

# EXCLUSIVE RIGHT TO SELL LISTING AGREEMENT

AGENCY: Christopher Group, LLC DATE: December 27, 2011

In consideration of Agency's agreement to list and promote the sale of (  all  part of; If 'part of' see explanation or description attached hereto) Seller's property situated in municipality of Orland, County of Hancock, State of Maine, located at 5 Hatcherly Road and described in deed(s) recorded at said County Registry of Deeds in Book(s) 1324, Page(s) 583, the undersigned as Seller, hereby gives the Agency the exclusive right to sell or exchange said property at a price of \$ 179,000.00, and on the terms herein stated, or at any other price or terms to which Seller may authorize or consent. If, during the term of this agreement, a Buyer is produced who is ready, willing and able to purchase at said price, or any other price or terms to which the Seller may agree, or if the property is sold or exchanged by anyone, including the Seller, then Seller agrees to pay Agency a commission of 6.000 % of contract price. This Agreement begins on December 27, 2011 and will expire on December 26, 2012. If at such expiration date Seller has placed the property under any type of contract and the transaction is still pending, the expiration date of this Agreement shall be extended until completion of that transaction by either closing/transfer of title or termination/expiration of the contract.

The commission as provided above shall be due if the property is sold, conveyed, exchanged, optioned or otherwise transferred within 6 months after the expiration of this Agreement to anyone with whom Agency has negotiated unless listed in good faith with another real estate brokerage agency. Negotiation shall include providing information about the property, showing the property, or presenting offers on the property. All rights under this paragraph shall expire on June 25, 2013.

## SUBAGENCY

- Yes  No This Agency's policy is to cooperate with other agencies acting as subagents of you the Seller.  
 Yes  No This Agency's policy is to share compensation with subagents.

## BUYER'S AGENCY

- Yes  No This Agency's policy is to cooperate with other agencies acting as Buyer's agents.  
 Yes  No This Agency's policy is to share compensation with Buyer's agents.

## TRANSACTION BROKERS

- Yes  No This Agency's policy is to cooperate with other agencies acting as transaction brokers.  
 Yes  No This Agency's policy is to share compensation with transaction brokers.

## DISCLOSURE OF VARIABLE COMPENSATION

- Yes  No This Agency's policy is to compensate all other real estate brokerage agencies in the same manner. If no, seller acknowledges this policy may limit the participation of other agencies in the marketplace.  
 Yes  No This Agency's policy on paying commissions to its affiliated licensees is to provide a greater commission for an in-house sale versus sales involving a cooperating real estate brokerage agency.

Agency has disclosed its policies regarding cooperation and compensation so as to inform Seller of any policy that would limit the participation of any other Agency.

Seller acknowledges and/or agrees:

- A continuing duty between the signing of this listing agreement and the final closing to disclose to Agency all information about the property, adverse or otherwise, and understands that all such information shall be disclosed by Agency to Buyer.
- To hold Agency harmless for any claim which may result from the Seller's failure to disclose information about the property.
- To refer all inquiries to Agency.
- To convey property by Quit Claim w/ Covenant deed.
- To authorize a "For Sale" sign on the property.  Yes  No
- To authorize the advertising of the property.  Yes  No
- To authorize use of a key and/or a lock box on the property.  Yes  No
- To authorize Agency to divulge the existence of offers on the property.  Yes  No
- To authorize publication of property and applicable disclosure attachments in the MLS and use of information for marketing, appraisal and statistical purposes.  Yes  No
- To authorize the Agency to use and make exterior and interior photographs of said property in promoting its sale.  Yes  No
- To authorize inclusion of street address of the property on Internet display to the public.  Yes  No
- To authorize inclusion of automated estimate of market value (AVM) on the property shown on virtual office websites.  Yes  No
- To authorize inclusion of allowing comments or reviews about the listing on virtual office websites.  Yes  No
- That Agency has discussed with Seller safeguarding of personal property and valuables located within the Property. Seller acknowledges that the Agency is not an insurer against loss of or damage to personal property.
- That the State of Maine law requires Buyers of property owned by non-resident Sellers to withhold a prepayment of capital gains tax unless a waiver has been obtained by Seller from the State of Maine Revenue Services.

