

CALIFORNIA CIVIL CODE

SECTION 1102.1. (a)

In enacting Chapter 817 of the Statutes of 1994, it was the intent of the Legislature to clarify and facilitate the use of the real estate disclosure statement, as specified in Section 1102.6.

The Legislature intended the statement to be used by transferors making disclosures required under this article and by agents making disclosures required by Section 2079 on the agent's portion of the real estate disclosure statement, in transfers subject to this article. In transfers not subject to this article, agents may make required disclosures in a separate writing.

The Legislature did not intend to affect the existing obligations of the parties to a real estate contract, or their agents, to disclose any fact materially affecting the value and desirability of the property, including, but not limited to, the physical conditions of the property and previously received reports of physical inspections¹ noted on the disclosure form set forth in Section 1102.6 or 1102.6a, and that nothing in this article shall be construed to change the duty² of a real estate broker or salesperson pursuant to Section 2079.

It is also the intent of the Legislature that the delivery of a real estate transfer disclosure statement may not be waived³ in an "as is" sale, as held in *Loughrin v. Superior Court* (1993) 15 Cal. App. 4th 1188.

Simplified:

¹ All Inspection Reports are to be added to the disclosure form.

² Inspection Reports do not replace your Agents Disclosure Statements, but will be used in conjunction with your Agents Disclosure Statements. If your Agent finds out a new problem, they MUST disclose it.

³ "As Is" means : after disclosing everything found to date by all the Inspectors and Agents and, of course the Owner to the most recent Potential Buyer