

PROPERTY DISCLOSURE INSTRUCTIONS

FOR COLORADO REAL ESTATE SELLERS

This guide outlines the process for completing the Colorado state-approved real estate disclosure forms. The forms range from simple to comprehensive, covering various aspects of the property.

Sarah McGarry, McGarry Home Team | www.McGarryHomeTeam.com | 719-201-8352

OVERVIEW OF COLORADO PROPERTY DISCLOSURES

I

WHAT ARE THESE FOR?

Sellers must provide these documents to a Buyer after a contract is fully executed.

2

FORM CUSTOMIZATION

These are all Colorado State-approved real estate forms, all that can be change/added is in blue font. Buyer information will be added later.

3

SIGNATURE PROCESS

All these forms can be electronically signed. To sign either:

1. Draw your signature - click 'Save' - 'Accept'.
2. Click Select 'Signature Font' - 'Save' - 'Accept'.

Review carefully before signing.

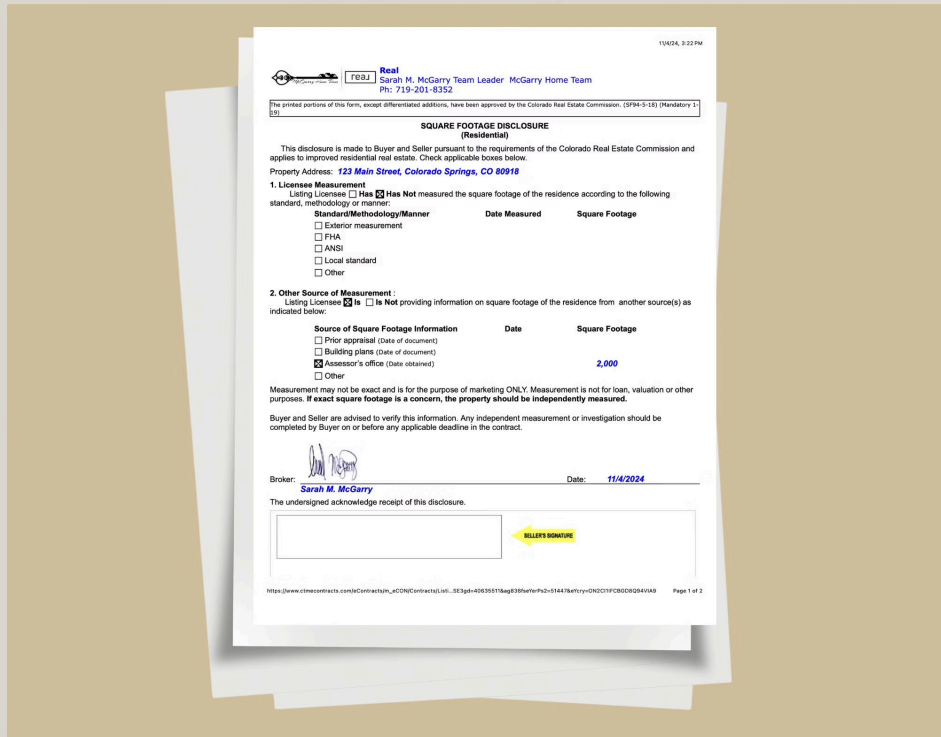
4

COMPLETION ORDER

Forms are arranged from simplest to most detailed. It's recommended to complete them in order.

-
- [Square Footage Disclosure & Closing Instructions](#)
 - [Lead-Based Paint Disclosure \(LBP\)](#)
 - [Seller's Property Disclosure \(SPD\)](#)
 - [Seller's Property Disclosure \(SPD\) Cont.](#)
 - [Seller's Property Disclosure \(SPD\) Cont.](#)
 - [Summary and To-Do's](#)
 - [ADDITIONAL Information & Resources](#)

SQUARE FOOTAGE DISCLOSURE & CLOSING INSTRUCTIONS



SQUARE FOOTAGE DISCLOSURE

This form reveals the source of the property's square footage information. It's a straightforward form requiring only review and sign. Accurate square footage is crucial for property valuation and buyer decision-making.

