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Gerchick Real Estate

COMMERCIAL SELLER ADVISORY

Document updated: **February 2008**

ARIZONA association of REALTORS®
REAL SOLUTIONS. REALTOR® SUCCESS

WHEN IN DOUBT - DISCLOSE!

REALTOR® EQUAL HOUSING OPPORTUNITY

Sellers are obligated by law to disclose all known material (important) facts about the property to the buyer. Arizona law requires that you disclose material facts about the property whether or not you are asked by the buyer or a real estate agent, or when asked to complete a disclosure form. You may also be required to complete and record an affidavit of disclosure if selling property in an unincorporated area of a county.

"...you have a duty to disclose the information, regardless of whether or not you consider the information material."

If the buyer asks you about an aspect of the property, you have a duty to disclose the information, regardless of whether or not you consider the information material. You also have a legal duty to disclose facts when disclosure is necessary to prevent a previous statement from being misleading or a misrepresentation: for example, if something changes. However, a seller does not generally have a legal obligation to correct defects in the property, as long as the defects are disclosed. Any correction of the defects is a matter of contract negotiation between you and the buyer.

If you do not make the legally required disclosures, you may be subject to civil liability. Under certain circumstances, nondisclosure of a fact is the same as saying that the fact does not exist. Therefore, nondisclosure may be given the same legal effect as fraud.

The Arizona Association of REALTORS® Commercial Seller's Property Disclosure Statement ("SPDS") is designed to assist you in making these legally required disclosures and to avoid inadvertent nondisclosures of material facts.

You should complete the SPDS by answering all questions as truthfully and as fully as possible. Attach copies of any available supporting documentation to insure that you are disclosing accurate information. Also, use the blank lines to explain your answers. If you do not have the personal knowledge to answer a question, it is important not to guess — use the blank lines to explain the situation.

The SPDS is divided into nine general sections:

(A) Ownership and Property:
This section asks for general information about the property such as location and ownership. Any seller should be able to answer most, if not all, of the questions in this section.

(B) Property Type:
This section indicates whether this is office, industrial, retail, etc.

(C) Utilities:
You are asked whether the property currently receives the listed utilities.

(D) Access/Use:
This section asks for any easement or restriction information governing the property.

(E) Compliance with Law/Legal Matters:
Zoning issues and any previous property violations are addressed here.

(F) Contractual Obligations:
This section asks what, if any, contractual obligations are attached to the property.

(G) Environmental Factors:
This section deals with the property and the area around it. What, if any, environmental factors such as noise, hazardous materials, etc. are addressed here.

(H) Reports/Studies:
If there have been any studies or reports made on this property, you will be asked to address them here.

(I) Material Physical Defects and Other Factors:
Any miscellaneous items not addressed elsewhere are addressed in this section.

Please note: By law, sellers are not obligated to disclose that the property is or has been: (1) the site of a natural death, suicide, homicide, or any other crime classified as a felony; (2) owned or occupied by a person exposed to HIV, or diagnosed as having AIDS or any other disease not known to be transmitted through common occupancy of real estate; or (3) located in the vicinity of a sex offender. However, the law does not protect a seller who makes an intentional misrepresentation. For example, if you are asked whether there has been a death on the property and you know that there was such a death, you should not answer "no" or "I don't know"; instead you should either answer truthfully or respond that you are not legally required to answer the question.

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Gerchick Real Estate, 6424 E. Greenway Rd. Scottsdale, AZ 85254
Phone: 602-256-1415000 Fax: Linda Gerchick, CCIM Listing-Multi Family

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C COMMERCIAL SELLER'S PROPERTY DISCLOSURE STATEMENT (SPDS) *(To be completed by Seller)*

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The pre-printed portion of this form has been drafted by the Arizona Association of REALTORS®. Any change in the pre-printed language of this form must be made in a prominent manner. No representations are made as to the legal validity, adequacy and/or effects of any provision, including tax consequences thereof. If you desire legal, tax or other professional advice, please consult your attorney, tax advisor or professional consultant.

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MESSAGE TO THE SELLER:

Sellers are obligated by law to disclose all known material (important) facts about the Property to the Buyer. The SPDS is designed to assist you in making these disclosures. If you know something important about the Property that is not addressed on the SPDS, add that information to the form. Prospective Buyers may rely on the information you provide.

