



THIS FORM IS TO BE COMPLETED BY THE SELLER. THE SELLER(S) AUTHORIZES THE BROKER OR SALESPERSON(S) TO PROVIDE THE FOLLOWING INFORMATION TO PROSPECTIVE BUYER(S). THIS INFORMATION IS BASED UPON THE SELLER'S KNOWLEDGE, BUT IS NOT INTENDED AS A GUARANTEE OF THE CONDITION OF THE PROPERTY OR THE CONTINUED SATISFACTORY OPERATION OF ANY SYSTEM. THE BUYER(S) SHOULD INDEPENDENTLY VERIFY ALL INFORMATION BEFORE PURCHASE.

Property Address 36 Agate Avenue, Worcester, MA 01604

Seller(s)/Owner(s) Joseph J. DeSimone, Jr Trustee of DeSimone Living Trust

How long owned 58+ yrs How long occupied 58+ yrs Approximate Year Built \_\_\_\_\_

**I. TITLE/ZONING/BUILDING INFORMATION**

		Yes	No	Unknown	N/A	Description/Explanation
1.	Title Problems or Limitations (for example, deed restriction, lot line dispute, order of conditions):			✓		
2.	Easement, Common Driveway, or Right of Way				✓	
3.	Zoning Classification(s) of property:			✓		
4.	Has the City/Town issued notice of outstanding violation?		✓			
5.	Have you been advised that current use is nonconforming in any way?		✓			
6.	Do you know of any variances or special permits?		✓			
7.	During Seller's ownership, has work been done for which a permit was required? If yes, explain.			✓		
7a.	Were permits obtained?			✓		
7b.	Was the work approved by an inspector?			✓		
7c.	Was a licensed contractor hired? (If yes, provide name of contractor)			✓		
7d.	Is there an outstanding notice of any building code violation?			✓		
8.	Have you been informed that any part of the property is in a designated flood zone or wetland?		✓			
9.	Are there any known water drainage problems? Explain.		✓			

**II. SYSTEM AND UTILITIES INFORMATION**

		Yes	No	Unknown	N/A	Description/Explanation
10.	STORAGE TANK		✓			
10a.	Is or Has there ever been an underground storage tank?		✓			
10b.	If yes, type of tank					
10c.	If yes, is it still in use?					
10d.	If not still in use, was it removed?					
10e.	Storage Tank: <input type="checkbox"/> Leased <input type="checkbox"/> Owned (See Hazardous Materials Disclosure Page 8)					

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II. SYSTEM AND UTILITIES INFORMATION (Continued)						
		Yes	No	Unknown	N/A	Description/Explanation
11.	HEATING SYSTEM					
11a.	Type: <u>FORCED HOT AIR</u>					
11b.	Age: <u>UNKNOWN</u>					
11c.	Are there any known problems with the heating system? Explain.		✓			
11d.	Identify any unheated room or area:					
11e.	Provide approximate date of last service:					<u>2020</u>
11f.	Provide reason for service:					<u>REGULAR MAINTENANCE</u>

III. WATER, SEWER & OTHER UTILITIES						
		Yes	No	Unknown	N/A	Description/Explanation
12.	DOMESTIC HOT WATER					
12a.	Type:					
12b.	Age:					
12c.	Are there any known problems with the hot water? Explain.		✓			
13.	SEWAGE SYSTEM					
13a.	✓ Municipal <input type="checkbox"/> Private Sewer					
13b.	If Private Sewer, describe type of system:					
13c.	Provide Name of Service Company					
13d.	Date it was last pumped:					Month Day Year
13e.	Frequency of Pumps:					
13f.	During your ownership has sewage backed up into house or onto yard? Explain.					
13g.	Is system shared with other homes?					
13h.	Was a Title 5 Inspection performed?					
13i.	Date of Inspection:					Month Day Year
13j.	Is a copy of Inspection attached?					
14.	PLUMBING SYSTEM					
14a.	Type:					
14b.	Problems? Explain.					
14c.	Bathroom ventilation problems? Explain		✓			
15.	WATER SOURCE					
15a.	✓ Public <input type="checkbox"/> Private					

