

The printed portions of this form, except differentiated additions, have been approved by the Colorado Real Estate Commission.  
 (SPD19L-6-22) (Mandatory 1-23)

THIS FORM HAS IMPORTANT LEGAL CONSEQUENCES AND THE PARTIES SHOULD CONSULT LEGAL AND TAX OR OTHER COUNSEL BEFORE SIGNING.

SELLER'S PROPERTY DISCLOSURE

- LAND Supplement to Residential)
- LAND - With Improvements - Excluding Residence)
- LAND - Without Improvements)

THIS SELLER'S PROPERTY DISCLOSURE SHOULD BE COMPLETED BY SELLER, NOT BY BROKER.

Seller states that the information contained in this Seller's Property Disclosure ("SPD") is correct to Seller's CURRENT ACTUAL KNOWLEDGE as of this Date. Any changes must be disclosed by Seller to Buyer promptly after discovery. Seller's failure to disclose a known adverse material fact affecting the Property or occupant may result in legal liability. If the sales contract requires Seller to complete this SPD, this form must be fully completed to Seller's current actual knowledge, as of the date of the Contract. If Seller has knowledge of an adverse material fact affecting the Property or occupants, it must be disclosed whether there is a specific item on this SPD or not. If the Property is part of a Common Interest Community, this SPD is limited to the Property or unit itself, except as stated in Section N. Broker may deliver a copy of this SPD to prospective buyers.

SELLER: Your answers are NOT limited to only the space provided in this SPD. Attach additional pages, reports, receipts, or any other documents you believe necessary for the information you provide to be complete.

Note: Buyer and Seller should review the Advisory at the end of this SPD.

Date: **5/14/2023**

Property:

**457 & 495 Midday Circle, Cripple Creek, CO 80813**

Seller: **John Mark Klingensmith**

Year Built:

Year Seller Acquired Property: **2007**

**Note:** The Contract to Buy and Sell Real Estate, not this SPD, determines whether an item is included or excluded in the sale. If there is an inconsistency between this SPD and the Contract, the Contract controls.

I. IMPROVEMENTS

If this box is checked, there are no structures or improvements on the Property; do not complete Parts A-I.

A.	BUILDING CONDITIONS (all aspects of the Property) If you know of any of the following problems <b>EVER EXISTING</b> , check the "Yes" column:	Yes	Comments
1	Structural		
2	Moisture and/or water		
3	Damage due to termites, other insects, birds, animals, or rodents		
4	Damage due to hail, wind, fire, flood, or other casualty		
5	Cracks, heaving or settling		
6	Exterior wall or window		
7	Exterior Artificial Stucco (EIFS)		
8			
9			

Initials \_\_\_\_\_

<b>B. ROOF</b> If you know of any of the following problems <b>EVER EXISTING</b> , check the "Yes" column:		Yes	Comments
1	Roof leak		
2	Damage to roof		
3	Skylight		
4	Gutter or downspout		
5	Other roof		
6			
7			
<b>ROOF - Other Information</b> Do you know of the following on the Property:			
8	Roof under warranty until Transferable? <input type="checkbox"/> YES <input type="checkbox"/> NO		
9	Roof work done while under current roof warranty		
10	Roof material: _____ Age: _____		
11			

<b>C. ELECTRICAL &amp; TELECOMMUNICATIONS</b> If you know of any problems <b>NOW EXISTING</b> with the following, check the "Yes" column:		Yes	Age If Known	Comments
1	Light fixtures			
2	Switches & outlets			
3	Inside telephone wiring & blocks/jacks			
4				
5				
<b>ELECTRICAL &amp; TELECOMMUNICATIONS</b> If you know of any problems <b>EVER EXISTING</b> with the following, check the "Yes" column:				
6	Electrical Service			
7	Aluminum wiring at the outlets (110)			
8	Electric Wiring or Panel			
9				
10				
<b>ELECTRICAL &amp; TELECOMMUNICATIONS - Other Information:</b> Do you know of the following on the Property:				
11	<input type="checkbox"/> 220 volt service <input type="checkbox"/> Phase 3			
12	Electrical Service: Amps			
13	Electrical Provider:			
14				

<b>D. MECHANICAL</b> If you know of any problems <b>NOW EXISTING</b> with the following, check the "Yes" column:		Yes	Age If Known	Comments
1	Sump pump(s): # of			
2				

Initials \_\_\_\_\_



13	Water softener: <input type="checkbox"/> Owned <input type="checkbox"/> Leased			
14	Master Water Shutoff Location:			
15	Well metered			
16	Well Pump: Date of last inspection Date of last service			
17	Galvanized pipe			
18	Polybutylene pipe			
19	Well Pump - GPM Date:			
20	Cistern water storage                      gallons			
21	Supplemental water purchased in past 2 years?			
22				

<b>G. WATER SUPPLY</b>	
Do you know of the following on the Property:	
1	Type of water supply: <input type="checkbox"/> Public <input type="checkbox"/> Community <input type="checkbox"/> Well <input type="checkbox"/> Shared Well <input type="checkbox"/> Other <input type="checkbox"/> None If the Property is served by a Well, a copy of the Well Permit <input type="checkbox"/> Is <input type="checkbox"/> Is Not attached. Well Permit #: Drilling Records <input type="checkbox"/> Are <input type="checkbox"/> Are not attached. Shared Well Agreement <input type="checkbox"/> Yes <input type="checkbox"/> No.

