

## Arizona Department of Real Estate

### Disclosure requirements for property which is within "territory in the vicinity of a military airport." A.R.S. §§ 28-8483 and 28-8484

Actions by the Arizona Legislature in 1995 and 1997 have created some confusion regarding the requirement for disclosure that real property is located near Luke Air Force Base, Davis Monthan Air Force Base and the Marine Corps Air Station at Yuma.

Perhaps this information will help you decide whether disclosure is required.

A.R.S. § 28-8461(11), formerly A.R.S. § 2-321, defines the "territory in the vicinity of a military airport" as:

**Luke Air Force Base**, Maricopa County: 10 miles to the north, south and west and four miles to the east parallel from the center of the main runway.

[View a map.](#)

[This version](#) in Microsoft PowerPoint format, shows the territory in the vicinity, the noise contours and the Accident Potential Zones in far more detail. Set the view percentage to 200 percent or more.

**Davis-Monthan Air Force Base, Tucson:** Five miles to the northwest along a line extending from the end of the northwest runway, 1.5 miles to the southwest, 6.5 miles to the northeast and perpendicular to the runway centerline and 10 miles to the southeast along a line extending from the end of the southeast runway.

**NOTE:** Senate Bill 1525 enacted in 2001 changed the boundaries of the Territory in the Vicinity of Davis-Monthan A.F.B.

Map in [Microsoft Word](#) format

Enlarge with Word's percentage control to 200% or 300% to see detail.

Map in [PowerPoint](#) format

Enlarge with PowerPoint's percentage control to 200% or 300% to see detail.

**Marine Corps Air Station, Yuma:** 5 miles to the north, south and west and 10 miles to the east of the center of the main runway.

[View a map in PowerPoint format](#)

This version provides the best detail. Increase the size with PowerPoint's percentage control to 300%.

[View a map in PDF format](#)

To view and print the Yuma map, you must have Adobe Acrobat Reader installed in your computer. If you do not have Acrobat Reader, you may download it at no cost from [Adobe](#).

We suggest you print this finely detailed map on 8-1/2 x 11-inch coated or photo paper at a printer resolution setting of 600 dpi or higher.

The Yuma map complies with Senate Bill 1525 enacted by the 2001 Legislature which requires disclosure of high noise and accident potential zones [A.R.S. § 28-8484(B)].

The stated purpose of the following statutes is "to encourage the preservation of military airports and to promote the public health and safety in the vicinity of military airports by permitting and encouraging military airport planning and zoning regulations which assure uses of land compatible with the continued operation of military airports."

In 1996, the Legislature enacted A.R.S. §§ 28-8483 and 28-8484 which became effective October 1, 1997.

§ 28-8483 . Registry of military airport flight operations; public inspection

A. The state real estate department and political subdivisions that have territory in the vicinity of a military airport shall request from the military airports in this state a registry of information including maps of military flight operations and a list of contact persons at each military airport who are knowledgeable about the impacts of military flight operations. The state real estate department shall maintain the registry and make the registry available to the public on request.

B. The registry of information required by this section shall be used to enforce the sound attenuation and public disclosure requirements of sections 28-8481 and 28-8482.

§ 28-8484. Military airport disclosure; residential property (as ammended in 1991)

A. Any public report issued after December 31, 2001 pursuant A.R.S. § 32-2183 or 32-2195.03 Applicable to property that is located within territory in the vicinity of a military airport shall include the following statements:

1. That the property is located within territory in the vicinity of a military airport.
2. If the state real estate department has been provided the registry of information described in § 28-8483, that the state real estate department maintains a registry of information, including the maps of military flight operations provided by the military airport, pursuant to § 28-8483 and, if provided to the department, the map prepared by the military airport pursuant to subsection b of this section.
3. If the state real estate department has been provided the registry of information described in § 28-8483, that the information is available to the public on request.

B. Each military airport may provide the state real estate department and each political subdivision with territory in the vicinity of the military airport with a map that is in electronic form and that is eight and one-half inches by eleven inches in size showing the exterior boundaries of each territory in the vicinity of a military airport and the exterior boundaries of each high noise or accident potential zone.

The state real estate department shall work closely with each military airport and political subdivisions with territory in the vicinity of a military airport as necessary to create a map that is visually useful in determining whether property is located in or outside of a territory in the vicinity of a military airport or in or outside of a high noise or accident potential zone. If there are changes to the map, the military airport shall notify the state real estate department and political subdivisions of the changes and shall provide a new map in electronic form.

If a new map is provided, the department and the political subdivisions shall include the map in the registry of information maintained pursuant to § 28-8483. The map shall be included in public reports issued pursuant to §§ 32-2183 or 32-2195.03, And the map shall be available to the public on request.

C. For any lot reservation or conditional sale that occurs before the issuance of a public report, the disclosure statements listed in subsection a of this section shall be included within the reservation

document or conditional sales contract.

D. This section does not require the amendment or reissuance of any public report issued on or before December 31, 2001 or the amendment or reissuance of any reservation document or conditional sales contract accepted on or before December 31, 2001.

The maps are available for your inspection at our Phoenix office at 2910 N 44th Street (at Thomas Road) by appointment. You may view them online in Microsoft Word or PowerPoint format.

[Luke](#) in PowerPoint format

[Davis-Monthan](#) in Word format

[Davis-Monthan](#) in PowerPoint format

[Yuma](#) in Word format

[Yuma](#) in PowerPoint format

**Charles Downs**  
**Public Information Officer**  
**Arizona Department of Real Estate**  
**602/468-1414 X168**  
[cdowns@re.state.az.us](mailto:cdowns@re.state.az.us)

In addition to the above statutes, A.R.S. § 32-2181(A)(23) requires this disclosure in an application for a Subdivision Public Report:

"A true statement as to whether all or any portion of the subdivision is located in territory in the vicinity of a military airport."

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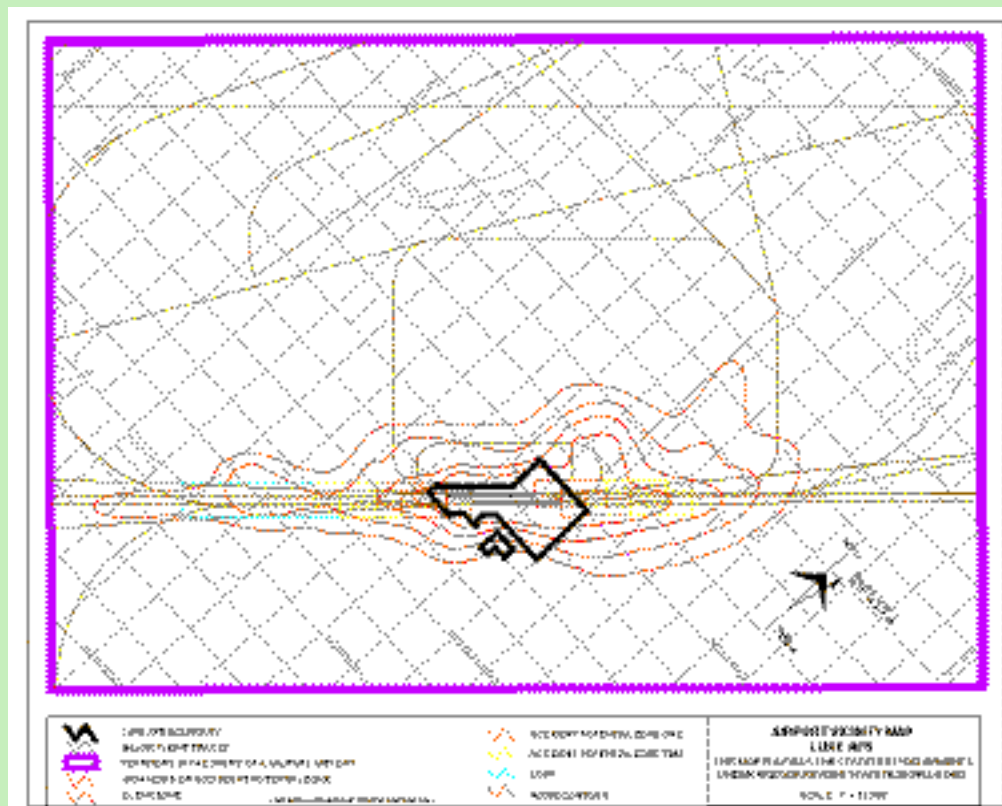
Return to [Late-Breaking News](#)  
Return to the [Table of Contents](#)

