

# PROPERTY DISCLOSURE

Under Maine Law, certain information must be made available to buyers prior to or during preparation of an offer. This statement has been prepared to assist prospective buyers in evaluating this property. This disclosure is not a warranty of the condition of the property and is not part of any contract between the Seller and any Buyer. The Seller authorizes the Listing Broker in this transaction to disclose the information in this statement to other real estate licensees and to prospective buyers of this property. The Seller agrees to notify the Listing Broker promptly of any changes in the information and this form will be appropriately changed with an amendment date. Inspections are highly recommended.

**NOTE: DO NOT LEAVE ANY QUESTIONS BLANK. WRITE N/A (NOT APPLICABLE) OR UNKNOWN IF NEEDED.**

109 Clark Point Road

PROPERTY LOCATED AT: Southwest Harbor,

## SECTION I. WATER SUPPLY

TYPE OF SYSTEM:  Public  Private  Seasonal \_\_\_\_\_  Unknown  
 Drilled  Dug  Other \_\_\_\_\_

MALFUNCTIONS: Are you aware of or have you experienced any malfunctions with the (public/private/other) water system?

Pump:  Yes  No  N/A

Quantity: .....  Yes  No  Unknown

Quality:  Yes  No  Unknown

If YES to any question, please explain in the comment section below or with attachment.

WATER TEST: Have you had the water tested? .....  Yes  No

IF YES: Date of most recent test: NA Are test results available? .....  Yes  No

To your knowledge, have any test results ever been reported as unsatisfactory or satisfactory with notation?  Yes  No

IF YES, are test results available? .....  Yes  No

What steps were taken to remedy the problem? NA

• IF PRIVATE:

INSTALLATION: Location: NA

Installed BY: NA

DATE of Installation: NA

USE: Number of Persons currently using system? NA

Does system supply water for more than one household? .....  Yes  No  Unknown

COMMENTS: NA

Source of SECTION I information: Seller

## SECTION II. WASTE WATER DISPOSAL

TYPE OF SYSTEM:  Public  Private  Quasi-Public \_\_\_\_\_  Unknown

• IF PUBLIC OR QUASI-PUBLIC:

Have you had the sewer line inspected?  Yes  No If yes, what results: \_\_\_\_\_

Have you experienced any problems such as line or other malfunctions? .....  Yes  No

What steps were taken to remedy the problem? \_\_\_\_\_

• IF PRIVATE:

TANK:  Septic Tank  Holding Tank  Cesspool  Other: NA

Tank Size:  500 Gal.  1000 Gal.  Unknown  Other: NA

Tank Type:  Concrete  Metal  Unknown  Other: NA

Location: NA OR  Unknown Date of Installation: NA

Date Last Pumped: NA Name of Company Pumping Tank: NA

Have you experienced any malfunctions? .....  Yes  No

If yes, give the date and describe the problem: NA

Date of Last Servicing of tank: NA Name of Company Servicing Tank: NA

LEACH FIELD: .....  Yes  No  Unknown

IF YES: Location: NA

Date of installation of leach field: NA Installed by: NA

Date of Last Servicing of leach field: NA Name of Company Servicing leach field: NA

Have you experienced any malfunctions? .....  Yes  No

If yes, give the date and describe the problem & what steps were taken to remedy: NA

Does Seller have records of the septic system design indicating the number of bedrooms the system was designed for?  Yes  No

IF YES, is it available? NA

Is System located in a Shoreland Zone? .....  Yes  No  Unknown

Is System located in a Coastal Shoreland Zone? .....  Yes  No  Unknown

COMMENTS: NA

Source of SECTION II information: Seller

2018 Page 1 of 3 - SPD Seller(s) Initials MM

Buyer(s) Initials \_\_\_\_\_

**SECTION III. HEATING SYSTEM(S)/SOURCES(S)**

Heating System(s)/Source(s)	SYSTEM 1	SYSTEM 2	SYSTEM 3	SYSTEM 4
TYPE(S)	HWBB			
Age of system(s)/source(s)	23+/-			
Name of company that services system(s)/source(s)				
Date of most recent service call	April 2016			
Annual consumption per system/source (i.e., gallons, kilowatt hours, cord(s))	2,600			
Malfunction per system(s)/source(s) within past 2 years	1			
Other pertinent information	NA			

