

PROPERTY ADDRESS: 477 Main Street, West Newbury, MA 01985

ITEM	INCLUDED	EXCLUDED	NEGOTIABLE	NONE	NOTES
A/C Central				X	
A/C Individual				X	
Air Filter				X	
Area Rugs				X	
Attic Vent Fan				X	
Basketball Hoop				X	
Ceiling Fan				X	
Central Vacuum				X	
Chandelier				X	
Curtains & Drapes				X	
Dishwasher	X				
Dog Fence - Control Unit				X	
Dog Fence - Underground				X	
Electric Garage Door				X	
Fence				X	
Fire Alarm / Smoke Alarms	X				
Fireplace Screens	X				
Freezer - Standalone				X	
Garbage Disposal				X	
Ice Maker				X	
Lighting Fixtures	X				
Mailbox / Mailbox Post	X				
Mantel	X				
Microwave				X	
Mirrors	X				
Outside Lights	X				
Refrigerator	X				
Sauna				X	
Security System				X	
Shelves / Brackets	X				
Stereo Equipment				X	
Storage Shed				X	
Stove	X				
Stove Hood	X				
Sump Pump				X	
Swimming Pool				X	
Swing Set				X	
Trash Compactor				X	
TV Antenna / Cable	X				
Vent Fan / Stove	X				
Wall to Wall Carpet	X				
Washer/Dryer	X				
Water Filter				X	
Water Softener				X	
Whirlpool / Jacuzzi				X	
Window Blinds	X				
Window Screens	X				
Window Shades				X	
Wood Stove				X	
Work Bench				X	

All negotiable items, unless referenced, shall be excluded from the Sale.

Buyer Initial(s): _____

Seller Initial(s): _____

EXCLUSIVE BROKER: MARK R. DICKINSON

RE/MAX On the River
50 Water Street
Newburyport, MA 01950
Telephone: (978)499-8808

**SINGLE FAMILY
SELLER'S STATEMENT OF PROPERTY CONDITION**

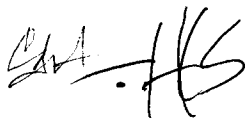
Property Address: 477 Main Street, West Newbury, MA 01985

NOTICE TO BUYERS AND SELLERS – PLEASE READ

- 1. The information contained in this statement has been completed by the Seller to the best of his/her/their/its personal knowledge, information and belief. The Seller understands that a copy of this statement will be furnished to any prospective Buyer of the property. The Broker/Realtor has not prepared or provided any of the information contained herein.**
- 2. All information in this statement is subject to verification by the Buyer. The Broker/Realtor is not responsible for the accuracy of any of such information.**
- 3. Neither Seller nor Broker/Realtor has made any representations, warranty or guarantee as to the condition of the property or the information contained herein.**
- 4. Buyer has been advised to obtain independent counsel and/or professional advisors to verify the condition of the property and investigate all matters related to the property, including, without limitation, the information contained in the statement.**
- 5. Neither Seller nor Broker/Realtor is an expert on any of the matters described in this statement nor have they made any independent investigation of said matters.**
- 6. IF APPLICABLE (estates and bank OREO): Seller has never occupied the property and has acquired the property either through foreclosure, by deed in lieu of foreclosure, or as a result of the death of the former Owner(s) of the property. Seller has had the property inspected. A copy of said inspection report is available for review by Buyer but only with the understanding and agreement that: neither Seller nor Broker/Realtor is responsible for the accuracy of the information contained in said report; that neither Seller nor Broker/Realtor is making any representation or warranty about the information contained in said report; and that Buyer will not rely on the information contained in said report in deciding whether to purchase the premises.**

Buyers Initials:

Sellers Initials:



Property Owner's Name: DAVIS HOMESTEAD REALTY TRUST

Age of Structure: 90+ years Years Owned: 7

Years occupied by the Owner: -

Number of current residents: 0 If vacant, date of last occupancy: 8/15/09

Year-Round? Seasonal Living?

Number of bedrooms: 2+

Type of Deed QUITCLAIM Copy attached? Yes No CUA

If Registered Land, location of original Certificate of Title: _____

Did Seller obtain a title insurance policy when he/she/they purchased the premises?
 Yes No ?

IF SO, PLEASE ATTACH A COPY OF THE PLAN.

of Parcels: _____ Lot Size: _____ sq.ft. Plot Plan attached? Yes No

If the deed refers to a recorded plan, do you have a copy? Yes No N.A.

