

## RETAIL FOR SALE

### TURN KEY PIZZERIA WITH REAL ESTATE, HAMPTON BEACH

339 Ocean Boulevard, Unit 101, Hampton, NH 03842



#### OFFERING SUMMARY

<b>SALE PRICE:</b>	\$515,000
<b>BUILDING SIZE:</b>	1,110 SF
<b>ZONING:</b>	BS
<b>MARKET:</b>	New Hampshire
<b>SUBMARKET:</b>	Rockingham/ Seacoast
<b>PRICE / SF:</b>	\$463.96

#### PROPERTY OVERVIEW

2020 business is up 60% Year Over Year, Partial Owner Financing possible! Faulkner Commercial Group is pleased to present for sale the business assets of Pizzeria 339, along with the commercial condominium at 339 Ocean Blvd, Unit 101 in Hampton Beach. Gross sales of this profitable 24 seat seasonal restaurant are up 60% year over year, with an impressive NOI. Pizzeria 339 enjoys glowing reviews for quality food and attentive service. The property is located between the Hampton Beach & Boar's Head, directly on Ocean Blvd. This mixed-use development was built in 2014 and this business was opened the following summer.

The business asset sale will consist of all furniture, fixtures & equipment, (FF&E), and intellectual property such as trademarks, transferrable licenses & permits, trade names, recipes, etc. Inventory and owner training is negotiable. The FF&E includes, among other things, 2 Blodgett 9060 pizza ovens and an Ansul hood system. Financial information, i.e. Profit & Loss reports, will be made available after the execution of a Non-Disclosure Agreement. Partial owner financing possible to the right buyer.

All information was obtained from the owners and public records, any buyer contemplating this acquisition of these real estate & business assets should conduct due diligence as to details and suitability for their contemplated use.

#### PROPERTY HIGHLIGHTS

- Turn-Key Profitable Business Opportunity
- 2020 Sales Up 60% Year Over Year
- Possible Owner Financing

