

## Seller's Property Disclosure - Condominium



**Notice to Licensee and Seller:** Only the Seller should fill out this form.

**Notice to Seller:** Florida law<sup>1</sup> requires a seller of a home to disclose to the buyer all known facts that materially affect the value of the property being sold and that are not readily observable or known by the buyer. This disclosure form is designed to help you comply with the law. However, this disclosure form may not address every significant issue that is unique to the Property. You should think about what you would want to know if you were buying the Property today; and if you need more space for additional information, comments, or explanations, check the Paragraph 9 checkbox and attach an addendum.

**Notice to Buyer:** The following representations are made by Seller and not by any real estate licensee. This disclosure is not a guaranty or warranty of any kind. It is not a substitute for any inspections, warranties, or professional advice you may wish to obtain. It is not a substitute for your own personal judgment and common sense. The following information is based only upon Seller's actual knowledge of the Property's condition. Sellers can disclose only what they actually know. Seller may not know about all material or significant items. You should have an independent, professional home inspection to verify the condition of the Property and determine the cost of repairs, if any. This disclosure is not a contract and is not intended to be a part of any contract for sale and purchase.

Florida law<sup>2</sup> entitles a prospective buyer, who has entered into a contract for the purchase of a condominium unit with a seller who is not a developer, at Seller's expense, to a current copy of the declaration of condominium, articles of incorporation of the association, bylaws and rules of the association, the most recent year-end financial information and the "Frequently Asked Questions and Answers" document, if buyer requests these in writing. These documents, and meeting agendas and minutes, contain important matters to be considered before acquiring a condominium unit, such as recurring dues or fees; special assessments; capital contributions, penalties; and alteration, leasing, parking, pet, resale, vehicle and other types of restrictions.

Except for information provided in paragraph 6, 7 and 8, the following information is only about the individual Unit specified below and not about any limited common element, any common element or the condominium association ("Association").

Seller makes the following disclosure regarding the property described as: 17290 Perdido Key Dr., Unit A1, Pensacola, FL

32507 (the "Unit").

The Unit is ☒ owner occupied ☐ tenant occupied ☐ unoccupied (if unoccupied, how long has it been since Seller occupied the unit? \_\_\_\_\_)

|                                                                                                                                                                     | Yes                                 | No                                  | Don't Know               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| <b>1. Structures; Systems; Appliances</b>                                                                                                                           |                                     |                                     |                          |
| (a) Is the roof a common element maintained by the Association?                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| (b) To your knowledge, is roof of Unit structurally sound and free of leaks?                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| (c) Are other structures, including ceilings; walls; doors and windows structurally sound and free of leaks?                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| (d) Has any additional structural reinforcement been added to the Unit?                                                                                             | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (e) Are heating and cooling systems common elements maintained by the Association?                                                                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (f) To your knowledge, are heating and cooling systems in working condition, i.e., operating in a manner in which the item was designed to operate?                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| (g) Are existing major appliances and mechanical and electrical systems in working condition, i.e. operating in a manner in which the item was designed to operate? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| (h) Are any of the appliances leased?                                                                                                                               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If yes, which ones: _____                                                                                                                                           |                                     |                                     |                          |
| (i) If the answer to questions 1(b), 1(c), 1(f), 1(g) is no, or if 1(d) is yes, please explain: _____                                                               |                                     |                                     |                          |

<sup>1</sup> Johnson v. Davis, 480 So.2d 625 (Fla. 1985).

<sup>2</sup> Section 718.503(2), Florida Statutes.

