

# SELLER'S 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.**

PROPERTY LOCATED AT: 3 BREAKNECK ROAD, BAR HARBOR, ME 04609

## 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: \_\_\_\_\_ 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? N/A

• IF PRIVATE:

INSTALLATION: Location: N/A  
Installed BY: N/A DATE of Installation: N/A  
What is the source of your information: N/A  
USE: Number of Persons currently using system? N/A  
Does system supply water for more than one household? \_\_\_\_\_  Yes  No  Unknown

COMMENTS: Town Water Supply

## SECTION II. WASTE WATER DISPOSAL

TYPE OF SYSTEM:  Public  Private  Quasi-Public  Unknown

• IF PUBLIC OR QUASI-PUBLIC:

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: \_\_\_\_\_  
Tank Size:  500 Gal.  1000 Gal.  Unknown  Other: \_\_\_\_\_  
Tank Type:  Concrete  Metal  Unknown  Other: \_\_\_\_\_  
Location: \_\_\_\_\_ OR  Unknown Date of Installation: \_\_\_\_\_  
Date of Last Servicing: \_\_\_\_\_ Name of Company Servicing Tank: \_\_\_\_\_  
Date Last Pumped: \_\_\_\_\_ Have you experienced any malfunctions? \_\_\_\_\_  Yes  No  
If yes, give the date and describe the problem: \_\_\_\_\_

LEACH FIELD: \_\_\_\_\_  Yes  No  Unknown

IF YES: Location: \_\_\_\_\_  
Date of installation of leach field: \_\_\_\_\_ Installed By: \_\_\_\_\_  
Date of Last Servicing: \_\_\_\_\_ Name of Service Company: \_\_\_\_\_  
Have you experienced any malfunctions? \_\_\_\_\_  Yes  No  
If yes, give the date and describe the problem & what steps were taken to remedy: \_\_\_\_\_

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? \_\_\_\_\_

SOURCE OF INFORMATION: Town Records  
COMMENTS: N/A

IS SYSTEM LOCATED IN A SHORELAND ZONE?: \_\_\_\_\_  Yes  No  Unknown  
Is System located in a Coastal Shoreland Zone? \_\_\_\_\_  Yes  No  Unknown

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

Heating System(s)/Source(s)	SYSTEM 1	SYSTEM 2	SYSTEM 3	SYSTEM 4
TYPE(S)	<u>OIL FURNACE</u>			
Age of system(s)/source(s)	<u>10 yrs (?)</u>			
Name of company that services system(s)/source(s)	<u>Deed River</u>			
Date of most recent service call	<u>cleaning 11/1/08</u>			
Annual consumption per system/source (i.e., gallons, kilowatt hours, cord(s))	<u>600 GAL/YR</u>			
Malfunction per system(s)/source(s) within past 2 years				
Other pertinent information				

Buried Oil Supply Line:  Yes  No  Unknown Sleved:  Yes  No  
 Chimney(s) Lined:  Yes  No  Unknown Age: \_\_\_\_\_ Last Cleaned: \_\_\_\_\_  
 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: \_\_\_\_\_  
 COMMENTS: \_\_\_\_\_

**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  
 IF NO above: How long have tank(s) been out of service? NA  
 What materials are, or were, stored in the tank(s)? GAS  
 Age of tank(s): 1 year Size of tank(s): 16,000.00 GAL  
 Location: Hulls Cove  
 Have you experienced any problems such as leakage? No  
 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: Old tanks removed + new installed

**B. ASBESTOS - Current or previously existing:**  
 • as insulation on the heating system pipes or duct work?  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  
 IF YES: Source of Information: NA  
 COMMENTS: NA

**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

**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: Town Supply

**E. LEAD-BASED PAINT/PAINT HAZARDS - Current or previously existing: (Note: Lead-based paint is most commonly found in homes constructed prior to 1978; See EPA Disclosure brochure/form and Maine Lead Warning for more information)**  
 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: NA

F. OTHER HAZARDOUS MATERIALS - Current or previously existing:

TOXIC MATERIAL:  Yes  No  Unknown OTHER: \_\_\_\_\_  
LAND FILL:  Yes  No  Unknown  
RADIOACTIVE MATERIAL:  Yes  No  Unknown

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 road/homeowner associations or restrictive covenants?  Yes  No  Unknown

IF YES: Explain: US Post Office Lease

What is your source of information: owner

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: NA

Leased Equipment (e.g., propane tank, hot water heater, satellite dish): Type: N/A

Year Built: 1960 ± How long has Seller owned it: 2006

Roof: Year Built - Structure: 1984 Age - Shingles: 10 years

Moisture or leakage: None

Comments: NA

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

Moisture or leakage since you owned the property:  Yes  No  Unknown Comments: \_\_\_\_\_

Knowledge of prior moisture or leakage:  Yes  No  Unknown Comments: \_\_\_\_\_

Mold: Has the property ever been tested for mold?  Yes  No  Unknown If YES, are test results available?  Yes  No

Electrical:  Fuses  Circuit Breaker  Other: \_\_\_\_\_  Unknown

Has the property been surveyed?  Yes  No  Unknown If YES, is the survey available?  Yes  No

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

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

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 DISCLOSURE:  Yes  No

**SECTION VI. ADDITIONAL INFORMATION**

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.

