



COMMERCIAL SELLER PROPERTY QUESTIONNAIRE
(ALSO FOR RESIDENTIAL PROPERTIES WITH 5 OR MORE UNITS)
 (C.A.R. Form CSPQ, 6/22)

Seller makes the following disclosures with regard to the real property described as 2439 Adeline Street,
 Assessor's Parcel No. 005-0437-007, situated in Oakland, CA 94607,
 County of Alameda, California ("Property").

A Real Estate Transaction Disclosure Statement (C.A.R. Form TDS) is NOT required for this transaction. However, all sellers of California real property are required to provide various disclosures, either by contract, or by statute or case law. Many disclosures must be made within certain time limits. Timely and thorough disclosures help to reduce disputes and facilitate a smooth sales transaction.

1. **Disclosure Limitation:** The following are representations made by the Seller and are not the representations of the Agent(s), if any. This disclosure statement is not a warranty of any kind by the Seller or any agent(s) and is not a substitute for any inspections or warranties the principal(s) may wish to obtain. This disclosure is not intended to be part of the contract between Buyer and Seller. Unless otherwise specified in writing, Broker and any real estate licensee or other person working with or through Broker has not verified information provided by Seller. A real estate broker is qualified to advise on real estate transactions. If Seller or Buyer desire legal advice, they should consult a qualified California real estate attorney.
2. **Note to Seller, PURPOSE:** To provide the Buyer information about known material facts affecting the value or desirability of the Property, to help eliminate misunderstandings about the condition of the Property, and, where relevant, to document a seller's response to contractual requirements.
 - Answer based on actual knowledge and recollection at this time.
 - Something that you do not consider material may be perceived differently by a Buyer.
 - Think about what you would want to know if you were buying the Property today.
 - Read the questions carefully and take your time.
3. **Note to Buyer, PURPOSE:** To give you more information about known material facts affecting the value or desirability of the Property and help to eliminate misunderstandings about the condition of the Property.
 - Something that may be material or significant to you may not be perceived the same way by the Seller.
 - If something is important to you, be sure to put your concerns and questions in writing (C.A.R. Form BMI).
 - Sellers can only disclose what they actually know. Seller may not know about all material items.
 - Seller's disclosures are not a substitute for your own investigations, personal judgments, or common sense.
4. **SELLER AWARENESS:** For each statement below, answer the question "Are you (Seller) aware of..." by checking either "Yes" or "No." A "Yes" answer is appropriate no matter how long ago the item being asked about happened or was documented unless otherwise specified. Explain any "Yes" answers in the space provided or attach additional comments and check **paragraph 21**.
5. **DOCUMENTS PERTAINING TO THE CONDITION, OPERATION OR REPAIR OF THE PROPERTY OR ANY IMPROVEMENT ON IT IN THE PAST, NOW OR PROPOSED:**

ARE YOU (SELLER) AWARE OF...

A. **SURVEYS, PLANS, SPECIFICATIONS, AND ENGINEERING** documents prepared on Seller's behalf and in Seller's possession ☐ Yes ☒ No

B. **PERMITS:** Any permits and approvals, certificates of occupancy, conditional use permits, development plans, and licenses ☐ Yes ☒ No

C. **STRUCTURAL MODIFICATIONS:** Structural additions or alterations to, or the installation, alteration, repair or replacement of, significant components of the structure(s) upon the Property ☐ Yes ☒ No

D. Any other reports, inspections, disclosures, warranties, maintenance recommendations, estimates, studies, surveys or other documents (whether prepared in the past or present, including any previous transaction, and whether or not seller acted upon the item) ☐ Yes ☒ No

Note: If yes to paragraph 5A, B, C or D, provide any such documents in your possession to Buyer.

Explanation: _____

6. **STATUTORILY REQUIRED:**

ARE YOU (SELLER) AWARE OF...

