



**REALTORS® ASSOCIATION OF NEW MEXICO
PROPERTY DISCLOSURE STATEMENT - VACANT LAND - 2016**

INSTRUCTIONS AND ACKNOWLEDGEMENT 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 Kly Way

Lot 4 Apple Court Taos 87571
Address City Zip Code

Lot 4 of the Orchard Subdivision
Legal Description

Or see metes and bounds description attached as Exhibit _____, Taos County, New Mexico.

1. **OCCUPANCY:** Is Seller currently occupying the Property? Yes. If yes, _____ years/months Seller occupied.
 No. If no, _____ years/months since Seller occupied. Never Occupied Property. Other _____

2. TITLE, ZONING, LEGAL INFORMATION:

YES	NO
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IS THE SELLER AWARE OF:

- A. Was the Property part of a larger tract of land that was subdivided within the last five (5) years? 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: _____

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YES	NO
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IS THE SELLER AWARE OF:

- YES NO E. Any violations of applicable subdivision laws at the time the Property was subdivided?
If yes, explain: _____
- YES NO F. Any alleged violations of applicable laws, regulations, ordinances or zoning laws?
If yes, explain: _____
- YES NO G. Any zoning variances/exceptions or non-conforming use of the Property?
If yes, explain: _____
- YES NO H. Any legal issues, proposed buildings, bridges, roadways or real estate developments, etc. in the immediate area?
If yes, explain: _____
- YES NO I. Any restrictive covenants or other limitations on use?
If yes, explain: See Orchard Subdivision Documents
- YES NO a. Any violation thereof? If yes, explain: _____
- YES NO J. Any building code or environmental regulation violations?
If yes, explain: _____
- YES NO K. Any necessary permits, approvals or inspections for all construction, repairs and improvements that have not been obtained?
If yes, explain: _____
- YES NO L. Any existing or threatened legal actions concerning the Property or the Homeowners Association?
If yes, explain: _____
- YES NO M. Any well-sharing, driveway-sharing, road-sharing or other contract to which the Property is subject?
If yes, explain: See Orchard Subdivision Documents
- YES NO N. Anyone with a Right of First Refusal, option to buy or lease the Property, or any other similar agreement?
If yes, explain: _____
- YES NO O. Any other restrictions on resale?
If yes, explain: _____
- YES NO P. Is this Property subject to Right of Reversion?
If yes, explain: _____
- YES NO Q. Any exemptions you claim to Property Taxes (i.e., Veteran, Head of Household)?
If yes, explain: _____

For additional information or further explanation (indicate item #): _____

3. PROPERTY CONDITIONS

YES	NO
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IS THE SELLER AWARE OF:

- YES NO A. Any minor damage that has occurred to the Property?
- YES NO B. Any smoke damage or a fire on the Property?
- YES NO C. Any problems with driveways, walkways, sidewalks (such a large cracks, potholes or raised sections)?

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- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | D. Any history of wood infestation, insects, pests or tree root problems? Specify date and type of last treatment: _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | E. Any flowing or drainage problems on the Property? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | F. Any flowing or drainage problems on adjacent Properties that may impact this Property? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | G. Any standing water after rainfalls? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | H. Any active springs? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | I. Any history of moldy conditions or treatment for mold? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | J. Any land on the Property that has been filled in? <i>see below.</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | K. Any earth movement, subsidence, or settlement problems? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | L. Any additional structures? If yes, list: _____ |

For additional information or further explanation (indicate item #): *we note that an old apple shed was filled in near the NORTH END OF THE PROPERTY.*

