

Naval Construction Battalion Center Gulfport and Special Areas Joint Land Use Study Implementation

Real Estate Disclosure Requirements



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Introduction

The Naval Construction Battalion Center Gulfport and Special Areas Joint Land Use Study (JLUS), adopted in August 2017, was created in order to respond to the growth surrounding the Naval Construction Battalion Center and associated areas that the Installation uses within the neighboring counties (NCBC + Special Areas). The JLUS provides strategies and tools to reduce conflict between a military installation and the surrounding communities to ensure the continued mission of the military installation. The following report summarizes the recommendations regarding the creation of a method to notify property owners or prospective property owners in the area surrounding the military installation of potential off-site effects of the military installation (e.g. noise or vibration) to protect the Installation from land use and compatibility issues.

Noise Pollution

In the modern world, noise is a daily part of life. Noise from cars, trains, planes, heavy equipment, air conditioners, and refrigerators permeates our daily existence. However, the constant din surrounding us can create interruptions, annoyance, and impact health. According to the World Health Organization, environmental noise exposure is responsible for a range of health effects, including increased risk of ischemic heart disease as well as sleep disturbance, cognitive impairment among children, annoyance, stress-related mental health risks, and tinnitus.

With the training activities at NCBC + Special Areas, noise pollution is an unfortunate off-site impact for the properties located around the installations. Noise complaints from nearby urban development can lead to curtailed training times and activities and if left unchecked, can contribute to the closing of military installations. While steps are being taken to mitigate the noise from heavy equipment, firing ranges, and aircraft, notifying future residents that a property for sale is located in proximity to a military installation and may be subject to noise impacts may help to alleviate future complaints.

Aviation Noise

According to the FAA, aircraft noise is regulated through international standards that are applied when an aircraft is acquiring its airworthiness certification; the aircraft must meet or fall below designated noise levels. For civil jet aircraft four stages are identified, decreasing in loudness from Stage 1 through Stage 4. For helicopters two different stages exist, decreasing in loudness from Stage 1 to Stage 2.

The FAA sees noise, air quality, climate, and energy as the most significant potential environmental constraints to increasing aviation capacity, efficiency, and flexibility. Therefore, the FAA has undertaken a phase out of older, noisier civil aircraft. Currently within the contiguous United States, all civil jet aircraft, regardless of weight must meet Stage 3 or Stage 4 Both Stage 1 and Stage 2 helicopters are allowed to fly within the U.S.

In addition, the FAA has established several programs and activities aimed at addressing these constraints. For noise, these programs involve limiting the number of people exposed to significant noise levels. Significant noise is defined as a Day Night Average Sound Level (DNL) of 65 decibels (dB).

The number of people exposed to significant noise levels was reduced by approximately 90 percent between 1975 and 2000, due primarily to a legislatively-mandated transition to newer generation airplane fleets that produce less noise. Since 2000, only incremental improvements have been made. Absent further advances in noise reduction technologies and fleet evolution, remaining noise issues must be addressed through operational procedures and airport-specific noise compatibility planning and programs.

Firing Range Noise

NCBC + Special Areas contains both live-fire and paintball ranges. In 2001, the National Institute for Occupational Safety and Health evaluated sound levels for a Special Weapons Assault Team and found that the peak sound for the weapons used ranged from 156 to 170 dB. According to the Paintball guns are much quieter, with the average paintball gun producing sound at 45 db at a distance of 10 feet; at 300 feet, the sound reaches ambient noise levels.

Heavy Equipment Noise

NCBC + Special Areas house an area used to train personnel on heavy construction equipment. According to the Center for Disease Control, sound levels for heavy equipment range from 80 dB to 120 dB and power tools commonly used in construction produce sound levels up to 115 dB. As defined above, significant noise is defined as a DNL of 65 dB. The use of heavy equipment in training can impact properties located around these facilities.

Safety Zones

The areas under the departure and approach zones for airplanes have are the areas most likely to experience an aircraft mishap. The Clear Zone is the first 3,000 feet off the end of the runway. In military installation runways, the next 5,000 feet from the end of the Clear Zone is Accident Potential Zone 1. The next 7,000 feet from the end of Accident Potential Zone 1 is Accident Potential Zone 2. The Clear Zone and the Accident Potential Zones are planning tools used to direct concentrations of people away from the areas most likely to experience an aircraft mishap. Of these areas, the Clear Zone has the highest potential for an accident, with Accident Potential Zone 1 and 2 following respectively. In general, the Department of Defense (DoD) recommends that people-intensive uses (shopping malls, theaters, etc.) not be placed within the Accident Potential Zones. Ideally, no uses would be present within the Clear Zone.

The Clear Zones and Accident Potential Zones for Keesler Air Force Base extend into the Cities of D'Iberville and Biloxi. These zones have the potential to experience impacts from noise and aircraft mishaps within these zones. The Clear Zones and Accident Potential Zones for Stennis International Airport also extend over parts of Harrison County containing uses that could conflict with the operations of the airport.

Federal Regulations

Noise Regulations

In the early 1970's the US government realized that inadequately controlled noise presents a growing danger to the health and welfare of the Nation's population, particularly in urban areas. The major sources of noise include transportation vehicles and equipment, machinery, appliances, and other products in commerce. The Noise Control Act of 1972 (42 U.S. Code Chapter 65) established a national policy to promote an environment for all Americans free from noise that jeopardized their health and welfare. The Act served to establish a means for effective coordination of Federal research and activities in noise control, authorize the establishment of Federal noise emission standards for products distributed in commerce, and provide information to the public respecting the noise emission and noise reduction characteristics of such products.

These efforts were coordinated through the Environmental Protection Agency's Office of Noise Abatement and Control. The office's funding was phased out in 1982 as part of a shift in federal noise control policy to transfer the primary responsibility of regulating noise to state and local governments. However, the Noise Control Act of 1972 and the Quiet Communities Act of 1978 were never rescinded by Congress and remain in effect today, although essentially unfunded.

While primary responsibility for control of noise rests with State and local governments, Federal action is essential to deal with major noise sources in commerce, control of which require national uniformity of treatment, such as aviation noise. EPA is directed by Congress to coordinate the programs of all Federal agencies relating to noise research and noise control.

Real Estate Disclosure Regulations

The only Federal requirement for a real estate disclosure is the presence of lead paint. Studies suggest that lead exposure from deteriorated residential lead-based paint, contaminated soil, and lead in dust are among the major existing sources of lead exposure among children in the United States. Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 directs EPA and HUD to jointly issue regulations requiring disclosure of known lead-based paint and/or lead-based paint hazards by persons selling or leasing housing constructed before the phaseout of residential lead-based paint use in 1978. These Federal Regulations are codified in 24 CFR Part 35 for the Department of Housing and Urban Development and 40 CFR Part 745 for the Environmental Protection Agency.

Safety Zone Regulations

In general, DoD recommends that noise sensitive uses (e.g., houses, churches, amphitheaters, etc.) be placed outside the high noise zones and that people-intensive uses (e.g., regional shopping malls, theaters, etc.) not be placed in APZ's. These DoD recommendations are intended to serve as guidelines; local governments are responsible for regulating the land use within these areas.

Pursuant to 14 CFR §151.9 (2019), whenever funds are allocated for improving or repairing existing runways, the sponsor must own, acquire, or agree to acquire land for the Clear Zone. Exceptions are considered based upon a showing of uneconomical acquisition costs, or lack of necessity for the acquisition. An airport operator or owner is considered to have an adequate property interest if it has an

easement giving it control to rid the clear zone of all obstructions that project above the approach surface (as defined by 14 CFR §77.19 (2019)) and to prevent the creation of future obstructions, together with the right of entrance and exit for those purposes, and to ensure the safe and unrestricted passage of aircraft in and over the area.