<b>H. SEWER</b>			
If you know of any problems <b>EVER EXISTING</b> with the following, check the "Yes" column:		Yes	Comments
1	Sewage system (including sewer lines)		
2	Lift station (sewage ejector pump)		
3			
4			
<b>SEWER - Other Information</b>			
Do you know of the following on the Property:			
5	Type of sanitary sewer service: <input type="checkbox"/> Public <input type="checkbox"/> Community <input type="checkbox"/> Septic System <input type="checkbox"/> None <input type="checkbox"/> Other		
	If the Property is served by an on-site septic system, provide buyer with a copy of the permit. Type of septic system: <input type="checkbox"/> Tank <input type="checkbox"/> Leach <input type="checkbox"/> Lagoon		
6	Sewer service provider:		
7	Sewer line scoped? Date:		
8	If a septic system, date latest Individual Use Permit issued:		
9	If a septic system, date of latest inspection:		
10	If a septic system, date of latest pumping:		
11	Gray water storage/use		
12			

<b>I. OTHER DISCLOSURES - IMPROVEMENTS</b>			
If you know of any problems <b>NOW EXISTING</b> with the following, check the "Yes" column:		Yes	Comments
1	Included fixtures and equipment		
2	Stains on carpet		

Initials \_\_\_\_\_

3	Floors		
4			
5			

<b>J. FLOODING AND DRAINAGE</b> If you know of any problems <b>EVER EXISTING</b> with the following on the Property, check the "Yes" column:	<b>Yes</b>	<b>Comments</b>
1 Flooding or drainage		
2		
3		
<b>DRAINAGE AND RETENTION PONDS - Other Information</b> Do you know of the following on the Property:		
4 Drainage, retention ponds		
5		

**II. GENERAL**

<b>K. USE, ZONING &amp; LEGAL ISSUES</b> If you know of any of the following <b>EVER EXISTING</b> , check the "Yes" column:	<b>Yes</b>	<b>Comments</b>
1 Zoning violation, variance, conditional use, violation of an enforceable PUD, or non-conforming use		
2 Notice or threat of condemnation proceedings		
3 Notice of any adverse conditions from any governmental or quasi-governmental agency that have not been resolved		
4 Notice of zoning action related to the Property		
5 Building code, city, or county violations		
6 Violation of restrictive covenants or owners' association rules or regulations		
7 Any building or improvements constructed within the past one year before this Date without approval by the owners' associations or its designated approving body		
8 Any additions or alterations made with a Building Permit		
9 Any additions or non-aesthetic alterations made without a Building Permit		
10 Notice of ADA complaint or report		
11 Other legal action		
12 Any part of the Property leased to others (written or oral)		
13 Archeological or historical designation on the Property		
14 Threatened or Endangered species on the Property		
15 Grandfathered conditions or uses		
16		
17		

<b>L. ACCESS &amp; PARKING</b> If you know of any of the following <b>EVER EXISTING</b> , check the "Yes" column:	<b>Yes</b>	<b>Comments</b>
1 Any access problems, issues or concerns		
2 Roads, trails, paths, or driveways through the Property used by others		

Initials \_\_\_\_\_

3	Public highway or county road bordering the Property		
4	Any proposed or existing transportation project that affects or is expected to affect the Property		
5	Encroachments, boundary disputes or unrecorded easements		
6	Shared or common areas with adjoining properties		
7	Requirements for curb, gravel/paving, landscaping		
8	Any limitations on parking or access due to size, number of vehicles, or type of vehicles in the past year		
9			
10			