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III. WATER, SEWER & OTHER UTILITIES (Continued)					
	Yes	No	Unknown	N/A	Description/Explanation
15b.	Location				
15c.	Date Last tested: _____ Month Day Year				
15d.	Report Attached?				
15e.	Water Quality problems? Explain.				
15f.	Flow rate: _____ (gal. /min.)				
15g.	Age of Pump:				
15h.	Is there a filtration system? If yes, indicate age and type of filtration system. Age: _____ Type: _____				

IV. ELECTRICAL SYSTEMS & UTILITIES					
	Yes	No	Unknown	N/A	Description/Explanation
16.	ELECTRICAL SYSTEM				
16a.		✓			
17.	APPLIANCES				
17a.	List appliances that are included:				
17b.	Problems? Explain.				
18.		✓			
18a.	Type:				
18b.	Age:				
18c.	Provide Name of Service Company				
18d.	Problems? Explain.				
19.	AIR CONDITIONING				
19a.	<input checked="" type="checkbox"/> Central <input type="checkbox"/> Window <input type="checkbox"/> Other. Explain.				
19b.	Problems? Explain.				
20.		✓			
20a.	<input type="checkbox"/> Leased <input type="checkbox"/> Owned				
20b.	If leased, explain terms of agreement.				

V. BUILDING/STRUCTURAL INFORMATION					
	Yes	No	Unknown	N/A	Description/Explanation
21.	FOUNDATION SLAB				
21a.			✓		
22.	BASEMENT				
22a.	Problems (select any that apply): <input type="checkbox"/> Water <input type="checkbox"/> Seepage <input type="checkbox"/> Dampness <input type="checkbox"/> Other. Explain.				

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V. BUILDING/STRUCTURAL INFORMATION (Continued)					
	Yes	No	Unknown	N/A	Description/Explanation
22b.	Explain amount, frequency, and location of the problems selected in 22a.				
23.		✓			SUMP PUMP
23a.	If yes to 23, provide age and location.				
23b.	Problems? Explain.				
24.	ROOF				
24a.			✓		Age:
24b.	Problems? Explain.				
24c.	Location of leaks/repairs:				
25.	CHIMNEY/FIREPLACE				
25a.	Date last cleaned:				
					Month Day Year
25b.	Problems? Explain.				
25c.	Presence of: <input type="checkbox"/> Wood Stove <input type="checkbox"/> Coal Stove <input type="checkbox"/> Pellet Stove <input type="checkbox"/> Gas Stove				
25d.	If yes to 25c, in compliance with installation regulations/code/bylaws?				
25e.	If no to 25d, Explain.				
25f.	Is there any history of smoke/fire damage to structure? Explain.				
26.	FLOORS				
26a.			✓		Type of floors under carpet linoleum:
26b.			✓		Are there any known problems with floors (buckling, sagging, etc.)? Explain.
27.	WALLS				
27a.		✓			Interior Walls: Problems? Explain.
27b.		✓			Exterior Walls: Problems? Explain.
28.	WINDOW/SLIDING DOORS/DOORS				
28a.			✓		Problems? Explain.
29.	INSULATION				
29a.					Does house have insulation?
29b.	If yes, type:				
29c.	Date Installed:				
					Month Day Year
29d.	Location:				

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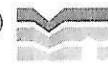
VI. ENVIRONMENTAL ISSUES					
	Yes	No	Unknown	N/A	Description/Explanation
30. ASBESTOS			✓		
30a. Is asbestos present in exterior shingles, pipe covering or boiler insulation?					
30b. Has a fiber count been performed?					
30c. If yes to 30b., is copy attached? (See Asbestos Disclosure Page 8)					
31. LEAD PAINT					
31a. Is lead paint present?			✓		
31b. If yes to 31a., locations present: (Attach copy of Inspection Reports)					
31c. If yes to 31a., describe abatement plan interim controls, if any.					
31d. Has paint been encapsulated?					
31e. If yes to 31d. provide date of encapsulation and by whom.					____/____/____ Month Day Year
31f. Is Lead Paint Disclosure Form available? If yes attach copy. If no, Explain.			✓		
32. RADON					
32a. Has test for Radon been performed? If yes, attach copy. (See Radon Disclosure Page 7)			✓		
33. MOLD					
33a. Have you been advised of elevated levels of mold at the Property? Explain.		✓			
34. INSECTS					
34a. History of Termites Wood Destroying Insect or Rodent Problems?		✓			
34b. If yes to 34a., explain treatment and dates: (See Chlordane Disclosure Page 8)					____/____/____ Month Day Year
35. ENERGY AUDIT					
35a. Has an Energy Audit been performed? If yes, attach a copy.			✓		