State of Mississippi Regulations

Noise Regulations

State of Mississippi regulations include provisions for considering noise as a factor when evaluating applications for siting certain waste facilities, exempting certain sport-shooting ranges from some noise-related nuisance complaints, requiring every working vehicle to have a muffler in good working order, and granting municipalities the power to enact police regulations concerning noise.

Airport Regulations

Mississippi Code § 61-7-3 (2013) defines an airport hazard as any structure or tree or *use of land* which obstructs the airspace required for the flight of aircraft in landing or taking-off at any airport or is otherwise hazardous to such landing or taking-off of aircraft (emphasis added). The Code further states (§ 61-7-5 (2013)) that the creation of an airport hazard is a public interest and that police power can be used to remove the hazard. If land uses within the Clear Zones or within the APZs are found to create an airport hazard, then police power may be used to remove the hazard. However, the Code also states (§ 61-7-15 (2013)) that the airport zoning authority cannot “require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any non-conforming use, except as provided in subsection (3) of Section 61-7-17.” Subsection 3 of § 61-7-17 (2013) addresses the granting of variances. Therefore, the airport authority cannot require the removal of non-conforming uses that were in existence when the airport zoning was adopted, but they can prohibit new non-conforming uses and exercise police power to remove an airport hazard.

Real Estate Disclosure Requirements

State of Mississippi Real Estate Disclosure requirements are codified in Mississippi Code Title 89, Real and Personal Property, § 89-1-501 through 89-1-527. These requirements provide for the applicability of real estate transfers, exemptions, when and how the disclosure must take place, limitation on duties and liabilities, provides for approximation of certain information, provides for the form of the disclosure statement, provides for good faith requirements, provides for other disclosure requirements, provides for amendment of disclosure, provides for an agent, non-compliance, enforcement of by the Mississippi Real Estate Commission, and provides for failure to disclose property as a site of death or felony crime.

In short, these regulations require the seller of a piece of real estate, if using a licensed real estate agent, to complete a property condition disclosure statement form. This form explains all of the conditions of the property to the prospective buyer and must be filled out to the best of the seller’s knowledge. If the disclosure statement is delivered to the potential buyer after they have made an offer on a property, the potential buyer can terminate their contract and withdraw their offer with no

penalties as long as they do so within three days of being given the statement (or within five days, if the statement was delivered by mail).

The Mississippi Real Estate Commission (MREC) is an organization that works to keep control over the real estate industry throughout the State of Mississippi and promulgates the disclosure form required for real estate transactions (please see Appendix B for current State of Mississippi Real Estate Disclosure forms).

The current forms do not contain disclosure requirements relating to noise from military bases or airports and do not contain any disclosure requirements regarding airport safety zones and it applies only to residential property of one to four units. Commercial, industrial, and recreational properties, as well as other types of properties, are excluded. The disclosure form only addresses physical conditions of the residence which can be easily observed unless there are hidden conditions of which the owner or seller has personal knowledge and those conditions would impact the market value or marketability of the residence. While changes to the form itself are not allowed at the local level, Section 89-1-513, M.S., does not preclude additional disclosure forms being required through other entities.

Local Requirements

City of Gulfport

The City of Gulfport prohibits noises that interfere with the enjoyment of property of public peace and comfort. Section 7-10 of the City's Code of Ordinances, entitled Noise Generally, enumerates noises that may interfere with the enjoyment of property or public peace (and includes construction noise), provides details on when these potentially disrupting noises may be made, provides for exemptions, provides for variances and permits, and provides for violations and penalties. The exemptions include vehicles operated in accordance with or pursuant to applicable federal laws or regulations. It also includes noise from aircraft operated in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control instructions pursuant to and within the duly adopted federal air regulations. Firing ranges and military installations are not specifically mentioned.

Harrison County

Harrison County's noise ordinance was adopted on July 7, 2008. The ordinance establishes noise control for the County and finds that excessive, unnecessary or offensive noise within the County is detrimental to the public health, safety, and welfare and the peace and quiet of the inhabitants of the County and is declared a public nuisance. The Ordinance prohibits people from making a noise that annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. The ordinance provides for specific unlawful noises (including shooting ranges, not to exceed 65 dBA); establishes maximum permissible sound levels; establishes a method of sound measurement; provides for permitting of outdoor sound amplification equipment; establishes noise standards; provides for exemptions; provides standards for noise around schools, hospitals, and churches; provides for administrative procedures; provides for violation; and provides for jurisdiction. Military installations, and airplane noise are not specifically addressed.

City of Long Beach

The City of Long Beach's noise ordinance was adopted on February 2, 1999. The City determined that loud and raucous noise constitutes a menace and is a serious hazard to the public health, welfare, safety, and quality of life within the City. The Ordinance states that no person shall make or cause to be made any loud and raucous noise which is offensive to the ordinary sensibilities of the inhabitants of the City, which noise renders the enjoyment of life of property uncomfortable or interferes with public peace and comfort. The Ordinance lists specific noises, including construction noise; provides for exemptions; provides for variances and permits, and provides for violations and penalties.

Hancock County

Hancock County allows Airports in the A-1 Agricultural Zoning District as well as the I-1 and I-2 Light Industrial and Heavy Industrial Zoning Districts. The zoning ordinance does not provide for the Clear Zone or APZs.

City of Biloxi

The City of Biloxi's Zoning Ordinance contains both an Airport Airspace Overlay District (AAOD) and an Airport Noise Overlay District (ANOD). The AAOD outlines requirements for height and frequency interference, while the ANOD outlines requirements for noise area overlay districts that are tied to noise contours surrounding Keesler Air Force Base. Each overlay district (1-3) has requirements for noise attenuation measures for each building type within the overlay.

The City of Biloxi's Code of Ordinances contains regulations defining the types of noise that may disturb, injure, or endanger the comfort, repose, health, peace or safety of persons within the City, defines these noises as a detriment to the public health, and provides for and prohibits these noises accordingly.

City of D'Iberville

The City of D'Iberville's zoning ordinance contains height limits for buildings within the Clear Zone and imaginary surfaces of Keesler Air Force Base (170'). The Code of Ordinances also includes an enumeration of the types of noises that are deemed to be loud, disturbing, and unnecessary, provides for hours wherein noisy activities are allowed, and provides for penalties of violation of the ordinance.

Proposed Requirements

The following proposed requirements seek to provide information to residents within the potential noise zones of the installations that there is military activity nearby and that it produces noise that could annoy or bother those that live in the area, as well as insulate the installations from noise complaints that could impact their missions.

Locally Required Disclosure Form

While changes to the State's disclosure form are not allowed at the local level, Section 89-1-513, M.S. does not preclude additional disclosure forms being required through other entities. The local governments surrounding NCBC + Special Areas could develop their own disclosure form, to be filled out by property owners within a specified distance of NCBC + Special Areas. This form could be either optional or required and distributed through real estate agents that operate in the area.

Signed Affidavit

A second option would be to require an affidavit, to be signed by property purchases within a specified distance of NCBC + Special Areas, or within specified overlay districts as defined on the zoning map. These affidavits would be required to be recorded with the deed when a property changes hands and would be linked to the property's parcel identification number (PIN). By linking the affidavit to the PIN, the affidavit would be discoverable during a title search, and potential buyers of the property in the future would be notified that the property in question was in a noise or safety area.

Overlay District

A third option for notifying potential buyers that a property is within a noise or safety area would be to delineate these areas within an overlay on the zoning maps. If the overlay is considered to be part of the zoning map, the overlay district and its implications will help notify potential buyers that the property is within a noise or safety zone.

Changes to State Form

A fourth option would be to work with the MREC to modify the state-wide form to include proximity to military installations, safety zones, and disclosure of noise from training exercises. This effort may be done in concert with the Mississippi Military Affairs Committee.

