



SELLER'S PROPERTY CONDITION DISCLOSURE STATEMENT

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1 Property Address: 1249 PROSPECT ST WESTFIELD, NJ 07090

4 Seller: KELLY, JOHN A & ROBIN R

9 The purpose of this Disclosure Statement is to disclose, to the best of Seller's knowledge, the condition of the Property, as of the date set forth below. The Seller is aware that he or she is under an obligation to disclose any known material defects in the Property even if not addressed in this printed form. Seller alone is the source of all information contained in this form. All prospective buyers of the Property are cautioned to carefully inspect the Property and to carefully inspect the surrounding area for any off-site conditions that may adversely affect the Property. Moreover, this Disclosure Statement is not intended to be a substitute for prospective buyer's hiring of qualified experts to inspect the Property.

16 If your property consists of multiple units, systems and/or features, please provide complete answers on all such units, systems and/or features even if the question is phrased in the singular, such as if a duplex has multiple furnaces, water heaters and fireplaces.

20 OCCUPANCY

- 21 Yes No Unknown
22 [] 1. Age of House, if known 2012
23 [X] [] 2. Does the Seller currently occupy this property?
24 If not, how long has it been since Seller occupied the property?
25 [X] [] 3. What year did the seller buy the property? 2011
26 3a. Do you have in your possession the original or a copy of the deed evidencing your ownership of the
27 property? If "yes," please attach a copy of it to this form.

29 ROOF

- 30 Yes No Unknown
31 [] [X] 4. Age of roof 2012
32 [] [X] 5. Has roof been replaced or repaired since seller bought the property?
33 [] [X] 6. Are you aware of any roof leaks?
34 7. Explain any "yes" answers that you give in this section:

37 ATTIC, BASEMENTS AND CRAWL SPACES (Complete only if applicable)

- 38 Yes No Unknown
39 [X] [] 8. Does the property have one or more sump pumps?
40 [] [X] 8a. Are there any problems with the operation of any sump pump?
41 [] [X] 9. Are you aware of any water leakage, accumulation or dampness within the basement or crawl spaces
42 or any other areas within any of the structures on the property?
43 [] [X] 9a. Are you aware of the presence of any mold or similar natural substance within the basement or crawl
44 spaces or any other areas within any of the structures on the property?
45 [] [X] 10. Are you aware of any repairs or other attempts to control any water or dampness problem in the
46 basement or crawl space? If "yes," describe the location, nature and date of the repairs:
47
48
49 [X] [] 11. Are you aware of any cracks or bulges in the basement floor or foundation walls? If "yes," specify
50 location. Crack in floor- unfinished mechanical area of basement



- 51 12. Are you aware of any restrictions on how the attic may be used as a result of the manner in which
- 52 the attic or roof was constructed?
- 53 13. Is the attic or house ventilated by: a whole house fan? an attic fan?
- 54 13a. Are you aware of any problems with the operation of such a fan?
- 55 14. In what manner is access to the attic space provided?
- 56 staircase pull down stairs crawl space with aid of ladder or other device
- 57 other Door on 2nd floor
- 58 15. Explain any "yes" answers that you give in this section:
- 59 **2 Broan Air Exchangers**
- 60 _____
- 61 _____

TERMITES/WOOD DESTROYING INSECTS, DRY ROT, PESTS

- 62 Yes No Unknown
- 63 16. Are you aware of any termites/wood destroying insects, dry rot, or pests affecting the property?
- 64 17. Are you aware of any damage to the property caused by termites/wood destroying insects, dry rot,
- 65 or pests?
- 66 18. If "yes," has work been performed to repair the damage?
- 67 19. Is your property under contract by a licensed pest control company? If "yes," state the name and
- 68 address of the licensed pest control company: _____
- 69 _____
- 70 20. Are you aware of any termite/pest control inspections or treatments performed on the property in
- 71 the past?
- 72 21. Explain any "yes" answers that you give in this section:
- 73 _____
- 74 _____
- 75
- 76