IF SO, PLEASE ATTACH A COPY OF THE PLAN.

Has Seller/Owner conveyed any portion of the property originally deeded to him/her/they?
 Yes No

HAVE YOU EVER OR ARE YOU CURRENTLY EXPERIENCING ANY PROBLEMS WITH THE FOLLOWING?

IF YES, DESCRIBE. (For additional space use the Additional Comments Sections)

1. **BASEMENT:** Any water seepage cracks dampness leaks damage etc.?
If yes, explain corrected by external drains - currently no problem

2. **SUMP PUMP:** Yes No Permanent? Portable? Currently operational? Yes No
Source of Power? _____ Where located? _____

3. **ROOFING:** Age of Shingles: 8 I Leaks seepage dampness
 or other water problems?

Explain: _____

Was part of roofing replaced? Yes No Unknown N.A.

Which part? _____ When? _____

Was entire roofing replaced? Yes No Unknown N.A.

When? 2000-2001 (previous owner)

4. **FIREPLACE:** How many? 1 Working? Yes

Location: Family room

Non-working? _____ Location: _____

Date last cleaned: ___/___/___ Date last inspected: ___/___/___

5. **CHIMNEY:** How many? 1 Working? Yes

Location: _____

Non-working? _____ Location: _____

Date last cleaned: ___/___/___ Date last inspected: ___/___/___

6. **WOOD/COAL BURNING STOVE:** How many? _____ Working? _____

Location: _____

Date last cleaned: ___/___/___ Date last inspected: ___/___/___ When installed? ___/___/___

Permit received? Yes No Unknown N.A.

7. **ANY FIRE OR SMOKE DAMAGE?** Yes No Unknown N.A.

If yes, describe: _____

8. **ANY EXTERIOR OR INTERIOR STRUCTURAL PROBLEMS?**

Buyers Initials:

Sellers Initials: HA HCS

(for example, floors, ceilings, walls, windows) Yes No Unknown N.A.
 If yes, describe: _____

9. ANY **DAMPNESS ANYWHERE?** Yes No Unknown N.A.
 If yes, describe: _____

10. ANY **VENTILATION PROBLEMS?** Yes No Unknown N.A.
 If yes, describe: _____

11. **INSULATION?** Yes No Unknown N.A.
 If yes, describe: _____
 Walls type: _____ Ceiling type: _____
 When installed: ___/___/___ By whom? _____ When? ___/___/___
 Room Location: _____
 Is there now, or has there ever been Urea Formaldehyde Foam-in-place Insulation (UFFI)
 Installed? Yes No If yes, when? ___/___/___ By whom? _____
 Removed? Yes No By whom? _____ When? ___/___/___ Has air test
 for UFFI been done? Yes No Unknown N.A.
 Is there a report available? Yes No Unknown N.A.

12. **TERMITE OR OTHER INSECT INFESTATION?** N/A
 If yes, identify _____
 Type of treatment: _____
 By whom: _____ When? ___/___/___
 Treatment contract in effect? Yes No Unknown N.A.
 When does treatment contract expire? ___/___/___
 Is treatment contract transferable? Yes No Unknown N.A.

13. **LEAD PAINT:**
 Was the house built prior to 1978? Yes No Unknown N.A.
 Have you ever had a lead paint inspection conducted? Yes No Unknown N.A.
 If yes, by whom? _____ When? ___/___/___
 Copy of report available? Yes No Unknown N.A.
 Are you aware of the existence of any lead paint anywhere inside or outside?
 Yes No Unknown N.A.
 If yes, location: _____

14. **RADON:**
 Has the property been tested for radon? Yes No Unknown N.A.
 If yes, date: ___/___/___ Copy of report available? Yes No Unknown N.A.

15. **ASBESTOS AND HAZARDOUS WASTE:**
 Is asbestos and/or asbestos containing insulation or materials present in exterior shingles, floor
 tiles, ceiling tiles, walls, cement, plaster products or otherwise present on the pipes or property?
 Yes No Unknown N.A.
 If yes, describe: _____
 Are you aware of any hazardous waste on this property? Yes No Unknown N.A.
 Are you aware of any hazardous waste site within one mile or near this property?
 Yes No Unknown N.A.
 If yes to either question, explain: _____

Buyers Initials:

Sellers Initials:

AKS *CSA*

If you indicated a history of any repairs, improvements, or problems with any of the following by checking yes, then please give dates of problems, or repairs and explain.

