

COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2590
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 33-422, Arizona Revised Statutes, is amended to
3 read:

4 33-422. Land divisions; recording; disclosure affidavit

5 A. A seller of five or fewer parcels of land, other than subdivided
6 land, in an unincorporated area of a county and any subsequent seller of
7 such a parcel shall COMPLETE AND furnish a written affidavit of disclosure
8 to the buyer at least seven days before the transfer of the property and
9 the buyer shall acknowledge receipt of the affidavit.

10 B. The affidavit must be written in twelve-point type.

11 C. A release or waiver of a seller's liability arising out of any
12 omission or misrepresentation contained in an affidavit of disclosure is
13 not valid or binding on the buyer.

14 D. The buyer has the right to rescind the sales transaction for a
15 period of five days after the affidavit of disclosure is furnished to the
16 buyer.

17 E. The seller shall record the executed affidavit of disclosure at
18 the same time that the deed is recorded. The county recorder is not
19 required to verify the accuracy of any statement in the affidavit of
20 disclosure. A subsequently recorded affidavit supersedes any previous
21 affidavit.

22 F. The affidavit of disclosure shall CONTAIN ALL OF THE FOLLOWING
23 DISCLOSURES, BE COMPLETED BY THE SELLER, meet the requirements of section
24 11-480 and follow substantially the following form:

1 When recorded mail to:
2 _____
3 _____
4 _____
5 _____

6 Affidavit of Disclosure
7 Pursuant to A.R.S. § 33-422

8 I, _____ (seller(s)) being
9 duly sworn, hereby make this affidavit of disclosure relating to the
10 real property situated in the unincorporated area of:

11 _____, County, State of Arizona, located at:
12 _____

13 and legally described as:

14 (Legal description attached hereto as exhibit "A")
15 (property).

16 1. There is is not legal access to the property, as
17 defined in A.R.S. § 11-831 unknown

18 Explain: _____
19 _____
20 _____

21 2. There is is not physical access to the property.
22 unknown

23 Explain: _____
24 _____
25 _____

26 3. There is is not a statement from a licensed surveyor
27 or engineer available stating whether the property has physical access
28 that is traversable by a two-wheel drive passenger motor vehicle.

29 4. The legal and physical access to the property is is not
30 the same.... unknown not applicable.

1 Explain: _____

2 _____

3 _____

4 *If access to the parcel is not traversable by emergency vehicles, the*
5 *county and emergency service providers may not be held liable for any*
6 *damages resulting from the inability to traverse the access to*
7 *provide needed services.*

8 5. The road(s) is/are publicly maintained privately maintained
9 not maintained not applicable. If applicable, there is
10 is not a recorded road maintenance agreement.

11 *If the roads are not publicly maintained, it is the responsibility of*
12 *the property owner(s) to maintain the roads and roads that are not*
13 *improved to county standards and accepted for maintenance are not the*
14 *county's responsibility.*

15 6. A portion or all of the property is is not located
16 in a FEMA designated regulatory floodplain. If the property is in a
17 floodplain, it may be subject to floodplain regulation.

18 7. The property is is not subject to fissures or
19 expansive soils. unknown

20 Explain: _____

21 _____

22 _____

23 8. The following services are currently provided to the property:
24 water sewer electric natural gas single party
25 telephone cable television services.

26 9. The property is is not served by a water supply that
27 requires the transportation of water to the property. **IF THE PROPERTY**
28 **IS SERVED BY A WATER SUPPLY THAT REQUIRES THE TRANSPORTATION OF WATER**
29 **TO THE PROPERTY, THE SELLER OR PROPERTY OWNER SHALL DISCLOSE THE NAME**
30 **AND CONTACT INFORMATION OF THE WATER HAULER OR WATER HAULING COMPANY**

1 THAT IS CURRENTLY PROVIDING THE TRANSPORTATION SERVICES TO THE
2 PROPERTY AND THE NAME AND LOCATION OF THE WATER SUPPLY FROM WHICH THE
3 WATER IS CURRENTLY BEING TRANSPORTED.

4 WATER HAULER NAME: _____ PHONE: _____

5 WATER SUPPLY: _____ LOCATION: _____

6 10. The property is served by a private water company a
7 municipal water provider a private well a shared well no
8 well. If served by a shared well, the shared well is is not .
9 . . . a public water system, as defined by the safe drinking water act
10 (42 United States Code § 300f).

11 *Notice to buyer: If the property is served by a well, a private*
12 *water company or a municipal water provider the Arizona department of*
13 *water resources may not have made a water supply determination. For*
14 *more information about water supply, contact the water provider.*

15 11. The property or the water used on the property is is not the
16 subject of a statement of claimant for the use of water in a general
17 adjudication of water rights. unknown.

18 *This is a lawsuit to determine the use of and relative priority of*
19 *water rights. A map of adjudicated areas is available at the website*
20 *of the department of water resources.*

21 12. The property does have does not have an on-site
22 wastewater treatment facility (i.e., standard septic or alternative
23 system to treat and dispose of wastewater). unknown. If
24 applicable: a) The property will will not require
25 installation of an on-site wastewater treatment facility; b) The
26 on-site wastewater treatment facility has has not been inspected.

27 13. The property has been has not been subject to a
28 percolation test. unknown.