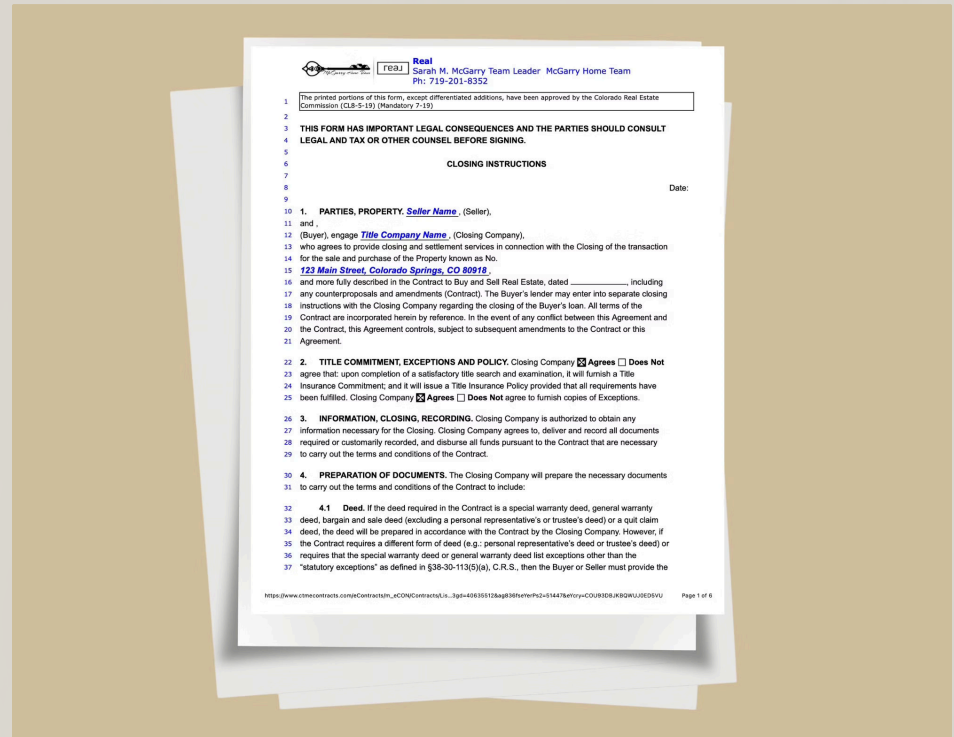
- Review
- E-sign

Progress Bar



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CLOSING INSTRUCTIONS

This document authorizes the title company to prepare title insurance and manage the closing process. It's a crucial step in ensuring a smooth property transfer. Sellers should carefully review the form before signing, as it outlines the responsibilities of the title company.

- Review
- E-sign

LEAD-BASED PAINT DISCLOSURE (LBP)

Required for homes built before 1978 due to federal regulations.

1

EPA-APPROVED INFORMATION PAMPHLET FOR BUYERS

This is the pamphlet that will be shared with the buyer. Feel free to review. No signature required.

2

LEAD-BASED PAINT OBLIGATIONS (SELLER)

This is just your acknowledgment and understanding of disclosing the possible presence of lead based paint.

- Review
- E-sign

LEAD-BASED PAINT DISCLOSURE

- Review #1.
- Select the correct option for #2.
- Select the correct option for #3.
- Click the 'SELLER-SAVE' button.
- E-sign at the bottom.

3

The screenshot shows the 'LEAD-BASED PAINT DISCLOSURE (Sales)' form. It includes a 'Lead Warning Statement' and a 'Seller's Disclosure to Buyer and Real Estate Licensee(s) and Acknowledgment' section. The seller's disclosure section has three numbered items with checkboxes for 'Yes' or 'No' and a 'SELLER-SAVE' button.