16. **ELECTRICAL SERVICE:** Service: Amps _____ Circuit breakers Fuses
Type of wiring: Copper Aluminum Knob and Tube
Any electrical permits or approvals by City/Town conducted during ownership?
 Yes No Unknown N.A.
Improvements and Repairs? Yes No Unknown N.A.

If yes, explain: _____

17. **HEATING SYSTEM:** Type of fuel: oil If oil, size of tank: standard gals.
Estimated annual fuel / oil consumption / Gallons: 600 ± estimate / year
Estimated annual fuel / gas consumption / Dollars: _____ / year

Includes domestic hot water fuel usage? Yes No

Oven/stove usage? Yes No

Underground In Basement Other

Improvements and repairs? Yes No Unknown N.A.

If yes, explain: New furnace 2002, new oil tank 2008

Age of heating system: _____

Heating Company's name: DAVID HEATING, TERRIMAC MI

Heating Contractor's name: _____

Any service contract in effect now? Yes No Unknown N.A.

Is copy available? Yes No Unknown N.A.

Any unheated finished rooms? Yes No Unknown N.A.

Location: _____

Any supplemental heating? Yes No Unknown N.A.

If yes, what kind? _____

Any change in type of fuel used during ownership? Yes No Unknown N.A.

Has heating system been converted from oil to:

Gas Wood/Coal Electric Other

If yes, has oil tank been removed or capped? Yes No Unknown N.A.

Is there an **underground oil storage tank** present on the property?

Yes No Unknown N.A.

If yes, give location: _____

Has it been tested for leaks and/or ground contamination? Yes No Unknown N.A.

If yes, by whom: SIMMONS ENVIRONMENTAL When? _____ / _____ / 2004

If not in use, has the Fire Department been notified? Yes No Unknown N.A.

To Seller's knowledge, has any underground tank ever existed on the property?

Yes No Unknown N.A.

What kind? _____

18. **AIR CONDITIONING SYSTEM:** Type: N/A Central Window Other

Improvements and Repairs or Problems? Yes No Unknown N.A.

If yes, explain: _____

19. **PLUMBING SYSTEM:** Plumbing leaks Freezing Seepage Back-up

Improvements and Repairs? Yes No Unknown N.A.

If yes, explain: _____

Any plumbing permits or approvals obtained from City/Town during ownership?

Yes No Unknown N.A.

Bathroom ventilation problems?

Yes No Unknown N.A.

If yes, explain: _____

20. **SEWAGE SYSTEM:** If there is a private sewer system on the premises, the buyer should consult a qualified professional regarding its condition and compliance with applicable laws.

Buyers Initials:

Sellers Initials: HS

Type: Private Public Both Unknown
 If private, type of system: Septic Cesspool Size of tank _____
 Location of system Back yard
 When installed ___/___/___ When last pumped? ___/___/___
 Improvements, repairs or problems? Yes No Unknown N.A.
 If yes, explain: _____

If septic system or cesspool, was the system pumped 4 times or more in the last year?
 Yes No Unknown
 Garbage grinder? Yes No
 Is the laundry connected to the septic system or cesspool?
 Yes No Unknown N.A.
 Is the septic system or cesspool shared with any other property owner?
 Yes No Unknown N.A.
 Has the septic system or cesspool been upgraded during your ownership? Yes No
 If yes, was a Certificate of Compliance obtained from the Board of Health? Yes No
 Any current or outstanding water or sewage betterments existing, in process or planned?
 Yes No Unknown N.A.
 If yes, give dollar amount and specify \$ _____

21. **WATER SYSTEM: Improvements and Repairs?** Yes No Unknown N.A.
 If yes, explain: _____

22. **DRINKING WATER SOURCE:**
 Private Public If private: Dug well Shallow Artesian Drilled well
 Location: _____ Tested quality _____ quantity _____
 Date last tested: ___/___/___
 Is inspection certificate available? Yes No Unknown N.A.
IF YES, ATTACH COPY.
 Has a back flow device been installed (MA. CMR222)? Yes No Unknown N.A.
 Improvements, repairs or problems currently experienced,
 Known or believed by Seller to exist? Yes No Unknown N.A.
 If yes, explain: _____