<b>M. ENVIRONMENTAL CONDITIONS</b> If you know of any of the following <b>EVER EXISTING</b> on any part of the Property, check the "Yes" column:		Yes	Comments
1	Hazardous materials on the Property, such as radioactive, toxic, or biohazardous materials, asbestos, pesticides, herbicides, wastewater sludge, radon, methane, mill tailings, solvents, or petroleum products		
2	Underground storage tanks		
3	Aboveground storage tanks		
4	Underground transmission lines		
5	Property used as, situated on, or adjoining a dump, landfill or municipal solid waste landfill		
6	Monitoring wells or test equipment		
7	Sliding, settling, upheaval, movement or instability of earth, or expansive soils on the Property		
8	Mine shafts, tunnels, or abandoned wells on the Property		
9	Within a governmentally designated geological hazard or sensitive area		
10	Within a governmentally designated floodplain or wetland area		
11	Dead, diseased, or infested trees or shrubs		
12	Environmental assessments, studies, or reports done involving the physical condition of the Property		
13	Used for any mining, graveling, or other natural resource extraction operations such as oil and gas wells		
14	Smoking inside improvements (including garages, unfinished space, or detached buildings) on Property		
15	Other environmental problems, issues or concerns		
16	Odors		
17			
18			

<b>N. COMMON INTEREST COMMUNITY - ASSOCIATION PROPERTY</b> If you know of any of the following <b>NOW EXISTING</b> , check the "Yes" column:		Yes	Comments
1	Property is part of an owners' association	<input checked="" type="checkbox"/>	Cripple Creek Mountain Estates
2	Special assessments or increases in regular assessments approved by owners' association but not yet implemented		
3	Problems or defects in the Common Elements or Limited Common Elements of the Association Property		
<b>COMMON INTEREST COMMUNITY - ASSOCIATION PROPERTY</b> If you know of any of the following <b>EVER EXISTED</b> , check the "Yes" column:			

Initials \_\_\_\_\_

4	Has the Association made demand or commenced a lawsuit against a builder or contractor alleging defective construction of improvements of the Association Property (common area or property owned or controlled by the Association but outside the Seller's Property or unit)		
5			
6			
	<b>COMMON INTEREST COMMUNITY - ASSOCIATION PROPERTY - Other Information:</b> Name of the Owners' Associations governing the Property:		<b>Contact Information:</b>
7	Owners' Association #1: <a href="#">Cripple Creek Mountain Estates</a>	<input checked="" type="checkbox"/>	<a href="#">719-689-2549</a>
8	Owners' Association #2:		
9	Owners' Association #3:		
10	Owners' Association #4:		

O.	GENERAL DISCLOSURES	Yes	Comments
	If you know of any of the following <b>EVER EXISTING</b> , check the "Yes" column:		
1	Written reports of any building, site, roofing, soils, water, sewer, or engineering investigations or studies of the Property		
2	Any property insurance claim submitted (whether paid or not)		
3	Structural, architectural, and engineering plans and/or specifications for any existing improvements		
4	Property was previously used as a methamphetamine laboratory and not remediated to state standards		
5	Government special improvements approved, but not yet installed, that may become a lien against the Property		
6	Pending: (1) litigation or (2) other dispute resolution proceeding regarding the Property		
7	Signs: Government or private restriction problems		
8	Property is subject to Deed Restrictions, other recorded document restrictions, or Affordable Housing Restrictions		
9			
10			
	<b>GENERAL - Other Information:</b>		
11			

**III. LAND - AGRICULTURAL**

P.	CROPS, LIVESTOCK & LEASES	Yes	Comments
	If you know of any of the following conditions that <b>NOW EXIST</b> , check the "Yes" column:		
1	Crops being grown on the Property		
2	Seller owns all crops		
3	Livestock on the Property		
4	Any land leased from others: <input type="checkbox"/> State <input type="checkbox"/> BLM <input type="checkbox"/> Federal <input type="checkbox"/> Private <input type="checkbox"/> Other		
5			
6			

Q.	NOXIOUS WEEDS	Yes	Comments
	If you know of any of the following conditions <b>NOW EXIST</b> , check the "Yes" column:		

Initials \_\_\_\_\_

1	Have any noxious weeds on the Property been identified?		
2	Have there been any weed enforcement actions on the Property?		
3	Has a noxious weed management plan for the Property been entered into?		
4	Have noxious weed management actions been implemented?		
5	Have herbicides been applied?		
6			
7			

The Colorado Noxious Weed Management Act (C.R.S. §§ 35-5.5-101-119) enables county and city governments to implement noxious weeds management programs to reclaim infested acres and protect weed-free land. For a directory of county weed supervisors, call 303-239-4173 or visit [www.colorado.gov/ag/weeds](http://www.colorado.gov/ag/weeds).

R.	OTHER DISCLOSURES - LAND - CONSERVATION If you know of any of the following conditions that <b>NOW EXIST</b> , check the "Yes" column:	Yes	Comments
1	Any part of the Property enrolled in any governmental programs such as Conservation Reserve Program (CRP), Wetlands Reserve Program (WRP), etc.		
2	Conservation easement		
3			
4			

Seller and Buyer understand that the real estate brokers do not warrant or guarantee the above information on the Property. Property inspection services may be purchased and are advisable. This SPD is not intended as a substitute for an inspection of the Property.

