



NORTH CAROLINA REAL ESTATE COMMISSION

**Residential Property And Owners'  
Association Disclosure Statement**

*Protecting the Public Interest in Real Estate Brokerage Transactions*

Property Address/Description: **1002 Coves Pheasant Ct., Biltmore Lake, NC 28715**

Owner's Name(s): **Dawn K. Carlton**

North Carolina law N.C.G.S. 47E requires residential property owners to complete this Disclosure Statement and provide it to the buyer prior to any offer to purchase. There are limited exemptions for completing the form, such as new home construction that has never been occupied. Owners are advised to seek legal advice if they believe they are entitled to one of the limited exemptions contained in N.C.G.S. 47E-2.

An owner is required to provide a response to every question by selecting Yes (Y), No (N), No Representation (NR), or Not Applicable (NA). An owner is not required to disclose any of the material facts that have a NR option, even if they have knowledge of them. However, failure to disclose latent (hidden) defects may result in civil liability. The disclosures made in this Disclosure Statement are those of the owner(s), not the owner's broker.

- If an owner selects Y or N, the owner is only obligated to disclose information about which they have actual knowledge. If an owner selects Y in response to any question about a problem, the owner must provide a written explanation or attach a report from an attorney, engineer, contractor, pest control operator, or other expert or public agency describing it.
- If an owner selects N, the owner has no actual knowledge of the topic of the question, including any problem. If the owner selects N and the owner knows there is a problem or that the owner's answer is not correct, the owner may be liable for making an intentional misstatement.
- If an owner selects NR, it could mean that the owner (1) has knowledge of an issue and chooses not to disclose it; or (2) simply does not know.
- If an owner selects NA, it means the property does not contain a particular item or feature.

For purposes of completing this Disclosure Statement: **"Dwelling"** means any structure intended for human habitation, **"Property"** means any structure intended for human habitation and the tract of land, and **"Not Applicable"** means the item does not apply to the property or exist on the property.

**OWNERS:** The owner must give a completed and signed Disclosure Statement to the buyer no later than the time the buyer makes an offer to purchase property. If the owner does not, the buyer can, under certain conditions, cancel any resulting contract. An owner is responsible for completing and delivering the Disclosure Statement to the buyer even if the owner is represented in the sale of the property by a licensed real estate broker and the broker must disclose any material facts about the property that the broker knows or reasonably should know, regardless of the owner's response.

The owner should keep a copy signed by the buyer for their records. If something happens to make the Disclosure Statement incorrect or inaccurate (for example, the roof begins to leak), the owner must promptly give the buyer an updated Disclosure Statement or correct the problem. Note that some issues, even if repaired, such as structural issues and fire damage, remain material facts and must be disclosed by a broker even after repairs are made.

**BUYERS:** The owner's responses contained in this Disclosure Statement are not a warranty and should not be a substitute for conducting a careful and independent evaluation of the property. **Buyers are strongly encouraged to:**

- Carefully review the entire Disclosure Statement.
- Obtain their own inspections from a licensed home inspector and/or other professional.

DO NOT assume that an answer of N or NR is a guarantee of no defect. If an owner selects N, that means the owner has no actual knowledge of any defects. It does not mean that a defect does not exist. If an owner selects NR, it could mean the owner (1) has knowledge of an issue and chooses not to disclose it, or (2) simply does not know.

**BROKERS:** A licensed real estate broker shall furnish their seller-client with a Disclosure Statement for the seller to complete in connection with the transaction. A broker shall obtain a completed copy of the Disclosure Statement and provide it to their buyer-client to review and sign. All brokers shall (1) review the completed Disclosure Statement to ensure the seller responded to all questions, (2) take reasonable steps to disclose material facts about the property that the broker knows or reasonably should know regardless of the owner's responses or representations, and (3) explain to the buyer that this Disclosure Statement does not replace an inspection and encourage the buyer to protect their interests by having the property fully examined to the buyer's satisfaction.

- **Brokers are NOT permitted to complete this Disclosure Statement on behalf of their seller-clients.**
- Brokers who own the property may select NR in this Disclosure Statement but are obligated to disclose material facts they know or reasonably should know about the property.

