

# DISCLOSURE OF SPECIAL ASSESSMENT OF DISTRICT LIENS

(Pursuant to California Civil Code Section 1102.6 a)

## LOCAL OPTION

### REAL ESTATE TRANSFER DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA, DESCRIBED AS:

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

THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH ORDINANCE NUMBER 3674, AMENDING SECTION 13.08.060 OF THE MUNICIPAL CODE OF THE CITY OF BAKERSFIELD AS OF OCTOBER 27, 1995. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THAT PRINCIPAL(S) MAY WISH TO OBTAIN.

### I. SELLERS INFORMATION

The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether, and on what terms, to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER(S) AS REQUIRED BY THE CITY OF BAKERSFIELD, AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

### SPECIAL ASSESSMENT DISTRICT LIENS

1.  The property is subject to one or more Special Assessment District Liens, as set forth on the attached copy of the \_\_\_\_\_ - \_\_\_\_\_ Kern County Property Tax Bill.

2.  The property is subject to one or more Special Assessment District Liens as follows: (Describe nature and amount of lien(s)):

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

3.  Other (explain):

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

Buyer should contact the City of Bakersfield at 661/326-3058 for further information concerning the above.

Seller certifies that the information herein is true and correct to the best of the Seller's knowledge as of the date signed by the Seller, and acknowledges receipt of a copy of this statement.

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

**BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/ OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER(S) AND SELLER(S) WITH RESPECT TO ANY ADVICE/ INSPECTIONS/ DEFECTS.**

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT

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

Agent (Broker Representing Seller): \_\_\_\_\_ By \_\_\_\_\_ Date: \_\_\_\_\_  
Agent (Broker Representing Buyer): \_\_\_\_\_ By \_\_\_\_\_ Date: \_\_\_\_\_

A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE. IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY

## ORDINANCE NO. 3674

### AN ORDINANCE AMENDING SECTION 13.08.060 OF THE BAKERSFIELD MUNICIPAL CODE RELATING TO NOTICE TO BUYERS OF SPECIAL ASSESSMENT DISTRICT LIENS.

BE IT ORDAINED by the Council of the City of Bakersfield as follows:

#### SECTION 1.

Section 13.08.060 of the Bakersfield Municipal Code is hereby amended to read as follows:

##### **13.08.060 Notice to Buyer.**

**A. Delivery of Local Addendum TDS.** All transferrors (sellers) of real property (including developers) subject to any special assessment district liens in the City of Bakersfield shall deliver to the buyer a completed Local Addendum Transfer Disclosure Statement pursuant to California Civil Code section 1102.6(a), in which the nature and amount of all existing and/or proposed special assessment liens regarding the property shall be set forth plainly and concisely. This requirement applies to transfers by sale, exchange, installment land sale contracts (as defined in Civil Code section 2985), lease with option to purchase, any other option to purchase, or ground lease coupled with improvements, unless the transfer is exempt as set forth in Paragraph C below. If the seller is unaware of the exact amount of the special assessment lien, the seller shall estimate the lien amount based on information and knowledge available or known to seller at the time of the disclosure.

**B. Time of Delivery.** In the case of transfers of new one-to-four unit residential properties wherein the transferrer is a developer or original builder and the residential property has not previously been occupied, the Local Addendum Transfer Disclosure Statement shall be delivered to the buyer at or prior to the time the buyer enters into a contract for the sale of the property. In all other cases, the Local Addendum Transfer Disclosure Statement shall be delivered to the buyer within five days after entering into a contract for the sale of the property.

**C. Exempt Transfers.** Transfers made pursuant to Business and Professions Code Section 11010.4 (sales of new 1-4 unit residential properties where no public report is required) shall not be exempt from the requirements of this ordinance. However, each of the remaining categories of exempt transfers described in California Civil Code Section 1102.01, as set forth below, shall be exempt transfers from the requirements of this ordinance, to wit:

1. Transfers pursuant to Court Order (such as probate sales, sales by bankruptcy trustee, etc.);
2. Transfers by foreclosure (including a Deed in Lieu of Foreclosure and a transfer by a beneficiary who has acquired the property by foreclosure or Deed in Lieu of Foreclosure);
3. Transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
4. Transfers from one co-owner to one or more other co-owners;
5. Transfers made to a spouse or to a direct blood relative;
6. Transfers between spouses in connection with a dissolution of marriage or similar proceeding;
7. Transfers by the State Controller pursuant to the Unclaimed Property Law;
8. Transfers as a result of a failure to pay property taxes;
9. Transfers or exchanges to or from any governmental entity.

#### SECTION 2.

This ordinance shall be posted in accordance with provisions of the Bakersfield Municipal Code and shall become effective thirty (30) days from and after the date of its passage.

Amended by the City Council, City of Bakersfield, September 27, 1995.