A. Whether the Property was built prior to January 1, 1994 ☒ Yes ☐ No
 If yes, whether any plumbing fixtures on the Property are non-compliant plumbing fixtures as defined by Civil Code § 1101.3. *Don't know* ☐ Yes ☐ No
 NOTE: §§ 1101.1 - 1101.5 of the Civil Code requires all commercial and multi-family residential properties built on or before January 1, 1994 to be equipped with water-conserving plumbing fixtures. Any such property that is altered or improved (either cost of more than \$150,000 or increasing total floor area by more than 10%) is required to be equipped with water-conserving plumbing fixtures as a condition of final approval.

B. Whether the Property has any standard water heater with a capacity of not more than 120 gallons ☒ Yes ☐ No
 If yes, Seller hereby certifies that the property, as of the close of escrow, will be in compliance with Section 19211 of the Health and Safety Code by having any such water heater tank(s) braced, anchored, or strapped in place in accordance with applicable law.

C. Within the last 3 years, the death of an occupant of the Property upon the Property (Note to seller: The manner of death may be a material fact to the buyer, and may be disclosed, except for a death by HIV/AIDS.) ☐ Yes ☒ No

D. An Order from a government health official identifying the Property as being contaminated by methamphetamine. ☐ Yes ☒ No
 If yes, seller shall deliver to buyer a copy of the Order.

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Seller's Initials df

Buyer's Initials _____



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- E. If improvements to the property were constructed prior to 1975 and include structures with either (1) pre-cast (tilt-up) concrete or reinforced masonry walls together with wood frame floors or roofs, or (2) unreinforced masonry walls *Don't know* Yes ☐ No ☒
If yes, Civil Code 2079.9 and Business and Professions Code 10147 and Government Code 8875.6, 8875.9, 8893.2 and 8893.3 require seller to deliver to buyer a copy of the Commercial Property Owners Guide to Earthquake Safety published by the California Seismic Safety Commission.

Explanation, or ☐ (if checked) see attached: _____

7. REPAIRS AND ALTERATIONS:

ARE YOU (SELLER) AWARE OF...

- A. Any alterations, modifications, requirements, improvements, remodeling or material repairs on the Property ☒ Yes ☐ No
 If yes to A, were any of the above made...
 (1) Without necessary permits ☐ Yes ☒ No
 (2) Without building code compliance ☐ Yes ☒ No
 (3) For purposes of energy or water efficiency or renewable energy ☐ Yes ☒ No
 B. Ongoing or recurring maintenance on the Property (for example, drain or sewer clean-out, tree or pest control service) ☐ Yes ☒ No
 C. Any use of the Property for, or any alterations, modifications, improvements, remodeling or material change to the Property due to, cannabis cultivation or growth ☐ Yes ☒ No

Explanation: _____

8. STRUCTURAL, SYSTEMS AND APPLIANCES:

ARE YOU (SELLER) AWARE OF...

- A. Defects in any of the following, (including past defects that have been repaired): heating, air conditioning, electrical, plumbing (including the presence of poly butylene pipes), water, sewer, waste disposal or septic system, sump pumps, well, roof, gutters, chimney, fireplace, foundation, crawl space, attic, soil, grading, drainage, retaining walls, interior or exterior doors, windows, walls, ceilings, floors or appliances ☒ Yes ☐ No
 B. The leasing of any of the following on or serving the Property: solar system, water softener system, water purifier system, alarm system, or propane tank(s) ☐ Yes ☒ No
 C. An alternative septic system on or serving the Property ☐ Yes ☒ No

Explanation: _____

9. DISASTER RELIEF, INSURANCE OR CIVIL SETTLEMENT:

ARE YOU (SELLER) AWARE OF...

- Financial relief or assistance, insurance claims, or settlement, sought or received, from any federal, state, local or private agency, insurer or private party, by past or present owners of the Property, due to any actual or alleged damage to the Property arising from a flood, earthquake, fire, other disaster, or occurrence or defect, whether or not any money received was actually used to make repairs ☐ Yes ☒ No
 If yes, was federal flood disaster assistance conditioned upon obtaining and maintain flood insurance on the Property ☐ Yes ☐ No
If yes, Buyer is informed that federal law, 42 USC 5154a requires buyer to maintain such insurance on the Property and if it is not, and the Property is damaged by a flood disaster, buyer may be required to reimburse the federal government for the disaster relief provided.

