



SELLER'S REAL PROPERTY DISCLOSURE STATEMENT
Hawaii Association of REALTORS® Standard Form
Revised ~~12/17 (NC)~~ For Release ~~11/20~~



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**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 _____/(s) _____
_____/CPR _____(if applicable)-(s) _____
Project Name (if applicable): _____ Association Name (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. 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.

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.

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): _____

General Instructions to Seller: - (1) Answer ALL questions in [Sections A and B](#). (2) If [Sections C, D, E, OR F](#) apply to the subject property, even in part, that section shall be marked as applicable and the entire section must be filled out in its entirety. If sections [\(2\) If C, D, E or F](#) do not apply to the subject property, then that section should be marked with an NA. (3) If any items are

BUYER'S INITIALS & DATE

SELLER'S INITIALS & DATE



checked or answered yes, explain all material facts known to you in Section G. ~~(3)(4)~~ If additional space is needed to explain material facts, attach additional pages to this disclosure and sign/date at the bottom ~~(4)~~ of each page. (5) All structures must be covered in the Disclosure Statement. Each property/dwelling/separate structure shall have its own ~~may be addressed by an addendum or separate Disclosure Statement.~~ (6) NTMK means NOT TO MY KNOWLEDGE. ~~(6)(7)~~ NA means NOT APPLICABLE and cannot be answered by "Yes," "No," or "NTMK."

A. GENERAL: Do any of the following conditions exist? If "yes", use check the same appropriate box, reference the 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? Is the property subject to Covenants, Conditions and Restrictions (CC&Rs)?
- 1a) [] [] [] [] Are there any violations of the Covenants, Conditions and Restrictions covering this property?
- 2) [] [] [] [] Are there any lawsuits? Is the property currently used for transient accommodations (e.g. Short Term Vacation Rentals, B&B)?
- 2a) [] [] [] [] Is the property licensed for transient accommodations?
- 2b) [] [] [] [] If yes, are there any periodic re-licensing requirements?
- 2c) [] [] [] [] Are you aware of any violations past or foreclosure actions affecting this Property present of the license or regulations?
- 2d) [] [] [] [] Has the property previously been used for transient accommodations?
- 3) [] [] [] [] Is the property subject to any recorded or unrecorded land lease (e.g. Pasture lease, sandwich lease)?
- 3a) [] [] [] [] If yes, are there any violations of the land leases?
- 4) [] [] [] [] Is the property located in a Special Management Area?
- 4a) [] [] [] [] If oceanfront property, are there any past and existing State Shoreline Certification? If yes, please attach.
- 5) [] [] [] [] Is the property located in a tsunami evacuation zone?
- 6) [] [] [] [] Is the property located in volcanic hazard Zone 1 or 2? (Only applicable to Island of Hawaii)
- 7) [] [] [] [] Is the property subject to air pollution? (e.g., "VOG", Smog) If yes, clarify type of pollution.
- 8) [] [] [] [] Is the property located in a geothermal subzone or near a geothermal facility?
- 9) [] [] [] [] Is the property located in the regular path of aircraft and does it experience regular excessive aircraft noise?
- 10) [] [] [] [] Is the property located within the boundaries of the Air Installation Compatibility Use Zone (restricted air space) of any Air Force, Army, Navy, or Marine Corps airport as officially designated by military authorities?
- 11) [] [] [] [] Are you aware of the presence of or removal of unexploded military ordinance in this general area?
- 12) [] [] [] [] Is the property located in a Special Flood Hazard Area based on FEMA's Flood Insurance Rate Maps (FIRM)?
- 12a) [] [] [] [] Does the property have a Pre-Flood Insurance Rate Map 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
- 12b) [] [] [] [] Is there an Elevation Certificate? If yes, please attach.
- 12c) [] [] [] [] Has the property ever received Federal Disaster Funds?
- 13) [] [] [] [] Are there any easements affecting this Property? the property?
- 14) [] [] [] [] Are there any roadways, driveways, walls, fences, and/or other improvements which are shared with adjoining land owners?
- 15) [] [] [] [] Are there any known encroachments?
- 16) [] [] [] [] Are there any written agreements concerning items 3, 4, 13, 14, or 15?
- 17) [] [] [] [] Is access to the property restricted?
- [] Private Road [] By Easement [] Other
- 18) [] [] [] [] Are there any violations of government regulations/ordinances related to the property?
- 18a) [] [] [] [] Are there any zoning or setback violations and/or citations?
- 19) [] [] [] [] Are there any restrictions on rebuilding?
- 20) [] [] [] [] Are there any nonconforming uses or unpermitted structures on the property?
- 21) [] [] [] [] Is the property exposed to other types of recurring excessive noise (e.g., night club, school, street traffic, animals, coqui frogs)?
- 22) [] [] [] [] Are there any additional facts regarding the property that may be deemed a material fact (e.g., history of homicide, felony, suicide, burglary)?
- 23) [] [] [] [] Are there any other additional material facts related to the property concerning historic registers, Hawaii's Historic Preservation Program, archaeological surveys or historic features?

