



TEXAS ASSOCIATION OF REALTORS®

**NOTICE OF INFORMATION FROM OTHER SOURCES**

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To: BUYER:  
BUYER:

From: ALLISON "AJ" HARWOOD (Broker)

Property Address: 1019 MONTELL, WIMBERLEY, TX 78676

Date: May 10, 2011

(1) Broker obtained the attached information, identified as SELLER'S DISCLOSURE PACKAGE  
W/TAR FORMS #'S:1406,1407 W/ADDENDA,1917,SURVEY W/T-47,CALCULATIONS  
SQ.FT.,DEED RESRTRCTIONS,WELL REPORT & CENTRAL TX OAKWILT NOTICE.  
from SELLER.

(2) Broker has relied on the attached information and does not know and has no reason to know that  
the information is false or inaccurate except: NONE.

(3) Broker does not warrant or guarantee the accuracy of the attached information. Do not  
rely on the attached information without verifying its accuracy.

ALLISON "AJ" HARWOOD

Broker

By:

ALLISON "AJ" HARWOOD

Receipt of this notice is acknowledged by:

Signature \_\_\_\_\_ Date \_\_\_\_\_  
BUYER:

Signature \_\_\_\_\_ Date \_\_\_\_\_  
BUYER:

(TAR-2502) 7-16-08

Page 1 of 1



# TEXAS ASSOCIATION OF REALTORS® SELLER'S DISCLOSURE NOTICE

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Section 5.008, Property Code requires a seller of residential property of not more than one dwelling unit to deliver a Seller's Disclosure Notice to a buyer on or before the effective date of a contract. **This form complies with and contains additional disclosures which exceed the minimum disclosures required by the Code.**

CONCERNING THE PROPERTY AT 1019 MONTELL RD  
WIMBERLEY, TX 78676

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

Seller ☒ is ☐ is not occupying the Property. If unoccupied (by Seller), how long since Seller has occupied the Property?  
☐ \_\_\_\_\_ or ☐ never occupied the Property

## Section 1. The Property has the items marked below: (Mark Yes (Y), No (N), or Unknown (U).)

*This notice does not establish the items to be conveyed. The contract will determine which items will & will not convey.*

Item	Y	N	U
Cable TV Wiring	✓		
Carbon Monoxide Det.		✓	
Ceiling Fans	✓		
Cooktop		✓	
Dishwasher	✓		
Disposal	✓		
Emergency Escape adder(s)		✓	
Exhaust Fans	✓		
Fences	✓		
Fire Detection Equip.	✓	✓	
French Drain		✓	
Gas Fixtures	✓		

Item	Y	N	U
Gas Lines (Nat/LP)	✓		
Hot Tub	✓	✓	
Intercom System		✓	
Microwave / <i>Convection oven</i>	✓		
Outdoor Grill		✓	
Patio/Decking		✓	
Plumbing System	✓		
Pool		✓	
Pool Equipment		✓	
Pool Maint. Accessories		✓	
Pool Heater		✓	
Public Sewer System		✓	

Item	Y	N	U
Pump: <input type="checkbox"/> sump <input type="checkbox"/> grinder		✓	
Rain Gutters	✓		
Range/Stove	✓		
Roof/Attic Vents	✓		
Sauna		✓	
Smoke Detector	✓		
Smoke Detector – Hearing Impaired		✓	
Spa	✓		
Trash Compactor		✓	
TV Antenna		✓	
Washer/Dryer Hookup	✓		
Window Screens	✓		

Item	Y	N	U	Additional Information
Central A/C	✓			<input checked="" type="checkbox"/> electric <input type="checkbox"/> gas number of units: <u>2</u>
Evaporative Coolers		✓		number of units: _____
Wall/Window AC Units		✓		number of units: _____
Attic Fan(s)		✓		if yes, describe: _____
Central Heat	✓			<input checked="" type="checkbox"/> electric <input type="checkbox"/> gas number of units: <u>2</u>
Other Heat		✓		if yes, describe: _____
Oven	✓			number of ovens: <u>3</u> <input checked="" type="checkbox"/> electric <input type="checkbox"/> gas <input type="checkbox"/> other: _____
Fireplace & Chimney	✓			<input checked="" type="checkbox"/> wood <input checked="" type="checkbox"/> gas logs <input type="checkbox"/> mock <input type="checkbox"/> other: _____
Carport		✓		<input type="checkbox"/> attached <input type="checkbox"/> not attached
Garage	✓			<input checked="" type="checkbox"/> attached <input type="checkbox"/> not attached
Garage Door Openers	✓			number of units: <u>1</u> number of remotes: <u>2</u>
Satellite Dish & Controls	✓			<input type="checkbox"/> owned <input checked="" type="checkbox"/> leased from <u>DIRECT TV</u>
Security System	✓			<input checked="" type="checkbox"/> owned <input type="checkbox"/> leased from _____
Water Heater	✓			<input checked="" type="checkbox"/> electric <input type="checkbox"/> gas <input type="checkbox"/> other: _____ number of units: _____
Water Softener	✓			<input checked="" type="checkbox"/> owned <input type="checkbox"/> leased from _____
Underground Lawn Sprinkler	✓			<input checked="" type="checkbox"/> automatic <input type="checkbox"/> manual areas covered: <u>grass/lawns</u>
Septic / On-Site Sewer Facility	✓			if yes, attach information About On-Site Sewer Facility (TAR-1407)

(TAR-1406) 1-01-10

Initialed by: Seller: [Signature] and Buyer: [Signature]

Page 1 of 5

Concerning the Property at \_\_\_\_\_

Water supply provided by: ☐ city ☒ well ☐ MUD ☐ co-op ☐ unknown ☐ other: \_\_\_\_\_

Was the Property built before 1978? ☐ yes ☒ no ☐ unknown

(If yes, complete, sign, and attach TAR-1906 concerning lead-based paint hazards).