LEAD-BASED PAINT DISCLOSURE (Sales)

Attachment to Contract to Buy and Sell Real Estate for the Property known as:
123 Main Street, Colorado Springs, CO 80918

WARNING! LEAD FROM PAINT, DUST, AND SOIL CAN BE DANGEROUS IF NOT MANAGED PROPERLY.
Penalties for failure to comply with Federal Lead-Based Paint Disclosure Laws include triple (3 times) damages, attorney fees, costs, and a base penalty adjusted for inflation for each violation.

Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards

Lead Warning Statement
Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may cause permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The Seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections to the Seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

Seller's Disclosure to Buyer and Real Estate Licensee(s) and Acknowledgment

1. Seller acknowledges that Seller has been informed of Seller's obligations. Seller to assure that Seller must retain a copy of this disclosure for not less than three years from the completion date of the sale.

2. Presence of lead-based paint and/or lead-based paint hazards (check one box below):

- Seller has no knowledge of any lead-based paint and/or lead-based paint hazards present in the housing.
- Seller has knowledge of lead-based paint and/or lead-based paint hazards present in the housing (explain):

3. Records and reports available to Seller (check one box below):

- Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.
- Seller has provided Buyer with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below):

Certification of Accuracy
I certify that the statements I have made are accurate to the best of my knowledge.

Buyer: _____ Date: _____

Seller: _____ Date: _____

Listing Brokerage Firm's Name: Real McGarry Home Team

Progress Bar

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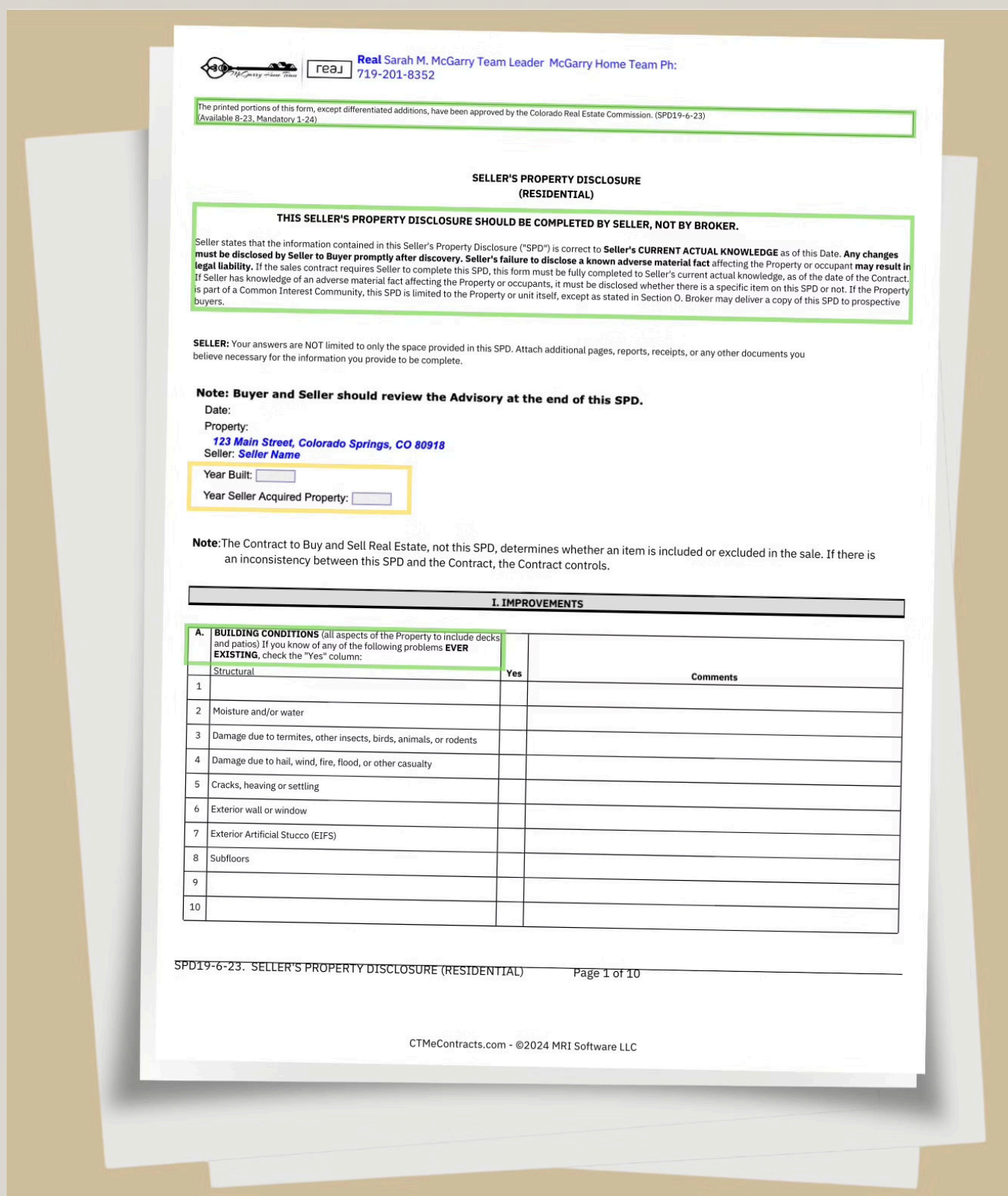
SELLER'S PROPERTY DISCLOSURE (SPD)

