

Affidavit of Disclosure Instructions

- A. A seller of five or fewer parcels of land, other than subdivided land, in an unincorporated area of a county and any subsequent seller of such a parcel shall complete and furnish a written affidavit of disclosure to the buyer at least seven days before the transfer of the property and the buyer shall acknowledge receipt of the affidavit.**
- B. The affidavit must be written in twelve-point type.**
- C. A release or waiver of a seller's liability arising out of any omission or misrepresentation contained in an affidavit of disclosure is not valid or binding on the buyer.**
- D. The buyer has the right to rescind the sales transaction for a period of five days after the affidavit of disclosure is furnished to the buyer.**
- E. The seller shall record the executed affidavit of disclosure at the same time that the deed is recorded. The county recorder is not required to verify the accuracy of any statement in the affidavit of disclosure. A subsequently recorded affidavit supersedes any previous affidavit.**
- F. The affidavit of disclosure shall contain all of the following disclosures, be completed by the seller, meet the requirements of section 11-480 and follow substantially the following form:**
- G. For the purposes of this section, seller and subsequent seller do not include a trustee of a deed of trust who is selling property by a trustee's sale pursuant to chapter 6.1 of this title or any officer who is selling property by execution sale pursuant to title 12, chapter 9 and chapter 6 of this title. If the seller is a trustee of a subdivision trust as defined in section 6-801, the disclosure affidavit required by this section shall be provided by the beneficiary of the subdivision trust.**

When recorded mail to:

Affidavit of Disclosure

Pursuant to A.R.S. § 33-422

I, Manzana Orchards, LLC (seller(s)) being duly sworn, hereby make this affidavit of disclosure relating to the real property situated in the unincorporated area of:

Graham, County, State of Arizona, located at:

Ash Creek Road, Willcox, AZ – APN's 114-22-064B

and legally described as:

(Legal description attached hereto as exhibit "A")

(property).

1. There ☒ is ☐ is not legal access to the property, as defined in A.R.S. § 11-831 .
. . . ☐ unknown

Explain:

2. There ☒ is ☐ is not physical access to the property. ☐ unknown

Explain:

3. There ☐ is ☒ is not a statement from a licensed surveyor or engineer available stating whether the property has physical access that is traversable by a two-wheel drive passenger motor vehicle.

4. The legal and physical access to the property ☒ is ☐ is not the same....
☐ unknown ☐ not applicable.

Explain: _____

If access to the parcel is not traversable by emergency vehicles, the county and emergency service providers may not be held liable for any damages resulting from the inability to traverse the access to provide needed services.

5. The road(s) is/are ☐ publicly maintained ☒ privately maintained ☐ not maintained ☐ not applicable. If applicable, there ☐ is ☐ is not a recorded road maintenance agreement.

If the roads are not publicly maintained, it is the responsibility of the property owner(s) to maintain the roads and roads that are not improved to county standards and accepted for maintenance are not the county's responsibility.

6. A portion or all of the property ☒ is ☐ is not located in a FEMA designated regulatory floodplain. If the property is in a floodplain, it may be subject to floodplain regulation.

7. The property ☐ is ☐ is not subject to ☐ fissures or ☐ expansive soils.
☒ unknown

Explain: _____

8. The following services are currently provided to the property: ☒ water ☐ sewer
☒ electric ☐ natural gas ☐ single party telephone ☒ cable television services.

9. The property ☐ is ☒ is not served by a water supply that requires the transportation of water to the property. If the property is served by a water supply that requires the transportation of water to the property, the seller shall disclose the name and contact information of the water hauler or water hauling company that is currently providing the transportation services to the property and the name and location of the water supply from which the water is currently being transported.

Water hauler name: _____ Phone: _____

Water supply: _____ Location: _____

10. The property is served by ☐ a private water company ☐ a municipal water provider ☒ a private well ☐ a shared well ☐ no well. If served by a shared well, the shared well ☐ is ☐ is not a public water system, as defined by the safe drinking water act (42 United States Code § 300f).

Notice to buyer: If the property is served by a well, a private water company or a municipal water provider the Arizona department of water resources may not have made a water supply determination. For more information about water supply, contact the water provider.

11. The property or the water used on the property ☐ is ☐ is not the subject of a statement of claimant for the use of water in a general adjudication of water rights.
☒ unknown.

This is a lawsuit to determine the use of and relative priority of water rights. A map of adjudicated areas is available at the website of the department of water resources.

