

NOTICE: REGARDING OAK WILT IN CENTRAL TEXAS

NOTICE: There may be Oak Wilt/Decline on the property that you are about to purchase

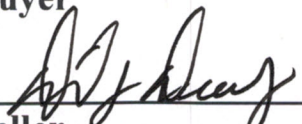
Oak Wilt/Decline is a disease that has long been recognized as causing massive tree loss in the Texas Hill Country. It is caused by a fungus called *Ceratocystis fagacearum* that clogs the water conduction vessels of infected trees, causing them to wilt and die. It has now been identified in 55 Texas Counties. Losses vary with location, with the greatest losses occurring in the Hill Country. A management program has been developed by the Research and Extension faculty at Texas A & M University. This program involves the use of cultural and chemical controls.

Live Oak, Shumard Red Oak, Southern Red Oak, Spanish Oak, Blackjack Oak, Pin Oak, Shin Oak and Water Oak are native species that are susceptible to the oak wilt fungus. They are members of the Red Oak group and will normally die in a few weeks to months after symptoms are observed. Members of the White Oak group including Bur Oaks, White Oaks and Post Oaks, rarely become infected. They have a high level of resistance and when infected, seldom die.

We cannot make representations or guarantees because we are not trained in identifying the condition of trees and their diseases and have no expertise in the area of plant diseases. We recommend that you take whatever other measures you feel are necessary to satisfy yourself about the condition of the property and its surroundings, and that you accompany the inspectors and other experts during their inspections and ask any questions you have about the property.

OTHER INFORMATION: If you are concerned or desire additional information, you may call you County Agricultural Extension Service, or for general questions concerning Oak Wilt, including a list of certified private arborist please visit: www.texasoakwilt.org/

Buyer



Seller

PRES.

BRIGGS HOLDING CORPORATION

Date

7-24-14

Date



TEXAS ASSOCIATION OF REALTORS®
COMMERCIAL PROPERTY CONDITION STATEMENT

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22.563 AC +/- (see Exh A) a portion of PID#77334 Comal
CONCERNING THE PROPERTY AT: County, TX

THIS IS A DISCLOSURE OF THE SELLER'S KNOWLEDGE OF THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED. IT IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES A BUYER OR TENANT MAY WISH TO OBTAIN. IT IS NOT A WARRANTY OF ANY KIND BY SELLER, SELLER'S AGENTS, LANDLORD, LANDLORD'S AGENTS OR ANY OTHER AGENT.

PART I - Complete if Property is Improved or Unimproved

Are you (Seller or Landlord) aware of:

Aware Not
Aware

(1) any of the following environmental conditions on or affecting the Property:

- | | | |
|---|--------------------------|-------------------------------------|
| (a) radon gas? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) asbestos components: | | |
| (i) friable components? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (ii) non-friable components? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (c) urea-formaldehyde insulation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (d) endangered species of their habitat? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (e) wetlands? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (f) underground storage tanks? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (g) leaks in any storage tanks (underground or above-ground)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (h) lead-based paint? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (i) hazardous materials or toxic waste? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (j) open or closed landfills on or under the surface of the Property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (k) external conditions materially and adversely affecting the Property such as nearby landfills, smelting plants, burners, storage facilities of toxic or hazardous materials, refiners, utility transmission lines, mills, feed lots, and the like? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (l) any activity relating to drilling or excavation sites for oil, gas, or other minerals? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- | | | |
|---|-------------------------------------|-------------------------------------|
| (2) previous environmental contamination that was on or that materially and adversely affected the Property, including but not limited to previous environmental conditions listed in Paragraph 1(a)-(l)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (3) any part of the Property lying in a special flood hazard area (A or V Zone)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (4) any improper drainage onto or away from the Property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (5) any fault line or near the Property that materially and adversely affects the Property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (6) air space restrictions or easements on or affecting the Property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (7) unrecorded or unplatted agreements for easements, utilities, or access on or to the Property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

(TAR-1408) 4-1-14 Initialed by Seller or Landlord: [Signature], _____ and Buyer or Tenant: _____, _____ Page 1 of 4

