

# Seller's disclosure: Property Condition

## Do not hide defects from buyers.

A Seller's Disclosure is a comprehensive document listing any known issues with the property and anything that may materially affect the value of the property. A Seller's Disclosure should include systematic, structural, electrical, plumbing, water/flooding, governmental and environmental issues. It is the responsibility of the seller to prepare it and offer it to the buyer in writing, one would be wise to have it signed and returned although Florida law does not mandate its use or execution, better safe than sorry.



As a seller, you are in the best position to know all the details, especially those that cannot be seen with the naked eye, that may affect property conditions. Disclosing details to the buyer is the right thing to do, it's your integrity on the line. If you don't disclose material facts you could face legal liability down the road.

### Generally, a seller's property disclosure form will include:

- structural issues such as the roof, plumbing, and foundations integrity
- environmental hazards (like mold, asbestos, lead, defective drywall)
- wood-destroying organisms (like termites) are active or have been in the past
- Plumbing, septic tank and drain field facts and known conditions
- old wiring, electrical panel issues, or unsafe electrical conditions
- condition of the HVAC, water heater, and other systems
- problems with appliances and warranties on appliances
- condition of the windows, upgrades, and existence of storm shutters
- water intrusion and drainage issues
- condition of the pool, pool pump, spa, and lighting
- sprinkler system, well and pump issues
- whether any actual or potential legal claims
- levied fines
- litigation against the property or any court proceedings
- boundary disputes
- past or present sinkhole existence
- governance, restrictions, and rules (Homeowners association, condo docs, co-op rules)
- upcoming assessments both levied and approved
- FIRPTA- "Foreign Investment in Real Property Tax Act" (are withholding sales proceeds for the IRS?)



Disclose defects to buyers because it is the right thing to do. Most legal experts say you should disclose information in writing. Florida law does not require all disclosures must be in writing, but, if you make verbal disclosures without any written receipt, you could have a difficult time proving to a court that you did. Your integrity in the community and others' trust in you depends on it.