VII. OUTDOOR AMENITIES & STRUCTURES					
	Yes	No	Unknown	N/A	Description/Explanation
36. SWIMMING POOL/JACUZZI		✓			
36a. Problems? Explain.					
36b. Name of Service Company:					
37. GARAGE SHED OR OTHER STRUCTURE	✓				
37a. Problems? Explain.		✓			

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VIII. CONDOMINIUM INFORMATION						
		Yes	No	Unknown	N/A	Description/Explanation
38.	PARKING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
38a.	Number of Spaces					Spaces
38b.	Of those spaces, identify the number that are: <input type="checkbox"/> Deeded <input type="checkbox"/> Exclusive Easements <input type="checkbox"/> Assigned <input type="checkbox"/> Unassigned or <input type="checkbox"/> In Common area					Number of Spaces: Deeded _____ Exclusive Easements _____ Assigned _____ Unassigned _____ In Common area _____
39.	CONDO FEES		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
39a.	Current monthly fees for Unit are: Are any of the following (39b.-39g.) included in the monthly fees?					
39b.	Heat					
39c.	Electricity					
39d.	Hot Water					
39e.	Trash Removal					
39f.	Landscaping					
39g.	Snow Removal					
40.	RESERVE FUND					
40a.	Has advance payment been made to a condo reserve fund?					
40b.	If yes to 40a, how much?					
41.	CONDO ASSOCIATION FUND					
41a.	Is owners' association currently involved in any litigation? Explain.					
41b.	Have you been advised of any matter which is likely to result in a special assessment or substantially increase condominium fees? Explain.					

IX. RENTAL PROPERTY INFORMATION						
		Yes	No	Unknown	N/A	Description/Explanation
42.	UNITS					
42a.	Number of Units:					Units
42b.	Has a unit been added/subdivided since original construction?					
42c.	If yes to 42b., was a permit for new/added unit obtained?					
43.	RENT					Rent \$ _____/month
43a.	Expiration date of each lease:					Month Day Year
43b.	Any tenants without leases?					
43c.	Is owner holding last month's rent?					
43d.	Is owner holding security deposit?					

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## IX. RENTAL PROPERTY INFORMATION (Continued)

		Yes	No	Unknown	N/A	Description/Explanation
43e	If yes to 43c. and/or 43de., has interest been paid?					
43f	If security deposit held, attach a copy of Statement(s) of Conditions.					
43g	Is there any outstanding notice of sanitary code violation? Explain.					

## X. MISCELLANEOUS INFORMATION

		Yes	No	Unknown	N/A	Description/Explanation
44.	Do you know of any other problem which may affect the value or use of the property which may not be obvious to a prospective buyer? Explain.			✓		

## XI. DESCRIPTION/EXPLANATION

## XII. EXPLANATORY MATERIAL

The following clauses are provided for descriptive purposes only. For detailed information, consult the Massachusetts Department of Public Health, the Massachusetts Department of Environmental Protection, or other appropriate agency, or your attorney.

## A. Flood Hazard Insurance Disclosure Clause (Question #8)

The lender may require Flood Hazard Insurance as a condition of the mortgage loan if the lender determines that the property is in a flood hazard zone.

## E. Radon Disclosure Clause (Question #32)

Radon is an odorless, colorless, tasteless gas produced naturally in the ground by the normal decay of uranium and radium. Radon can lead to the development of radioactive particles which can be inhaled. Studies indicate the result of extended exposure to high levels of radon may increase the risk of developing lung cancer.

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**B. Hazardous Materials Disclosure Clause (Question #10)**

In certain circumstances Massachusetts law can hold an owner of real estate liable to pay for the cost of removing hazardous or toxic materials from real estate and for damages resulting from the release of such materials, according to the Massachusetts Oil and Hazardous Material Release and Response Act, General Laws, Chapter 21E. The buyer acknowledges that he may have the property professionally inspected for the presence of, or the substantial likelihood of release of oil or hazardous material and such proof of inspection may be required as a prerequisite for financing the property.