Explanation: _____

10. WATER-RELATED AND MOLD ISSUES:

ARE YOU (SELLER) AWARE OF...

- A. Water intrusion, whether past or present, into any part of any physical structure on the Property; leaks from or in any appliance, pipe, slab or roof; standing water, drainage, flooding, underground water, moisture, water-related soil settling or slippage, on or affecting the Property ☐ Yes ☒ No
 B. Any problem with or infestation of mold, mildew, fungus or spores, past or present, on or affecting the Property .. ☐ Yes ☒ No
 C. Rivers, streams, flood channels, underground springs, high water table, floods, or tides, on or affecting the Property or neighborhood..... ☐ Yes ☒ No

Explanation: _____

11. HAZARDOUS AND OTHER SUBSTANCES OR PROBLEMS ABOVE OR BELOW GROUND: ARE YOU (SELLER) AWARE OF...

- A. Substances, materials, or products which may be an environmental hazard such as, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, mold, fuel or chemical storage tanks, and contaminated soil or water on the subject property ☐ Yes ☒ No
 B. Fill (compacted or otherwise) on the Property or any portion thereof ☐ Yes ☒ No
 C. Any settling from any cause, or slippage, sliding, or other soil problems ☐ Yes ☒ No
 D. Flooding, drainage, or grading problems ☐ Yes ☒ No
 E. Major damage to the property or any of the structures from fire, earthquake, floods, or landslides ☐ Yes ☒ No

Explanation: _____



12. BOUNDARIES, ACCESS AND PROPERTY USE BY OTHERS:

ARE YOU (SELLER) AWARE OF...

- A. Surveys, easements, encroachments or boundary disputes ☐ Yes ☒ No
- B. Use or access to the Property, or any part of it, by anyone other than you, with or without permission, for any purpose, including but not limited to, using or maintaining roads, driveways or other forms of ingress or egress or other travel or drainage ☐ Yes ☒ No
- C. Use of any neighboring property by you ☐ Yes ☒ No
- Explanation: _____

13. LANDSCAPING, POOL AND SPA:

ARE YOU (SELLER) AWARE OF...

- A. Diseases or infestations affecting trees, plants or vegetation on or near the Property ☐ Yes ☒ No
- B. Operational sprinklers on the Property ☐ Yes ☒ No
- (1) If yes, are they ☐ automatic or ☐ manually operated.
- (2) If yes, are there any areas with trees, plants or vegetation not covered by the sprinkler system ☐ Yes ☐ No
- C. A pool heater on the Property ☐ Yes ☒ No
- If yes, is it operational? ☐ Yes ☐ No
- D. A spa heater on the Property ☐ Yes ☒ No
- If yes, is it operational? ☐ Yes ☐ No
- E. Past or present defects, leaks, cracks, repairs or other problems with the sprinklers, pool, spa, waterfall, pond, stream, drainage or other water-related décor including any ancillary equipment, including pumps, filters, heaters and cleaning systems, even if repaired ☐ Yes ☒ No
- Explanation: _____

14. CONDOMINIUMS, COMMON INTEREST DEVELOPMENTS AND OTHER SUBDIVISIONS: (IF APPLICABLE)

ARE YOU (SELLER) AWARE OF...