12. The property ☒ does have ☐ does not have an on-site wastewater treatment facility (i.e., standard septic or alternative system to treat and dispose of wastewater).
☐ unknown. If applicable: a) The property ☐ will ☐ will not require installation of an on-site wastewater treatment facility; b) The on-site wastewater treatment facility
☐ has ☐ has not been inspected.

13. The property ☐ has been ☐ has not been subject to a percolation test. ☒ unknown.

14. The property ☒ does have ☐ does not have one or more solar energy devices that are ☐ leased ☒ owned.

If the solar energy devices are leased, the seller shall disclose the name and contact information of the leasing company.

Leasing company name: _____ Phone: _____

15. The property ☐ does have ☒ does not have one or more battery energy storage devices that are ☐ leased ☐ owned.

If the battery energy storage devices are leased, the seller shall disclose the name and contact information of the leasing company.

Leasing company name: _____ Phone: _____

16. The property ☒ does ☐ does not meet the minimum applicable county zoning requirements of the applicable zoning designation.

17. The sale of the property ☒ does ☐ does not . . . meet the requirements of A.R.S. § 11-831 and § 32-2181 regarding land divisions. If those requirements are not met, the property owner may not be able to obtain a building permit. It is unlawful pursuant to § 11-831, subsection F and § 32-2181, subsection D for a person or group of persons to attempt to avoid the subdivision laws of this state by acting in concert to divide a parcel of land into six or more lots or parcels. The county where the land division occurred or the state real estate department may investigate and enforce the prohibition against acting in concert to unlawfully divide a parcel of land into six or more lots or parcels. The seller or property owner shall disclose each of the deficiencies to the buyer.

Explain: _____

18. The property ☐ is ☒ is not located in the clear zone of a military airport or ancillary military facility, as defined in A.R.S. § 28-8461. (Maps are available at the state real estate department's website.)

19. The property ☐ is ☒ is not located in the high noise or accident potential zone of a military airport or ancillary military facility, as defined in A.R.S. § 28-8461. (Maps are available at the state real estate department's website.)

20. Notice: If the property is located within the territory in the vicinity of a military airport or ancillary military facility, the property is required to comply with sound

attenuation standards as prescribed by A.R.S. § 28-8482. (Maps are available at the state real estate department's website.)

21. The property ☐ is ☒ is not located under military restricted airspace. ☐ unknown. (Maps are available at the state real estate department's website.)

22. The property ☐ is ☒ is not located in a military electronics range as defined in A.R.S. § 9-500.28 and § 11-818. ☐ unknown. (Maps are available at the state real estate department's website.)

23. Use of the property ☒ is ☒ is not limited in any way relating to an encumbrance of title due to a lis pendens, a court order or a state real estate department order or a pending legal action. If the use of the property is limited due to an encumbrance of title, the seller or property owner shall disclose the limitations to the buyer.

Explain: _____

This affidavit of disclosure supersedes any previously recorded affidavit of disclosure.

I certify under penalty of perjury that the information contained in this affidavit is true, complete and correct according to my best belief and knowledge.

Dated this 1st February 2024 day of (year) by:

Seller's name (print): ANDREW KAY, CEO Signature: _____

Seller's name (print): _____ Signature: _____

State of Arizona)
County of _____) ss.

Subscribed and sworn before me this _____ (date) _____ day of (year) , by

Notary public

02/01/24

SEE ATTACHED

My commission expires:

(date)

**Buyer(s) hereby acknowledges receipt of a copy of this affidavit of disclosure this (date)
day of (year)**

Buyer's name (print): _____ Signature: _____

Buyer's name (print): _____ Signature: _____

CALIFORNIA JURAT WITH AFFIANT STATEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Sonoma

- ☒ See Attached Document (Notary to cross out lines 1-5 below)
☐ See Statement Below (Lines 1-5 to be completed only by document signer(s), not Notary)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Signature of Document Signer 1

Signer of Document Signer 2 (if any)

Subscribed and sworn to (or affirmed) before me on this 1 day
February, 20 24, by

(1) Andrew Pray
Name of Signer

Proved to me on the basis of satisfactory evidence to be the person who
appeared before me and

(2) _____
Name of Signer

Proved to me on the basis of satisfactory evidence to be the person who
appeared before me.

Kiyara Wilson-Bruton
Notary Public, Sonoma County
Commission #2331401
Expires: August 11, 2024

- ☐ If marked, then attached pages will bear embossment of above notary.

Optional: Not required by law, however, may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

Description of Attached Documents:

Title or type of Document: Affidavit of Disclosure Instructions (AZ)

Number of Pages: 7

Date of Document: 02/01/24

Signer(s) other than Named Above: _____