Buyer Initials \_\_\_\_\_ Owner Initials DKC  
Buyer Initials \_\_\_\_\_ Owner Initials \_\_\_\_\_

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## SECTION A. STRUCTURE/FLOORS/WALLS/CEILING/WINDOW/ROOF

	Yes	No	NR
A1. Is the property currently owner-occupied? Date owner acquired the property: _____ If not owner-occupied, how long has it been since the owner occupied the property? _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A2. In what year was the dwelling constructed? <u>2003</u>			<input type="checkbox"/>
A3. Have there been any structural additions or other structural or mechanical changes to the dwelling(s)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A4. The dwelling's exterior walls are made of what type of material? (Check all that apply) <input type="checkbox"/> Brick Veneer <input type="checkbox"/> Vinyl <input type="checkbox"/> Stone <input type="checkbox"/> Fiber Cement <input checked="" type="checkbox"/> Synthetic Stucco <input checked="" type="checkbox"/> Composition/Hardboard <input type="checkbox"/> Concrete <input type="checkbox"/> Aluminum <input type="checkbox"/> Wood <input type="checkbox"/> Asbestos <input type="checkbox"/> Other: _____			<input type="checkbox"/>
A5. In what year was the dwelling's roof covering installed? <u>2004</u>			<input type="checkbox"/>
A6. Is there a leakage or other problem with the dwelling's roof or related existing damage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A7. Is there water seepage, leakage, dampness, or standing water in the dwelling's basement, crawl space, or slab?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A8. Is there an infestation present in the dwelling or damage from past infestations of wood destroying insects or organisms that has not been repaired?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A9. Is there a problem, malfunction, or defect with the dwelling's:			
NA   Yes   No   NR			
Foundation <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NR <input checked="" type="checkbox"/>	Windows <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NR <input checked="" type="checkbox"/>	Attached Garage <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NR <input checked="" type="checkbox"/>	
Slab <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NR <input checked="" type="checkbox"/>	Doors <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NR <input checked="" type="checkbox"/>	Fireplace/Chimney <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NR <input checked="" type="checkbox"/>	
Patio <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NR <input checked="" type="checkbox"/>	Ceilings <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NR <input checked="" type="checkbox"/>	Interior/Exterior Walls <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NR <input checked="" type="checkbox"/>	
Floors <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NR <input checked="" type="checkbox"/>	Deck <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NR <input checked="" type="checkbox"/>	Other: _____ <input type="checkbox"/> NA <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NR <input type="checkbox"/>	

*Explanations for questions in Section A (identify the specific question for each explanation):*

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## SECTION B. HVAC/ELECTRICAL

B1. Is there a problem, malfunction, or defect with the dwelling's electrical system (outlets, wiring, panels, switches, fixtures, generator, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B2. Is there a problem, malfunction, or defect with the dwelling's heating and/or air conditioning?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B3. What is the dwelling's heat source? (Check all that apply; indicate the year of each system manufacture) <input type="checkbox"/> Furnace [ ___ # of units] Year: _____ <input checked="" type="checkbox"/> Heat Pump [ <u>2</u> # of units] Year: <u>2003</u> <input type="checkbox"/> Baseboard [ ___ # of bedrooms with units] Year: _____ <input type="checkbox"/> Other: _____ Year: _____			<input type="checkbox"/>

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 Buyer Initials \_\_\_\_\_ Owner Initials \_\_\_\_\_

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Yes No NR

B4. What is the dwelling's cooling source? (Check all that apply; indicate the year of each system manufacture)

☐ Central Forced Air: \_\_\_\_\_ Year: \_\_\_\_\_ ☐ Wall/Windows Unit(s): \_\_\_\_\_ Year: \_\_\_\_\_

☒ Other: Heat pump Year: 2002

B5. What is the dwelling's fuel source? (Check all that apply)

☒ Electricity ☒ Natural Gas ☐ Solar ☐ Propane ☐ Oil ☐ Other: \_\_\_\_\_

Explanations for questions in Section B (identify the specific question for each explanation):

1st Floor Heat Pump, lacks freon for cooling. Seller will credit buyer \$6,000. toward replacement. DC

### SECTION C. PLUMBING/WATER SUPPLY/SEWER/SEPTIC

Yes No NR

C1. What is the dwelling's water supply source? (Check all that apply)

☒ City/County ☐ Shared well ☐ Community System ☐ Private well ☐ Other: \_\_\_\_\_

If the dwelling's water supply source is supplied by a private well, identify whether the private well has been tested for: (Check all that apply).