# Luke AFB

## Aircraft Noise Contours, Traffic Patterns and Territory in the Vicinity

[View Large-Scale Map](#)

[Back to Airport Index](#)

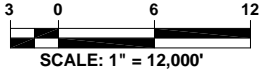
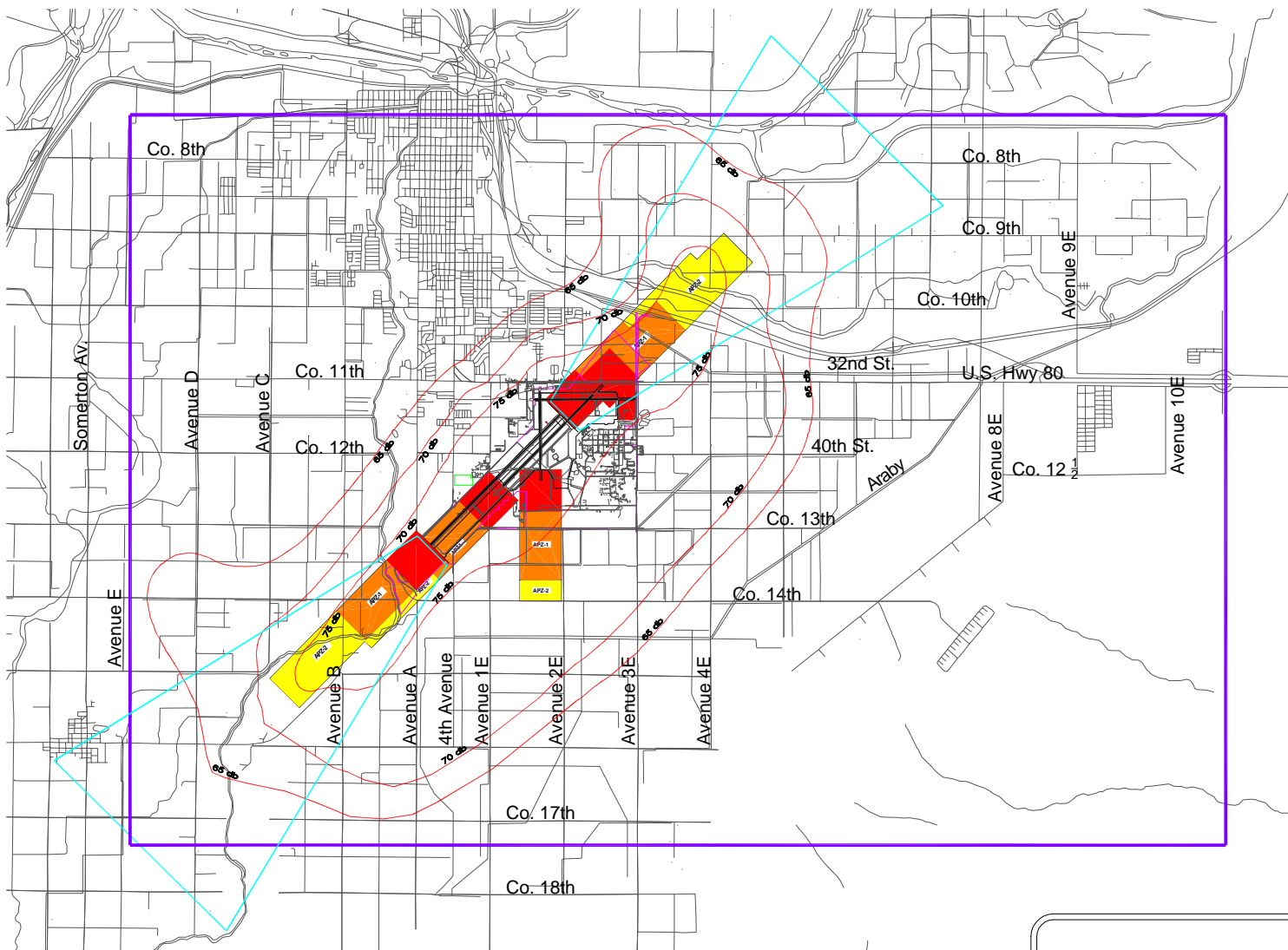










This map, furnished by Luke Air Force Base, depicts the base's traffic patterns, noise contours, and the "Territory in the Vicinity of a Military Airport" as defined by A.R.S. § 28-8461(11).

Noise contours are depicted by the wavy lines surrounding the runway. The outermost line is the 65 db noise contour.

The four corners of the "Territory" are located roughly at:  
North: 147th Avenue and Dynamite Road  
West: An uninhabited area of the White Mountains  
South: Citrus Road and the S.P Railroad tracks  
East: Thunderbird and 71st Avenue

A.R.S. § 28-8461(11) defines the "Territory in the Vicinity" as the area "10 miles to the north, south and west and four miles to the east parallel from the center of the main runway."



-  HIGH NOISE OR ACCIDENT POTENTIAL ZONE
-  MCAS RUNWAYS
-  STREETS
-  # db NOISE CONTOURS
-  CLEAR ZONES
-  APZ 1
-  APZ 2
-  TERRITORY IN THE VICINITY



DESIGN:  
DRAWN:  
E.I.C.  
CHECKED:

FACILITY MANAGEMENT DEPARTMENT  
YUMA, AZ  
**SB 1525- LAND USE BOUNDARIES**

ANSI A SIZE  
IF SHEET BORDER IS  
OTHER THAN 8.5" X 11"  
OR .71" X .92"  
SCALE IS MODIFIED  
ACCORDINGLY

SCALE: 1" = 12,000'  
DATE: 07-19-01  
SHEET: OF





# Late-Breaking News

## FROM THE ARIZONA DEPARTMENT OF REAL ESTATE

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[Search this web site](#)

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**To join the nearly 2,000 people  
who receive Late-Breaking News by e-mail**

**April 29**

### **New Recovery Fund Document**

A new document, "[Questions and Answers about the Real Estate Recovery Fund](#)," has been posted on our web site. The document is designed to aid those who are unaware of the fund, and those seeking to obtain money from the fund.