Appendix A

Mississippi Real Estate Disclosure Documents



PROPERTY CONDITION DISCLOSURE STATEMENT (PCDS)

THIS FORM MAY BE DUPLICATED BUT IT MAY NOT BE ALTERED OR PERSONALIZED BY THE SELLER(S), ANY BROKERAGE FIRM OR LICENSEE.

The following is a Property Condition Disclosure Statement (PCDS) required by §89-1-507 through §89-1-527 of the Mississippi Real Estate Brokers Act of 1954, as Amended, and made by the **SELLER(S)** concerning the condition of the **RESIDENTIAL PROPERTY (1 TO 4 UNITS)** located at: _____.

SELLER(S): _____ Approximate Age of the Residence _____

This document is a disclosure of the condition of real property known by the SELLER on the date that this statement is signed and it is based on their actual knowledge of the property. It is **NOT a warranty of any kind** by the Seller or any Real Estate Licensee representing a principal in this transaction and this PCDS is not a substitute for any home inspection(s) or warranties the purchaser(s) may wish to obtain. However, the purchaser(s) may rely on the information contained herein when deciding to negotiate the terms for the purchase of the residential real property. This statement may be made available to other parties and **is to be attached to the Listing Agreement and signed by the SELLER(S).** This statement is **NOT** intended to be part of any contract between the seller and the purchaser.

IF THE RESIDENCE IS NEW (NEVER OCCUPIED) OR PROPOSED RESIDENTIAL CONSTRUCTION and a real estate licensee is involved in the transaction, the **BUILDER/OWNER/SELLER** must complete the PCDS in its entirety and should reference specific plans/specifications, building material lists and/or change orders.

DO NOT LEAVE ANY QUESTIONS UNANSWERED AND DO NOT LEAVE BLANK SPACES. THE SELLER(S) MAY ATTACH ADDITIONAL PAGES IF NECESSARY TO FULLY EXPLAIN A PROPERTY'S CONDITION. THE ACRONYM "N/A" MAY BE USED FOR "NOT APPLICABLE" AND "UNK" MAY BE USED FOR "UNKNOWN".

A. GENERAL INFORMATION:

1. Does the Transferor/Seller currently have a deeded title to the residence? Yes ____ No _____. If "YES", when did the current Seller receive the title to the property? _____.
2. Does the Transferor/Seller currently occupy the residence? Yes ____ No _____. If "NO", has the current seller ever occupied the residence? Yes ____ No _____. If "YES", what were the dates of Occupancy? _____.
3. Is the site improved with a Factory Built (Manufactured Housing Unit) or a Modular Home constructed on a permanent foundation? Yes ____ No _____. If "YES", indicate the Home Identification number on the Data Plate _____.
4. Was the residence built in conformity with an approved building code? Yes ____ No ____ Unknown _____. If "YES", was a PERMIT secured from the City/County Building Authority? Yes ____ No ____ Unknown _____.
5. Do you have a Home Inspection Report which was completed for you? Yes ____ No _____. If "YES", is the report available for review by a prospective purchaser? Yes ____ No _____.

B. STRUCTURAL ITEMS & SOILS:

1. Are you aware of any settlement/heaving of soils, any collapsible or expansive soils or poorly compacted fill on the Property? Yes ____ No ____ Unknown _____. If "YES", please describe, to your knowledge, the nature and location of any settlement or heaving _____.
2. Are you aware of any past or present movement, shifting, deterioration or other problems with the walls (interior or exterior) or the foundation of the Property? Yes ____ No ____ Unknown _____. If "YES", please describe, to your knowledge, the nature and location of any such problems _____.
3. Are you aware of any tests to determine the composition/compaction of the soil or the presence of any "expandable soils" being present on the Property? Yes ____ No _____. If "YES", please provide copies of the results if they are available.
4. Are you aware of any foundation repairs made in the past? Yes ____ No _____. If "Yes", is there a written report which will indicate the foundation repairs? Explain _____.
5. If foundation repairs were completed is there a Warranty which can be transferred to a new owner? Yes ____ No ____.
6. To your knowledge, are any foundation repairs currently needed? Yes ____ No ____ Unknown _____. If "YES", please explain in detail _____.
7. Except for "Cosmetic Upgrades" (carpet, paint, wallpaper, etc) have you remodeled, made any room additions, made structural modifications or other alterations or improvements to the Property? If "YES", please describe, to your knowledge, the nature of all such remodels/alterations _____.
8. To your knowledge, were all necessary work PERMITS and approvals secured in compliance with local/city/county building codes? Yes ____ No ____ Unknown _____. If "YES", please indicate the name of the Licensed Contractor who completed the work and the dates of the work _____.

C. ROOF:

1. Has all or any portion of the roof been repaired or replaced during your ownership? Yes ____ No _____. If "YES", please indicate the dates of the roof work (if known) and describe, to the best of your knowledge, the nature of any roof repairs or replacements. _____.
2. To your knowledge, are there any written warranties presently in place for the roof? Yes ____ No _____. If "YES", please attach copies of any warranties in your possession.
3. Are you aware of any current leaks or defects with the roof such as structural issues, dry rot, water backups, moisture issues, wind damage or hail damage? Yes ____ No _____. If "YES", please describe, to your knowledge, the nature of the defects and their location _____.
4. How long have you known about the current problems with the roof? _____.
5. The roof is ____ years old.

D. HISTORY OF INFESTATION: TERMITES, CARPENTER ANTS, ETC:

1. Are you aware of any ongoing, recurring or habitual problems with termites, dry rot, mildew, vermin, rodents or other pests which affect the Property? Yes ____ No _____. If "YES", please describe, to your knowledge, the nature of the problem and the location of the problem _____.
2. Are you aware of any DAMAGE to the Property which was caused by termites, dry rot, mildew, vermin, rodents or other pests? Yes ____ No _____. If "YES", please describe, to your knowledge, the location of such damage and what efforts were taken to mitigate and/or repair the damage _____.
3. If a Wood Destroying Insect Treatment was required for the residence, which Pest Control Company treated the Property for the problem? _____.
4. If DAMAGE to the residence was actually mitigated/repaired, who was the contractor who repaired the DAMAGE to the Property? _____.
5. To your knowledge, are there any written warranties or other termite or pest control coverage(s) presently in place for the Property? Yes ____ No _____. If "YES", please attach copies of such warranties in your possession.

E. STRUCTURE/FLOOR/WALLS/CEILINGS/WINDOWS/FEATURES:

1. During your ownership, has there been DAMAGE to any portion of the physical structure resulting from fire, windstorm, hail, tornados, hurricane or any other natural disaster? Yes ____ No _____. If "YES", please describe, to your best knowledge, the cause of the damage, in detail, and supply the dates of the losses _____.
2. Are you aware of any past or present problems, malfunctions or defects with the windows (including storm windows and screens), the flooring (hardwood, marble, stone, tile or carpeting), fireplace/chimneys, ceilings, walls (interior), jetted bathtub, hot tub, sauna, skylights, shower or wet bar; including any modifications to them? Yes ____ No _____. If "YES", please describe, to your knowledge, the nature of any such problem; for example, the skylight leaked or the motor which operates the jetted bathtub had to be replaced, etc. _____.
3. Are you aware of any past or present problems, malfunctions or defects with the lawn sprinkler system, swimming pool, hot tub, rain gutters, tile drains (French drains), driveway, patio, storage building, gazebo, outdoor fireplace, or outdoor kitchen appliances (which are remaining with the property)? Yes ____ No _____. If "YES", please describe, to your knowledge, the nature of such problems; for example, the French drains are clogged and do not remove rain water or the timer for the sprinkler system is not functioning properly, etc. _____.
4. During your ownership, have there been any notices concerning safety issues with a swimming pool or other improvements to the property? Yes ____ No _____. If "YES". Please describe, to the best of your knowledge, those safety issue in detail. _____.
5. Except for regular maintenance of the exterior surfaces of the Property (painting, staining, etc) are you aware of any past or present problems, malfunctions or defects with any portion of the exterior walls, fascias, soffits, stucco, windows, doors or trim? Yes ____ No _____. If "YES", please describe, to your knowledge, the nature of the problems. (for example, there is moisture damage behind the stucco) _____.