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- That the State of Maine law says that the owner of property as of April 1 is legally responsible to pay the property taxes even if the property is later sold and any tax lien filed for non-payment will be in the name of the owner as of April 1 which could have a negative effect on their credit rating.
- To seek legal, tax, and other professional advice as necessary in connection with sale of property.
- Receipt of a copy of this agreement.
- That Agency has informed Seller of his/her obligation to provide buyers with information developed by the Department of Health and Human Services (Bureau of Health) regarding what homeowners should know about arsenic in private water supplies and arsenic in treated wood.
- That Agency has informed Seller of his/her disclosure and certification obligations regarding the presence of lead-based paint and lead-based paint hazards and a Buyer's right to conduct a risk assessment or inspection of the property to determine the presence of lead-based paint or lead-based paint hazards.
- Any property management services are only provided by Agency if agreed to by separate written agreement.
- If any earnest money is forfeited by a Buyer, it shall be distributed one half to Seller, and one half to Agency. In no event shall the Agency portion exceed the agreed upon commission set forth above.

**Seller agrees to hold Agency harmless from any loss or damage that might result from authorizations provided in the Agreement.**

FIXTURES: The Seller agrees that all fixtures, including but not limited to existing storm and screen windows, shades and/or blinds, shutters, curtain rods, built-in appliances, heating sources/systems including gas and/or kerosene-fired heaters and wood stoves, sump pump and electrical fixtures are included with the sale except for the following: none

PERSONAL PROPERTY: The following items of personal property may be included with the sale at no additional cost, in "as is" condition with no warranties if specified in the Purchase & Sale Agreement: Electric range, refrigerator

Other Conditions: none

Seller acknowledges receipt of a copy of the Residential Property Transaction Booklet  Yes  No

Agency and Seller agree that Agency shall represent Seller and that this Agreement creates an agency/client relationship as defined in the Real Estate Brokerage License Act.

Agency and Seller each agree that this property is to be offered without regard to race, color, religion, sex, handicap/disability, familial status (families with children), ancestry, sexual orientation, or national origin.

I hereby consent to receive fax or other electronic transmissions from Agency to fax number(s) and/or email address(es) provided herein.

SELLER(S) Joseph Occhipinti

Lucille Occhipinti

Accepted by George MacLeod (REAL ESTATE LICENSEE) on behalf of Christopher Group, LLC (AGENCY)

SELLER(S) Mailing Address: 1904 River Path, Riverhead, NY 11901

SELLER(S) Phone Number(s): (631) 630-1419 (917) 417-0961

SELLER(S) E-mail Address: fdnyemt@aol.com SELLER(S) Fax Number(s): \_\_\_\_\_



# SELLER'S PROPERTY DISCLOSURE

Under Maine Law, certain information must be made available to buyers prior to or during preparation of an offer. This statement has been prepared to assist prospective buyers in evaluating this property. This disclosure is not a warranty of the condition of the property and is not part of any contract between the Seller and any buyer. The Seller authorizes the Listing Broker in this transaction to disclose the information in this statement to other real estate licensees and to prospective buyers of this property. The Seller agrees to notify the Listing Broker promptly of any changes in the information and this form will be appropriately changed with an amendment date. Inspections are highly recommended.

**NOTE: DO NOT LEAVE ANY QUESTIONS BLANK. WRITE N/A (NOT APPLICABLE) OR UNKNOWN IF NEEDED.**

PROPERTY LOCATED AT: 5 Hatchery Road, Orland,

## SECTION I. WATER SUPPLY

TYPE OF SYSTEM:  Public  Private  Seasonal \_\_\_\_\_  Unknown  
 Drilled  Dug  Other \_\_\_\_\_

MALFUNCTIONS: Are you aware of or have you experienced any malfunctions with the (public/private/other) water system?

Pump:  Yes  No  N/A Quantity: .....  Yes  No  Unknown

Quality:  Yes  No  Unknown

If YES to any question, please explain in the comment section below or with attachment.

WATER TEST: Have you had the water tested? .....  Yes  No

IF YES: Date of most recent test: \_\_\_\_\_ Are test results available? .....  Yes  No

To your knowledge, have any test results ever been reported as unsatisfactory or satisfactory with notation?  Yes  No

IF YES, are test results available? .....  Yes  No

What steps were taken to remedy the problem? \_\_\_\_\_

• IF PRIVATE:

INSTALLATION: Location: n/a

Installed BY: \_\_\_\_\_ DATE of Installation: \_\_\_\_\_

What is the source of your information: \_\_\_\_\_

USE: Number of Persons currently using system? \_\_\_\_\_

Does system supply water for more than one household? .....  Yes  No  Unknown

COMMENTS: Line run to adjacent pond for all uses except drinking water which is bottled

## SECTION II. WASTE WATER DISPOSAL

TYPE OF SYSTEM:  Public  Private  Quasi-Public \_\_\_\_\_  Unknown

• IF PUBLIC OR QUASI-PUBLIC:

Have you experienced any problems such as line or other malfunctions? .....  Yes  No

What steps were taken to remedy the problem? \_\_\_\_\_

• IF PRIVATE:

TANK:  Septic Tank  Holding Tank  Cesspool  Other: 2000 gallon holding tank

Tank Size:  500 Gal.  1000 Gal.  Unknown  Other: \_\_\_\_\_

Tank Type:  Concrete  Metal  Unknown  Other: \_\_\_\_\_

Location: north side of house OR  Unknown Date of Installation: \_\_\_\_\_

Date Last Pumped: \_\_\_\_\_ Have you experienced any malfunctions? .....  Yes  No

If yes, give the date and describe the problem: \_\_\_\_\_

LEACH FIELD: .....  Yes  No  Unknown

IF YES: Location: \_\_\_\_\_

Date of installation of leach field: \_\_\_\_\_ Installed by: \_\_\_\_\_

Date of Last Servicing: \_\_\_\_\_ Name of Service Company: \_\_\_\_\_

Have you experienced any malfunctions? .....  Yes  No

If yes, give the date and describe the problem & what steps were taken to remedy: \_\_\_\_\_

Date of Last Servicing of System: \_\_\_\_\_ Name of Company Servicing System: \_\_\_\_\_

Does Seller have records of the septic system design indicating the number of bedrooms the system was designed for? .....  Yes  No

IF YES, is it available? \_\_\_\_\_

SOURCE OF INFORMATION: \_\_\_\_\_

COMMENTS: Holding tank pumped at end of season. Has been adequate for seasonal use

IS SYSTEM LOCATED IN A SHORELAND ZONE?: .....  Yes  No  Unknown

Is System located in a Coastal Shoreland Zone? .....  Yes  No  Unknown

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**SECTION III. HEATING SYSTEM(S)/SOURCES(S)**

Heating System(s)/Source(s)	SYSTEM 1	SYSTEM 2	SYSTEM 3	SYSTEM 4
TYPE(S)	<b>none</b>			
Age of system(s)/source(s)				
Name of company that services system(s)/source(s)				
Date of most recent service call				
Annual consumption per system/source (i.e., gallons, kilowatt hours, cord(s))				
Malfunction per system(s)/source(s) within past 2 years				
Other pertinent information				

Buried Oil Supply Line:  Yes  No  Unknown Sleved:  Yes  No  
 Chimney(s) Lined:  Yes  No  Unknown Age: \_\_\_\_\_ Last Cleaned: \_\_\_\_\_  
 Is more than one heat source vented through one flue?  Yes  No  Unknown Had a chimney fire:  Yes  No  Unknown  
 Has chimney been inspected?  Yes  No  Unknown; If Yes, when: \_\_\_\_\_ Power Vent:  Yes  No  Unknown  
 COMMENTS: **Seasonal property. Could install propane unit heaters, but seller never needed**

**SECTION IV. HAZARDOUS MATERIAL**

The licensee is disclosing that the Seller is making representations contained herein.

**A. UNDERGROUND STORAGE TANKS - Current or previously existing:**

Are there now, or have there ever been, any underground storage tanks on your property?  Yes  No  Unknown

IF YES: Are tanks in current use?  Yes  No

IF NO above: How long have tank(s) been out of service? \_\_\_\_\_

What materials are, or were, stored in the tank(s)? \_\_\_\_\_

Age of tank(s): \_\_\_\_\_ Size of tank(s): \_\_\_\_\_

Location: \_\_\_\_\_

Have you experienced any problems such as leakage? \_\_\_\_\_

Are tanks registered with the Dept. of Environmental Protection?  Yes  No  Unknown

If tanks are no longer in use, have tanks been abandoned according to D.E.P.?  Yes  No  Unknown

Comments: \_\_\_\_\_

**B. ASBESTOS - Current or previously existing:**

• as insulation on the heating system pipes or duct work?  Yes  No  Unknown

• in the siding?  Yes  No  Unknown

• in the roofing shingles?  Yes  No  Unknown

• in flooring tiles?  Yes  No  Unknown

• other: \_\_\_\_\_  Yes  No  Unknown

IF YES: Source of Information: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