**April 16, 2002**

The April 2002 issue of the *Arizona Real Estate Bulletin* is now available for download in our [Bulletin Library](#).

We delayed publication until legislation affecting real estate statutes was sent to the Governor.

**April 12, 2002**

## **DANGEROUS VIRUS WARNING**

A new virus, being distributed through email, can cause serious damage to your computer files.

Named W32.Hunch.C@mm (aka Bloodhound.W32VBWORM), the virus can

- Delete files from your computer and attempt to format the C Drive the next time the computer is restarted, erasing the contents of the hard drive.
- Mail itself to all addresses in the Microsoft Outlook address book.
- Cause system instability by deleting files.

### **HOW TO SPOT THE VIRUS:**

- The subject of the email will vary depending on the originating file name.
- The message begins, "Tal como te prometi; te envio mi foto en el archivo adjunto..."
- The name of the attachment will vary depending on the originating file name.
- The virus may cause your computer to display a pornographic picture.

### **DO NOT OPEN THE ATTACHMENT**

It will immediately infect your computer

### **DELETE THE MESSAGE,**

then delete it from your Deleted Items folder.

### **HOW TO ERADICATE THE VIRUS IF YOU OPEN THE ATTACHMENT**

See the [Symantec](#) web site for eradication instructions and more information about this virus.

**April 11, 2002**

**Home Inspection Standards of Practice now available here**

On March 29 (below), we stated that the [Home Inspector Certification Rules](#), adopted by the Board of Technical Registration, are available on our web site.

Now, we have posted the Arizona Chapter of the American Society of Home Inspectors, Inc. [Standards of Professional Practice](#) for Arizona Home Inspectors.

This document, published by the Arizona Board of Technical Registration, explains what certified home inspectors **are** expected to inspect, and what they are **not** expected to inspect. You should become familiar with this document.

We are told that some real estate licensees believe (and are telling others) that home inspectors are committing a class 2 misdemeanor if the person advertises that he or she is a "home inspector" after May 1. That is not necessarily true. A person cannot advertise that he or she is "certified" until that is true; however, the person can advertise that he or she is a "home inspector" (without the word "certified") if an application for certification is on file with the [Arizona Board of Technical Registration](#).

**April 2, 2002**

**New document --"Buyer Advisory"-- now available**

A message from Commissioner Holt:

The inspiration for and creation of this Buyer Advisory is credited to the industry of the volunteer members of the Commissioner's Disclosure Law Instructor Development Workshop Committee. We count this document as a success in industry efforts to raise the awareness of buyers and to stimulate buyers to be active in "checking things out" that may be important to them.

The Buyer Advisory is not intended to diminish the responsibility of licensees to deal fairly, competently and honestly (make material

disclosures) to all parties to a transaction. Nor should the Buyer Advisory be viewed as a means for agents to shift their responsibilities to their clients. Obviously, agents need to communicate effectively with their clients and continue to be responsible for assisting and advising their clients throughout the real estate transaction.

This Buyer Advisory should be considered as "public domain." There is nothing magic or sacrosanct about its content or organization. It is a living document. Real estate licensees should feel free to customize it to their particular practice. Brokers may wish to do likewise, for their practice and location in the state. You may wish to add topics to it.

The Department fervently believes that the combining of skill and integrity in practice with good and useful information will result in better transactions. The Department, the industry and the public equally desire the same thing: satisfied buyers, sellers, lessees and lessors. We believe this Buyer Advisory is a valuable contribution to that end.

You may [view, download and print the Buyer Advisory here](#)

## March 29, 2002

### **Emergency Home Inspector Rules adopted**

The Arizona Attorney General has approved the Board of Technical Registration emergency rules for the Home Inspector Certification Program. These rules are now in effect and will be the control over the program until the permanent rule package is finalized and adopted.

Any person offering home inspections in Arizona after May 1, 2002, must have an application for home inspector certification on file with the Board of Technical Registration prior to May 1, 2002 in order to continue to conduct business.

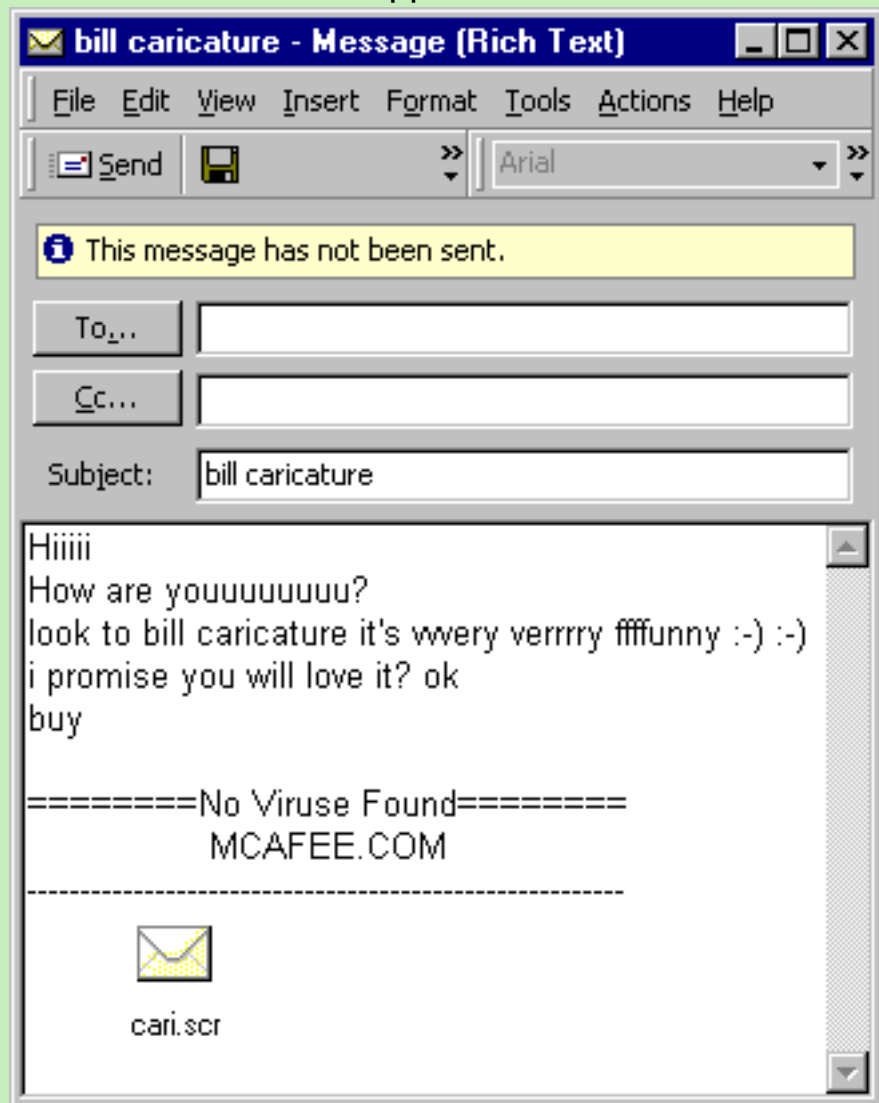
[View the emergency rules](#)

## March 28, 2002

## VIRUS WARNING

A new virus, dubbed "My Life," is making the rounds. It arrives by email and affects Microsoft Outlook.

