

The printed portions of this form, except differentiated additions, have been approved by the Colorado Real Estate Commission.  
 (SPD19L-6-23) (Mandatory 1-24)

**THIS FORM HAS IMPORTANT LEGAL CONSEQUENCES AND THE PARTIES SHOULD CONSULT LEGAL AND TAX OR OTHER COUNSEL BEFORE SIGNING.**

**SELLER'S PROPERTY DISCLOSURE  
 (LAND)**

**THIS SELLER'S PROPERTY DISCLOSURE SHOULD BE COMPLETED BY SELLER, NOT BY BROKER.**

Seller states that the information contained in this Seller's Property Disclosure ("SPD") is correct to **Seller's CURRENT ACTUAL KNOWLEDGE** as of this Date. **Any changes must be disclosed by Seller to Buyer promptly after discovery. Seller's failure to disclose a known adverse material fact** affecting the Property or occupant **may result in legal liability**. If the sales contract requires Seller to complete this SPD, this form must be fully completed to Seller's current actual knowledge, as of the date of the Contract. If Seller has knowledge of an adverse material fact affecting the Property or occupants, it must be disclosed whether there is a specific item on this SPD or not. If the Property is part of a Common Interest Community, this SPD is limited to the Property or unit itself, except as stated in Section N. Broker may deliver a copy of this SPD to prospective buyers.

**SELLER:** Your answers are NOT limited to only the space provided in this SPD. Attach additional pages, reports, receipts, or any other documents you believe necessary for the information you provide to be complete.

**Note: Buyer and Seller should review the Advisory at the end of this SPD.**

Date:

Property:

**87 Apache Trail, Divide, CO 80814**

Seller: **Derwood Willhite and Megan Willhite**

Year Seller Acquired Property: **2017**

**Note:** The Contract to Buy and Sell Real Estate, not this SPD, determines whether an item is included or excluded in the sale. If there is an inconsistency between this SPD and the Contract, the Contract controls.

**I. FLOODING, DRAINAGE, RETENTION PONDS AND WATER SUPPLY**

A. FLOODING AND DRAINAGE If you know of any problems <b>EVER EXISTING</b> with the following on the Property, check the "Yes" column:	Yes	Comments
1 Flooding or drainage		
2		
3		
<b>DRAINAGE AND RETENTION PONDS - Other Information</b> Do you know of the following on the Property:		
4 Drainage, retention ponds	<input checked="" type="checkbox"/>	Property line runs through private pond, not accessible by POA members.
5 Creek	<input checked="" type="checkbox"/>	Rule Creek runs through property and its flow is controlled by pond to help prevent flooding.

B. WATER SUPPLY Do you know of the following on the Property:
1 Type of water supply: <input type="checkbox"/> Public <input type="checkbox"/> Community <input type="checkbox"/> Well <input type="checkbox"/> Shared Well <input type="checkbox"/> Other <input checked="" type="checkbox"/> None If the Property is served by a Well, a copy of the Well Permit <input type="checkbox"/> Is <input type="checkbox"/> Is Not attached. Well Permit #: _____ Drilling Records <input type="checkbox"/> Are <input type="checkbox"/> Are not attached. Shared Well Agreement <input type="checkbox"/> Yes <input type="checkbox"/> No.

**II. GENERAL**

C. USE, ZONING & LEGAL ISSUES If you know of any of the following <b>EVER EXISTING</b> , check the "Yes" column:	Yes	Comments
1 Zoning violation, variance, conditional use, violation of an enforceable PUD, or non-conforming use		
2 Notice or threat of condemnation proceedings		
3 Notice of any adverse conditions from any governmental or quasi-governmental agency that have not been resolved		
4 Notice of zoning action related to the Property		
5 City, or county violations		

6	Violation of restrictive covenants or owners' association rules or regulations		
7	Other legal action		
8	Any part of the Property leased to others (written or oral)		
9	Archeological or historical designation on the Property		
10	Threatened or Endangered species on the Property		
11	Grandfathered conditions or uses		
12			
13			

