



# Real Estate Agent Guide

Dear Agent/Realtor,

Chateau Lake San Marcos is an independent living active adult community - No assisted living or care services are included or offered to residents in condominiums. Those that require caregiving or assisted living services are strongly encouraged to seek alternative living arrangements as these services are not available to CLSMHOA. At Chateau lake San Marcos we strive to provide excellence in active adult senior living. To assist you in providing accurate information regarding our community to your clients and prospective buyers, we have compiled the following information. It includes basic information about the Chateau, helpful tips, and what our process is once escrow opens on a property along with some important disclosure information required by statute. We hope you find this information helpful and please note that our staff is here to answer any questions you or your clients may have regarding Chateau Lake San Marcos.

- Basic information about Chateau: HOA, Non-smoking, active adult age-restricted community, independent living **no** assisted living/caregiving included.
- Services and Amenities Covered in Monthly Assessment:
  - ⇒ One Meal per day in our Gourmet Dining Room
  - ⇒ Bi-Weekly Housekeeping
  - ⇒ Professional Laundering of Linens
  - ⇒ Free Scheduled Transportation - grocery stores, errands, and medical appointments as well as Offsite Excursions, including Theatre, Museums, Casinos and other areas of interest.
  - ⇒ Onsite Exercise Classes 5 days a week
  - ⇒ Onsite Events, Classes, Lectures and Activities
  - ⇒ Fitness Center Equipment, Theatre, Pool & Spa, and Library in the Community Center
  - ⇒ Maintenance of all exclusive-use common areas, such as carports, patios and alcoves.
  - ⇒ Onsite Beauty Salon
  - ⇒ Gated Community
  - ⇒ Concierge assistance 7 days a week
  - ⇒ Membership in the Lake San Marcos Community Association with access to all of their clubs, events and activities
  - ⇒ One HD cable box with Spectrum
  - ⇒ Internet service through Spectrum

*Plus other HOA amenities including, water, trash, and gas, grounds maintenance and landscaping, access to onsite maintenance, custodial, and housekeeping, insurance on the common areas, etc...*

- Real estate signs no larger than 2'x3' in size and are permitted to be placed in windows and hung on balcony - may not be placed in any common areas.
- Unit flyers, brochures & business cards may be placed inside unit, displayed on a table located within unit's alcove (entry). Noted publications can also be given to our Concierge and will be handed out to those who inquire about the unit.
- Open Houses are permitted. We ask that you let us know in advance, so we can anticipate foot/ car traffic.
- HOA staff only provides tours of the community center; we do not enter/access any individual condominiums – not licensed real estate agents.

*SEE REVERSE SIDE*

- Website includes most information regarding CLSM including current rules and regulation and CC&Rs – prospective buyers are strongly encourage to read and understand these documents prior to making a purchase offer. Urge prospective buyers to meet with association staff prior to making a purchase offer.
- Clients/prospective buyers wishing to experience a meal in the dining may do so when: The unit is in good standing; there are available meal credits for the unit; prior approval of the Executive Director must be obtained PRIOR to arrangements for a meal is made. Only meals served Mon-Friday for lunch are available for prospective buyers to use UNLESS accompanied by the current Chateau owner.
- ALL units that are vacant for 30 days or longer are required to have all gas and water fixtures turned off at the shut off valves.
- CLSMHOA conducts a unit inspection once escrow is opened in order to assure unit is in compliance with the governing documents. This inspection IS NOT a “Home Inspection” for the benefit of the buyer typically conducted during home sales. A home inspection should be conducted independently by the purchaser/seller. A \$25 fee for inspection will be charged.
- If termite inspections are conducted you are encouraged to only inspect the interior of the condominiums. The exterior of the buildings, including the patios and balconies are exclusive use common area and are the responsibility of the HOA to repair and replace. ANY termite damage or activity found on the exterior of the condo shall be repaired and/or treated at the sole discretion of the HOA. HOA will not repair/replace/treat ANY areas in order for an owner to obtain a termite clearance. If a termite clearance is desired for any reason, the owner shall be solely responsible for any and all costs associated with obtaining a termite clearance.

*If you have any questions please feel free to contact*

**Samantha Russell**

**Director of Resident Services**

**(760) 761-4643**

**[Samantha.Russell@chateaulakesanmarcos.com](mailto:Samantha.Russell@chateaulakesanmarcos.com)**

**Civil Code §4525. Disclosure to Prospective Purchaser.**

[Old: Civ. Code §1368(a)]

(a) The owner of a separate interest shall provide the following documents to a prospective purchaser of the separate interest, as soon as practicable before the transfer of title or the execution of a real property sales contract, as defined in **Section 2985**:

(1) A copy of all governing documents. If the association is not incorporated, this shall include a statement in writing from an authorized representative of the association that the association is not incorporated.