Are there fuel supply lines?  Yes  No  Unknown Are any buried?  Yes  No  Unknown Are all sleeved?  Yes  No  Unknown  
 Chimney(s):  Yes  No If yes, lined:  Yes  No  Unknown Last Cleaned: 2008  
 Is more than one heat source vented through one flue?  Yes  No  Unknown Had a chimney fire:  Yes  No  Unknown  
 Has chimney been inspected?  Yes  No  Unknown; If Yes, when: \_\_\_\_\_ Direct/Power Vent:  Yes  No  Unknown

COMMENTS: NA

Source of SECTION III information: Seller

**SECTION IV. HAZARDOUS MATERIAL**

The licensee is disclosing that the Seller is making representations contained herein.

**A. UNDERGROUND STORAGE TANKS - Current or previously existing:**

Are there now, or have there ever been, any underground storage tanks on your property?  Yes  No  Unknown

IF YES: Are tanks in current use?  Yes  No  Unknown

IF NO above: How long have tank(s) been out of service? NA

What materials are, or were, stored in the tank(s)? NA

Age of tank(s): NA Size of tank(s): NA

Location: NA

Have you experienced any problems such as leakage? NA

Are tanks registered with the Dept. of Environmental Protection?  Yes  No  Unknown

If tanks are no longer in use, have tanks been abandoned according to D.E.P.?  Yes  No  Unknown

COMMENTS: NA

Source of information: Seller

**B. ASBESTOS - Current or previously existing:**

• as insulation on the heating system pipes or duct work?  Yes  No  Unknown Ceilings?  Yes  No  Unknown

• in the siding?  Yes  No  Unknown • in the roofing shingles?  Yes  No  Unknown

• in flooring tiles?  Yes  No  Unknown • other: \_\_\_\_\_  Yes  No  Unknown

COMMENTS: NA

Source of information: Seller

**C. RADON/AIR - Current or previously existing:**

Has the property been tested?  Yes  No  Unknown

IF YES: Date: NA By: NA

Results: NA If applicable, What remedial steps were taken? NA

Has the property been tested since remedial steps?  Yes  No  Unknown

Are test results available?  Yes  No Results & Comments: NA

Source of information: Seller

**D. RADON/WATER - Current or previously existing:**

Has the property been tested?  Yes  No  Unknown

IF YES: Date: NA By: NA

Results: NA If applicable, What remedial steps were taken? NA

Has the property been tested since remedial steps?  Yes  No  Unknown

Are test results available?  Yes  No Results & Comments: NA

Source of information: Seller

**E. LEAD-BASED PAINT/PAINT HAZARDS - Current or previously existing: (Note: Lead-based paint is most commonly found in homes constructed prior to 1978)**

Is there now or has there ever been lead-based paint and/or lead-based paint hazards on the property?  Yes  No  Unknown  
 Unknown but possible due to age

IF YES, describe location and the basis for the determination: NA

Do you know of any records or reports pertaining to such lead-based paint or lead-based paint hazards?  Yes  No

IF YES, describe: NA

Are you aware of any cracking, peeling or flaking paint?  Yes  No

COMMENTS: \_\_\_\_\_

Source of information: Seller

PROPERTY LOCATED AT 109 Clark Point Road, Southwest Harbor,

F. OTHER HAZARDOUS MATERIALS - Current or previously existing:

- TOXIC MATERIAL:  Yes  No  Unknown
- LAND FILL:  Yes  No  Unknown
- RADIOACTIVE MATERIAL:  Yes  No  Unknown

OTHER: NA

Source of information: Seller

Buyers are encouraged to seek information from professionals regarding any specific issue or concern.

