



**REALTORS® ASSOCIATION OF NEW MEXICO
PROPERTY DISCLOSURE STATEMENT - COMMERCIAL - 2023**

INSTRUCTIONS AND ACKNOWLEDGMENT REGARDING THIS FORM

This Statement discloses Seller's current, actual knowledge of the condition of the Property as of the date signed by Seller, and is not a substitute for any inspections or warranties that Buyer may wish to obtain. This Statement is designed to assist Seller to provide information about the Property and to assist Buyer in evaluating the Property being considered. Conditions may exist which are unknown to Seller. Buyer is encouraged to address concerns about the Property whether or not included in this Statement. This Statement does not relieve Seller of the obligation to disclose a condition of the Property that may not be addressed on this form or a change in any condition after the date of this Statement, and is not a substitute for inspection by the Buyer. Neither the Broker, nor the Board or Association of REALTORS® nor the REALTORS® Association of New Mexico warrant or guarantee the information in this disclosure.

Do not leave any questions blank. Attach additional pages if needed.

Initials: Buyer _____ Seller _____

This Statement covers the Property having an address of:

<u>2255 N Date St</u>	<u>Truth or Consequences</u>	<u>NM</u>	<u>87901</u>
Address	City		Zip Code
<u>GERONIMO SPRINGS COMM SUB 0.70 AC IN LOT 1A CONT 30648 SQFT</u>			
Legal Description			

Or see metes & bounds description attached as Exhibit _____, Sierra County, New Mexico.

1. **MATERIAL PHYSICAL DEFECTS.** There are not any material physical defects in the Property, any improvements at the Property, and/or structures on the Property (including, but not limited to the roof), except (if there are no exceptions write "NONE"): _____

2. TITLE, ZONING, LEGAL INFORMATION:

YES	NO	IS THE SELLER AWARE OF:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A. Was the Property part of a larger tract of land that was subdivided within the last five (5) years?

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YES	NO
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IS THE SELLER AWARE OF:

- If yes, and the subdivided Property was not previously subdivided in accordance with the New Mexico Subdivision Act (Act), a subsequent sale, lease or other conveyance of the Property within five (5) years of the original subdivision and sale, lease or conveyance may trigger the requirements of the Act. SELLER/BUYER SHOULD CONSULT A TITLE COMPANY AND AN ATTORNEY TO DETERMINE THE APPLICABILITY OF THE ACT TO THIS PROPERTY.
- B. Are there any title problems (for example, unrecorded or disputed easements, lot line disputes, liens, encroachment, access issues, third party claims)?
- C. Any Property taxes that are not current?
- D. Any existing or proposed bonds, assessments, liens, mortgages, judgments, Deed of Trust, Impact Fees, Real Estate Contracts, etc. against the Property?
If yes, explain: _____
- E. Any violations of applicable subdivision laws at the time the Property was subdivided?
If yes, explain: _____
- F. Any alleged violations of applicable laws, regulations, ordinances or zoning laws?
If yes, explain: _____
- G. Any zoning variances/exceptions or non-conforming use of the Property?
If yes, explain: _____
- H. Any legal issues, proposed buildings, bridges, roadways or real estate developments, etc. in the immediate area?
If yes, explain: _____
- I. Any restrictive covenants or other limitations on use?
If yes, explain: _____
- a. Any violation thereof? If yes, explain: _____
- J. Any building code or environmental regulation violations?
If yes, explain: _____
- K. Any necessary permits, approvals or inspections for all construction, repairs and improvements that have not been obtained?
If yes, explain: _____
- L. Any existing or threatened legal actions concerning the Property or the Homeowners Association?
If yes, explain: _____
- M. Any well-sharing, driveway-sharing, road-sharing or other contract to which the Property is subject?
If yes, explain: _____
- N. Anyone with a Right of First Refusal, an option to buy or lease the Property?
If yes, explain: _____
- O. Any other restrictions on resale?
If yes, explain: _____
- P. Any exemptions you claim to Property Taxes (i.e., Veteran, Head of Household)?
If yes, explain: _____

For additional information or further explanation: _____

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3. **PHYSICAL DAMAGE:** The Property has not suffered any material casualty, fire damage or other damage, except (if there are no exceptions write "NONE"): None

4. **OCCUPANCY:**

YES	NO
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IS THE SELLER AWARE OF:

A. Does the Seller currently occupy the Property? If yes, _____ number of years/months Seller occupied. If no, _____ number of years/months since Seller occupied. Please indicate if Seller never occupied Property _____.

For additional information or further explanation: _____

5. **LEASES.** No lease, sublease or other tenancy agreement exists affecting the Property, except (if there are no exceptions write "NONE"): None

6. **LESSEE INFORMATION**

None
Name of Tenant _____

Address _____ City _____ State _____ Zip Code _____

Term of Lease: _____ Crop or Share Rent: _____

Name of Tenant _____

Address _____ City _____ State _____ Zip Code _____

Term of Lease: _____ Crop or Share Rent: _____

For additional information or further explanation: _____

7. **EQUIPMENT:** The mechanical systems, electrical systems, plumbing systems, heating, ventilating and air conditioning systems and equipment, sprinkler systems, security systems, fire detection systems, telephone distribution systems (lines, jacks and connections only), elevators, and other similar equipment and fixtures existing on the Property are in good operating order and condition, except (if there are no exceptions write "NONE"):
3 AC Systems on Restaurant replaced in 2020.
1 AC System or 1500 sq feet Need Service.