This is how the email appears:



For more information about eradicating the virus, visit the [McAfee web site](#).

**March 21, 2002**

## **Don't fall for this scam**

Mrs. Mary Mohamed urgently and confidentially needs your assistance.

Her husband, a prominent Kuwaiti citizen, was murdered by Islamic extremists for condemning the terrorist attacks of September 11, and now, she says in her hastily typed e-mail, those same extremists are out to kill her.

The situation is desperate, but you can help. All Mohamed asks is a letter of invitation so she can obtain a U.S. visa and your bank-account number so she can move the \$40 million her husband secretly bequeathed her to the United States. For these kindnesses, she will repay you with 15 percent of her fortune. Please reply to her Yahoo.com e-mail address with "your most confidential telephone numbers" for further instructions.

Sound like the easiest \$6 million you'll ever make? Think again. According to the U.S. State Department, succumbing to such a plea could cost you everything you own, possibly even your life.

To learn more about this a similar scams, visit SF Gate Tech [SF Gate Tech](#)

**March 20, 2002**

## **Advisory Board Meeting Agenda**

The agenda for the March 21 meeting of the Arizona Real Estate Advisory Board (see item below) is:

- I. Call to Order, R.L. Brown, Chairman
- II. Presentation and approval of minutes
- III. Chairman's Issues

### A. Chairman Brown

1. 2002 Board Schedule; Special engagements?

### IV. Reports

## A. Commissioner Jerry Holt

1. Disclosure of information about real property offered for sale
2. State of Arizona Board of Technical Registration
3. Areas where budget was reduced
4. Letters to people on our Stakeholder Notification List
5. Notice of Proposed Rulemaking
6. Status of proposed legislation

V. Call to the public

VI. Announcements

VII. Adjournment

## March 18, 2002

### **Real Estate Advisory Board meeting**

The Arizona Real Estate Advisory Board will hold a regularly scheduled meeting from 10 a.m. until 12 noon on Thursday, March 21, 2002, in the Department's Phoenix conference room at 2910 N. 44th Street.

The meeting agenda will be posted here at least 24 in advance of the meeting.

## March 14, 2002

## **Environmentally Distressed Property Conference**

A one-day conference, "Tools for Success, -- Developing Environmentally Distressed Property," will be held on Wednesday, April 3, at the Hilton Tucson East, Salon A. The hotel is located at 7600 E. Broadway Boulevard.

The conference will be hosted by The Arizona Department of Environmental Quality (ADEQ), Pima Association of Governments (PAG), Pima County and the City of Tucson.

Through panel discussions, remediation specialists, community developers and government agency representatives will detail existing ways to restore and redevelop property idled by on-site pollution.

Learn how states, local governments and tribes can qualify for federal funding to clean up abandoned or under-used industrial and commercial facilities through the Environmental Protection Agency's (EPA) recently expanded Brownfields Program. Lunch will be served at no charge to registered participants.

Keynote Speaker: Vice Mayor Carol West, Ward 2 Council Member, with an introduction by Jacqueline E. Schafer, Director, Arizona Department of Environmental Quality.

The conference is sponsored by the Southern Arizona Environmental Management Society, Inc. (SAEMS), Hargis & Associates, Inc., Tucson Electric Power, Southwest Gas, Malcolm-Pirnie, Terracon, URS, and the Environmental and Natural Resources Law Section of the State Bar of Arizona,

Registration will begin at 8:30 a.m. The conference will begin at 9:00 a.m and end at 4:00 p.m.

To pre-register, call Maria at ADEQ's Southern Regional Office: 520-770-3361 by March 28.

Registration is free of charge.

For additional information, contact Eileen Palese at ADEQ, 520-628-6712.

**March 11, 2002**

The Department is proposing changes and additions to the Commissioner's Rules.

We are soliciting your comments and suggestions, so that your interests and concerns can be considered before continuing with the formal rulemaking process. As you look at the proposed rules, note that new language is underlined and deleted text is lined out.

Please send your comments to:

Cindy Wilkinson  
Arizona Department of Real Estate  
2910 North 44 Street, Ste 100  
Phoenix, AZ 85018

The deadline to file written comment is May 30, 2002 but please forward your input as soon as possible.

Proposed rulemaking in [Adobe Acrobat format](#)

Proposed rulemaking in [Microsoft Word format](#)

**February 28, 2002**

### **Commissioner mandates "Disclosure" CE course**

Beginning July 1, 2002, applicants for renewal of an Arizona Real Estate License must provide proof of attendance of a new three-hour continuing education course on disclosure which will be available at most if not all approved Arizona real estate schools. Arizona will be the first state to make such a requirement of its real estate licensees.

The new continuing education course requirement will be formally announced at a Disclosure Instructor Development Workshop (IDW) to be presented Friday, March 1, at the Arizona School of Real Estate and Business.

"Disclosure of all sorts of information about real property offered for sale is becoming an increasingly complex matter," said Real Estate Commissioner Jerry Holt. "According to legal experts, 70 to 80 percent

of all real estate law suits are filed by buyers, and nearly all of these suits address disclosure matters. This is just one reason that the Arizona Department of Real Estate recognizes the need for more complete continuing education in the area of disclosure. As a result, we are requiring all approved real estate instructors who teach courses which include significant disclosure content to attend an Instructor Development Workshop. We believe that for the protection of the public it is imperative that real estate licensees receive the most up-to-date continuing education to keep them apprised of vital disclosure issues, and that education can come only from instructors who have been thoroughly prepared to teach the subject." The Workshops were designed with the assistance of several real estate attorneys, Arizona real estate instructors and the Arizona Real Estate Educators Association. According to Edwin Ricketts, president of the Association, the workshops will be as thorough as possible. "For instance," Ricketts said "each instructor who attends a Workshop will receive 260 pages of disclosure-related materials."

A second IDW will be presented for instructors on April 5. Additional Disclosure IDWs may be presented as deemed necessary.

The Department's authority to require the course is contained in Commissioner's Rule A.A.C. R4-28-402(A)(2) which states, "The Department may require an individual applying for renewal to obtain credit hours based upon significant current issues in the real estate community."

For more information about the Instructor Development Workshops and the new continuing education requirement, please contact the Department's Director of Education and Licensing, John Bechtold, at 602-468-1414, extension 345.

**February 1, 2002**

## **The February 2002 issue of Arizona Real Estate Bulletin is available**

Headlines in this issue:

- AAR revises Seller's Property Disclosure Statement
- Every buyer is entitled to an SPDS
- Couple collects \$11,475 from recovery fund
- Five bills introduced to change real estate statutes
- Rental property must be registered with assessor
- 2002 Brownfields Conference to be held April 30 in Phoenix
- Seller Beware: No safe harbor in selling 'as-is'
- Court holds landlord making repairs is not a 'contractor'
- Portions of your license file are not a matter of public record, but most of it is
- Your next license will have a new look
- News from the Commissioner
- Administrative Actions

Down the color or black & white version from our [Bulletin Library](#).

### **January 31, 2002**

**Tentative Advisory Board meeting schedule**  
The Arizona Real Estate Advisory Board is tentatively scheduled to meet at the Department's Phoenix office on the following days in 2002:

- **March 21**
- **May 16**
- **July 18**
- **September 19**
- **November 21**

**A meeting notice will be posted here not less than 24 hours before each meeting.**

### **January 25, 2002**

#### **Universal Renewal Form revised**

LI-243, our Universal Renewal Form, has been revised. It is available in our [Document Library](#). Please do not use prior versions of the form.

