

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3172**

1 On page 1 of the printed bill, line 2, after “ORS” insert “105.464.”.

2 Delete line 3.

3 Delete lines 5 through 30 and delete pages 2 through 11 and insert:

4 **“SECTION 1.** ORS 105.464 is amended to read:

5 “105.464. A seller’s property disclosure statement must be in substantially  
6 the following form:

7 “ \_\_\_\_\_

8

9 If required under ORS 105.465, a seller shall deliver in substantially the fol-  
10 lowing form the seller’s property disclosure statement to each buyer who  
11 makes a written offer to purchase real property in this state:

12 \_\_\_\_\_

13 **INSTRUCTIONS TO THE SELLER**

14

15 Please complete the following form. Do not leave any spaces blank. Please  
16 refer to the line number(s) of the question(s) when you provide your  
17 explanation(s). If you are not claiming an exclusion or refusing to provide  
18 the form under ORS 105.475 (4), you should date and sign each page of this  
19 disclosure statement and each attachment.

20

21 Each seller of residential property described in ORS 105.465 must deliver this  
22 form to each buyer who makes a written offer to purchase. Under ORS

1 105.475 (4), refusal to provide this form gives the buyer the right to revoke  
2 their offer at any time prior to closing the transaction. Use only the  
3 section(s) of the form that apply to the transaction for which the form is  
4 used. If you are claiming an exclusion under ORS 105.470, fill out only Sec-  
5 tion 1.

6

7 An exclusion may be claimed only if the seller qualifies for the exclusion  
8 under the law. If not excluded, the seller must disclose the condition of the  
9 property or the buyer may revoke their offer to purchase anytime prior to  
10 closing the transaction. Questions regarding the legal consequences of the  
11 seller's choice should be directed to a qualified attorney.

12

13 (DO NOT FILL OUT THIS SECTION UNLESS YOU ARE CLAIMING AN  
14 EXCLUSION UNDER ORS 105.470)

15

16 Section 1. EXCLUSION FROM ORS 105.462 TO 105.490:

17

18 You may claim an exclusion under ORS 105.470 only if you qualify under the  
19 statute. If you are not claiming an exclusion, you must fill out Section 2 of  
20 this form completely.

21

22 Initial only the exclusion you wish to claim.

23

24 \_\_\_\_\_ This is the first sale of a dwelling never occupied. The dwelling is  
25 constructed or installed under building or installation permit(s) #\_\_\_\_\_, is-  
26 sued by \_\_\_\_\_.

27

28 \_\_\_\_\_ This sale is by a financial institution that acquired the property as  
29 custodian, agent or trustee, or by foreclosure or deed in lieu of foreclosure.

30

1 \_\_\_\_\_ The seller is a court appointed receiver, personal representative,  
2 trustee, conservator or guardian.

3

4 \_\_\_\_\_ This sale or transfer is by a governmental agency.

5

6

\_\_\_\_\_   
Signature(s) of Seller claiming exclusion

7

Date \_\_\_\_\_

8

9

10

\_\_\_\_\_   
Buyer(s) to acknowledge Seller's claim

11

Date \_\_\_\_\_

12

13

14

15 (IF YOU DID NOT CLAIM AN EXCLUSION IN SECTION 1, YOU MUST  
16 FILL OUT THIS SECTION.)

17

18 Section 2. SELLER'S PROPERTY DISCLOSURE STATEMENT

19

(NOT A WARRANTY)

20

(ORS 105.464)

21

22

23 NOTICE TO THE BUYER: THE FOLLOWING REPRESENTATIONS ARE  
24 MADE BY THE SELLER(S) CONCERNING THE CONDITION OF THE  
25 PROPERTY LOCATED AT \_\_\_\_\_ ("THE PROPERTY").

26

27 DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE  
28 SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE  
29 PROPERTY AT THE TIME OF DISCLOSURE. BUYER HAS FIVE DAYS  
30 FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE

1 STATEMENT TO REVOKE BUYER'S OFFER BY DELIVERING BUYER'S  
2 SEPARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE  
3 SELLER DISAPPROVING THE SELLER'S DISCLOSURE STATEMENT,  
4 UNLESS BUYER WAIVES THIS RIGHT AT OR PRIOR TO ENTERING  
5 INTO A SALE AGREEMENT.