Seller  (\_\_\_\_\_) and Buyer (\_\_\_\_\_) (\_\_\_\_\_) acknowledge receipt of a copy of this page, which is Page 1 of 3 Pages.

|                                                                                                                                                                                                                                       | Yes                                 | No                                  | Don't Know                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| <b>2. Termites; Other Wood Destroying Organisms; Pests</b>                                                                                                                                                                            |                                     |                                     |                                     |
| (a) Are termites; other wood-destroying organisms, including fungi; or pests present in the Unit or has the Unit had any structural damage by them?                                                                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (b) Has the Unit been treated for termites; other wood-destroying organisms, including fungi; or pests?                                                                                                                               | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (c) If any answer to questions 2(a)-2(b) is yes, please explain: _____                                                                                                                                                                |                                     |                                     |                                     |
| <b>3. Water Intrusion; Plumbing; Flood Insurance</b>                                                                                                                                                                                  |                                     |                                     |                                     |
| (a) Has past or present water intrusion or flooding affected the Unit?                                                                                                                                                                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (b) Are polybutylene pipes present in the Unit?                                                                                                                                                                                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (c) Have past or present plumbing leaks or backups affected the Unit?                                                                                                                                                                 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (d) Have there been any leaks or water intrusion from units above or adjacent to your Unit or leaks or water intrusion from your Unit to units below or adjacent to it?                                                               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (e) Does your lender require flood insurance?                                                                                                                                                                                         | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| (f) If any answer to questions 3(a)-3(d) is yes, please explain: <u>no mortgage</u>                                                                                                                                                   |                                     |                                     |                                     |
| <b>4. Fire Protection; Improvements; Alterations</b>                                                                                                                                                                                  |                                     |                                     |                                     |
| (a) Does the Unit have sprinklers for fire protection?                                                                                                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| If no, has the Association voted to forego retrofitting each unit with a fire sprinkler system?                                                                                                                                       | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| (b) Have any improvements or alterations to the Unit, whether by you or by others, been made without obtaining required Association approval?                                                                                         | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (c) Have any improvements or alterations to the Unit, whether by you or by others, been made in violation of building codes or zoning restrictions or without necessary permits?                                                      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (d) Are any improvements located below the base flood elevation?                                                                                                                                                                      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (e) Have any improvements been constructed in violation of applicable local flood guidelines?                                                                                                                                         | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (f) Are there any open permits on the Unit that have not been closed by a final inspection?                                                                                                                                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (g) If any answer to questions 4(b)-4(f) is yes, please explain: _____                                                                                                                                                                |                                     |                                     |                                     |
| <b>5. Hazardous Substances</b>                                                                                                                                                                                                        |                                     |                                     |                                     |
| (a) Was the Property built before 1978?                                                                                                                                                                                               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| If yes, please see Lead-Based Paint Disclosure.                                                                                                                                                                                       |                                     |                                     |                                     |
| (b) Does anything exist in the Unit that may be considered a hazardous substance, including, but not limited to, lead-based paint; asbestos; mold; radon gas; urea formaldehyde; methamphetamine contamination; or defective drywall? | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (c) Has there been any damage, clean up or repair to the Unit due to any of the substances or materials listed in subparagraph (b) above?                                                                                             | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| If any answer to questions 5(b)-5(c) is yes, please explain: _____                                                                                                                                                                    |                                     |                                     |                                     |
| <b>6. Limited Common Elements</b>                                                                                                                                                                                                     |                                     |                                     |                                     |
| (a) Are there any amenities outside the Unit, such as designated parking space(s), storage closet(s), boat slip(s), cabana(s), garage(s), carport(s), etc. that are for your exclusive use?                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| If yes, please identify the amenity and whether a separate deed or other legal document grants the exclusive right to use: <u>Boat slip, no deed or document</u>                                                                      |                                     |                                     |                                     |

Seller (  ) and Buyer ( \_\_\_\_\_ ) ( \_\_\_\_\_ ) acknowledge receipt of a copy of this page, which is Page 2 of 3 Pages.