4. WATER SUPPLY

YES	NO	DON'T KNOW
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- | | | | |
|--------------------------|-------------------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | A. Is the water supply <input checked="" type="checkbox"/> City/Municipal? <input type="checkbox"/> Community/Subdivision <input type="checkbox"/> Domestic Well <input type="checkbox"/> Private Well <input type="checkbox"/> Shared Well <input type="checkbox"/> None (If none, skip to Paragraph 4) If yes, <ul style="list-style-type: none"> i. Is there a requirement to connect to the City/Municipal/Community/Subdivision water? If yes, what are the requirements? _____ <p style="margin-left: 40px;">NOTE: Additional expenses may be required</p> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | B. If the water supply is City/Municipal/Community/Subdivision, list name and address of supplier: <u><i>Town of Taos</i></u>
Are there any problems? _____ <ul style="list-style-type: none"> i. Any water supply problems? If yes, explain: _____ ii. Fees per month: \$ _____ iii. Is there a Transfer Fee? If yes, how much? _____ iv. Any restrictions or regulations? If yes, explain: _____ <p style="margin-left: 40px;">NOTE: Additional expenses may be required</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | C. If water supply is domestic/private/shared well, any problems with well equipment? If yes, explain: _____ <ul style="list-style-type: none"> i. Any restrictions or regulations? ii. If this is a shared well, is a written agreement available? iii. Is well registered with the State Engineer's Office?
Permit Number: _____ iv. Does Seller have well record? v. Is well metered? vi. Is there sufficient water yield at all times?
If no, explain: _____ vii. Is there a separate electrical meter for the shared well?
If yes, what is the location of the meter? _____
and other well components & equipment? _____ viii. Is there a requirement to connect to the City/Municipal/Community/Subdivision water? If yes, what are the requirements? _____ |

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YES	NO	DON'T KNOW
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NOTE: Additional expenses may be required

ix. Is there any other water source for the Property for any other use?

If so, explain: Randall Reservoir and Acequia

For more Information, see RANM Form 2307 - Information Sheet - Water Rights and Domestic Wells)

For additional information or further explanation (indicate item #): _____

5. SEWER/WASTEWATER TREATMENT

YES	NO	DON'T KNOW
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A. Is the sewer/wastewater treatment system? City/Municipal?

Community/Subdivision Onsite Liquid Waste System None

Any problems? _____

i. If none, is sewer available _____

ii. If yes, is there a requirement to connect to the City/Municipal/Community/ Subdivision Sewer Wastewater Treatment System? What are the requirements: _____

B. If the sewer/wastewater treatment system is City/Municipal/Community/ Subdivision, List name and address of provider: _____

i. Fees per month: \$ _____

ii. Any restrictions or regulations? _____

If yes, explain: _____

iii. Is a written agreement available? _____

iv. Is there a transfer fee? If yes, how much? _____

v. Is there a requirement to connect to the City/Municipal/Sewer Wastewater Treatment System? If yes, what are the requirements? _____

C. If there is an Onsite Liquid waste system, type:

Conventional Advanced Treatment System (See #D) Cesspool

i. Any problems? _____

ii. List name and address of service company: _____

iii. Date last serviced: _____

iv. Is there an available installation permit? _____

v. New Mexico Environmental Department (NMED) Environmental Improvement District (EID) Certification? NMED (EID) Certification number and date: _____

vi. Location of the system: _____

vii. Is there a requirement to connect to the City/Municipal/Community/ Subdivision Sewer/Wastewater Treatment System? If yes, what are the requirements? _____

D. Are there any ALTERNATIVE LIQUID WASTE SYSTEMS?

i. Is there an ADVANCED ON-SITE LIQUID WASTE SYSTEM (Multi-Flow Septic System): GRAY WATER and/or BLACK WATER?

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YES	NO	DON'T KNOW
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- 1) Does the Property have a harvesting system utilizing Gray and/or black water? If yes, please explain: _____
- 2) How is the harvested liquid waste utilized? _____
- 3) Where is the location of the Multi-Flow Septic System? _____
- 4) What year was the Multi-Flow Septic System installed? _____

NOTE: Additional expenses may be required

ii. Does the Property have an OUT HOUSE (Outdoor Latrine Facilities)?

- 1) If yes, how many are on the Property? _____
- 2) Is the Out House a permanent structure? _____
- 3) If existing, please describe any additional details _____

NOTE: Additional expenses may be required

iii. Does the Property have a COMPOSTING TOILET?