**KW COMMERCIAL**  
138 River Road,  
Suite 107  
Andover, MA 01810

**LAUREN DEFRADESCO**  
Commercial Advisor  
0: 800.281.1316  
hello@faulknercommercial.com

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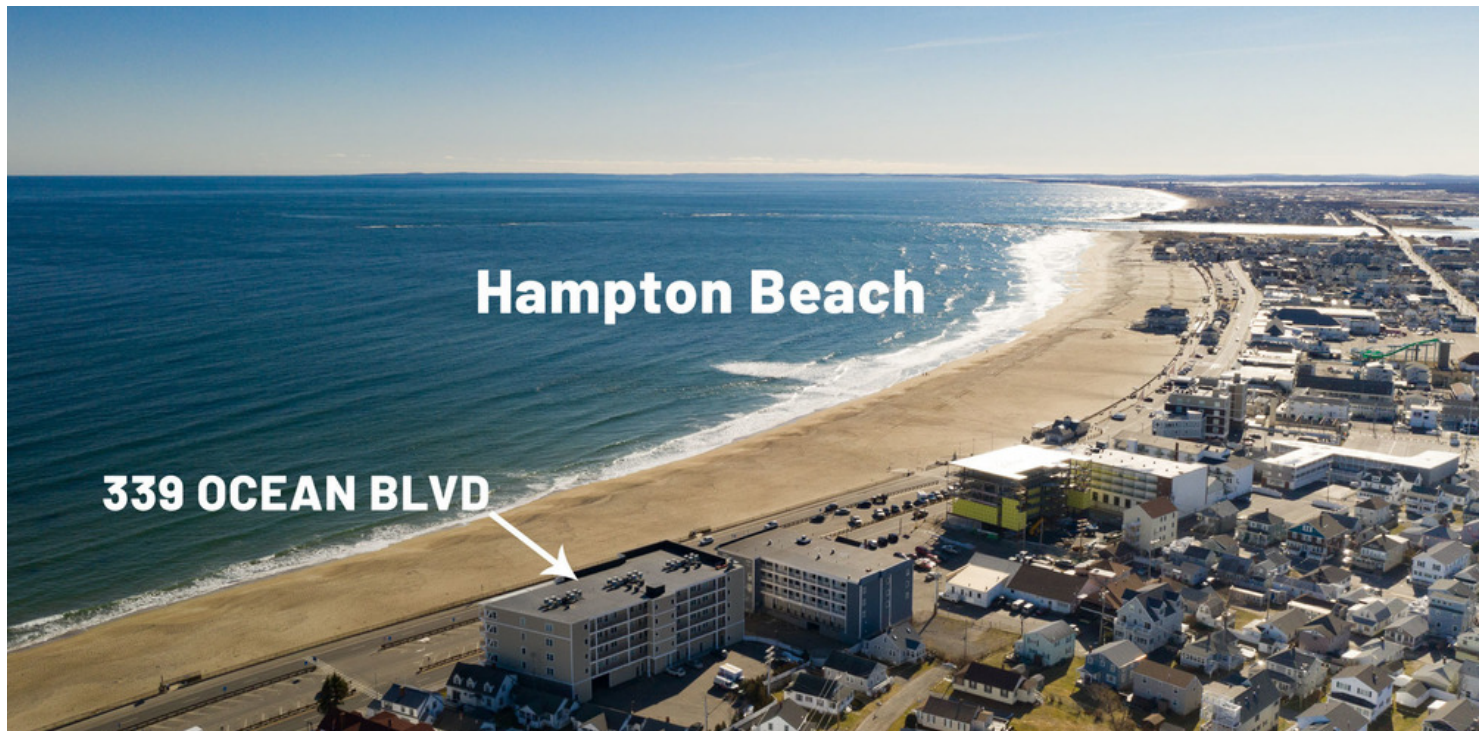
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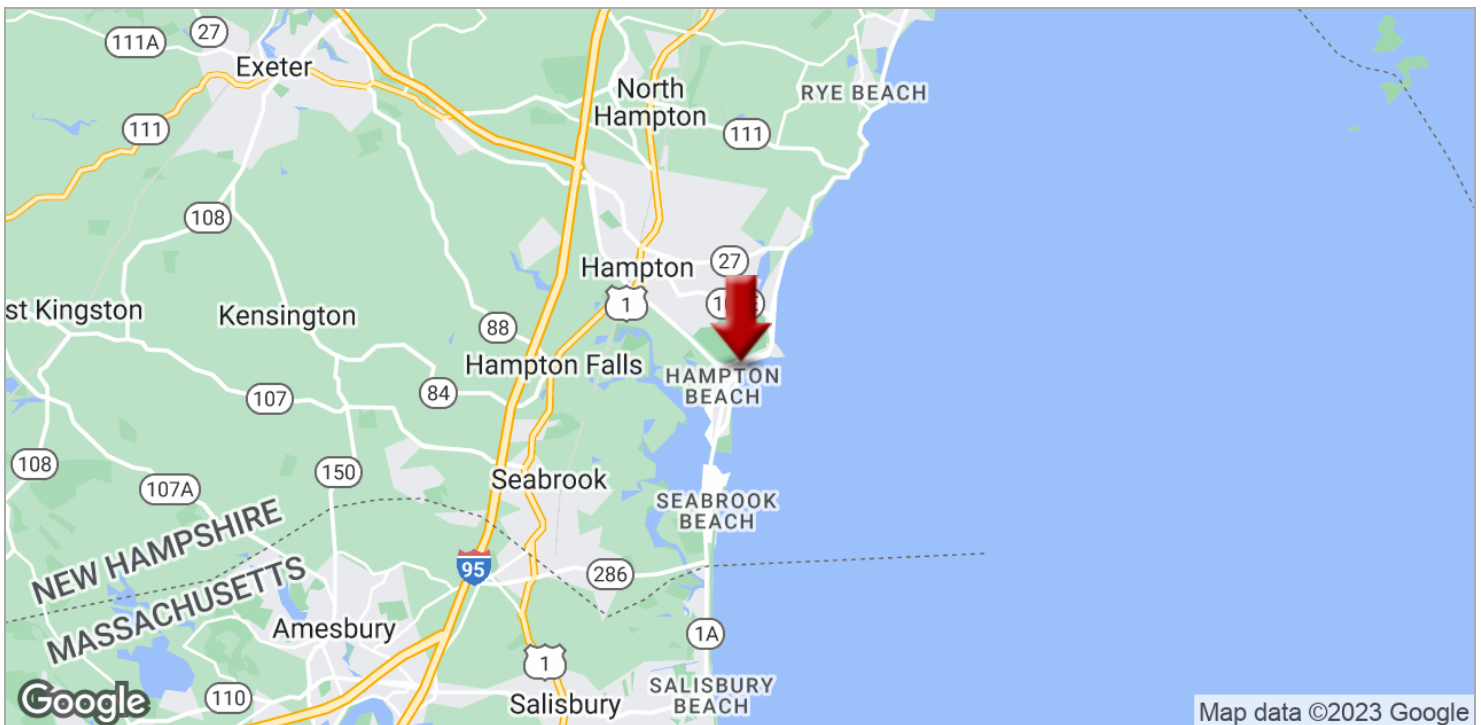
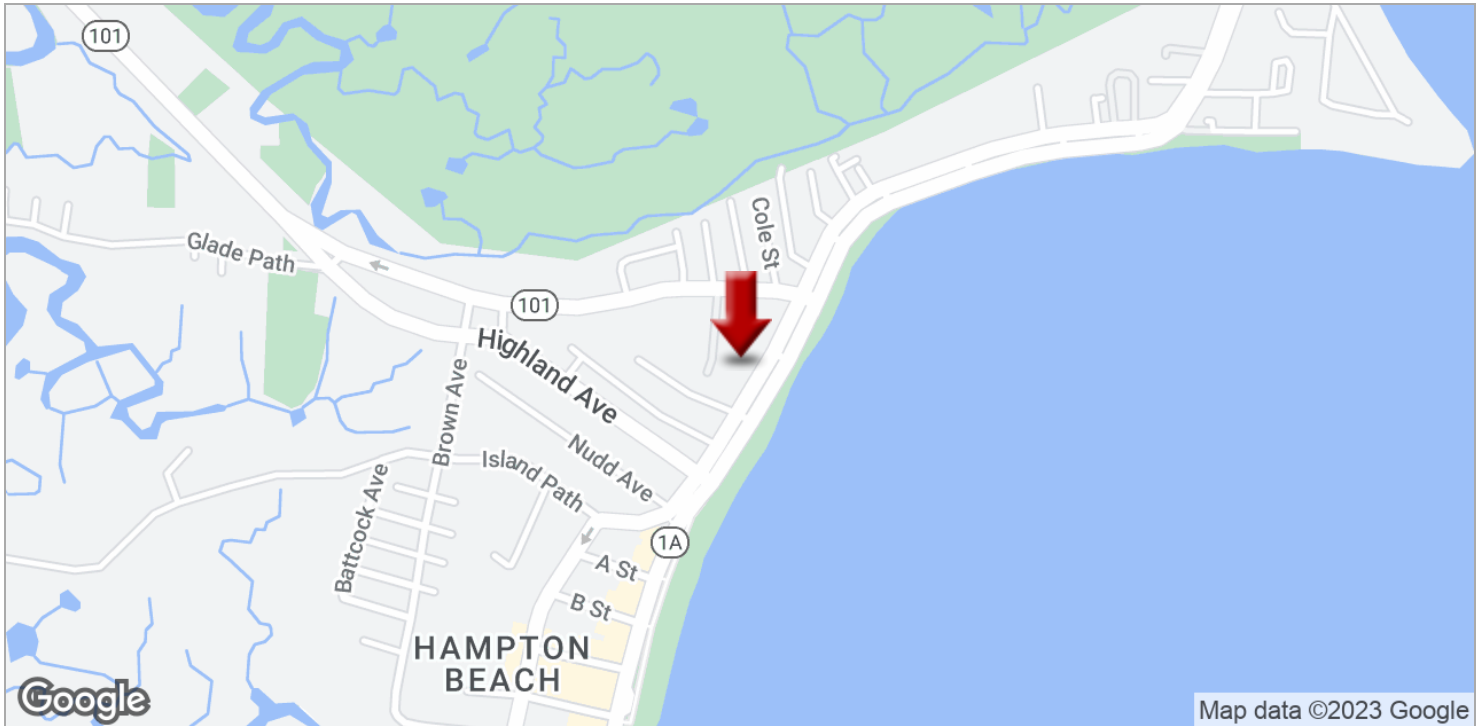
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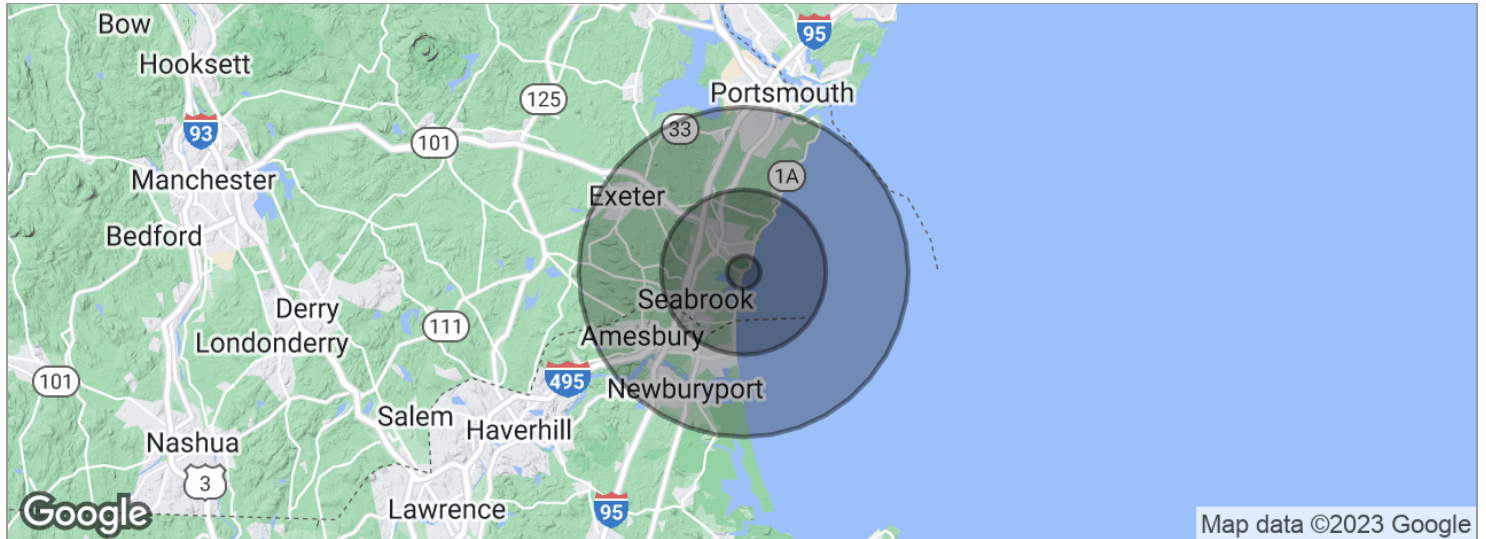
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POPULATION	1 MILE	5 MILES	10 MILES
Total population	1,742	29,874	107,122
Median age	46.1	46.6	44.0
Median age (male)	45.1	46.0	42.9
Median age (Female)	48.7	47.2	44.9
HOUSEHOLDS & INCOME	1 MILE	5 MILES	10 MILES
Total households	934	13,460	45,848
# of persons per HH	1.9	2.2	2.3
Average HH income	\$64,210	\$81,943	\$89,551
Average house value	\$477,462	\$369,384	\$381,627