INSTRUCTIONS: (1) Complete this form yourself. (2) Answer all questions truthfully and as fully as possible. (3) Attach all available supporting documentation. (4) Use explanation lines as necessary. (5) If you do not have the personal knowledge to answer a question, use the explanation lines to explain. *By signing below you acknowledge that the failure to disclose known material information about the Property may result in liability.*

MESSAGE TO THE BUYER:

Although Sellers are obligated to disclose all known material (important) facts about the Property, there are likely facts about the Property that the Sellers do not know. Therefore, it is important that you take an active role in obtaining information about the Property.

INSTRUCTIONS: (1) Review this form and any attachments carefully. (2) Verify all important information. (3) Ask about any incomplete or inadequate responses. (4) Inquire about any concerns not addressed on the SPDS. (5) Review all other applicable documents, such as environmental studies, CC&R's, association bylaws, surveys, title report or commitment, etc. (6) Obtain professional inspections of the Property. (7) Investigate the surrounding area. (8) Obtain such other professional advice as you deem necessary.

THE FOLLOWING ARE REPRESENTATIONS OF THE SELLER(S) AND ARE NOT VERIFIED BY THE BROKER(S) OR AGENT(S).

A. OWNERSHIP AND PROPERTY IDENTIFICATION

1. **THIS DISCLOSURE CONCERNS THE FOLLOWING REAL PROPERTY:**
2. Address 6834 n 25th dr.
3. City phoenix , County maricopa , AZ, Zip 85017
4. Assessors No.(s) 156-01-029-A Approximate Year Built 1987
5. Legal Owner(s) TOP REI LLC Date Purchased 08/21/2026
6. Owner [X] Is [ ] Is not occupying property. Owner [ ] Has [X] Has not occupied the Property in the past.

B. PROPERTY TYPE

7. [ ] Office [ ] Industrial [ ] Retail [ ] Hotel/Motel/Resort [ ] Multi-family [ ] Other

C. UTILITIES

8. **THE PROPERTY IS SERVED BY THE FOLLOWING UTILITIES:**

	YES	NO		PROVIDER
9.	[ ]	[X]	Septic System	no
10.	[X]	[ ]	Sewer	city of phx
11.	[X]	[ ]	Electric	SRP - 2 meters. garage and home
12.	[X]	[ ]	Domestic Water [X] Public [ ] Private	city
13.	[ ]	[X]	Well Registered [ ] Yes [ ] No If yes, Registration number:	
14.			If yes, complete and attach the **Domestic Water Well/Water Use Addendum.**	
15.	[ ]	[ ]	Fuel Supply [ ] Natural Gas [ ] Propane [ ] Other:	
16.	[X]	[ ]	Garbage/Waste Collection [ ] Public [ ] Private	city of phx
17.	[X]	[ ]	Fire Protection [X] Public [ ] Private	city
18.	[X]	[ ]	Telephone	n/a
19.	[ ]	[X]	Irrigation	n/a
20.	[X]	[ ]	Cable TV	n/a
21.	[ ]	[X]	Satellite Dish	n/a
22.	[ ]	[X]	High Speed Internet Connection (Cable, T1, Fiber Optics, Etc.)	n/a
23.	[ ]	[ ]	Other	n/a

24. Please describe any other items concerning utilities gas service - SWG
25.

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D. ACCESS/USE

26. **ARE YOU AWARE OF ANY OF THE FOLLOWING AFFECTING ACCESS OR USE OF THE PROPERTY?**

	YES	NO	
27.	☐	☒	Encroachments
28.	☐	☒	Access Easements
29.	☐	☒	Utility Easements
30.	☐	☒	Unrecorded Easements
31.	☐	☒	Reciprocal Easement Agreement
32.	☐	☒	Restrictions on Legal or Physical Access
33.	☐	☒	Shared Use Agreements
34.	☐	☒	Use Permits
35.	☐	☒	Deed Restricitions
36.	☐	☒	Shared Fences/Walls
37.	☐	☒	Shared Driveways
38.	☐	☒	Shared Signage
39.	☐	☒	Leased Parking
40.	☐	☒	Grandfathered Uses
41.	☐	☒	Association Agreements
42.	☐	☒	Covenants, Conditions and Restrictions (CC&R's)
43.	☐	☒	Other (describe) n/a