<b>D. ACCESS &amp; PARKING</b>			
If you know of any of the following <b>EVER EXISTING</b> , check the "Yes" column:		<b>Yes</b>	<b>Comments</b>
1	Any access problems, issues or concerns		
2	Roads, trails, paths, or driveways through the Property used by others		
3	Public highway or county road bordering the Property		
4	Any proposed or existing transportation project that affects or is expected to affect the Property		
5	Encroachments, boundary disputes or unrecorded easements		
6	Shared or common areas with adjoining properties		
7	Requirements for curb, gravel/paving, landscaping		
8	Any limitations on parking or access due to size, number of vehicles, or type of vehicles in the past year		
9			
10			

<b>E. ENVIRONMENTAL CONDITIONS</b>			
If you know of any of the following <b>EVER EXISTING</b> on any part of the Property, check the "Yes" column:		<b>Yes</b>	<b>Comments</b>
1	Hazardous materials on the Property, such as radioactive, toxic, or biohazardous materials, asbestos, pesticides, herbicides, wastewater sludge, radon, methane, mill tailings, solvents, or petroleum products		
2	Underground storage tanks	<input checked="" type="checkbox"/>	Yes, there is a Septic holding tank that was put on permit with the county with a prior owner. Needs to be upgraded for a home build
3	Aboveground storage tanks		
4	Underground transmission lines		
5	Property used as, situated on, or adjoining a dump, landfill or municipal solid waste landfill		
6	Monitoring wells or test equipment		
7	Sliding, settling, upheaval, movement or instability of earth, or expansive soils on the Property		
8	Mine shafts, tunnels, or abandoned wells on the Property		
9	Within a governmentally designated geological hazard or sensitive area		
10	Within a governmentally designated floodplain or wetland area	<input checked="" type="checkbox"/>	Rule Creek runs through property and has a wetland boundary that would mean needing to build near front corner without needing extra permission.
11	Dead, diseased, or infested trees or shrubs		
12	Environmental assessments, studies, or reports done involving the physical condition of the Property		
13	Used for any mining, graveling, or other natural resource extraction operations such as oil and gas wells		
14	Other environmental problems, issues or concerns		
15	Odors		
16			
17			

F.	<b>COMMON INTEREST COMMUNITY - ASSOCIATION PROPERTY</b> If you know of any of the following <b>NOW EXISTING</b> , check the "Yes" column:	Yes	Comments
1	Property is part of an owners' association	<input checked="" type="checkbox"/>	Spring Valley POA (not required to pay annual fees if you choose not to use POA facilities and common areas.)
2	Special assessments or increases in regular assessments approved by owners' association but not yet implemented		
3	Problems or defects in the Common Elements or Limited Common Elements of the Association Property		
	<b>COMMON INTEREST COMMUNITY - ASSOCIATION PROPERTY</b> If you know of any of the following <b>EVER EXISTING</b> , check the "Yes" column:		
4	Has the Association made demand or commenced a lawsuit against a builder or contractor alleging defective construction of improvements of the Association Property (common area or property owned or controlled by the Association but outside the Seller's Property or unit)		
5			
6			
	<b>COMMON INTEREST COMMUNITY - ASSOCIATION PROPERTY - Other Information:</b> Name of the Owners' Associations governing the Property:		<b>Contact Information:</b>
7	Owners' Association #1: Spring Valley Property Owners Association	<input checked="" type="checkbox"/>	
8	Owners' Association #2:		
9	Owners' Association #3:		
10	Owners' Association #4:		

G.	<b>GENERAL DISCLOSURES</b> If you know of any of the following <b>EVER EXISTING</b> , check the "Yes" column:	Yes	Comments
1	Written reports of any building, site, roofing, soils, water, sewer, or engineering investigations or studies of the Property		
2	Any property insurance claim submitted (whether paid or not)		
3	Government special improvements approved, but not yet installed, that may become a lien against the Property		
4	Pending: (1) litigation or (2) other dispute resolution proceeding regarding the Property		
5	Signs: Government or private restriction problems		
6	Property is subject to Deed Restrictions, other recorded document restrictions, or Affordable Housing Restrictions		
7			
8			
	<b>GENERAL - Other Information:</b>		
9			

**III. LAND - AGRICULTURAL**

H.	<b>CROPS, LIVESTOCK &amp; LEASES</b> If you know of any of the following conditions <b>NOW EXISTING</b> , check the "Yes" column:	Yes	Comments
1	Crops being grown on the Property		
2	Seller owns all crops		
3	Livestock on the Property		
4	Any land leased from others: <input type="checkbox"/> State <input type="checkbox"/> BLM <input type="checkbox"/> Federal <input type="checkbox"/> Private <input type="checkbox"/> Other		
5			
6			

I.	<b>NOXIOUS WEEDS</b> If you know of any of the following conditions <b>NOW EXISTING</b> , check the "Yes" column:	Yes	Comments
1	Have any noxious weeds on the Property been identified?		