**January 22, 2002**

### **Mold Symposium**

The Southeast Valley Regional Association of Realtors will host a Symposium on Mold for Realtors Friday, January 25, from 8:30 a.m. until noon at the Associations offices, 1363 S. Vineyard (northwest of Highway 60 and Country Club Drive) in Mesa.

A panel of experts will show agents how to inform clients to avert multi-million dollar lawsuits. They are:

- Attorney Bob Bass, who specializes in real estate law;
- Stuart Lanson, M.D., an environmental allergist and Board Certified Ear, Nose & Throat Specialist
- ASU Professor Bob Hutzal, a licensed, certified mold remediation specialist.

The symposium will be moderated by Wendy Rogers, real estate educator and owner of HouseMaster Home Inspections.

Real estate licensees will receive three hours of continuing education credit in the category of legal issues.

Sign-in begins at 8 a.m. The cost is \$20 which includes lunch. Please contact "Letty" at 480-345-8570 no later than Thursday, January 24, to reserve your seat.

**January 17, 2002**

## **Don't take what's not yours, especially if it's ©ed.**

There is a dangerous myth bouncing around out there. It holds that once a web site is published on the Internet, the contents of that site -- images, copy, sounds, et alia -- are "in the public domain" and can be copied and used with impunity by anyone who happens by.

If you believe that, then have \$100,000 or so on hand to pay a damage judgment if you're sued for copyright violation.

You can read more about web site copyright issues at this [Realty Times](#) page -- a case history of what happened when internet thieves lifted graphics from Scottsdale Broker Alice Held's [splendid web site](#).

If a different Realty Times article appears when you click the link, scroll down to the bottom of the page and look for "An Agent Uses Online Friends To Stop Web Site Thieves."

Thanks to Ed Ricketts for calling our attention to this article.

**January 10, 2002**

## **ANOTHER WORM ALERT**

We regret that we must warn you of another worm that is spread through Microsoft Outlook.

Dubbed "JS.Gigger.A@mm," it causes infected computers to send the worm to all Outlook email addresses. It then begins to delete files on infected computers.

- The subject of the email is "Outlook Express Update."
- The message is "MSN Software Co."
- The name of the attachment, the worm, is "mmsn\_offline.htm."

For information about eradicating the worm, see this [Symantec page](#)

## **New License Form**

If you have obtained a new real estate license or renewed your existing license in the past few days, you probably noticed that we've changed the license form.

To reduce the cost of printing licenses, we have redesigned the license form so that the entire license can be created by a computer and laser-printed on standard paper.

Gone are the more expensive paper, the pre-printed form, the second color for the license serial number, and the expensive custom mailing envelope. These changes represent a significant cost savings which will help us comply with the Governor's edict to substantially reduce spending.

Presently, the license will be three-folded (like a business letter) and mailed in a standard window envelope. Very soon, the licenses will be folded once to 5-1/2 by 8-1/2 inches and mailed in a standard 6-by-9 inch window envelope. This should overcome the objections voice by a few people that because of the way it is folded the license looks like a "copy" of a real license.

**January 8, 2002**

### **Two new worms attack Microsoft Outlook**

**W32.Shatrix@mm** is a Microsoft Outlook worm that is written in Delphi. It spreads by sending itself to contacts in the Microsoft Outlook address book, and across network drives. The payload attempts to delete .exe files and replace them with itself.

Subject of email: FW: Shake a little

Message: Hi !  
This will shake your world :-)  
Regards,

Name of attachment: shake.exe

Damage: When the worm is executed, it does the following:

It first moves the active window around the screen for a second or two. (If this worm is executed from the desktop and there are no open windows, you will not see the window jumping around.)

Next, the worm copies itself to the \Windows\System folder

as a random eight-character file name with the extension .exe (for example, 3hohd7ec.exe).

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**W32.Maldal.D@mm** is an extremely damaging worm. It was written and distributed on December 28, 2001. The virus code is in Visual Basic. It is about 27 KB in size and is packed using Aspack. The worm uses Microsoft Outlook to send itself to all contacts in your Microsoft Outlook address book.

Subject of email: ZaCker

Message: The content of the mail will be any of the following (randomly chosen) lines:

Test this game

I wish u like it

I have got this file for you

Surprise !!!

download this game & have fun ;)

desktop maker ,you may need it ;)

have you ever got a gift !?

What women wants !

Don't waste any time ,Subscribe now

Make your pc funny !

new program from my fun groups

Map of the world

Create your Ecard

looooooooooooooooooooool

Send it to everybody you love

Its made by me ;)

Our symbol

If you have an elegant taste

Test your mind

1 + 1 = 3 !!!

Singer , searsh for any song and sing ;)

For everybody wants to marry a woman that he doesn't love !

nowadays , there is no womanhood !! :P

Just Try to fix it

Keep these advertisements run and earn 0.25 \$ per 10 minute ;)

See this file

Name of attachment: .exe or ZaCker.exe

amage: Deletes files: Attempts to delete antivirus software and files with the following extensions: .ini, .php, .exe, .com, .mpeg, .dat, .zip, .txt, .exe, .xls, .doc, and .jpg.

Causes system instability: Critical system files may have been deleted.

For more information about eradicating these and other worms and viruses, visit the [Symantec web site](#) and the [McAfee web site](#)

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### **New ADEQ documents for septic tank inspections**

The Arizona Department of Environmental Quality has asked that we post five documents which relate to septic tank inspections required after 1/1/02 for tanks installed since 1/1/01.

They are:

- [ADEQ Press Release](#) (MS Word document)
- [Information Packet](#) for sellers and inspectors (MS Word document)
- [Inspection Checklist](#) (Adobe Acrobat document)
- [Inspection Providers](#) (Adobe Acrobat document)
- [Inspection Form](#) (Adobe Acrobat document)

If you do not have Adobe Acrobat Reader with which to view and print the Adobe Acrobat documents, you may obtain it at no cost from [Adobe](#).

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### **New AAR PROPERTY DISCLOSURE STATEMENT**

The Arizona Association of Realtors® has published a new Residential Sellers Property Disclosure Statement. This six-page document replaces the former three-page document. You may [download a sample](#) in Adobe Acrobat format.

If you do not have Adobe Acrobat reader with which to view and print the form, you may obtain it at no cost from [Adobe](#).

**January 4, 2001**

## **AOL Instant Messenger Vulnerability**

A vulnerability has been discovered in the Windows version of the AOL Instant Messenger software. (AIM software running on other platforms such as Linux or the Macintosh do not appear to be vulnerable). If exploited, an attacker may be able to run programs on your computer without your permission, much like a worm or virus can. A temporary fix can be applied that will help to reduce the risk.

1. Go to your Preferences
2. Go to the Privacy section
3. Click "Allow only users on my Buddy List" under "who can contact me"

This is not a perfect fix, if someone on your buddy list gets attacked, you can be attacked by that infected individual. Users should watch for updated AIM software from AOL.

