

**SELLER DISCLOSURE OF PROPERTY CONDITION**

This information in this form is only for the time period the undersigned has owned the property, 6-18-19 to 8-4-2020  
(Date of Purchase) (Date of this Form)

PROPERTY ADDRESS: 87 Hill Crest Drive Capeon Bridge, WV 26711

SELLER'S NAME: Harold G. Upole, Karen L. Upole, Mark Edward Upole & Michael Todd Upole

PURPOSE OF STATEMENT: Disclosure is based solely on the seller's observation and knowledge of the property's condition and the improvements thereon. This statement is not a warranty of any kind by the seller or seller's agent and shall not be intended as a substitute for any inspection or warranty the purchaser may wish to obtain.

SELLER'S DISCLOSURE: I/We disclose the following information regarding the property and this information is true and accurate to the best of my/our knowledge as of the date signed. Seller authorizes the agent to provide a copy of this statement to any person or entity in connection with actual or anticipated sale of the property. The following are representations made by seller and are not the representation of the agent. The agent has no independent knowledge of the condition of the property except that which is set out on this form.

**PROPERTY INFORMATION, CONDITIONS AND IMPROVEMENTS**

**A. OWNERSHIP:**

- 1. Do you currently live in subject property? YES  
If not have you ever lived in this property? \_\_\_\_\_
- 2. Is property vacant? NO If so, for how long? \_\_\_\_\_
- 3. Are you a builder or developer? NO
- 4. Are you a licensed real estate agent? NO

ADDITIONAL COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

**B. ENVIRONMENTAL:**

- 1. Is the lawn chemically treated? NO By whom? \_\_\_\_\_
- 2. Any excessive noises (airplanes, trains, trucks, etc.)? NO What? \_\_\_\_\_
- 3. Any underground storage tanks? NO Phase one studies completed? \_\_\_\_\_  
Is report available? \_\_\_\_\_

ADDITIONAL COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

**C. LAND:**

- 1. Is the house built on landfill (compacted or otherwise)? NO  
Is there landfill on any portion of the property? NO
- 2. Any past or present flooding or drainage problems on the property? NO
- 3. Any standing water after rain? NO  
Any sump pumps in basement or crawlspace? YES Any active springs? NO  
(Attach explanation) Is the property located wholly or partly in a Flood Plain Zone, as determined by the National Flood Insurance Maps? NO Current flood insurance premium \$ \_\_\_\_\_  
Any abandoned wells or septic tanks or cisterns? NO Where? \_\_\_\_\_
- 4. Has land been mined? NO Explain: \_\_\_\_\_

ADDITIONAL COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

**D. STRUCTURAL:**

- 1. Approximate age of the house: 1974 Name of Builder: MMC WYTT5
- 2. Do you know of any condition of design or workmanship of the structures that would be considered substandard? NO  
Is any portion of the dwelling of any type of construction other than on-site stick built? No  Yes \_\_\_ Type of construction \_\_\_\_\_  
Do you know of any structural additions or alterations, or the installation, alteration, repair, or replacement of significant components of the structure completed during the term of your ownership or that of a prior owner? NO Do you know of any violations of government regulations, ordinances, or zoning law regarding this property? NO