**ADVISORY TO SELLER:**

Seller acknowledges that Broker will disclose to any prospective buyer all adverse material facts actually known by Broker, including but not limited to adverse material facts pertaining to the physical condition of the Property, any material defects in the Property, and any environmental hazards affecting the Property. These types of disclosures may include such matters as structural defects, soil conditions, violations of health, zoning or building laws, and nonconforming uses and zoning variances.

In the event Seller discovers a new adverse material fact after completing this SPD, Seller must disclose any such new adverse material fact to Buyer.

The information contained in this SPD has been furnished by Seller, who certifies it was answered truthfully, based on Seller's CURRENT ACTUAL KNOWLEDGE.

*John Mark Klingensmith*

Date: 5/14/2023

Seller: **John Mark Klingensmith**

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

**ADVISORY TO BUYER:**

1. Even though Seller has answered the above questions to Seller's current actual knowledge, Buyer should thoroughly inspect the Property and obtain expert assistance to accurately and fully evaluate the Property to confirm the status of the following matters are satisfactory to Buyer:

- a. the physical condition of the Property;
- b. the presence of mold or other biological hazards;
- c. the presence of rodents, insects, and vermin including termites;
- d. the legal use of the Property, including zoning and legal access to the Property;
- e. the availability and source of water, sewer, and utilities;
- f. the environmental and geological condition of the Property;

Initials \_\_\_\_\_



- g. the presence of noxious weeds; and
- h. any other matters that may affect Buyer's use and ownership of the Property that are important to Buyer as Buyer decides whether to purchase the Property.

- 2. Seller states that the information is correct to "Seller's current actual knowledge" as of the date of this form. The term "current actual knowledge" is intended to limit Seller's disclosure only to facts actually known by the Seller and does not include "constructive knowledge" or "common knowledge" or what Seller "should have known" about the Property. The Seller has no duty to investigate or inspect the Property or inclusions when this SPD is filled in and signed.
- 3. Valuable information may be obtained from various local/state/federal agencies, and other experts may assist Buyer by performing more specific evaluations and inspections of the Property.
- 4. Boundaries, location and ownership of fences, driveways, hedges, and similar features of the Property may become the subjects of a dispute between a property owner and a neighbor. A survey may be used to determine the likelihood of such problems.
- 5. Whether any item is included or excluded is determined by the contract between Buyer and Seller and not this SPD.
- 6. Seller does not warrant that the Property or inclusions are fit for Buyer's intended purposes or use of the Property. Disclosure of the condition of an item is not to be construed as a warranty of its continued operability or as a representation or warranty that such item is fit for Buyer's intended purposes.
- 7. Buyer receipts for a copy of this SPD.

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

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

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SPD19L-6-22. SELLER'S PROPERTY DISCLOSURE (LAND)

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Initials \_\_\_\_\_

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**THIS FORM HAS IMPORTANT LEGAL CONSEQUENCES AND THE PARTIES SHOULD CONSULT LEGAL AND TAX OR OTHER COUNSEL BEFORE SIGNING.**

**SOURCE OF WATER ADDENDUM  
TO CONTRACT TO BUY AND SELL REAL ESTATE**

Date: 5/14/2023

**1. ADDENDUM TO CONTRACT TO BUY AND SELL REAL ESTATE.** This Source of Water Addendum (Addendum) is made a part of that Contract to Buy and Sell Real Estate between Seller and Buyer dated \_\_\_\_\_ (Contract), for the purchase and sale of the Property known as No. **457 & 495 Midday Circle, Cripple Creek, CO 80813**

**2. SOURCE OF POTABLE WATER.** Seller discloses the following information for the source of potable water for the Property:

[Select and complete 1, 2 or 3 as applicable.]

**2.1** The Property's source of water is a Well. Well Permit #:  
If a well is the source of water for the Property, a copy of the current Well Permit  **Is**  **Is Not** attached.

**2.2** The Water Provider for the Property can be contacted at:  
Name: Mountain Mutual Water Company  
Address: 4383 County Rd 1 Cripple Creek, CO 80813  
Web Site: http://www.mountainmutual.com/  
Phone No.: 719-689-2527

**2.3** There is neither a Well nor a Water Provider for the Property. The source of water for the Property is [describe source]:

**NOTE TO BUYER: SOME WATER PROVIDERS RELY, TO VARYING DEGREES ON NONRENEWABLE GROUND WATER. YOU MAY WISH TO CONTACT YOUR PROVIDER (OR INVESTIGATE THE DESCRIBED SOURCE) TO DETERMINE THE LONG-TERM SUFFICIENCY OF THE PROVIDER'S WATER SUPPLIES.**

*John Mark Klingensmith*

Date: 5/14/2023

Seller: **John Mark Klingensmith**

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

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

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