STRUCTURAL ITEMS

- 77 Yes No Unknown
- 78 22. Are you aware of any movement, shifting, or other problems with walls, floors, or foundations,
- 79 including any restrictions on how any space, other than the attic or roof, may be used as a result of
- 80 the manner in which it was constructed?
- 81 23. Are you aware if the property or any of the structures on it have ever been damaged by fire, smoke,
- 82 wind or flood?
- 83 24. Are you aware of any fire retardant plywood used in the construction?
- 84 25. Are you aware of any current or past problems with driveways, walkways, patios, sinkholes, or
- 85 retaining walls on the property?
- 86 26. Are you aware of any present or past efforts made to repair any problems with the items in this
- 87 section?
- 88 27. Explain any "yes" answers that you give in this section. Please describe the location and nature of the
- 89 problem.
- 90 _____
- 91 _____
- 92
- 93

ADDITIONS/REMODELS

- 94 Yes No Unknown
- 95 28. Are you aware of any additions, structural changes or other alterations to the structures on the
- 96 property made by any present or past owners?
- 97 29. Were the proper building permits and approvals obtained? Explain any "yes" answers you give in this
- 98 section:
- 99 _____
- 100 _____
- 101
- 102

PLUMBING, WATER AND SEWAGE

- 103 Yes No Unknown
- 104 30. What is the source of your drinking water?
- 105 Public Community System Well on Property Other (explain) _____
- 106 31. If your drinking water source is not public, have you performed any tests on the water?
- 107 If so, when? _____
- 108 Attach a copy of or describe the results.
- 109
- 110

- 111 32. Does the wastewater from any clothes washer, dishwasher, or other appliance discharge to any
 112 location other than the sewer, septic, or other system that services the rest of the property?
 113 33. When was well installed? _____
 114 Location of well? _____
 115 34. Do you have a softener, filter, or other water purification system? Leased Owned
 116 35. What is the type of sewage system?
 117 Public Sewer Private Sewer Septic System Cesspool Other (explain): _____
 118 36. If you answered "septic system," have you ever had the system inspected to confirm that it is a true
 119 septic system and not a cesspool?
 120 37. If Septic System, when was it installed? _____
 121 Location? _____
 122 38. When was the Septic System or Cesspool last cleaned and/or serviced? _____
 123 39. Are you aware of any abandoned Septic Systems or Cesspools on your property?
 124 39a. If "yes," is the closure in accordance with the municipality's ordinance? (explain):
 125 _____
 126 40. Are you aware of any leaks, backups, or other problems relating to any of the plumbing systems and
 127 fixtures (including pipes, sinks, tubs and showers), or of any other water or sewage related problems?
 128 If "yes," explain: _____
 129 _____
 130 41. Are you aware of any shut off, disconnected, or abandoned wells, underground water or sewage
 131 tanks, or dry wells on the property?
 132 42. Is either the private water or sewage system shared? If "yes," explain: _____
 133 _____
 134 43. Water Heater: Electric Fuel Oil Gas
 135 Age of Water Heater 2017
 136 43a. Are you aware of any problems with the water heater?
 137 44. Explain any "yes" answers that you give in this section:
 138 _____
 139 _____

141 **HEATING AND AIR CONDITIONING**

- 142 Yes No Unknown
 143 45. Type of Air Conditioning:
 144 Central one zone Central multiple zone Wall/Window Unit None
 145 46. List any areas of the house that are not air conditioned:
 146 _____
 147 47. What is the age of Air Conditioning System? 2012
 148 48. Type of heat: Electric Fuel Oil Natural Gas Propane Unheated Other
 149 49. What is the type of heating system? (for example, forced air, hot water or base board, radiator, steam
 150 heat) Forced Air
 151 50. If it is a centralized heating system, is it one zone or multiple zones?
 152 Centralized, multiple zones
 153 51. Age of furnace 2012 Date of last service: June, 2020
 154 52. List any areas of the house that are not heated:
 155 _____
 156 53. Are you aware of any tanks on the property, either above or underground, used to store fuel or other
 157 substances?
 158 54. If tank is not in use, do you have a closure certificate?
 159 55. Are you aware of any problems with any items in this section? If "yes," explain:
 160 _____
 161 _____