This comprehensive 10-page document covers various aspects of the property. It's crucial to fill out completely.

SECTIONS & INSTRUCTIONS

Each section has specific instructions.

- For example, in section A, only mark "Yes" and provide details if problems exist or have existed.
- See highlighted boxes in the image below.



The printed portions of this form, except differentiated additions, have been approved by the Colorado Real Estate Commission. (SPD19-6-23)
Available 8-23, Mandatory 1-24

Real Sarah M. McGarry Team Leader McGarry Home Team Ph: 719-201-8352

SELLER'S PROPERTY DISCLOSURE (RESIDENTIAL)

THIS SELLER'S PROPERTY DISCLOSURE SHOULD BE COMPLETED BY SELLER, NOT BY BROKER.

Seller states that the information contained in this Seller's Property Disclosure ("SPD") is correct to Seller's **CURRENT ACTUAL KNOWLEDGE** as of this Date. **Any changes must be disclosed by Seller to Buyer promptly after discovery. Seller's failure to disclose a known adverse material fact affecting the Property or occupant may result in legal liability.** If the sales contract requires Seller to complete this SPD, this form must be fully completed to Seller's current actual knowledge, as of the date of the Contract. If Seller has knowledge of an adverse material fact affecting the Property or occupants, it must be disclosed whether there is a specific item on this SPD or not. If the Property is part of a Common Interest Community, this SPD is limited to the Property or unit itself, except as stated in Section O. Broker may deliver a copy of this SPD to prospective buyers.

SELLER: Your answers are NOT limited to only the space provided in this SPD. Attach additional pages, reports, receipts, or any other documents you believe necessary for the information you provide to be complete.

Note: Buyer and Seller should review the Advisory at the end of this SPD.

Date: _____
Property: **123 Main Street, Colorado Springs, CO 80918**
Seller: **Seller Name**

Year Built:
Year Seller Acquired Property:

Note: The Contract to Buy and Sell Real Estate, not this SPD, determines whether an item is included or excluded in the sale. If there is an inconsistency between this SPD and the Contract, the Contract controls.

I. IMPROVEMENTS

A. BUILDING CONDITIONS (all aspects of the Property to include decks and patios) If you know of any of the following problems **EVER EXISTING**, check the "Yes" column:

	Yes	Comments
1 Structural		
2 Moisture and/or water		
3 Damage due to termites, other insects, birds, animals, or rodents		
4 Damage due to hail, wind, fire, flood, or other casualty		
5 Cracks, heaving or settling		
6 Exterior wall or window		
7 Exterior Artificial Stucco (EIFS)		
8 Subfloors		
9		
10		

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SELLER'S PROPERTY DISCLOSURE (SPD) CONT.

BE SURE TO FILL IN SECTIONS H & I

In section H if the water source is 'Public' you can use the orange 'CTM Database' link to fill in the water providers information. Or fill in that information in the fields provided on your own.

