



DISCLAIMER NOTICE

1 The Brokers and their affiliated licensees (hereinafter collectively “Licensees”) involved in the Purchase and Sale
2 Agreement (hereinafter “Agreement”) regarding real estate located at

3 _____ (hereinafter “Property”)
4 are not attorneys and are not structural or environmental engineers. They are engaged in bringing together buyers
5 and sellers in real estate transactions. Licensees expressly deny any expertise with respect to advice or informed
6 opinions regarding any of the following matters. This Disclaimer Notice is an express warning to all sellers and
7 buyers that they should not rely on any statement, comment or opinion expressed by any Licensee when making
8 decisions about any of the following matters, including the selection of any professional to provide services on
9 behalf of buyers or sellers. Any professional selected by buyers or sellers should be an “independent, qualified
10 professional”, who complies with all applicable state/local requirements, which may include licensing, insurance,
11 and bonding requirements. It is strongly recommended that buyers include contingency clauses in their offers to
12 purchase with respect to these or any other matters of concern and that buyers, in writing the offer, allow enough
13 time to get an evaluation of the following matters from an independent, qualified professional. The matters listed
14 below are not an exclusive list of actions or circumstances which are not the responsibility of the Licensees with
15 whom you work. These items are examples and are provided only for your guidance and information.

- 16 1. **THE STRUCTURAL OR OTHER CONDITIONS OF THE PROPERTY.** Consult with professional
17 engineers or other independent, qualified professionals to ascertain the existence of structural issues, the
18 condition of synthetic stucco (E.I.F.S.) and/or the overall condition of the Property.
- 19 2. **THE CONDITION OF ROOFING.** Consult with a bonded roofing company for any concerns about the
20 condition of the roof.
- 21 3. **HOME INSPECTION.** We strongly recommend that you have a home inspection, which is a useful tool for
22 determining the overall condition of a home including, but not limited to, electrical, heating, air conditioning,
23 plumbing, water-heating systems, fireplaces, windows, doors and appliances. Contact several sources (like
24 the Tennessee Department of Commerce & Insurance (www.licrch.state.tn.us), the American Society of
25 Home Inspectors (www.ashi.com), the National Association of Certified Home Inspectors (www.nachi.org),
26 and Home Inspectors of Tennessee (www.hita.us) and independently investigate the competency of an
27 inspector, including whether he has complied with State and/or local licensing and registration requirements
28 in your area. The home inspector may, in turn, recommend further examination by a specialist (heating-air-
29 plumbing, etc.). **Failure to inspect typically means that you are accepting the property “as is.”**
- 30 4. **WOOD DESTROYING ORGANISMS, PESTS AND INFESTATIONS.** It is strongly recommended that
31 you use the services of a licensed, professional pest control company to determine the presence of wood
32 destroying organisms (termites, fungus, etc.) or other pests or infestations and to examine the property for any
33 potential damage from such.
- 34 5. **ENVIROMENTAL HAZARDS.** Environmental hazards such as, but not limited to: radon gas, mold,
35 asbestos, lead-based paint, hazardous wastes, landfills, byproducts of methamphetamine production, high-
36 voltage electricity, noise levels, etc., require advanced techniques by environmental specialists to evaluate,
37 remediate and/or repair. It is strongly recommended that you secure the services of knowledgeable
38 professionals and inspectors in all areas of environmental concern.
- 39 6. **SQUARE FOOTAGE.** There are many ways of measuring square footage. Information is sometimes
40 gathered from tax or real estate records on the Property. Square footage provided by builders, real estate
41 licensees, or tax records is only an **estimate** with which to make comparisons, but **it is not guaranteed**. It is
42 advised that you have a licensed appraiser determine actual square footage.