23. **DOMESTIC HOT WATER:**
 Type: Gas Electric Oil Capacity of tank _____ Age, if known 8+
 Free standing Off furnace Tankless
 Owned Rented
 If rented, what are the monthly costs \$ _____
 Improvements and/or Repairs Yes No Unknown N.A.
 If yes, explain: _____

24. **APPLIANCES:**
 Which appliances stay with the house? (Refer to Inclusion / Exclusion Sheet) all
 Any Problems? ice maker on refrigerator does not work Yes No Unknown N.A.
 Which appliances do not stay with the house? (Refer to Inclusion / Exclusion Sheet) _____

25. **TAXES:** \$400 for fiscal year ending 10. Tax rate \$ _____ Assessed Value \$ 320000
 Any re-evaluation of taxes in process or expected? Yes No Unknown N.A.
 If yes, when ___/___/___ Any abatements granted? Yes No Unknown N.A.
 If so when? ___/___/___ How much? \$ _____

Buyers Initials:

Sellers Initials: CSA HKS

26. **EASEMENTS:** Any recorded or unrecorded easements, restrictions, covenants, encroachments, agreements, or rights of way on or affecting the property?
 Yes No Unknown N.A.

If yes, please explain _____

27. **BETTERMENTS.**
Are street, sidewalk, water or sewerage betterments in process or planned?
 Yes No Unknown N.A.

Any street, sidewalk, water, or sewage betterment charges outstanding?
 Yes No Unknown N.A.

Amount \$ _____ (Seller must payoff prior to closing)

28. **BANKRUPTCY:**
Are you involved in any current litigation/bankruptcy which may involve your right to full and complete enjoyment, use or the right to convey, free and clear of liens or claims of others?
 Yes No Unknown N.A.

If yes, please explain _____

29. **AGREEMENTS:** List all oral or written agreements or contracts affecting the property that would bind Buyer or the property.

30. **ROADS AND SIDEWALKS ABUTTING PROPERTY:** Public Private Paper
Explain: _____

Town/City approved roads? Sidewalks? Yes No Unknown N.A.

Explain: _____

Town/City plowed roads? Yes No Unknown N.A.

Explain: _____

31. **TRASH PICK-UP:** Private Public Fee \$ _____

32. **FENCES:**
Are fences surrounding the property owned by you? Yes No Unknown N.A.
If no, explain: _____

Are fences within property boundaries? Yes No Unknown N.A.


If no, explain: _____

34. **BOUNDARY, POSSESSION, OR OTHER DISPUTES**
Are there any pending or threatened legal proceedings against or involving the property or your right to ownership, use or possession of any part of the property?
 Yes No Unknown N.A.

Explain: _____

Has anyone suggested or asserted or have the right to assert, any claim against the ownership, use or possession of any part of the property?
 Yes No Unknown N.A.

Buyers Initials:

Sellers Initials: 

Explain: _____

Are all structures, shrubs, driveways within the boundaries of the property as described in the deed? Yes No Unknown N.A.

Explain: _____

35. ZONING:

Is the current use a permitted use under the current zoning regulations? Yes No Unknown N.A.

Classification? _____ If no, explain: _____

Is the current use non-conforming in any way? Yes No Unknown N.A.

Does the structure meet the current setback and sideline requirements? Yes No Unknown N.A.

If no, did it conform with the setback requirements with built? Yes No Unknown N.A.

Have you applied for, been granted or denied any permit or variance on this property? Yes No Unknown N.A.

Explain: _____

Have you ever received any notices of zoning violations? Yes No Unknown N.A.

Explain: _____

36. BUILDING PERMITS:

Has there been an improvement or repair to the property during the current ownership exceeding \$1,000 in cost? Yes No Unknown N.A.

If so, list: finished front porch, installed drainage system, removed rear storage area

Were permits obtained? Yes No Unknown N.A.

Are you aware of any building code or sanitary code violations? Yes No Unknown N.A.

If yes, explain: _____

37. SOIL REPORTS:

Are percolation, hazardous waste, etc. reports available for inspection by the Buyer? Yes No Unknown N.A.

IF SO, ATTACH APPLICATION COPIES and list type of report and date here:

38. FLOOD PLAIN:

Is the property or any part of the property within a Flood Plain? Yes No Unknown N.A.