☐ Quality ☐ Pressure ☐ Quantity

If the dwelling's water source is supplied by a private well, what was the date of the last water quality/quantity test? \_\_\_\_\_

C2. The dwelling's water pipes are made of what type of material? (Check all that apply)

☐ Copper ☐ Galvanized ☐ Plastic ☐ Polybutylene ☐ Other: \_\_\_\_\_

C3. What is the dwelling's water heater fuel source? (Check all that apply; indicate the year of each system manufacture) ☐ Gas: \_\_\_\_\_ ☒ Electric: \_\_\_\_\_ ☐ Solar: \_\_\_\_\_ ☐ Other: \_\_\_\_\_

C4. What is the dwelling's sewage disposal system? (Check all that apply)

☐ Septic tank with pump ☐ community system ☐ Septic tank ☐ Drip system

☒ Connected to City/County System ☐ City/County system available ☐ Other: \_\_\_\_\_

☐ Straight pipe (wastewater does not go into a septic or other sewer system) \*Note: Use of this type of system violates State Law.

If the dwelling is serviced by a septic system, how many bedrooms are allowed by the septic system permit? \_\_\_\_\_ ☐ No Records Available

Date the septic system was last pumped: \_\_\_\_\_

C5. Is there a problem, malfunction, or defect with the dwelling's:

	NA	Yes	No	NR		NA	Yes	No	NR
Septic system	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Plumbing system (pipes, fixtures, water heater, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sewer system	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Water supply (water quality, quantity, or pressure)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Explanations for questions in Section C (identify the specific question for each explanation):

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Buyer Initials \_\_\_\_\_ Owner Initials \_\_\_\_\_

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## SECTION D. FIXTURES/APPLIANCES

D1. Is the dwelling equipped with an elevator system? Yes No NR  
 If yes, when was it last inspected? No ☐ ☐ ☐  
 Date of last maintenance service: \_\_\_\_\_

D2. Is there a problem, malfunction, or defect with the dwelling's:

NA	Yes	No	NR	NA	Yes	No	NR	NA	Yes	No	NR	NA	Yes	No	NR				
Attic fan, exhaust	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Irrigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sump	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Garage Door	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
fan, ceiling fan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	pump	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Elevator system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pool/hot tub	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Security	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
or component	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	/spa	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	logs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appliances to be	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TV cable wiring	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Central	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
conveyed					or satellite dish					vacuum									

*Explanations for questions in Section D (identify the specific question for each explanation):*

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## SECTION E. LAND/ZONING

E1. Is there a problem, malfunction, or defect with the drainage, grading, or soil stability of the property? Yes No NR  
☐ ☒ ☐

E2. Is the property in violation of any local zoning ordinances, restrictive covenants, or local land-use restrictions (including setback requirements?) ☐ ☒ ☐

E3. Is the property in violation of any building codes (including the failure to obtain required permits for room additions or other changes/improvements?) ☐ ☐ ☒

E4. Is the property subject to any utility or other easements, shared driveways, party walls, encroachments from or on adjacent property, or other land use restrictions? ☐ ☒ ☐

E5. Does the property abut or adjoin any private road(s) or street(s)? ☐ ☒ ☐

E6. If there is a private road or street adjoining the property, are there any owners' association or maintenance agreements dealing with the maintenance of the road or street? ☐ ☐ ☒ ☐ NA

*Explanations for questions in Section E (identify the specific question for each explanation):*

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## SECTION F. ENVIRONMENTAL/FLOODING

