

C COMMERCIAL SELLER'S PROPERTY DISCLOSURE STATEMENT (SPDS) (To be completed by Seller)

Document updated:
February 2008



The pre-printed portion of this form has been drafted by the Arizona Association of REALTORS®. Any change in the pre-printed language of this form must be made in a prominent manner. No representations are made as to the legal validity, adequacy and/or effects of any provision, including tax consequences thereof. If you desire legal, tax or other professional advice, please consult your attorney, tax advisor or professional consultant.



MESSAGE TO THE SELLER:

Sellers are obligated by law to disclose all known material (important) facts about the Property to the Buyer. The SPDS is designed to assist you in making these disclosures. If you know something important about the Property that is not addressed on the SPDS, add that information to the form. Prospective Buyers may rely on the information you provide.

INSTRUCTIONS: (1) Complete this form yourself. (2) Answer all questions truthfully and as fully as possible. (3) Attach all available supporting documentation. (4) Use explanation lines as necessary. (5) If you do not have the personal knowledge to answer a question, use the explanation lines to explain. By signing below you acknowledge that the failure to disclose known material information about the Property may result in liability.

MESSAGE TO THE BUYER:

Although Sellers are obligated to disclose all known material (important) facts about the Property, there are likely facts about the Property that the Sellers do not know. Therefore, it is important that you take an active role in obtaining information about the Property.

INSTRUCTIONS: (1) Review this form and any attachments carefully. (2) Verify all important information. (3) Ask about any incomplete or inadequate responses. (4) Inquire about any concerns not addressed on the SPDS. (5) Review all other applicable documents, such as environmental studies, CC&R's, association bylaws, surveys, title report or commitment, etc. (6) Obtain professional inspections of the Property. (7) Investigate the surrounding area. (8) Obtain such other professional advice as you deem necessary.

THE FOLLOWING ARE REPRESENTATIONS OF THE SELLER(S) AND ARE NOT VERIFIED BY THE BROKER(S) OR AGENT(S).

A. OWNERSHIP AND PROPERTY IDENTIFICATION

1. THIS DISCLOSURE CONCERNS THE FOLLOWING REAL PROPERTY:

- 2. Address 2002 N Haskell Ave
- 3. City Willcox, County Cochise, AZ, Zip 85643
- 4. Assessors No.(s) 68730 Approximate Year Built 1957
- 5. Legal Owner(s) WILLIAM D. CLARKE Date Purchased 3/1/2002, 3/21/89
- 6. Owner Is Is not occupying property. Owner Has Has not occupied the Property in the past.

B. PROPERTY TYPE

- 7. Office Industrial Retail Hotel/Motel/Resort Multi-family Other GENERAL BUSINESS

C. UTILITIES

8. THE PROPERTY IS SERVED BY THE FOLLOWING UTILITIES:

YES	NO		PROVIDER
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Septic System	<u>WELL</u>
<input type="checkbox"/>	<input type="checkbox"/>	Sewer	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Electric	<u>SSVEC</u>
<input type="checkbox"/>	<input type="checkbox"/>	Domestic Water <input type="checkbox"/> Public <input type="checkbox"/> Private	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Well Registered <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, Registration number:	<u>55-220225</u>
		If yes, complete and attach the Domestic Water Well/Water Use Addendum.	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fuel Supply <input type="checkbox"/> Natural Gas <input type="checkbox"/> Propane <input type="checkbox"/> Other:	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Garbage/Waste Collection <input type="checkbox"/> Public <input checked="" type="checkbox"/> Private	<u>SOUTHWEST DISPOSAL</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fire Protection <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Telephone	<u>CENTURYLINK</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Irrigation	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Cable TV	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Satellite Dish	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	High Speed Internet Connection (Cable, T1, Fiber Optics, Etc.)	
<input type="checkbox"/>	<input type="checkbox"/>	Other	
		24. Please describe any other items concerning utilities	
		25.	

