

AMENDED PURSUANT TO SB 1491

Affidavit of Disclosure - Required By A.R.S. §33-422

Pursuant to A.R.S. §33-422, a seller OF FIVE OR FEWER PARCELS OF LAND, OTHER THAN SUBDIVIDED LAND, IN AN UNINCORPORATED AREA OF A COUNTY, and any subsequent seller of such a parcel, shall furnish a written affidavit of disclosure to the buyer at least seven days before the transfer of the property. The buyer shall acknowledge receipt of the affidavit. The buyer has the right to rescind the sales transaction for a period of five days after receipt of the affidavit of disclosure. The seller must record the executed affidavit of disclosure at the same time that the deed is recorded.

Four statutes are referred to in the Affidavit of Disclosure: 42 United States Code §300f, A.R.S. §11-809, A.R.S. §28-8461, and A.R.S. §28-8482. The seller should review these statutes before completing the Affidavit. Additionally, the seller should explain or qualify any of the disclosures in the space provided, or if additional space is required, on an addendum to the Affidavit. The State Real Estate Department's ("ADRE") website is: www.azre.gov/

NO RELEASE OR WAIVER OF A SELLER'S LIABILITY ARISING OUT OF ANY OMISSION OR MISREPRESENTATION CONTAINED IN AN AFFIDAVIT OF DISCLOSURE IS VALID OR BINDING ON THE BUYER.

ADDITIONAL DISCLOSURES WILL BE NECESSARY. THE AFFIDAVIT REQUIRED BY A.R.S. §33-422 SHOULD BE USED IN CONJUNCTION WITH THE APPROPRIATE SELLER'S PROPERTY DISCLOSURE STATEMENT OR ANY OTHER SELLER DISCLOSURE DOCUMENTATION.

The following Affidavit of Disclosure is designed to be in recordable form and to contain the information required by A.R.S. §33-422.

This information is not definitive legal advice. Transmission of this information is not intended to create, and receipt does not constitute, an attorney-client relationship. You should not act upon this information without seeking independent legal counsel. If you desire legal advice, please contact your own attorney.

WHEN RECORDED MAIL TO:

SAMPLE FORM ONLY

AFFIDAVIT OF DISCLOSURE
PURSUANT TO A.R.S. §33-422

I, _____ (“Seller(s)”) being duly sworn, hereby make this Affidavit of Disclosure relating to the real property situated in the unincorporated area of: _____ County, State of Arizona, located at: _____ and legally described as:

(Legal Description attached hereto as Exhibit “A”)

(“Property”).

1. There is is not... legal access to the Property, as defined in A.R.S. §11-809. Unknown

Explain: _____

2. There is is not... physical access to the Property. Unknown

Explain: _____

3. There is is not... a statement from a licensed surveyor or engineer available stating whether the Property has physical access that is traversable by a two-wheel drive passenger motor vehicle.

4. The legal and physical access to the Property is is not... the same. Unknown Not applicable

Explain: _____

If access to the parcel is not traversable by emergency vehicles, the county and emergency service providers may not be held liable for any damages resulting from the inability to traverse the access to provide needed services.

5. The road(s) is/are publicly maintained privately maintained not maintained not applicable. If applicable, there is is not... a recorded road maintenance agreement.

If the roads are not publicly maintained, it is the responsibility of the Property owner(s) to maintain the

roads and roads that are not improved to county standards and accepted for maintenance are not the county's responsibility.

6. A portion or all of the Property is is not...located in a FEMA designated regulatory floodplain. If the property is in a floodplain, it may be subject to floodplain regulation.

7. The Property is is not...subject to Fissures or Expansive Soils Unknown
Explain: _____

8. The following services are currently provided to the Property: water sewer electric natural gas single party telephone cable television services.

9. The Property is is not...served by a water supply that requires the transportation of water to the Property.

10. The Property is served by a private water company a municipal water provider a private well a shared well no well. If served by a shared well, the shared well is is not...a public water system, as defined by the Safe Drinking Water Act (42 United States Code §300f).

Notice to buyer: if the property is served by a well, private water company or a municipal water provider the Arizona Department of Water Resources may not have made a water supply determination. For more information about water supply, contact the water provider.

11. The Property does does not ...have an on-site wastewater treatment facility (i.e., standard septic or alternative system to treat and dispose of wastewater). Unknown. If applicable: a) the Property will will not...require installation of an on-site wastewater treatment facility; b) The on-site wastewater treatment facility has has not... been inspected.

12. The Property has has not ...been subject to a percolation test. Unknown

13. The Property does does not...meet the minimum applicable county zoning requirements of the applicable zoning designation.

14. The sale of the Property does does not... meet the requirements of A.R.S. §11-809 regarding land divisions. If those requirements are not met, the property owner may not be able to obtain a building permit. The seller or property owner shall disclose each of the deficiencies to the buyer.

Explain: _____

15. The Property is is not located in the clear zone of a military airport or ancillary military facility, as defined in A.R.S. §28-8461. (Maps are available at the State Real Estate Department's website.)

16. The Property is is not located in the high noise or accident potential zone of a military airport or ancillary military facility, as defined in A.R.S. §28-8461. (Maps are available at the State Real Estate Department's website.)

17. Notice: If the Property is located within the territory in the vicinity of a military airport or ancillary

military facility the Property is required to comply with sound attenuation standards as prescribed by A.R.S. §28-8482. (Maps are available at the State Real Estate Department's website.)

18. The Property is is not located under military restricted airspace. Unknown.
(Maps are available at the State Real Estate Department's website.)

19. Use of the Property is is not limited in any way relating to an encumbrance of title due to a lis pendens, a court order or a state real estate department order of a pending legal action. If the use of the property is limited due to an encumbrance of title, the seller or property owner shall disclose the limitations to the buyer.
Explain: _____

This Affidavit of Disclosure supercedes any previously recorded Affidavit of Disclosure.

I certify under penalty of perjury that the information contained in this affidavit is true, complete and correct according to my best belief and knowledge.

Dated this _____ day of _____ by:
(DATE) (YEAR)

Seller's name (print): _____ Signature: _____

Seller's name (print): _____ Signature: _____

STATE OF ARIZONA)
)
County of _____) ss.

SUBSCRIBED AND SWORN before me this _____ day of _____ ,
(DATE) (YEAR)

by _____

Notary Public: _____

My commission expires: _____
(DATE)

Buyer(s) hereby acknowledges receipt of a copy of this Affidavit of Disclosure this

_____ day of _____
(DATE) (YEAR)

Buyer's name (print): _____ Signature: _____

Buyer's name (print): _____ Signature: _____