



# SELLER'S PROPERTY CONDITION DISCLOSURE STATEMENT

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Property Address: 245 Montrose Avenue

South Orange

07079

Seller: Garfield Johnson

Jean Johnson

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.

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.

## OCCUPANCY

Yes No Unknown

☐

1. Age of House, if known Built 1923

☒

2. Does the Seller currently occupy this property?

If not, how long has it been since Seller occupied the property? \_\_\_\_\_

☐

3. What year did the seller buy the property? 1993

3a. Do you have in your possession the original or a copy of the deed evidencing your ownership of the property? If "yes," please attach a copy of it to this form.

## ROOF

Yes No Unknown

☒

4. Age of roof \_\_\_\_\_

☒

5. Has roof been replaced or repaired since seller bought the property?

☐

6. Are you aware of any roof leaks?

7. Explain any "yes" answers that you give in this section: To maintain life of roof it requires ongoing regular maintenance at least bi-annually or annually.

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

Yes No Unknown

☐

8. Does the property have one or more sump pumps?

☐

8a. Are there any problems with the operation of any sump pump?

☒

9. Are you aware of any water leakage, accumulation or dampness within the basement or crawl spaces or any other areas within any of the structures on the property?

☐

9a. Are you aware of the presence of any mold or similar natural substance within the basement or crawl spaces or any other areas within any of the structures on the property?

☒

10. Are you aware of any repairs or other attempts to control any water or dampness problem in the basement or crawl space? If "yes," describe the location, nature and date of the repairs:  
we water proofed the basement walls in Jul/Aug 2021 after first  
doing it about 20 plus years ago.

☐

11. Are you aware of any cracks or bulges in the basement floor or foundation walls? If "yes," specify location. \_\_\_\_\_



- 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 access from third floor hallway  
 58 15. Explain any "yes" answers that you give in this section:  
 59 Crawl space under the family room has a leak near the exterior;  
 60 being investigated

**TERMITES/WOOD DESTROYING INSECTS, DRY ROT, PESTS**

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 \_\_\_\_\_  
 71 ☐ ☒ 20. Are you aware of any termite/pest control inspections or treatments performed on the property in  
 72 the past?  
 73 21. Explain any "yes" answers that you give in this section:  
 74 \_\_\_\_\_  
 75 \_\_\_\_\_  
 76 \_\_\_\_\_

**STRUCTURAL ITEMS**

Yes No Unknown

- 77 ☐ ☒ 22. Are you aware of any movement, shifting, or other problems with walls, floors, or foundations,  
 78 including any restrictions on how any space, other than the attic or roof, may be used as a result of  
 79 the manner in which it was constructed?  
 80 ☐ ☒ 23. Are you aware if the property or any of the structures on it have ever been damaged by fire, smoke,  
 81 wind or flood?  
 82 ☐ ☒ 24. Are you aware of any fire retardant plywood used in the construction?  
 83 ☐ ☒ 25. Are you aware of any current or past problems with driveways, walkways, patios, sinkholes, or  
 84 retaining walls on the property?  
 85 ☐ ☒ 26. Are you aware of any present or past efforts made to repair any problems with the items in this  
 86 section?  
 87 27. Explain any "yes" answers that you give in this section. Please describe the location and nature of the  
 88 problem.  
 89 \_\_\_\_\_  
 90 \_\_\_\_\_  
 91 \_\_\_\_\_  
 92 \_\_\_\_\_  
 93 \_\_\_\_\_

**ADDITIONS/REMODELS**

Yes No Unknown

- 94 ☒ ☐ 28. Are you aware of any additions, structural changes or other alterations to the structures on the  
 95 property made by any present or past owners?  
 96 ☐ ☐ ☒ 29. Were the proper building permits and approvals obtained? Explain any "yes" answers you give in this  
 97 section:  
 98 The family room was added to the original structure many years  
 99 before we purchased this home.