\* Demographic data derived from 2020 ACS - US Census

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## Pizzeria 339

### Furniture, Fixtures, Equipment

## Pizzeria 339

### Equipment List

Equipment Number	Quantity	Type / Description
1	2	Blodget 9060 stonedeck natural gas ovens
2	1	Leader 84 inch pizza prep station
3	1	True 2 door freezer
4	1	Artic walk -in reffridgerator 8x6
5	1	True Sandwich prep maker reffridgerator
6	2	Pitco fryolators
7	1	Star 48 flattop
8	1	Turbo Air 4 tap keg fridge
9	1	Bunn 2 flavor 6 gallon slush machine
10	1	tabletop freezer
11	1	3 Bay wash sink
12	1	84 inch prep table with incorporated sink
13	1	72 inch prep table
14	1	36x48 prep table
15	2	handwash sinks
16	1	Yamaha Receiver with ceiling speakers
17	1	Apple Ipad
18	1	Cash Register drawer
19	2	Receipt and order printers
20	1	change safe
21	2	napkin holders
22	3	paper towel dispensers
23	4	36x36 customer tables
24	8	table chairs
25	6	hightop chairs
26	2	72 inch window tables
27	2	trash barrels
28	1	Phone
29	2	outdoor display A Frames
30	2	Outdoor tables
31	6	Outdoor chairs
32	2	Umbrellas
33	1	12 foot bench
34	1	Pizza Pan rack
35	36	Pizza pans
36	30	Pizza screens
37	5	Pizza peels
38	2	Oven brushes
39	4	kitchen barrels
40	1	microwave

