

**REALTORS® ASSOCIATION OF NEW MEXICO
PROPERTY DISCLOSURE STATEMENT - VACANT LAND - 2014**

INSTRUCTIONS AND ACKNOWLEDGEMENT REGARDING THIS FORM

This Statement discloses Seller's current, actual knowledge of the condition of the Property as of the date signed by Seller, and is not a substitute for any inspections or warranties that Buyer may wish to obtain. This Statement is designed to assist Seller to provide information about the Property and to assist Buyer in evaluating the Property being considered. Conditions may exist which are unknown to Seller. Buyer is encouraged to address concerns about the Property whether or not included in this Statement. This Statement does not relieve Seller of the obligation to disclose a condition of the Property that may not be addressed on this form or a change in any condition after the date of this Statement, and is not a substitute for inspection by the Buyer. Neither the Broker, nor the Board or Association of REALTORS® nor the REALTORS® Association of New Mexico warrant or guarantee the information in this disclosure.

Do not leave any questions blank. Attach additional pages if needed.

Initials: Buyer MKO Seller _____

Address <u>Sandesta Drive</u>	City <u>Alto</u>	Zip Code <u>88312</u>
Legal Description <u>Lot 17 Unit 1 Ranches of Sonterra Subdivision</u>		

Or see metes and bounds description attached as Exhibit _____, Lincoln County, New Mexico.

1. **OCCUPANCY:** Is Seller currently occupying the Property? ☐ Yes. If yes, _____ years/months Seller occupied.
☐ No. If no, _____ years/months since Seller occupied. ☒ Never Occupied Property. ☐ Other _____

2. TITLE, ZONING, LEGAL INFORMATION:

YES	NO
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IS THE SELLER AWARE OF:

- | | |
|--------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/> | <p>A. Was the Property part of a larger tract of land that was subdivided within the last five (5) years? If yes, and the subdivided Property was not previously subdivided in accordance with the New Mexico Subdivision Act (Act), a subsequent sale, lease or other conveyance of the Property within five (5) years of the original subdivision and sale, lease or conveyance may trigger the requirements of the Act. SELLER/BUYER SHOULD CONSULT A TITLE COMPANY AND AN ATTORNEY TO DETERMINE THE APPLICABILITY OF THE ACT TO THIS PROPERTY.</p> <p>B. Are there any title problems (for example, unrecorded or disputed easements, lot line disputes, liens, encroachment, access issues, third party claims)?</p> <p>C. Any Property taxes that are not current?</p> <p>D. Any existing or proposed bonds, assessments, liens, mortgages, judgments, Deed of Trust, Impact Fees, Real Estate Contracts, etc. against the Property?</p> <p>If yes, explain: _____</p> |
|--------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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**REALTORS® ASSOCIATION OF NEW MEXICO
PROPERTY DISCLOSURE STATEMENT - VACANT LAND - 2014**

YES	NO
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IS THE SELLER AWARE OF:

- | | | |
|-------------------------------------|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | E. Any violations of applicable subdivision laws at the time the Property was subdivided?
If yes, explain: _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | F. Any alleged violations of applicable laws, regulations, ordinances or zoning laws?
If yes, explain: _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | G. Any zoning variances/exceptions or non-conforming use of the Property?
If yes, explain: _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | H. Any legal issues, proposed buildings, bridges, roadways or real estate developments, etc. in the immediate area?
If yes, explain: _____ |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | I. Any restrictive covenants or other limitations on use?
If yes, explain: <u>HOA covenants</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | a. Any violation thereof? If yes, explain: _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | J. Any building code or environmental regulation violations?
If yes, explain: _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | K. Any necessary permits, approvals or inspections for all construction, repairs and improvements that have not been obtained?
If yes, explain: _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | L. Any existing or threatened legal actions concerning the Property or the Homeowners Association?
If yes, explain: _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | M. Any well-sharing, driveway-sharing, road-sharing or other contract to which the Property is subject?
If yes, explain: _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | N. Anyone with a Right of First Refusal, option to buy or lease the Property, or any other similar agreement?
If yes, explain: _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | O. Any other restrictions on resale?
If yes, explain: _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | P. Is this Property subject to Right of Reversion?
If yes, explain: _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Q. Any exemptions you claim to Property Taxes (i.e., Veteran, Head of Household)?
If yes, explain: _____ |