F. LAND AND SITE DATA:

1. Is there an engineer's survey or a recorded plat of the Property available? Yes ____ No _____. If "YES", please attach a copy of the survey (if available). If "YES", please indicate by whom the survey was completed _____ and the Date the survey was completed _____.
2. Are you aware of the existence of any of the following, to wit:
- | | | | |
|----------------|-------------------------------|--------------------|-------------------------------|
| Encroachments: | Yes ____ No ____ Unknown ____ | Boundary Dispute: | Yes ____ No ____ Unknown ____ |
| Easements: | Yes ____ No ____ Unknown ____ | Soil/Erosion: | Yes ____ No ____ Unknown ____ |
| Soil Problems: | Yes ____ No ____ Unknown ____ | Standing Water: | Yes ____ No ____ Unknown ____ |
| Land Fill: | Yes ____ No ____ Unknown ____ | Drainage Problems: | Yes ____ No ____ Unknown ____ |
3. Are you aware of any current pending litigation, foreclosure, zoning regulations, restrictive covenants. building code violations, mechanics liens, judgments, special assessments or any other type of restriction which could negatively affect your Property? Yes ____ No _____. If "YES", please explain _____.
4. Other than the utility easements, are you aware of any easement which impacts the residence? Yes ____ No _____. If "YES", please explain _____.
5. Are there any rights-of-way, easements, eminent domain proceedings or similar matters which may negatively impact your ownership interest in the Property? Yes ____ No _____. If "YES", please explain _____.
6. Are you aware if any portion of the Property (including a part of the site) is currently located in or near a FEMA Designated Flood Hazard Zone? Yes ____ No _____. If "YES", please indicate the source of your information and the current Map Number used to determine the Flood Zone _____.
7. Is Flood Insurance currently required on the Property? Yes ____ No _____. If "YES", please indicate the amount of the premium currently being paid and when the premium was last adjusted _____.
8. Are you aware if any portion of the Property (Site) is currently designated as being located within a WETLANDS area and is subject to specific restrictive uses? Yes ____ No _____. If "YES", please explain in detail _____.
9. Are you aware if the Property has ever had standing water in the front, rear or side yards for more than forty-eight (48) hours following a heavy rain? Yes ____ No _____. If "YES", please describe, to your knowledge, any unusual circumstances causing the problem _____.

10. Are you aware, **FOR ANY REASON**, in the past or present of water penetration problems in the walls, windows, doors, crawl space, basement or attic? Yes ____ No _____. If "YES", please describe, to your knowledge, the nature of the problem and what steps were taken to remedy the problem _____.

11. **FOR ANY REASON**, past or present, has any portion of the interior of the Property ever suffered water damage or moisture related damage which was caused by flooding, lot drainage, moisture seepage, condensation, sewer overflow, sewer backup, leaking or broken water pipes (during or after construction) pipe fittings, plumbing fixtures, leaking appliances, fixtures or equipment? Yes ____ No _____. If "YES", please describe, to your knowledge, the nature of the problems and what steps were taken to remedy the problems _____.

12. Are you aware, **FOR ANY REASON**, of any leaks, back-ups, or other problems relating to any of the plumbing, water, sewage, or related items during your ownership? Yes ____ No _____. If "YES", please describe, to your best knowledge, the problem you experienced and how it was mitigated _____.

G. APPLIANCES/MECHANICAL EQUIPMENT:

Following is a list of appliances and mechanical systems which may or may not be present in the residence. Please complete the information to the best of your knowledge. You may use the “Item Blanks” at the bottom of the page for additional items.

APPLIANCES/ITEMS/SYSTEMS **REMAINING** WITH THE PROPERTY:

ITEMS	YES/ #ITEMS	NO N/A	GAS/ ELECTRIC	REPAIRS COMPLETED IN LAST TWO YEARS	AGE
BUILT-IN COOKTOP					
BUILT-IN OVEN(S)					
BUILT-IN DISHWASHER					
GARBAGE DISPOSAL					
ICE-MAKER (STAND ALONE)					
MICROWAVE OVEN					
TRASH COMPACTOR					
KITCHEN VENT FAN(S)					
CENTRAL AIR SYSTEM(S)					
CENTRAL HEATING SYSTEM(S)					
HUMIDIFIERS OR EVAPORATORS					
AIR PURIFIERS					
WATER HEATER(S)					
TANKLESS WATER HEATER(S)					
CEILING FAN(S)					
ATTIC FANS					
BATHROOM VENT FAN(S)					
GARAGE DOOR OPENER(S)					
SMOKE/MONOXIDE DETECTORS					
SECURITY SYSTEM					
INTERCOM/SOUND SYSTEM					
REFRIGERATOR					
FREE STANDING STOVE					

H. OTHER:

1. Are you aware of any past or present hazardous conditions, substances or materials on the Property such as asbestos or asbestos components, lead-based paint, urea-formaldehyde insulation, the presence of Chinese dry-wall, methane gas, radon gas, underground storage tanks and lines or any past industrial uses occurring on the premises? Yes ___ No ___ If "YES", please describe, to your best knowledge, the nature of any such hazardous conditions and any attempts to mitigate any such hazardous condition(s) _____.
2. Are you aware of any past or present contaminations which have resulted from the storing or the manufacturing of methamphetamines? Yes _____ No _____. If "YES", please describe _____.
3. Are you aware if there are currently, or have previously been, any inspections by qualified experts or orders issued on the property by any governmental authority requiring the remediation of MOLD or any other public health nuisance on the Property? Yes _____ No _____. If "YES", please describe, to your best knowledge, any attempts to mitigate such condition(s) _____.
4. Are you aware of any problems or conditions that affect the desirability or functionality of the Heating, Cooling, Electrical, Plumbing, or Mechanical Systems? Yes _____ No _____. If "YES", please described, to your best knowledge, all known problems in complete detail _____.
5. The water supply is: Public _____ Private _____ On-site Well _____ Neighbor's Well _____ Community _____
6. If your drinking water is from a well, when was the water quality last checked for safety, what were the results of the test and who was the qualified entity who conducted the test? _____.
7. Is the water supply equipped with a water softener? Yes _____ No _____ Unknown _____
8. The Sewage System is: Public _____ Private _____ Septic _____ Cesspool _____ Treatment Plant _____ Other _____
9. If the sewer service is by an individual system, has it been inspected by the proper state/county Health Department officials? Yes _____ No _____. If "YES", please give complete details _____.
10. How many bedrooms are allowed by the Individual Waste Water Permit? _____.
11. Is there a sewage pump installed? Yes _____ No _____ Date of the last Septic Inspection _____.