F1. Is there hazardous or toxic substance, material, or product (such as asbestos, formaldehyde, radon gas, methane gas, lead-based paint) that exceed government safety standards located on or which otherwise affect the property? Yes No NR  
☐ ☐ ☒

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	Yes	No	NR
F2. Is there an environmental monitoring or mitigation device or system located on the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F3. Is there debris (whether buried or covered), an underground storage tank, or an environmentally hazardous condition (such as contaminated soil or water or other environmental contamination) located on or which otherwise affect the property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F4. Is there any noise, odor, smoke, etc., from commercial, industrial, or military sources that affects the property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F5. Is the property located in a federal or other designated flood hazard zone?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F6. Has the property experienced damage due to flooding, water seepage, or pooled water attributable to a natural event such as heavy rainfall, coastal storm surge, tidal inundation, or river overflow?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F7. Have you ever filed a claim for flood damage to the property with any insurance provider, including the National Flood Insurance Program?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F8. Is there a current flood insurance policy covering the property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F9. Have you received assistance from FEMA, U.S. Small Business Administration, or any other federal disaster flood assistance for flood damage to the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F10. Is there a flood or FEMA elevation certificate for the property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**NOTE:** An existing flood insurance policy may be assignable to a buyer at a lesser premium than a new policy. For properties that have received disaster assistance, the requirement to obtain flood insurance passes down to all future owners. Failure to obtain flood insurance can result in an owner being ineligible for future assistance.

**Explanations for questions in Section F (identify the specific question for each explanation):**

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## SECTION G. MISCELLANEOUS

	Yes	No	NR
G1. Is the property subject to any lawsuits, foreclosures, bankruptcy, judgments, tax liens, proposed assessments, mechanics' liens, materialmens' liens, or notices from any governmental agency that could affect title to the property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
G2. Is the property subject to a lease or rental agreement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
G3. Is the property subject to covenants, conditions, or restrictions or to governing documents separate from an owners' association that impose various mandatory covenants, conditions, and or restrictions upon the lot or unit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Explanations for question in Section G (identify the specific question for each explanation):**

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Buyer Initials \_\_\_\_\_ Owner Initials DKC  
 Buyer Initials \_\_\_\_\_ Owner Initials \_\_\_\_\_

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SECTION H.  
 OWNERS' ASSOCIATION DISCLOSURE

If you answer 'Yes' to question H1, you must complete the remaining questions in Section H. If you answered 'No' or 'No Representation' to question H1, you do not need to answer the remaining questions in Section H.

	Yes	No	NR
H1. Is the property subject to regulation by one or more owners' association(s) including, but not limited to, obligations to pay regular assessments or dues and special assessments? If "yes," please provide the information requested below as to each owners' association to which the property is subject [insert N/A into any blank that does not apply]: a. (specify name) <u>Biltmore Lake Association, Inc.</u> whose regular assessments ("dues") are \$ <u>600.00</u> per <u>qtr</u> . The name, address, telephone number, and website of the president of the owners' association or the association manager are: <u>Grand Manors 80 Lake Dr. Biltmore Lake NC 28715 855-947-2636</u> b. (specify name) _____ whose regular assessments ("dues") are \$ _____ per _____. The name, address, telephone number, and website of the president of the owners' association or the association manager are: _____ c. Are there any changes to dues, fees, or special assessment which have been duly approved and to which the lot is subject? If "yes," state the nature and amount of the dues, fees, or special assessments to which the property is subject: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H2. Is there any fee charged by the association or by the association's management company in connection with the conveyance or transfer of the lot or property to a new owner? If "yes," state the amount of the fees: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
H3. Is there any unsatisfied judgment against, pending lawsuit, or existing or alleged violation of the association's governing documents involving the property? If "yes," state the nature of each pending lawsuit, unsatisfied judgment, or existing or alleged violation: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H4. Is there any unsatisfied judgment or pending lawsuits against the association? If "yes," state the nature of each unsatisfied judgment or pending lawsuit: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Explanations for questions in Section H (identify the specific question for each explanation):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Owner(s) acknowledge(s) having reviewed this Disclosure Statement before signing and that all information is true and correct to the best of their knowledge as of the date signed.