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SELLER	SELLER

<Initials

Initials>

BUYER	BUYER



D. ACCESS/USE

26. ARE YOU AWARE OF ANY OF THE FOLLOWING AFFECTING ACCESS OR USE OF THE PROPERTY?

- | | YES | NO | |
|-----|-------------------------------------|-------------------------------------|--|
| 27. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Encroachments |
| 28. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Access Easements |
| 29. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Utility Easements |
| 30. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Unrecorded Easements |
| 31. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Reciprocal Easement Agreement |
| 32. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Restrictions on Legal or Physical Access |
| 33. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Shared Use Agreements |
| 34. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Use Permits |
| 35. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Deed Restrictions |
| 36. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Shared Fences/Walls |
| 37. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Shared Driveways |
| 38. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Shared Signage |
| 39. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Leased Parking |
| 40. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Grandfathered Uses |
| 41. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Association Agreements |
| 42. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Covenants, Conditions and Restrictions (CC&R's) |
| 43. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Other (describe) <u>RAILROAD ON ONE SIDE</u> |
| 44. | | | If the answer to any of the preceding is yes, please explain. (Attach additional sheets if necessary). <u>SHARED FENCE</u> |
| 45. | | | <u>WITH NEIGHBOR. RAILROAD ON ONE SIDE.</u> |
| 46. | | | |

E. COMPLIANCE WITH LAW/LEGAL MATTERS

47. ARE YOU AWARE OF:


- | | YES | NO | |
|-----|--|-------------------------------------|---|
| 48. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Any legal actions such as condemnation, pending or anticipated, that affect the Property? |
| 49. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Any tenant bankruptcy proceedings? |
| 50. | Any violation of laws or regulations of the following: | | |
| 51. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Zoning |
| 52. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Building Code |
| 53. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Occupational Safety and Health Administration (OSHA) |
| 54. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Utility Service |
| 55. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Sanitary Health Regulations |
| 56. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Swimming Pools |
| 57. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Covenants, Conditions and Restrictions (CC&R's) |
| 58. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Americans With Disabilities Act (ADA) |
| 59. | If the answer to any of the preceding is yes, please explain and provide copies of any documentation you have pertaining to such matters. (Attach additional sheets if necessary). | | |
| 60. | | | |
| 61. | | | |
| 62. | | | |

F. CONTRACTUAL OBLIGATIONS

63. ARE YOU AWARE OF ANY OF THE FOLLOWING CONTRACTUAL OBLIGATIONS AFFECTING THE PROPERTY?

- | | YES | NO | |
|-----|--------------------------|-------------------------------------|----------------------------------|
| 64. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Tenant Leases or Subleases |
| 65. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Alarm/Security System Agreements |
| 66. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Property Management Agreements |
| 67. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Leased Equipment |

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SELLER	SELLER			

Page 2 of 4



YES NO

- 68. Service Agreements such as Landscaping, Garbage/Waste Disposal
- 69. Water Treatment Agreements
- 70. Communications Systems or Cable System Agreements
- 71. Other Equipment or Service Contracts or Agreements (describe) _____
- 72. If the answer to any of the preceding is yes, please explain. (Attach additional sheets if necessary). _____
- 73. _____

G. ENVIRONMENTAL FACTORS

74. ARE YOU AWARE OF ANY OF THE FOLLOWING ENVIRONMENTAL FACTORS AFFECTING THE PROPERTY?

YES NO

- 75. Hazards or hazardous materials on the Property, such as asbestos; chemicals used in the manufacture of methamphetamine, LSD or Ecstasy; PCB transformers; dumps; pesticides; radon; oil or chemicals, now or in the past?
- 76. _____
- 77. Fuel or insecticide storage tanks (above or underground) on the Property, now or in the past?
- 78. Hazards or hazardous materials in close proximity to the Property, such as asbestos, dumps, pesticides, radon, oil, chemicals or underground fuel storage tanks, now or in the past?
- 79. _____
- 80. Location within an area currently of environmental concern, e.g., Superfund, Water Quality Assurance Revolving Fund (WQARF) or Comprehensive Environmental Response Compensation and Liability Act (CERCLA) sites, etc.? _____
- 81. _____
- 82. Current or proposed noises, such as airports, freeways, or rail lines?
- 83. Location within the vicinity of an airport (military, public or private)?
- 84. Area odors, nuisances or pollutants?
- 85. High voltage distribution towers or lines?
- 86. Soil settlement, expansion, fissures or erosion now or in the past?
- 87. **NOTICE TO BUYER: THE ARIZONA DEPARTMENT OF REAL ESTATE PROVIDES EARTH FISSURE MAPS TO ANY MEMBER OF THE PUBLIC IN PRINTED OR ELECTRONIC FORMAT UPON REQUEST AND ON ITS WEB SITE AT www.azre.gov.**
- 88. _____
- 89. _____
- 90. Situated on or near a sanitary landfill?
- 91. Location in a flood plain/way?
- 92. Water-caused damage?
- 93. Mold growth or conditions conducive to mold?
- 94. Drywell (drainage)? If yes, Registration # _____
- 95. If the answer to any of the preceding is yes, please explain and provide copies of any documentation you have pertaining to such matters. (Attach additional sheets if necessary). RAILROAD
- 96. _____
- 97. _____
- 98. Describe any other known environmental factors that might affect the use or value of the Property _____
- 99. _____
- 100. Buyers are advised to obtain an independent environmental assessment of the Property.