**PLUMBING, WATER AND SEWAGE**

Yes No Unknown

- 100 ☐ ☐ 30. What is the source of your drinking water?  
 101 ☒ Public ☐ Community System ☐ Well on Property ☐ Other (explain) \_\_\_\_\_  
 102 ☐ ☐ 31. If your drinking water source is not public, have you performed any tests on the water?  
 103 If so, when? \_\_\_\_\_  
 104 Attach a copy of or describe the results.  
 105 \_\_\_\_\_  
 106 \_\_\_\_\_  
 107 \_\_\_\_\_  
 108 \_\_\_\_\_  
 109 \_\_\_\_\_  
 110 \_\_\_\_\_

111	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	32. Does the wastewater from any clothes washer, dishwasher, or other appliance discharge to any location other than the sewer, septic, or other system that services the rest of the property?
112				
113			<input type="checkbox"/>	33. When was well installed? _____
114			<input type="checkbox"/>	Location of well? _____
115	<input checked="" type="checkbox"/>	<input type="checkbox"/>		34. Do you have a softener, filter, or other water purification system? <input type="checkbox"/> Leased <input checked="" type="checkbox"/> Owned
116				35. What is the type of sewage system?
117				<input checked="" type="checkbox"/> Public Sewer <input type="checkbox"/> Private Sewer <input type="checkbox"/> Septic System <input type="checkbox"/> Cesspool <input type="checkbox"/> Other (explain): _____
118	<input type="checkbox"/>	<input type="checkbox"/>		36. If you answered "septic system," have you ever had the system inspected to confirm that it is a true septic system and not a cesspool?
119				
120			<input type="checkbox"/>	37. If Septic System, when was it installed? _____
121				Location? _____
122			<input type="checkbox"/>	38. When was the Septic System or Cesspool last cleaned and/or serviced? _____
123	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	39. Are you aware of any abandoned Septic Systems or Cesspools on your property?
124	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	39a. If "yes," is the closure in accordance with the municipality's ordinance? (explain): _____
125				
126	<input type="checkbox"/>	<input checked="" type="checkbox"/>		40. Are you aware of any leaks, backups, or other problems relating to any of the plumbing systems and fixtures (including pipes, sinks, tubs and showers), or of any other water or sewage related problems?
127				If "yes," explain: _____
128				
129				
130	<input type="checkbox"/>	<input checked="" type="checkbox"/>		41. Are you aware of any shut off, disconnected, or abandoned wells, underground water or sewage tanks, or dry wells on the property?
131				
132	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	42. Is either the private water or sewage system shared? If "yes," explain: _____
133				
134				43. Water Heater: <input type="checkbox"/> Electric <input type="checkbox"/> Fuel Oil <input checked="" type="checkbox"/> Gas
135			<input type="checkbox"/>	Age of Water Heater <u>4 years</u>
136	<input type="checkbox"/>	<input checked="" type="checkbox"/>		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				_____

**HEATING AND AIR CONDITIONING**

Yes No Unknown

143				45. Type of Air Conditioning:
144				<input type="checkbox"/> Central one zone <input checked="" type="checkbox"/> Central multiple zone <input type="checkbox"/> Wall/Window Unit <input type="checkbox"/> None
145				46. List any areas of the house that are not air conditioned:
146				<u>Third floor and basement areas</u>
147			<input type="checkbox"/>	47. What is the age of Air Conditioning System? <u>25 years</u>
148				48. Type of heat: <input type="checkbox"/> Electric <input type="checkbox"/> Fuel Oil <input checked="" type="checkbox"/> Natural Gas <input type="checkbox"/> Propane <input type="checkbox"/> Unheated <input type="checkbox"/> Other
149				49. What is the type of heating system? (for example, forced air, hot water or base board, radiator, steam heat) <u>Radiator (steam)</u>
150				
151				50. If it is a centralized heating system, is it one zone or multiple zones?
152				<u>Yes, 1 zone with 1 room separately heated by cir pump/baseboard</u>
153			<input type="checkbox"/>	51. Age of furnace <u>11-to-12 years</u> Date of last service: <u>10/31/20</u>
154				52. List any areas of the house that are not heated:
155				<u>Attic</u>
156	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	53. Are you aware of any tanks on the property, either above or underground, used to store fuel or other substances?
157				
158	<input type="checkbox"/>	<input type="checkbox"/>		54. If tank is not in use, do you have a closure certificate?
159	<input type="checkbox"/>	<input checked="" type="checkbox"/>		55. Are you aware of any problems with any items in this section? If "yes," explain:
160				<u>Tank removed in 2010; NFA letter attached</u>