*CURRENT OWNER BUILT SHE D*

Explain: \_\_\_\_\_

- 3. Do you know of any excessive settling, slippage, sliding or other soil problems, past or present? NO  
If so, has any structural damage resulted? \_\_\_\_\_ If yes, attach explanation.
- 4. Exterior cover (check) Brick X Stone \_\_\_\_\_ Aluminum \_\_\_\_\_ Vinyl \_\_\_\_\_ Cedar \_\_\_\_\_ Lap Siding \_\_\_\_\_  
Redwood \_\_\_\_\_ Fir \_\_\_\_\_ Others \_\_\_\_\_  
Date of last maintenance (paint, etc) \_\_\_\_\_
- 5. Any problems with retaining walls cracking or bulging? NO Repaired? \_\_\_\_\_  
When? \_\_\_\_\_
- 6. Do you know of any past or present problem with driveways, walkways, sidewalks, and patios such as large cracks, potholes, and raised sections? YES If so, what was done and by whom?  
Explain: Some bricks on sidewalk being repaired
- 7. Any significant cracks in foundations? Yes Exterior walls? NO Slab floors? \_\_\_\_\_ Ceilings? \_\_\_\_\_  
Chimneys? \_\_\_\_\_ Fireplaces? \_\_\_\_\_ Decks? \_\_\_\_\_ Garage Floor? \_\_\_\_\_ Porch Floor? \_\_\_\_\_  
Other? \_\_\_\_\_
- 8. Any slanted or uneven floors? NO Distorted door frames (uneven spaces between doors and frames)? \_\_\_\_\_  
Any sticking windows? NO Any sagging ceiling beams or roof rafters? \_\_\_\_\_
- 9. Is the crawl space damp? \_\_\_\_\_ Has a moisture barrier been installed? \_\_\_\_\_  
Explain: \_\_\_\_\_
- 10. Any moisture in basement? NO Corrected? \_\_\_\_\_ Attach explanation.
- 11. Any windows or patio door glass broken? NO Seals broken in insulated panes? NO  
Fogged? \_\_\_\_\_
- 12. Did you do any improvements yourself? Yes What? Bulter Shed
- 13. Do you have hardwood floors under the floor coverings? NO
- 14. Is the laundry room in the basement? YES First Floor? \_\_\_\_\_ Second Floor? \_\_\_\_\_  
Other: \_\_\_\_\_

ADDITIONAL COMMENTS: \_\_\_\_\_

**E. ELECTRICAL SYSTEM:**

- 1. Electric service: 60 amp? \_\_\_\_\_ 100 amp? \_\_\_\_\_ 200 amp? X Fuses? \_\_\_\_\_ Circuit Breaker? Yes  
Rewired? \_\_\_\_\_ Date: \_\_\_\_\_
- 2. Is the wiring copper? Yes or aluminum? \_\_\_\_\_
- 3. Any damage or malfunctioning receptacles? NO Switches? \_\_\_\_\_ Fixtures? \_\_\_\_\_  
Attach explanation.
- 4. Are any extension cords stapled to baseboards or underneath carpets or rugs? NO
- 5. Is there GFCI wiring in Kitchen? NO Bathroom? NO Garage? NO For outside TV and TV cable? \_\_\_\_\_
- 6. Are you aware of any defects, malfunctions, or illegal installations or electrical equipment in or outside of house?  
NO

Explain: \_\_\_\_\_

ADDITIONAL COMMENTS: \_\_\_\_\_

**F. INSULATION, HEATING, AIR CONDITIONING, VENTILATION, AND OTHER EQUIPMENT:**

- 1. Type of heating system? Electric baseboard Age? \_\_\_\_\_ Supplemental heating? Wood stove
- 2. Electronic air cleaner? NO Operable? \_\_\_\_\_ Humidifier? \_\_\_\_\_ Operable? \_\_\_\_\_
- 3. Fireplace? Yes Masonry? Yes Insert? \_\_\_\_\_ Fireplace damper? \_\_\_\_\_  
Last inspection and cleaning? \_\_\_\_\_ By whom? \_\_\_\_\_
- 4. Are fuel-consuming heating devices adequately vented to the outside? \_\_\_\_\_
- 5. Type of cooling system? Central AC Age? \_\_\_\_\_ Number of ceiling fans? \_\_\_\_\_  
Attic Fan? \_\_\_\_\_
- 6. Is clothes dryer vented to outside? Yes Connection for Gas Dryer? \_\_\_\_\_  
Electric Dryer? \_\_\_\_\_
- 7. Foundation vents? \_\_\_\_\_ Roof Vents? \_\_\_\_\_ Attic Vents? \_\_\_\_\_ Bath Vent fans? \_\_\_\_\_  
Kitchen Vent fan? \_\_\_\_\_ Other? \_\_\_\_\_
- 8. Number of Electric garage door openers? Yes Operable? \_\_\_\_\_ Number of controls? \_\_\_\_\_  
Operable? \_\_\_\_\_ Age? \_\_\_\_\_