6

7 FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC  
8 CONDITION OF THIS PROPERTY, BUYER IS ADVISED TO OBTAIN AND  
9 PAY FOR THE SERVICES OF A QUALIFIED SPECIALIST TO INSPECT  
10 THE PROPERTY ON BUYER'S BEHALF INCLUDING, FOR EXAMPLE,  
11 ONE OR MORE OF THE FOLLOWING: ARCHITECTS, ENGINEERS,  
12 PLUMBERS, ELECTRICIANS, ROOFERS, ENVIRONMENTAL INSPEC-  
13 TORS, BUILDING INSPECTORS, CERTIFIED HOME INSPECTORS, OR  
14 PEST AND DRY ROT INSPECTORS.

15

16 Seller \_\_\_\_\_ is/ \_\_\_\_\_ is not occupying the property.

17

18 I. SELLER'S REPRESENTATIONS:

19

20 The following are representations made by the seller and are not the re-  
21 presentations of any financial institution that may have made or may make  
22 a loan pertaining to the property, or that may have or take a security in-  
23 terest in the property, or any real estate licensee engaged by the seller or  
24 the buyer.

25

26 \*If you mark yes on items with \*, attach a copy or explain on an attached  
27 sheet.

28

29 1. TITLE

30 A. Do you have legal authority to sell the property? [ ]Yes [ ]No [ ]Unknown

- 1 \*B. Is title to the property subject to any of the  
2 following:  ]Yes  ]No  ]Unknown
- 3 (1) First right of refusal  
4 (2) Option  
5 (3) Lease or rental agreement  
6 (4) Other listing  
7 (5) Life estate?
- 8 \*C. Is the property being transferred an  
9 unlawfully established unit of land?  ]Yes  ]No  ]Unknown
- 10 \*D. Are there any encroachments, boundary  
11 agreements, boundary disputes or recent  
12 boundary changes?  ]Yes  ]No  ]Unknown
- 13 \*E. Are there any rights of way, easements,  
14 licenses, access limitations or claims that  
15 may affect your interest in the property?  ]Yes  ]No  ]Unknown
- 16 \*F. Are there any agreements for joint  
17 maintenance of an easement or right of way?  ]Yes  ]No  ]Unknown
- 18 \*G. Are there any governmental studies, designations,  
19 zoning overlays, surveys or notices that would  
20 affect the property?  ]Yes  ]No  ]Unknown
- 21 \*H. Are there any pending or existing governmental  
22 assessments against the property?  ]Yes  ]No  ]Unknown
- 23 \*I. Are there any zoning violations or  
24 nonconforming uses?  ]Yes  ]No  ]Unknown
- 25 \*J. Is there a boundary survey for the  
26 property?  ]Yes  ]No  ]Unknown
- 27 \*K. Are there any covenants, conditions,  
28 restrictions or private assessments that  
29 affect the property?  ]Yes  ]No  ]Unknown
- 30 \*L. Is the property subject to any special tax

1 assessment or tax treatment that may result  
2 in levy of additional taxes if the property  
3 is sold? [ ]Yes [ ]No [ ]Unknown

4

5 2. WATER

6 A. Household water

7 (1) The source of the water is (check ALL that apply):

8 [ ]Public [ ]Community [ ]Private

9 [ ]Other \_\_\_\_\_

10 (2) Water source information:

11 \*a. Does the water source require a water permit? [ ]Yes [ ]No [ ]Unknown

12 If yes, do you have a permit? [ ]Yes [ ]No

13 b. Is the water source located on the property? [ ]Yes [ ]No [ ]Unknown

14 \*If not, are there any written agreements for

15 a shared water source? [ ]Yes [ ]No [ ]Unknown [ ]NA

16 \*c. Is there an easement (recorded or unrecorded)