44. If the answer to any of the preceding is yes, please explain. (Attach additional sheets if necessary).
45. .
46. .

E. COMPLIANCE WITH LAW/LEGAL MATTERS

47. **ARE YOU AWARE OF:**

	YES	NO	
48.	☐	☒	Any legal actions such as condemnation, pending or anticipated, that affect the Property?
49.	☐	☒	Any tenant bankruptcy proceedings?
50.	**Any violation of laws or regulations of the following:**		
51.	☐	☒	Zoning
52.	☐	☒	Building Code
53.	☐	☒	Occupational Safety and Health Administration (OSHA)
54.	☐	☒	Utility Service
55.	☐	☒	Sanitary Health Regulations
56.	☐	☒	Swimming Pools
57.	☐	☒	Covenants, Conditions and Restrictions (CC&R's)
58.	☐	☒	Americans With Disabilities Act (ADA)

59. If the answer to any of the preceding is yes, please explain and provide copies of any documentation you have pertaining to such
60. matters. (Attach additional sheets if necessary). .
61.
62.

F. CONTRACTUAL OBLIGATIONS

63. **ARE YOU AWARE OF ANY OF THE FOLLOWING CONTRACTUAL OBLIGATIONS AFFECTING THE PROPERTY?**

	YES	NO	
64.	☐	☒	Tenant Leases or Subleases
65.	☐	☒	Alarm/Security System Agreements
66.	☐	☒	Property Management Agreements
67.	☐	☒	Leased Equipment

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	YES	NO	
68.	☐	☒	Service Agreements such as Landscaping, Garbage/Waste Disposal
69.	☐	☒	Water Treatment Agreements
70.	☐	☒	Communications Systems or Cable System Agreements
71.	☐	☒	Other Equipment or Service Contracts or Agreements (describe)

72. If the answer to any of the preceding is yes, please explain. (Attach additional sheets if necessary).
73.

G. ENVIRONMENTAL FACTORS

74. **ARE YOU AWARE OF ANY OF THE FOLLOWING ENVIRONMENTAL FACTORS AFFECTING THE PROPERTY?**

	YES	NO	
75. 76.	☐	☒	Hazards or hazardous materials on the Property, such as asbestos; chemicals used in the manufacture of methamphetamine, LSD or Ecstasy; PCB transformers; dumps; pesticides; radon; oil or chemicals, now or in the past?
77.	☐	☒	Fuel or insecticide storage tanks (above or underground) on the Property, now or in the past?
78. 79.	☐	☒	Hazards or hazardous materials in close proximity to the Property, such as asbestos, dumps, pesticides, radon, oil, chemicals or underground fuel storage tanks, now or in the past?
80. 81.	☐	☒	Location within an area currently of environmental concern, e.g., Superfund, Water Quality Assurance Revolving Fund (WQARF) or Comprehensive Environmental Response Compensation and Liability Act (CERCLA) sites, etc.?
82.	☐	☒	Current or proposed noises, such as airports, freeways, or rail lines?
83.	☐	☒	Location within the vicinity of an airport (military, public or private)?
84.	☐	☒	Area odors, nuisances or pollutants?
85.	☐	☒	High voltage distribution towers or lines?
86.	☐	☒	Soil settlement, expansion, fissures or erosion now or in the past?
87. 88. 89.			**NOTICE TO BUYER: THE ARIZONA DEPARTMENT OF REAL ESTATE PROVIDES EARTH FISSURE MAPS TO ANY MEMBER OF THE PUBLIC IN PRINTED OR ELECTRONIC FORMAT UPON REQUEST AND ON ITS WEB SITE AT www.azre.gov.**
90.	☐	☒	Situated on or near a sanitary landfill?
91.	☐	☒	Location in a flood plain/way?
92.	☐	☒	Water-caused damage?
93.	☐	☒	Mold growth or conditions conducive to mold?
94.	☐	☒	Drywell (drainage)? If yes, Registration #

95. If the answer to any of the preceding is yes, please explain and provide copies of any documentation you have pertaining to such
96. matters. (Attach additional sheets if necessary).
97.
98. Describe any other known environmental factors that might affect the use or value of the Property no
99.
100. Buyers are advised to obtain an independent environmental assessment of the Property.