## **Pizzeria 339**

### **Furniture, Fixtures, Equipment**

41	7	Dough proofing boxes
42	25	deli prep inserts
43	3	5 Gallon Sauce / Lemonade / Slush buckets
44	4	6 quart buckets
45	3	12 quart buckets
46	4	bus buckets
47	1	GE chest freezer
48	4	24x60 4 shelf storage racks
49	1	60x24 prep table
50	7	wall shelves
51	1	15 foot Captaine Air Hood with Ansul system
52	1	Captaine Air Make up Air unit
53	1	Rooftop Air handler
54		Misc smallwares
55		pizza boxes



339 OCEAN BLVD #101

Location

339 OCEAN BLVD #101

Mblu

275/ 67/ / 101/

Acct#

7055101

Owner

KOLHATH ENTERPRISES, LLC

Assessment

\$340,100

Appraisal

\$340,100

PID

202003

Building Count

1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$340,100	\$0	\$340,100
Assessment			
Valuation Year	Improvements	Land	Total
2019	\$340,100	\$0	\$340,100

Owner of Record

Owner

KOLHATH ENTERPRISES, LLC

Sale Price

\$0

Co-Owner

Certificate

Address

32 EXETER FARMS RD  
EXETER, NH 03833

Book & Page

5878/1517

Sale Date

12/11/2017

Instrument

23

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
KOLHATH ENTERPRISES, LLC	\$0		5878/1517	23	12/11/2017
KOLHATH ENTERPRISES, LLC	\$332,400		5535/2708	00	06/04/2014
339 OCEAN BLVD CONDOMINIUM	\$1,200,000		5484/1241		10/02/2013

Building Information

Building 1 : Section 1

Year Built:

2014

Living Area:

1,110

Replacement Cost:

\$357,998

Building Percent

95

Good:

Replacement Cost

Less Depreciation:

\$340,100

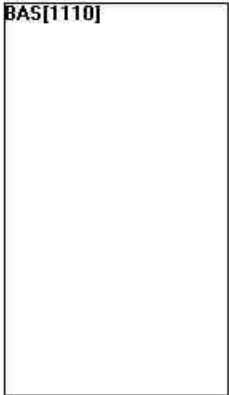
Building Attributes	
Field	Description
STYLE	Retail Condo
MODEL	Com Condo
Stories:	1
Grade	Average +20
Occupancy	
Interior Wall 1:	Drywall/Sheet
Interior Wall 2:	
Interior Floor 1	Inlaid Sht Gds
Interior Floor 2	
Heat Fuel:	Gas
Heat Type:	Hot Air-no Duc
AC Type:	Central
Ttl Bedrms:	00
Ttl Bathrms:	1 Full
Ttl Half Bths:	1
Xtra Fixtres	
Total Rooms:	1
Bath Style:	Modern
Kitchen Style:	Modern
Kitchen Type	
Kitchen Func	
Primary Bldg Use	
Htwtr Type	
Atypical	
Park Type	
Park Own	
Park Tandem	0
Fireplaces	
Num Part Bedrm	
Base Flr Pm	
Num Park	
Pct Low Ceiling	
Unit Locn	
Usrflid 300	
Usrflid 301	
Usrflid 302	
Usrflid 303	
Usrflid 304	
Usrflid 305	

Building Photo



(http://images.vgsi.com/photos2/HamptonNHPhotos//\00\01\53\

Building Layout



(http://images.vgsi.com/photos2/HamptonNHPhotos//Sketches/2

Building Sub-Areas (sq ft)			<u>Legend</u>
Code	Description	Gross Area	Living Area
BAS	First Floor	1,110	1,110
		1,110	1,110



Grade	Average +20
Stories:	5
Residential Units:	24
Exterior Wall 1:	Vinyl Siding
Exterior Wall 2:	
Roof Structure	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Cmrcl Units:	7
Res/Com Units:	0
Section #:	0
Parking Spaces	0
Section Style:	0
Foundation	
Security:	
Cmplx Cnd	
Xtra Field 1:	
Remodel Ext:	
Super	

Extra Features

Extra Features				<u>Legend</u>
Code	Description	Size	Value	Bldg #
SPR1	SPRINKLERS-WET	1110.00 S.F.	\$0	1

Land

Land Use		Land Line Valuation	
Use Code	1021	Size (Acres)	0
Description	CONDO NL MDL-05	Frontage	
Zone	BS	Depth	
Neighborhood	50	Assessed Value	\$0
Alt Land Appr Category	No	Appraised Value	\$0

Outbuildings

Outbuildings	<u>Legend</u>
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total

2019	\$340,100	\$0	\$340,100
2018	\$338,200	\$0	\$338,200
2017	\$338,200	\$0	\$338,200

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$340,100	\$0	\$340,100
2018	\$338,200	\$0	\$338,200
2017	\$338,200	\$0	\$338,200

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# PROPERTY DISCLOSURE

TO BE FULLY COMPLETED BY SELLER

The following answers and explanations are true and complete to the best of SELLER'S knowledge. This statement has been prepared to assist prospective BUYERS in evaluating SELLER'S property. This disclosure is not a warranty of any kind by the SELLER, or any real estate BROKER representing the SELLER, and is not a substitute for any inspection by the BUYER. SELLERS authorize BROKER in this transaction to disclose the information in this statement to other real estate agents and to prospective buyers of this property.