**WOODBURNING STOVE OR FIREPLACE**

Yes No Unknown

163				
164	<input checked="" type="checkbox"/>	<input type="checkbox"/>		56. Do you have <input type="checkbox"/> wood burning stove? <input checked="" type="checkbox"/> fireplace? <input type="checkbox"/> insert? <input type="checkbox"/> other
165	<input checked="" type="checkbox"/>	<input type="checkbox"/>		56a. Is it presently usable?
166	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	57. If you have a fireplace, when was the flue last cleaned? _____
167	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	57a. Was the flue cleaned by a professional or non-professional? _____
168	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	58. Have you obtained any required permits for any such item?
169	<input type="checkbox"/>	<input checked="" type="checkbox"/>		59. Are you aware of any problems with any of these items? If "yes," please explain: _____
170				<u>converted to natural gas (year); fireplaces, chimneys and all components convey in AS-IS condition, with no known issues.</u>

**ELECTRICAL SYSTEM**

Yes	No	Unknown
-----	----	---------

60. What type of wiring is in this structure? ☐ Copper ☐ Aluminum ☐ Other ☒ Unknown61. What amp service does the property have? ☐ 60 ☐ 100 ☐ 150 ☐ 200 ☐ Other ☒ Unknown62. Does it have 240 volt service? Which are present ☒ Circuit Breakers, ☐ Fuses or ☐ Both?☒☐☐

63. Are you aware of any additions to the original service?

If "yes," were the additions done by a licensed electrician? Name and address:

**Yes, Stacey Electric**☒☐☐

64. If "yes," were proper building permits and approvals obtained?

☐☒

65. Are you aware of any wall switches, light fixtures or electrical outlets in need of repair?

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

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

Yes	No	Unknown
-----	----	---------

☐☒

67. Are you aware of any fill or expansive soil on the property?

☐☒

68. Are you aware of any past or present mining operations in the area in which the property is located?

☐☒

69. Is the property located in a flood hazard zone?

☐☒

70. Are you aware of any drainage or flood problems affecting the property?

☐☒☐

71. Are there any areas on the property which are designated as protected wetlands?

☐☒

72. Are you aware of any encroachments, utility easements, boundary line disputes, or drainage or other easements affecting the property?

☐☒

73. Are there any water retention basins on the property or the adjacent properties?

☐☒

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:

☐☒

75. Are you aware of any shared or common areas (for example, driveways, bridges, docks, walls, bulkheads, etc.) or maintenance agreements regarding the property?

76. Explain any "yes" answers to the preceding questions in this section:

☒☐

77. Do you have a survey of the property?

**ENVIRONMENTAL HAZARDS**

Yes	No	Unknown
-----	----	---------

☐☒

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.

☐☒

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:

☐☒

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:

☐☒80. Are you aware if any underground storage tank has been tested?  
(Attach a copy of each test report or closure certificate if available).☐☒☐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?  
(Attach copy of each test report if available).

82. If "yes" to any of the above, explain:

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

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

# **DEED RESTRICTIONS, SPECIAL DESIGNATIONS, HOMEOWNERS ASSOCIATION/CONDOMINIUMS AND CO-OPS**

Yes No Unknown

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

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

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

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

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

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

If "yes," how much?

