



SELLER’S DISCLOSURE AND RADON DISCLOSURE EXEMPTION
State of Delaware

Approved by the Delaware Real Estate Commission (Effective Date: August 1, 2025)

Seller(s) Name: _____

Property Address: _____

Approximate Age of Building(s): _____ **Date Acquired:** _____

Chapter 25, Title 6 of the Delaware Code, requires a Seller of residential property to disclose in writing all material defects of the property that are known at the time the property is offered for sale or that are known prior to the time of final settlement. The same law requires disclosure about radon gas. Residential property means any interest in a property or manufactured housing lot, improved by dwelling units for 1-4 families.

The **SELLER’S DISCLOSURE OF REAL PROPERTY CONDITION REPORT and the RADON DISCLOSURE** shall not apply to the following transfers of residential real property. **Chapter 25, Title 6, §2577.** SELLER(s) has selected each item below that qualifies the property for exemption.

- Transfers by a fiduciary in the course of the administration of the decedent's estate, guardianship or trust.
Note: For estates, this exemption only applies if the executor or administrator is the seller. If people who inherited the property are the sellers, they must complete the Seller’s Disclosure form.
- Transfers pursuant to court order such as transfers ordered by the Court of Chancery in the administration of an estate, trust or guardianship or pursuant to a Writ of Execution, by a trustee in bankruptcy or a receiver, by eminent domain, and transfers resulting from a decree for specific performance.
- Transfers to a mortgagee by a mortgagor in default by a deed in lieu of foreclosure.
- Transfers by any sheriff's sale for default on an obligation secured by a mortgage, judgment, tax or other lien.
Note: If the seller is a lender who acquired the property by a deed in lieu of foreclosure or by sheriff sale, the lender is required to complete the Seller’s Disclosure form where reselling the property.
- Transfers from one co-owner to one or more other co-owners.
- Transfers made to a spouse or to a person or persons in the lineal line of consanguinity of one or more of the transferors.
- Transfers between spouses resulting from a property settlement incident to a divorce.
- Transfers to or from any government entity.

If there are questions pertaining to this form, parties are advised to seek legal counsel. By signing below, Seller certifies that one or more of the above exemptions are applicable to this property. Buyer acknowledges that the Seller’s disclosure and Radon Disclosure are not required, as set forth in Chapter 25, Title 6, §2577. Buyer also acknowledges receipt of Notices to Buyers (pages 2 and 3).

SELLER _____ Date _____ SELLER _____ Date _____

BUYER _____ Date _____ BUYER _____ Date _____

NOTICES TO BUYERS

Government websites containing helpful information include: Office of State Planning Coordination <https://www.stateplanning.delaware.gov/>, Delaware Department of Natural Resources and Environmental Control <https://dnrec.alpha.delaware.gov/>, Delaware Division of Public Health www.dhss.delaware.gov/dhss/dph, Delaware State Police Sex Offender Registry <https://sexoffender.dsp.delaware.gov>, Federal Community Flood Maps <https://msc.fema.gov/portal/home>, and other agencies listed on www.delaware.gov.

All properties are part of larger surrounding areas. Buyers are advised to research Federal, State, and local governmental agencies' websites to become familiar with future anticipated development, global changes, climate changes, tax assessments, and other similar things that may affect the property in the future.

Square Footage: There are different methods of measuring used for different purposes. Acreage of the land and square footage of the buildings quoted on the real estate tax information, marketing materials, advertisements, brochures, MLS data, or appraisal, is only approximate, is not guaranteed, and should not be relied upon.

Tax System Data: Property data, square footage, characteristics, and building permit information in government real estate tax systems may not be accurate and should not be relied upon by sellers and buyers. It can be very difficult to research building permit information.

Additional notices:

DEED RESTRICTIONS, HOMEOWNERS ASSOCIATIONS/CONDOMINIUMS AND CO-OPS

- Deed restrictions are provisions in a deed or declaration that limit the use of the property. With some exceptions, restrictions cannot be removed by the owner.
- If the property is within an “association”, request further information to learn of the covenants and restrictions that the property is subject to.
- More information may be found from Delaware’s Common Interest Community Ombudsperson. Learn more at <https://attorneygeneral.delaware.gov/fraud/cpu/ombudsperson/>.

ADDITIONAL INFORMATION

- Check HOA/local requirements concerning responsibility for sidewalk installation, replacement, repair, and snow removal.
- Delaware requires each county to reassess the value of real property on a regular basis. Learn more from the county tax office where the property is located.

LAND (SOILS, DRAINAGE, AND BOUNDARIES)

- *Flood Zone:* Public and/or private flood insurance options exist for most properties even if property is not in a high- risk flood zone. Inquire about options with a qualified insurance agent. More information may be found at the Delaware Department of Insurance.
- *Flood Risk:* Due to location and elevation, particularly with river and coastal communities, the property and surrounding areas may experience flooding from rising sea levels and stronger storms, both now and in the future. Learn more at <https://floodplanning.dnrec.delaware.gov/>. In addition to state regulations, local municipalities may have additional floodplain management rules for property improvements. Contact the local municipality directly to find out about any specific requirements.
- *Wetlands Area:* There are both tidal and non-tidal wetlands. The property may be subject to additional governmental oversight. Inquire further through programs like Delaware Wetlands of the Delaware Department of Natural Resources and Environmental Control.

Property Address: _____

Seller’s Initials _____ Seller’s Initials _____ Buyer’s Initials _____ Buyer’s Initials _____

PLUMBING-RELATED ITEMS

- Learn more about private well and public water testing from the Delaware Division of Public Health’s Office of Drinking Water.

RADON

- Additional information and fact sheets on radon gas may be found at the Delaware Division of Public Health’s “Delaware Healthy Homes” program.

Property Address: _____

Seller’s Initials _____ Seller’s Initials _____ Buyer’s Initials _____ Buyer’s Initials _____