



**SELLER'S REAL PROPERTY DISCLOSURE STATEMENT**  
**Hawaii Association of REALTORS® Standard Form**  
 Revised ~~12/17~~ For Release ~~5/18~~

FOR USE DURING  
 5/9/19 SFC Mtg  
 Only



**COPYRIGHT AND TRADEMARK NOTICE:** THIS COPYRIGHTED HAWAII ASSOCIATION OF REALTORS® STANDARD FORM IS LICENSED FOR USE UNDER TERMS OF THE HAWAII ASSOCIATION OF REALTORS® STANDARD FORM LICENSE AGREEMENT LOCATED AT <http://www.hawaiirealtors.com/standard-form-policy>. The use of this form is not intended to identify the real estate licensee as a REALTOR®. REALTOR® is a registered collective membership mark which may be used only by real estate licensees who are members of the National Association of REALTORS® and who subscribe to its Code of Ethics.

**Information Obtained from Public Records  
 (May Be Completed by Listing Broker)**

Seller(s) Name(s) (All on Title): \_\_\_\_\_  
 Property Reference or Address: \_\_\_\_\_  
 Tax Map Key: Div. \_\_\_\_\_ /Zone \_\_\_\_\_ /Sec. \_\_\_\_\_ /Plat \_\_\_\_\_ /Parcel \_\_\_\_\_ /CPR \_\_\_\_\_ (if applicable).  
 County Zoning: \_\_\_\_\_ State Land Use Designation: \_\_\_\_\_  
 Fee Simple  Leasehold Flood Zone \_\_\_\_\_  
 Licensee: \_\_\_\_\_ Brokerage Firm: \_\_\_\_\_

**Purpose of Disclosure Statement:** Pursuant to Hawaii Revised Statutes, Chapter 508D (for residential real property), and under common law (for all other real estate transactions, including the sale of vacant land) a seller of residential real property is obligated to fully and accurately disclose in writing to a buyer all "material facts" concerning the property. **"Material facts" are defined as "any fact, defect, or condition, past or present, that would be expected to measurably affect the value to a reasonable person of the residential real property being offered for sale."** Pursuant to Hawaii Revised Statutes, Chapter 508D-8, this Disclosure Statement may exclude information regarding: 1) whether an occupant of the property was afflicted with acquired immune deficiency syndrome (AIDS), 2) the residential property was the site of an act or occurrence that had no effect on the physical structure or the physical environment of the property. This Disclosure Statement is intended to assist Seller in organizing and presenting all material facts concerning the Property. It is very important that Seller exercise due care in preparing responses to questions posed in the Disclosure Statement, and that all responses are made in good faith, are truthful and complete to the best of Seller's knowledge ~~because-~~ Seller's agent, Buyer and Buyer's agent may rely upon Seller's disclosures. ~~-~~ SELLER IS ENCOURAGED TO OBTAIN PROFESSIONAL ADVICE AND/OR HAVE AN EXPERT INSPECT PROPERTY PRIOR TO PREPARING THE DISCLOSURE STATEMENT.

**MUST BE COMPLETED BY SELLER ONLY**

**Seller's Statement:** This is a statement concerning information relating to the condition of Property that: (i) is within the knowledge or control of Seller; (ii) can be observed from visible, accessible areas; or (iii) which is required by Section 508D-4.5 and 508D-15, Hawaii Revised Statutes. Seller may not be aware of problems affecting Property, and there may be material facts of which Seller is not aware that qualified experts may be able to discover or time may reveal. Unless Buyer has been otherwise specifically advised, Seller has not conducted any inspections of generally inaccessible areas of Property. ~~BUYER SHOULD TAKE CARE TO PROTECT BUYER'S OWN INTEREST BY OBTAINING PROFESSIONAL ADVICE AND BY CONDUCTING THOROUGH INSPECTIONS AND OBTAINING EXPERT HELP IN EVALUATING PROPERTY AND BY OBTAINING BUYER'S OWN PUBLIC RECORDS.~~ The statements made below are made by Seller and are not statements or representations of Seller's agent unless specifically identified. The Disclosure Statement and the disclosures made by Seller are provided exclusively to Buyers involved in this transaction only, and do not apply to any subsequent sales not involving this Seller.