AOL is also expected to patch it's servers to alleviate the problem. More information about this vulnerability can be found [here](#)

Source: The SANS Institute

## **January 3, 2002**

### **ADEQ Transfer Inspection Program for On-site Wastewater Treatment Facilities**

ADEQ has posted information on its [web site](#) regarding the new rules, effective January 1, 2002, to provide for the statewide inspection of septic tank and alternative systems (referred to in state rule as "on-site wastewater treatment facilities") to help selling and buying property owners understand the physical and operational condition of the septic system serving the home or business. This regulatory requirement for inspection applies at the time of property ownership change to any onsite wastewater treatment facility approved for use on or after January 1, 2001 by ADEQ or a delegated county agency.

Real estate licensees should be familiar with the requirements of the new rules, and should advise buyers and sellers accordingly.

### **Substantive Policy Statement No. 7 revised**

[SPS 7](#) has been revised to clarify the language. No substantive changes have been made.

## Another Windows XP Security Problem

Have you updated to Windows XP? If so, have you installed the Windows XP Security Patch? According to Microsoft, you should. Here's why:

This update resolves the "Unchecked Buffer in Universal Plug and Play Can Lead to System Compromise" security vulnerability in Windows XP. Download now to prevent a malicious user from compromising your computer, or using it to interfere with another computer's operation. The vulnerability results because the Windows XP Universal Plug and Play feature does not correctly validate inputs before using them. The patch also eliminates the vulnerability discussed in Microsoft Security Bulletin MS01-054.

You may download the patch at no cost from [Microsoft](#)

## December 6

### December 2001 *Arizona Real Estate Bulletin* available

The December issue of the *Bulletin* is available in our [Bulletin Library](#).

Articles in this month's issue are:

- ADEQ to require presale inspection of some septic systems beginning 1/1/02
- New homes need professional inspection before move-in
- 'Price opinion' or 'opinion of value' fees can be illegal
- Managing property management trust accounts
- Take this quiz and find out why lot splitting is more art than science
- What information must be on my business card?
- Carryback financing with partial releases can inadvertently create subdivisions
- Administrative Actions
- News from the Commissioner

## December 5

## "Goner" Worm Alert

A new worm (virus) is circulating and can cause your computer to send email messages containing the worm to every address in your email address book. It will also attempt to eliminate virus protection from your computer.

Here is [more information](#) that will enable you to spot the virus before it does any harm. You'll also find information about removing the worm if your computer is infected.

## November 29

### New Substantive Policy Statement

Substantive Policy Statement No. 28 has been published.

If a licensed Arizona real estate broker, authorized to handle all aspects of the real estate transaction, is present and supervising the auction of real property, the auctioneer or "caller" is not required to be licensed. An unlicensed person engaged to perform the services of an auctioneer shall not be compensated based upon the sale or amount of sale of the real estate, but may be compensated on an hourly rate or flat fee for the services provided.

The entire Statement can be found in our [Substantive Statement Library](#).

## November 28

### UPDATE

**A NEW VIRUS**

is making the rounds. Symantec has identified it as "W32.Badtrans.B@mm" If you receive an email with **Any of the following as the subject:**

- Pics
- images
- README
- New\_Napster\_Site
- news\_doc
- HAMSTER
- YOU\_are\_FAT!
- stuff
- SETUP
- Card
- Me\_nude
- Sorry\_about\_yesterday
- info
- docs
- Humor
- fun

**And no text in the body of the email,  
And an attachment with one of the following double suffixes.**

The first will be

.doc or .MP3 or .aip

and the second will be

.PIF or .src.

An example (one we received an hour ago) is ME\_NUDE.MP3.src

**Do not open the attachment.** Delete the email and empty the Deleted Items folder immediately.

To eradicate the virus, use Symantec or McAfee virus elimination software, or contact your system administrator or PC service provider.

**VIRUS  
ALERT**

**November 20**

## Revised License Renewal Form (Download version only)

We have revised the download version of our Universal Renewal Form, now LI-243W. You may obtain it in our [Document Library](#). Please destroy copies of the previous version you may have downloaded from our web site. Please continue to use LI-243 mailed to you (or your employing broker) approximately 30 days before license expiration. Use the web version, LI-243W, only if you do not receive a renewal form in the mail or the mailed form is misplaced.

## Revised Legislative Proposals

We have revised the drafts of the legislation we propose to introduce in the 2002 Legislature.

- Explanation of Proposed Legislation [MS Word Formad](#) [Adobe Acrobat Format](#)
- General Changes [MS Word Format](#) [Adobe Acrobat Format](#)  
[Subdivision Legislation Changes MS Word Format](#) [Adobe Acrobat Format](#)
- Recovery Fund Legislation [MS Word Format](#) [Adobe Acrobat Format](#)

## Homebuyers Guide to Environmental Hazards

We have added a link on our Table of Contents and Consumer Information pages to a [Homebuyer's Guide to Environmental Hazards](#) published by The Alexander Law Firm in San Francisco, Calif. The page describes the hazards of Radon, asbestos, lead, hazardous wastes, ground water contamination and formaldehyde, and contains additional information. Thanks, AZREEA.

## What our search engine is telling us

You may have noticed that we've added a search function to several of our most often visited pages. We are able to see the search terms visitors have entered and the results they obtained. This has led us to add information and/or links in our Table of Contents and Consumer Information pages regarding such topics as appraiser licensing, how to file a complaint against a home builder or contractor and Arizona's automatic homestead exemption. More will be added as required. If you have any suggestions, please don't hesitate to [send us email](#).

## November 15

### **Substantive Policy Statements Revised**

Commissioner Holt has authorized repeal of Substantive Policy Statements Nos. 13 and 25.

No. 13 relates to the Department's Ombudsman. While we still have an Ombudsman (Denise Sulista), we no longer need a Substantive Policy Statement regarding the Ombudsman.

No. 25 relates to Team and Group Advertising. The Statement has been replaced by Commissioner's Rule A.A.C. R4-28-502(K).

Substantive Policy Statement No. [18](#), Stakeholder Notice List, has been revised to delete the reference to Substantive Policy Statements.

Substantive Policy Statement No. [27](#), Requests for Continuing Education Credit, has been revised for clarity.

## November 14

**Advisory Board meeting canceled** The public meeting of the Arizona Real Estate Advisory Board, scheduled for November 15, has been canceled. The next meeting is scheduled for January 17, 2002.

## November 7

### **2001-2002 Law Book Online**

The [online edition](#) of the 2001-2002 Arizona Real Estate Law Book will be available November 22. The paper edition is available now. See the November 1 item below.

## November 6

## **Real Estate Advisory Board meets November 15**

The Arizona Real Estate Advisory Board will hold a public meeting on Thursday, November 15, from 9:30 a.m. until noon in the third-floor conference room at the Department's Phoenix Office. The office is located no the northwest corner of 44th Street and Thomas Road at 2910 N. 44th Street.

A meeting agenda will be posted here at least 24 hours before the metting begins.

## **Notices of Docket Opening and Proposed Rule**

The Notices of Docket Opening and Proposed Rule which would make technical changes to A.A.C. R4-28-104 (Licensing Fees) and R4-28-403 (License Examinations) have been filed with the Secretary of State and will be published in the Arizona Administrative Register. You may read the proposed rule here in [Microsoft Word](#) or [Adobe Acrobat](#) format.