- 43 7. **CURRENT VALUE, INVESTMENT POTENTIAL, OR RESALE VALUE OF THE PROPERTY.** A
44 true estimate of the value can only be obtained through the services of a licensed appraiser. No one, not even
45 a professional appraiser, can know the future value of a property. Unexpected and unforeseeable things
46 happen. **NOTE:** A real estate licensee's Comparative Market Analysis (CMA) or Broker's Price Opinion
47 (BPO), etc., while sometimes used to set an asking price or an offer price, is **not** an appraisal.
- 48 8. **BOUNDARY LINES, EASEMENTS, ENCROACHMENTS, AND ACREAGE.** It is strongly advised
49 that you secure the services of a licensed surveyor for a full-stake boundary survey with all boundary lines,
50 easements, encroachments, flood zones, total acreage, etc., clearly identified. It is also advised that you **not**
51 rely on mortgage loan inspection surveys, previous surveys, plat data, or Multiple Listing Service (MLS) data
52 for this information, even if acceptable to your lender.
- 53 9. **ZONING, CODES, COVENANTS, RESTRICTIONS, AND RELATED ISSUES.** Zoning, codes,
54 covenants, restrictions, home owner association by-laws, special assessments, city ordinances, governmental
55 repair requirements and related issues need to be verified by the appropriate sources in writing. If your
56 projected use requires a zoning or other change, it is recommended that you either wait until the change is **in**
57 **effect** before committing to a property or provide for this contingency in your Purchase and Sale Agreement.
- 58 10. **UTILITY CONNECTIONS, SEPTIC SYSTEM CAPABILITY, AND RELATED SERVICES.** The
59 availability, adequacy, connection and/or condition of waste disposal (sewer, septic system, etc.), water
60 supply, electric, gas, cable, internet, telephone, or other utilities and related services to the Property need to be
61 verified by the appropriate sources in writing. You should have a professional check access and/or
62 connection to public sewer and/or public water source and/or the condition of any septic system(s) and/or
63 wells. To confirm that any septic systems are properly permitted for the actual number of bedrooms, it is
64 recommended that sellers and/or buyers request a copy of the information contained in the file for the
65 Property maintained by the appropriate governmental permitting authority. If the file for this Property cannot
66 be located or you do not understand the information contained in the file, you should seek professional advice
67 regarding this matter. For unimproved land, septic system capability can only be determined by using the
68 services of a professional soil scientist and verifying with the appropriate governmental authorities that a
69 septic system of the desired type, size, location, and cost can be permitted and installed to accommodate the
70 size home that you wish to build.
- 71 11. **FLOODING, DRAINAGE, FLOOD INSURANCE, AND RELATED ITEMS.** It is recommended that
72 you have a civil or geotechnical engineer or other independent expert determine the risks of flooding,
73 drainage or run-off problems, erosion, land shifting, unstable colluvial soil, sinkholes and landfills. The risk
74 of flooding may increase and drainage or storm run-off pathways may change. Be sure to consult with the
75 proper governmental authorities, elevation surveyors, and flood insurance professionals regarding flood and
76 elevation certificates, flood zones, and flood insurance requirements, recommendations and costs.
- 77 12. **SCHOOL DISTRICTS AND OTHER SCHOOL INFORMATION.** It is advised that you independently
78 confirm school zoning with the appropriate school authorities, as school districts are subject to change. Other
79 school information (rankings, curriculums, student-teacher ratios, etc.) should be confirmed by appropriate
80 sources in writing.
- 81 13. **INFORMATION ABOUT CRIMES OR SEX OFFENDERS.** You should consult with local, state and
82 federal law enforcement agencies for information or statistics regarding criminal activity at or near the
83 Property or for the location of sex offenders in a given area.
- 84 14. **LEGAL AND TAX ADVICE.** You should seek the advice of an attorney and/or certified tax specialist on
85 any legal or tax questions concerning any offers, contracts, issues relating to title or ownership of the
86 Property, or any other matters of concern, including those itemized in this Disclaimer Notice. Real estate
87 licensees are **not** legal or tax experts, and therefore cannot advise you in these areas.
- 88 15. **RECOMMENDED INSPECTORS, SERVICE PROVIDERS, OR VENDORS.** The furnishing of any
89 inspector, service provider or vendor named by the real estate licensee is done only as a convenience and a
90 courtesy, and does not in any way constitute any warranty, representation, or endorsement. Buyers and sellers
91 have the option to select any inspectors, service providers or vendors of the buyer's or seller's choice. You
92 are advised to contact several sources and independently investigate the competency of any inspector,

93 contractor, or other professional expert, service provider or vendor and to determine compliance with any
94 licensing, registration, insurance and bonding requirements in your area.

95 **The buyers and sellers acknowledge that they have not relied upon the advice, casual comments, or verbal**
96 **representations of any real estate licensee relative to any of the matters itemized above or similar matters.**
97 **The buyers and sellers understand that it has been strongly recommended that they secure the services of**
98 **appropriately credentialed experts and professionals of the buyer's or seller's choice for the advice and**
99 **counsel about these and similar concerns.**

100 The party(ies) below have signed and acknowledge receipt of a copy.

101 _____	_____
102 BUYER	BUYER
103 _____ at _____ o'clock <input type="checkbox"/> am/ <input type="checkbox"/> pm	_____ at _____ o'clock <input type="checkbox"/> am/ <input type="checkbox"/> pm
104 Date	Date

105 The party(ies) below have signed and acknowledge receipt of a copy.

106 _____	_____
107 SELLER	SELLER
108 _____ at _____ o'clock <input type="checkbox"/> am/ <input type="checkbox"/> pm	_____ at _____ o'clock <input type="checkbox"/> am/ <input type="checkbox"/> pm
109 Date	Date

NOTE: This form is provided by TAR to its members for their use in real estate transactions and is to be used as is. By downloading and/or using this form, you agree and covenant not to alter, amend, or edit said form or its contents except as where provided in the blank fields, and agree and acknowledge that any such alteration, amendment or edit of said form is done at your own risk. Use of the TAR logo in conjunction with any form other than standardized forms created by TAR is strictly prohibited. This form is subject to periodic revision and it is the responsibility of the member to use the most recent available form.

