

ADVICE REGARDING SURVEY

If you DO want a survey - You or your agent must advise us to obtain one in time for closing.

If you DO NOT want a survey- SIGN BELOW and fax to us or bring to closing.
(survey not needed for condo)

BUYER(S): _____

PROPERTY: _____

KIMBERLY E. FOX, PLLC, Attorney, strongly advises all buyers to obtain a physical survey of property being purchased EVEN IF your lender does not require it and EVEN IF your seller has an old one. SOME of the things that a survey might show include:

- Encroachments by the improvements (house, etc.) on such property ONTO neighboring property;
- S Encroachments by improvements situated on neighboring property onto the property you are purchasing;
- S Easements for third parties across the property you are purchasing;
- S Building setbacks which the improvements encroach upon and which the county or the neighborhood can enforce including requiring you to tear down the encroaching improvements;
- S If the property is described by metes and bounds, a property description which does not close@ or shows acreage less than what you believe you are buying or shows that the property has no legal access to a public road;
- S Improvements built on top of easements for utilities or other easements;
- S Failure of Awaterfront@ property to, in fact, reach the high water mark of the lake;
- S A flood zone which affects the property or improvements (your homeowners insurance does NOT protect you against flood). (However, lender, if any, will do a flood determination even if no survey is obtained.)

You will have no rights against a surveyor for errors in a previous survey done for your seller.
*Your title insurance company probably will not accept a prior survey in order to give you survey protection on your title policy. Your lender might not require a survey because the lender will be provided protection in the lender=s title policy even without a survey. **However, buyers are not given such protection without a survey.** If you do not wish us to order a survey, you must sign the statement below.*

WAIVER AND HOLD HARMLESS AGREEMENT

I understand that failure to obtain a survey will mean that I may not have a valid claim or recourse against my seller or the title insurance company or anyone else for any irregularities which a survey would have revealed. If I request KIMBERLY E. FOX, PLLC to order a survey for me, I understand her office will use care in selecting the surveyor but that **only the surveyor is responsible for the accuracy of the survey.** I hereby covenant and agree to hold KIMBERLY E. FOX, PLLC (or other closing attorney), my lender (if any), and my real estate agent (if any) harmless for any and all matters of survey regarding the property I am purchasing.

Date: _____ (circle one) WAIVE SURVEY or ORDER SURVEY

BUYER(S): _____