- 9. Smoke Detectors? YES How many? 2 Wired to electric system? \_\_\_\_\_  
 Battery? YES Operable? \_\_\_\_\_
- 10. Water softener? YES Operable? YES  
 Burglar alarm? YES Make? AOS Operable? \_\_\_\_\_ R-Rate? \_\_\_\_\_  
 Leased? \_\_\_\_\_ NOT CURRENTLY IN USE
- 11. Is there insulation in: Ceiling? \_\_\_\_\_ R-Rate? \_\_\_\_\_ Walls? \_\_\_\_\_ R-Rate? \_\_\_\_\_ Floors? \_\_\_\_\_ R-Rate? \_\_\_\_\_

ADDITIONAL COMMENTS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**G. PLUMBING SYSTEM:**

- 1. Source of water supply: Public? \_\_\_\_\_ Private Well? X Cistern? \_\_\_\_\_  
 If private well, when was water sample last checked for safety? \_\_\_\_\_ Result of \_\_\_\_\_  
 test? \_\_\_\_\_ Depth? \_\_\_\_\_ ft.
- 2. Well water pump: YES Date installed \_\_\_\_\_ Condition \_\_\_\_\_  
 Sufficient water during late Summer? \_\_\_\_\_
- 3. Type of water supply pipes? Copper? X Galvanized? \_\_\_\_\_ Plastic? \_\_\_\_\_ Normal water  
 pressure? \_\_\_\_\_
- 4. Are you aware of excessive stains in tubs, lavatories, or sinks? NO
- 5. Type sewer: City sewer? \_\_\_\_\_ PSD sewer? \_\_\_\_\_ Septic tank? YES  
 Installation date: 1974 Type material: Fiberglass? \_\_\_\_\_ Concrete? \_\_\_\_\_ Steel? \_\_\_\_\_  
 Private treatment plant? \_\_\_\_\_ Aeration system? \_\_\_\_\_  
 Date of last cleaning? \_\_\_\_\_ By whom? \_\_\_\_\_
- 6. Type of water heater: Electric? X Gas? \_\_\_\_\_ LP Gas? \_\_\_\_\_ Capacity? \_\_\_\_\_ (gals)  
 Age? \_\_\_\_\_
- 7. Are you aware of any slow drains? NO
- 8. Are there any plumbing leaks around or under: Sinks? NO Toilets? NO Showers? NO
- 9. Pool Type: In ground? \_\_\_\_\_ Above ground? \_\_\_\_\_ Age? \_\_\_\_\_  
 Pool heater: Electric? \_\_\_\_\_ Gas? \_\_\_\_\_ Solar? \_\_\_\_\_  
 Date of last cleaning or inspections? \_\_\_\_\_

ADDITIONAL COMMENTS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**H. APPLIANCES:**

Check the following appliances that remain with the property:

- 1. Range? X Operable? YES Age? \_\_\_\_\_
- 2. Countertop range/wall oven? \_\_\_\_\_ Operable? \_\_\_\_\_ Age? \_\_\_\_\_
- 3. Hood? \_\_\_\_\_ Operable? \_\_\_\_\_ Age? \_\_\_\_\_
- 4. Dishwasher? YES Operable? YES Age? \_\_\_\_\_
- 5. Disposal? NO Operable? \_\_\_\_\_ Age? \_\_\_\_\_

ADDITIONAL COMMENTS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**I. TITLE AND ACCESS:**

- 1. Does anyone have the right to refusal to buy, option, or lease the property? NO Copy of lease provided to listing agent? \_\_\_\_\_
- 2. Is the property currently leased? NO Expiration date? \_\_\_\_\_ Does the lease have option to renew? \_\_\_\_\_
- 3. Do you know of any existing, pending, or potential legal actions concerning the property or the Property Owners Association? NO Explain: \_\_\_\_\_
- 4. Has a lien been recorded against the property? NO Explain: \_\_\_\_\_
- 5. Do you own the mineral rights? YES Leased to \_\_\_\_\_ For how long? \_\_\_\_\_
- 6. Any bonds, assessments, or judgments which are liens upon the property or which limits its use? NO
- 7. Any boundary disputes, or third party claims affecting the property rights of the other people to interfere with the use of the property in any way? NO Attach explanation.
- 8. Any deed restrictions? NO Any right-of-way or easements? NO Protective covenants? YES
- 9. Copy of deed has been provided to listing agent? YES