17 for your access to or maintenance of the water

18 source? [ ]Yes [ ]No [ ]Unknown

19 d. If the source of water is from a well or spring,

20 have you had any of the following in the past

21 12 months? [ ]Flow test [ ]Bacteria test

22 [ ]Chemical contents test [ ]Yes [ ]No [ ]Unknown [ ]NA

23 \*e. Are there any water source plumbing problems

24 or needed repairs? [ ]Yes [ ]No [ ]Unknown

25 (3) Are there any water treatment systems for

26 the property? [ ]Yes [ ]No [ ]Unknown

27 [ ]Leased [ ]Owned

28 B. Irrigation

29 (1) Are there any [ ] water rights or [ ] other

30 irrigation rights for the property? [ ]Yes [ ]No [ ]Unknown

1 \*(2) If any exist, has the irrigation water been  
2 used during the last five-year period? [ ]Yes [ ]No [ ]Unknown [ ]NA

3 \*(3) Is there a water rights certificate or other  
4 written evidence available? [ ]Yes [ ]No [ ]Unknown [ ]NA

5 C. Outdoor sprinkler system

6 (1) Is there an outdoor sprinkler system for the  
7 property? [ ]Yes [ ]No [ ]Unknown

8 (2) Has a back flow valve been installed? [ ]Yes [ ]No [ ]Unknown [ ]NA

9 (3) Is the outdoor sprinkler system operable? [ ]Yes [ ]No [ ]Unknown [ ]NA

10

11 [3. SEWAGE SYSTEM

12 A. *Is the property connected to a public or*  
13 *community sewage system?* [ ]Yes [ ]No [ ]Unknown

14 B. *Are there any new public or community sewage*  
15 *systems proposed for the property?* [ ]Yes [ ]No [ ]Unknown

16 C. *Is the property connected to an on-site septic*  
17 *system?* [ ]Yes [ ]No [ ]Unknown

18 *If yes, was it installed by permit?* [ ]Yes [ ]No [ ]Unknown [ ]NA

19 *\*Has the system been repaired or altered?* [ ]Yes [ ]No [ ]Unknown

20 *Has the condition of the system been*  
21 *evaluated and a report issued?* [ ]Yes [ ]No [ ]Unknown

22 *Has it ever been pumped?* [ ]Yes [ ]No [ ]Unknown [ ]NA

23 *If yes, when?* \_\_\_\_\_

24 \*D. *Are there any sewage system problems or*  
25 *needed repairs?* [ ]Yes [ ]No [ ]Unknown

26 E. *Does your sewage system require on-site*  
27 *pumping to another level?* [ ]Yes [ ]No [ ]Unknown]

28

29 **3. SEWAGE SYSTEM**

30 **A. Is the property connected to a public or**

- 1 community sewage system? [ ]Yes [ ]No [ ]Unknown
- 2 **B. Are there any new public or community sewage**
- 3 **systems proposed for the property?** [ ]Yes [ ]No [ ]Unknown
- 4 **C. Is the property connected to an on-site septic**
- 5 **system?** [ ]Yes [ ]No [ ]Unknown
- 6 (1) **If yes, when was the system installed?** \_\_\_\_\_ [ ]Unknown
- 7 (2) **\*If yes, was the system installed by permit?** [ ]Yes [ ]No [ ]Unknown
- 8 (3) **\*Has the system been repaired or altered?** [ ]Yes [ ]No [ ]Unknown
- 9 (4) **\*Has the condition of the system been**
- 10 **evaluated and a report issued?** [ ]Yes [ ]No [ ]Unknown
- 11 (5) **Has the septic tank ever been pumped?** [ ]Yes [ ]No [ ]Unknown
- 12 **If yes, when?** \_\_\_\_\_ [ ]Unknown
- 13 (6) **Does the system have a pump?** [ ]Yes [ ]No [ ]Unknown
- 14 (7) **Does the system have a treatment unit such**
- 15 **as a sand filter or an aerobic unit?** [ ]Yes [ ]No [ ]Unknown
- 16 (8) **\*Is a service contract for routine**
- 17 **maintenance required for the system?** [ ]Yes [ ]No [ ]Unknown
- 18 (9) **Are all components of the system located on**
- 19 **the property?** [ ]Yes [ ]No [ ]Unknown
- 20 **D. Are there any sewage system problems or**
- 21 **needed repairs?** [ ]Yes [ ]No [ ]Unknown
- 22 **E. Does your sewage system require on-site**
- 23 **pumping to another level?** [ ]Yes [ ]No [ ]Unknown