**C. RADON/AIR - Current or previously existing:**

Has the property been tested?  Yes  No  Unknown

IF YES: Date: \_\_\_\_\_ By: \_\_\_\_\_

Results: \_\_\_\_\_ If applicable, What remedial steps were taken? \_\_\_\_\_

Has the property been tested since remedial steps?  Yes  No  Unknown

Are test results available?  Yes  No Results & Comments: \_\_\_\_\_

**D. RADON/WATER - Current or previously existing:**

Has the property been tested?  Yes  No  Unknown

IF YES: Date: \_\_\_\_\_ By: \_\_\_\_\_

Results: \_\_\_\_\_ If applicable, What remedial steps were taken? \_\_\_\_\_

Has the property been tested since remedial steps?  Yes  No  Unknown

Are test results available?  Yes  No Results & Comments: \_\_\_\_\_

**E. LEAD-BASED PAINT/PAINT HAZARDS - Current or previously existing: (Note: Lead-based paint is most commonly found in homes constructed prior to 1978; See EPA Disclosure brochure/form and Maine Lead Warning for more information)**

Is there now or has there ever been lead-based paint and/or lead-based paint hazards on the property?  Yes  No  Unknown

Unknown but possible due to age

IF YES, describe location and the basis for the determination: \_\_\_\_\_

Do you know of any records or reports pertaining to such lead-based paint or lead-based paint hazards:  Yes  No

IF YES, describe: \_\_\_\_\_

Are you aware of any cracking, peeling or flaking paint?  Yes  No

COMMENTS: \_\_\_\_\_

PROPERTY LOCATED AT 5 Hatchery Road, Orland,

F. OTHER HAZARDOUS MATERIALS - Current or previously existing:

TOXIC MATERIAL:  Yes  No  Unknown OTHER: \_\_\_\_\_  
LAND FILL:  Yes  No  Unknown  
RADIOACTIVE MATERIAL:  Yes  No  Unknown

Buyers are encouraged to seek information from professionals regarding any specific issue or concern.

**SECTION V. GENERAL INFORMATION**

Is the property subject to or have the benefit of any encroachments, easements, rights-of-way, leases, rights of first refusal, life estates, private way, private road/homeowner associations or restrictive covenants?  Yes  No  Unknown

IF YES: Explain: \_\_\_\_\_

What is your source of information: \_\_\_\_\_

Are there any tax exemption or reduction for this property for any reason including but not limited to: Tree Growth, Open Space and Farmland, Veteran's, Homestead Exemption, Blind, Working Waterfront?  Yes  No  Unknown

IF YES: Explain: \_\_\_\_\_

• Leased Equipment (e.g., propane tank, hot water heater, satellite dish): Type: none

• Year Principal Structure Built: 1906 What year did Seller purchase property? 1978

• Roof: Year Built - Structure: 1906 Year Shingles Installed: 1990/2011

Moisture or leakage: none

Comments: \_\_\_\_\_

• Foundation/Basement: Sump Pump:  Yes  No  Unknown Comments: \_\_\_\_\_

Moisture or leakage since you owned the property:  Yes  No  Unknown Comments: \_\_\_\_\_

Knowledge of prior moisture or leakage:  Yes  No  Unknown Comments: \_\_\_\_\_

• Mold: Has the property ever been tested for mold?  Yes  No  Unknown If YES, are test results available?  Yes  No

• Electrical:  Fuses  Circuit Breaker  Other: \_\_\_\_\_  Unknown

• Has the property been surveyed?  Yes  No  Unknown If YES, is the survey available?  Yes  No

• Manufactured Housing: Mobile Home -  Yes  No Modular:  Yes  No

• KNOWN MATERIAL DEFECTS about Physical Condition and/or value of Property, including those that may have an adverse impact on health/safety: None

Seller shall be responsible and liable for any failure to provide known information regarding known material defects to the Buyer.

ATTACHMENTS EXPLAINING CURRENT PROBLEMS, PAST REPAIRS OR ADDITIONAL INFORMATION IN ANY SECTION IN DISCLOSURE:  Yes  No

**SECTION VI. ADDITIONAL INFORMATION**

This property was originally the East Orland post office. Current owner bought in 1978 and renovated as art gallery with seasonal residence and has done maintenance as needed.

As Sellers, we have provided the above information and represent that all information is correct. To the best of our knowledge, all systems and equipment, unless otherwise noted on this form, are in operational condition.

Neither Seller nor any Broker makes any representations as to the applicability of, or compliance with, any codes of any sort, whether state, municipal, federal or any other, including but not limited to fire, life safety, building, electrical or plumbing.

SELLER  
Joseph Occhipinti

DATE

SELLER  
Lucille Occhipinti

DATE

I/We have read and received a copy of this disclosure, the arsenic in wood fact sheet, the arsenic in water brochure, and understand that I/we should seek information from qualified professionals if I/we have questions or concerns.

BUYER

DATE

BUYER

DATE