H. REPORTS/STUDIES

101. **DO YOU HAVE ANY OF THE FOLLOWING ITEMS CONCERNING THE PROPERTY?**

	YES	NO	
102.	☐	☒	Soils Test Report
103.	☐	☒	Land Survey
104.	☐	☒	Flood Plain Report
105.	☐	☒	Septic/Waste Disposal Reports/Certifications
106.	☐	☒	Registrations of Wells
107.	☐	☒	Any Environmental Site Assessments or Studies
108.	☐	☒	Title Reports
109.	☐	☒	Other

110. If the answer to any of the preceding is yes, please explain and provide copies of any reports/studies you have pertaining to such
111. matters. (Attach additional sheets if necessary).
112. >>

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I. MATERIAL PHYSICAL DEFECTS AND OTHER FACTORS

113. ARE YOU AWARE OF:

	YES	NO	
114.	☐	☒	Any structural, electrical, plumbing or other modifications made without necessary permits?
115.	☐	☒	Any past or present roof leaks or other roof problems?
116.	☐	☒	Any past or present insect infestation problems?
117.	☐	☒	Security lighting in parking and/or common areas?
118.	☐	☒	Any recorded and/or unrecorded liens against the Property?
119.	☐	☒	An archeological site on the Property?
120.	☐	☒	The Property being located in a designated historical district?
121.	☐	☒	Any insurance claim submitted on the Property?
122.	☐	☒	Any proposed land use changes relating to the adjacent or nearby Property, such as: new developments, zoning changes, or land trades?
124.	☐	☒	Any other material items on the Property or improvements and structures thereon that might affect the decision of a buyer to purchase/use the Property?
126.	☐	☒	Any defects/problems with the heating, ventilating, air conditioning, plumbing, electrical, fire safety, security, or lighting systems?

128. If the answer to any of the preceding is yes, please explain and provide copies of any documentation you have pertaining to such
129. matters. (Attach additional sheets if necessary).
130. .

131. What other material (important) information are you aware of concerning the Property that might affect the Buyer's decision-making
132. process, the value of the Property, or its use? Please explain: .
133.

134. **SELLER CERTIFICATION:** Seller certifies that the information contained herein is true and complete to Seller's knowledge as
135. of the date signed. Seller agrees that any material changes in the information contained herein will be disclosed by Seller to Buyer prior
136. to Close of Escrow.

137. Signed by: Oggie Penev as authorized signer 10/22/2026
^ SELLER'S SIGNATURE 8B5563B25A1702... MO/DA/YR ^ SELLER'S SIGNATURE MO/DA/YR

138. Ognyan Penev as authorized signer
SELLER'S NAME PRINTED SELLER'S NAME PRINTED

139. **By:** Oggie Penev as authorized signer

140. **Its:** member

141. **Reviewed and updated:** **Initials:** ____ / ____ ____
SELLER SELLER MO/DA/YR

142. **BUYER'S ACKNOWLEDGEMENT OF RECEIPT:** Buyer acknowledges that the information contained herein is based only on the
143. Seller's knowledge and is not a warranty of any kind. Buyer acknowledges that it is Buyer's obligation to investigate all material facts
144. regarding the property to Buyer's satisfaction. Buyer is encouraged to obtain property inspections by an independent third party and to
145. obtain other independent professional counsel as Buyer deems necessary. By signing below, Buyer hereby acknowledges receipt of a
146. copy of this Seller's Property Disclosure Statement.

147. If Buyer disapproves or is concerned about any item in this disclosure, it is the Buyer's responsibility and not the responsibility of the broker(s) or
148. agent(s) to investigate such items and to satisfy Buyer as to the condition of the Property within the Buyer's Due Diligence Period.

149. ^ BUYER'S SIGNATURE MO/DA/YR ^ BUYER'S SIGNATURE MO/DA/YR

150. BUYER'S NAME PRINTED BUYER'S NAME PRINTED

151. **By:**

152. **Its:**