Notice to SELLER(S): Complete all information and state "not applicable" or "unknown" as appropriate. If any of the information in this property disclosure form changes from the date of completion, you are to notify the Listing Broker promptly in writing.

1. SELLER: KOLHATH ENTERPRISES LLC

2. PROPERTY LOCATION: 339 OCEAN BLVD, UNIT 101 HAMPTON, NH 03833

3. BUILDING ON PROPERTY? ☒ Yes ☐ No  
Is Property Disclosure - Land Only form attached? ☐ Yes ☒ No

4. CONDOMINIUM? ☐ Yes ☐ No  
If Yes, is Condominium Notification form attached ☐ Yes ☐ No  
If Yes, is Condominium Disclosure form attached? ☐ Yes ☐ No

5. SELLER: ☒ has ☐ has not occupied the property for last 6 years.

## 6. WATER SUPPLY

Please answer all questions regardless of type of water supply.

a. TYPE OF SYSTEM: ☒ Public ☐ Private ☐ Seasonal ☐ Unknown  
☐ Drilled ☐ Dug ☐ Other \_\_\_\_\_

b. INSTALLATION: Location: \_\_\_\_\_  
Installed By: Date of Installation \_\_\_\_\_  
What is the source of your information? \_\_\_\_\_

c. USE: Number of Persons currently using the system: Commercial  
Does system supply water for more than one household? ☒ Yes ☐ No

d. MALFUNCTIONS: Are you aware of or have you experienced any malfunctions with the (public/private/other) water systems?  
Pump: ☐ Yes ☒ No ☐ N/A Quantity: ☐ Yes ☒ No  
Quality: ☐ Yes ☒ No ☐ Unknown  
If Yes to any question, please explain in Comments below or with attachment.

e. WATER TEST: Have you had the water tested? ☐ Yes ☒ No  
Date of most recent test \_\_\_\_\_  
If Yes to any question, please explain in comment section below or with attachment.  
Are you aware of any test results reported as unsatisfactory or satisfactory with notations?  
☐ Yes ☒ No  
If Yes, are test results available? ☐ Yes ☒ No  
What steps were taken to remedy the problem?  
COMMENTS: \_\_\_\_\_

## 7. SEWAGE DISPOSAL SYSTEM

a. TYPE OF SYSTEM: Public: ☒ Yes ☐ No Private: ☐ Yes ☐ No  
Community/Shared: ☐ Yes ☐ No Unknown: ☐ Yes ☐ No

b. IF PUBLIC OR COMMUNITY/SHARED:

Have you experienced any problems such as line or other malfunctions? ☐ Yes ☒ No

What steps were taken to remedy the problem? \_\_\_\_\_

c. IF PRIVATE:

TANK: ☐ Septic Tank ☐ Holding Tank ☐ Cesspool ☐ Unknown ☐ Other \_\_\_\_\_

Tank Size \_\_\_\_\_ ☐ Unknown ☐ Other \_\_\_\_\_

Tank Type: ☐ Concrete ☐ Metal ☐ Unknown ☐ Other \_\_\_\_\_

Location: \_\_\_\_\_ Location Unknown \_\_\_\_\_

Date of Installation: \_\_\_\_\_

Date of Last Servicing: \_\_\_\_\_

Name of Company Servicing Tank: \_\_\_\_\_

Have you experienced any malfunctions? ☐ Yes ☐ No

Comments: \_\_\_\_\_

d. LEACH FIELD: ☐ Yes ☒ No ☐ Other \_\_\_\_\_

If Yes: Location: \_\_\_\_\_ Size \_\_\_\_\_

Date of installation of leach field: \_\_\_\_\_ Installed By: \_\_\_\_\_

Have you experienced any malfunctions? ☐ Yes ☐ No

Comments: \_\_\_\_\_

e. IS SYSTEM LOCATED IN A SHORELAND ZONE? ☐ Yes ☒ No ☐ Unknown

If Yes, has a site assessment been done? ☐ Yes ☒ No ☐ Unknown

SOURCE OF INFORMATION: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

8. INSULATION

LOCATION :	Yes	No	Unknown	If Yes, Type	Amount	Unknown
Roof/Attic/Cap	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____
Crawl Space	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Spring	_____	_____
Exterior Walls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Roll	_____	_____
Floors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____
Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____

9. HAZARDOUS MATERIAL

a. UNDERGROUND STORAGE TANKS - Current or previously existing:

Are you aware of any past or present underground storage tanks on your property? ☐ Yes ☒ No ☐ Unknown

If Yes: Are tanks currently in use? ☐ Yes ☐ No

If No: How long have tank(s) been out of service? \_\_\_\_\_

What materials are, or were, stored in the tank(s)? \_\_\_\_\_

Age of tank(s): \_\_\_\_\_ Size of tank(s): \_\_\_\_\_

Location: \_\_\_\_\_

Are you aware of any problems, such as leakage, etc.? ☐ Yes ☐ No

Comments: \_\_\_\_\_

If tanks are no longer in use, have tanks been removed? ☐ Yes ☐ No ☐ Unknown

If removed, by whom: \_\_\_\_\_; when: \_\_\_\_\_; and was there a closure report completed and on file with the State of New Hampshire? ☐ Yes ☐ No ☐ Unknown



b. ASBESTOS - Current or previously existing:

As insulation on the heating system pipes or ducts? ☒ Yes ☒ No ☐ Unknown

In the siding? ☐ Yes ☐ No ☐ Unknown

In flooring tiles? ☐ Yes ☐ No ☐ Unknown

If Yes, source of information: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

c. RADON/AIR - Current or previously existing:

Has the property been tested? ☐ Yes ☒ No ☐ Unknown

If, YES: Date: \_\_\_\_\_ By: \_\_\_\_\_

Results: \_\_\_\_\_

If applicable, what remedial steps were taken? \_\_\_\_\_

Has the property been tested since remedial steps? ☐ Yes ☐ No

Are test results available? ☐ Yes ☐ No

Comments: \_\_\_\_\_

d. RADON/WATER - Current or previously existing:

Has the property been tested? ☐ Yes ☒ No ☐ Unknown

If, YES: Date: \_\_\_\_\_ By: \_\_\_\_\_

Results: \_\_\_\_\_

If applicable, what remedial steps were taken? \_\_\_\_\_

Has the property been tested since remedial steps? ☐ Yes ☐ No

Are test results available? ☐ Yes ☐ No

Comments: \_\_\_\_\_

e. LEAD-BASED PAINT - Current or previously existing:

Is Lead Paint Disclosure required? ☐ Yes ☒ No;

If yes, has the Lead Paint Disclosure & Informational Pamphlet been provided? ☐ Yes ☐ No

Are you aware of lead-based paint on this property? ☐ Yes ☐ No

If YES: Source of information: \_\_\_\_\_

Are you aware of any cracking, peeling, or flaking lead-based paint? ☐ Yes ☐ No

Comments: \_\_\_\_\_

f. Are you aware of the following hazardous materials?

- Industrial, Radioactive, or Chemical Wastes ☐ Yes ☒ No ☐ Unknown

- PCB's & PCB containing transformers, Capacitors or other Equipment ☐ Yes ☐ No ☐ Unknown

- Waste Disposal Areas ☐ Yes ☐ No ☐ Unknown

- Other Toxic, Hazardous or Contaminated Substances including present & past use of the property  
☐ Yes ☐ No ☐ Unknown

If YES: Source of information: \_\_\_\_\_

Comments: \_\_\_\_\_

10. METHAMPHETAMINE PRODUCTION

To the best of Seller's knowledge, has methamphetamine production occurred on this property?

☐ Yes ☒ No ☐ Unknown

If yes, source of information: \_\_\_\_\_

Comments: \_\_\_\_\_

## 11. GENERAL INFORMATION

- a. Is this property subject to liens, encroachments, easements, rights-of-way, leases, restrictive covenants, attachments, life estates, or right of first refusal? ☐ Yes ☒ No ☐ Unknown

If YES: Source of information: \_\_\_\_\_

Comments: \_\_\_\_\_

- b. Is this property subject to special assessments, betterment fees, association fees, or any other transferable fees? ☒ Yes ☐ No ☐ Unknown

If YES: Source of information: 339 Ocean Blvd Condo Owners Assoc

Comments: Quarterly Fee For Homeowners Assoc

- c. Are you aware of any onsite landfills or any other factors, such as soil, flooding, drainage, etc?

☐ Yes ☒ No ☐ Unknown

If YES: Source of information: \_\_\_\_\_

Comments: \_\_\_\_\_

- d. Are you aware of any problems with other buildings on the property? ☐ Yes ☒ No ☐ Unknown

If YES: Source of information: \_\_\_\_\_

Comments: \_\_\_\_\_

- e. Are you receiving a tax exemption for this property for any reasons? ☐ Yes ☒ No ☐ Unknown

If YES: Source of information: \_\_\_\_\_

Comments: \_\_\_\_\_

- f. Is any part of this property in Current Use? ☐ Yes ☒ No ☐ Unknown

If YES: Source of information: \_\_\_\_\_

Comments: \_\_\_\_\_

- g. Is this property located in a Federally Designated Flood Zone? ☐ Yes ☒ No ☐ Unknown

- h. Has the property been surveyed? ☒ Yes ☐ No ☐ Unknown

If YES, By: \_\_\_\_\_

If YES, is survey available? ☐ Yes ☐ No ☐ Unknown

- i. How is the property zoned? Mixed Use

Source of information: \_\_\_\_\_

- j. Are you aware of any municipal variances, special enforcements or other municipal approvals for this property?

☐ Yes ☒ No

If yes, are copies of municipal notice of decision available? ☐ Yes ☐ No

Comments: \_\_\_\_\_

- k. HVAC:  
Heating: Type: FORCED HOT AIR Fuel NAT GAS Age: 6  
Location & Description: Kitchen Ceiling  
Comments: \_\_\_\_\_  
Source of Information: OWNER  
Air Conditioning: Type: FORCED HOT AIR Fuel ELEC Age: 6  
Location & Description: Kitchen Ceiling  
Comments: \_\_\_\_\_  
Source of Information: \_\_\_\_\_
- l. ROOF  
Type of Roof Covering: TAR  
Age: 6  
Moisture or Leakage: N/A  
Other Problems? \_\_\_\_\_  
Comments: \_\_\_\_\_
- m. Foundation/Basement: ☐ Full ☐ Partial ☒ Concrete Slab ☐ Other \_\_\_\_\_  
Type: CONCRETE  
Moisture or leakage: NO  
Other Problems: \_\_\_\_\_  
Comments: \_\_\_\_\_
- n. Chimney(s) How Many? NO ☐ Lined? ☐ Last Cleaned: \_\_\_\_\_  
Problems: \_\_\_\_\_
- o. Plumbing Type: \_\_\_\_\_ Age: \_\_\_\_\_  
Comments: \_\_\_\_\_
- p. Domestic Hot Water: Age: 6 Type: ON DEMAND Gallons: 0  
Comments: \_\_\_\_\_
- q. Electrical System: ☒ Circuit Breakers ☐ Fuses  
Amps: 220 Volts: \_\_\_\_\_  
3-Phase: YES  
Age: 6  
Source of Information: \_\_\_\_\_  
Comments: \_\_\_\_\_
- r. Modifications: Are you aware of any modifications or repairs made without the necessary permits?  
☐ Yes ☒ No ☐ Unknown  
If Yes, please explain: \_\_\_\_\_
- s. Pest Infestation: Are you aware of any past or present pest infestations? ☐ Yes ☒ No  
Type: \_\_\_\_\_  
Comments: \_\_\_\_\_
- t. Methamphetamine Production: Do you have knowledge of methamphetamine production ever occurring on the property? (Per RSA 477:4-g) ☐ Yes ☒ No If Yes, please explain: \_\_\_\_\_
- u. Other (e.g. Alarm System, Irrigation System, etc.) \_\_\_\_\_