- A. Whether the Property is a condominium or located in a planned unit development or other common interest subdivision ☐ Yes ☒ No
- B. Any Owners' Association (OA) which has any authority over the subject property ☐ Yes ☒ No
- C. Any "common area" (facilities such as pools, fitness centers, walkways, conference rooms, or other areas co-owned in undivided interest with others) ☐ Yes ☒ No
- D. CC&R's or other deed restrictions or obligations ☐ Yes ☒ No
- E. Any pending or proposed dues increases, special assessments, rules changes, insurance availability issues, or litigation by or against or fines or violations issued by an OA or OA Committee affecting the Property ☐ Yes ☒ No
- F. CC&R's or other deed restrictions or obligations or any OA Committee that has authority over improvements made on or to the Property ☐ Yes ☒ No
- (1) If Yes to F, any improvements made on or to the Property inconsistent with any declaration of restrictions or OA Committee requirement ☐ Yes ☐ No
- (2) If Yes to F, any improvements made on or to the Property without the required approval of an OA Committee ☐ Yes ☐ No
- Explanation: _____

15. TITLE, OWNERSHIP, LIENS, AND LEGAL CLAIMS:

ARE YOU (SELLER) AWARE OF...

- A. Any other person or entity on title other than Seller(s) signing this form ☐ Yes ☒ No
- B. Leases, options or claims affecting or relating to title or use of the Property ☐ Yes ☒ No
- C. Past, present, pending or threatened lawsuits, settlements, mediations, arbitrations, tax liens, mechanics' liens, notice of default, bankruptcy or other court filings, or government hearings affecting or relating to the Property, Homeowner Association or neighborhood ☐ Yes ☒ No
- D. Features of the property shared in common with adjoining landowners, such as walls, fences and driveways, whose use or responsibility for maintenance may have an effect on the subject property. ☐ Yes ☒ No
- E. Any encroachments, easements, boundary disputes, or similar matters that may affect your interest in the subject property, whether in writing or not ☐ Yes ☒ No
- F. Any private transfer fees, triggered by a sale of the Property, in favor of private parties, charitable organizations, interest-based groups or any other person or entity ☐ Yes ☒ No
- G. Any PACE lien (such as HERO or SCEIP) or other lien on your Property securing a loan to pay for an alteration, modification, replacement, improvement, remodel or material repair of the Property ☐ Yes ☒ No
- H. The cost of any alteration, modification, replacement, improvement, remodel or material repair of the Property being paid by an assessment on the Property tax bill ☐ Yes ☒ No
- I. Any other matters affecting title of the Property ☐ Yes ☒ No
- Explanation: _____

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ARE YOU (SELLER) AWARE OF...

16. NEIGHBORS/NEIGHBORHOOD:

- A. Neighborhood noise, nuisance or other problems from sources such as, but not limited to, the following: neighbors, traffic, parking congestions, airplanes, trains, light rail, subway, trucks, freeways, buses, schools, parks, refuse storage or landfill processing, agricultural operations, business, odor, recreational facilities, restaurants, entertainment complexes or facilities, parades, sporting events, fairs, neighborhood parties, litter, construction, air conditioning equipment, air compressors, generators, pool equipment or appliances, underground gas pipelines, cell phone towers, high voltage transmission lines, or wildlife ☐ Yes ☒ No
- B. Any past or present disputes or issues with a neighbor which might impact the use, development and enjoyment of the Property ☐ Yes ☒ No
- C. Past or present problems with livestock, wildlife, insects or pests on or in the Property ☐ Yes ☒ No
- Explanation: _____

ARE YOU (SELLER) AWARE OF...