~~BUYER SHOULD TAKE CARE TO PROTECT BUYER'S OWN INTEREST BY OBTAINING PROFESSIONAL ADVICE AND BY CONDUCTING THOROUGH INSPECTIONS AND OBTAINING EXPERT HELP IN EVALUATING PROPERTY AND BY OBTAINING BUYER'S OWN PUBLIC RECORDS.~~

**THIS DISCLOSURE STATEMENT IS NOT A WARRANTY OF ANY KIND BY SELLER OR BY ANY AGENT REPRESENTING SELLER AND IS NOT A SUBSTITUTE FOR ANY EXPERT INSPECTION, PROFESSIONAL ADVICE, OR WARRANTY THAT BUYER MAY WISH TO OBTAIN. THEREFORE IT IS RECOMMENDED THAT BUYER PERFORM BUYER'S OWN DUE DILIGENCE.**

If not presently owner occupied, date of Seller's last visit \_\_\_\_\_  
 Has the property ever been rented during your term of ownership?  Yes  No If yes, Seller shall disclose all material facts obtainable from Property Manager(s). Name of Property Manager(s): \_\_\_\_\_

If the Property is subject to a recorded Declaration, Seller is subject to mandatory disclosure obligations pursuant to Hawaii Revised Statutes Chapter 508D as amended. To the extent that the Act applies, Seller shall provide the documents and any amendments or supplements within the deadlines set forth in Paragraph M-1 of the Purchase Contract.

BUYER'S INITIALS & DATE

SELLER'S INITIALS & DATE



**General Instructions to Seller:** (1) Answer ALL questions in the applicable sections. (2) If checked or answered yes, explain all material facts known to you in Section G. (3) If additional space is needed to explain material facts, attach additional pages and sign/date at the bottom. (4) Each property/dwelling/structure shall have its own Disclosure. (5) NTMK means NOT TO MY KNOWLEDGE. (6) NA means NOT APPLICABLE and cannot be answered by "Yes," "No" or "NTMK."

**A. GENERAL: Do any of the following conditions exist? If "yes", check the appropriate box, reference the number, (use the same number), and describe in Section G.**