I. MISCELLANEOUS:

1. Is the residence situated on Leasehold or Sixteenth Section land? Yes _____ No _____ Unknown _____. If "YES", please indicate the terms of the lease including payments and expiration date _____.
2. Are you aware of any hidden defects or needed repairs about which the purchaser should be informed **PRIOR** to their purchase? Yes _____ No _____. If "YES", please describe, to your best knowledge, the problem(s) which need to be disclosed _____.
3. What is the **APPROXIMATE SQUARE FOOTAGE** of the Heated and Cooled Living Area? _____.
4. How was the approximation of the Gross Living Area (square footage) determined? _____.
5. Are there any finished hardwood floors beneath the floor coverings? Yes _____ No _____ Unknown _____. If "YES", please indicate, to your best knowledge, the condition and the location of the hardwood floors _____.
6. Are there Homeowner's Association Fees associated with ownership? Yes _____ No _____ Amount _____ (Yr/Mth/Quarter)
7. Does the HOA levy dues or assessments for maintenance of common areas and/or other common expenses? _____.
8. Are you aware of any HOA, Public (municipal) special improvement district (**PID**) or other assessments that are presently owing or that have been approved but not yet levied against the Property? Yes _____ No _____. If "YES", please indicate the tax (assessing) entity and the amount of the taxes/assessments _____.
9. Please indicate the contact information for the HOA _____.
10. What is the **YEARLY** Real Estate Tax Bill? County Taxes _____ City Taxes _____ Special District Taxes _____.
11. Has Homestead Exemption been filed for the **current** year? Yes _____ No _____ Unknown _____.
12. Are you aware of any additional tax exemptions which accrue to the Property? Yes _____ No _____ Unknown _____. If "YES", please describe the exemptions and the amount of the tax _____.
13. What is the average **YEARLY** Electric Bill? \$ _____. What is the average **YEARLY** Gas Bill? \$ _____.
14. Is the residence serviced by Propane (LP) Gas? If "YES", what is the average **YEARLY** Propane Bill? \$ _____.
15. The Propane Tank is: Owned _____ Leased _____ If Leased, how much is the lease payment? \$ _____.
16. Is Cable Television Service available at the site? Yes _____ No _____ Service Provider _____.
17. Is Fiber Optic Cable (Internet) available at the site? Yes _____ No _____ Service Provider _____.
18. List any item remaining with the Property which is financed separately from the mortgages _____.

MECHANICAL EQUIPMENT WHICH IS CONSIDERED PERSONAL PROPERTY AND IS NOT CONVEYED BY DEED AS PART OF THE REAL PROPERTY SHOULD BE NEGOTIATED IN THE CONTRACT OF SALE OR OTHER SUCH INSTRUMENT IF THE ITEMS ARE TO REMAIN WITH THE RESIDENCE.

To the extent of the Seller's knowledge as a property owner, the Seller(s) acknowledges that the information contained above is true and accurate for those areas of the property listed. The owner(s) agree to save and hold the Broker harmless from all claims, disputes, litigation and/or judgments arising from any incorrect information supplied by the owner(s) or from any material fact known by the owner(s) which owner(s) fail to disclose except the Broker is not held harmless to the owner(s) in claims, disputes, litigation, or judgments arising from conditions of which the Broker had actual knowledge.

SELLER (UPON LISTING) _____ DATE _____

SELLER (UPON LISTING) _____ DATE _____

SELLER (AT CLOSING) _____ DATE _____

SELLER (AT CLOSING) _____ DATE _____

PROSPECTIVE PURCHASER'S SIGNATURE _____
PURCHASER(S) ACKNOWLEDGE RECEIPT OF REPORT _____ DATE _____



INFORMATIONAL STATEMENT FOR MISSISSIPPI PROPERTY CONDITION

DISCLOSURE STATEMENT (PCDS)

In accordance with Sections 89-1-501 through 89-1-527 of the Mississippi Code of 1954, as amended, A TRANSFEROR/SELLER of real property consisting of not less than one (1) nor more than four (4) dwelling units shall provide a Property Condition Disclosure Statement when the transfer is by, or with the aid of, a duly licensed real estate broker or salesperson. The required Property Condition Disclosure Statement shall be in the form promulgated by the Mississippi Real Estate Commission (MREC) or on another form that contains the identical information. The Property Condition Disclosure Statement may not be personalized in any fashion. All "Forms" which have been promulgated and approved by the Real Estate Commission for use by licensees in real estate transactions may be found at www.mrec.ms.gov.

PURCHASER RIGHTS & CONSEQUENCES OF FAILURE TO DISCLOSE:

If the PCDS is delivered after the Transferee/Buyer has made an offer, the transferee may terminate any resulting real estate contract or withdraw any offer for a time period of three (3) days after the delivery in person or five (5) days after the delivery by deposit in mail. This termination or withdrawal will always be without penalty to the Transferee and any deposit or earnest money must be promptly returned to the prospective purchaser (despite any agreement to the contrary).

LICENSEE DUTIES & CONSEQUENCES OF FAILURE TO FULFILL DUTIES:

The Mississippi Statute requires real estate licensees to inform their clients of those clients' duties and rights in association with the completion of the Property Condition Disclosure Statement. The failure of any licensee to inform their client of the clients' responsibilities could subject the licensee (salesperson and broker) to censure, suspension, or revocation of their respective real estate licenses. The licensee is not liable for any error, inaccuracy or omission in a Property Condition Disclosure Statement UNLESS the licensee has actual knowledge of the error, inaccuracy or omission by the Transferor/Seller.

IMPORTANT PROVISIONS OF THE LAW:

- **The PCDS shall not be considered as a warranty by the Transferor/Seller.
- **The PCDS is for "disclosure" purposes only and should NOT be included or become a part of any contract between the Transferor/Seller and the Transferee/Buyer.
- **The PCDS may not be used as a substitute for a home inspection by a Mississippi Licensed Home Inspector or for the issuance of any Home Warranty Policy that the Transferor/Seller or Transferee/Buyer may obtain.
- **The purchase or sale of any Appliances or items considered Personal Property should be negotiated by the Parties as part of the Contract of Sale and the ownership interest(s) should be transferred by a Bill of Sale.

LIMITATION TO EXCLUSIONS/EXEMPTIONS:

If, during the period of ownership, the Transferor/Seller has requested or authorized any repairs, has replaced or repaired any of the mechanical equipment, has initiated any action or activity which could be documented on the PCDS or has actual knowledge of information which might impact a transferee's/buyer's decision to purchase the residence, Transferors/Sellers are obligated to complete those specific portions of the PCDS which are applicable to that information.

A known (material) defect is a condition found within the property that was known by the Transferor/Seller at the time of the listing or was discovered prior to a transaction being finalized and the defect results in one of the following:

- (a) The defect has an adverse effect on the market value or marketability of the residence.
- (b) The defect significantly impairs the health or safety of future occupants of the residence.
- (c) If not repaired/removed/replaced, the defect shortens the expected normal life of the residence.

The Transferor/Seller is **REQUIRED** to sign the Property Condition Disclosure Statement when the transaction is finalized in order to verify and confirm that there have been no material changes to the residence since the original Disclosure Statement was executed by the seller(s).

CONFIRMATION OF UNDERSTANDING:

_____ SELLER (UPON LISTING)	_____ DATE	_____ BUYER (BEFORE OFFER)	_____ DATE
_____ SELLER (UPON LISTING)	_____ DATE	_____ BUYER (BEFORE OFFER)	_____ DATE
_____ REPRESENTING THE SELLER(S)		_____ REPRESENTING THE BUYER(S)	

Appendix B

Draft Disclosure Documents



PROPERTY CONDITION DISCLOSURE STATEMENT (PCDS)

THIS FORM MAY BE DUPLICATED BUT IT MAY NOT BE ALTERED OR PERSONALIZED BY THE SELLER(S), ANY BROKERAGE FIRM OR LICENSEE.

The following is a Property Condition Disclosure Statement (PCDS) required by §89-1-507 through §89-1-527 of the Mississippi Real Estate Brokers Act of 1954, as Amended, and made by the **SELLER(S)** concerning the condition of the **RESIDENTIAL PROPERTY (1 TO 4 UNITS)** located at: _____.

SELLER(S): _____ Approximate Age of the Residence _____

This document is a disclosure of the condition of real property known by the SELLER on the date that this statement is signed and it is based on their actual knowledge of the property. It is **NOT a warranty of any kind** by the Seller or any Real Estate Licensee representing a principal in this transaction and this PCDS is not a substitute for any home inspection(s) or warranties the purchaser(s) may wish to obtain. However, the purchaser(s) may rely on the information contained herein when deciding to negotiate the terms for the purchase of the residential real property. This statement may be made available to other parties and **is to be attached to the Listing Agreement and signed by the SELLER(S).** This statement is **NOT** intended to be part of any contract between the seller and the purchaser.