H. REPORTS/STUDIES

101. DO YOU HAVE ANY OF THE FOLLOWING ITEMS CONCERNING THE PROPERTY?

YES NO

- 102. Soils Test Report
- 103. Land Survey
- 104. Flood Plain Report
- 105. Septic/Waste Disposal Reports/Certifications
- 106. Registrations of Wells
- 107. Any Environmental Site Assessments or Studies
- 108. Title Reports
- 109. Other _____
- 110. If the answer to any of the preceding is yes, please explain and provide copies of any reports/studies you have pertaining to such matters. (Attach additional sheets if necessary). _____
- 111. _____
- 112. _____ >>

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SELLER	SELLER	

		Initials>
BUYER	BUYER	



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<u>JS</u>	
SELLER	SELLER

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BUYER	BUYER



I. MATERIAL PHYSICAL DEFECTS AND OTHER FACTORS

113. ARE YOU AWARE OF:

YES NO

- 114. Any structural, electrical, plumbing or other modifications made without necessary permits?
- 115. Any past or present roof leaks or other roof problems?
- 116. Any past or present insect infestation problems?
- 117. Security lighting in parking and/or common areas?
- 118. Any recorded and/or unrecorded liens against the Property?
- 119. An archeological site on the Property?
- 120. The Property being located in a designated historical district?
- 121. Any insurance claim submitted on the Property?
- 122. Any proposed land use changes relating to the adjacent or nearby Property, such as: new developments, zoning changes, or land trades?
- 123. Any other material items on the Property or improvements and structures thereon that might affect the decision of a buyer to purchase/use the Property?
- 124. Any defects/problems with the heating, ventilating, air conditioning, plumbing, electrical, fire safety, security, or lighting systems?

125. If the answer to any of the preceding is yes, please explain and provide copies of any documentation you have pertaining to such matters. (Attach additional sheets if necessary).

126. SHOP IS AGED AND ROOFING/METAL MAY LEAK IN PLACES.

127. What other material (important) information are you aware of concerning the Property that might affect the Buyer's decision-making process, the value of the Property, or its use? Please explain: N/A

128. **SELLER CERTIFICATION:** Seller certifies that the information contained herein is true and complete to Seller's knowledge as of the date signed. Seller agrees that any material changes in the information contained herein will be disclosed by Seller to Buyer prior to Close of Escrow.

129. Personal Representative for Estate of William D. Clardy
 130. Sheri L. Hueglin 9/6/21
 SELLER'S SIGNATURE MO/DA/YR SELLER'S SIGNATURE MO/DA/YR

131. Sheri Hueglin PERSONAL REPRESENTATIVE FOR
 SELLER'S NAME PRINTED ESTATE OF WILLIAM D. CLARDY SELLER'S NAME PRINTED

132. By: _____

133. Its: _____

134. Reviewed and updated: Initials: / SELLER SELLER MO/DA/YR

135. **BUYER'S ACKNOWLEDGEMENT OF RECEIPT:** Buyer acknowledges that the information contained herein is based only on the Seller's knowledge and is not a warranty of any kind. Buyer acknowledges that it is Buyer's obligation to investigate all material facts regarding the property to Buyer's satisfaction. Buyer is encouraged to obtain property inspections by an independent third party and to obtain other independent professional counsel as Buyer deems necessary. By signing below, Buyer hereby acknowledges receipt of a copy of this Seller's Property Disclosure Statement.

136. If Buyer disapproves or is concerned about any item in this disclosure, it is the Buyer's responsibility and not the responsibility of the broker(s) or agent(s) to investigate such items and to satisfy Buyer as to the condition of the Property within the Buyer's Due Diligence Period.

137. _____ MO/DA/YR _____ MO/DA/YR
 BUYER'S SIGNATURE BUYER'S SIGNATURE

138. _____ BUYER'S NAME PRINTED _____ BUYER'S NAME PRINTED

139. By: _____

140. Its: _____

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SELLER	SELLER	BUYER	BUYER