Buyers Initials:

Sellers Initials: HS WJ

Are you required to carry Flood Plain Insurance? Yes No Unknown N.A.

39. STANDING WATER:

Is there any standing water on the property? Yes No Unknown N.A.

40. WETLANDS:

Is the property or any part of the property within Wetlands? Yes No Unknown N.A.

Explain: _____

Is the property subject to a Conservation Commission Order of Conditions?

Yes No Unknown N.A.

IF SO, ATTACH COPY:

41. POOLS & EQUIPMENT: Type of swimming pool J/A _____

Have you ever experienced any problems? Yes No Unknown N.A.

If yes, explain: _____

Maintenance history: _____

Was permit obtained for the pool? Yes No Unknown N.A.

42. SMOKE DETECTOR: Yes No Portable Hard-wired

NOTE: Seller is required to provide a certificate prior to closing.

43. RENTAL INFORMATION:

a. Is the property subject to rent control, regulation or review?

Yes No Unknown N.A.

b. If no, reason: Exempt Decontrolled Other

c. If yes, list maximum rents _____

d. Are there written leases in effect? Yes No Unknown N.A.

e. If rented, lease periods/tenancy at will _____

Rents \$ _____ /Month _____

ATTACH ANY LEASES, RENTAL AGREEMENTS, TENANT CORRESPONDENCE, STATEMENTS OF CONDITION, ECT.

f. If rented, owner is holding:

i. last month's rent: Amount \$ _____

ii. security deposit in escrow: Amount \$ _____

g. If rented, has interest been paid on last month's rent/security deposit?

Date ___/___/___ Amount _____

44. OTHER MATERIAL INFORMATION:

Is Seller aware of any other information concerning any part of the property, which might affect the decision of a Buyer to buy or affect the value of the property or its use by a Buyer?

Yes No Unknown N.A.

Explain: _____

Buyers Initials:

Sellers Initials: EA H/S

Are you aware of any town plans that would affect the property?

Yes No Unknown N.A.

Explain: _____

45. ADDITIONAL COMMENTS SECTION (If additional space is needed, attach sheet)

Buyers Initials:

Sellers Initials: *GA* *ES*

The following clauses are provided for descriptive purposes only. For detailed information, consult the Massachusetts Department of Public Health, the Massachusetts Department of Environment Protection, or other appropriate agency, or your attorney.

- A. **Flood Hazard Insurance Disclosure Clause.** The lender may require Flood Hazard Insurance as a condition of the mortgage loan, if the lender determines that the premises is in a flood hazard zone.
- B. **Chlordane Disclosure Clause.** Pesticide products containing chlordane were banned in Massachusetts on June 11, 1985, following a determination by the Department of Food and Agriculture that the use of chlordane may cause unreasonable adverse effects on the environment including a risk of cancer. Although existing data does not conclusively prove that significant health effects have occurred as a direct result of chlordane use, the long-term potential health risks are such that it is prudent public health policy, according to the Department, to eliminate the further introduction of chlordane into the environment.
- C. **Urea-Formaldehyde Foam Insulation Disclosure Clause.** The Buyer acknowledges that s/he/they has/have been advised that Urea Formaldehyde Foam Insulation (UFFI) has been declared by the Massachusetts Department of Public Health (DPH) to be a banned hazardous substance and that new installation is prohibited. Where UFFI was previously installed, the Seller is required to advise the Buyer (1) where such UFFI is located and, if known, when it was installed; (2) a copy test results concerning the air level of formaldehyde; and (3) a copy of information form the DPH concerning UFFI and formaldehyde levels. Under certain circumstances the cost of removal may be reimbursed. Exposure to hazardous levels or formaldehyde may cause personal injuries, including headaches, nausea or cancer. The Buyer acknowledges that s/he/they has/have been advised to consult the DPH or her/his/their attorney for further information.
- D. **Asbestos Disclosure Clause.** The United States Consumer Product Safety Commission has maintained that asbestos materials are hazardous if they release separate fibers, which can be inhaled. Asbestos is a common insulation material on heating pipes, boilers, and furnaces. It may also present in certain types of floor and ceiling materials, shingles, plaster products, cements and other building materials. The Buyer may have the property professionally inspected for the presence of asbestos and if repair or removal of asbestos is desired, proper safety guidelines must be observed.
- E. **Lead Paint Disclosure Clause.** Whenever a child under six years of age resides in any residential premises in which any paint, plaster, or other accessible material contains dangerous levels of lead, the owner is required by law, to remove said paint, plaster or cover with appropriate materials so as to make it inaccessible to a child under six years of age. Consumption of lead is poisonous and may cause serious personal injury. Whenever such residential premises containing dangerous levels of lead undergoes a change of ownership, and, as a result, a child under six years or age will become a resident, the new owner is required by law to remove said paint, plaster or cover with appropriate materials so as to make it inaccessible to such child.
- F. **Hazardous Material Disclosure Clause.** In certain circumstances Massachusetts law can hold an owner of real estate liable to pay for the cost of removing hazardous or toxic material from real estate and for damages resulting from the release of such materials, according to the Massachusetts Oil and Hazardous Material Release and Response Act, General Laws, Chapter 21E. The Buyer acknowledges that s/he/they may have the property professional inspected for the presence of, or the substantial likelihood of release of oil or hazardous material and such proof of inspection may be required as a prerequisite for financing the property.