BUYER'S INITIALS & DATE

SELLER'S INITIALS & DATE

- 24) 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?
- 25) Are there any additional material facts regarding the neighborhood that would be expected to measurably affect the value of the property (e.g., pesticides, soil problems, irrigation, odors, pending development in the area, road widening projects, zoning changes; rail, etc.)? ~~7~~
- 26) 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?
- 827) Is there filled land on ~~this Property?~~the property?
- 928) Has there ever been any settling or slippage, sliding, subsidence, or other soil problem?
- 4029) 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., TVR, B&B)?
- 13a) (a) If yes, are there any periodic re-licensing requirements?
- 13b) (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?
- 15) Is there any damage caused by tree roots?
- 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?
- 19a) (a) Does the Property have a Pre-FIRM 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
- 19b) (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 excessive air pollution? (e.g., "VOG")
- 23) Is the Property exposed to other types of recurring excessive noise (e.g., night club, school, street traffic, animals (e.g. coqui frogs, birds, barking dogs etc.)?)
- 24) Are there any additional facts regarding the Property that may be deemed a material fact (e.g., history of homicide, felony, suicide, burglary)?
- 25) Are there any other additional material facts related to the Property concerning historic registers, Hawaii's Historic Preservation Program, archaeological surveys or historic features?
- 26) Are there any additional material facts regarding the neighborhood that would be expected to measurably affect the value of the Property (e.g., pesticides, soil problems, irrigation, odors, pending development in the area, road widening projects, zoning changes; rail, etc.)?
- 27) Is the Property located in the regular path of aircraft and does it experience regular excessive aircraft noise?
- 28) Is the Property located within the boundaries of the Air Installation Compatibility Use Zone of any Air Force, Army, Navy, or Marine Corps airport as officially designated by military authorities?
- 29) Are you aware of the presence of or removal of unexploded military ordnance in this general area?
- 30) Is access to the Property restricted there any damage caused by tree roots to/from the property or to/from another adjoining property?
- Private Road By Easement Other

B. ASSOCIATIONS: Do any of the following conditions exist? If "yes", use the same number and describe in Section G.
 YES NO NTMK NA

- 31) Is the Property part of a Condominium Property Regime (CPR)? Were additions, modifications, and/or alterations made to the property without obtaining required approvals?
- 32) Are there any "common area" facilities (such as pools, tennis courts, walkways, or other areas) co-owned in undivided interest with others?

YES NO NTMK NA

BUYER'S INITIALS & DATE

SELLER'S INITIALS & DATE

- 32) [] [] [] [] [] [] Does any other party have an unrecorded interest in the property and/or a say in its disposition?
- 33) [] [] [] [] [] [] Is the Property subject to a Homeowners' and/or Community Association? Are there any lawsuits or any other Association?
- 33a) [] [] [] [] [] [] (a) Is membership mandatory?
- 33b) [] [] [] [] [] [] (b) If yes, what are foreclosure actions affecting the fees and payments? _____ property?
- 33c) [] [] [] [] [] [] (c) What is included in the fees and payments? _____
- 33d) [] [] [] [] [] [] (d) Are you aware of future maintenance fee increases, special assessments, association loans or pending litigation for or against your Association(s)? _____

IF ANY OF THE ABOVE ARE CHECKED YES, NOTE: 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.

C34) [] [] [] [] [] [] If you purchased the property as a foreclosure, was the foreclosure judicial or non-judicial?

B. UTILITIES AND SERVICES: Complete Do any of the following exist? If yes, check the appropriate box, referenced the number, and describe problems, if any, in Section G.

- 34) 1) What is your source of water supply?
- a) [] Public [] Private
 Is this Property the property separately metered? [] Yes [] No
 Is this there a sub-meter? [] Yes [] No
 Is there a shared water supply? [] Yes [] No
- b) [] Catchment: Tank type _____ Capacity _____ Age _____ Condition _____
- c) [] Other _____
- 352) What type of waste water/sewage system do you does the property have?
- 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 _____ If yes, describe in Section G.
 b) [] Individual Sewage Treatment Plant Vendor _____
 [] Cesspool [] Septic System [] Individual Sewage Treatment Plant Location _____
 Last Pumped _____ How Often? _____
- e) [] Abandoned cesspool or cesspool Location _____ Filled? [] Yes [] No [] NTMK
 Did any cesspool or septic system pumping/overflow generate a report to any governmental agency? [] Yes [] No
 Was there a fine? [] Yes [] No
- b) 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
- c) [] Abandoned septic or cesspool Location _____ Filled? [] Yes [] No [] NTMK
- 363) What is your source of electrical power?
 [] Public [] Photo Voltaic []
 Other: _____
- a) Is the Property 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 _____
- 37d) If there is a photovoltaic system, does it contain an energy storage system, such as batteries? [] Yes [] No

BUYER'S INITIALS & DATE

SELLER'S INITIALS & DATE

- 4) 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: _____
- 385) 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
- 396) Gas: Piped Tank None
- 407) Telephone Service: Traditional Party line only Cable
 Cell Satellite
- 448) Television Service: Cable Satellite Antenna Not available _____
- 429) Broadband Internet DSL Cable None
 Other _____
- 4310) US Postal Delivery: PO Box Community Box/Cluster
 Individual Curbside Box To Door Other: _____

C. ASSOCIATIONS (Condominium associations/CPR are described in Section D. IMPROVEMENTS: Do any of-):
Answer the following conditions exist? If "yes", use questions.

