

Lake County Association of REALTORS®

Lake County Real Estate Disclosure Advisory
(To be used in conjunction with the CAR form SBSA-Statewide Buyer and Seller Advisory)

This advisory applies to the following property: _____, Lake County, California.

AP Number: _____.

In considering whether or not to buy or sell property in Lake County, you should read and understand the matters contained in this Disclosure Advisory, as well as the information from the following sources: Seller's Transfer Disclosure Statement and any Natural Hazards Disclosures, as well as the California Association of REALTORS® Statewide Buyer and Seller Advisory ('SBSA'), the booklet entitled "Environmental Hazards: A Guide for Homeowners, Buyers, Landlords and Tenants (Includes Toxic Mold Update)/The Homeowners Guide to Earthquake Safety," the Buyers Inspection Advisory, and all other notices and information you have or receive regarding the inspection and condition of real property generally and the specific property you are considering buying or selling.

This advisory is not a substitute for any investigations, inspections or warranties the buyer should obtain. The information contained herein is not part of the contract to buy or sell the above property, and is not a warranty of any kind by the seller or any agent(s) representing either the buyer or the seller in the purchase and sale of the above property. This advisory provides the parties with suggestions on where to obtain general information regarding issues specific to Lake County. Those suggestions are not intended to be an exhaustive list regarding where to obtain further information on the matters referred to herein, and the undersigned acknowledges that it is the solely the responsibility of the buyer and seller to obtain information through their own inspections with respect to the subject property.

1. **WATER CONSERVATION ORDINANCE:** Lake County has enacted a Water Conservation Ordinance that applies to all properties served by sewer systems maintained by the Lake County Sanitation District, which requires all toilet fixtures and shower heads that are not "low flow" to be replaced with the "low flow" type prior to close of escrow. The seller must provide the manufacture's name and model number of the replacement fixtures and heads to the Lake County Sanitation District for approval. To determine whether the property is affected by this Ordinance, and for more information, the parties are advised to contact Lake County Special Districts at (707) 263-0119. http://www.co.lake.ca.us/Government/Directory/Special_Districts/Water_Systems/Water_Conservation_Tips.htm
2. **THE CALIFORNIA LAND CONSERVATION (WILLIAMSON) ACT:** In 1965 the California Legislature passed the California Land Conservation Act, better known as the Williamson Act. The purpose of this Act is to preserve agricultural and open space lands by discouraging premature and unnecessary conversion to urban uses. The Act creates an arrangement whereby private landowners contract with counties and cities to voluntarily restrict land to agricultural and open-space uses. Property in Lake County may be affected by this Act and buyers are encouraged to check with the County of Lake to help them identify if the proposed property is subject to the Act by calling the Lake County Agriculture Department at (707) 263-0217. More information about the Williamson Act can be obtained at the California Department of Conservation's website: <http://www.conservation.ca.gov/dlrp/lca/Pages/Index.aspx>
3. **WATER DISTRICTS:** Buyer/buyers are advised to check on the water district, its rates and legal liabilities.
4. **SEPTIC SYSTEM:** Lake County produces pamphlets containing information on septic tanks and wells which can be found at: <http://www.co.lake.ca.us/Assets/Health/EH+docs/Land+Development/Maintaining+Your+Septic+System.pdf?method=1>
<http://www.co.lake.ca.us/Assets/Health/EH+docs/Land+Development/Information+About+Contaminated+Wells.pdf?method=1>
5. **ALTERNATIVE SEPTIC SYSTEMS:** Alternative Septic Systems are legal in Lake County. They must be registered with the county health department and inspected twice a year. The inspections are mandatory and must be recorded with the county. The cost of the inspections is set by the contractor and may vary. It is advised that the buyer/buyers understand the Alternative Septic System, its operation, and all maintenance costs.
6. **WELL INSPECTION:** The agents and seller urge the buyer to conduct an independent inspection of the property and to have the well(s) thoroughly inspected for water potability, GPM (flow) and condition of equipment by a licensed, competent professional selected by the buyer.
7. **MOSQUITOES:** The County can be subject to mosquitoes at various times of the year. Mosquitoes have been known to spread diseases including West Nile Virus. The county has an active abatement program through Vector Control.

Standing water including neglected swimming pools can be a breeding ground for mosquitoes and can be reported to Lake County Vector Control at (707) 263-4470 or levcd@mchsi.com.