You may file a written comment about the proposed changes by letter or by email to:

[Cindy Wilkinson](#)

Policy Officer

Arizona Department of Real Estate

2019 N. 44th Street Suite 100

Phoenix AZ 85018

The deadline for comments is 5 p.m., January 17, 2002.

**November 1**

## **2001-2002 Arizona Real Estate Law Book now available**

The new edition of our Law Book is now available at our Phoenix office and will be available at our Tucson office in a few days.

The new edition's 618 pages contain real estate statutes, the Commissioner's Rules, the Attorney General's Fair Housing Rules, the Arizona Fair Housing Act, Arizona's two Landlord and Tenant Acts, RESPA, and other statutes of interest to real estate professionals and new statutes and amendments enacted by the 2001 Legislature.

The book fits the special seven-ring binder furnished with previous editions. The cost is \$15 for the book, \$7 for the binder (if you need one), and \$3 for shipping if you order by mail.

To order by mail, send your check for \$18 (no binder) or \$25 (book and binder) to

Law Book  
ADRE  
2910 N. 44th Street, Suite 100  
Phoenix AZ 85018

## **New feature on our web site**

Perhaps you've noticed that we have added a search feature to our web site. The search box appears on the home page, the Table of Contents, Information for Consumers, and on this page.

## **Is your email mailbox full?**

Each time we send a Late-Breaking News message to our 1,800-member emailing list, 20 or 30 are returned because the recipient's mail box is full.

Many email services limit the number of messages you can store in your mailbox, and when it becomes full, you receive no new messages. Incoming messages are bounced back to the sender marked undelivered.

Check your mailbox. Is it full of old messages? The solution is to delete messages from your mail box as you read them. If you need help, contact your email service provider.

## October 31

### Proposed Rulemaking

A Notice of Proposed Rulemaking, as submitted by the Department to the Secretary of State's Office, is now available in [Microsoft Word](#) or [Adobe Acrobat](#) format.

The proposal would make technical changes to A.A.C. R4-28-104 (Licensing Fees) and R4-28-403 (License Examinations).

As reported here earlier (see October 2, below), the Department has drafted significant changes in rules that regulate real estate schools. You may download the draft rules in Microsoft Word or Adobe Acrobat format. The Department has not submitted a Notice of Proposed Rulemaking for these changes to the Secretary of State pending a review of comments submitted by interested parties.

## October 24

### New airport maps

We have received revised maps from the City of Phoenix depicting aircraft noise contours and traffic pattern airspace for Phoenix Sky Harbor, Phoenix Goodyear and Phoenix Deer Valley airports. We have placed the following images for each airport on our [Public Airport Index](#).

- A low-resolution 72-dpi image
- A link to a high-resolution 360-dpi jpg image
- A link to a high-resolution 360-dpi pdf image

The high-resolution jpg image will appear very large on your monitor, but depicts excellent detail about the underlying streets and other map features. You may also inspect 24 by 36-inch maps of these airports at our Phoenix office.

## October 15

## Complete ADRE phone directory now available

We have published a complete [ADRE telephone directory](#) on this web site showing names and telephone extension numbers of all ADRE employees. The list will also be published in each issue of the *Arizona Real Estate Bulletin*.

October 11

## Updated Forms

The following forms, available in our [Document Library](#), have been updated:

- ED-101 Real Estate Instructor Statement of Qualifications
- ED-106 Owner's or Administrator's Statement of Qualifications  
This form is to be completed for each natural person, or for an entity application, any person exercising control of the entity, who applies for original or renewal approval to operate a real estate school.
- LI-201 License Change Form
- LI-219 Branch Office Application
- LI-209 Deleted (obsolete)
- LI-211/220 Replaced by LI-227 Application for Temporary Cemetery Salesperson's License or Membership Camping Certificate of Convenience
- LI-226 Verification of Employing Broker
- LI-214/215 Replaced by CSD 202 Statement of Commercial Use  
Use this form when requesting the purchase of licensee mailing lists.
- LI-231 Application for a License as a Professional Corporation or Professional Limited Liability Company  
Salespersons and associate brokers may use this form to become licensed as a professional corporation (PC) or professional limited liability company (PLC) and to report changes regarding a PC or PLC pursuant to A.R.S. § 32-2125(B) and A.A.C. R4-28-303.
- LI-236 Application to Acquire or Transfer Franchise
- LI-243 Universal Renewal Form  
Use this form for all license renewal applications.

## New real estate school in Mesa

David Heuermann has opened the Axis School of Real Estate Finance

at 1201 S Alma School Rd, #3700, in Mesa. The phone number is 480-844-2885.

## October 4

### October 2001 Arizona Real Estate Bulletin

The latest issue of the Bulletin is available in our [Bulletin Library](#).

## October 2

### Update

#### Changes in Education Rules proposed

The Department has proposed significant changes in rules that regulate real estate schools. Some of the changes should also be of interest to prelicensure and continuing education students.

You may view the proposed changes in [Microsoft Word](#) format or in [Adobe Acrobat](#) format.

The Department welcomes your comments regarding these changes. You may send them to Commissioner Holt at [jholt@re.state.az.us](mailto:jholt@re.state.az.us) or to Roy Tanney at [cwilkinson@re.state.az.us](mailto:cwilkinson@re.state.az.us). The deadline for comments is November 2.

#### Changes in Recovery Fund statutes proposed

In response to the Auditor General's findings concerning the administration of the Recovery Fund, the Department proposes to eliminate much of the time spent on cases that may never result in an application to the Fund for payment.

The Department has drafted significant changes to the recovery fund statutes, A.R.S. § 32-2186 *et seq.* You may view them in [Adobe Acrobat](#) or [Microsoft Word](#) format.

We welcome your comments about the proposed changes. The deadline is November 1, 2001. You may direct them to Commissioner Holt at [jholt@re.state.az.us](mailto:jholt@re.state.az.us) or Roy Tanney at [rtanney@re.state.az.us](mailto:rtanney@re.state.az.us).

### SPS No. 4 Revised

Substantive Policy Statement No. 4, which describes the requirements for Broker Management Clinic attendance, has been revised. You may view and print the new version [here](#).



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Our office locations with maps

● [Hours, Addresses, Phone Numbers, Holiday Closures](#)

● [Send us e-mail](#)

E-mail addresses of ADRE Divisions and key personnel

● [Real Estate Advisory Board](#)

● [Questions and Answers about the Real Estate Recovery Fund](#)

Do you believe you were cheated or that you lost money because of what a person licensed as a real estate or cemetery salesperson or broker (agent) did or did not do? Then read [this document](#)

[document](#)

● [How to file a complaint against an Arizona Real Estate Licensee](#)

● [How to obtain and renew](#) an Arizona real estate license

● [Reciprocity](#)

How to obtain an Arizona real estate license if you are licensed in another state

● [ADRE Telephone Directory](#)

● [Directory of Licensees](#)

● [Order the 2001-2002 Arizona Real Estate Law Book](#)

### ● [Arizona Real Estate Law Book Online](#)

The on-line edition contains real estate statutes, Commissioner's Rules, and other statutes and rules of interest to real estate professionals.

You can search for specific statutes or text strings.

### ● [Commissioner's Rules](#)

### ● [Substantive Policy Statements](#)

These Statements explain how the Department interprets Arizona real estate statutes and Commissioner's Rules.