Roof Type: Composition Age: 6 yrs. (approximate)

Is there an overlay roof covering on the Property (shingles or roof covering placed over existing shingles or roof covering)?

☐ yes ☒ no ☐ unknown

Are you (Seller) aware of any of the items listed in this Section 1 that are not in working condition, that have defects, or are need of repair? ☐ yes ☒ no If yes, describe (attach additional sheets if necessary): \_\_\_\_\_

**Section 2. Are you (Seller) aware of any defects or malfunctions in any of the following?: (Mark Yes (Y) if you are aware and No (N) if you are not aware.)**

Item	Y	N
Basement		<input checked="" type="checkbox"/>
Ceilings		<input checked="" type="checkbox"/>
Doors		<input checked="" type="checkbox"/>
Driveways		<input checked="" type="checkbox"/>
Electrical Systems		<input checked="" type="checkbox"/>
Exterior Walls		<input checked="" type="checkbox"/>

Item	Y	N
Floors		<input checked="" type="checkbox"/>
Foundation / Slab(s)		<input checked="" type="checkbox"/>
Interior Walls		<input checked="" type="checkbox"/>
Lighting Fixtures		<input checked="" type="checkbox"/>
Plumbing Systems		<input checked="" type="checkbox"/>
Roof		<input checked="" type="checkbox"/>

Item	Y	N
Sidewalks		<input checked="" type="checkbox"/>
Walls / Fences		<input checked="" type="checkbox"/>
Windows		<input checked="" type="checkbox"/>
Other Structural Components		<input checked="" type="checkbox"/>

If the answer to any of the items in Section 2 is yes, explain (attach additional sheets if necessary): \_\_\_\_\_

**Section 3. Are you (Seller) aware of any of the following conditions: (Mark Yes (Y) if you are aware and No (N) if you are not aware.)**

Condition	Y	N
Aluminum Wiring		<input checked="" type="checkbox"/>
Asbestos Components		<input checked="" type="checkbox"/>
Diseased Trees: <input type="checkbox"/> oak wilt <input type="checkbox"/> _____		<input checked="" type="checkbox"/>
Endangered Species/Habitat on Property		<input checked="" type="checkbox"/>
Fault Lines		<input checked="" type="checkbox"/>
Hazardous or Toxic Waste		<input checked="" type="checkbox"/>
Improper Drainage		<input checked="" type="checkbox"/>
Intermittent or Weather Springs		<input checked="" type="checkbox"/>
Landfill		<input checked="" type="checkbox"/>
Lead-Based Paint or Lead-Based Pt. Hazards		<input checked="" type="checkbox"/>
Encroachments onto the Property		<input checked="" type="checkbox"/>
Improvements encroaching on others' property		<input checked="" type="checkbox"/>
Located in 100-year Floodplain		<input checked="" type="checkbox"/>
Located in Floodway		<input checked="" type="checkbox"/>
Present Flood Ins. Coverage (If yes, attach TAR-1414)		<input checked="" type="checkbox"/>
Previous Flooding into the Structures		<input checked="" type="checkbox"/>
Previous Flooding onto the Property		<input checked="" type="checkbox"/>
Previous Fires		<input checked="" type="checkbox"/>
Previous Use of Premises for Manufacture of Methamphetamine		<input checked="" type="checkbox"/>

Condition	Y	N
Previous Foundation Repairs		<input checked="" type="checkbox"/>
Previous Roof Repairs		<input checked="" type="checkbox"/>
Other Structural Repairs		<input checked="" type="checkbox"/>
Radon Gas		<input checked="" type="checkbox"/>
Settling		<input checked="" type="checkbox"/>
Soil Movement		<input checked="" type="checkbox"/>
Subsurface Structure or Pits		<input checked="" type="checkbox"/>
Underground Storage Tanks		<input checked="" type="checkbox"/>
Unplatted Easements		<input checked="" type="checkbox"/>
Unrecorded Easements		<input checked="" type="checkbox"/>
Urea-formaldehyde Insulation		<input checked="" type="checkbox"/>
Water Penetration		<input checked="" type="checkbox"/>
Wetlands on Property		<input checked="" type="checkbox"/>
Wood Rot		<input checked="" type="checkbox"/>
Active infestation of termites or other wood-destroying insects (WDI)		<input checked="" type="checkbox"/>
Previous treatment for termites or WDI		<input checked="" type="checkbox"/>
Previous termite or WDI damage repaired		<input checked="" type="checkbox"/>
Termite or WDI damage needing repair		<input checked="" type="checkbox"/>