8. **SEAWALLS:** Buyer/buyers are advised to investigate the condition of the property seawall, its construction, maintenance, and replacement costs.
9. **LAKE CONDITIONS:**
 - a. **RUMSEY GAUGE:** A measurement used to address issues pertaining to lake level management. In past years lake level has exceeded 11.5 feet above "0" Rumsey, causing extensive damage to many properties. The reading on the Rumsey Gauge will vary throughout the year.
 - b. **ALGAE:** A natural part of the lake for thousands of years. Generally the algae flourish during the hotter months of the year. Certain types of algae in the lake will emanate a distinct odor certain times of the year.
 - c. **MERCURY:** The levels of Mercury in the lake may vary depending on location. Monitoring is an ongoing program by government officials.
 - d. **LAKEBED MANAGEMENT:** Lake County Public Works manages, among other things, the lakebed up to 7.79 feet above "0" Rumsey. This department also issues Administrative Encroachment Permits and Leases for piers, boat ramps, buoys, jetties, breakwater, filling and dredging. Buyer is advised to contact Public Works (707) 263-2341 for further information.
 - e. **DEPARTMENT OF FISH AND GAME:** A State agency that handles issues pertaining to water and wildlife management. Buyer is advised to call California Department of Fish and Game office in Lake County at (707) 944-5500 for further information.
 - f. **PIERS, BOAT RAMPS AND ENCROACHMENTS:** Construction, use and maintenance are monitored and controlled by State and County agencies. In general, any lakefront property owner with a pier, boat ramp or lakebed encroachment will have to sign a lease through Lakebed Management.
 - g. **STATE PROPERTY:** All property from "0" Rumsey inward is in the public land trust. Land owners are not permitted to build in this area.
 - h. **FLOOD INSURANCE:** Most lenders will require flood insurance for homes and/or improvements located within certain areas of Lake County. The County has information identifying those areas. An evaluation survey can be accomplished to determine exact location.
 - i. **WETLANDS:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. These generally include swamps, bogs, marshes and similar areas. There are special laws and restrictions that apply to use of these lands. For more information, contact Lake County Public Works at (707) 263-2341.
 - j. **PUBLIC TRUST RIGHT-OF-WAY AND EASEMENT:** In most cases the public has the right to travel anywhere there is water. However, this may not be the case when a river or creek crosses over private property. Actual boundaries concerning a water easement/right-of-way should be determined on a parcel by parcel basis.
 - k. **RECLAMATION LANDS:** These are areas that have been reclaimed from the lake and converted to agricultural and residential use. These areas may be subject to heavy flooding. There are several reclamation areas in Lake County most of which are in Nice/Upper Lake areas. Special requirements are levied on homes built within a reclamation district.
 - l. **EROSION:** Erosion will occur on all property. The extent of erosion is often proportional to the care taken to prevent the process. Wave action caused by boats, wind or other factors can accelerate the erosion process significantly.
 - m. **EARTH EXPANSION AND CONTRACTION:** Water levels, rain, run-off, evaporation, etc. can cause some soils to expand and contract. In some cases, based on soil type, this causes settling and/or swelling of the land beneath a structure. This type of action, among other things, can cause foundations to crack and separate.

- n. **LANDFILL:** Many of the properties bordering canals, creeks and in some cases the lake, has had some sort of land fill. The type of compacting density of the fill plays an important role in property stability over the years. Areas such as the Keys in Clearlake Oaks, Lands End in Lakeport, Highlands Harbor in Clearlake, and Kono Tayee/Paradise Cove in Lucerne are just some of the areas in Lake County known to have land fill.
 - o. **RIPARIAN RIGHTS:** In some cases a property owner will have reasonable riparian rights to water crossing over or adjacent to their property. Water rights in California are always receiving legislative attention. Property owners are advised to keep abreast of the laws that will affect them.
 - p. **QUAGGA AND ZEBRA MUSSELS:** All water vessels using water bodies in Lake County are required to have a mandatory inspection for Quagga and Zebra Mussels. All vessels are required to have an Inspection Sticker prior to launching. Effective July 1, 2008 an inspection fee will be charged. Further, a ban is in place that prohibits the disposal of live bait and any liquid that contains or has contained live bait into Lake County water bodies. More information may be obtained by going to the Lake County website: http://www.co.lake.ca.us/Government/Directory/Water_Resources/Mussel_Prevention.htm
10. **PROPERTY LINE:** The above stated property that is being offered for purchase may or may not have been surveyed for the purpose of this transaction. If the property is fenced or partially fenced, that fencing may not coincide with the **exact** location of the boundary lines. Any flagging found upon the property may not coincide with the exact location of the boundary lines. The buyer(s) have read and understand the above. The buyer(s) are offering to purchase property that has not been surveyed for this transaction. The Buyer(s) realize that only a licensed surveyor can make an exact representation as to the location of the boundary lines, corners, or land areas (i.e. acreage).