## 7. The Association

- (a) Is there any proposed change to the Association's governing documents?
  - (b) Is there any proposed plan to materially alter the common elements?
  - (c) Is there any existing or threatened legal action by or against the Association?
  - (d) Has the Association ever been, or is it currently, involved in litigation or a claim over construction defects or defective building products?
  - (e) To your knowledge, is there any discussion of a conversion of the Condominium to something else?
  - (f) To your knowledge, is there any effort by an investor or investor group to purchase units in the complex?
  - (g) Has an increase in fees or assessments been approved but not yet implemented?
  - (h) Is any portion of the Association's property located in a special flood hazard area?
  - (i) Is any portion of the Association's property located seaward of the coastal construction control line?
  - (j) Does any past or present settling, soil movement, or sinkhole(s) affect any portion of the Association's property?
  - (k) Has there been any structural damage to any portion of the Association's Property?
  - (l) Has any additional structural reinforcement been added to any portion of the Associations' property?
  - (m) Are there any rental restrictions by the Association?
  - (n) Are there any pet restrictions by the Association?
  - (o) If any answer to questions 7(a)-7(n) is yes, please explain: property is located in FEM... flood zone

[illegible]

## 8. Foreign Investment in Real Property Tax Act (“FIRPTA”)

- (a)** Is the Seller subject to FIRPTA withholding per Section 1445 of the Internal Revenue Code?  
**If yes, Buyer and Seller should seek legal and tax advice regarding compliance.**

9. ☐ (If checked) Other Matters; Additional Comments: The attached addendum contains additional information, explanations or comments.

**Seller** represents that the information provided on this form and any attachments is accurate and complete to the best of **Seller's** knowledge on the date signed by **Seller**. **Seller** authorizes listing broker to provide this disclosure statement to real estate licensees and prospective buyers of the Property. **Seller** understands and agrees that **Seller** will promptly notify **Buyer** in writing if any information set forth in this disclosure statement becomes inaccurate or incorrect.

Seller: Kevin Paseur / Kevin Paseur Date: Oct 14, 2024  
(signature) (print)

Seller: \_\_\_\_\_ / \_\_\_\_\_ Date: \_\_\_\_\_  
(signature) (print)

**Buyer** acknowledges that **Buyer** has read, understands, and has received a copy of this disclosure statement.

**Buyer:** \_\_\_\_\_ / \_\_\_\_\_ Date: \_\_\_\_\_  
(signature) (print)

**Buyer:** \_\_\_\_\_ / \_\_\_\_\_ Date: \_\_\_\_\_  
(signature) (print)

Seller (\_\_\_\_\_) and Buyer (\_\_\_\_\_) (\_\_\_\_\_) acknowledge receipt of a copy of this page, which is Page 3 of 3 Pages.



## Seller's Property Disclosure Update

Seller makes the following disclosure regarding the property described as: 17290 Perdido Key Dr., Unit A1, Pensacola, FL

32507

**Notice to Licensee and Seller:** Only the Seller should fill out this form.

**Instructions to Seller:** If the information set forth in a previously provided disclosure statement becomes inaccurate or incorrect, you must promptly notify **Buyer**. Use the space below to make corrections and provide additional information, if necessary. Then acknowledge that the information is accurate as of the date signed below.

A unit owner at Pescador Landing, has sent a letter to the Homeowners Association requesting a review of their assigned slip's size and location. In the letter they are asking for a concession to relocate the slip outside of the condo's current submerged land lease that has been in place since the 1980's with the state of Florida. Upon extensive review of documents, leases, and the condo's legal counsel, the BOD has concluded that the slip location and size does not violate the standards provided for all unit owners. Additionally, the unit owner was aware of the slip location which was available for inspection at the time of their condo purchase.

The Homeowner's Association responded thru our lawyer to the request letter, notifying the owner of the findings and that no changes were necessary to accommodate the request made. Therefore, at this point no further action is due on the part of the Pescador Landing Homeowner's Association.

The unit owner has the right to dispute the response, but as of 1/10/25, there has been no further action taken

2/27/25 Update: The letter referenced above was sent to the COA on 11/5/24 with a 30 day request for a resolution. There have been no new updates as of this date.

2/4/2026 Update: See attached Status Update Letter from the Association's Attorney.

