

1 AN ACT concerning property.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Residential Real Property Disclosure Act
5 is amended by changing Section 35 as follows:

6 (765 ILCS 77/35)

7 Sec. 35. Disclosure report form. The disclosures
8 required of a seller by this Act shall be made in the
9 following form:

10 RESIDENTIAL REAL PROPERTY DISCLOSURE REPORT

11 NOTICE: THE PURPOSE OF THIS REPORT IS TO PROVIDE
12 PROSPECTIVE BUYERS WITH INFORMATION ABOUT MATERIAL DEFECTS IN
13 THE RESIDENTIAL REAL PROPERTY. THIS REPORT DOES NOT LIMIT
14 THE PARTIES' RIGHT TO CONTRACT FOR THE SALE OF RESIDENTIAL
15 REAL PROPERTY IN "AS IS" CONDITION. UNDER COMMON LAW,
16 SELLERS WHO DISCLOSE MATERIAL DEFECTS MAY BE UNDER A
17 CONTINUING OBLIGATION TO ADVISE THE PROSPECTIVE BUYERS ABOUT
18 THE CONDITION OF THE RESIDENTIAL REAL PROPERTY EVEN AFTER THE
19 REPORT IS DELIVERED TO THE PROSPECTIVE BUYER. COMPLETION OF
20 THIS REPORT BY THE SELLER CREATES LEGAL OBLIGATIONS ON THE
21 SELLER; THEREFORE THE SELLER MAY WISH TO CONSULT AN ATTORNEY
22 PRIOR TO COMPLETION OF THIS REPORT.

23 Property Address:
24 City, State & Zip Code:
25 Seller's Name:

26 This Report is a disclosure of certain conditions of the
27 residential real property listed above in compliance with the
28 Residential Real Property Disclosure Act. This information
29 is provided as of ...(month) ...(day) ...(year), and does not
30 reflect any changes made or occurring after that date or
31 information that becomes known to the seller after that date.

1 The disclosures herein shall not be deemed warranties of any
2 kind by the seller or any person representing any party in
3 this transaction.

4 In this form, "am aware" means to have actual notice or
5 actual knowledge without any specific investigation or
6 inquiry. In this form, "material defect" means a condition
7 that would have a substantial adverse effect on the value of
8 the residential real property or that would significantly
9 impair the health or safety of future occupants of the
10 residential real property unless the seller reasonably
11 believes that the condition has been corrected.

12 The seller discloses the following information with the
13 knowledge that even though the statements herein are not
14 deemed to be warranties, prospective buyers may choose to
15 rely on this information in deciding whether or not and on
16 what terms to purchase the residential real property.

17 The seller represents that to the best of his or her
18 actual knowledge, the following statements have been
19 accurately noted as "yes" (correct), "no" (incorrect), or
20 "not applicable" to the property being sold. If the seller
21 indicates that the response to any statement, except number
22 1, is yes or not applicable, the seller shall provide an
23 explanation, in the additional information area of this form.

24	YES	NO	N/A	
25	1	Seller has occupied the property within the last 12 months. (No explanation is needed.)
28	2.	I am aware of flooding or recurring leakage problems in the crawl space or basement.
31	3.	I am aware that the property is located in a flood plain or that I currently have flood hazard insurance on the property.

1 16. I am aware of unsafe concentrations
 2 of or unsafe conditions relating
 3 to lead paint, lead water pipes,
 4 lead plumbing pipes or lead in
 5 the soil on the premises.

6 17. I am aware of mine subsidence,
 7 underground pits, settlement,
 8 sliding, upheaval, or other earth
 9 stability defects on the
 10 premises.

11 18. I am aware of current infestations
 12 of termites or other wood boring
 13 insects.

14 19. I am aware of a structural defect
 15 caused by previous infestations
 16 of termites or other wood boring
 17 insects.

18 20. I am aware of underground fuel
 19 storage tanks on the property.

20 21. I am aware of boundary or lot line
 21 disputes.

22 22. I have received notice of violation
 23 of local, state or federal laws
 24 or regulations relating to this
 25 property, which violation has not
 26 been corrected.

27 23. The property is within one mile
 28 of a firing range.

29 Note: These disclosures are not intended to cover the
 30 common elements of a condominium, but only the actual
 31 residential real property including limited common elements
 32 allocated to the exclusive use thereof that form an integral
 33 part of the condominium unit.

34 Note: These disclosures are intended to reflect the

1 current condition of the premises and do not include previous
2 problems, if any, that the seller reasonably believes have
3 been corrected.

4 If any of the above are marked "not applicable" or "yes",
5 please explain here or use additional pages, if necessary:

6
7
8

9 Check here if additional pages used:

10 Seller certifies that seller has prepared this statement
11 and certifies that the information provided is based on the
12 actual notice or actual knowledge of the seller without any
13 specific investigation or inquiry on the part of the seller.
14 The seller hereby authorizes any person representing any
15 principal in this transaction to provide a copy of this
16 report, and to disclose any information in the report, to any
17 person in connection with any actual or anticipated sale of
18 the property.

19 Seller: Date:

20 Seller: Date:

21 THE PROSPECTIVE BUYER IS AWARE THAT THE PARTIES MAY
22 CHOOSE TO NEGOTIATE AN AGREEMENT FOR THE SALE OF THE PROPERTY
23 SUBJECT TO ANY OR ALL MATERIAL DEFECTS DISCLOSED IN THIS
24 REPORT ("AS IS"). THIS DISCLOSURE IS NOT A SUBSTITUTE FOR
25 ANY INSPECTIONS OR WARRANTIES THAT THE PROSPECTIVE BUYER OR
26 SELLER MAY WISH TO OBTAIN OR NEGOTIATE. THE FACT THAT THE
27 SELLER IS NOT AWARE OF A PARTICULAR CONDITION OR PROBLEM IS
28 NO GUARANTEE THAT IT DOES NOT EXIST. THE PROSPECTIVE BUYER IS
29 AWARE THAT HE MAY REQUEST AN INSPECTION OF THE PREMISES
30 PERFORMED BY A QUALIFIED PROFESSIONAL.

31 Prospective Buyer: Date: Time:

32 Prospective Buyer: Date: Time:

33 (Source: P.A. 90-383, eff. 1-1-98; 91-357, eff. 7-29-99.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.