ADDITIONAL COMMENTS:

J. ROOF, GUTTER, DOWNSPOUTS:

- 1. Type of Roof: Shingle?  Wood Shingle? \_\_\_\_\_ Slate? \_\_\_\_\_ Rolled rubber? \_\_\_\_\_ Other? \_\_\_\_\_  
Age of Roof? \_\_\_\_\_
- 2. Has the roof been resurfaced? \_\_\_\_\_ Replaced? \_\_\_\_\_ If so, what year? \_\_\_\_\_  
Installed by whom? \_\_\_\_\_
- 3. Has the roof ever leaked during your ownership? NO  
If so, how was it corrected? \_\_\_\_\_
- 4. Are gutters and downspouts in good condition and free of holes and excessive rust? YES
- 5. Do downspouts lead from structure? \_\_\_\_\_ Into storm drain? \_\_\_\_\_ Splash blocks? YES  
Sewer? \_\_\_\_\_

ADDITIONAL COMMENTS:

K. REPORTS:

Have you received or do you have knowledge of any of the following inspection reports or repair estimates (written or otherwise) made during or prior to your ownership: Roof? \_\_\_\_\_ Air conditioning? \_\_\_\_\_ Furnace? \_\_\_\_\_  
Soils/Drainage? \_\_\_\_\_ Structural? \_\_\_\_\_ Well? \_\_\_\_\_ Radon? \_\_\_\_\_ Pest Control? \_\_\_\_\_  
Geological/Core Drilling? \_\_\_\_\_ Lead based paint? \_\_\_\_\_ Asbestos? \_\_\_\_\_ Septic Tank/Sewer System? \_\_\_\_\_  
Formaldehyde? \_\_\_\_\_ Pool/Spa? \_\_\_\_\_ Home Inspection? \_\_\_\_\_ Energy Audit? \_\_\_\_\_  
City/County Inspection? \_\_\_\_\_ Notice of Violation? \_\_\_\_\_ Other? \_\_\_\_\_ Attach explanation and copies of reports. \_\_\_\_\_

L. UTILITIES:

- Gas Company Holtzman - leased tank Gas Budget \_\_\_\_\_
- Electric Company POTOMAC EDISON Elec. Budget \$100 month
- Water Company \_\_\_\_\_ Average Water Bill \_\_\_\_\_
- Sewage Company \_\_\_\_\_
- Trash Company \_\_\_\_\_ Trash Cost \_\_\_\_\_
- TV Cable Company \_\_\_\_\_
- Satellite Company Dish Network

M. OTHER DISCLOSURES

In addition to the disclosure statements made herein, the following facts are known or suspected by me (us) which may materially affect the values or desirability of the subject property, now or in the future (burial sites, murder, suicide, sex offender, etc.): \_\_\_\_\_

The foregoing answer and explanations are true and complete to the best of my/our knowledge, I/We have authorized Keen Schubert, the broker in this transaction to disclose the information set forth above to other real estate brokers, real estate agents, and prospective buyers of the property. **SELLER AGREES** to hold harmless all brokers and agents in the transaction and to defend and indemnify them from any claim, demand, action or proceedings resulting from any omission or alleged omission by Seller in this Disclosure Statement.

This PROPERTY CONDITION DISCLOSURE STATEMENT consists of 4 pages, with attachments.