8. **UTILITIES AND ASSESSMENTS.** The Property is served by the following utilities (check appropriate boxes):
 water service electric service natural gas telephone service public sewer service cable service
 other: _____

Owner represents and warrants that all costs and assessments related to such utilities have been fully paid. The following telecommunications services are available at the Property: yes

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9. BUILDINGS AND OTHER STRUCTURES

A Residential Home is included in the Sale. Attached is the Property Disclosure Statement-Residential (RANM Form 2301)

Main House _____
 No. of Rooms _____ Roof _____ Foundation _____ Basement _____
 Gas _____ Electricity _____ Other Utilities _____ Bathrooms _____
 Water System _____ Heat _____ Other Living Quarters _____

Approximate Age of Dwellings _____
 Barns and Outbuildings _____
 Approximate Age of Barns and Outbuildings _____
 Fences (Types, Miles, etc.) _____
 Fence Condition Good Fair Poor
 Condition of Improvements _____
 Other _____

For additional information or further explanation: _____

10. LEAD-BASED PAINT

A. **DISCLOSURE AND INFORMATION REQUIREMENT.** If there is a *residence* on the Property, Federal Law and Regulations create specific disclosure and information requirements, which are set forth in RANM Form 5112, Lead-Based Paint Addendum to Purchase Agreement. RANM Form 5112 must be attached to the Purchase Agreement. **The Seller is not permitted to accept a Buyer's offer prior to making the required disclosures and providing the required information.**

B. **REPAIRS AND RENOVATIONS.** Were renovations or repairs made to any building(s) on the Property or portion thereof on or after April 22, 2010 that are governed by the Lead-Based Paint Renovation, Repair and Painting Program? Yes No Don't Know
 If yes, complete and attach RANM Form 5112A, Lead-Based Paint Renovation, Repair and Painting Disclosure Addendum (**UNLESS OTHERWISE DIRECTED BY THE FORM**). For information on types of buildings and renovations covered by the Program, refer to RANM Form 2315, Lead-Based Paint (LBP) Renovation, Repair and Paint Information Sheet.

11. ENVIRONMENTAL

YES	NO	IS THE SELLER AWARE OF:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	A. Are there underground or aboveground Storage Tanks? If yes, Type _____ Location _____ Current Status _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	B. Any soil, stream, or groundwater contamination? If yes, please explain _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	C. Any flooding or drainage problems? If yes, please explain _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	D. Solar Leases _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	E. Transmission Lines _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	F. Wind Turbines _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	G. Easements that serve Solar Equipment, Transmission Lines or Wind Turbines _____

**REALTORS® ASSOCIATION OF NEW MEXICO
PROPERTY DISCLOSURE STATEMENT - COMMERCIAL - 2023**

YES	NO
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IS THE SELLER AWARE OF:

H. Do you have knowledge of any environmental consequences resulting from the Water Softener? Explain: _____

Does the Property include an On-Site Liquid Waste System? Yes No
If the answer is "Yes", the transfer of the Property is subject to Regulations of the New Mexico Environment Department governing On-Site Liquid Waste systems, which require inspection and possible repair. Contact the new Mexico Environment Department for information regarding appropriate inspection forms and requirements.

For additional information or further explanation: _____

12. **SOIL CONDITIONS.** The Property does not have any slipping, sliding, settling, flooding, ponding or any other grading, drainage or soil problems, except (if there are no exceptions write "NONE"): None

13. **OTHER PERSONAL PROPERTY**
Trucks, Autos, Equipments, Supplies This building has a complete FF+E restaurant package.

14. **COMPLIANCE WITH LAWS.** No aspect or condition of the Property violates applicable laws, rules, regulations, codes, or covenants, conditions or restrictions, except (if there are no exceptions write "NONE"): None

15. **IMPROVEMENTS.** No improvements or alterations have been made to the Property without any permits where a permit was required, except (if there are no exceptions write "NONE"): None

The following certificates of occupancy have been issued regarding the Property: Yes

16. **ACTIONS, SUITS OR PROCEEDINGS.** No action, suit or proceeding is pending or threatened before any court, arbitration tribunal, governmental agency, quasi-governmental agency, commission, board, bureau, or instrumentality that would affect the Property or the right or ability of an owner or tenant to convey, occupy or utilize the Property, except (if there are no exceptions write "NONE"): None

17. **GOVERNMENTAL PROCEEDINGS.** No existing or threatened condemnation, environmental, zoning, redevelopment agency plan or other land use regulation proceeding exists, except (if there are no exceptions write "NONE"): None

**REALTORS® ASSOCIATION OF NEW MEXICO
PROPERTY DISCLOSURE STATEMENT - COMMERCIAL - 2023**

18. **CONTRACTS.** No service contract or other contract exists affecting the Property, except (if there are no exceptions write "NONE"): None

19. **UNRECORDED TITLE MATTERS.** No unrecorded claim, encumbrance, covenant, condition, restriction, easement, lien, charge or other matter exists regarding the Property, except (if there are no exceptions write "NONE"): None

20. **OPTIONS.** No option to purchase, option to lease, right of first refusal, right of first offer or other similar agreement exists regarding the Property, except (if there are no exceptions write "NONE"): None

21. **OTHER**

For additional information or further explanation: _____

PLEASE NOTE: *There is currently no legal or statutory requirement in the State of New Mexico that obligates or requires Sellers or Brokers to disclose to any prospective Buyer that the subject Property is or has been: 1) The site of a natural death, homicide, suicide or any other crime classified as a felony; 2) Owned or occupied by a person or persons exposed to HIV or diagnosed with AIDS or any other disease not known to be transmitted through the common occupancy of real estate; 3) Located in the vicinity of a convicted sex offender.*

If buyer has concerns about any of the conditions cited above, Buyer is urged to conduct his/her own due diligence and contact the appropriate Local, State or Federal health and law enforcement authorities to obtain accurate and reliable information.