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

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

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

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

## **MISCELLANEOUS**

Yes No Unknown

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

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

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

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

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

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

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

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

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


Garbage collection


95. Mortgage

**RADON GAS Instructions to Owners**

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 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 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 owners may waive, in writing, this right of confidentiality. As the owner(s) of this property, do you wish to waive this right?

Yes No  
☐ ☒

<sup>DS</sup>  
  
 (Initials)

<sup>DS</sup>  
  
 (Initials)

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

Yes No Unknown  
☐ ☐ ☐

99. Are you aware if the property has been tested for radon gas? (Attach a copy of each test report if available.)

☐ ☐

100. Are you aware if the property has been treated in an effort to mitigate the presence of radon gas? (If "yes," attach a copy of any evidence of such mitigation or treatment.)

☐ ☐

101. Is radon remediation equipment now present in the property?

☐ ☐

101a. If "yes," is such equipment in good working order?

**MAJOR APPLIANCES AND OTHER ITEMS**

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 in the sale of the property. Which of the following items are present in the property? (For items that are not present, indicate "not applicable.")

Yes No Unknown N/A

☒ ☐ ☐ ☐ 102. Electric Garage Door Opener

☒ ☐ ☐ ☐ 102a. If "yes," are they reversible? Number of Transmitters 3

☒ ☐ ☐ ☐ 103. Smoke Detectors

☐ Battery ☐ Electric ☒ Both How many 10

☒ Carbon Monoxide Detectors How many 3

Location 1 on each floor (per state and local requirement)

☐ ☒ ☐ ☐ 104. With regard to the above items, are you aware that any item is not in working order?

104a. If "yes," identify each item that is not in working order or defective and explain the nature of the problem: \_\_\_\_\_

☐ ☒ ☐ ☐ 105. ☐ In-ground pool ☐ Above-ground pool ☐ Pool Heater ☐ Spa/Hot Tub

☐ ☐ ☐ ☒ 105a. Were proper permits and approvals obtained?

☐ ☐ ☐ ☒ 105b. Are you aware of any leaks or other defects with the filter or the walls or other structural or mechanical components of the pool or spa/hot tub?

☐ ☐ ☐ ☒ 105c. If an in-ground pool, are you aware of any water seeping behind the walls of the pool?

106. Indicate which of the following may be included in the sale? (Indicate Y for yes N for no.)

☒ Refrigerator

☒ Range

☒ Microwave Oven

☒ Dishwasher

☐ Trash Compactor

☒ Garbage Disposal

☒ In-Ground Sprinkler System

☐ Central Vacuum System

☒ Security System

☒ Washer

☒ Dryer

☐ Intercom

☒ Other [see Additional Disclosure, attached]

☒ ☐ ☐ 107. Of those that may be included, is each in working order?

If "no," identify each item not in working order, explain the nature of the problem: \_\_\_\_\_



**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.

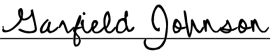
☐

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.

DocuSigned by:



9/12/2021 | 8:44 PM PDT

SELLER

02845C357B6B4AD...

DATE

DocuSigned by:



9/22/2021 | 4:20 PM PDT

SELLER

02845C357B6B4AD...

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



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

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

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

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

*Susan Adler*

9/23/2021 | 9:47 AM EDT

SELLER'S REAL ESTATE BROKER/  
BROKER-SALESPERSON/SALESPERSON:

DATE

PROSPECTIVE BUYER'S REAL ESTATE BROKER/  
BROKER-SALESPERSON/SALESPERSON:

DATE



**ADDITIONAL DISCLOSURE re:** 245 Montrose Ave., South Orange NJ 07079

The following items are to be INCLUDED in the sale:

All lighting fixtures and sconces, double oven, instant hot, all widow treatments, wall mirror in master bathroom, master bedroom built-in closets, front exterior planters, roof tiles

The following items are to be EXCLUDED from the sale:

