

Home Disclosures

By: William Simmons

When buying or selling a home, the disclosures the seller makes are very important to both parties.

State law requires the seller to complete a transfer disclosure statement, or TDS. Unfortunately the TDS is not very thorough. So the San Diego Association of REALTORS developed an additional disclosure form. It asks a lot of questions that the TDS doesn't, but it is not a mandated form.

Sellers may complete the required TDS in good faith, and still forget some thing that happened at the home that turns out to be very important. The San Diego form is designed to jog the seller's memory, so that nothing significant is left out.

I was recently involved in very expensive litigation over boundary lines. The seller completed the TDS, and there was no issue about its completeness. Yet this controversy probably would have been avoided had either agent asked the seller to make the additional disclosures. The San Diego form asks several questions about boundary lines which this particular seller could have answered. But she was never asked.

Obviously buyers and their agents should be asking for all the disclosures they can. But sellers, even if not asked, should be completing the additional disclosure form. Why? Because it may keep the seller out of a law suit, as just noted.

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