For additional information or further explanation (indicate item #): _____

3. PROPERTY CONDITIONS

YES	NO
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IS THE SELLER AWARE OF:

- | | | |
|-------------------------------------|-------------------------------------|----------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | A. Any minor damage that has occurred to the Property? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | B. Any smoke damage or a fire on the Property? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | C. Any problems with driveways, walkways, sidewalks (such as large cracks, potholes or raised sections)? |

REALTORS® ASSOCIATION OF NEW MEXICO

PROPERTY DISCLOSURE STATEMENT - VACANT LAND - 2014

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|-------------------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | D. Any history of wood infestation, insects, pests or tree root problems? Specify date and type of last treatment: _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | E. Any flowing or drainage problems on the Property? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | F. Any flowing or drainage problems on adjacent Properties that may impact this Property? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | G. Any standing water after rainfalls? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | H. Any active springs? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | I. Any history of moldy conditions or treatment for mold? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | J. Any land on the Property that has been filled in? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | K. Any earth movement, subsidence, or settlement problems? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | L. Any additional structures? If yes, list: _____ |

For additional information or further explanation (indicate item #): J - Building pad constructed

4. WATER SUPPLY

YES	NO	DON'T KNOW
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- | | | | |
|--------------------------|--------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>A. Is the water supply <input type="checkbox"/> City/Municipal? <input type="checkbox"/> Community/Subdivision <input type="checkbox"/> Domestic Well <input type="checkbox"/> Private Well <input type="checkbox"/> Shared Well <input checked="" type="checkbox"/> None (If none, skip to Paragraph 5) If yes,</p> <p>i. Is there a requirement to connect to the City/Municipal/Community/Subdivision water? If yes, what are the requirements? _____</p> <p style="text-align: center;">NOTE: Additional expenses may be required</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>B. If the water supply is City/Municipal/Community/Subdivision, list name and address of supplier: _____</p> <p>Are there any problems? _____</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>i. Any water supply problems? If yes, explain: _____</p> <p>ii. Fees per month: \$ _____</p> <p>iii. Is there a Transfer Fee? If yes, how much? _____</p> <p>iv. Any restrictions or regulations? If yes, explain: _____</p> <p style="text-align: center;">NOTE: Additional expenses may be required</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>C. If water supply is domestic/private/shared well, any problems with well equipment? If yes, explain: _____</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>i. Any restrictions or regulations?</p> <p>ii. If this is a shared well, is a written agreement available?</p> <p>iii. Is well registered with the State Engineer's Office?
Permit Number: _____</p> <p>iv. Does Seller have well record?</p> <p>v. Is well metered?</p> <p>vi. Is there sufficient water yield at all times?
If no, explain: _____</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <p>vii. Is there a separate electrical meter for the shared well?
If yes, what is the location of the meter? _____
and other well components & equipment? _____</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>viii. Is there a requirement to connect to the City/Municipal/Community/Subdivision water? If yes, what are the requirements? _____</p> |

REALTORS® ASSOCIATION OF NEW MEXICO
PROPERTY DISCLOSURE STATEMENT - VACANT LAND - 2014

YES	NO	DON'T KNOW
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☐ ☐ ☐

NOTE: Additional expenses may be required

ix. Is there any other water source for the Property for any other use?

If so, explain: _____

For more Information, see RANM Form 2307 - Information Sheet - Water Rights and Domestic Wells)

For additional information or further explanation (indicate item #): _____

5. SEWER/WASTEWATER TREATMENT

YES	NO	DON'T KNOW
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A. Is the sewer/wastewater treatment system? ☐ City/Municipal?
☐ Community/Subdivision ☐ Onsite Liquid Waste System ☒ None
 Any problems? _____

i. If none, is sewer available

ii. If yes, is there a requirement to connect to the City/Municipal/Community/
 Subdivision Sewer Wastewater Treatment System? What are the
 requirements: _____