12 ADDITIONAL INFORMATION

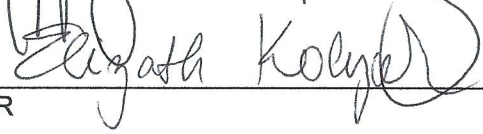
a. Attachment explaining current problems, past repairs, or additional information? ☐ Yes ☐ No

b. Additional Comments: \_\_\_\_\_  
\_\_\_\_\_

AS THE SELLER, I/WE HAVE PROVIDED THE INFORMATION CONTAINED IN THIS INFORMATION STATEMENT AND REPRESENT THAT ALL STATEMENTS AND INFORMATION ARE CORRECT. I/WE UNDERSTAND THAT INFORMATION CONTAINED IN THIS INFORMATION STATEMENT WILL BE COMMUNICATED TO PROSPECTIVE BUYERS. SELLER(S) MAY BE RESPONSIBLE AND LIABLE FOR ANY FAILURE TO PROVIDE KNOWN INFORMATION TO BUYER(S).

  
SELLER \_\_\_\_\_

1/27/2020  
DATE \_\_\_\_\_

  
SELLER \_\_\_\_\_

1/27/2020  
DATE \_\_\_\_\_

NOTICE TO PURCHASER(S): PRIOR TO CLOSING YOU SHOULD EXERCISE WHATEVER DUE DILIGENCE YOU DEEM NECESSARY WITH RESPECT TO THE PROPERTY AND ADJACENT PARCELS IN ACCORDANCE WITH THE TERMS AND CONDITIONS AS MAY BE CONTAINED IN PURCHASE AND SALES AGREEMENT AND DEPOSIT RECEIPT.

AS THE BUYER, I/WE HAVE READ AND RECEIVED A COPY OF THIS DISCLOSURE AND UNDERSTAND THAT I/WE SHOULD SEEK INFORMATION FROM PROFESSIONALS NORMALLY ENGAGED IN THE BUSINESS REGARDING ANY SPECIFIC ISSUES OF CONCERN.

\_\_\_\_\_  
BUYER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
BUYER

\_\_\_\_\_  
DATE



**Confidential Non-Disclosure Agreement**

Property or Business Address: 339 Ocean Blvd, Hampton, NH 03842  
Property or Business Ownership: Pizzeria 339, LLC  
Owner's Agent: Janet Faulkner, Director | KW Commercial

Owner and or agent have made available for review certain information ("Confidential Information") concerning the referenced property upon the execution of this confidentiality agreement. The confidential information is intended solely for your own limited use in considering whether to pursue negotiation to acquire the referenced property. This is not an agreement to sell the property nor and offer of sale. No agreement shall be binding upon the owner of the property or any of its associates or affiliated companies shall be deemed to exist, at law or equity, until the owner of the property enters into a formal binding purchase and sales agreement.

A portion of the confidential information contains selected information pertaining to the business affairs of the owner and has been prepared from information supplied by the owner and or agent(s). The confidential information does not purport to be all-inclusive or contain all of the information which prospective purchaser may desire. The owner makes no representation or warranty whatsoever, either expressed or implied, with respect thereto.

By executing this confidentiality agreement, you agree that the information provided that is not available in the market place is confidential, that you will hold and treat it in the strictest of confidence and that you will not disclose or permit anyone else to disclose the information to any person, firm or entity without prior authorization of the owner or agent, except that the information may be disclosed to your partners, employees, legal counsel, lenders and consultants, as necessary, in which event you shall be liable to owner if any such person fails to maintain such confidence or discloses such information to any other person without either prior authorization of owner or pursuant to a court order. Owner expressly reserves the right in its sole discretion to reject any and all proposals or expressions of interest in the property and to terminate discussions with any party at any time with or without notice. If you do not wish to pursue acquisition negotiations, you hereby agree to return the confidential information to owner or agent within a reasonable time period. Owner and his agent is the sole intended beneficiary of the terms of this confidentiality agreement. You hereby agree to fully indemnify and hold harmless the owner and its agent for any and all damages owner may incur as a result of your failure to abide by the terms hereunder, including without limitation, reasonable attorneys fees.