[Signature]  
SELLER  
WYMAN TAPLEY

DATE

SELLER

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



QUITCLAIM DEED WITH COVENANT

KNOW ALL MEN BY THESE PRESENTS, That I, **DANA L. FOSTER**, having a mailing address of P.O. Box 128, Hulls Cove, Maine 04644, for consideration paid, **GRANT** to **WYMAN TAPLEY**, having an address of 317 Main Street, Bar Harbor, Maine 04609, with **QUITCLAIM COVENANT**, a certain lot or parcel of land, together with the buildings thereon, situated in Hulls Cove, Hancock County, Maine, more particularly described in **EXHIBIT A** attached hereto and incorporated herein.

MAINE REAL ESTATE  
TRANSFER TAX PAID

WITNESS my hand this 15th day of March , 2006.

*Dana L. Foster*  
Dana L. Foster

STATE OF MAINE  
COUNTY OF HANCOCK

March 15 , 2006.

Personally appeared the above-named Dana L. Foster and acknowledged the above instrument to be her free act and deed.  
Before me,

*Nathaniel R. Fenton*  
~~Notary Public~~/Attorney at Law

Nathaniel R. Fenton  
Printed Name ~~of Notary~~

**SCHEDULE A**

**Deed from Dana L. Foster  
To  
Wyman Tapley**

A certain lot or parcel of land, together with the structures thereon, situated at Hulls Cove in the Town of Bar Harbor, Hancock County, Maine, bounded and described as follows, to wit:

Beginning at a point on the westerly side line of Maine State Highway Route 3 which marks the southeast corner of land now or formerly owned by Ronald C. Frost; thence South nine degrees thirty minutes zero seconds West (S. 09° 30' 00" W.), but always following the westerly line of the aforesaid highway, twenty-one (21) feet to a point on the northerly line of the Breakneck Road; thence South sixty-five degrees zero minutes zero seconds West (S. 65° 00' 00" W.), but always following the northerly side line of the Breakneck Road, one hundred eighty-three (183) feet to a point on a line of land now or formerly owned by Harold G. Brack; thence North thirty two degrees two minutes twenty-nine seconds West (N. 32° 02' 29" W.), but always following a line of land now or formerly owned by Harold G. Brack, one hundred sixteen and eighty-four hundredths (116.84) feet to a point; thence North seventy-eight degrees forty four minutes fifty-three seconds West (N. 78° 44' 53" W.), but always following a line of land now or formerly owned by Harold G. Brack, ten and fifty hundredths (10.50) feet to an iron rod driven into the ground at the southeast corner of land now or formerly owned by G & G Electric, Inc.; thence North ten degrees forty-two minutes eleven seconds East (N. 10° 42' 11" E.), but always following the easterly side line of G & G Electric, Inc., fifty and four hundredths (50.04) feet to an iron rod set into the ground at the southwest corner of the said land now or formerly owned by Ronald C. Frost; thence by the following five (5) courses and distances, but always following a line of the said land now or formerly owned by Ronald C. Frost, to wit: South eighty-two degrees twenty-six minutes two seconds East (S. 82° 26' 02" E.) ninety-six and eighty-four hundredths (96.84) feet; North twenty three degrees fifty-seven minutes twenty-one seconds East (N. 23° 57' 21" E.) nineteen and ten hundredths (19.10) feet; South seventy-one degrees twenty-six minutes thirty-nine seconds East (S. 71° 26' 39" E.) thirty-two and sixty-four hundredths (32.64) feet; South seventy-eight degrees nine minutes

thirty-one seconds East (S. 78° 09' 31" E.) forty-seven and three hundredths (47.03) feet; and South fifty-five degrees forty-eight minutes forty-five seconds East (S. 55° 48' 45" E.) sixty-two and sixty-five hundredths (62.65) feet to the point of beginning. The foregoing description is derived from the survey entitled "Plan Showing Proposed Conveyances between Ronald Frost and Dana Foster at Hulls Cove, Bar Harbor, Hancock County, Maine," dated November, 1997 and prepared by Edward B. Jackson, PLS.

The above-described premises are conveyed **TOGETHER WITH**, and as appurtenant thereto, the non-exclusive right of way described as conveyed in the easement deed from Ronald C. Frost to Dana L. Foster dated March 21, 1998, recorded in Book 2740, Page 369 in said Registry of Deeds.