Household furniture, art, tools, basement exercise equipment, snow thrower, landscaping/garden equipment

The following items are to convey in strictly AS-IS condition:

- fireplaces, chimneys and associated components, including cover and gas logs
- central air conditioning
- attic fan
- den under-counter refrigerator
- den air conditioning/heating unit

Acknowledged by:

Seller: DocuSigned by: Garfield Johnson 9/12/2021 | 8:44 PM PDT Buyer: \_\_\_\_\_  
02845C357B6B4AD... (date) (date)

Seller: DocuSigned by: Jean Johnson 9/22/2021 | 4:20 PM PDT Buyer: \_\_\_\_\_  
02845C357B6B4AD... (date) (date)

# ***APEX GROUP, INC.***

**Engineers, Construction / Real Estate Consultants**

Construction – Construction Management

Construction Inspections

Structural Engineering Inspections of Homes / Commercial Buildings

**August 7, 2020**

## **STRUCTURAL ENGINEERING INSPECTION REPORT**

at

**245 Montrose Ave  
South Orange, New Jersey**

for

**Jean & Garfield Johnson**  
245 Montrose Ave  
South Orange, New Jersey, 07079

***P.O. Box 4630, Warren, New Jersey, 07059***  
***Tel: 732-302-9866 \* Fax: 732-302-9867***  
***Email: [apexgroup321@gmail.com](mailto:apexgroup321@gmail.com) : [www.harrybraich.com](http://www.harrybraich.com)***

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Page 1 of 5

## **Garfield & Jean Johnson**

245 Montrose Ave

South Orange, New Jersey, 07079

Re: Structural Engineering Inspection / Report @ 245 Montrose Ave, S. Orange, NJ

Dear Jean / Garfield,

In reference to your request for a Structural Engineering Inspection at the afore-cited house to check upon its general structural adequacy in view of the sloped floors, I made the inspection and the following constitutes the Report for the same:

### **1. SCOPE OF INSPECTION / REVIEW**

1.1 The inspection was done on Friday, July 31, 2020 and Friday, August 7, 2020.

1.2 The Inspection was limited to the non-invasive evaluation of the visible and accessible structural components at the afore-mentioned house to check upon its general structural adequacy in view of the above items. There can be some structural deficiency in hidden structural components which cannot be inspected due to being hidden or inaccessible.

1.3 No other aspect or design check or any environmental aspect or any code compliance check was part of this Inspection. Anything else that may be mentioned herein, is incidental. Our maximum liability is the fee paid by you to us. This Report is not a guarantee or warranty, explicit or implied.

***P.O. Box 4630, Warren, New Jersey, 07059***

***Tel: 732-302-9866 \* Fax: 732-302-9867***

***Email: [apexgroup321@gmail.com](mailto:apexgroup321@gmail.com) : [www.harrybraich.com](http://www.harrybraich.com)***

## **2. GENERAL OVERVIEW**

- 2.1 It is some 100 years or so old, three story house with basement and a detached garage.
- 2.2 The house foundation walls are of miscellaneous masonry and the floor is of poured concrete.
- 2.3 The first floor framing as seen from the basement is 2x10 joists @ 16" c/c supported over center beams and basement walls. The center beams, in turn, are supported over steel lally columns and basement walls.
- 2.4 The siding is brick.
- 2.5 The roof is gable.
- 2.6 The lot has a gentle slope.

## **3. OBSERVATIONS / CONCLUSIONS:**

The following noteworthy observations were made. Based on these inspection observations, the collected data and the analysis, with reasonable engineering certainty, the following conclusions were reached thereof:

- 3.1 The house, in general, is constructed of usual masonry and wood construction:
  - 3.1.1 The house seems to be, in general, in structurally reasonable condition consistent with its age.
  - 3.1.2 The house seems to have been maintained reasonably well.
  - 3.1.3 Due to the finished areas, the inspection was somewhat limited.
  - 3.1.4 The house is old and may not meet current codes in some respect.
  - 3.1.5 The construction of the house in general is good.

