



**TO ENSURE THAT YOU HAVE THE MOST  
UP-TO-DATE AFFIDAVIT OF DISCLOSURE, PLEASE  
CHECK [HTTP://WWW.AARONLINE.COM](http://www.aaronline.com)**



## **Affidavit of Disclosure**

Pursuant to A.R.S. §33-422, 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 furnish a written affidavit of disclosure, in substantially the same form set forth in the statute, to the buyer at least seven days before the transfer of the property. The buyer shall acknowledge receipt of the affidavit. The buyer has the right to rescind the sales transaction for a period of five days after receipt of the affidavit of disclosure. The seller must record the executed affidavit of disclosure at the same time that the deed is recorded.

Various statutes are referred to in the Affidavit of Disclosure. The seller should review these statutes before completing the Affidavit. Arizona statutes are available at [www.azleg.state.az.us/ArizonaRevisedStatutes.asp](http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp).

The Affidavit of Disclosure also refers to various maps and information available on the State Real Estate Department's ("ADRE") website at [www.azre.gov/](http://www.azre.gov/).

The Affidavit of Disclosure should be used in conjunction with any other appropriate seller's property disclosure statement or other seller disclosure documentation.

No representation is made as to the legal validity or adequacy of the following Affidavit of Disclosure or the consequences thereof. If you desire legal advice, tax or other professional advice, please contact your attorney, tax advisor or other professional consultant.

The Legislature frequently adds to the Affidavit of Disclosure. The following Affidavit of Disclosure form may not be updated or revised for accuracy as statutory or case law changes.

**Review the statutory requirements for the Affidavit at:**

[www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/33/00422.htm&Title=33&DocType=ARS](http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/33/00422.htm&Title=33&DocType=ARS)

***You should not act upon this information without seeking independent legal counsel.***

October 2011



33-422. Land divisions; recording; disclosure affidavit

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 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 meet the requirements of section 11-480 and follow substantially the following form:

When recorded mail to:

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## Affidavit of Disclosure

Pursuant to A.R.S. § 33-422

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

\_\_\_\_\_, County, State of Arizona, located at:

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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: \_\_\_\_\_

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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.

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.

Notice to buyer: If the property contains solar energy devices, it is the responsibility of the buyer to verify the proper replacement and disposal method for the devices, as applicable. If the solar energy devices are leased, the seller or property owner shall disclose the name and contact information of the leasing company.

Leasing company name: \_\_\_\_\_ Phone: \_\_\_\_\_

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

16. The sale of the property ☐ does ☐ does not . . . meet the requirements of A.R.S. § 11-831 regarding land divisions. If those requirements are not met, the property owner may not be able to obtain a building permit. The seller or property owner shall disclose each of the deficiencies to the buyer.

Explain: \_\_\_\_\_

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

17. 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.)

18. 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.)

19. 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.)

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

21. 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.)

22. 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 (date) \_\_ day of (year) by:

Seller's name (print): \_\_\_\_\_ Signature: \_\_\_\_\_

Seller's name (print): \_\_\_\_\_ Signature: \_\_\_\_\_

State of Arizona )

) ss.

County of \_\_\_\_\_)

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

\_\_\_\_\_.

\_\_\_\_\_

Notary public

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: \_\_\_\_\_

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.