**Seller** represents that the information provided on this form and any attachments is accurate and complete to the best of **Seller's** knowledge on the date signed by **Seller**.

Seller:  / Kevin Paseur Date: Jan 12, 2025  
(signature) (print)

Seller: \_\_\_\_\_ / \_\_\_\_\_ Date: \_\_\_\_\_  
(signature) (print)

**Buyer** acknowledges that **Buyer** has read, understands, and has received a copy of this revised disclosure statement.

Buyer: \_\_\_\_\_ / \_\_\_\_\_ Date: \_\_\_\_\_  
(signature) (print)

Buyer: \_\_\_\_\_ / \_\_\_\_\_ Date: \_\_\_\_\_  
(signature) (print)



**VIA ELECTRONIC MAIL ONLY**

Pescador Landing Owners Association  
17290 Perdido Key  
Pensacola, FL 32507

**Re: Jennifer Phipps Status Update**

Dear Board Members,

This correspondence serves as a status update regarding the matter with Ms. Phipps. At present, no lawsuit has been filed by Ms. Phipps. We have reached out to Ms. Phipps' attorney to explore possible resolutions; however, we have not received any viable solutions to date.

Ms. Phipps' attorney has informed us that she would be satisfied with relocating her boat slip to the end of the dock. We advised that this is not a workable option. Additionally, opposing counsel has raised issues that are not relevant or helpful in reaching a resolution, including claims that a unit owner, who was not on the Board at the time of Ms. Phipps' purchase, represented to Ms. Phipps that her slip would be large enough for her boat, and an assertion that DEP has not inspected the dock.

Opposing counsel's only substantive point has been that the boat slips do not conform with the submerged land lease, which we believe is incorrect and a non-issue. We will be responding to opposing counsel's most recent communication and will provide an update if any new demands are made beyond Ms. Phipps' request to move her slip to the end of the dock.

Very truly yours,

/s/ Vickie A. Gesellschap  
Vickie A. Gesellschap

/s/ Laiken M. Cowley  
Laiken M. Cowley



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\*Licensed in FL, GA, MD and DC

June 13, 2025

Pescador Landing Owners Association, Inc.  
c/o Board of Directors

Re: **PESCADOR LANDING OWNERS ASSOCIATION, INC.**  
**Attorney Opinion Letter re Jennifer Phipps Demand**  
Our File No. CA-1510-001

Dear Board of Directors:

My firm is engaged by the Pescador Landing Owners Association, Inc. (the "**Association**") as its general counsel. The Board of Directors for the Association (the "**Board**") has requested a letter briefly summarizing the demand made on behalf of owner Jennifer Phipps related to the boat slip assignments at the Pescador Landing condominium development. Please let this letter serve as that summary through today's date. This summary can be shared with any potential buyer of a Unit at Pescador Landing at the Board's choosing.

Ms. Phipps has indicated to the Board on numerous occasions that she is not satisfied with the boat slip assigned to her Unit. Ms. Phipps has previously made offers to the Board indicating that she would prefer if the Association would pay for a marina extension and assign one of the new boat slips for the exclusive use of the Phipps Unit.

The BOD's performing their due diligence has determined that: i) Ms. Phipps had the opportunity to inspect her property including her assigned slip at the time she purchased her unit; ii) the assigned slip for Ms. Phipps Unit, meets all State of Florida regulations set forth in the "Submerged Land Lease" that Pescador Landing holds with the State of Florida; and iii) the "Submerged Land Lease" was recently renewed and inspected in September 2023 and no changes were recognized or noted related to the marina structure or to Ms. Phipps assigned boat slip. Therefore, after consultation with my office, it has been determined that the Board does not have the authority or obligation to alter the current boat slip assignment or footprint of the existing marina complex.

Ms. Phipps has hired an attorney but has yet to file a lawsuit to date. Additional updates will be provided to the Board as negotiations continue. Please let me know if you have any questions or concerns moving forward.

Sincerely,

John "Jay" A. Fraiser, Jr.