162 **WOODBURNING STOVE OR FIREPLACE**

- 163 Yes No Unknown
 164 56. Do you have wood burning stove? fireplace? insert? other
 165 56a. Is it presently usable?
 166 57. If you have a fireplace, when was the flue last cleaned? Gas burning- interior
 167 57a. Was the flue cleaned by a professional or non-professional? _____
 168 58. Have you obtained any required permits for any such item?
 169 59. Are you aware of any problems with any of these items? If "yes," please explain: _____
 170 _____

171 **ELECTRICAL SYSTEM**

172 Yes No Unknown

- 173 60. What type of wiring is in this structure? Copper Aluminum Other Unknown
- 174 61. What amp service does the property have? 60 100 150 200 Other Unknown
- 175 62. Does it have 240 volt service? Which are present Circuit Breakers, Fuses or Both?
- 176 63. Are you aware of any additions to the original service?
- 177 If "yes," were the additions done by a licensed electrician? Name and address:
- 178 _____
- 179 _____
- 180 64. If "yes," were proper building permits and approvals obtained?
- 181 65. Are you aware of any wall switches, light fixtures or electrical outlets in need of repair?
- 182 66. Explain any "yes" answers you give in this section:

183 **Amp service 300**

184 _____

185 _____

186 **LAND (SOILS, DRAINAGE AND BOUNDARIES)**

187 Yes No Unknown

- 188 67. Are you aware of any fill or expansive soil on the property?
- 189 68. Are you aware of any past or present mining operations in the area in which the property is located?
- 190 69. Is the property located in a flood hazard zone?
- 191 70. Are you aware of any drainage or flood problems affecting the property?
- 192 71. Are there any areas on the property which are designated as protected wetlands?
- 193 72. Are you aware of any encroachments, utility easements, boundary line disputes, or drainage or other easements affecting the property?
- 194
- 195 73. Are there any water retention basins on the property or the adjacent properties?
- 196 74. Are you aware if any part of the property is being claimed by the State of New Jersey as land presently or formerly covered by tidal water (Riparian claim or lease grant)? Explain:
- 197 _____
- 198 _____
- 199
- 200 75. Are you aware of any shared or common areas (for example, driveways, bridges, docks, walls, bulkheads, etc.) or maintenance agreements regarding the property?
- 201
- 202 76. Explain any "yes" answers to the preceding questions in this section:
- 203 **Area in southeast corner of lot verified by NJDEP as freshwater wetlands- Intermediate Resource**
- 204 _____
- 205 77. Do you have a survey of the property?
- 206 _____

207 **ENVIRONMENTAL HAZARDS**

208 Yes No Unknown

- 209 78. Have you received any written notification from any public agency or private concern informing you that the property is adversely affected, or may be adversely affected, by a condition that exists on a property in the vicinity of this property? If "yes," attach a copy of any such notice currently in your possession.
- 210
- 211
- 212 78a. Are you aware of any condition that exists on any property in the vicinity which adversely affects, or has been identified as possibly adversely affecting, the quality or safety of the air, soil, water, and/or physical structures present on this property? If "yes," explain:
- 213 _____
- 214 _____
- 215
- 216
- 217 79. Are you aware of any underground storage tanks (UST) or toxic substances now or previously present on this property or adjacent property (structure or soil), such as polychlorinated biphenyl (PCB), solvents, hydraulic fluid, petro-chemicals, hazardous wastes, pesticides, chromium, thorium, lead or other hazardous substances in the soil? If "yes," explain:
- 218 _____
- 219 _____
- 220
- 221
- 222
- 223 80. Are you aware if any underground storage tank has been tested?
- 224 (Attach a copy of each test report or closure certificate if available).
- 225 81. Are you aware if the property has been tested for the presence of any other toxic substances, such as lead-based paint, urea-formaldehyde foam insulation, asbestos-containing materials, or others?
- 226 (Attach copy of each test report if available).
- 227
- 228 82. If "yes" to any of the above, explain:
- 229 _____
- 230 _____

231 82a. If "yes" to any of the above, were any actions taken to correct the problem? Explain:

232 _____

233 _____

234 83. Is the property in a designated Airport Safety Zone?