IF THE RESIDENCE IS NEW (NEVER OCCUPIED) OR PROPOSED RESIDENTIAL CONSTRUCTION and a real estate licensee is involved in the transaction, the **BUILDER/OWNER/SELLER** must complete the PCDS in its entirety and should reference specific plans/specifications, building material lists and/or change orders.

DO NOT LEAVE ANY QUESTIONS UNANSWERED AND DO NOT LEAVE BLANK SPACES. THE SELLER(S) MAY ATTACH ADDITIONAL PAGES IF NECESSARY TO FULLY EXPLAIN A PROPERTY'S CONDITION. THE ACRONYM "N/A" MAY BE USED FOR "NOT APPLICABLE" AND "UNK" MAY BE USED FOR "UNKNOWN".

A. GENERAL INFORMATION:

1. Does the Transferor/Seller currently have a deeded title to the residence? Yes ____ No _____. If "YES", when did the current Seller receive the title to the property? _____.
2. Does the Transferor/Seller currently occupy the residence? Yes ____ No _____. If "NO", has the current seller ever occupied the residence? Yes ____ No _____. If "YES", what were the dates of Occupancy? _____.
3. Is the site improved with a Factory Built (Manufactured Housing Unit) or a Modular Home constructed on a permanent foundation? Yes ____ No _____. If "YES", indicate the Home Identification number on the Data Plate _____.
4. Was the residence built in conformity with an approved building code? Yes ____ No ____ Unknown _____. If "YES", was a PERMIT secured from the City/County Building Authority? Yes ____ No ____ Unknown _____.
5. Do you have a Home Inspection Report which was completed for you? Yes ____ No _____. If "YES", is the report available for review by a prospective purchaser? Yes ____ No _____.

B. STRUCTURAL ITEMS & SOILS:

1. Are you aware of any settlement/heaving of soils, any collapsible or expansive soils or poorly compacted fill on the Property? Yes ____ No ____ Unknown _____. If "YES", please describe, to your knowledge, the nature and location of any settlement or heaving _____.
2. Are you aware of any past or present movement, shifting, deterioration or other problems with the walls (interior or exterior) or the foundation of the Property? Yes ____ No ____ Unknown _____. If "YES", please describe, to your knowledge, the nature and location of any such problems _____.
3. Are you aware of any tests to determine the composition/compaction of the soil or the presence of any "expandable soils" being present on the Property? Yes ____ No _____. If "YES", please provide copies of the results if they are available.
4. Are you aware of any foundation repairs made in the past? Yes ____ No _____. If "Yes", is there a written report which will indicate the foundation repairs? Explain _____.
5. If foundation repairs were completed is there a Warranty which can be transferred to a new owner? Yes ____ No ____.
6. To your knowledge, are any foundation repairs currently needed? Yes ____ No ____ Unknown _____. If "YES", please explain in detail _____.
7. Except for "Cosmetic Upgrades" (carpet, paint, wallpaper, etc) have you remodeled, made any room additions, made structural modifications or other alterations or improvements to the Property? If "YES", please describe, to your knowledge, the nature of all such remodels/alterations _____.
8. To your knowledge, were all necessary work PERMITS and approvals secured in compliance with local/city/county building codes? Yes ____ No ____ Unknown _____. If "YES", please indicate the name of the Licensed Contractor who completed the work and the dates of the work _____.

C. ROOF:

- 1. Has all or any portion of the roof been repaired or replaced during your ownership? Yes ____ No _____. If "YES", please indicate the dates of the roof work (if known) and describe, to the best of your knowledge, the nature of any roof repairs or replacements. _____.
- 2. To your knowledge, are there any written warranties presently in place for the roof? Yes ____ No _____. If "YES", please attach copies of any warranties in your possession.
- 3. Are you aware of any current leaks or defects with the roof such as structural issues, dry rot, water backups, moisture issues, wind damage or hail damage? Yes ____ No _____. If "YES", please describe, to your knowledge, the nature of the defects and their location _____.
- 4. How long have you known about the current problems with the roof? _____.
- 5. The roof is ____ years old.

D. HISTORY OF INFESTATION: TERMITES, CARPENTER ANTS, ETC:

- 1. Are you aware of any ongoing, recurring or habitual problems with termites, dry rot, mildew, vermin, rodents or other pests which affect the Property? Yes ____ No _____. If "YES", please describe, to your knowledge, the nature of the problem and the location of the problem _____.
- 2. Are you aware of any DAMAGE to the Property which was caused by termites, dry rot, mildew, vermin, rodents or other pests? Yes ____ No _____. If "YES", please describe, to your knowledge, the location of such damage and what efforts were taken to mitigate and/or repair the damage _____.
- 3. If a Wood Destroying Insect Treatment was required for the residence, which Pest Control Company treated the Property for the problem? _____.
- 4. If DAMAGE to the residence was actually mitigated/repaired, who was the contractor who repaired the DAMAGE to the Property? _____.
- 5. To your knowledge, are there any written warranties or other termite or pest control coverage(s) presently in place for the Property? Yes ____ No _____. If "YES", please attach copies of such warranties in your possession.

E. STRUCTURE/FLOOR/WALLS/CEILINGS/WINDOWS/FEATURES:

- 1. During your ownership, has there been DAMAGE to any portion of the physical structure resulting from fire, windstorm, hail, tornados, hurricane or any other natural disaster? Yes ____ No _____. If "YES", please describe, to your best knowledge, the cause of the damage, in detail, and supply the dates of the losses _____.
- 2. Are you aware of any past or present problems, malfunctions or defects with the windows (including storm windows and screens), the flooring (hardwood, marble, stone, tile or carpeting), fireplace/chimneys, ceilings, walls (interior), jetted bathtub, hot tub, sauna, skylights, shower or wet bar; including any modifications to them? Yes ____ No _____. If "YES", please describe, to your knowledge, the nature of any such problem; for example, the skylight leaked or the motor which operates the jetted bathtub had to be replaced, etc. _____.
- 3. Are you aware of any past or present problems, malfunctions or defects with the lawn sprinkler system, swimming pool, hot tub, rain gutters, tile drains (French drains), driveway, patio, storage building, gazebo, outdoor fireplace, or outdoor kitchen appliances (which are remaining with the property)? Yes ____ No _____. If "YES", please describe, to your knowledge, the nature of such problems; for example, the French drains are clogged and do not remove rain water or the timer for the sprinkler system is not functioning properly, etc. _____.
- 4. During your ownership, have there been any notices concerning safety issues with a swimming pool or other improvements to the property? Yes ____ No _____. If "YES". Please describe, to the best of your knowledge, those safety issue in detail. _____.
- 5. Except for regular maintenance of the exterior surfaces of the Property (painting, staining, etc) are you aware of any past or present problems, malfunctions or defects with any portion of the exterior walls, fascias, soffits, stucco, windows, doors or trim? Yes ____ No _____. If "YES", please describe, to your knowledge, the nature of the problems. (for example, there is moisture damage behind the stucco) _____.