The above-described premises are conveyed **SUBJECT TO**:

1. the right of way described as conveyed in the deed from Ronald C. Frost and Dana L. Frost to G & G Electric, Inc. dated February 5, 1988, recorded in Book 1679, Page 603;
2. the non-exclusive right of way described as conveyed in the deed from Dana L. Foster to Ronald C. Frost dated March 21, 1998, recorded in Book 2740, Page 371;
3. the flowage easement, covenants and restrictions contained in the Easement Deed - Restriction dated March 21, 1998, recorded in Book 2740, Page 373;
4. the lease to United States Postal Service for the term commencing December 13, 1997 and ending December 12, 2012; and
5. any and all municipal, State and Federal requirements pertaining to the required removal of three Underground Storage Tanks, which requirements Wyman Tapley, for himself, his heirs and assigns, hereby assumes by the acceptance of this deed and as partial consideration therefor.

Reference is hereby made to the Boundary Line Agreement between Dana L. Foster and Ronald C. Frost dated March 20, 1998 and recorded in Book 2740, Page 367 in said Registry of Deeds.

**PROPERTY DISCLOSURE ADDENDUM  
(Non-Residential Properties)**

TO BE DELIVERED TO BUYERS PRIOR TO OR DURING PREPARATION OF OFFER

REAL ESTATE: LYNAM REAL ESTATE AGENCY

SELLER: WYMAN TAPLEY

To the best of Seller's knowledge (check one):

No underground storage facility for the storage of oil or petroleum products exists on the premises.

An underground oil storage facility exists on the premises which is subject to regulation by the Maine Department of Environmental Protection under 38 M.R.S.A. §561, et seq., State of Maine Registration No. 2002. The underground facility  has  has not been abandoned in place.

Pursuant to Chapter 330 of the Rules of the Maine Real Estate Commission, Licensee discloses that the above-referenced Seller is making no representations regarding current or previously existing known hazardous materials on or in the Real Estate described above, except as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(attach additional sheets as necessary)

You are encouraged to seek information from professionals regarding any specific hazardous material issue or concern.

The undersigned hereby acknowledge receipt of this Property Disclosure Addendum prior to the preparation of an offer to purchase the Real Estate.

Date: 1/15/2009

Buyer: [Signature]

Buyer: \_\_\_\_\_



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HULLS CV

**Residential Real Property Disclosure Statement**

**MAINE WARNING: LEAD-BASED PAINT HAZARDS**

Any residence built before 1978 may contain lead sufficient to poison children and sometimes adults. LEAD poisoning poses a particular risk if you are pregnant or may become pregnant. LEAD poisoning in young children may produce permanent neurological damage, including learning disabilities, a reduced intelligence quotient (IQ), impaired memory and behavioral problems such as attention deficit hyperactive disorder and a propensity for violence.

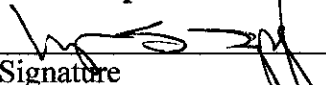
Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. The seller of any interest in real 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.

The only way to know with certainty whether lead-based paint hazards are present on the property is to test the property for the presence of lead.

**Acknowledgement of State Disclosure Statement.**

The signature below acknowledges that the seller or potential seller has disclosed to me information about lead-based paint hazards as required by 22 M.R.S.A. Section 1328. This acknowledgement does not constitute a waiver of any rights.

**Seller or potential seller**

  
Signature \_\_\_\_\_ Date 1/15/09

**WYMAN TAPLEY**

Name printed \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

WYMAN F TAPLEY  
Name printed \_\_\_\_\_ Date 1/15/09

Maine Health & Human Services, Public Health  
**Property Purchase Form**

**Purchaser or potential purchaser**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name printed \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name printed \_\_\_\_\_

**Acknowledgement of federal 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 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**

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

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

\_\_\_\_\_

\_\_\_\_\_

(ii)  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 (i) or (ii) below):

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

\_\_\_\_\_

\_\_\_\_\_

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

**Purchaser's Acknowledgement (initial)**

(c) \_\_\_\_\_ Purchaser has received copies of all information listed above.

(d) \_\_\_\_\_ Purchaser has received the pamphlet *Protect Your Family from Lead in Your Home*

(e) Purchaser has (check (i) or (ii) below):

(i) \_\_\_\_\_ 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

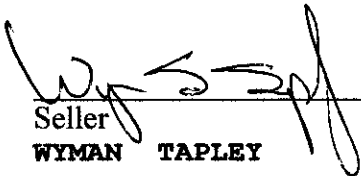
(ii) \_\_\_\_\_ waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

**Agent's Acknowledgement (initial)**

(f) CS Agent has informed the seller of the seller's obligations under 42 U.S.C.4852d 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.

 \_\_\_\_\_  
Seller Date  
**WYMAN TAPLEY**

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

\_\_\_\_\_  
Purchaser Date

\_\_\_\_\_  
Purchaser Date

\_\_\_\_\_  
Agent Date  
**CONNIE SHEA & SUZANNE SYLVIA**

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

This form is provided in connection with the PROPERTY LOCATED AT  
3 BREAKNECK ROAD, BAR HARBOR, ME 04609