235

236 **DEED RESTRICTIONS, SPECIAL DESIGNATIONS, HOMEOWNERS ASSOCIATION/CONDOMINIUMS**

237 **AND CO-OPS**

238 Yes No Unknown

239 84. Are you aware if the property is subject to any deed restrictions or other limitations on how it may
240 be used due to its being situated within a designated historic district, or a protected area like the
241 New Jersey Pinelands, or its being subject to similar legal authorities other than typical local zoning
242 ordinances?

243 85. Is the property part of a condominium or other common interest ownership plan?

244 85a. If so, is the property subject to any covenants, conditions, or restrictions as a result of its being part
245 of a condominium or other form of common interest ownership?

246 86. As the owner of the property, are you required to belong to a condominium association or homeowners
247 association, or other similar organization or property owners?

248 86a. If so, what is the Association's name and telephone number?

249 _____

250 86b. If so, are there any dues or assessments involved?

251 If "yes," how much? _____

252 87. Are you aware of any defect, damage, or problem with any common elements or common areas that
253 materially affects the property?

254 88. Are you aware of any condition or claim which may result in an increase in assessments or fees?

255 89. Since you purchased the property, have there been any changes to the rules or by-laws of the
256 Association that impact the property?

257 90. Explain any "yes" answers you give in this section:

258 _____

259 _____

260

261 **MISCELLANEOUS**

262 Yes No Unknown

263 91. Are you aware of any existing or threatened legal action affecting the property or any condominium
264 or homeowners association to which you, as an owner, belong?

265 92. Are you aware of any violations of Federal, State or local laws or regulations relating to this property?

266 93. Are you aware of any zoning violations, encroachments on adjacent properties, non-conforming
267 uses, or set-back violations relating to this property? If so, please state whether the condition is pre-
268 existing non-conformance to present day zoning or a violation to zoning and/or land use laws.

269 _____

270

271 94. Are you aware of any public improvement, condominium or homeowner association assessments
272 against the property that remain unpaid? Are you aware of any violations of zoning, housing,
273 building, safety or fire ordinances that remain uncorrected?

274 95. Are there mortgages, encumbrances or liens on this property?

275 95a. Are you aware of any reason, including a defect in title, that would prevent you from conveying
276 clear title?

277 96. Are you aware of any material defects to the property, dwelling, or fixtures which are not disclosed
278 elsewhere on this form? (A defect is "material," if a reasonable person would attach importance
279 to its existence or non-existence in deciding whether or how to proceed in the transaction.)
280 If "yes," explain: _____

281 _____

282 97. Other than water and sewer charges, utility and cable tv fees, your local property taxes, any special
283 assessments and any association dues or membership fees, are there any other fees that you pay on
284 an ongoing basis with respect to this property, such as garbage collection fees?

285 98. Explain any other "yes" answers you give in this section:

286 **Garbage Collection Fees**

287 _____

288 _____

289 _____

290 _____

291 RADON GAS Instructions to Owners

292 By law (N.J.S.A. 26:2D-73), a property owner who has had his or her property tested or treated for radon gas may require that information
 293 about such testing and treatment be kept confidential until the time that the owner and a buyer enter into a contract of sale, at which time
 294 a copy of the test results and evidence of any subsequent mitigation or treatment shall be provided to the buyer. The law also provides that
 295 owners may waive, in writing, this right of confidentiality. As the owner(s) of this property, do you wish to waive this right?

296 Yes No
 297 JK RJK
 298 (Initials) (Initials)

299
 300 If you responded "yes," answer the following questions. If you responded "no," proceed to the next section.

301
 302 Yes No Unknown
 303 99. Are you aware if the property has been tested for radon gas? (Attach a copy of each test report if
 304 available.)
 305 100. Are you aware if the property has been treated in an effort to mitigate the presence of radon gas?
 306 (If "yes," attach a copy of any evidence of such mitigation or treatment.)
 307 101. Is radon remediation equipment now present in the property?
 308 101a. If "yes," is such equipment in good working order?

