



**COLDWELL BANKER
REALTY**

Seller's Vacant Land Disclosure Statement

SELLER(S) NAME(S): David B. Porter and Maria Marino - Trustee for Rory F. Kirby Trust Estate ("Seller")

VACANT LAND ADDRESS: 2701 & 2709 SW Port St. Lucie Blvd, Port Saint Lucie, FL 34953 ('Property')

IMPORTANT NOTICE TO SELLER AND BUYER

Florida law requires sellers of residential real estate to disclose to a buyer all known facts that materially affect the value or desirability of the property being sold that are not readily observable by, or known to, the buyer. This Disclosure Statement is designed to assist the seller in complying with those disclosure requirements and to assist the buyer in evaluating the Property. The listing real estate broker, the selling real estate broker, and their respective representatives (collectively, "Brokers") will also rely upon this information when they evaluate, market and present the Property to prospective buyers.

This is a disclosure of seller's 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. Buyer agrees that the information contained below is not a warranty or representation of any kind by the Brokers (none of whom have made any independent verification of the information contained herein) and buyer agrees not to rely on it as such. By signing below, buyer agrees to hold Brokers harmless from any non-disclosure, omission, or misrepresentation of seller or any other party.

	<u>YES</u>	<u>NO</u>	<u>UNKNOWN</u>
1. <u>OCCUPANCY</u>			
Is the Property currently being leased or occupied?	☐	☒	
If YES, when does the lease expire? _____			
2. <u>ZONING / USE RESTRICTIONS</u>			
(a) The Property is currently zoned as: <u>RS-2</u>			☐
(b) Are there any covenants, conditions, or restrictions that affect the use or development of the Property?	☐	☐	☒
(c) Have you ever received notice of a breach of any such covenants, conditions, or restrictions?	☐	☒	
(d) Do you know of any reason why the Property may not be improved or developed?	☐	☒	☐
(e) Are you aware of any protected species inhabiting the Property?	☐	☒	☐
(f) Do you know if anyone has ever been refused a building permit for the Property?	☐	☒	☐
(g) Are there any easements other than utility or drainage easements?	☐	☐	☒
(h) Are there any unrecorded road maintenance agreements affecting the Property?	☐	☐	☒
(i) Are there any access restrictions to the Property (ingress or egress)?	☐	☒	☐
(j) Are the access roads: ☐ association owned OR ☒ publicly owned (e.g., city, county)?			
(k) Do you know of any Indian (Native American) artifacts or other items of historical or archeological significance on the Property?	☐	☒	☐
(l) If any of your answers to (b) – (k) above are "YES", note the subsection and explain in detail: _____			
(m) Is this platted land?	☒	☐	☐
If "YES", has the plat been approved by the county or municipality and recorded?	☒	☐	☐
(n) Is the Property partially or totally seaward of the Coastal Construction Control Line?	☒	☐	☐
3. <u>LAND (SOILS, DRAINAGE, BOUNDARIES AND OTHER CONDITIONS)</u>			
(a) Is there any fill or expansive or uncompacted soil on the Property?	☐	☒	☐
(b) Do you know of any sliding, settling, earth movement, upheaval or earth stability problems that exist or have occurred on the Property or immediate neighborhood?	☐	☒	
(c) Have any soils test been performed on the Property? If "YES", when: _____	☐	☒	☐
Soil Test Results: _____			
(d) Has any insurance company paid any amounts on a sinkhole claim?	☐	☒	☐
If your answer is "YES", were the full amounts of the proceeds utilized to repair the sinkhole damage? (required pursuant to §627.7073, Fla Stat.)	☐	☐	
(e) Do you know of any past or present drainage or flood problems affecting the Property or adjacent properties?	☐	☐	

	YES	NO	UNKNOWN
(f) Do you know of any past or present drainage or flood problems affecting the Property or adjacent properties?	☐	☒	
(g) Do you know of any encroachments or boundary lines disputes affecting the Property?	☐	☒	
(h) Has the land been surveyed?	☐	☒	
Year Surveyed _____ By _____			
4. UTILITIES			
(A) Do any of the following presently exist within the Property boundaries:			
(i) Connection to public water	☒	☐	☐
(ii) Connection to public sewer	☒	☐	☐
(iii) Connection to private water system off property	☐	☐	☒
(iv) Water well	☐	☐	☒
(v) Septic tank	☐	☐	☒
(vi) Connection to electric utility	☒	☐	☐
(vii) Connection to natural gas service	☐	☐	☒
(B) Do any of the following presently exist at the boundary of the Property?			
(i) Public water system access	☐	☐	☒
(ii) Private water system access	☐	☐	☒
(iii) Electric service access	☐	☐	☒
(iv) Natural gas access	☐	☐	☒
(v) Telephone system access	☐	☐	☒
(vi) Public sewer access	☐	☐	☒
(vii) Private septic	☐	☐	☒
(viii) Have any utility access charges been paid or are owed? If your answer is YES:	☐	☐	☒
Which charges have been paid? _____			
What charges are owed? _____			
5. DEED RESTRICTIONS / BOUNDARIES			
(a) Are there any deed restrictions, covenants, or declarations affecting the Property?	☐	☐	☒
(b) Are any driveways, walls, fences, or other features shared with adjoining property owners?	☐	☒	☐
(c) Have any surface rights, as defined by section 689.23(3)(b), Florida Statutes, or rights of entry been severed or retained from the Property by a third party or prior owner/developer?	☐	☐	☒
(d) Are there any encroachments, boundary disputes, or easements on or affecting the Property?	☐	☒	☐
(e) If any of your answers in (a) – (d) above are “YES”, explain in detail: _____			
6. DOCKS, DAVITS, PIERS AND SEAWALLS			
(a) Are there any conditions that may affect the desirability, use, or function of any dock, davits, pier or seawall? If “YES”, explain: _____	☐	☒	☐
(b) Was a governmental permit required for the construction or maintenance of the dock, davits, pier or seawall?	☐	☒	☐
(c) If your answer to (b) is “YES”, were all appropriate permits and approvals obtained? If “NO”, explain: _____	☐	☒	☐
7. ENVIRONMENTAL AND HAZARDOUS SUBSTANCES			
(a) Are there any environmental hazards or contaminants on or affecting the Property including, but not limited to, asbestos, radon gas, PCB's, methamphetamine contamination, contaminated soil or water, active or abandoned wells or storage tanks (fuel, propane or chemical)?	☐	☐	☒
(b) Has the Property been tested for any of the items listed in (a) above? If “YES”, explain in detail: _____	☐	☐	☒
(c) Have there been any corrective or remedial measures undertaken as a result of the matters identified in (a) above? If “YES”, explain in detail _____	☐	☒	☐
(d) Are there any archeological sites, mangroves or other environmentally sensitive or protected areas located on the Property? If “YES”, explain in detail: _____	☐	☒	☐
8. OTHER MATTERS			
(a) Are there any existing or threatened legal actions affecting the Property (including, but not limited to, any unrecorded liens)?	☐	☒	☐
(b) Are there any violations of any laws or regulations relating to the Property (e.g., zoning or code violations, nonconforming uses, setback violations)?	☐	☒	☐