24

25 4. DWELLING INSULATION

- 26 A. Is there insulation in the:
- 27 (1) Ceiling? [ ]Yes [ ]No [ ]Unknown
- 28 (2) Exterior walls? [ ]Yes [ ]No [ ]Unknown
- 29 (3) Floors? [ ]Yes [ ]No [ ]Unknown
- 30 B. Are there any defective insulated doors or



1 windows? [ ]Yes [ ]No [ ]Unknown  
2  
3 5. DWELLING STRUCTURE  
4 \*A. Has the roof leaked? [ ]Yes [ ]No [ ]Unknown  
5 If yes, has it been repaired? [ ]Yes [ ]No [ ]Unknown [ ]NA  
6 B. Are there any additions, conversions or  
7 remodeling? [ ]Yes [ ]No [ ]Unknown  
8 If yes, was a building permit required? [ ]Yes [ ]No [ ]Unknown [ ]NA  
9 If yes, was a building permit obtained? [ ]Yes [ ]No [ ]Unknown [ ]NA  
10 If yes, was final inspection obtained? [ ]Yes [ ]No [ ]Unknown [ ]NA  
11 C. Are there smoke alarms or detectors? [ ]Yes [ ]No [ ]Unknown  
12 D. Are there carbon monoxide alarms? [ ]Yes [ ]No [ ]Unknown  
13 E. Is there a woodstove or fireplace  
14 insert included in the sale? [ ]Yes [ ]No [ ]Unknown  
15 \*If yes, what is the make? \_\_\_\_\_  
16 \*If yes, was it installed with a permit? [ ]Yes [ ]No [ ]Unknown  
17 \*If yes, is a certification label issued by the  
18 United States Environmental Protection  
19 Agency (EPA) or the Department of  
20 Environmental Quality (DEQ) affixed to it? [ ]Yes [ ]No [ ]Unknown  
21 \*F. Has pest and dry rot, structural or  
22 “whole house” inspection been done  
23 within the last three years? [ ]Yes [ ]No [ ]Unknown  
24 \*G. Are there any moisture problems, areas of water  
25 penetration, mildew odors or other moisture  
26 conditions (especially in the basement)? [ ]Yes [ ]No [ ]Unknown  
27 \*If yes, explain on attached sheet the frequency  
28 and extent of problem and any insurance claims,  
29 repairs or remediation done.  
30 H. Is there a sump pump on the property? [ ]Yes [ ]No [ ]Unknown

1 I. Are there any materials used in the  
2 construction of the structure that are or  
3 have been the subject of a recall, class  
4 action suit, settlement or litigation? [ ]Yes [ ]No [ ]Unknown

5 If yes, what are the materials? \_\_\_\_\_

6 (1) Are there problems with the materials? [ ]Yes [ ]No [ ]Unknown [ ]NA

7 (2) Are the materials covered by a warranty? [ ]Yes [ ]No [ ]Unknown [ ]NA

8 (3) Have the materials been inspected? [ ]Yes [ ]No [ ]Unknown [ ]NA

9 (4) Have there ever been claims filed for these  
10 materials by you or by previous owners? [ ]Yes [ ]No [ ]Unknown [ ]NA

11 If yes, when? \_\_\_\_\_

12 (5) Was money received? [ ]Yes [ ]No [ ]Unknown [ ]NA

13 (6) Were any of the materials repaired or  
14 replaced? [ ]Yes [ ]No [ ]Unknown [ ]NA

15

16 6. DWELLING SYSTEMS AND FIXTURES

17 If the following systems or fixtures are included  
18 in the purchase price, are they in good working  
19 order on the date this form is signed?