311 MAJOR APPLIANCES AND OTHER ITEMS

312 The terms of any final contract executed by the seller shall be controlling as to what appliances or other items, if any, shall be included
 313 in the sale of the property. Which of the following items are present in the property? (For items that are not present, indicate "not
 314 applicable.")

315
 316 Yes No Unknown N/A
 317 102. Electric Garage Door Opener
 318 102a. If "yes," are they reversible? Number of Transmitters 3
 319 103. Smoke Detectors
 320 Battery Electric Both How many 22
 321 Carbon Monoxide Detectors How many 10
 322 Location Bedroom and mechanical rooms
 323 104. With regard to the above items, are you aware that any item is not in working order?
 324 104a. If "yes," identify each item that is not in working order or defective and explain the nature
 325 of the problem: _____
 326
 327
 328 105. In-ground pool Above-ground pool Pool Heater Spa/Hot Tub
 329 105a. Were proper permits and approvals obtained?
 330 105b. Are you aware of any leaks or other defects with the filter or the walls or other structural or
 331 mechanical components of the pool or spa/hot tub?
 332 105c. If an in-ground pool, are you aware of any water seeping behind the walls of the pool?
 333 106. Indicate which of the following may be included in the sale? (Indicate Y for yes N for no.)
 334 Refrigerator **All**
 335 Range
 336 Microwave Oven **2**
 337 Dishwasher **3**
 338 Trash Compactor
 339 Garbage Disposal **2**
 340 In-Ground Sprinkler System
 341 Central Vacuum System
 342 Security System
 343 Washer
 344 Dryer
 345 Intercom
 346 Other **Elan Home System, water softeners, filtration systems, 3 wall mounted tvs,**
 347 107. Of those that may be included, is each in working order?
 348 If "no," identify each item not in working order, explain the nature of the problem:
 349 _____
 350

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SOLAR PANEL SYSTEMS

By completing this section, Seller is acknowledging that the Property is serviced by a Solar Panel System, which means a system of solar panels designed to absorb the sunlight as a source of energy for generating electricity or heating, any and all inverters, net meter, wiring, roof supports and any other equipment pertaining to the Solar Panels (collectively, the "Solar Panel System"). This information may be used, among other purposes, to prepare a Solar Panel Addendum to be affixed to and made a part of a contract of sale for the Property.

Yes No Unknown

 108. When was the Solar Panel System Installed? _____

 109. Are SRECs available from the Solar Panel System?

 109a. If SRECs are available, when will the SRECs expire? _____

 110. Is there any storage capacity on your Property for the Solar Panel System?

 111. Are you aware of any defects in or damage to any component of the Solar Panel System? If yes, explain: _____

112. Choose one of the following three options:

 112a. The Solar Panel System is financed under a power purchase agreement or other type of financing arrangement which requires me/us to make periodic payments to a Solar Panel System provider in order to acquire ownership of the Solar Panel System ("PPA")? If yes, proceed to **Section A** below.

 112b. The Solar Panel System is the subject of a lease agreement. If yes, proceed to **Section B** below.

 112c. I/we own the Solar Panel System outright. If yes, you do not have to answer any further questions.

SECTION A - THE SOLAR PANEL SYSTEM IS SUBJECT TO A PPA

 113. What is the current periodic payment amount? \$ _____

 114. What is the frequency of the periodic payments (check one)? Monthly Quarterly

 115. What is the expiration date of the PPA, which is when you will become the owner of the Solar Panel System? _____ ("PPA Expiration Date")

 116. Is there a balloon payment that will become due on or before the PPA Expiration Date?

 117. If there is a balloon payment, what is the amount? \$ _____

118. Choose one of the following three options:

 118a. Buyer will assume my/our obligations under the PPA at Closing.

 118b. I/we will pay off or otherwise obtain cancellation of the PPA as of the Closing so that the Solar Panel System can be included in the sale free and clear.

 118c. I/we will remove the Solar Panel System from the Property and pay off or otherwise obtain cancellation of the PPA as of the Closing.