B. If the sewer/wastewater treatment system is City/Municipal/Community/
 Subdivision, List name and address of provider: _____

i. Fees per month: \$ _____

ii. Any restrictions or regulations?
 If yes, explain: _____

iii. Is a written agreement available?

iv. Is there a transfer fee? If yes, how much? _____

v. Is there a requirement to connect to the City/Municipal/Sewer Wastewater
 Treatment System? If yes, what are the requirements? _____

C. If there is an Onsite Liquid waste system, type:

☐ Conventional ☐ Advanced Treatment System (See #D) ☐ Cesspool

i. Any problems? _____

ii. List name and address of service company: _____

iii. Date last serviced: _____

iv. Is there an available installation permit?

v. New Mexico Environmental Department (NMED) Environmental
 Improvement District (EID) Certification? NMED (EID) Certification
 number and date: _____

vi. Location of the system: _____

vii. Is there a requirement to connect to the City/Municipal/Community/
 Subdivision Sewer/Wastewater Treatment System? If yes, what are the
 requirements? _____

D. Are there any ALTERNATIVE LIQUID WASTE SYSTEMS?

i. Is there an ADVANCED ON-SITE LIQUID WASTE SYSTEM (Multi-Flow
 Septic System): GRAY WATER and/or BLACK WATER?

REALTORS® ASSOCIATION OF NEW MEXICO

PROPERTY DISCLOSURE STATEMENT - VACANT LAND - 2014

YES	NO	DON'T KNOW
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☐ ☒ ☐

1) Does the Property have a harvesting system utilizing Gray and/or black water? If yes, please explain: _____

2) How is the harvested liquid waste utilized? _____

3) Where is the location of the Multi-Flow Septic System? _____

4) What year was the Multi-Flow Septic System installed? _____

NOTE: Additional expenses may be required

☐ ☒ ☐

ii. Does the Property have an OUT HOUSE (Outdoor Latrine Facilities)?

1) If yes, how many are on the Property? _____

2) Is the Out House a permanent structure? _____

3) If existing, please describe any additional details _____

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NOTE: Additional expenses may be required

☐ ☒ ☐

iii. Does the Property have a COMPOSTING TOILET?

1) If yes, what is the method of operation? ☐ electric ☐ solar

☐ other: explain: _____

2) If existing, please describe any additional details _____

NOTE: Additional expenses may be required

☐ ☒ ☐

iv. Does the Property have a Liquid Waste STORAGE TANK?

1) If yes, please list: _____ Capacity amount

_____ Location of Liquid Waste Storage Tank

_____ Date of installation _____ Frequency the Liquid

Waste Storage Tank needs to be pumped

NOTE: Additional expenses may be required

☐ ☒ ☐

E. Have there been any problems with the sewer/septic system? If yes, explain: _____

IF THE PROPERTY HAS AN ONSITE LIQUID WASTE SYSTEM, IT IS SUBJECT TO THE REGULATIONS OF THE NEW MEXICO ENVIRONMENTAL DEPARTMENT (NMED), WHICH REQUIRE INSPECTIONS AND POSSIBLE REPAIR. CONTACT THE NMED FOR INFORMATION REGARDING APPROPRIATE INSPECTION FORMS AND REQUIREMENTS.

For more information, see RANM Form 2308 Information Sheet - Septic Systems.

For additional information or further explanation (indicate item #): _____

6. ELECTRICAL

YES	NO	DON'T KNOW
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A. Is the electrical wiring copper?

☐ ☒ ☐

B. Is the electrical wiring aluminum?

REALTORS® ASSOCIATION OF NEW MEXICO
PROPERTY DISCLOSURE STATEMENT - VACANT LAND - 2014

YES	NO	DON'T KNOW
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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- i. If yes, has the aluminum wiring been pig-tailed with copper wiring?
- C. Are you aware of any damaged or malfunctioning receptacles or switches? If yes, which ones? _____
- D. Are you aware of any extension cords used to create new electrical outlets? If yes, explain: _____
- E. Are you aware of any defective, malfunctioning, or improperly installed electrical equipment? If yes, explain: _____
- F. Has electrical service been modified since originally installed? If yes, explain: _____
- G. Do any circuits trip regularly? If yes, explain: _____
- H. Are you aware of any electric lines encroaching on the Property? If yes, explain: _____
- I. Are there encroachment agreements with any utility companies? If yes, explain: _____

