

Revealing your home's past to buyers protects you

You want your house to look its best when you put it on the market. You freshen the paint, clean the windows, plant flowers in the beds, and rent a storage unit for the mountain of junk that's accumulated in the garage.

Those are great ways to minimize buyers' distractions and to maximize your home's charm. But there's a difference between enhancing your home's appeal and misrepresenting its condition. That's why you're required by law, as a seller, to disclose many aspects of your home's current and past condition.

Do I really have to reveal my home's ugly past?

Most post-sale disputes and lawsuits center around defects and disclosure, and many of these disputes can be avoided if proper disclosures are made. That's why most states, including Texas, require some type of formal seller's disclosure. You don't have to spend hours writing a history of your property, however. There are fill-in-the-blank notices available to assist you in fulfilling your legal requirements. You have to provide such disclosures to potential buyers on or before the effective date of a sales contract.

What do I have to put on this disclosure?

The notice covers in reasonable detail your awareness of any defects in the property before the sale. For example, if you've had a termite problem in the past, that's something that prospective buyers should know. Or, if the roof has a leak, buyers need to know that, too. There are also federal laws about disclosure. For example, someone selling a home built before 1978 must disclose any known lead-based paint problems.

But I fixed the leak and haven't seen a termite since yesterday

Even if you've resolved a problem, there are times when you should disclose their existence on your notice. Intentionally withholding information about a property when you sell can have serious legal ramifications.

Talk to your Texas Realtor and make sure you understand your responsibilities. You don't want to inadvertently leave something out and have to deal with expense, hassles and possible legal consequences later. Also, if you've had previous inspections done in the last few years, make that information available to the buyer.

For everyone's protection

Don't be afraid to disclose information about your property. Disclosure laws were created to protect buyers, but they also protect sellers. If all the information about a property is revealed up front, you're less likely to be involved in disputes after the sale.

No home is perfect, and most buyers expect a property to have flaws. It might even be a selling point to show potential buyers how quickly and thoroughly you, as a seller, handled repairs to problems over your years of ownership.

Disclosure is a necessary facet of the real estate transaction, helping to protect both buyers and sellers and ensuring lots of smiles on closing day – and beyond. If you have questions about disclosure, ask your Texas Realtor for advice.

For more information about buying and selling property in the Lone Star State, contact your [local Texas REALTOR®](#)