SECTION B - THE SOLAR PANEL SYSTEM IS SUBJECT TO A LEASE

 119. What is the current periodic lease payment amount? \$ _____

 120. What is the frequency of the periodic lease payments (check one)? Monthly Quarterly

 121. What is the expiration date of the lease? _____

122. Choose one of the following two options:

 122a. Buyer will assume our obligations under the lease at Closing.

 122b. I/we will obtain an early termination of the lease and will remove the Solar Panel System prior to Closing.

ACKNOWLEDGMENT OF SELLER

The undersigned Seller affirms that the information set forth in this Disclosure Statement is accurate and complete to the best of Seller's knowledge, but is not a warranty as to the condition of the Property. Seller hereby authorizes the real estate brokerage firm representing or assisting the seller to provide this Disclosure Statement to all prospective buyers of the Property, and to other real estate agents. Seller alone is the source of all information contained in this statement. If the Seller relied upon any credible representations of another, the Seller should state the name(s) of the person(s) who made the representation(s) and describe the information that was relied upon.

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John A Kelly

9/21/2020

SELLER

DATE

Robyn R Kelly

9/27/2020

SELLER

DATE

SELLER

DATE

SELLER

DATE

EXECUTOR, ADMINISTRATOR, TRUSTEE

(If applicable) The undersigned has never occupied the property and lacks the personal knowledge necessary to complete this Disclosure Statement.

DATE

DATE

RECEIPT AND ACKNOWLEDGMENT BY PROSPECTIVE BUYER

The undersigned Prospective Buyer acknowledges receipt of this Disclosure Statement prior to signing a Contract of Sale pertaining to this Property. Prospective Buyer acknowledges that this Disclosure Statement is not a warranty by Seller and that it is Prospective Buyer's responsibility to satisfy himself or herself as to the condition of the Property. Prospective Buyer acknowledges that the Property may be inspected by qualified professionals, at Prospective Buyer's expense, to determine the actual condition of the Property. Prospective Buyer further acknowledges that this form is intended to provide information relating to the condition of the land, structures, major systems and amenities, if any, included in the sale. This form does not address local conditions which may affect a purchaser's use and enjoyment of the property such as noise, odors, traffic volume, etc. Prospective Buyer acknowledges that they may independently investigate such local conditions before entering into a binding contract to purchase the property. Prospective Buyer acknowledges that he or she understands that the visual inspection performed by the Seller's real estate broker/broker-salesperson/salesperson does not constitute a professional home inspection as performed by a licensed home inspector.

PROSPECTIVE BUYER

DATE

PROSPECTIVE BUYER

DATE

PROSPECTIVE BUYER

DATE

PROSPECTIVE BUYER

DATE

471 **ACKNOWLEDGMENT OF REAL ESTATE BROKER/BROKER-SALESPERSON/SALESPERSON**

472 The undersigned Seller's real estate broker/broker-salesperson/salesperson acknowledges receipt of the Property Disclosure Statement
473 form and that the information contained in the form was provided by the Seller.

474 The Seller's real estate broker/broker-salesperson/salesperson also confirms that he or she visually inspected the property with reasonable
475 diligence to ascertain the accuracy of the information disclosed by the seller, prior to providing a copy of the property disclosure statement
476 to the buyer.

477 The Prospective Buyer's real estate broker/broker-salesperson/salesperson also acknowledges receipt of the Property Disclosure Statement
478 form for the purpose of providing it to the Prospective Buyer.

479 DocuSigned by:
480 *Sue Adler*

481 _____ DATE
482 SELLER'S REAL ESTATE BROKER/
483 BROKER-SALESPERSON/SALESPERSON:

484 _____
485 PROSPECTIVE BUYER'S REAL ESTATE BROKER/
486 BROKER-SALESPERSON/SALESPERSON: DATE

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DISCLOSURE OF ITEMS TO BE EXCLUDED

The following items at 1249 PROSPECT ST WESTFIELD, NJ 07090 are to be excluded from the sale of the property:

NA

Multiple horizontal lines for listing excluded items.

Acknowledged by:

Seller: Robyn R Kelly. 9/21/2020 (date) Seller: John A Kelly. 9/21/2020 (date)

Buyer: _____ (date) Buyer: _____ (date)

