



## **Is Form 2A12-T required in every contract for the resale of a condominium?**

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**QUESTION:** My client made an offer on a condominium being resold, and the seller is refusing to attach the Owner's Association Disclosure and Condominium Resale Statement Addendum (Form 2A12-T) to the contract. The listing agent claims that this form is not necessary because they answered the same questions on the Residential Property and Owners' Association Disclosure Statement ("RPOADS"). This is not what I've been taught in the past. Isn't Form 2A12-T required in every contract involving the resale of a condominium?

**ANSWER:** No. The North Carolina Condominium Act provides that a seller who is reselling their condo "shall furnish to a prospective purchaser before conveyance a statement setting forth the monthly common expense assessment and any other fees payable by unit owners." [N.C.G.S. § 47C-4-109](#). Form 2A12-T can be used to fulfill this obligation, but if the seller chooses to answer the questions in the RPOADS instead, that is sufficient as long as the seller has not checked "no representation" on the questions addressing monthly assessments and other fees payable by unit owners.

It is worth noting that the seller has the right, by law, to check "no representation" on the RPOADS, even to those questions about monthly common expense assessments and other fees associated with a condo. If a seller chooses to select "no representation" in the RPOADS as to this information, listings agents should advise their client to provide the statement required in section 47C-4-109 in another way. Of course, Form 2A12-T will work, but if a seller does not want to use the form, they can provide a short, written statement complying with the statute instead. And, if the only monthly common expense or fee the seller pays are the regular dues of the HOA, that information can be disclosed in paragraph 7(d) of Form 2-T in order to comply with the statute.

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