17. GOVERNMENTAL:

- A. Ongoing or contemplated eminent domain, condemnation, annexation or change in zoning or general plan that applies to or could affect the Property ☐ Yes ☒ No
- B. Existence or pendency of any rent control, occupancy restrictions, improvement restrictions or retrofit requirements that apply to or could affect the Property ☐ Yes ☒ No
- C. Existing or contemplated building or use moratoria that apply to or could affect the Property ☐ Yes ☒ No
- D. Current or proposed bonds, assessments, or fees that do not appear on the Property tax bill that apply to or could affect the Property ☐ Yes ☒ No
- E. Proposed construction, reconfiguration, or closure of nearby Government facilities or amenities such as schools, parks, roadways and traffic signals ☐ Yes ☒ No
- F. Existing or proposed Government requirements affecting the Property (i) that tall grass, brush, or other vegetation be cleared; (ii) that restrict tree (or other landscaping) planting, removal or cutting, or (iii) that flammable materials be removed ☐ Yes ☒ No
- G. Any zoning violations, nonconforming uses, or violations of "setback" requirements ☐ Yes ☒ No
- H. Any protected habitat for plants, trees, animals or insects that apply to or could affect the Property ☐ Yes ☒ No
- I. Whether the Property is historically designated or falls within an existing or proposed Historic District ☐ Yes ☒ No
- J. Any water surcharges or penalties being imposed by a public or private water supplier, agency or utility; or restrictions or prohibition on wells or other ground water supplies ☐ Yes ☒ No
- K. Any differences between the name of the city in the postal/mailling address and the city which has jurisdiction over the property ☐ Yes ☒ No
- Explanation: _____

ARE YOU (SELLER) AWARE OF...

18. 5 OR MORE RESIDENTIAL UNITS (IF APPLICABLE):

- A. Whether the Property was built before 1978 (if No, leave (1) and (2) blank) ☐ Yes ☐ No
- (1) If yes, were any renovations (i.e., sanding, cutting, demolition) of lead-based paint surfaces started or completed (if No, leave (2) blank) ☐ Yes ☐ No
- (2) If yes to (1), were such renovations done in compliance with the Environmental Protection Agency Lead-Based Paint Renovation Rule ☐ Yes ☐ No
- B. Whether the Property contains any single-family or two-unit structures ☐ Yes ☐ No
- If yes, Seller certifies that such structures as of the close of escrow, will be in compliance with § 13113.8 of the Health and Safety Code by having operable smoke detector(s) which are approved, listed, and installed in accordance with the State Fire Marshal's regulations and applicable local standards.
- Explanation: _____

ARE YOU (SELLER) AWARE OF...

19. TENANCY RELATED:

- Any rental/service agreements, income and expense statements, tenant estoppel certificates ☐ Yes ☒ No
- Explanation: _____

ARE YOU (SELLER) AWARE OF...

20. OTHER:

- A. Any lawsuits by or against the Seller threatening to or affecting this real property, claims for damages by the Seller pursuant to §§ 910 or 914 threatening to or affecting this real property, claims for breach of warranty pursuant to § 900 threatening to or affecting this real property, or claims for breach of an enhanced protection agreement pursuant to § 903 threatening to or affecting this real property, including any lawsuits or claims for damages pursuant to §§ 910 or 914 alleging a defect or deficiency in this real property or "common areas" (facilities such as pools, tennis courts, walkways, or other areas co-owned in undivided interest with others) ☐ Yes ☒ No
- B. Whether the Property has received an energy efficiency rating or certification from the Green Building Council's Leadership in energy and Environmental Design (LEEDS) ☐ Yes ☒ No

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Seller's Initials

[Signature]

Buyer's Initials

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Untitled



C. Any past or present known material facts affecting the value or desirability of the Property not otherwise disclosed to Buyer
 ☐ Yes ☒ No

Explanation: _____

21. ☐ (IF CHECKED) ADDITIONAL COMMENTS: The attached addendum contains an explanation or additional comments in response to specific questions answered "Yes" above. Refer to line and question number in explanation.

Seller represents that Seller has provided the answers and, if any, explanations and comments on this form and any attached addenda and that such information is true and correct to the best of Seller's knowledge as of the date signed by Seller. Seller acknowledges (i) Seller's obligation to disclose information requested by this form is independent from any duty of disclosure that a real estate licensee may have in this transaction, and (ii) nothing that any such real estate licensee does or says to Seller relieves Seller from his/her own duty of disclosure.

Seller Ximeng MMD Family Foundation Ximing Wu Date 6/9/2021

Seller _____ Date _____

By signing below, Buyer acknowledges that Buyer has read, understands and has received a copy of this Commercial Seller Property Questionnaire form.

Buyer _____ Date _____

Buyer _____ Date _____

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