- 1) If yes, what is the method of operation? electric solar
 other: explain: _____
- 2) If existing, please describe any additional details _____

NOTE: Additional expenses may be required

iv. Does the Property have a Liquid Waste STORAGE TANK?

- 1) If yes, please list: _____ Capacity amount _____
Location of Liquid Waste Storage Tank _____
Date of installation _____ Frequency the Liquid Waste Storage Tank needs to be pumped _____

NOTE: Additional expenses may be required

E. Have there been any problems with the sewer/septic system? If yes, explain: _____

IF THE PROPERTY HAS AN ONSITE LIQUID WASTE SYSTEM, IT IS SUBJECT TO THE REGULATIONS OF THE NEW MEXICO ENVIRONMENTAL DEPARTMENT (NMED), WHICH REQUIRE INSPECTIONS AND POSSIBLE REPAIR. CONTACT THE NMED FOR INFORMATION REGARDING APPROPRIATE INSPECTION FORMS AND REQUIREMENTS.

For more information, see RANM Form 2308 Information Sheet - Septic Systems.

For additional information or further explanation (indicate item #): _____

6. ELECTRICAL

YES	NO	DON'T KNOW
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NONE

- A. Is the electrical wiring copper?
- B. Is the electrical wiring aluminum?

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YES	NO	DON'T KNOW
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YES NO DON'T KNOW

G. Have any insurance claims been made in the past five years?

If yes, please explain: _____

i. Were repairs completed? _____

YES NO DON'T KNOW

H. Has any insurance application or prior coverage regarding all or any part of the Property been rejected or will not be renewed? If yes, please explain: _____

YES NO DON'T KNOW

I. Has notice been received that any existing insurance coverage will be subjected to increased premium rates? _____

For additional information or further explanation (indicate item #): _____

8. PUBLIC IMPROVEMENT DISTRICT

YES	NO	DON'T KNOW
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YES NO DON'T KNOW

A. Is this Property part of an Public Improvement District? **If yes, PER NEW MEXICO LAW, SELLER IS PROHIBITED FROM ACCEPTING AN OFFER TO PURCHASE UNTIL SELLER HAS PROVIDED SPECIFIC DISCLOSURES TO THE BUYER.** See RANM Form 4550, Public Improvement District Disclosure and RANM Form 4500, Public Improvement District Information Sheet. If no, skip to Paragraph 9.

9. ASSOCIATIONS AND MEMBERSHIPS

The following questions can be used for various types of Homeowner Associations. Specific disclosures are required by law. See RANM Form 2302A, Resale Certificate from Condominium Association; RANM Form RANM Form 4600, Homeowners' Association Information Sheet; RANM Form 4650, Homeowners' Association Disclosure Addendum; and RANM Form 4700 Homeowners' Disclosure Certificate.

YES	NO	DON'T KNOW
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YES NO DON'T KNOW

IS THE SELLER AWARE OF:

A. Is this Property subject to a membership or part of an HOA or Condominium Association? If no, skip to Paragraph 10.

i. Name, address and phone number of HOA: _____

ii. Does the Membership or HOA have a right of first refusal?

iii. Association fees? \$ _____ per year month.

What is included in the HOA fees? Water/sewer Trash

Building Insurance Gas Utility Electric Utility

Ground Maintenance Property Taxes Streets Snow Removal

Other: _____

YES NO DON'T KNOW

iv. Any contemplated future dues increases or special assessments? If yes, give details: Homeowner's association has not been

formed

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YES	NO	DON'T KNOW
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- | | | | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | v. Security? <input type="checkbox"/> Intercom <input type="checkbox"/> Closed Circuit TV <input type="checkbox"/> Guards <input type="checkbox"/> Electric Gate
<input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | vi. Does each unit have its own designated parking space(s)? If yes, how many?
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | vii. Please check the existence of the following documents:
<input type="checkbox"/> Covenants, Conditions and Restrictions or Declaration of Condominium
<input type="checkbox"/> Regulations currently in force
<input type="checkbox"/> Current Financial Statement of Association
<input type="checkbox"/> Articles of Incorporation of Association
<input type="checkbox"/> Association Bylaws
<input type="checkbox"/> Minutes of Board Meetings |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | viii. Any pending or threatened litigation either by or against the HOA? If yes, explain: _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ix. Are all dues and assessments current? _____ |

