



Disclosure Responsibility Addendum Indemnification Advisory

In recent years we have experienced a dramatic increase in post-closing demands being made by buyers asking sellers for refunds or “compensation” for what frequently are meritless claims for undisclosed defects etc. Many of these demands have been for substantial amounts. The meritless claims can normally be defended; however the cost of defense to both Sellers and their Brokers can be egregious.

In order to protect both you as a Seller and Mokha Real Estate, as your agent we have spent a great deal of time and effort to identify the most common claims and have had our Counsel prepare a **“Disclosure Responsibility Addendum”** for your buyer to sign. This addendum does the following:

- Emphasizes to buyer their obligation to thoroughly inspect and investigate the property during their contractual inspection period
- Eliminates a buyer’s ability to claim they were not aware of certain property conditions
- Discourages buyers from making meritless claims against us both
- Provides for an attorney’s fees clause that subsequent to successfully defending a meritless claim, will reimburse us both for our costs.

I can assure you that **I personally would never sell my home to any buyer who refused to execute this addendum.** In order to help protect your equity, **we also strongly encourage you not to accept any offer that does not include our Disclosure Responsibility Addendum.**

Patrick Conner
President

The reason our listing agreement with you as our client requires the inclusion of this document is that we have found it to be very successful in **protecting our Seller from post-closing claims and litigation. Should you have any doubt about its importance, we urge you to have this document reviewed by your legal counsel and/or discuss its merits with our counsel, Mr. David McNamara of McCormick Barstow et.al. (559) 436-4133.**

As the owner of your home, you, of course, have the ability to accept any offer you wish even if that offer does not include our “Disclosure Responsibility Addendum”, however:

Please be advised that should you elect to accept any offer which does not include the Mokha Real Estate’s Disclosure Responsibility Addendum, you will:

- a. Be creating a greater post-closing exposure for claims to be made against you.**
- b. Be assuming the obligation, as set forth in your listing agreement, to indemnify and defend Mokha Real Estate and our associates from any post-closing claims or litigation.**

Read, Approved and Agreed

Seller

Date

Seller