- | YES         | NO         | NTMK       | NA         |   |
|-------------|------------|------------|------------|---|
| 1) [ ]      | [ ]        | [ ]        | [ ]        | Does any other party have an unrecorded interest in this Property and/or a say in its disposition?  |
| 2) [ ]      | [ ]        | [ ]        | [ ]        | Are there any <del>past or present</del> lawsuits or foreclosure actions affecting this Property?   |
| 3) [ ]      | [ ]        | [ ]        | [ ]        | Are there any easements affecting this Property?  |
| 4) [ ]      | [ ]        | [ ]        | [ ]        | Are there any roadways, driveways, walls, fences, and/or other improvements which are shared with adjoining land owners?  |
| 5) [ ]      | [ ]        | [ ]        | [ ]        | Are there any known encroachments?  |
| 6) [ ]      | [ ]        | [ ]        | [ ]        | Are there any written agreements concerning items 3, 4 or 5? <u>Recorded? Yes _____ No _____</u>  |
| 7) [ ]      | [ ]        | [ ]        | [ ]        | Have there ever been substances, materials, or products known to be an environmental or health hazard such as, but not limited to, asbestos, formaldehyde, by-products of methamphetamine manufacturing, radon gas, lead-based paint, fuel or chemical storage tanks, contaminated soil or water? |
| 8) [ ]      | [ ]        | [ ]        | [ ]        | Is there filled land on this Property?  |
| 9) [ ]      | [ ]        | [ ]        | [ ]        | Has there ever been any settling or slippage, sliding, subsidence, or other soil problem?   |
| 10) [ ]     | [ ]        | [ ]        | [ ]        | Has there ever been any drainage, water infiltration, seepage, flooding, or grading problems?   |
| 11) [ ]     | [ ]        | [ ]        | [ ]        | Are there any violations of government regulations/ordinances related to this Property?   |
| 11a) [ ]    | [ ]        | [ ]        | [ ]        | (a) Are there any zoning or setback violations and/or citations?  |
| 11b) [ ]    | [ ]        | [ ]        | [ ]        | (b) Are there any nonconforming uses or restrictions on rebuilding?   |
| 12) [ ]     | [ ]        | [ ]        | [ ]        | Is the Property subject to any recorded or unrecorded land lease (e.g. Pasture lease, sandwich lease)?  |
| 12a) [ ]    | [ ]        | [ ]        | [ ]        | (a) If yes, are there any violations of the land leases?  |
| 13) [ ]     | [ ]        | [ ]        | [ ]        | Is the Property licensed for any transient accommodations (e.g. <u>Transient Vacation Rentals, VR, B&amp;B</u> )?   |
| <u>13a)</u> |            |            |            | <u>Minimum number of days</u>   |
| 13aba) [ ]  | [ ]        | [ ]        | [ ]        | [ ] (a) If yes, are there any periodic re-licensing requirements?   |
| 13acb) [ ]  | [ ]        | [ ]        | [ ]        | [ ] (b) Are there any violations of the license?  |
| 14) [ ]     | [ ]        | [ ]        | [ ]        | Is this Property subject to Covenants, Conditions and Restrictions (CC&Rs)?   |
| 14a) [ ]    | [ ]        | [ ]        | [ ]        | (a) Are there any violations of the Covenants, Conditions and Restrictions covering this Property?<br><u>Provide status:</u>  |
| 15) [ ]     | [ ]        | [ ]        | [ ]        | Is there any damage caused by tree roots <u>to the Property or another property</u> ?   |
| 16) [ ]     | [ ]        | [ ]        | [ ]        | Is the Property located in a Special Management Area?   |
| 16a) [ ]    | [ ]        | [ ]        | [ ]        | (a) If Oceanfront Property, are there any past and existing State Shoreline Certification? If yes, please attach  |
| 17) [ ]     | [ ]        | [ ]        | [ ]        | Is this Property located in a geothermal subzone or near a geothermal facility?   |
| 18) [ ]     | [ ]        | [ ]        | [ ]        | Is the Property located in a tsunami evacuation zone?   |
| 19) [ ]     | [ ]        | [ ]        | [ ]        | Is the Property located in a Special Flood Hazard Area based on FEMA's Flood Insurance Rate Maps (FIRM)?  |
| <u>19a)</u> | <u>[ ]</u> | <u>[ ]</u> | <u>[ ]</u> | <u>Has this property ever received Federal Disaster Funds?</u>  |
| 19ba) [ ]   | [ ]        | [ ]        | [ ]        | (a) Does the Property have a Pre- <u>Flood Insurance Rate Map</u> <u>IRM</u> structure built before the following: Honolulu County 9/3/1980, Maui County 6/1/1981, Kauai County 11/4/1981, Hawaii County 5/3/1982   |
| 19cb) [ ]   | [ ]        | [ ]        | [ ]        | (b) Is there an Elevation Certificate? If yes, please attach  |
| 20) [ ]     | [ ]        | [ ]        | [ ]        | Is the Property located in volcanic hazard Zone 1 or 2? (Only applicable to Island of Hawaii)   |
| 21) [ ]     | [ ]        | [ ]        | [ ]        | Is there any existing or past damage to the Property or any of the structures (interior or exterior) from earthquake, fire, smoke, flooding, leaks, landslides, falling rocks, tsunami, volcanic activity, or wind?   |
| 22) [ ]     | [ ]        | [ ]        | [ ]        | Is the Property subject to <u>excessive</u> air pollution? (e.g., "VOG", <u>Pollen, Smog</u> ) <u>If yes, cClarify type of pollution.</u>   |
| 23) [ ]     | [ ]        | [ ]        | [ ]        | Is the Property exposed to other types of recurring excessive noise (e.g., night club, <u>noisy neighbors, school, street traffic, animals, (e.g. coqui frogs, birds, barking dogs? etc., Other)?</u>   |
| 24) [ ]     | [ ]        | [ ]        | [ ]        | Are there any additional facts regarding the Property that may be deemed a material fact (e.g., history of homicide, felony, suicide, burglary)?  |

BUYER'S INITIALS & DATE

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- 35) What type of waste water/sewage system do you have?  
**Department of Health/EPA now requires all cesspools be upgraded or converted to septic systems or must connect to a sewer system before January 1, 2050.**
- a)  Public Sewer  Private Sewer Connected?  Yes  No  
 If not, is connection currently required?  Yes  No  
 Is there a separate sewer fee?  Yes  No Amount of current sewer fee \_\_\_\_\_
- b)  Cesspool  Septic System  Individual Sewage Treatment Plant Location \_\_\_\_\_  
 Last Pumped \_\_\_\_\_ How Often? \_\_\_\_\_
- c)  Abandoned septic or cesspool Location \_\_\_\_\_ Filled?  Yes  No  NTMK
- d) Does the cesspool serve more than one dwelling or living unit (A "dwelling" or "living unit" is defined as having its own kitchen/food preparation area, bathroom and sleeping/living area), including "ohana" units?  Yes  No

**NOTE: Hawaii state law requires all cesspools be converted to septic systems or must connect to a sewer system before January 1, 2050.**  
 e) ??