20 A. Electrical system, including wiring, switches,  
21 outlets and service [ ]Yes [ ]No [ ]Unknown

22 B. Plumbing system, including pipes, faucets,  
23 fixtures and toilets [ ]Yes [ ]No [ ]Unknown

24 C. Water heater tank [ ]Yes [ ]No [ ]Unknown

25 D. Garbage disposal [ ]Yes [ ]No [ ]Unknown [ ]NA

26 E. Built-in range and oven [ ]Yes [ ]No [ ]Unknown [ ]NA

27 F. Built-in dishwasher [ ]Yes [ ]No [ ]Unknown [ ]NA

28 G. Sump pump [ ]Yes [ ]No [ ]Unknown [ ]NA

29 H. Heating and cooling systems [ ]Yes [ ]No [ ]Unknown [ ]NA

30 I. Security system [ ]Owned [ ]Leased [ ]Yes [ ]No [ ]Unknown [ ]NA

1 J. Are there any materials or products used in  
2 the systems and fixtures that are or have  
3 been the subject of a recall, class action  
4 settlement or other litigations?  ]Yes  ]No  ]Unknown  
5 If yes, what product? \_\_\_\_\_

6 (1) Are there problems with the product?  ]Yes  ]No  ]Unknown  
7 (2) Is the product covered by a warranty?  ]Yes  ]No  ]Unknown  
8 (3) Has the product been inspected?  ]Yes  ]No  ]Unknown  
9 (4) Have claims been filed for this product  
10 by you or by previous owners?  ]Yes  ]No  ]Unknown  
11 If yes, when? \_\_\_\_\_

12 (5) Was money received?  ]Yes  ]No  ]Unknown  
13 (6) Were any of the materials or products repaired  
14 or replaced?  ]Yes  ]No  ]Unknown  
15

16 7. COMMON INTEREST

17 A. Is there a Home Owners' Association  
18 or other governing entity?  ]Yes  ]No  ]Unknown  
19 Name of Association or Other Governing  
20 Entity \_\_\_\_\_  
21 Contact Person \_\_\_\_\_  
22 Address \_\_\_\_\_  
23 Phone Number \_\_\_\_\_

24 B. Regular periodic assessments: \$\_\_\_\_\_

25 per  ]Month  ]Year  ]Other \_\_\_\_\_

26 \*C. Are there any pending or proposed special  
27 assessments?  ]Yes  ]No  ]Unknown

28 D. Are there shared 'common areas' or joint  
29 maintenance agreements for facilities like  
30 walls, fences, pools, tennis courts, walkways

- 1 or other areas co-owned in undivided interest  
2 with others? [ ]Yes [ ]No [ ]Unknown
- 3 E. Is the Home Owners' Association or other  
4 governing entity a party to pending litigation  
5 or subject to an unsatisfied judgment? [ ]Yes [ ]No [ ]Unknown [ ]NA
- 6 F. Is the property in violation of recorded  
7 covenants, conditions and restrictions or in  
8 violation of other bylaws or governing rules,  
9 whether recorded or not? [ ]Yes [ ]No [ ]Unknown [ ]NA
- 10
- 11 8. GENERAL
- 12 A. Are there problems with settling, soil,  
13 standing water or drainage on the property  
14 or in the immediate area? [ ]Yes [ ]No [ ]Unknown
- 15 B. Does the property contain fill? [ ]Yes [ ]No [ ]Unknown
- 16 C. Is there any material damage to the property or  
17 any of the structure(s) from fire, wind, floods,  
18 beach movements, earthquake, expansive soils  
19 or landslides? [ ]Yes [ ]No [ ]Unknown
- 20 D. Is the property in a designated floodplain? [ ]Yes [ ]No [ ]Unknown
- 21 E. Is the property in a designated slide or other  
22 geologic hazard zone? [ ]Yes [ ]No [ ]Unknown
- 23 \*F. Has any portion of the property been tested  
24 or treated for asbestos, formaldehyde, radon  
25 gas, lead-based paint, mold, fuel or chemical  
26 storage tanks or contaminated soil or water? [ ]Yes [ ]No [ ]Unknown
- 27 G. Are there any tanks or underground storage  
28 tanks (e.g., septic, chemical, fuel, etc.)  
29 on the property? [ ]Yes [ ]No [ ]Unknown
- 30 H. Has the property ever been used as an illegal