For additional information or further explanation (indicate item #): No electrical service installed

7. MISCELLANEOUS

YES	NO	DON'T KNOW
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<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- A. Does the Property include a landscape watering system? If yes, is it ☐ Auto-timed ☐ Manual ☐ Front yard ☐ Back yard ☐ Side yard
- i. Type of watering system? ☐ Sprinklers ☐ Bubblers ☐ Drip System
Other: _____
- ii. Is the watering system in good working order?
- iii. Are there any areas where the watering system does not properly water? If yes, please explain: _____
- iv. Are there any areas of excessive standing water?
- v. Are any areas not served by the watering system?
- vi. Is the drip and/or sprinkler system (if present) on auto-timer?
- vii. Are you aware of any of the above equipment that is in need of repair or replacement or is improperly installed? If yes, please explain: _____
- B. Does the Property have a security system? If yes, type: _____
☐ Owned ☐ Leased If leased, leased from: _____
- C. If leased, is the security system transferable? If yes, are there any problems: _____
- D. Are there any problems in obtaining utility or phone service?
If yes, explain: _____
- E. Can you obtain cable TV service?
- F. Can you obtain DSL service?

REALTORS® ASSOCIATION OF NEW MEXICO

PROPERTY DISCLOSURE STATEMENT - VACANT LAND - 2014

YES	NO	DON'T KNOW
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☐ ☒ ☐

G. Have any insurance claims been made in the past five years?

If yes, please explain: _____

☐ ☐ ☐

i. Were repairs completed? _____

☐ ☒ ☐

H. Has any insurance application or prior coverage regarding all or any part of the Property been rejected or will not be renewed? If yes, please explain: _____

☐ ☒ ☐

I. Has notice been received that any existing insurance coverage will be subjected to increased premium rates? _____

For additional information or further explanation (indicate item #): _____

8. PUBLIC IMPROVEMENT DISTRICT

YES	NO	DON'T KNOW
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☐ ☐ ☒

A. Is this Property part of an Public Improvement District? **If yes, PER NEW MEXICO LAW, SELLER IS PROHIBITED FROM ACCEPTING AN OFFER TO PURCHASE UNTIL SELLER HAS PROVIDED SPECIFIC DISCLOSURES TO THE BUYER.** See RANM Form 4550, Public Improvement District Disclosure and RANM Form 4500, Public Improvement District Information Sheet. If no, skip to Paragraph 9.

9. ASSOCIATIONS AND MEMBERSHIPS

The following questions can be used for various types of Homeowner Associations. Specific disclosures are required by law. See RANM Form 2302A, Resale Certificate from Condominium Association; RANM Form 4600, Homeowners' Association Information Sheet; RANM Form 4650, Homeowners' Association Disclosure Addendum; and RANM Form 4700 Homeowners' Disclosure Certificate.

YES	NO	DON'T KNOW
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☒ ☐ ☐

IS THE SELLER AWARE OF:

A. Is this Property subject to a membership or part of an HOA or Condominium Association? If no, skip to Paragraph 10.

i. Name, address and phone number of HOA: Ranches of Santerra

☐ ☒ ☐

ii. Does the Membership or HOA have a right of first refusal?

iii. Association fees? \$ 110.00 per ☒ year ☐ month.