Saxet Realty, Inc, 956 Military Dr. Canyon Lake, TX 78133
Phone: 830.935.3691

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Cynthia Griffin

Donnalley-Crown

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	<u>Aware</u>	<u>Not Aware</u>
(8) special districts in which the Property lies (for example, historical districts, development districts, extraterritorial jurisdictions, or others)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(9) pending changes in zoning, restrictions, or in physical use of the Property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The current zoning of the Property is: _____		
(10) your receipt of any notice concerning any likely condemnation, planned streets, highways, railroads, or developments that would materially and adversely affect the Property (including access or visibility)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(11) lawsuits affecting title to or use or enjoyment of the Property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(12) your receipt of any written notices of violations of zoning, deed restrictions, or government regulations from EPA, OSHA, TCEQ, or other government agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(13) common areas or facilities affiliated with the Property co-owned with others?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(14) an owners' or tenants' association or maintenance fee or assessment affecting the Property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If aware, name of association: _____		
Name of manager: _____		
Amount of fee or assessment: \$ _____ per _____		
Are fees current through the date of this notice? <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> unknown		
(15) subsurface structures, hydraulic lifts, or pits on the Property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(16) intermittent or weather springs that affect the Property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(17) any material defect in any irrigation system, fences, or signs on the Property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(18) conditions on or affecting the Property that materially affect the health or safety of an ordinary individual?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(19) any of the following rights vested in others:		
(a) outstanding mineral rights?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) timber rights?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) water rights?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) other rights?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you are aware of any of the conditions listed above, explain. (Attach additional information if needed.) _____

PART 2 – Complete only if Property is Improved

A. Are you (Seller or Landlord) aware of any material defects in any of the following on the Property?

	<u>Aware</u>	<u>Not Aware</u>	<u>Not Appl.</u>
(1) <u>Structural Items:</u>			
(a) foundation systems (slabs, columns, trusses, bracing, crawl spaces, piers, beams, footings, retaining walls, basement, grading)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) exterior walls?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) fireplaces and chimneys?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) roof, roof structure, or attic (covering, flashing, skylights, insulation, roof penetrations, ventilation, gutters and downspouts, decking)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) windows, doors, plate glass, or canopies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) <u>Plumbing Systems:</u>			
(a) water heaters or water softeners?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) supply or drain lines?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) faucets, fixtures, or commodes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) private sewage systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) pools or spas and equipments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) sprinkler systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) water coolers?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) private water wells?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) pumps or sump pumps?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) <u>HVAC Systems:</u> any cooling, heating, or ventilation systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) <u>Electrical Systems:</u> service drops, wiring, connections, conductors, plugs, grounds, power, polarity, switches, light fixtures, or junction boxes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(5) <u>Other Systems or Items:</u>			
(a) security or fire detection systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) porches or decks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) gas lines?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) garage doors and door operators?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) loading doors or docks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) rails or overhead cranes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) elevators or escalators?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) parking areas, drives, steps, walkways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) appliances or built-in kitchen equipment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you are aware of material defects in any of the items listed under Paragraph A, explain. (Attach additional information if needed.) _____

B. Are you (Seller or Landlord) aware of:

Aware Not
Aware

- | | | |
|--|--------------------------|-------------------------------------|
| (1) any of the following water or drainage conditions materially and adversely affecting the Property: | | |
| (a) ground water? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) water penetration? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (c) previous flooding or water drainage? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (d) soil erosion or water ponding? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (2) previous structural repair to the foundation systems on the Property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (3) settling or soil movement materially and adversely affecting the Property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (4) pest infestation from rodents, insects, or other organisms on the Property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (5) termite or wood rot damage on the Property needing repair? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (6) mold to the extent that it materially and adversely affects the Property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (7) mold remediation certificate issued for the Property in the previous 5 years? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>if yes, attach a copy of the mold remediation certificate.</i> | | |
| (8) previous termite treatment on the Property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (9) previous fires that materially affected the Property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (10) modifications made to the Property without necessary permits or not in compliance with building codes in effect at the time? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (11) any part, system, or component in or on the Property not in compliance with the Americans with Disabilities Act or the Texas Architectural Barrier Statute? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If you are aware of any conditions described under Paragraph B, explain. (Attach additional information, if needed.) _____

The undersigned acknowledges receipt of the foregoing statement.

Seller or Landlord: Briggs Holding Corp.,

Buyer or Tenant: Mike Crownover, Jen Crownover

By: David J. Donnalley

By: _____

By (signature): _____

By (signature): _____

Printed Name: DAVID J. DONNALLEY

Printed Name: _____

Title: PRESIDENT

Title: _____

7-24-2014

By: _____

By: _____

By (signature): _____

By (signature): _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

NOTICE TO BUYER OR TENANT: The broker representing Seller or Landlord, and the broker representing you advise you that this statement was completed by Seller or Landlord, as of the date signed. The brokers have relied on this statement as true and correct and have no reason to believe it to be false or inaccurate. YOU ARE ENCOURAGED TO HAVE AN INSPECTOR OF YOUR CHOICE INSPECT THE PROPERTY.