

SELLER ADVISORY REGARDING COMPLETING THE REAL ESTATE TRANSFER DISCLOSURE STATEMENT AND OTHER SELLER DISCLOSURE FORMS (From Glide.com)

All Sellers in California have an affirmative duty to disclose to Buyers all material conditions, defects and/or issues known to them that might impact the value or desirability of the Property. Failure to do so may lead to a claim or a lawsuit against you which can be very costly and time consuming.

As a Seller, you may be required to fill out one or more of the following Disclosure Forms: (NOTE: CA Civil Code 1102 exempts a Successor Trustee from completing these forms, however, a known material issue about the property must be disclosed: i.e. Within the last 3 years, the death of an occupant upon the property? yes/no.)

- **Real Estate Transfer Disclosure Statement (“TDS”);**
- **Seller Property Questionnaire (“SPQ”); and/or**
- **Exempt Seller Disclosure (“ESD”).**

You should follow the general suggestions below when filling out any or all Disclosure Forms.

PREPARING TO COMPLETE YOUR DISCLOSURE OBLIGATIONS:

- Read and carefully review all questions in the Disclosure Form(s) to make sure that you understand the full extent of the information that is being requested in each question.
- Locate any prior Disclosure Forms, reports, studies, repair estimates, plans, appraisals, invoices, photographs, or other documentation that includes information, of any age or date, that may be responsive to any of the questions in the Disclosure Forms or which otherwise relate to the Property. This documentation may include what you have created for your records or posted online (on any form of social media, including blogs, personal websites, Facebook, etc.) or any information that you received as a member of an HOA or as a Board member of an HOA.
- Use your existing documentation to refresh your memory of past and current issues, condition and/or problems and then provide a copy of that paperwork with your fully completed Disclosure Forms.
- Walk all the way around the inside and outside of the Property with the Disclosure Forms in hand to better remember issues, conditions, problems, defects, repairs or other concerns.
- Allow plenty of time to fully complete the Disclosure Forms.

-Your knowledge may be based upon what you have been told orally (e.g., in a conversation with a neighbor) or received in writing (such as a repair estimate, report, invoice, an appraisal, or sources as informal as neighborhood or HOA newsletters).

COMPLETING ALL DISCLOSURE FORMS:

- YOU CANNOT** leave any questions blank or unanswered; answer all questions and provide all documents, information and explanations to every “Yes” response in the blank lines or add an Addendum to the Disclosure Form.
- If you do not know the answer to any question, then you are “not aware” and should answer that question “No”.
- The Disclosure Forms are designed to get Sellers to provide Buyers with as much information as possible, and thus many of the questions on these forms may list multiple issues, conditions or problems and/or have

subparts. It is important to address each aspect of each question and provide precise details so that Buyers will understand the “who, what, where, when and how”.

-The Disclosure Forms are written using very broad language to prompt Sellers to provide as much information as possible. You should not limit the information, documents, and/or explanations that you provide Buyers.

-Be specific and provide facts for each response; you should not let subjective beliefs limit, qualify or downplay your disclosures. Avoid words such as “never,” “minor,” “insignificant,” “small” or “infrequent;” these terms may reflect your opinion but that opinion may not be shared by Buyers, professionals or others.

-Consider all issues, conditions or problems that impact your Property even those that are not necessarily on your Property but are related to a neighbor’s property (such as shared fences, lot-line debates) or exist in the neighborhood (such as noise, smells or other nuisances).

-Even if you have learned to live with an issue, condition or problem, disclose it.

-Even if you believe that an issue, condition or problem has been repaired, resolved or stopped, disclose it but do not speculate, predict or guarantee the quality or effectiveness of the repair or resolution.

-If there is conflicting information, data, and/or documents regarding any issue, condition or problem, disclose and identify everything.

-Do not assume that you know the answer to all questions; for example, unless you personally obtained or received copies of permits, do not assume that anyone who performed or completed work on the Property obtained all necessary permits.

-If you are relying on written or oral information you received from someone else, even if you disagree with that information or unsure as to its truth, disclose that information and identify the source of that information.

FINAL RECOMMENDATIONS FOR ALL SELLER DISCLOSURE FORMS:

It is important that you fully complete the TDS and/or any other Disclosure Forms as honestly as you can. To that end, your Listing Agent strongly recommends that you consider the following points when completing your Disclosure Forms:

-If you are aware of any planned or possible changes to your neighbor’s property (such as an addition), changes in the neighborhood (such as new construction or road changes) that may affect traffic, views, noise levels or any other issues, conditions or problems, disclose those plans or changes even if you are not certain whether the change(s) will ever occur.

-Disclose any lawsuits, whether filed in the past, are presently filed, or that will be filed, regarding the Property or the neighborhood (such as an HOA dispute) even if you believe that the lawsuit has been resolved. Provide as much detail as possible about any lawsuit, including the name of the case (e.g., the names of the Plaintiff and Defendant) and the County where the case was filed.

-If any disclosure that you have made becomes inadequate, incomplete, inaccurate or changes over time, including right up until the close of escrow, you should update and correct your Disclosures Forms in a timely fashion.

-If you have any questions about the applicability of any law to the Property, your Listing Agent recommends that you consult with a qualified California real estate attorney for advice. Your Listing Agent cannot and will not tell you if any law is applicable to the Property.

-If you need help regarding what to disclose, how to disclose it or what changes need to be made to your Disclosure Forms, the best advice is to consult with a qualified California real estate attorney for advice. Your Listing Agent cannot and will not tell you what to disclose, how to disclose it or what changes need to be made to your answers.

When in doubt, the best answer to “Do I need to disclose ...?” is always “YES, disclose it.”