What is included in the HOA fees? ☐ Water/sewer ☐ Trash

☐ Building Insurance ☐ Gas Utility ☐ Electric Utility

☐ Ground Maintenance ☐ Property Taxes ☐ Streets ☐ Snow Removal

☐ Other: _____

☐ ☒ ☐

iv. Any contemplated future dues increases or special assessments? If yes, give details: _____

REALTORS® ASSOCIATION OF NEW MEXICO
PROPERTY DISCLOSURE STATEMENT - VACANT LAND - 2014

YES	NO	DON'T KNOW
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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v. Security? ☐ Intercom ☐ Closed Circuit TV ☐ Guards ☐ Electric Gate

☐ Other: _____

vi. Does each unit have its own designated parking space(s)? If yes, how many? _____

vii. Please check the existence of the following documents:

☒ Covenants, Conditions and Restrictions or Declaration of Condominium

☐ Regulations currently in force

☒ Current Financial Statement of Association

☐ Articles of Incorporation of Association

☒ Association Bylaws

☒ Minutes of Board Meetings

viii. Any pending or threatened litigation either by or against the HOA? If yes, explain: _____

ix. Are all dues and assessments current? _____

For additional information or further explanation (indicate item #): _____

10. ENVIRONMENTAL

YES	NO
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<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<input type="checkbox"/>	<input checked="" type="checkbox"/>
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IS THE SELLER AWARE OF:

A. Any noticeable continuous or periodic odors (such as from waste, agriculture, industry, etc.)?

B. Any excessive noises (such as airplanes, trains, trucks, freeways, etc.)?

C. Any hazards or hazardous materials on or in close proximity to the Property (such as asbestos, dumps, pesticides, chemical labs, underground fuel storage tanks or leaks)?

D. Any radon tests performed on the Property? Results? _____

i. Reports attached?

E. Any earth movement, subsidence, or settlement problems? Is yes, explain: _____

F. Any part of the Property located in a designated special flood hazard zone?

G. Any past or present flowing or drainage problems on: ☐ Property

☐ Adjacent Properties ☐ Standing water after rainfalls? ☐ Active springs?

H. Any portion of the Property having ever flooded?

I. Has land been filled in on the Property?

Is yes, explain: Building pad constructed

J. Mine shaft(s) or abandoned well(s) on the Property?

K. Do you have any knowledge of any environmental consequences resulting from the Water Softener? Explain: _____

For additional information or further explanation (indicate item #): _____

11. RENTAL INFORMATION

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- For additional information or further explanation (indicate item #): _____

☐ ☒ ☐

- | | | |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- File/Permit number: _____

For additional information or further explanation (indicate item #): _____

☐ ☒ ☐

- A. Does the Seller know of any other information pertaining to the condition of the Property not addressed in the questions listed above? If yes, please explain: _____

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PROPERTY DISCLOSURE STATEMENT - VACANT LAND - 2014

For additional information or further explanation (indicate item #): _____

PLEASE NOTE: *There is currently no legal or statutory requirement in the State of New Mexico that obligates or requires Sellers or Brokers to disclose to any prospective Buyer that the subject Property is or has been: 1) The site of a natural death, homicide, suicide or any other crime classified as a felony; 2) Owned or occupied by a person or persons exposed to HIV or diagnosed with AIDS or any other disease not known to be transmitted through the common occupancy of real estate; 3) Located in the vicinity of a convicted sex offender.*

If buyer has concerns about any of the conditions cited above, Buyer is urged to conduct his/her own due diligence and contact the appropriate Local, State or Federal health and law enforcement authorities to obtain accurate and reliable information.

THIS IS NOT A CONTRACT

The above disclosures are made to the best of the Seller's knowledge. The person who signed as or on behalf of Seller lacks actual knowledge of the Property for the following reason:

☐ Personal Representative ☐ Administrator of Estate ☐ Trustee ☐ Receiver ☐ Does not occupy the Property
☐ Other: _____

The law does not protect a Seller who makes an intentional misrepresentation.

SELLER

<i>Michael Keith Owens Trustee Owens Family Rev Trust</i>	Date	Time
Seller Signature Owens Michael Rev Trust Michael Keith	4/7/14	10 AM
<i>Mia Elizabeth Owens</i>	Date	Time
Seller Signature Mia Eliza Owens	4/7/14	10:22 p.m.

It is Buyer's responsibility to undertake his/her own due diligence and verify the accuracy of the Property Disclosure Statement. Buyer is not relieved of this responsibility by virtue of delivery of this Statement to Buyer.

BUYER

Buyer acknowledges receipt of this Statement.

Buyer Signature _____	Date	Time
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Buyer Signature _____	Date	Time
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