- 36) What is your source of electrical power?  
 Public  Photo Voltaic  Other: \_\_\_\_\_
- a) Is the Property subject to Special Subdivision Project Provision (SSPP) connection fees?  Yes  No
- b) Hawaii law requires Sellers who pay their electricity bills directly to make a good faith declaration of electricity costs based upon the most recent three-month period that the property was occupied. In this context, please answer the following:  
 Do you pay your electrical utility bill directly?  Yes  No  
 If yes, please state the amount you paid for electricity for the most recent three-month period that the property was occupied.  
 Mon/Yr: \_\_\_\_\_ Amount: \_\_\_\_\_ Mon/Yr: \_\_\_\_\_ Amount \_\_\_\_\_ Mon/Yr: \_\_\_\_\_ Amount: \_\_\_\_\_  
 Buyer's actual electricity costs may vary substantially based on usage or consumption. If Seller's usage is significantly lower or higher than normal usage would suggest, please describe in Section G.
- c) If Seller's interest in a photovoltaic system is included in the sale, please answer the following and attach ALL applicable documentation (i.e. leases/finance agreements, service/maintenance agreements, utility agreements net metering / buyback and/or credit agreements, user manuals, battery maintenance and warranties)  
 Is the system  Leased  Financed  Owned outright  Other \_\_\_\_\_  
 d) If there is a photovoltaic system, does it contain an energy storage system, such as batteries?  Yes  No
- 37) If a Solar Hot Water System is included with the sale, please answer the following and attach ALL applicable documentation (i.e. lease/financing agreement, service/maintenance agreements, user manuals). ????
- Is the system  Leased  Financed  Owned outright Year installed: \_\_\_\_\_
- 38) If a Security Alarm and/or Home Automation System is included with the sale, please answer the following and attach ALL applicable documentation (i.e. lease/financing agreement, service/maintenance agreements, user manuals).  
 Is the system  Leased  Financed  Owned outright  Monitored
- 39) Gas:  Piped  Tank  None
- 40) Telephone Service:  Traditional  Party line only  Cable  Cell  Satellite
- 41) Television Service:  Cable  Satellite  Antenna  Not available
- 42) Broadband Internet  DSL  Cable  None  Other
- 43) US Postal Delivery:  PO Box  Community Box  Individual Curbside Box  None-To-Door

**ED. IMPROVEMENTS: Do any of the following conditions exist? If "yes", check the appropriate box, reference the number, use the same number and describe in Section G.**

- |      | YES                      | NO                       | NTMK                     | NA                       |  |
|------|--------------------------|--------------------------|--------------------------|--------------------------|--|
| 44)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Were any improvements, additions, structural modifications or alterations built without building permits, association design committee or other governmental approvals?  |
| 45)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | For any improvement(s) subject to a mechanic's and materialman's lien, has Notice of Completion been published?  |
| 45a) | →                        |                          |                          |                          | (a) <input type="checkbox"/> Date of publication _____ -Box <input type="checkbox"/> Unknown   |
| 46)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Were any of the building permits not finalized (closed) by the permitting agency?  |
|      | YES                      | NO                       | NTMK                     | NA                       |  |
| 47)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Were any of the improvements to this Property built under an owner-builder permit?   |
| 47a) | →                        |                          |                          |                          | (a) Date of Final Inspection Approval by the County: _____   |
| 48)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is the Seller/Builder a licensed contractor who is providing warranties?   |
| 49)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Have you given any release or waiver of liability, or release from a warranty to any government agency, contractor, engineer, architect, land surveyor, or landscape architect, for any defect, mistake, or omission in the design or construction of this Property? |
| 50)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Has the roof been repaired or replaced?  |
| 50a) | →                        |                          |                          |                          | (a) When and by whom? _____  |
| 50b) | →                        |                          |                          |                          | (b) What is the age of the roof? _____   |
| 50c) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | (c) Are there any transferable warranties?   |

BUYER'S INITIALS & DATE

SELLER'S INITIALS & DATE