For additional information or further explanation (indicate item #): _____

10. ENVIRONMENTAL

YES	NO
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IS THE SELLER AWARE OF:

- | | | |
|-------------------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | A. Any noticeable continuous or periodic odors (such as from waste, agriculture, industry, etc.)? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | B. Any excessive noises (such as airplanes, trains, trucks, freeways, etc)? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | C. Any hazards or hazardous materials on or in close proximity to the Property (such as asbestos, dumps, pesticides, chemical labs, underground fuel storage tanks or leaks)? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | D. Any radon tests performed on the Property? Results? _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | i. Reports attached? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | E. Any earth movement, subsidence, or settlement problems? Is yes, explain: _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | F. Any part of the Property located in a designated special flood hazard zone? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | G. Any past or present flowing or drainage problems on: <input type="checkbox"/> Property
<input type="checkbox"/> Adjacent Properties <input type="checkbox"/> Standing water after rainfalls? <input type="checkbox"/> Active springs? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | H. Any portion of the Property having ever flooded? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | I. Has land been filled in on the Property?
Is yes, explain: <u>apple shed filled in 1998 or so</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | J. Mine shaft(s) or abandoned well(s) on the Property? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | K. Do you have any knowledge of any environmental consequences resulting from the Water Softener? Explain: _____ |

For additional information or further explanation (indicate item #): _____

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11. RENTAL INFORMATION

YES	NO	DON'T KNOW
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-
-
-

- A. Is the Property rented or occupied by a tenant? If answer is No, skip to Paragraph 12. If yes, attach a copy of Lease or Rental Agreement.
- B. Does the tenant have the right to extend the Rental Agreement?
- C. Are security deposits or prepaid rents being held? If yes, by whom and how much?

For additional information or further explanation (indicate item #): _____

12. IRRIGATION RIGHTS

YES	NO	DON'T KNOW
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-
-

- A. Is the Property irrigated from a ditch acequia (See RANM Form 2307)
 Ditch Name: acequia del Sur del Canon
 Majordomo: Mark Danemann
 Association Name: Randall Reservoir & Acequia Assn.
 Fees: \$ 154.07
- B. Are Association or ditch fees current? If no, please explain: _____
- C. Are water rights registered with the State Engineer's Office?
 File/Permit number: 01957, sub-file 20.35 (part)

For additional information or further explanation (indicate item #): _____

13. OTHER

YES	NO	DON'T KNOW
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-

- A. Does the Seller know of any other information pertaining to the condition of the Property not addressed in the questions listed above? If yes, please explain:
There is a right-of-way across the north side of the property.
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

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For additional information or further explanation (indicate item #): _____

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.


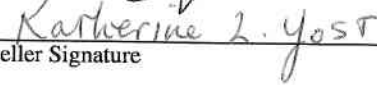
THIS IS NOT A CONTRACT

The above disclosures are made to the best of the Seller's knowledge. The person who signed as or on behalf of Seller lacks actual knowledge of the Property for the following reason:

- Personal Representative
 Administrator of Estate
 Trustee
 Receiver
 Does not occupy the Property
 Other: _____

The law does not protect a Seller who makes an intentional misrepresentation.

SELLER

 Seller Signature	YFT, William A. Yost, TTE	4-20-16 Date	12:00 noon Time
 Seller Signature	Katherine L. Yost, TTE	4-20-16 Date	11:00 A.M. Time

It is Buyer's responsibility to undertake his/her own due diligence and verify the accuracy of the Property Disclosure Statement. Buyer is not relieved of this responsibility by virtue of delivery of this Statement to Buyer.

BUYER

Buyer acknowledges receipt of this Statement.

Buyer Signature	Date	Time
Buyer Signature	Date	Time