3.1.6 There is no settlement of the foundations.

3.1.7 The lally columns do not show any settlement as well.

3.1.8 Hence, there are no cracks in the foundation walls.

3.1.9 The beam and joists wherever are visible: in the first floor as looked from the basement and the roof framing at the attic, are in good shape showing no unusual sags or other structurally adverse conditions.

3.1.10 There is no dip in the roof showing no sags in the rafters.

3.1.11 There is very little, if any moisture in the basement.

3.1.12 There are no un-usual cracks or other adverse conditions in the interior finishes.

3.1.13 Hence, the basic and fundamental structural of the house is structurally adequate and sound.

### 3.2 There slope at floors:

3.2.1 Then bumps are at numerous places.

3.2.2 The slope and bumps are not any safety issue.

3.2.3 There is no un-usual moisture penetration into the house basement.

3.2.4 Hence, the wood is in safe place without requiring any protective measures.

### 3.3 Both, the slope and the bumps are due to non-concentric bearing walls: walls from one floor not being concentric to the other floor:

3.3.1 This causes acentric load on the joists and beams.

3.3.2 This in turn causes sags and slopes in the joists and beams



3.4 A structural analysis shows that the structural components have not suffered any structurally adverse conditions due to these acentric loads:

3.4.1 Thus the house structural integrity has not suffered adversely due to this phenomenon.

3.4.2 Any after effect of this phenomenon like some gaps at the molding or nooks and gaps at the floor are of no structural significance.

3.4.3 No structural components has suffered and structural failure.

3.4.4 And, there is no reason that any such structural failure will occur in future: the structural components are structurally adequate and sound.

3.4.5 Hence, no structural repairs / remedial measures are needed and none are being suggested.

3.5 The slope and bumps in the floors can be smoothened out by re-finishing the floors, if so desired.

3.6 There is slope in the kitchen floor as well:

3.6.1 Further, some floor tiles are loose.

3.6.2 Some of this may be due to the above phenomenon. However, it is most likely due to some moisture penetration under the tiles.

3.6.3 This can happen due to some pipe leak.

3.6.4 The condensation on the cold water pipes for a long continued time can deteriorate the wood and loosen some adhesive holding the tiles, is most likely the reason for it.

3.6.5 This is maintenance issue and should be looked into by a plumber: wrapping pipes that are under the floor with insulation and re-installing tiles should take care of this aspect.

**Hence, this is to state and affirm with reasonable engineering Inspection and analysis that,**

- **The house seems to be, in general, in structurally adequate and sound condition,**
- **There are slope and bumps in the floors,**
- **These are due to non-concentric loads from one floor to the other,**
- **These are not structurally significant to any extent,**
- **There are no safety issues involved,**
- **The slope and the bumps are of cosmetic significance only,**
- **Hence, no structural repairs / remedial measures are needed.**

Of course, the continued structural adequacy of the house structure requires regular and proper maintenance.

Should you have any question, please do not hesitate to let the undersigned know. In the meanwhile, best wishes.

Thanks.

Sincerely,

Harry (aka Harbhajan) S. Braich, P.E.

*Professional Engineer* / President: Apex Group, Inc.

NJ P.E. License Number: G 22201

Certificate of Authority: 24GA27915300



## State of New Jersey

CHRIS CHRISTIE  
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BOB MARTIN  
Acting Commissioner

KIM GUADAGNO  
Lt. Governor

Unregulated Heating Oil Tank Program  
401 East State Street, 6th floor  
P.O. Box 028  
Trenton, NJ 08625-0028  
Phone #: 609-292-1251  
Fax #: 609-777-1914

