

ADDENDUM REGARDING SEPTIC SYSTEMS

This is in reference to the Purchase Agreement covering the property commonly known as _____,
_____ dated _____,
between _____ the Seller,
and _____ the Buyer.

The above property is not presently connected to a public sewer system. Waste water disposal is by a private individual septic system located on the property. If a public system is developed in the future, the property owner may be required to connect to such system at the owner's expense.

The design, quality, and condition of individual septic systems can vary widely, and individual systems can be in good condition or can be virtually nonexistent and completely failing. A septic system is an underground structure that cannot be easily inspected and may be difficult to locate on the property, even by experts. In fact, a complete inspection of the system could be destructive to the system itself. Besides the system's design and physical condition, the performance of a septic system can vary strongly with seasons, soil conditions, slope, water table characteristics, load and physical use of the property.

Among the most frequent signs of possible problems with a septic system that may be observed in a non-expert inspection are: odor, sewage, or dampness on the surface of the property. Other indications could be a back-up of water in the tank or back-up of waste lines in the house. All of these conditions can be irregular in occurrence and may not be evident on inspection, or could be caused by problems with the septic system. Absence of these indications does not mean there are no problems with the septic system.

Past and present performance of the system is not necessarily a predictor of future performance, and systems can deteriorate over time. A septic system can have many problems that cannot be easily determined even by a person skilled in inspecting septic systems. Problems can include, but are not limited to: failure to meet code requirements, insufficient capacity, inadequate or failing leach lines, inadequate or defective tanks, undersize tanks, infiltration by roots, crushed or separated pipe, and damage from improper use and maintenance. An improperly functioning system can be expensive to correct, can be a major nuisance, and can cause serious health problems. In rare cases, the impossibility of constructing an acceptable system on a property can result in abatement of the use of the property for dwelling purposes.

Expansion (for example, in case of any remodeling of the dwelling or to replace failed septic systems), maintenance, repair, and replacement of septic systems can be expensive and, under some circumstances, may not be permitted under current codes. Such circumstances may require the adoption of a more expensive alternative to the existing system. Additionally, expansion may be conditioned on conducting a successful percolation test on the property, which generally can only be done during certain times of the year and depends on weather conditions and ground water levels. Many existing septic systems were built prior to the adoption of current codes and are not in compliance. Applicable codes can and do change, and are generally required for all maintenance and repair work performed on a system. The Buyer should be aware that redwood tanks, which were common in early construction and could exist on the property, generally do not meet current code requirements.

REAL ESTATE AGENTS HAVE NO EXPERTISE, KNOWLEDGE, OR ABILITY CONCERNING THE OPERATION, INSPECTION, OR CODES APPLICABLE TO SEPTIC SYSTEMS. The Seller has not disclosed to Seller's Agent or Buyer's Agent any problems with the septic system except those which have been listed in any required disclosure statements or the Purchase Agreement. Buyer's Agent and Seller's Agent have conducted a visual inspection of the property for indications of problems with the system and have not discovered any such indications except those listed in any required disclosure statements or the Purchase Agreement.

The fact that there are no apparent indications concerning potential problems with the septic system does not mean that there are no current problems, or that problems will not develop. **THE AGENTS AND THE SELLER URGE THE BUYER TO CONDUCT AN INDEPENDENT INSPECTION OF THE PROPERTY AND TO HAVE THE SEPTIC SYSTEM THOROUGHLY INSPECTED BY LICENSED, COMPETENT PROFESSIONALS SELECTED BY THE BUYER.** (By furnishing the Buyer the names of inspectors, the Agents do not warrant or guaranty in any way the work of the inspector). A competent expert inspection should include hydraulic testing for sufficient fluid-handling capacity, an examination of the property, pumping and visually inspecting the tank and, where considered necessary, exposing and inspecting a portion of the leach lines. Visual inspection of the tank alone is insufficient. **THE SELLER DOES NOT WARRANT THE CONDITION OF THE SEPTIC SYSTEM.** This addendum supersedes any contrary provision in the purchase agreement concerning the condition of the plumbing system.

This Addendum, upon its execution by both parties, is made a part of the above Agreement.

Buyer _____ Date _____ Buyer _____ Date _____

Seller _____ Date _____ Seller _____ Date _____

CAUTION: The copyright laws of the United States forbid the unauthorized reproduction of this form by any means including scanning or computerized formats.

FORM 110.72 (11-2002) COPYRIGHT BY PROFESSIONAL PUBLISHING, NOVATO, CA

Form generated by: TrueForms™ from REVEAL SYSTEMS, Inc. 800-499-9612

 **PROFESSIONAL
PUBLISHING**