- 1) Name of Homeowners Association (HOA)/Community Association (CA) Management Firm(s): _____ Phone(s): _____
- 2) Is membership mandatory? Yes No
- 3) HOA/CA fee(s) and payment frequency: _____
What is included in the fee(s)? _____
- 4) If you are aware of future maintenance fee increases, special assessments, association loans or pending litigation for or against the Association, describe. _____
- 5) Are there any "common area" facilities (such as pools, tennis courts, walkways, driveways, or other areas) co-owned in undivided interest with others? _____
- 6) Are there any restrictions/prohibitions imposed upon pet ownership? _____

D. CONDO SPECIFIC: Answer the following.

- 1) Name of Association of Apartment/Unit Owners (AOAO/AOUO) Management Firm: _____ Phone(s): _____
- 2) Is membership mandatory? Yes No
- 3) AOAO/AOUO fee(s) and payment frequency: _____
What is included in the fee(s)? _____
- 4) If you are aware of future maintenance fee increases, special assessments, association loans or pending litigation for or against your Association, describe. _____
- 5) Are there any "common area" facilities (such as pools, tennis courts, walkways, driveways, or other areas) co-owned in undivided interest with others? _____
- 6) Are there any restrictions/prohibitions imposed upon pet ownership? _____
- 7) Is the Seller the developer of the CPR (Condominium Property Regime)?
7a) If yes, has the Seller/developer sold one or more of the properties in the CPR?
7b) If yes, what is the expiration date of the Public Report? _____
- 8) Does this unit include parking? If yes, how many? _____ Stall Number(s) _____
 Assigned Unassigned
 Covered Partial Uncovered Private Garage Carport
 Standard Compact Tandem

- | | <u>YES</u> | <u>NO</u> | <u>NTMK</u> | <u>NA</u> | |
|----------|--------------------------|--------------------------|--------------------------|--------------------------|--|
| same 8a) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If the unit includes parking, is it deeded with the unit? |
| 8b) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are there any issues or special arrangements with the parking stall(s)? |
| 9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does the unit include any storage unit(s), boat dock(s), or anything additional? |
| 9a) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If the unit includes any of the above, is it deeded with the unit? |
| 10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Has there been any damage to the unit due to leakage or water intrusion from above or adjacent to the unit, or damage caused by leakage or water intrusion from the unit to areas or space below the unit? |
| 11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are you aware of any defects to the common or limited common elements affecting the unit? |

BUYER'S INITIALS & DATE

SELLER'S INITIALS & DATE

Table listing property features and their counts. Includes items like Appliances, Fire Sprinkler System, Bathrooms, etc.

F. CONDO SPECIFIC: Do any of the following conditions exist? If "yes", use the same number and describe in Section G.

- List of conditional questions for condo units, such as 'Does this unit include parking?' and 'Do you have assigned and/or deeded storage space outside of your apartment?'

G. Reference Question, Section, Number, and Explanation. -List any additional material facts.- List any attachments or exhibits:

BUYER'S INITIALS & DATE

SELLER'S INITIALS & DATE

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Under Hawaii law, unless otherwise agreed to in the Purchase Contract, Buyer shall have fifteen (15) calendar days from the date of receiving the Disclosure Statement to examine the Disclosure Statement and to rescind the Purchase Contract. Such rescission must be made in writing and provided to Seller directly or Seller's agent. If timely written notice is provided, then all deposits made by Buyer shall be immediately returned to Buyer. Failure to deliver the written notification to the Seller within the specified period shall be deemed an acceptance of the ~~disclosure statement~~ Disclosure Statement.

BUYER'S INITIALS & DATE

SELLER'S INITIALS & DATE

Seller gives permission to any Broker to provide this statement to any Buyer whose identity has been made known to Seller, a lending institution, or the escrow company involved in the transaction between the parties.

SELLER

DATE

SELLER

DATE

NOTE: THERE IS NO WARRANTY ON PLAIN LANGUAGE. An effort has been made to put this agreement into plain language. But there is no promise that it is in plain language. In legal terms, THERE IS NO WARRANTY, EXPRESSED OR IMPLIED, THAT THIS AGREEMENT COMPLIES WITH CHAPTER 487A OF THE HAWAII REVISED STATUTES. This means that the Hawaii Association of REALTORS® is not liable to any Buyer, Seller, or other person who uses this form for any damages or penalty because of any violation of Chapter 487A. People are cautioned to see their own attorneys about Chapter 487A (and other laws that may apply).

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BUYER'S INITIALS & DATE

SELLER'S INITIALS & DATE