Buyers Initials:

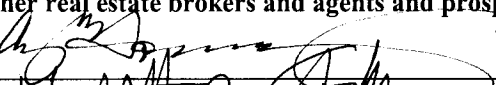
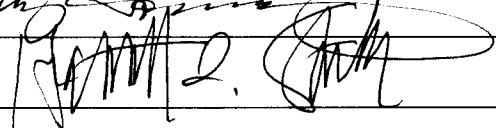
Sellers Initials:



G. Radon Disclosure Clause. Radon is an odorless, colorless, tasteless gas produced naturally in the ground by normal decay of uranium and radium. Radon can lead to the development of radioactive particles which can be inhaled. Studies indicate the result of extended exposure to high levels of radon may increase the risk of developing lung cancer.

H. Agency Disclosure. ALL BROKERS/SALESPERSON REPRESENT THE SELLER, NOT THE BUYER, IN THE MARKETING, NEGOTIATING AND SALE OF THE PROPERTY, UNLESS OTHERWISE DISCLOSED. HOWEVER, THE BROKER/SALESPERSON HAS AN ETHICAL AND LEGAL OBLIGATION TO SHOW HONESTY AND FAIRNESS TO THE BUYER IN ALL TRANSACTIONS.

Seller acknowledges that: the information contained in this statement is accurate, true and complete to the best of Seller's knowledge, information and belief; Seller has provided all the information contained in this Seller's Statement on Property Condition; and that the broker/realtor has not prepared this statement, not provided any information regarding the Property which appears on this Statement. Seller hereby indemnifies, holds harmless and releases all brokers/realtors involved in the sale of which the property from all liabilities, claims, loss, cost or damage in connection with the information contained in this Statement. I/we hereby authorize the listing broker to provide copies of this statement to other real estate brokers and agents and prospective buyers of the property.

Seller's Signature  Date: 10/4/09
Seller's Signature  Date: 10-4-09

Buyer acknowledges that s/he/they: has/have received a copy of this Seller's Statement on Property Condition, the listing sheet, the lead paint property information certificate and the agency disclosure; has/have read, understood and agree with the information contained in the NOTICE TO BUYERS AND SELLER on the first page of this Statement; will arrange to have the property inspected and investigated by counsel, consultants and experts of his/her/their own choosing upon whose expertise s/he/they will rely; UNDERSTAND AND AGREE THAT THE PROPERTY IS BEING SOLD "AS IS", "WHERE IS", WITHOUT WARRANTY OR REPRESENTATION OR FITNESS FOR A PARTICULAR PURPOSE (INCLUDING, WITHOUT LIMITATIONS, WITH RESPECT TO STRUCTURAL SOUNDNESS, SOIL CONDITIONS, COMPLIANCE WITH LAWS, SYSTEMS' FITNESS, SEPTIC SYSTEM OR CESSPOOL CONDITION, CAPACITY OR SUITABILITY, BUILDABILITY, INCOME, EXPENSES OR ANY MATTER DISCLOSED HEREIN); and hereby release(s) all brokers/realtors involved in the sale of the property from all liability, claims, loss, cost or damage in connection with the information contained in this Statement.

Buyer's Signature _____ Date: _____

Buyer's Signature _____ Date: _____

Buyers Initials:

Sellers Initials: 