February 9, 2010

Garfield & Jean Johnson  
245 Montrose Avenue  
South Orange, NJ 07079

Re: Area of Concern: One 1000-gallon #2 Heating Oil Underground Storage Tank System  
Unrestricted Use - No Further Action Letter and Covenant Not to Sue  
Block 506, Lot 10  
245 Montrose Avenue  
South Orange, Essex County  
Program Interest #: 516910, Activity Number: CSP100001  
Communications Center Number: 09-04-17-1111-15

Dear Mr. and Mrs. Johnson

Pursuant to N.J.S.A. 58:10B-13.1 and N.J.A.C. 7:26C, the New Jersey Department of Environmental Protection (Department) makes a determination that no further action is necessary for the remediation of the area of concern specifically referenced above, except as noted below, so long as you did not withhold any information from the Department. This action is based upon information in the Department's case file and your final certified report dated January 22, 2010. In issuing this No Further Action Determination and Covenant Not to Sue, the Department has relied upon the certified representations and information provided to the Department.

By issuance of this No Further Action Determination, the Department acknowledges the completion of a Remedial Investigation and Remedial Action pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E) for the area of concern specifically referenced above and no other areas.

### NO FURTHER ACTION CONDITIONS

As a condition of this No Further Action Determination pursuant to N.J.S.A. 58:10B-12o, you and any other person who was liable for the cleanup and removal costs, and remains liable pursuant to the Spill Act, shall inform the Department in writing within 14 calendar days whenever your name or address changes. Any notices submitted pursuant to this paragraph shall reference the above case numbers and shall be sent to: Site Remediation Program, P.O. Box 28, Trenton, NJ 08625.

### COVENANT NOT TO SUE

The Department issues this Covenant Not to Sue (Covenant) pursuant to N.J.S.A. 58:10B-13.1. That statute requires a Covenant not to sue with each no further action letter. However, in accordance with N.J.S.A. 58:10B-13.1, nothing in this Covenant shall benefit any person who is liable, pursuant to the Spill Compensation and Control Act (Spill Act), N.J.S.A. 58:10-23.11, for cleanup and removal costs and the Department makes no representation by the issuance of this Covenant, either express or implied, as to the Spill Act liability of any person.

The Department covenants, except as provided in the preceding paragraph, that it will not bring any civil action against:

- (a) the person who undertook the remediation;
- (b) subsequent owners of the subject property;
- (c) subsequent lessees of the subject property; and
- (d) subsequent operators at the subject property;

for the purposes of requiring remediation to address contamination which existed prior to the date of the final certified report [Remedial Action Report dated January 22, 2010] for the real property at the area of concern identified above, payment of compensation for damages to, or loss of, natural resources, for the restoration of natural resources in connection with the discharge on the property, or payment of cleanup and removal costs for such additional remediation.

Pursuant to N.J.S.A. 58:10B-13.1d, this Covenant does not relieve any person from the obligation to comply in the future with laws and regulations. The Department reserves its right to take all appropriate enforcement for any failure to do so.

The Department may revoke this Covenant at any time after providing notice upon its determination that any person with the legal obligation to comply with any condition in this No Further Action Determination has failed to do so.

This Covenant, which the Department has executed in duplicate, shall take effect immediately once the person who undertook the remediation has signed and dated the Covenant in the lines supplied below and the Department has received one copy of this document bearing original signatures of the Department and the person who undertook the remediation.

**Garfield & Jean Johnson**

Signature: Garfield Johnson + Jean Y. Johnson

Title: Property Owners

Dated: 2-24-10

**NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

By: Kenneth J. Klop

Signature: [Signature]

Title: Administrator, Office of Brownfield Reuse

Dated: Feb 9, 2010

Thank you for your attention to these matters. If you have any questions, please contact Gary Sanderson, Program Coordinator, at (609) 633-0544.