(2) If there is a restriction in the governing documents limiting the occupancy, residency, or use of a separate interest on the basis of age in a manner different from that provided in **Section 51.3**, a statement that the restriction is only enforceable to the extent permitted by **Section 51.3** and a statement specifying the applicable provisions of **Section 51.3**.

(3) A copy of the most recent documents distributed pursuant to Article 7 (commencing with **Section 5300**) of Chapter 6.

(4) A true statement in writing obtained from an authorized representative of the association as to the amount of the association's current regular and special assessments and fees, any assessments levied upon the owner's interest in the common interest development that are unpaid on the date of the statement, and any monetary fines or penalties levied upon the owner's interest and unpaid on the date of the statement. The statement obtained from an authorized representative shall also include true information on late charges, interest, and costs of collection which, as of the date of the statement, are or may be made a lien upon the owner's interest in a common interest development pursuant to Article 2 (commencing with **Section 5650**) of Chapter 8.

(5) A copy or a summary of any notice previously sent to the owner pursuant to **Section 5855** that sets forth any alleged violation of the governing documents that remains unresolved at the time of the request. The notice shall not be deemed a waiver of the association's right to enforce the governing documents against the owner or the prospective purchaser of the separate interest with respect to any violation. This paragraph shall not be construed to require an association to inspect an owner's separate interest.

(6) A copy of the initial list of defects provided to each member pursuant to **Section 6000**, unless the association and the builder subsequently enter into a settlement agreement or otherwise resolve the matter and the association complies with **Section 6100**. Disclosure of the initial list of defects pursuant to this paragraph does not waive any privilege attached to the document. The initial list of defects shall also include a statement that a final determination as to whether the list of defects is accurate and complete has not been made.

(7) A copy of the latest information provided for in **Section 6100**.

(8) Any change in the association's current regular and special assessments and fees which have been approved by the board, but have not become due and payable as of the date disclosure is provided pursuant to this subdivision.

(9) If there is a provision in the governing documents that prohibits the rental or leasing of any of the separate interests in the common interest development to a renter, lessee, or tenant, a statement describing the prohibition.

(10) If requested by the prospective purchaser, a copy of the minutes of board meetings, excluding meetings held in executive session, conducted over the previous 12 months, that were approved by the board.

(b) This section does not apply to an owner that is subject to **Section 11018.6** of the Business and Professions Code.

**Civil Code §4530. Escrow Documents Provided by Association.**

[Old: Civ. Code §1368(b)]

(a)

(1) Upon written request, the association shall, within 10 days of the mailing or delivery of the request, provide the owner of a separate interest, or any other recipient authorized by the owner, with a copy of the requested documents specified in **Section 4525**.

(2) The documents required to be made available pursuant to this section may be maintained in electronic form, and may be posted on the association's Internet Web site. Requesting parties shall have the option of receiving the documents by electronic transmission if the association maintains the documents in electronic form.

(3) Delivery of the documents required by this section shall not be withheld for any reason nor subject to any condition except the payment of the fee authorized pursuant to subdivision (b).

(b)

(1) The association may collect a reasonable fee based upon the association's actual cost for the procurement, preparation, reproduction, and delivery of the documents requested pursuant to this section. Additional fees shall not be charged by the association for the electronic delivery of the documents requested.

(2) Upon receipt of a written request, the association shall provide, on the form described in **Section 4528**, a written or electronic estimate of the fees that will be assessed for providing the requested documents prior to processing the request in paragraph (1) of subdivision (a).

(3)

(A) A cancellation fee for documents specified in subdivision (a) shall not be collected if either of the following applies:

(i) The request was canceled in writing by the same party that placed the order and work had not yet been performed on the order.

(ii) The request was canceled in writing and any work that had been performed on the order was compensated.

(B) The association shall refund all fees collected pursuant to paragraph (1) if the request was canceled in writing and work had not yet been performed on the order.

(C) If the request was canceled in writing, the association shall refund the share of fees collected pursuant to paragraph (1) that represents the portion of the work not performed on the order.

(4) Fees for any documents required by this section shall be distinguished from other fees, fines, or assessments billed as part of the transfer or sales transaction.

(5) Any documents not expressly required by Section 4525 to be provided to a prospective purchaser by the seller shall not be included in the document disclosure required by this section. Bundling of documents required to be provided pursuant to this section with other documents relating to the transaction is prohibited.

(6) A seller shall provide to the prospective purchaser, at no cost, current copies of any documents specified by **Section 4525** that are in the possession of the seller.

(7) The fee for each document provided to the seller for the purpose of transmission to the prospective purchaser shall be individually itemized in the statement required to be provided by the seller to the prospective purchaser.

(8) It is the responsibility of the seller to compensate the association, person, or entity that provides the documents required to be provided by **Section 4525** to the prospective purchaser.

(c) An association may contract with any person or entity to facilitate compliance with this section on behalf of the association.

(d) The association shall also provide a recipient authorized by the owner of a separate interest with a copy of the completed form specified in **Section 4528** at the time the required documents are delivered.