F. LAND AND SITE DATA:

- 1. Is there an engineer’s survey or a recorded plat of the Property available? Yes ____ No _____. If “YES”, please attach a copy of the survey (if available). If “YES”, please indicate by whom the survey was completed _____ and the Date the survey was completed _____.
- 2. Are you aware of the existence of any of the following, to wit:

Encroachments:	Yes ____ No ____ Unknown ____	Boundary Dispute:	Yes ____ No ____ Unknown ____
Easements:	Yes ____ No ____ Unknown ____	Soil/Erosion:	Yes ____ No ____ Unknown ____
Soil Problems:	Yes ____ No ____ Unknown ____	Standing Water:	Yes ____ No ____ Unknown ____
Land Fill:	Yes ____ No ____ Unknown ____	Drainage Problems:	Yes ____ No ____ Unknown ____

- 3. Are you aware of any current pending litigation, foreclosure, zoning regulations, restrictive covenants. building code violations, mechanics liens, judgments, special assessments or any other type of restriction which could negatively affect your Property?Yes ____ No _____. If "YES", please explain _____.
- 4. Other than the utility easements, are you aware of any easement which impacts the residence? Yes ____ No ____.
- 5. Are there any rights-of-way, easements, eminent domain proceedings or similar matters which may negatively impact your ownership interest in the Property? Yes ____ No _____. If "YES", please explain _____.
- 6. Are you aware of any noise, vibration, odor, smoke, etc. from military sources which affects the property? YES ____ NO _____. If "YES", please explain _____.
- 7. Are you aware if any portion of the Property (including a part of the site) is currently located in or near a FEMA Designated Flood Hazard Zone? Yes ____ No _____. Unknown _____. If "YES", please indicate the source of your information and the current Map Number used to determine the Flood Zone _____.
- 8. Is Flood Insurance currently required on the Property? Yes ____ No _____. If "YES", please indicate the amount of the premium currently being paid and when the premium was last adjusted _____.
- 9. Are you aware if any portion of the Property (Site) is currently designated as being located within a WETLANDS area and is subject to specific restrictive uses? Yes ____ No _____. If "YES", please explain in detail _____.
- 10. Are you aware if the Property has ever had standing water in the front, rear or side yards for more than forty-eight (48) hours following a heavy rain? Yes ____ No _____. If "YES", please describe, to your knowledge, any unusual circumstances causing the problem _____.

10. Are you aware, **FOR ANY REASON**, in the past or present of water penetration problems in the walls, windows, doors, crawl space, basement or attic? Yes ____ No _____. If "YES", please describe, to your knowledge, the nature of the problem and what steps were taken to remedy the problem _____.

11. **FOR ANY REASON**, past or present, has any portion of the interior of the Property ever suffered water damage or moisture related damage which was caused by flooding, lot drainage, moisture seepage, condensation, sewer overflow, sewer backup, leaking or broken water pipes (during or after construction) pipe fittings, plumbing fixtures, leaking appliances, fixtures or equipment? Yes ____ No _____. If "YES", please describe, to your knowledge, the nature of the problems and what steps were taken to remedy the problems _____.

12. Are you aware, **FOR ANY REASON**, of any leaks, back-ups, or other problems relating to any of the plumbing, water, sewage, or related items during your ownership? Yes ____ No _____. If "YES", please describe, to your best knowledge, the problem you experienced and how it was mitigated _____.

G. APPLIANCES/MECHANICAL EQUIPMENT:

Following is a list of appliances and mechanical systems which may or may not be present in the residence. Please complete the information to the best of your knowledge. You may use the “Item Blanks” at the bottom of the page for additional items.

APPLIANCES/ITEMS/SYSTEMS **REMAINING** WITH THE PROPERTY:

ITEMS	YES/ #ITEMS	NO N/A	GAS/ ELECTRIC	REPAIRS COMPLETED IN LAST TWO YEARS	AGE
BUILT-IN COOKTOP					
BUILT-IN OVEN(S)					
BUILT-IN DISHWASHER					
GARBAGE DISPOSAL					
ICE-MAKER (STAND ALONE)					
MICROWAVE OVEN					
TRASH COMPACTOR					
KITCHEN VENT FAN(S)					
CENTRAL AIR SYSTEM(S)					
CENTRAL HEATING SYSTEM(S)					
HUMIDIFIERS OR EVAPORATORS					
AIR PURIFIERS					
WATER HEATER(S)					
TANKLESS WATER HEATER(S)					
CEILING FAN(S)					
ATTIC FANS					
BATHROOM VENT FAN(S)					
GARAGE DOOR OPENER(S)					
SMOKE/MONOXIDE DETECTORS					
SECURITY SYSTEM					
INTERCOM/SOUND SYSTEM					
REFRIGERATOR					
FREE STANDING STOVE					

H. OTHER:

1. Are you aware of any past or present hazardous conditions, substances or materials on the Property such as asbestos or asbestos components, lead-based paint, urea-formaldehyde insulation, the presence of Chinese dry-wall, methane gas, radon gas, underground storage tanks and lines or any past industrial uses occurring on the premises? Yes ___ No ___ If "YES", please describe, to your best knowledge, the nature of any such hazardous conditions and any attempts to mitigate any such hazardous condition(s) _____.
2. Are you aware of any past or present contaminations which have resulted from the storing or the manufacturing of methamphetamines? Yes _____ No _____. If "YES", please describe _____.
3. Are you aware if there are currently, or have previously been, any inspections by qualified experts or orders issued on the property by any governmental authority requiring the remediation of MOLD or any other public health nuisance on the Property? Yes _____ No _____. If "YES", please describe, to your best knowledge, any attempts to mitigate such condition(s) _____.
4. Are you aware of any problems or conditions that affect the desirability or functionality of the Heating, Cooling, Electrical, Plumbing, or Mechanical Systems? Yes _____ No _____. If "YES", please described, to your best knowledge, all known problems in complete detail _____.
5. The water supply is: Public _____ Private _____ On-site Well _____ Neighbor's Well _____ Community _____
6. If your drinking water is from a well, when was the water quality last checked for safety, what were the results of the test and who was the qualified entity who conducted the test? _____.
7. Is the water supply equipped with a water softener? Yes _____ No _____ Unknown _____
8. The Sewage System is: Public _____ Private _____ Septic _____ Cesspool _____ Treatment Plant _____ Other _____
9. If the sewer service is by an individual system, has it been inspected by the proper state/county Health Department officials? Yes _____ No _____. If "YES", please give complete details _____.
10. How many bedrooms are allowed by the Individual Waste Water Permit? _____.
11. Is there a sewage pump installed? Yes _____ No _____ Date of the last Septic Inspection _____.

I. MISCELLANEOUS:

1. Is the residence situated on Leasehold or Sixteenth Section land? Yes _____ No _____ Unknown _____. If "YES", please indicate the terms of the lease including payments and expiration date _____.
2. Are you aware of any hidden defects or needed repairs about which the purchaser should be informed **PRIOR** to their purchase? Yes _____ No _____. If "YES", please describe, to your best knowledge, the problem(s) which need to be disclosed _____.
3. What is the **APPROXIMATE SQUARE FOOTAGE** of the Heated and Cooled Living Area? _____.
4. How was the approximation of the Gross Living Area (square footage) determined? _____.
5. Are there any finished hardwood floors beneath the floor coverings? Yes _____ No _____ Unknown _____. If "YES", please indicate, to your best knowledge, the condition and the location of the hardwood floors _____.
6. Are there Homeowner's Association Fees associated with ownership? Yes _____ No _____ Amount _____ (Yr/Mth/Quarter)
7. Does the HOA levy dues or assessments for maintenance of common areas and/or other common expenses? _____.
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9. Please indicate the contact information for the HOA _____.
10. What is the **YEARLY** Real Estate Tax Bill? County Taxes _____ City Taxes _____ Special District Taxes _____.
11. Has Homestead Exemption been filed for the **current** year? Yes _____ No _____ Unknown _____.
12. Are you aware of any additional tax exemptions which accrue to the Property? Yes _____ No _____ Unknown _____. If "YES", please describe the exemptions and the amount of the tax _____.
13. What is the average **YEARLY** Electric Bill? \$ _____. What is the average **YEARLY** Gas Bill? \$ _____.
14. Is the residence serviced by Propane (LP) Gas? If "YES", what is the average **YEARLY** Propane Bill? \$ _____.
15. The Propane Tank is: Owned _____ Leased _____ If Leased, how much is the lease payment? \$ _____.
16. Is Cable Television Service available at the site? Yes _____ No _____ Service Provider _____.
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To the extent of the Seller's knowledge as a property owner, the Seller(s) acknowledges that the information contained above is true and accurate for those areas of the property listed. The owner(s) agree to save and hold the Broker harmless from all claims, disputes, litigation and/or judgments arising from any incorrect information supplied by the owner(s) or from any material fact known by the owner(s) which owner(s) fail to disclose except the Broker is not held harmless to the owner(s) in claims, disputes, litigation, or judgments arising from conditions of which the Broker had actual knowledge.