SELLER: Keen Schubert / 1911 The Green SELLER: [Signature] DATE: 8-4-2020

I have received a copy of the PROPERTY CONDITION DISCLOSURE STATEMENT:

BUYER: \_\_\_\_\_ BUYER: \_\_\_\_\_ DATE: \_\_\_\_\_

# Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards SALES

## Lead Warning Statement

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

## Seller's Disclosure

- (a) Presence of lead-based paint and/or lead-based paint hazards (*Check (i) or (ii) below*):
  - (i)  Known lead-based paint and/or lead-based paint hazards are present in the housing (*explain*).  
.....
  - (ii)  Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.
- (b) Records and reports available to the seller (*Check (i) or (ii) below*):
  - (i)  Seller has provided the purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (*list documents below*).  
.....
  - (ii)  Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

## Purchaser's Acknowledgment (*initial*)

- (c) \_\_\_\_\_ Purchaser has received copies of all information listed above.
- (d) \_\_\_\_\_ Purchaser has received the pamphlet *Protect Your Family from Lead in Your Home*.
- (e) \_\_\_\_\_ Purchaser has (*check (i) or (ii) below*):
  - (i)  received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or
  - (ii)  waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

## Agent's Acknowledgment (*initial*)

- (f) KS Agent has informed the seller of the seller's obligations under 42 U.S.C. 4852d and is aware of his/her responsibility to ensure compliance.

## Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

Harold L. Gabel      8-4-2020      [Signature]      DocuSigned by: [Signature] 8-4-2020  
 SELLER      DATE      SELLER      004207B712084C8...      DATE

\_\_\_\_\_  
 PURCHASER      DATE      \_\_\_\_\_      DATE

[Signature]      8-4-2020      \_\_\_\_\_      \_\_\_\_\_  
 AGENT      DATE      AGENT      DATE

# NOTICE OF AGENCY RELATIONSHIP

When working with a real estate agent in buying or selling real estate, West Virginia Law requires that you be informed of whom the agent is representing in the transaction.

The agent may represent the seller, the buyer, or both. The party represented by the agent is known as the agent's principal and as such, the agent owes the principal the duty of utmost care, integrity, honesty and loyalty.

Regardless of whom they represent, the agent has the following duties to both the buyer and the seller in any transaction:

- Diligent exercise of reasonable skill and care in the performance of the agent's duties.
- A duty of honest and fair dealing and good faith.
- Must offer all property without regard to race, color, religion, sex, ancestry, physical or mental handicap, national origin or familial status.
- Must promptly present all written offers to the owner.
- Provide a true legible copy of every contract to each person signing the contract.

The agent is not obligated to reveal to either party any confidential information obtained from the other party which does not involve the affirmative duties set forth above.

Should you desire to have a real estate agent represent you as your agent, you should enter into a written contract that clearly establishes the obligations of both parties. If you have any questions about the roles and responsibilities of a real estate agent, they can provide information upon your request.

In compliance with the Real Estate Brokers License Act of West Virginia, all parties are hereby notified that

(printed name of agent) Keem Shultz affiliated with  
 (firm name) WEST VIRGINIA LAND & HOME REALTY, LLC is acting as agent of:  
 The Seller, as listing agent or subagent.  The Buyer, as the buyer's agent.  
 Both Seller and Buyer, with the full knowledge consent of both parties.

CERTIFICATION			
By signing below, the parties certify that they have read and understand the information contained in this disclosure and have been provided with signed copies prior to signing any contract.			
<u>Keem Shultz</u> Seller	<u>8-4-2020</u> Date	<u>Keem Shultz</u> Buyer	<u>8-4-2020</u> Date
<u>Keem Shultz</u> Seller	<u>8-4-2020</u> Date	<u>Keem Shultz</u> Buyer	<u>8-4-2020</u> Date
<u>Keem Shultz</u> Seller	<u>8/7/2020</u> Date	<u>Keem Shultz</u> Buyer	<u>8-4-2020</u> Date
<u>Keem Shultz</u> Seller	<u>8-4-2020</u> Date	<u>Keem Shultz</u> Buyer	<u>8-4-2020</u> Date

I certify that I have provided the above named individuals with a copy of this form prior to signing any contract.

WV Real Estate Commission  
 300 Capitol Street, Suite 400  
 Charleston, WV 25301  
 (304)348-3555

Agents Signature: Keem Shultz  
 Date: 8-4-2020

[www.state.wv.us/wvrec](http://www.state.wv.us/wvrec)



This form has been promulgated by the WVREC for required use by all West Virginia real estate licensees.