Accepted and agreed to this date: \_\_\_\_\_

Signed: \_\_\_\_\_ Address: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Company: \_\_\_\_\_ Phone: \_\_\_\_\_

Title: \_\_\_\_\_ Email: \_\_\_\_\_

Liquid funds available to invest: \_\_\_\_\_ *Proof of funds may be required prior to any release of financials.*

Broker: \_\_\_\_\_ Brokerage: \_\_\_\_\_

Signature: \_\_\_\_\_ Email: \_\_\_\_\_

Accepted: \_\_\_\_\_ Printed: \_\_\_\_\_  
Seller or Seller's Representative



# NEW HAMPSHIRE REAL ESTATE COMMISSION

64 South Street, Concord, NH 03301 Tel.: (603) 271-2701

## BROKERAGE RELATIONSHIP DISCLOSURE FORM

### (This is Not a Contract)

*This form shall be presented to the consumer at the time of first business meeting,  
prior to any discussion of confidential information*

#### **Right Now You Are A Customer**

As a customer, the licensee with whom you are working is not obligated to keep confidential the information that you might share with him or her. As a customer, you should not reveal any confidential information that could harm your bargaining position.

**As a customer, you can expect a real estate licensee to provide the following customer-level services:**

- To disclose all material defects actually known by the licensee pertaining to the on-site physical condition of the real estate;
- To treat both the buyer/tenant and seller/landlord honestly;
- To provide reasonable care and skill;
- To account for all monies received from or on behalf of the buyer/tenant or seller/landlord relating to the transaction;
- To comply with all state and federal laws relating to real estate brokerage activity; and
- To perform ministerial acts, such as showing property, preparing and conveying offers, and providing information and administrative assistance.

#### **To Become A Client**

Clients receive more services than customers. You become a client by entering into a written contract for representation as a seller/landlord or as a buyer/tenant.

**As a client, in addition to the customer-level services, you can expect the following client-level services:**

- Confidentiality;
- Loyalty;
- Disclosure;
- Lawful Obedience; and
- Promotion of the client's best interest.

For seller/landlord clients this means the agent will put the seller/landlord's interests first and work on behalf of the seller/landlord.

For buyer/tenant clients this means the agent will put the buyer/tenant's interest first and work on behalf of the buyer/tenant.

**Client-level services also include advice, counsel and assistance in negotiations.**

**For more information about real estate relationships,  
please see page 2 of this disclosure form.**

I acknowledge receipt of this disclosure as required by the New Hampshire Real Estate Commission (Pursuant to Rea 701.01).

**I understand as a customer I should not disclose confidential information.**

\_\_\_\_\_  
Name of Consumer (Please Print)

\_\_\_\_\_  
Name of Consumer (Please Print)

\_\_\_\_\_  
Signature of Consumer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Consumer

\_\_\_\_\_  
Date

Provided by: **Janet Ryan Faulkner, Director**

\_\_\_\_\_  
Licensee

\_\_\_\_\_  
Date

**Keller Williams Realty Success**

\_\_\_\_\_  
Name of Real Estate Brokerage Firm

\_\_\_\_\_  
(Licensees Initials) Consumer has declined to sign this form.

To check on the license status of a real estate firm or licensee go to [www.nh.gov/nhrec](http://www.nh.gov/nhrec). Inactive licensees may not practice real estate brokerage.

7/19/11

(Page 1 of 2)



*Types of Brokerage Relationships commonly practiced in New Hampshire*

*SELLER AGENCY (RSA 331-A:25-b)*

A seller agent is a licensee who acts on behalf of a seller or landlord in the sale, exchange, rental, or lease of real estate. The seller is the licensee's client and the licensee has the duty to represent the seller's best interest in the real estate transaction.

*BUYER AGENCY (RSA 331-A:25-c)*

A buyer agent is a licensee who acts on behalf of a buyer or tenant in the purchase, exchange, rental, or lease of real estate. The buyer is the licensee's client and the licensee has the duty to represent the buyer's best interests in the real estate transaction.

*SINGLE AGENCY (RSA 331-A:25-b; RSA 331-A:25-c)*

Single agency is a practice where a firm represents the buyer only, or the seller only, but never both in the same transaction. Disclosed dual agency cannot occur.

*SUB-AGENCY (RSA 331-A:2, XIII)*

A sub-agent is a licensee who works for one firm, but is engaged by the principal broker of another firm to perform agency functions on behalf of the principal broker's client. A sub-agent does not have an agency relationship with the customer.

*DISCLOSED DUAL AGENCY (RSA 331-A:25-d)*

A disclosed dual agent is a licensee acting for both the seller/landlord and the buyer/tenant in the same transaction with the knowledge and written consent of all parties.

The licensee cannot advocate on behalf of one client over another. Because the full range of duties cannot be delivered to both parties, written informed consent must be given by all clients in the transaction.

A dual agent may not reveal confidential information without consent, such as:

1. Willingness of the seller to accept less than the asking price.
2. Willingness of the buyer to pay more than what has been offered.
3. Confidential negotiating strategy not disclosed in the sales contract as terms of the sale.
4. Motivation of the seller for selling nor the motivation of the buyer for buying.

*DESIGNATED AGENCY (RSA 331-A:25-e)*

A designated agent is a licensee who represents one party of a real estate transaction and who owes that party client level services, whether or not the other party to the same transaction is represented by another individual licensee associated with the same brokerage firm.

*FACILITATOR (RSA 331-A:25-f)*

A facilitator is an individual licensee who assists one or more parties during all or a portion of a real estate transaction without being an agent or advocate for the interests of any party to such transaction. A facilitator can perform ministerial acts, such as showing property, preparing and conveying offers, and providing information and administrative assistance, and other customer-level services listed on page 1 of this form. This relationship may change to an agency relationship by entering into a written contract for representation, prior to the preparation of an offer.

*ANOTHER RELATIONSHIP (RSA 331-A:25-a)*

If another relationship between the licensee who performs the services and the seller, landlord, buyer or tenant is intended, it must be described in writing and signed by all parties to the relationship prior to services being rendered.