Owner Signature: <u>Dawn K. Carlton</u>	<u>Dawn K. Carlton</u>	Date <u>12/03/2024</u>
Owner Signature: _____	_____	Date _____

Buyers(s) acknowledge(s) receipt of a copy of this Disclosure Statement and that they have reviewed it before signing.

Buyer Signature: _____	Date _____
Buyer Signature: _____	Date _____



# STATE OF NORTH CAROLINA MINERAL AND OIL AND GAS RIGHTS MANDATORY DISCLOSURE STATEMENT

## Instructions to Property Owners

1. The Residential Property Disclosure Act (G.S. 47E) ("Disclosure Act") requires owners of certain residential real estate such as single-family homes, individual condominiums, townhouses, and the like, and buildings with up to four dwelling units, to furnish purchasers a Mineral and Oil and Gas Rights Disclosure Statement ("Disclosure Statement"). This form is the only one approved for this purpose.
2. A disclosure statement is not required for some transactions. For a complete list of exemptions, see G.S. 47E-2(a). **A DISCLOSURE STATEMENT IS REQUIRED FOR THE TRANSFERS IDENTIFIED IN G.S. 47E-2(b)**, including transfers involving the first sale of a dwelling never inhabited, lease with option to purchase contracts where the lessee occupies or intends to occupy the dwelling, and transfers between parties when both parties agree not to provide the Residential Property and Owner's Association Disclosure Statement.
3. You must respond to each of the following by placing a check ☒ in the appropriate box.

## MINERAL AND OIL AND GAS RIGHTS DISCLOSURE

Mineral rights and/ or oil and gas rights can be severed from the title to real property by conveyance (deed) of the mineral rights and/ or oil and gas rights from the owner or by reservation of the mineral rights and/ or oil and gas rights by the owner. If mineral rights and/ or oil and gas rights are or will be severed from the property, the owner of those rights may have the perpetual right to drill, mine, explore, and remove any of the subsurface mineral and/or oil or gas resources on or from the property either directly from the surface of the property or from a nearby location. With regard to the severance of mineral rights and/or oil and gas rights, Seller makes the following disclosures:

	Yes	No	No Representation
<u>                    </u> Buyer Initials	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1. Mineral rights were severed from the property by a previous owner.			
<u>                    </u> Buyer Initials	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Seller has severed the mineral rights from the property.			
<u>                    </u> Buyer Initials	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Seller intends to sever the mineral rights from the property prior to transfer of title to the Buyer.			
<u>                    </u> Buyer Initials	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Oil and gas rights were severed from the property by a previous owner.			
<u>                    </u> Buyer Initials	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5. Seller has severed the oil and gas rights from the property.			
<u>                    </u> Buyer Initials	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Seller intends to sever the oil and gas rights from the property prior to transfer of title to Buyer.			

## Note to Purchasers

If the owner does not give you a Mineral and Oil and Gas Rights Disclosure Statement by the time you make your offer to purchase the property, or exercise an option to purchase the property pursuant to a lease with an option to purchase, you may under certain conditions cancel any resulting contract without penalty to you as the purchaser. To cancel the contract, you must personally deliver or mail written notice of your decision to cancel to the owner or the owner's agent within three calendar days following your receipt of this Disclosure Statement, or three calendar days following the date of the contract, whichever occurs first. However, in no event does the Disclosure Act permit you to cancel a contract after settlement of the transaction or (in the case of a sale or exchange) after you have occupied the property, whichever occurs first.

Property Address: **1002 Coves Pheasant Ct., Biltmore Lake, NC 28715**

Owner's Name(s): **Dawn K. Carlton**

Owner(s) acknowledge having examined this Disclosure Statement before signing and that all information is true and correct as of the date signed.