YES NO UNKNOWN

- (c) Are there any other conditions that have not been disclosed in this Disclosure Statement that may materially affect the value or desirability of the Property that are not readily observable to a buyer? ☐ ☒ ☐
- (d) If any answer to (a) – (c) above is “YES”, explain in detail: _____

9. HOMEOWNERS' ASSOCIATION

Notice to Buyer

If the Property is governed by a homeowner's association, Buyer should read the association's official records, by-laws, restrictions covenants and declarations prior to making an offer. These documents may include information on matters such as the association's financial condition, recurring dues or fees, periodic and/or special assessments, capital contributions, penalties; restrictions on construction, architectural modifications, landscaping, parking, vehicles, pets, resale, leasing and other matters. Buyer should also ask if there are any proposed changes or assessments being considered.

- (a) Is membership in a homeowner's association mandatory? ☐ ☒ ☐
- (b) Are there any existing or threatened legal or administrative actions that may affect the association or common areas? If “YES”, explain in detail _____ ☐ ☒ ☐
- (c) Are the Property access roads: ☐ association owned ☐ ☒ publicly owned (e.g., city, county)?

10. NEIGHBORHOOD

Are you aware of any existing conditions or proposed changes in the immediate neighborhood that may materially affect the value or desirability of the Property such as noise or other nuisances, electric or magnetic field levels, or threat of condemnation? If “YES”, explain in detail _____

☐ ☒

11. FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT (“FIRPTA”)

Is the owner of the Property a “foreign person” (i.e., foreign individual or foreign corporation that has not made an election under §897(i) of the Internal Revenue Service Code to be treated as a domestic corporation, or foreign partnership, trust or estate) subject to FIRPTA withholding under §1445 of the IRS Code? (If your answer is “YES”, Buyer and Seller are advised to consult with appropriate tax and legal professionals regarding any tax and withholding obligations).

☐ ☒ ☐

Additional Notes:

ACKNOWLEDGMENT OF SELLER

Seller acknowledges that (a) seller, and not the Brokers, has filled out this Disclosure Statement and that seller is not relying on the Brokers for any of the information contained herein, (b) the information in this Disclosure Statement is accurate and complete, and (c) seller agrees to notify the listing broker in writing immediately if any information becomes inaccurate or incomplete in any way with the passage of time. Seller authorizes the Brokers to provide this information to prospective buyers.

Seller:

dotloop verified
10/07/21 11:01 AM EDT
QTFW-JQTQ-KXPK-MFR0

David B. Porter (signature) David B. Porter (print name) Date: 10/07/2021

Seller:

dotloop verified
10/08/21 2:31 PM EDT
DXKO-SXGK-SFH2-3ZYS

Maria Marino - Trustee for Rory F. Kirby Trust (signature) Maria Marino - Trustee for Rory F. Kirby Trust (print name) Date: _____

ACKNOWLEDGMENT OF BUYER

Buyer acknowledges and represents that (a) buyer has been advised to have the Property examined by professional inspectors to evaluate its condition and to investigate every aspect that may be important to buyer, (b) the Brokers are not qualified to conduct such professional inspections or to inspect or detect physical defects in or affecting the Property, (c) the Brokers have not undertaken any independent investigation to verify the accuracy or completeness of the information contained in this Disclosure Statement, (d) if there are any blank or incomplete responses that are important to buyer, buyer agrees to obtain written responses or a corrected Disclosure Statement from the seller prior to signing below, (e) buyer's signing of this Disclosure Statement with partial or incomplete answers shall constitute buyer's knowing and voluntary waiver of any claims against any of the Brokers in any way related to such information, and (f) seller will not be obligated to repair or correct any item listed above unless agreed to in the sales contract.

Buyer: (signature) _____ (print name) Date: _____

Buyer: (signature) _____ (print name) Date: _____