## **Certified Home Inspectors**

● Board of Technical Registration [Rules](#) governing certification of home inspectors.

● [Standards of Practice](#) for Arizona home inspectors.

● [Information about Certified Home Inspectors](#) reprinted from the April 2002 issue of the *Arizona Real Estate Bulletin*

## **New AAR Residential Seller Property Disclosure Statement available here**

● The Arizona Association of Realtors® new six-page Residential Seller Property Disclosure Statement is now available for [download](#).

## **ADEQ Septic Tank Inspection Requirements**

Effective January 1, 2002, septic tanks installed in Arizona on or after January 1, 2001, must be inspected by a qualified inspector before a home can be sold.

Here are five Arizona Department of Environmental Quality documents with which you should become familiar:

● [ADEQ Press Release](#) (MS Word document)

● [Information Packet](#) for sellers and inspectors (MS Word document)

● [Inspection Checklist](#) (Adobe Acrobat document)

● [Inspection Providers](#) (Adobe Acrobat document)

● [Inspection Form](#) (Adobe Acrobat document)

If you do not have Adobe Acrobat Reader with which to view and print the Adobe Acrobat documents, you may obtain it at no cost from [Adobe](#).

## **Proposed 2002 statute changes**

**Note:** As of 4/23/02, all proposed statute changes have been approved by the Legislature and sent to the Governor for signature.

● Explanation of Proposed Legislation [PDF Format](#) [MS Word Formad](#)

● Proposed 2002 Recovery Fund Statute Changes [PDF format](#) [Microsoft Word format](#)

● Proposed 2002 Real Estate Statute Changes [PDF format](#) [Microsoft Word format](#)

● Proposed Subdivision Statute Changes [PDF Format](#) [Microsoft Word format](#)

● Proposed 2002 Education Rule Changes [PDF format](#) [Microsoft Word format](#)

## [Arizona Regional Multiple Listing Service Statistics Page](#)

Statistics on home sales throughout the state

[Information for Consumers](#) including many links to Fair Housing information

[Late-Breaking News](#) from the Department of Real Estate updated frequently. Check it often..

[Is your real estate advertising legal?](#) Make sure your print ads and web site comply with the Commissioner's Rule

## [Broker Management Clinics](#)

Who must attend a Broker Audit Clinic? Schools offering clinics.

## [Order your copy of the 2002 Arizona Real Estate Law Book](#)

## [Arizona Legislative Information System](#)

● [View all Arizona Revised Statutes. Track bills going through the legislature.](#)

## Fair Housing Information



- [When must I display the Fair Housing Logo? Find the answer \[here\]\(#\).](#)
- [Attorney General's Fair Housing Rules](#) in Adobe Acrobat format.
- [Arizona Fair Housing Act](#)

Our thanks to the Arizona Association of Realtors® for these links.

- [Federal Fair Housing Act](#)
- [Federal Fair Housing Regulations \(CFR\)](#)
- [National Fair Housing Advocate](#)
- [HUD Fair Housing Assistance Providers](#)
- [U.S. Civil Rights Act of 1964](#)
- [Consumer Law Page, Fair Housing](#)
- [Fair Lending Law](#)
- [Federal Law](#)
- [City of Phoenix Equal Opportunity Department](#)
- [AZ Attorney General, Civil Rights Division](#)
- [Fair Housing Advertising Regulations \(Part 109\)](#)
- [Guidance Regarding Advertisements under § 804\(c\) of the Fair Housing Act](#)

## Approved Real Estate Schools

● There are more than 100 real estate schools in Arizona approved by the Department to provide prelicensure and continuing education. Here is a [school directory](#).

## Downloads

- [Download Department forms and other publications](#).
- [Download the \*Arizona Real Estate Bulletin\*](#)
- [Candidate Information Bulletin](#) in Adobe Acrobat Format. Download this publication if you are considering obtaining a real estate license. Also see [How to obtain and renew](#) an Arizona real estate license.

## Disclosure Matters

### Mold in the home; is it dangerous?

You read and hear many stories about the presence of mold in homes and schools. These web sites provide good information about mold, the problems it may cause, and how it may be removed.

- [Center for Disease Control](#)
- [State of California, Environmental Health Investigations Branch](#)
- [Arizona Department of Health, Office of Environmental Services](#)

Click on the word "mold" in the last line of the last paragraph on the page.

### Airport Disclosure Requirements

- [Public airport disclosure requirements](#) for property in the "territory in the vicinity of a public airport" per A.R.S. § 33-8486. Maps depicting noise level contours and airport traffic airspace.
- [Military airport disclosure requirements](#) for property in the "territory in the vicinity of a military airport" per A.R.S. §§ 28-8483 and 28-8484.

### Expansive Soil Survey

- A [map](#) indicating where expansive soil deposits are in the Phoenix area. Such deposits can cause damage to homes built on them.

### Flood Control District information

- Is a particular property in a 100-year floodplain? Find floodplain information [here](#).

## Sex Offender Web Site

● This Department of Public Safety [Web site](#) allows you to search for the names and addresses of registered sex offenders in Arizona.

## "Superfund" and WQARF Sites

● [Arizona Department of Environmental Quality](#)

Extensive information and maps describing Superfund and WQARF sites in Arizona. Lists contamination details and remediation efforts.

## HUD E-maps

● Healthy Communities Environmental Mapping: [HUD E-MAPS](#) is a free Internet service that combines information on HUD's community development and housing programs with EPA's environmental data. HUD E-MAPS provides:

- location, type and performance of HUD-funded activities in every neighborhood across the country; and
- select EPA information on brownfields, hazardous wastes, air pollution and waste water discharges.

## Pool Enclosure Requirements

● [A.R.S. § 36-1681](#) describes State of Arizona requirements for pool enclosures, exceptions and enforcement. Note that local municipalities may impose more stringent requirements.

## Crime Statistics

● [Fax Net 1](#) offers crime statistics for many communities in the Phoenix area.

## Other Links

● [Federal Government Resources](#)

● [Yale University Government Document Resources](#)

● [Home pages of the 50 states](#)

● [State of Arizona Home Page](#)

Links to state agencies, services and much more

● [Arizona State Appraisal Board](#)

Information about obtaining an appraiser's license  
and filing complaints regarding appraisals

● [Arizona Registrar of Contractors](#)

Information about filing complaints against builders and contractors

● [Current video snapshots of major freeway interchanges](#)

from the Arizona Department of Transportation

● [Current traffic speeds on Phoenix freeways](#)

from the Arizona Department of Transportation

● [Arizona Association of Realtors®](#)

● Other Arizona Boards and Associations of Realtors®

- [Bullhead/Mohave Association of Realtors®](#)
- [Glendale-West Maricopa Board of Realtors®](#)
- [Green Valley Association of Realtors®](#)
- [Lake Havasu Association of Realtors®](#)
- [Phoenix Association of Realtors®](#)
- [Scottsdale Association of Realtors®](#)
- [Sedona/Verde Valley Association of Realtors®](#)
- [Southeast Arizona Association of Realtors®](#)
- [Southeast Valley Regional Association of Realtors®](#)
- [Sun Cities Area Association of Realtors®](#)
- [Tucson Association of Realtors®](#)
- [White Mountain Association of Realtors®](#)

● [Arizona Regional Multiple Listing Service](#)

Courtesy of the *Arizona Republic*

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