H. SOURCE OF WATER & WATER SUPPLY
Do you know of the following on the Property:

Type of water supply: Public Community Well Shared Well Other None

If the Property is served by a Well, a copy of the Well Permit Is Is Not attached. (clr) Well Permit #:

Drilling Records Are Are Not attached. (clr) Shared Well Agreement Yes No. (clr)

The Water Provider for the Property can be [CTM Database](#) Add Water Co. to CTM contacted at:

Name: _____ Address: _____
Web Site: _____ Phone No.: _____

There is neither a Well nor a Water Provider for the Property. The source of potable water for the Property is (describe source): _____

SOME WATER PROVIDERS RELY, TO VARYING DEGREES, ON NONRENEWABLE GROUND WATER. YOU MAY WISH TO CONTACT YOUR PROVIDER (OR INVESTIGATE THE DESCRIBED SOURCE) TO DETERMINE THE LONG-TERM SUFFICIENCY OF THE PROVIDER'S WATER SUPPLIES.

9	Fire sprinkler system			
10	Backflow prevention device			
11	Irrigation pump			
12				
13				
Water If you know of any problems EVER EXISTING with the following, check the "Yes" column:				
14	Water system (including lines and water pressure)			
15	Well			
16	Pool			
17	Irrigation system			
18				
19				
WATER - Other Information: Do you know of the following on the Property:				
20	Water heater: Number of			
	Fuel type	Capacity		
21	Water filter system:	<input type="checkbox"/> Owned <input type="checkbox"/> Leased		
22	Water softener:	<input type="checkbox"/> Owned <input type="checkbox"/> Leased		
23	Master Water Shutoff Location:			
24	Well metered			
25	Well Pump:			
	Date of last inspection			
	Date of last service			
26	Galvanized pipe			
27	Polybutylene pipe			
28	Well Pump:			
	GPM			
	Date:			
29	Cistern water storage	gallons		
30	Supplemental water purchased in past 2 years?			
31				

H. SOURCE OF WATER & WATER SUPPLY
Do you know of the following on the Property:

Type of water supply: Public Community Well Shared Well Other None

If the Property is served by a Well, a copy of the Well Permit Is Is Not attached. Well Permit #:

Drilling Records Are Are Not attached. Shared Well Agreement Yes No.

The Water Provider for the Property can be [CTM Database](#) Add Water Co. to CTM contacted at:

Name: [Colorado Springs Utilit](#) Address: [111 S Cascade Ave. C](#)
Web Site: [www.csu.org](#) Phone No.: [719-448-4800](#)

There is neither a Well nor a Water Provider for the Property. The source of potable water for the Property is (describe source): _____

SOME WATER PROVIDERS RELY, TO VARYING DEGREES, ON NONRENEWABLE GROUND WATER. YOU MAY WISH TO CONTACT YOUR PROVIDER (OR INVESTIGATE THE DESCRIBED SOURCE) TO DETERMINE THE LONG-TERM SUFFICIENCY OF THE PROVIDER'S WATER SUPPLIES.

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SELLER'S PROPERTY DISCLOSURE (SPD) CONT.

SAVE & SIGN

Select SAVE when finished and e-sign.

Q.	GENERAL DISCLOSURES	Yes	Comments
1	Written reports of any building, site, roofing, soils, water, sewer, or engineering investigations or studies of the Property		
2	Any property insurance claim submitted (whether paid or not)		
3	Structural, architectural, and engineering plans and/or specifications for any existing improvements		
4	Property was previously used as a methamphetamine laboratory and not remediated to state standards		
5	Government special improvements approved, but not yet installed, that may become a lien against the Property		
6	Pending: (1) litigation or (2) other dispute resolution proceeding regarding the Property		
7	Property is subject to Deed Restrictions, other recorded document restrictions, or Affordable Housing Restrictions		
8	Property is located in a historic district		
9			
10			
GENERAL - Other Information:			
11	Location of Mailbox and No.		
12			

Complete this eContract and click **SAVE** (blue button).
(It can be partially saved.)
Once completed, sign in the gray signature box and click Save (below the signature box)
Once this document is signed, it will be locked, nothing can be modified.