Owner Signature: Dawn K. Carlton **Dawn K. Carlton** Date 12/03/2024

Owner Signature: \_\_\_\_\_ Date \_\_\_\_\_

Purchaser(s) acknowledge receipt of a copy of this Disclosure Statement; that they have examined it before signing; that they understand that this is not a warranty by owner or owner's agent; and that the representations are made by the owner and not the owner's agent(s) or subagent(s).

Purchaser Signature: \_\_\_\_\_ Date \_\_\_\_\_

Purchaser Signature: \_\_\_\_\_ Date \_\_\_\_\_

REC 4.25

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# PREFERRED PROPERTIES

## SUPPLEMENTAL PROVISIONS ADDENDUM

Revised May 2022

**Regarding: 1002 Coves Pheasant Ct., Biltmore Lake, NC 28715**

**(Property Address, City, State and Zip Code)**

1. **AIRPORT AND AIRCRAFT:** Buyer(s) acknowledges awareness of, and possible noise associated with, regional airports in Western North Carolina. Many types of aircraft operate from these regional airports with varying traffic patterns depending on the wind and the weather conditions. The three main regional airports are: 1) the Asheville Regional Airport which is located near Interstate 26 at mile marker 40; 2) the Hendersonville Airport which is located at 1232 Shepherd Street, Hendersonville; and 3) the Transylvania County Airport which is located on Old Hendersonville Road, Penrose. The Buyer(s) may desire to contact these airports to inquire into flight patterns and any other concerns the Buyer(s) may have. The Buyer(s) may contact these area airports at: 1) Asheville Regional Airport, P.O. Box 817, Fletcher, NC 28732 (828-684-2226); 2) Hendersonville Airport, 1232 Shepherd Street, Hendersonville, NC 28792 (828-693-1897); 3) Transylvania County Airport, P.O. Box 1390, Etowah, NC 28729 (828-877-5801). Other small airports or landing strips are located throughout Western North Carolina and Buyer(s) is advised to seek out those which they feel may adversely affect Property being purchased. Mission Hospital (located at 428 and 509, Biltmore Avenue, Asheville) is served by helicopter ambulances. Buyers may wish to contact the Hospital at 828-213-1111 to ask about flight patterns and other concerns that may affect locations close to the hospital. Such investigation shall be completed prior to Due Diligence Date in l(j) of the attached Offer to Purchase and Contract. **CLOSING SHALL CONSTITUTE ACCEPTANCE OF THIS PROVISION, AND ALL OTHER CONDITIONS OF THE PROPERTY, BY THE BUYERS.**
  
2. **TRAINS:** Railroad tracks and train traffic: Buyer(s) acknowledges awareness of, and possible noise associated with trains traveling through Western North Carolina. If the property being purchased is near railroad tracks, Buyer(s) is advised to seek out prior to closing, any information regarding the use of the tracks which may adversely affect the Property being purchased.
  
3. **INTERSTATES AND ROADWAYS:** Buyer(s) acknowledges awareness of and possible noise associated with road traffic. Buyer(s) is advised to seek out prior to closing, information from the NCDOT <http://www.ncdot.gov/projects> or other governmental bodies controlling traffic, traffic patterns, or pending road projects that might adversely affect the Property being purchased. **This should take place before 5:00 pm of Due Diligence date.**

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Buyer Initials \_\_\_\_\_

Sellers Initials DKC \_\_\_\_\_



**4. LAND USE ORDINANCES:** Buyer(s) acknowledges awareness of local, incorporated municipalities, county, state and governmental laws, ordinances and regulations as well as Owner's Association bylaws and covenants that may affect the Buyer's intended use or development of the Property being purchased. The Buyer's agent may assist in providing resources for obtaining relevant information regarding such; however the Buyer(s) solely accepts responsibility for investigation and verification of any and all issues related to compliance with any local, incorporated municipalities, county, state or federal governmental law, ordinances or regulations relative to environmental, zoning, subdivision, occupancy use, construction or development of the subject property which may affect Buyer's intended use or development of the subject property. Such investigation shall be completed prior to Due Diligence Date in l(j) of the attached Offer to Purchase and Contract. **CLOSING SHALL CONSTITUTE ACCEPTANCE OF THIS PROVISION, AND ALL OTHER CONDITIONS OF THE PROPERTY, BY THE BUYER(S).**