Further, the sellers, Real Estate Broker and the Agents recommend buyer(s) employ a licensed surveyor to ascertain the exact location of the boundaries or land areas. For more information consult the website for the California Board for Professional Engineers and Land Surveyors: <http://www.pels.ca.gov/>

11. **Highway and Road Construction:** The County of Lake and the State of California may have plans to expand some of the county roads and state highways within Lake County. Buyer/Buyers who may have concerns are urged to check with the County and/or CalTrans about any proposed road projects. Buyer/Buyers may contact the County of Lake Department of Public works at (707) 263-2341 or visit the website at:

<http://www.co.lake.ca.us/Business/WithCounty/DPWProjects.htm>.

Caltrans can be contacted at (707) 441-4678 or their website may be visited at:

<http://www.caltrans.ca.gov/>.

12. **Archaeological Sites:** Buyer/buyers are advised that Lake County has many recorded and undiscovered archaeological sites. This information is confidential, and real estate agents do not have access to it, or the training to recognize them. While these will not affect the vast majority of real estate parcels, they may complicate development plans. Buyer/buyers should consult a licensed archaeologist if they are concerned about the possible presence of sites on a property they are purchasing.
13. **SERPENTINE SOIL:** This is to advise you that Serpentine rock is present in the soils of Lake County and may either exist on the above property or in its vicinity. Serpentine rock, which can contain naturally-occurring asbestos, may pose a health hazard to those exposed to ambient asbestos fibers in dust caused by surface mining, grading, and the use of serpentine rock as a surface material for unpaved roads. Buyer acknowledges that real estate brokers and agents do not have the background skill and expertise necessary to evaluate the existence of or the potential risk presented by the existence of Naturally-Occurring Asbestos and Serpentine Rock on or within the vicinity of the property. As with any other potential environmental hazard, Brokers advise you as a buyer of the above property to fully investigate and satisfy yourself as to the existence of exposed Serpentine rock on the property or within its vicinity or any Serpentine-surfaced roads within the vicinity of the property and the hazards, if any, posed thereby. That investigation should include consulting with appropriate expert(s) who can identify and test any exposed rock on the property or within its vicinity to determine whether it may present a health risk to buyer. Such experts may include a geologist, environmental engineer, and/or a state certified asbestos inspector. Third party companies that review state and local maps and prepare disclosure reports are not an appropriate source for making these site-specific determinations.

BUYERS ARE ENCOURAGED TO REVIEW ALL RELEVANT INFORMATION RESULTING FROM GOVERNMENTAL STUDIES AND OTHER INFORMATION PERTAINING TO THE RISK OF EXPOSURE TO HARMFUL FORMS OF NATURALLY-OCCURRING ASBESTOS FIBERS PRIOR TO REMOVING THEIR INSPECTION CONTINGENCY. THE FOLLOWING GOVERNMENT AGENCIES, AMONG OTHER SOURCES, HAVE INFORMATION AND/OR WEBSITES THAT BUYERS CAN CHECK:

- Lake County Air Quality Management District: (707) 263-7000 and at <http://www.lcaqmd.net/>