### SECTION V. GENERAL INFORMATION

Is the property subject to or have the benefit of any encroachments, easements, rights-of-way, leases, rights of first refusal, life estates, private way, private road/homeowner associations (including condominiums and PUD's) or restrictive covenants?  Yes  No  Unknown

IF YES: Explain: NA

Is access by means of a non-public way?  Yes  No  Unknown If YES, who is responsible for maintenance? NA

What is your source of information: \_\_\_\_\_

Are there any tax exemption or reduction for this property for any reason including but not limited to: Tree Growth, Open Space and Farmland, Veteran's, Homestead Exemption, Blind, Working Waterfront?  Yes  No  Unknown

IF YES: Explain: \_\_\_\_\_ Forest Management and Harvest Plan available?  Yes  No  Unknown

- Is this house currently covered by a flood insurance policy? (not a determination of flood zone)  Yes  No  Unknown
- Equipment leased or not owned (e.g., propane tank, hot water heater, satellite dish): Type: Propane Tank owned by Dead River  Yes  No  Unknown
- Year Principal Structure Built: 1883 What year did Seller acquire property? 2007
- Roof: Year Shingles/Other Installed: 1995

Water, moisture or leakage: None

Comments: NA

Foundation/Basement: Sump Pump:  Yes  No  Unknown Comments: \_\_\_\_\_

• Water, moisture or leakage since you owned the property:  Yes  No  Unknown Comments: Some seasonal dampness.

Prior water, moisture or leakage?  Yes  No  Unknown Comments: \_\_\_\_\_

• Mold: Has the property ever been tested for mold?  Yes  No  Unknown Comments: \_\_\_\_\_

• Electrical:  Fuses  Circuit Breaker  Other: \_\_\_\_\_ If YES, are test results available?  Yes  No

• Has all or a portion of the property been surveyed?  Yes  No  Unknown If YES, is the survey available?  Yes  No

• Manufactured Housing: Mobile Home -  Yes  No  Unknown Modular -  Yes  No  Unknown

• KNOWN MATERIAL DEFECTS about Physical Condition and/or value of Property, including those that may have an adverse impact on health/safety: \_\_\_\_\_

Source of SECTION V information: \_\_\_\_\_

Seller shall be responsible and liable for any failure to provide known information regarding known material defects to the Buyer.

ATTACHMENTS EXPLAINING CURRENT PROBLEMS, PAST REPAIRS OR ADDITIONAL INFORMATION IN ANY SECTION IN DISCLOSURE:  Yes  No

### SECTION VI. ADDITIONAL INFORMATION

Exterior paint peeling in some places.

As Sellers, we have provided the above information and represent that all information is correct. To the best of our knowledge, all systems and equipment, unless otherwise noted on this form, are in operational condition.

Neither Seller nor any Broker makes any representations as to the applicability of, or compliance with, any codes of any sort, whether state, municipal, federal or any other, including but not limited to fire, life safety, building, electrical or plumbing.

SELLER

Mark Nicknair

DATE

SELLER

Jennifer Grant

DATE

I/We have read and received a copy of this disclosure, the arsenic in wood fact sheet, the arsenic in water brochure, and understand that I/we should seek information from qualified professionals if I/we have questions or concerns.

BUYER

DATE

BUYER

DATE



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# LEAD PAINT DISCLOSURE/ADDENDUM

AGREEMENT BETWEEN Mark Nicknair, Jennifer Grant (hereinafter "Seller")  
AND \_\_\_\_\_ (hereinafter "Buyer")  
FOR PROPERTY LOCATED AT 109 Clark Point Road, Southwest Harbor,

Said contract is further subject to the following terms:

## 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 produce 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 in 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 (check one)

(a) Presence of lead-based paint and/or lead-based paint hazards (**check one below**):

Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).  
\_\_\_\_\_  
\_\_\_\_\_

Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the Seller (**check one below**):

Seller has provided the Buyer with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).  
\_\_\_\_\_  
\_\_\_\_\_

Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

## Buyer's Acknowledgment

(c) Buyer has received copies of all information listed above.