**5. FUTURE DEVELOPMENT:** Buyer(s) acknowledges awareness of the possibility of construction and possible effects associated with future development, including both new construction and renovation activity. Such development may result in increased pedestrian and vehicular traffic, noise, dust, dangers, annoyances, impacts on view corridors, and similar effects, both expected and unexpected, may disturb or disrupt Buyer(s) use and enjoyment of the property. Buyer(s) is encouraged to contact the City of Asheville Planning and Development Department and/or the Buncombe County Planning and Development Department and/or appropriate Municipal or county agency where home/property is located to inquire into any proposed development that might affect Buyer's interest in the Property. **CLOSING SHALL CONSTITUTE ACCEPTANCE OF THIS PROVISION, AND ALL OTHER CONDITIONS OF THE PROPERTY, BY THE BUYER(S).**

**6. ENVIRONMENTAL SITES:** The property may be near environmental contamination or concerns subject to investigation, administrative action, and remedial measures taken by the Environmental Protection Agency ("EPA") and the North Carolina Department of Environmental Protection ("NCDENR").

**IT IS THE BUYER'S SOLE RESPONSIBILITY TO INVESTIGATE TO THEIR SATISFACTION ANY AND ALL CONCERNS THEY MAY HAVE REGARDING THIS ISSUE. PREFERRED PROPERTIES OF ASHEVILLE, ITS AGENTS AND EMPLOYEES, MAKE NO REPRESENTATIONS AS TO THE CHARACTERISTICS AND CONDITION OF THE PROPERTY, ANY IMPROVEMENTS TO THE PROPERTY, OR WITH RESPECT TO THE ONGOING INVESTIGATION AND ACTIONS BY THE EPA, NCDENR, OR ANY OTHER GOVERNMENT AGENCY.**

**Possible sources of information concerning registered environmental sites are the following:**

- a. EPA Superfund Sites in North Carolina: <https://www.epa.gov/superfund>
- b. EPA Toxics Release Inventory (TRI) Program: <https://www.epa.gov/toxics-release-inventory-tri-program>
- c. NCDENR Brownfields Program Project Inventory: <https://deq.nc.gov/about/divisions/waste-management>

Buyer Initials \_\_\_\_\_

Sellers Initials  \_\_\_\_\_

7. **Megan's Law:** Buyer should exercise whatever due diligence Buyer deems necessary with respect to information on any sexual offenders registered under Chapter 14 of the North Carolina General Statutes (NCGS 14-208.5 et seq.) Such information may be obtained by contacting the local Sherriff's Department or on the internet at <http://sexoffender.ncsbi.gov/disclaimer.aspx>
8. **Steep Slope:** Buyer acknowledges that local municipalities regulate the building and subdivision of steep slopes in Western North Carolina. Regulations include limits to grading, disturbances, requirements for geo-technical engineering reports, amount of impervious surface that can be created, density limits, and subdivision restrictions. Buyer is advised to check with the planning department of the governmental jurisdiction in which the property is located to see if the property is restricted by steep slope regulations.

**OTHER CONDITIONS AND PROVISIONS:**

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**ITEMS INCLUDED ON THIS DOCUMENT ARE NOT ALL-INCLUSIVE; OTHER FACTORS MAY EXIST THAT WOULD AFFECT THE VALUE OF THE PROPERTY OR THE BUYER(S) SATISFACTION WITH THE PROPERTY. IN THE EVENT OF ANY CONFLICT BETWEEN THIS ADDENDUM AND THE OFFER TO PURCHASE AND CONTRACT, THE TERMS OF THIS ADDENDUM SHALL CONTROL.**

Buyer: \_\_\_\_\_ (SEAL)

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

Buyer: \_\_\_\_\_ (SEAL)

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

Seller:  Dawn K. Carlton (SEAL)

Date: \_\_\_\_\_ Dawn K. Carlton

Seller: \_\_\_\_\_ (SEAL)

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