You MUST click SAVE here after typing any data.

Seller and Buyer understand that the real estate brokers do not warrant or guarantee the above information on the Property. Property inspection services may be purchased and are advisable. This SPD is **not** intended as a substitute for an inspection of the Property.

ADVISORY TO SELLER:
Seller acknowledges that Broker will disclose to any prospective buyer all adverse material facts actually known by Broker, including but not limited to adverse material facts pertaining to the physical condition of the Property, any material defects in the Property, and any environmental hazards affecting the Property. These types of disclosures may include such matters as structural defects, soil conditions, violations of health, zoning or building laws, and nonconforming uses and zoning variances.
In the event Seller discovers a new adverse material fact after completing this SPD, Seller must disclose any such new adverse material fact to Buyer.
The information contained in this SPD has been furnished by Seller, who certifies it was answered truthfully, based on Seller's **CURRENT ACTUAL KNOWLEDGE**.

You will be able to sign this document electronically once you complete it and click **SAVE** (blue button)

Seller: _____ Date: _____

ADVISORY TO BUYER:

1. Even though Seller has answered the above questions to Seller's current actual knowledge, Buyer should thoroughly inspect the Property and obtain expert assistance to accurately and fully evaluate the Property to confirm the status of the following matters are satisfactory to Buyer:

- the physical condition of the Property;
- the presence of mold or other biological hazards;
- the presence of rodents, insects and vermin including termites;
- the legal use of the Property, including zoning and legal access to the Property;
- the availability and source of water, sewer, and utilities;
- the environmental and geological condition of the Property;
- the presence of noxious weeds; and
- any other matters that may affect Buyer's use and ownership of the Property that are important to Buyer as Buyer decides whether to purchase the Property.

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2. Seller certifies that the information is correct to Seller's current actual knowledge at the time of this form. The term "current actual knowledge" is intended to limit Seller's disclosure only to facts actually known by the Seller and does not include "constructive knowledge" or "constructive knowledge" or what Seller "should have known" about the Property. The Seller has no duty to investigate or inspect the Property or inclusions when this SPD is filed in and signed.

3. Available information may be obtained from various local/state/federal agencies, and other experts may assist Buyer by performing more specific investigations and inspections of the Property.

4. Boundaries, location and ownership of fences, driveways, hedges, and similar features of the Property may become the subjects of a dispute between a property owner and a neighbor. A survey may be used to determine the likelihood of such problems.

5. Whether any item is included or excluded is determined by the Contract between Buyer and Seller and not this SPD.

6. Seller does not warrant that the Property or inclusions are fit for Buyer's intended purposes or use of the Property. Disclosure of the condition of an item is not to be construed as a warranty of its continued operability or as a representation or warranty that such item is fit for Buyer's intended purposes.

7. Buyer receipts for a copy of this SPD.

Buyer: _____ Date: _____

Buyer: _____ Date: _____

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- Remember to include dates at the top left.
- Go through this form entirely, following the directions for each section.
- Be sure to fill out water and sanitation information in sections H & I.
- Save and sign.

Progress Bar

100%

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SUMMARY AND TO-DO'S

SQUARE FOOTAGE DISCLOSURE

Discloses square footage source.

- Review
- Sign

CLOSING INSTRUCTIONS

Formally hires the title company to prepare title insurance and manage the closing process.

- Review
- Sign

LEAD-BASED PAINT DISCLOSURE

Required for homes built before 1978.

- Review the 'EPA-approved information pamphlet'.
- Review and sign the 'Lead-Based Paint Obligations (Seller)'.
- Review the 'LEAD-BASED PAINT DISCLOSURE'
 - Select the correct option for #2.
 - Select the correct option for #3.
 - Click the 'SELLER-SAVE' button.
 - Sign.

SELLER'S PROPERTY DISCLOSURE

10-page document the covers various aspects of the property.