(d) Buyer has received the pamphlet Protect Your Family from Lead in Your Home.

(e) Buyer has (**check one below**):

Received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or

Waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

## Agent's Acknowledgment

(f) Agent has informed the Seller of the Seller's obligations under 42 U.S.C. 4852(d) and is aware of his/her responsibility to ensure compliance.

## Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

Mark Nicknair 1-7-19  
Seller Mark Nicknair Date


\_\_\_\_\_  
Buyer Date

Jennifer Grant  
Seller Jennifer Grant Date

\_\_\_\_\_  
Buyer Date

Nancy McKechnie  
Agent Date

\_\_\_\_\_  
Agent Date

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**PROPERTY DISCLOSURE ADDENDUM  
(Roads/Road Maintenance)**

**PROPERTY LOCATED AT:** 109 Clark Point Road, Southwest Harbor,


If the subject property is NOT a one-to-four unit residential property:

Are there any abandoned or discontinued town ways, any public easements or any private roads located on or abutting the property?  Yes  No  Unknown

If Yes, describe: \_\_\_\_\_

If Yes, who is responsible for maintenance (including road association, if any): \_\_\_\_\_

\_\_\_\_\_

  
\_\_\_\_\_  
Seller Date  
**Mark Nicknair**

\_\_\_\_\_  
Seller Date  
**Jennifer Grant**

\_\_\_\_\_  
Seller Date

\_\_\_\_\_  
Seller Date

The undersigned hereby acknowledge receipt of this Property Disclosure Addendum.


\_\_\_\_\_  
Buyer Date

\_\_\_\_\_  
Buyer Date

\_\_\_\_\_  
Buyer Date

\_\_\_\_\_  
Buyer Date

(NOTE: "Public easement" is defined as an easement held by a municipality for purposes of public access to land or water not otherwise connected to a public way, and includes all rights enjoyed by the public with respect to private ways created by statute prior to July 29, 1976.)

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MAINE REAL ESTATE  
TRANSFER TAX PAID

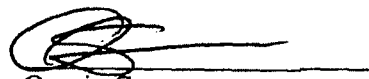
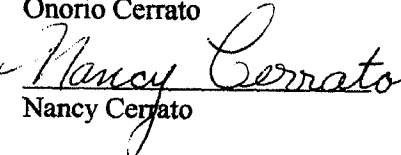
**DEED WITH QUITCLAIM COVENANT**

**ONORIO CERRATO** and **NANCY CERRATO**, whose mailing address is PO Box 826, Southwest Harbor, Maine 04679, for one dollar and other consideration paid, grant with quitclaim covenant to **MARK NICKNAIR** and **JENNIFER GRANT**, whose mailing address is as joint tenants with right of survivorship a certain lot or parcel of land, with buildings thereon, situated in the Town of Southwest Harbor, Hancock County, Maine and described as follows:

Commencing at a stake on the road leading from Herrick's Corner to the Steamboat Wharf, so called, and running northerly five rods to a stake on the road; thence easterly eight rods to a stake; thence southerly five rods to a stake; thence westerly eight rods to a stake, the point of beginning, and containing one-fourth of an acre.

Being all and the same premises conveyed by James H. King to Onorio Cerrato and Nancy Cerrato by deed dated March 21, 2000 and recorded in Hancock County Book 2906, Page 102

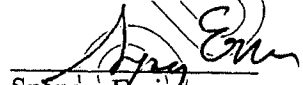
In witness whereof I have set our hands and seals this 15<sup>th</sup> day of October 2007.

  
Onorio Cerrato  
  
Nancy Cerrato

State of Maine  
County of Hancock

October 5, 2007

Then personally appeared before me the above named Onorio Cerrato and acknowledged the foregoing instrument to be his free act and deed.

  
Spencer Ervin  
Attorney-at-law

HANCOCK COUNTY

#1