

Virginia State Law Regarding Disclosure Packages

The following changes to the law went into effect July 1, 2008. The fees became effective August 1, 2008. Please feel free to call the WCA at 739-4344 if you have any questions.

The seller or his authorized agent may request that the disclosure packet be provided in hard copy or electronic form.

· A reasonable fee may be charged by the preparer as follows for:

1. The inspection of the exterior of the dwelling unit and the lot, as authorized in the declaration and as required to prepare the disclosure packet, a fee not to exceed \$100;
2. The preparation and delivery of the disclosure packet in (i) paper format, a fee not to exceed \$150 for no more than two hard copies or (ii) electronic format, a fee not to exceed \$125 for no more than two electronic copies. Only one fee shall be charged for the preparation and delivery of the disclosure packet;
3. At the option of the seller or his authorized agent, expediting the inspection, preparation and delivery of the disclosure packet, an additional expedite fee not to exceed \$50 (inspection and delivery of packet to be completed within 5 business days of the request);
4. At the option of the seller or his authorized agent, an additional hard copy of the disclosure packet, a fee not to exceed \$25 per hard copy, for each hard copy requested other than a hard copy for the seller, purchaser, or the settlement agent;
5. At the option of the seller or his authorized agent, a fee not to exceed an amount equal to the actual cost paid to a third-party commercial delivery service for hand delivery or overnight delivery of the association disclosure packet; and
6. A post-closing fee to the purchaser of the property, collected at settlement, for the purpose of establishing the purchaser as the owner of the property in the records of the association, a fee not to exceed \$50.

· Any fees shall be collected at the time of settlement on the sale of the lot and shall be due and payable out of the settlement proceeds. The seller shall be responsible for all costs associated with the preparation and delivery of the association disclosure packet, except for the costs of any disclosure packet update or financial update, which costs shall be the responsibility of the requestor, payable at settlement. The association shall not require cash, check, certified funds, or credit card payments when the request is made.

· If settlement does not occur within 90 days of the delivery of the disclosure packet, or funds are not collected at settlement and disbursed to the association, all fees, including those costs that would have otherwise been the responsibility of the purchaser or settlement agent, shall be assessed against the lot owner and shall be the personal obligation of the lot owner and shall be an assessment against the lot and collectible as any other assessments. The seller may pay the association by cash, check, certified funds, or credit card.

• If an association disclosure packet has been issued for the lot within the preceding 12-month period, a person specified in the written instructions of the seller or his authorized agent, including the seller or his authorized agent, or the purchaser or his authorized agent may request a disclosure packet update. The requestor shall specify whether the disclosure packet shall be delivered electronically or in hard copy, and shall specify the complete contact information of the parties to whom the update shall be delivered. The disclosure packet update shall be delivered within 10 days of the written request.

• The settlement agent may request a financial update. The requestor shall specify whether the financial update shall be delivered electronically or in hard copy, and shall specify the complete contact information of the parties to whom the update shall be delivered. The financial update shall be delivered within 3 business days of the written request.

• A reasonable fee for the disclosure packet update or financial update may be charged by the preparer not to exceed \$50. At the option of the purchaser or his authorized agent, the requestor may request that the association perform an additional inspection of the exterior of the dwelling unit and the lot, as authorized in the declaration, for a fee not to exceed \$100. Any fees charged for the specific update shall be collected at the time settlement occurs on the sale of the property. The association shall not require payment at the time the request is made for the update. The requestor may request that the specified update be provided in hard copy or electronic format.

The law continues to require that the seller of a property in a community association must provide an association disclosure packet to the buyer. Within 14 days of receipt of a written request and instructions by the seller or his authorized agent, the association shall deliver a disclosure packet as per the written instructions. The seller may request that the disclosure packet be delivered to the buyer or to his authorized agent in a hard copy or electronic format. If you become a seller of property in Woodlake, it is your job to ensure that the buyer gets a copy of a current disclosure packet. The disclosure packet that you received when you purchased your property would no longer be current; therefore, a new packet must be ordered.