- Fill in the dates at the top left.
- Go through this form section by section.
- Pay close attention to the directions for each section.
- Be sure to fill out water and sanitation information in sections H & I.
- Click 'Save' when finished.
- Sign.

ADDITIONAL ASSISTANCE

If you have any questions about completing these forms, don't hesitate to ask.

As your real estate team, we are here to guide you through this process. Accurate disclosures protect both sellers and buyers, ensuring a transparent and smooth transaction.



SARAH MCGARRY

MCGARRY HOME TEAM | REAL COLORADO

Real Estate Strategist

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sarah@mcgarryhometeam.com

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ADDITIONAL INFORMATION & RESOURCES

- ③ Real estate brokers are required to use Commission approved contracts and forms as appropriate to a transaction or circumstance. <https://dre.colorado.gov/real-estate-broker-contracts-and-forms>

Colorado's Uniform Electronic Transactions Act (UETA) allows electronic signatures to have the same legal weight as a wet signature in real estate transactions. <https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=17>

- ③ Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 directs EPA and HUD to jointly issue regulations requiring disclosure of known lead-based paint and/or lead-based paint hazards by persons selling or leasing housing constructed before the phaseout of residential lead-based paint use in 1978. Under that authority, EPA and HUD are establishing the following requirements: (1) Sellers and lessors of most residential housing built before 1978 must disclose the presence of known lead-based paint and/or lead-based paint hazards in the housing; (2) sellers and lessors must provide purchasers and lessees with any available records or reports pertaining to the presence of lead-based paint and/or lead-based paint hazards; (3) sellers and lessors must provide purchasers and lessees with a federally approved lead hazard information pamphlet; (4) sellers must provide purchasers with a 10-day opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards before the purchaser is obligated under any purchase contract; (5) sales and leasing contracts must include certain disclosure and acknowledgment language; and (6) agents must ensure compliance with these requirements. These provisions ensure that families receive both specific information on the housing's lead history and general information on lead exposure prevention. <https://www.govinfo.gov/content/pkg/FR-1996-03-06/pdf/96-5243.pdf>

- ③ Understanding the Seller's Property Disclosure Forms - The Seller's Property Disclosure (SPD) is an important disclosure form. The SPD form is referenced in the Contract to Buy and Sell (CBS) in section 10.1: "10.1. Seller's Property Disclosure. On or before Seller's Property Disclosure Deadline, Seller agrees to deliver to Buyer the most current version of the applicable Colorado Real Estate Commission's Seller's Property Disclosure form completed by Seller to Seller's actual knowledge and current as of the date of this Contract." A good place to start is with the introductory paragraph of the SPD form on page 1. The very beginning of the form states: "Seller states that the information contained in this Disclosure is correct to Seller's CURRENT ACTUAL KNOWLEDGE as of this Date." It should be clear that the seller could not disclose what they do not know. Current actual knowledge is simply "as far as the seller knows." In addition, the seller's disclosures must be truthful. The next sentence of this introductory paragraph states: "Any changes must be disclosed by Seller to Buyer promptly after discovery." The common definition of "promptly" means without delay, very quickly or immediately. Therefore, once it is discovered that a particular matter needs to be changed in the form, it should be disclosed to the buyer without any delay. Another important statement in this paragraph states that: "Seller's failure to disclose a known material defect may result in legal liability." Factual information is material when a reasonable person would have ascribed actual significance to the information. Undisclosed facts are 'material' if a consumer's decision might have been different had the truth been disclosed. Then, if that material information is contrary ("adverse") to the interest of one of the parties, it must be disclosed. Another important section of the form is on the last page (page 8) in the section titled Advisory to Seller. The broker has the obligation to disclose to any prospective buyer all adverse material facts actually known by the broker. If an adverse material fact is known by the broker it MUST be disclosed by law, regardless if it harms the party, the broker, or both. Also, when filling out the SPD form it is important for the seller to know the distinctions of "EVER EXISTING" and "NOW EXISTING." <https://dre.colorado.gov/division-notifications/understanding-sellers-property-disclosure-forms>