Sincerely,

[Signature]  
Kenneth J. Klop, Administrator  
Office of Brownfield Reuse

- c: Municipal Clerk, South Orange  
John Festa, South Orange Board Of Health  
Michael Festa, Essex County Department of Health  
Diane Mento, Able Sanitary And Construction Services  
Gary Sanderson, NJDEP/OBR/Unregulated Heating Oil Tank Program



# Polarized Light Microscopy Analytical Report

**NJDEP #: 20045**

<b>Client :</b> Aislinn Cholet <b>Address:</b> 127 Main Street, Chatham NJ 07928 <b>Phone:</b> (917) 202-3779 <b>Email:</b> aislinn@sueadler.com			<b>Samples Analyzed:</b> 1 <b>NOB</b> : 0 <b>Friable</b> : 1 <b>NOB Split</b> : 0 <b>Friable Split</b> : 0 <b>Stop</b> : 0 <b>Job Site :</b> 245 Montrose Avenue, South Orange, NJ 07079		<b>ReportID:</b> RP211001010 <b>Lab ID:</b> 210928027 <b>Sampled:</b> 09/28/2021 <b>Received:</b> 09/28/2021 <b>Analyzed:</b> 10/01/2021 <b>Reported:</b> 10/01/2021
Client Sample ID	Sample Lab ID	Asbestos % Type(s)	Other Data % Non-Asbestos Fibers /Other	NOB	Sample Description Location
01	01	No Asbestos Detected	11% Cellulose 89% Other Non-Fibrous	NO	Gray Sheetrock Basement

**Aislinn Cholet collected the sample(s) above.**

**Lab Manager:**

Print Name: Rick Eustaquio

**Analyst:**

Print Name: Beidi He

The analyses above were performed in accordance with EPA Method 600/R-93/116 or NYSDOH ELAP 198.6 for the determination of asbestos in bulk building materials by polarized light microscopy (PLM). Please note that while PLM analysis is commonly performed on non-friable and fine grained materials such as floor tiles and dust, the EPA method recognizes that PLM is subject to limitations. In these situations, accurate results may only be obtainable through the use of more sophisticated and accurate techniques such as transmission electron microscopy (TEM) or X-ray diffraction (XRD). Intra-laboratory Sr values: Chrysotile=0.29; Amosite=0.17; Crocidolite=0.01; Anthophyllite=0.02; Actinolite=0.01; Tremolite=0.01. This report related only to the samples reported above. The above report may not be reproduced, except in full, without written approval by IRIS Environmental Laboratories, Inc. The Analysis performed by IRIS Environmental Laboratories, Union, New Jersey. NJ DEP#: 20045 NIOSH PAT #:173498 ELAP# 12078 NVLAP# 600211

**Iris Environmental Laboratories, Inc.**  
**2333 Route 22 West, Union, NJ 07083**  
**Phone: (908) 206-0073**





## DROP-OFF ASBESTOS CHAIN-OF-CUSTODY

No.

00714

<b>Sample collector name / Client name</b> Aislinn Cholet <b>Please provide your E-mail</b> aislinn@sueadler.com <b>Please provide your Phone #</b> 9172023779 <b>Date of Sample Collection</b> 09/28/2021	<b>Address</b> 127 Main Street <b>City</b> Chatham <b>State</b> NJ <b>Zip</b> 07928	<b>Job Site Address</b> 245 Montrose Avenue <b>City</b> South Orange <b>State</b> NJ <b>Zip</b> 07079
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## Sample Details

How fast do you want your results?

Standard 3 business days \$75 plus \$25 any additional sample

<b>Nature of Ownership</b> Residential <b>Client Profile</b> Contractor <b>Nature of the Job</b> Renovation	<b>Type of building</b> House	<input type="checkbox"/> MARK IF PAID
--	----------------------------------	---------------------------------------

## Sample Details

Sample #	Sample Location	Sample Location2	Sample description	Image	Color/comment
1	Basement	Basement	Plaster/ wall joints		White

Additional comments

## Summary

Where did you hear from us?

Returning Client

Created By

Emilia Bolmanska

Time

13:24

Date

Received By (Laboratory only)

Emilia Bolmanska

Time

13:24

Date (Laboratory only)