuant to Tenn. Code Ann. § 68-221-409? If
- 199 yes, Buyer may have a future obligation to connect to the public sewer system.

200 **D. CERTIFICATION.** I/We certify that the information herein, concerning the

201 real property located at 4869 Lyndal Ave Memphis TN 38117

202 \_\_\_\_\_

203 is true and correct to the best of my/our knowledge as of the date signed. Should any of these conditions change prior to

204 conveyance of title to this property, these changes shall be disclosed in an addendum to this document.

205 Transferor (Seller) James Sumner Date 2/10/24 Time 11:00

206 Transferor (Seller) Jenna Sumner Date 2/10/24 Time 11:00

207 Parties may wish to obtain professional advice and/or inspections of the property and to negotiate

208 appropriate provisions in the purchase agreement regarding advice, inspections or defects.

209

210 **Transferee/Buyer's Acknowledgment:** I/We understand that this disclosure statement is not intended as a substitute for any

211 inspection, and that I/we have a responsibility to pay diligent attention to and inquire about those material defects which are

212 evident by careful observation. **I/We acknowledge receipt of a copy of this disclosure.**

213 Transferee (Buyer) \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

214 Transferee (Buyer) \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

215 If the property being purchased is a condominium, the transferee/buyer is hereby given notice that the transferee/buyer is

216 entitled, upon request, to receive certain information regarding the administration of the condominium from the developer or

217 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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