SELLER (UPON LISTING) _____ DATE _____

SELLER (UPON LISTING) _____ DATE _____

SELLER (AT CLOSING) _____ DATE _____

SELLER (AT CLOSING) _____ DATE _____

PROSPECTIVE PURCHASER'S SIGNATURE _____
PURCHASER(S) ACKNOWLEDGE RECEIPT OF REPORT _____ DATE _____

Supplementary Property Condition Statement

The following is a Supplementary Property Condition Statement made by the seller concerning the conditions of the property at _____,
Property Identification Number _____.

This document is a disclosure of the condition of real property known by the seller on the data that this statement is signed and it is based on the actual knowledge of the property. It is not intended to be a warranty of any kind. However, the purchasers may use the information contained herein when deciding to negotiate the terms for the purchase of the property. This statement may be made available to other parties and is not part of any contract between the seller and the purchaser.

Instructions to Property Owners

1. Mississippi Code Title 89, Real and Personal Property, § 89-1-501 through 89-1-527 codifies the requirements for real estate disclosures in the State of Mississippi. These requirements provide for the applicability of real estate transfers, exemptions, when and how the disclosure must take place, limitation on duties and liabilities, provides for approximation of certain information, provides for the form of the disclosure statement, provides for good faith requirements, provides for other disclosure requirements, provides for amendment of disclosure, provides for an agent, non-compliance, enforcement of by the Mississippi Real Estate Commission (MREC), and provides for failure to disclose property as a site of death or felony crime. The MREC promulgates the disclosure form required for real estate transactions. This form is provided in certain areas in addition to, and not replacement of, the form created by the MREC.
2. You must respond to each of the questions on the following pages of this form by filling in the requested information or by placing a check (✓) in the appropriate box. In responding to questions, you are only obligated to disclose information for which you have actual knowledge.

The following questions address the characteristics and condition of the property identified above about which the owner has actual knowledge.

1. Is there any noise, vibration, odor, smoke, etc. from military sources which affects the property? _____
2. If yes, how often does the noise, vibration, etc. occur? _____
3. What time of day does the disturbance occur? _____
4. How long does the disturbance last? _____
5. Does the disturbance negatively affect the enjoyment of the property? _____

Supplementary Property Condition Statement

Signature – Owner 1

Printed Name Owner 1

Date

Signature – Owner 2

Printed Name Owner 2

Date

THE STATE OF MISSISSIPPI

COUNTY OF _____

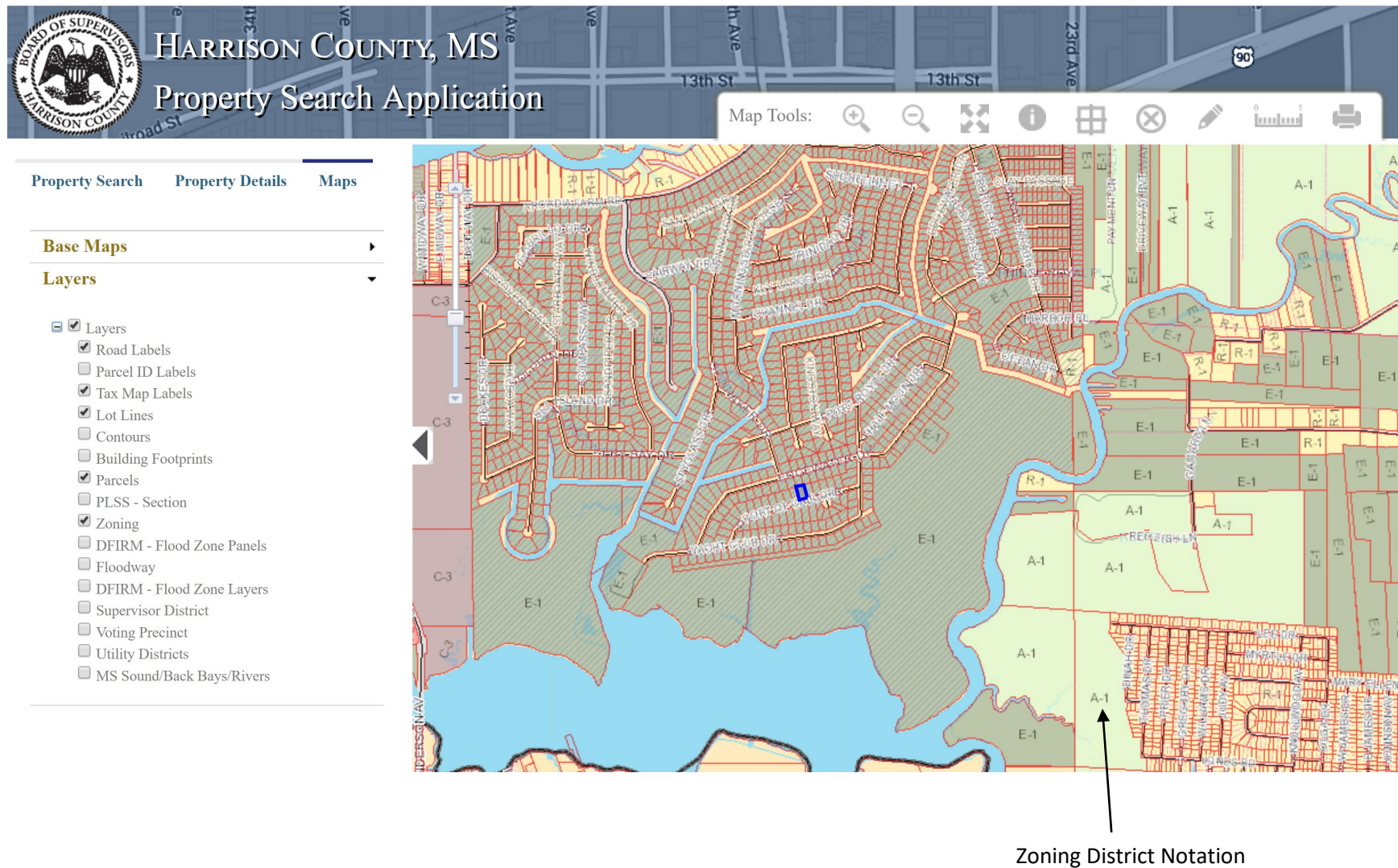
Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of _____ in the year 20____, within my jurisdiction, the within named _____, who acknowledged that he/she executed the above and forgoing instrument.

Notary Public Signature

(SEAL)

Print

Example Harrison County Mapping Application Query showing Zoning District Information



Affidavit of Proximity to Military Installation

I, _____, acknowledge that the property located at _____

with Parcel Identification Number _____, is located proximate to a Military
Installation, and as such, may be exposed to noise, vibration, smoke, hazards or other off-site effects.

Signature – Owner 1

Printed Name Owner 1

Date

Signature – Owner 2

Printed Name Owner 2

Date

THE STATE OF MISSISSIPPI

COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this
_____ day of _____ in the year 20____, within my jurisdiction, the within named _____
_____, who acknowledged that he/she executed the above and forgoing instrument.

Notary Public Signature

(SEAL)

Print