

What is the Seller's Property Disclosure?

By
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When a buyer and seller enter into a contract, a seller has certain obligations to disclose any known defects, needed repairs, and violations of law, which the home may manifest. This is where the Seller's Property Disclosure is used to notify the buyers of any issues with the property. The contract also provides the buyer with the opportunity to thoroughly inspect the property, hire a professional home inspector and any specialist such as a septic inspector to determine its condition.

Until disclosures and home inspections, a homebuyer needed to follow "buyer beware". According to real estate law, a seller is liable for not disclosing defects in the property. If a seller knows about a defect in the property, the seller must inform the buyer about it or risk a possible lawsuit by the buyer. While a Seller may find this intimidating, the Seller's Property Disclosure is three legal-sized pages designed to help "jog your memory" with regard to details about the property.

In Washington, the Seller's Property Disclosure form is a standard practice in a real estate transaction. While this is not a requirement most realtors do it as a standard practice. If disclosure is made, however, it must be made on the Commission approved form. The approved Seller's Property Disclosure form has the major components of the home (including heating, water, electrical, roof, and appliances) listed and then has a place for the Seller to mark its condition. There is also space for the Seller to mark if items which are not included in the sale, items age, and any other pertinent details.

As a homebuyer, the best way to protect your self is to have the home inspected by a nationally certified home inspector. If there are items on the disclosure that raise a question, review them at the beginning of the inspection with your inspector. He or she can then further examine the questionable items during the course of the inspection and provide details on there condition. A home inspection most likely will erase any doubt regarding the Seller's Property Disclosure and address any issues that may have been disclosed by the seller.

We frequently see disclosures with sellers mistakenly believing that filling in the "I don't know" column absolves them of responsibility. However the seller should know that "I don't know" is not the same as "No". If the seller knows about an issue, then he or she must disclose it. "I don't know" should be reserved for actual situations when the seller does not know. The Seller's Property Disclosure benefits the seller as well because they are openly disclosing what

they do and do not know about the property. The home inspection can confirm what the Sellers Property Disclosure says and clears up any doubt.

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Pacific Crest Inspections is a locally owned home inspection company providing home inspections, commercial inspection and pest inspections in the Anacortes, Wa. area. Pacific Crest inspections is licensed by Washington State and carries the highest certification "Certified Real Estate Inspection" offered by the National Association of Home Inspectors (NAHI) Pacific Crest Inspections conducts their Washington State home inspections according to the National Association of Home Inspectors Standards of Practice & Code of Ethics. These professional home inspection standards provide a minimum guideline for conducting a Anacortes, Washington home inspection. Our home inspection standards are available for viewing under the "Consumer Information" section of our website or ask your Washington home inspector for a copy of the NAHI Standards of Practice & Code of Ethics prior to your Anacortes home inspection.