1 drug manufacturing or distribution site? [ ]Yes [ ]No [ ]Unknown  
2 \*If yes, was a Certificate of Fitness issued? [ ]Yes [ ]No [ ]Unknown  
3 \*I. Has the property been classified as  
4 forestland-urban interface? [ ]Yes [ ]No [ ]Unknown  
5

6 9. FULL DISCLOSURE BY SELLERS

7 \*A. Are there any other material defects affecting  
8 this property or its value that a prospective  
9 buyer should know about? [ ]Yes [ ]No

10 \*If yes, describe the defect on attached sheet and  
11 explain the frequency and extent of the problem  
12 and any insurance claims, repairs or remediation.

13 B. Verification:

14 The foregoing answers and attached explanations (if any) are complete and correct to  
15 the best of my/our knowledge and I/we have received a copy of this disclosure statement.  
16 I/we authorize my/our agents to deliver a copy of this disclosure statement to all  
17 prospective buyers of the property or their agents.  
18

19 Seller(s) signature:

20  
21 SELLER \_\_\_\_\_ DATE \_\_\_\_\_

22  
23 SELLER \_\_\_\_\_ DATE \_\_\_\_\_  
24 \_\_\_\_\_

25

26 II. BUYER'S ACKNOWLEDGMENT

27

28 A. As buyer(s), I/we acknowledge the duty to pay diligent attention to any  
29 material defects that are known to me/us or can be known by me/us by uti-  
30 lizing diligent attention and observation.

1 B. Each buyer acknowledges and understands that the disclosures set forth  
2 in this statement and in any amendments to this statement are made only  
3 by the seller and are not the representations of any financial institution that  
4 may have made or may make a loan pertaining to the property, or that may  
5 have or take a security interest in the property, or of any real estate licensee  
6 engaged by the seller or buyer. A financial institution or real estate licensee  
7 is not bound by and has no liability with respect to any representation,  
8 misrepresentation, omission, error or inaccuracy contained in another party's  
9 disclosure statement required by this section or any amendment to the dis-  
10 closure statement.

11

12 C. Buyer (which term includes all persons signing the 'buyer's acknowledg-  
13 ment' portion of this disclosure statement below) hereby acknowledges re-  
14 ceipt of a copy of this disclosure statement (including attachments, if any)  
15 bearing seller's signature(s).

16

17 DISCLOSURES, IF ANY, CONTAINED IN THIS FORM ARE PROVIDED  
18 BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE  
19 OF THE PROPERTY AT THE TIME OF DISCLOSURE. IF THE SELLER  
20 HAS FILLED OUT SECTION 2 OF THIS FORM, YOU, THE BUYER, HAVE  
21 FIVE DAYS FROM THE SELLER'S DELIVERY OF THIS DISCLOSURE  
22 STATEMENT TO REVOKE YOUR OFFER BY DELIVERING YOUR SEP-  
23 ARATE SIGNED WRITTEN STATEMENT OF REVOCATION TO THE  
24 SELLER DISAPPROVING THE SELLER'S DISCLOSURE UNLESS YOU  
25 WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE  
26 AGREEMENT.

27

28 BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS  
29 SELLER'S PROPERTY DISCLOSURE STATEMENT.

30

1 BUYER \_\_\_\_\_ DATE \_\_\_\_\_

2

3 BUYER \_\_\_\_\_ DATE \_\_\_\_\_

4

5 Agent receiving disclosure statement on buyer's behalf to sign and date:

6

7 \_\_\_\_\_ Real Estate Licensee

8

9 \_\_\_\_\_ Real Estate Firm

10

11 Date received by agent \_\_\_\_\_

12 " \_\_\_\_\_

13 **"SECTION 2. The amendments to ORS 105.464 by section 1 of this**  
14 **2013 Act apply to written offers to purchase real property tendered on**  
15 **or after the effective date of this 2013 Act."**

16

\_\_\_\_\_