**C. Asbestos Disclosure Clause (Question #30)**

The United States Consumer Product Safety Commission has maintained that asbestos materials are hazardous if they release separate fibers which can be inhaled. Asbestos is a common insulation material on heating pipes, boilers, and furnaces. It may also be present in certain types of floor and ceiling materials, shingles, plaster products, cements and other building materials. The buyer may have the property professionally inspected for the presence of asbestos and if repair or removal of asbestos is desired, proper safety guidelines must be observed.

**D. Lead Paint Disclosure (Question #31)**

Whenever a child under six years of age resides in any residential premises in which any paint, plaster or other accessible material contains dangerous levels of lead, the owner is required by law to remove all said paint, plaster or cover with appropriate materials so as to make it inaccessible to a child under six years of age. Consumption of lead is poisonous and may cause serious personal injury. Whenever such residential premises containing dangerous levels of lead undergoes a change of ownership, and as a result a child under six years of age will become a resident, the new owner is required by law to remove said paint, plaster cover or encapsulate it with appropriate materials so as to make it inaccessible to such child. Buyer should receive information pamphlet from Department of Public Health.

**F. Chlordane Disclosure Clause (Question #34b.)**

Pesticide products containing chlordane were banned in Massachusetts on June 11, 1985, following a determination by the Department of Food and Agriculture that the use of chlordane may cause unreasonable adverse effects on the environment including risk of cancer. Although existing data do not conclusively prove that significant health effects have occurred as a direct result of chlordane use, the long-term potential health risks are such that it is prudent public health policy, according to the Department, to eliminate the further introduction of chlordane into the environment.

**G. Mold Information (Question #33)**

Molds are naturally occurring organisms that exist both indoors and outdoors. More than 1000 different kinds of mold have been found in homes in the United States. Molds are fungi that reproduce by making spores. Spores are small and lightweight and able to travel through the air. Molds need moisture and food to grow and their growth is stimulated by warm, damp and humid conditions. Molds can use materials such as wood, paper, drywall and carpet as food sources. Reducing dampness indoors is often key to reducing the growth of mold. Depending on the level of mold, allergies, respiratory problems and other health consequences can be triggered in sensitive individuals. However, exposure to mold does not always result in health problems. As of July 2002, U.S. governmental agencies reported that a determination had not been made what quantity of mold was acceptable in an indoor environment. For more information on mold, contact an engineer or other qualified mold inspector. Information may also be found at the web site for the U.S. Environmental Protection Agency, [www.epa.gov](http://www.epa.gov).

**H. Fair Housing Notice**

It is unlawful to discriminate on the basis of race, color, religious creed, national origin, age, gender, sex, ancestry, marital status, veteran status, sexual orientation, disability, presence of a child, receipt of public assistance or other protected classification in the sale or rental of covered housing.

**XIII. Acknowledgment**

Seller(s) hereby acknowledges that the information set forth above is true and accurate to the best of his or her knowledge. Seller(s) agrees to defend and indemnify the broker(s) and any subagents for disclosure of any information contained herein. Seller(s) acknowledges receipt of a copy of the Seller's Statement of Property Condition.

Date \_\_\_\_\_ Seller \_\_\_\_\_  
Joseph J. DeSimone, Jr. Trustee of DeSimone

Buyer(s) Prospective Buyer(s) acknowledges receipt of Seller's Statement of Property Condition prior to purchase. Buyer(s) acknowledges that Broker has not verified the information herein and Buyer(s) has been advised to verify information independently. Buyer(s) is not relying upon any representation, verbal or written, from any real estate broker or licensee concerning legal use. Any reference to the category (single family, multi-family, residential, commercial) or the use of this property in any advertisement or listing sheet, including the number of units, number of rooms or other classification is not a representation concerning legal use or compliance with zoning by-laws, building code, sanitary code or other public or private restrictions by the broker. The BUYER understands that if this information is important to BUYER, it is the duty of the BUYER to seek advice from an attorney or written confirmation from the municipality.

Date \_\_\_\_\_ Buyer \_\_\_\_\_

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