- US Environmental Protection Agency: (415) 947-8000, U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, <http://www.epa.gov/region09/toxic/noa>
 - US Agency for Toxic Substances and Disease Registry: <http://www.atsdr.cdc.gov>
 - California Department of Toxic Substances Control: <http://www.dtsc.ca.gov>
14. **SEISMIC ACTIVITY:** Lake County can be subject to seismic activity, both natural and induced. Induced seismicity refers to seismic events that are caused by human activities, such as fluid injection into and production from energy reservoirs that alter the stresses and strains on the earth's crust.
 15. **GEOTHERMAL OPERATIONS:** Geothermal Operations are conducted in some areas of the County. Geothermal operations could create environmental issues including but not limited to: water pollution, land subsidence, erosion, air quality pollution, noise pollution, generation of hazardous materials and seismic activity. Existing owners and purchasers of property within or near potential geothermal areas should be advised of likely geothermal operations in the area by regularly updated maps available at the Lake County Community Development Department, (707) 263-2221. For more information on Geothermal Operations and seismicity buyers and sellers may visit the Calpine websites at <http://www.geysers.com/> or <http://www.calpine.com/index.asp>. Buyer is advised to contact the Anderson Springs Water District at (707) 987-0277 to review testing, oversight and overall water quality in the Geothermal Operations area.
 16. **MANUFACTURED HOME:** is a structure that is transportable in one or more sections. In traveling mode, the home is eight feet or more in width and forty feet or more in length. A Manufactured Home is designed and constructed to the Federal Manufactured Construction and Safety Standards and is so labeled. For more information see the HUD webpage on general requirements for manufactured homes at: <http://www.hud.gov/offices/hsg/sfh/ref/sfhp1-9a.cfm>
 17. **MOBILE HOME:** is a structure designed for human habitation and for being transportable on a street or highway under permit pursuant to California Vehicle Code Section 35790, and as defined in Section 18008 of the Health & Safety Code. "Mobile home" does not include a recreational vehicle as defined in 18010 of the Health & Safety Code, or a commercial coach, as defined in Section 18001.8 of the Health & Safety Code. Mobile Homes are regulated by the Department of Housing and Community Development (HCD). In accordance with the California Health and Safety Codes, Mobile Homes cannot be offered for sale, transferred, rented or leased unless the unit is in compliance with the construction code applicable for that year/model. Seller/Buyer is advised that HCD is the only agency authorized to inspect and certify compliance. Seller/Buyer may obtain inspections from any individual they so desire, however, the inspection/repair may not be to a level satisfactory with HCD requirements and therefore may not be in compliance. This inspection is not currently required by law unless the unit has been modified/improved without an HCD inspection. In any case, we recommend that either/both parties consider an HCD inspection. BUYER AND SELLER UNDERSTAND THAT ANY DEFECTS DISCOVERED BY AN HCD INSPECTION MUST BE CORRECTED WHETHER THE MOBILE HOME TRANSFERS OWNERSHIP/RENTS/LEASES OR NOT. A SECOND INSPECTION WILL NEED TO BE CONDUCTED TO VERIFY COMPLIANCE. For more information contact HCD Department of Codes & Standards at(916) 445-3338
 18. **MOBILE HOME AGE VERSUS RESIDENCY IN A MOBILE HOME PARK:** Park owner may terminate the space rental agreement if the mobile home is over a certain age. Eligibility for termination is triggered when the mobile is transferred. Buyers/Sellers are advised to consult the park owner/manager as early as possible before the close of escrow.
 19. **MOBILE HOME PARK VACANCY RATES OF 20% OR MORE:** Any mobile home park owner or operator in the County that has a vacancy rate of 20% or greater of the total number of spaces in existence in the mobile home park shall file with the Community Development Director a written notice informing the County of the current vacancy rate at the park. The written notice to the Community Development Director shall clearly state any known reasons for the vacancy rate to be in excess of 20% and whether or not the property owner intends in the immediate future to convert the mobile home park to another use. More information can be obtained in County Ordinance 2836. Buyers may contact the Clerk to the Board of Supervisors at (707) 263-2371 to obtain copies of ordinance.
 20. **COVENANTS, CONDITIONS & RESTRICTIONS (CC&Rs), HOMEOWNERS' ASSOCIATIONS (HOAs) AND THE RIGHT TO FARM:** buyers and sellers are advised that some areas may be subject to CC&Rs, Homeowners' Association rules, fees and regulations and/or the Right to Farm. Buyers are advised to obtain and review a copy of the HOA rules and regulations prior to lifting contingencies, and to obtain and review a copy of the CC&Rs referenced in the preliminary title report. HOA rules and regulations may be obtained through the seller or their agent; CC&Rs may be obtained through a request to your escrow officer and the Right to Farm Disclosure can be obtained from the agent.
 21. **CITIES OF LAKEPORT AND CLEARLAKE:** These cities may have their own ordinances other than the County ordinances. Buyers/Sellers should contact the City Clerk to get information about each of the cities' respective ordinances. The Lakeport City Clerk can be reached at 707-263-5615. The City of Clearlake City Clerk can be reached at 707-994-8201 x106.

22. **THE PARTIES ACKNOWLEDGE THE FOLLOWING REGARDING THE BROKER:**

Broker does not warrant or guarantee the condition of the Property;

Broker shall not be responsible for failure to disclose to buyer facts regarding the condition of the property where the condition (i) is unknown to Broker or (ii) is not capable of being seen by Broker because it is in an area of the property that is reasonably and normally inaccessible to a Broker;

Broker has not verified square footage or size of structures or land, boundary lines of the property, representations made by others (including but not limited to the seller), information contained in inspection reports or in the Multiple Listing Service or that has been copied there from or in advertisements, flyers or other promotional material, or any other matters described in this Disclosures and Disclaimers Advisory, unless otherwise agreed in writing;

Broker does not guarantee and shall not be responsible for the labor or services or products provided by others to or on behalf of buyer or seller and does not guarantee and shall not be responsible for the quality, adequacy, completeness or code compliance of repairs made by seller or by others;

Broker does not decide what price buyer should pay or seller should accept; and
Broker is not qualified to give legal, tax, insurance or title advice.

23. **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original.

THE UNDERSIGNED ACKNOWLEDGE RECEIPT OF THIS 5-PAGE DOCUMENT

Date: _____
BUYER

Date: _____
BUYER

Date: _____
SELLER

Date: _____
SELLER