1 14. The property does have does not have one or more solar
2 energy devices that are leased owned.

3 *Notice to buyer: SOLAR ENERGY DEVICES MAY CONTAIN HAZARDOUS*
4 *MATERIALS. If the property contains solar energy devices, it*
5 *is the responsibility of the buyer to verify the proper*
6 *replacement and disposal method for the devices, as applicable.*
7 *If the solar energy devices are leased, the seller or property*
8 *owner shall disclose the name and contact information of the*
9 *leasing company.*

10 Leasing company name: _____ Phone: _____

11 15. THE PROPERTY DOES HAVE DOES NOT HAVE ONE OR MORE BATTERY
12 ENERGY STORAGE DEVICES THAT ARE LEASED OWNED. IF THE PROPERTY
13 HAS ONE OR MORE BATTERY ENERGY STORAGE DEVICES, THE SELLER OR PROPERTY
14 OWNER SHALL DISCLOSE INFORMATION REGARDING THE PROPER REPLACEMENT AND
15 DISPOSAL METHOD FOR THE DEVICES, IF KNOWN.

16 PROPER REPLACEMENT AND DISPOSAL METHOD: _____ UNKNOWN.

17 *NOTICE TO BUYER: BATTERY ENERGY STORAGE DEVICES MAY CONTAIN*
18 *HAZARDOUS MATERIALS. IF THE PROPERTY CONTAINS BATTERY ENERGY*
19 *STORAGE DEVICES, IT IS THE RESPONSIBILITY OF THE BUYER TO*
20 *VERIFY THE PROPER REPLACEMENT AND DISPOSAL METHOD FOR THE*
21 *DEVICES, AS APPLICABLE.*

22 IF THE BATTERY ENERGY STORAGE DEVICES ARE LEASED, THE SELLER OR
23 PROPERTY OWNER SHALL DISCLOSE THE NAME AND CONTACT INFORMATION
24 OF THE LEASING COMPANY.

25 LEASING COMPANY NAME: _____ PHONE: _____.

26 ~~15.~~ 16. The property does does not meet the minimum
27 applicable county zoning requirements of the applicable zoning
28 designation.

29 ~~16.~~ 17. The sale of the property does does not meet the
30 requirements of A.R.S. § 11-831 regarding land divisions. If those

1 requirements are not met, the property owner may not be able to obtain
2 a building permit. The seller or property owner shall disclose each
3 of the deficiencies to the buyer.

4 Explain: _____
5 _____
6 _____

7 ~~17.~~ 18. The property is is not located in the clear zone of a
8 military airport or ancillary military facility, as defined in A.R.S.
9 § 28-8461. (Maps are available at the state real estate department's
10 website.)

11 ~~18.~~ 19. The property is is not located in the high noise or
12 accident potential zone of a military airport or ancillary military
13 facility, as defined in A.R.S. § 28-8461. (Maps are available at the
14 state real estate department's website.)

15 ~~19.~~ 20. Notice: If the property is located within the territory in the
16 vicinity of a military airport or ancillary military facility, the
17 property is required to comply with sound attenuation standards as
18 prescribed by A.R.S. § 28-8482. (Maps are available at the state real
19 estate department's website.)

20 ~~20.~~ 21. The property is is not located under military restricted
21 airspace. unknown. (Maps are available at the state real estate
22 department's website.)

23 ~~21.~~ 22. The property is is not located in a military electronics
24 range as defined in A.R.S. § 9-500.28 and § 11-818. unknown. (Maps
25 are available at the state real estate department's website.)

26 ~~22.~~ 23. Use of the property is is not limited in any way
27 relating to an encumbrance of title due to a lis pendens, a court
28 order or a state real estate department order or a pending legal
29 action. If the use of the property is limited due to an encumbrance

1 of title, the seller or property owner shall disclose the limitations
2 to the buyer.

3 Explain: _____
4 _____
5 _____

7 This affidavit of disclosure supersedes any previously recorded
8 affidavit of disclosure.

9 I certify under penalty of perjury that the information contained in
10 this affidavit is true, complete and correct according to my best
11 belief and knowledge.

12 Dated this ____ (date) ____ day of ____ (year) ____ by:

13 Seller's name (print): _____ Signature: _____

14 Seller's name (print): _____ Signature: _____

15 State of Arizona)

16) ss.

17 County of _____)

18 Subscribed and sworn before me this ____ (date) ____ day
19 of ____ (year) ____, by _____.

20 _____
21 Notary public

22 My commission expires:
23 _____ (date)

24 Buyer(s) hereby acknowledges receipt of a copy of this affidavit of
25 disclosure this ____ (date) ____ day of ____ (year) ____

26 Buyer's name (print): _____ Signature: _____

27 Buyer's name (print): _____ Signature: _____

28 G. For the purposes of this section, seller and subsequent seller do
29 not include a trustee of a deed of trust who is selling property by a
30 trustee's sale pursuant to chapter 6.1 of this title or any officer who is

1 selling property by execution sale pursuant to title 12, chapter 9 and
2 chapter 6 of this title. If the seller is a trustee of a subdivision trust
3 as defined in section 6-801, the disclosure affidavit required by this
4 section shall be provided by the beneficiary of the subdivision trust."

5 Amend title to conform

And, as so amended, it do pass

GAIL GRIFFIN
CHAIRMAN

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C: MR