2	Have there been any weed enforcement actions on the Property?		
3	Has a noxious weed management plan for the Property been entered into?		
4	Have noxious weed management actions been implemented?		
5	Have herbicides been applied?		
6			
7			

The Colorado Noxious Weed Management Act (C.R.S. §§ 35-5.5-101-119) enables county and city governments to implement noxious weeds management programs to reclaim infested acres and protect weed-free land. For a directory of county weed supervisors, call 303-239-4173 or visit .

<b>J. OTHER DISCLOSURES - LAND - CONSERVATION</b>			
If you know of any of the following conditions <b>NOW EXISTING</b> , check the "Yes" column:		Yes	Comments
1	Any part of the Property enrolled in any governmental programs such as Conservation Reserve Program (CRP), Wetlands Reserve Program (WRP), etc.		
2	Conservation easement		
3			
4			


Seller and Buyer understand that the real estate brokers do not warrant or guarantee the above information on the Property. Property inspection services may be purchased and are advisable. This SPD is **not** intended as a substitute for an inspection of the Property.

**ADVISORY TO SELLER:**

Seller acknowledges that Broker will disclose to any prospective buyer all adverse material facts actually known by Broker, including but not limited to adverse material facts pertaining to the physical condition of the Property, any material defects in the Property, and any environmental hazards affecting the Property. These types of disclosures may include such matters as structural defects, soil conditions, violations of health, zoning or building laws, and nonconforming uses and zoning variances.

In the event Seller discovers a new adverse material fact after completing this SPD, Seller must disclose any such new adverse material fact to Buyer.

The information contained in this SPD has been furnished by Seller, who certifies it was answered truthfully, based on **Seller's CURRENT ACTUAL KNOWLEDGE**.



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Seller: **Derwood Willhite**

*Megan Willhite*

Date: 10/3/2024

Seller: **Megan Willhite**

**ADVISORY TO BUYER:**

1. Even though Seller has answered the above questions to Seller's current actual knowledge, Buyer should thoroughly inspect the Property and obtain expert assistance to accurately and fully evaluate the Property to confirm the status of the following matters are satisfactory to Buyer:

- a. the physical condition of the Property;
- b. the presence of mold or other biological hazards;
- c. the presence of rodents, insects, and vermin including termites;
- d. the legal use of the Property, including zoning and legal access to the Property;
- e. the availability and source of water, sewer, and utilities;
- f. the environmental and geological condition of the Property;
- g. the presence of noxious weeds; and
- h. any other matters that may affect Buyer's use and ownership of the Property that are important to Buyer as Buyer decides whether to purchase the Property.

2. Seller states that the information is correct to "Seller's current actual knowledge" as of the date of this form. The term "current actual knowledge" is intended to limit Seller's disclosure only to facts actually known by the Seller and does not include "constructive knowledge" or "common knowledge" or what

Seller "should have known" about the Property. The Seller has no duty to investigate or inspect the Property or inclusions when this SPD is filled in and signed.

- 3. Valuable information may be obtained from various local/state/federal agencies, and other experts may assist Buyer by performing more specific evaluations and inspections of the Property.
- 4. Boundaries, location and ownership of fences, driveways, hedges, and similar features of the Property may become the subjects of a dispute between a property owner and a neighbor. A survey may be used to determine the likelihood of such problems.
- 5. Whether any item is included or excluded is determined by the Contract between Buyer and Seller and not this SPD.
- 6. Seller does not warrant that the Property or inclusions are fit for Buyer's intended purposes or use of the Property. Disclosure of the condition of an item is not to be construed as a warranty of its continued operability or as a representation or warranty that such item is fit for Buyer's intended purposes.
- 7. Buyer receipts for a copy of this SPD.

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

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

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