(TAR-1406) 1-01-10 Initialed by: Seller: [Signature] and Buyer: \_\_\_\_\_

Concerning the Property at \_\_\_\_\_

If the answer to any of the items in Section 3 is yes, explain (attach additional sheets if necessary): \_\_\_\_\_

**Section 4. Are you (Seller) aware of any item, equipment, or system in or on the Property that is in need of repair, which has not been previously disclosed in this notice?** ☐ yes ☒ no If yes, explain (attach additional sheets if necessary): \_\_\_\_\_

**Section 5. Are you (Seller) aware of any of the following (Mark Yes (Y) if you are aware. Mark No (N) if you are not aware.)**

- Y N**
- ☐ ☒ Room additions, structural modifications, or other alterations or repairs made without necessary permits or not in compliance with building codes in effect at the time.
- ☐ ☒ Homeowners' associations or maintenance fees or assessments. If yes, complete the following:  
Name of association: \_\_\_\_\_  
Manager's name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Fees or assessments are: \$ \_\_\_\_\_ per \_\_\_\_\_ and are: ☐ mandatory ☐ voluntary  
Any unpaid fees or assessment for the Property? ☐ yes (\$ \_\_\_\_\_) ☐ no  
If the Property is in more than one association, provide information about the other associations below or attach information to this notice.
- ☐ ☒ Any common area (facilities such as pools, tennis courts, walkways, or other) co-owned in undivided interest with others. If yes, complete the following:  
Any optional user fees for common facilities charged? ☐ yes ☐ no If yes, describe: \_\_\_\_\_
- ☐ ☒ Any notices of violations of deed restrictions or governmental ordinances affecting the condition or use of the Property.
- ☐ ☒ Any lawsuits or other legal proceedings directly or indirectly affecting the Property. (Includes, but is not limited to: divorce, foreclosure, heirship, bankruptcy, and taxes.)
- ☐ ☒ Any death on the Property except for those deaths caused by: natural causes, suicide, or accident unrelated to the condition of the Property.
- ☐ ☒ Any condition on the Property which materially affects the health or safety of an individual.
- ☐ ☒ Any repairs or treatments, other than routine maintenance, made to the Property to remediate environmental hazards such as asbestos, radon, lead-based paint, urea-formaldehyde, or mold.  
If yes, attach any certificates or other documentation identifying the extent of the remediation (for example, certificate of mold remediation or other remediation).

If the answer to any of the items in Section 5 is yes, explain (attach additional sheets if necessary): \_\_\_\_\_

Concerning the Property at \_\_\_\_\_

**Section 6.** Seller ☒ has ☐ has not attached a survey of the Property.

**Section 7.** Within the last 4 years, have you (Seller) received any written inspection reports from persons who regularly provide inspections and who are either licensed as inspectors or otherwise permitted by law to perform inspections? ☐ yes ☒ no If yes, attach copies and complete the following:

Inspection Date	Type	Name of Inspector	No. of Pages

*Note: A buyer should not rely on the above-cited reports as a reflection of the current condition of the Property. A buyer should obtain inspections from inspectors chosen by the buyer.*

**Section 8.** Check any tax exemption(s) which you (Seller) currently claim for the Property:

- ☐ Homestead                      ☐ Senior Citizen                      ☐ Disabled  
☐ Wildlife Management                      ☐ Agricultural                      ☐ Disabled Veteran  
☐ Other: \_\_\_\_\_ ☐ Unknown

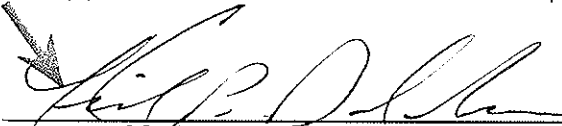
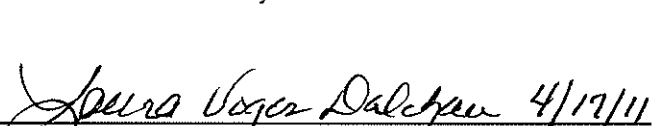
**Section 9.** Have you (Seller) ever received proceeds for a claim for damage to the Property (for example, an insurance claim or a settlement or award in a legal proceeding) and not used the proceeds to make the repairs for which the claim was made? ☐ yes ☒ no If yes, explain: \_\_\_\_\_

**Section 10.** Does the property have working smoke detectors installed in accordance with the smoke detector requirements of Chapter 766 of the Health and Safety Code?\* ☒ unknown ☐ no ☒ yes. If no or unknown, explain. (Attach additional sheets if necessary): \_\_\_\_\_

*\*Chapter 766 of the Health and Safety Code requires one-family or two-family dwellings to have working smoke detectors installed in accordance with the requirements of the building code in effect in the area in which the dwelling is located, including performance, location, and power source requirements. If you do not know the building code requirements in effect in your area, you may check unknown above or contact your local building official for more information.*

*A buyer may require a seller to install smoke detectors for the hearing impaired if: (1) the buyer or a member of the buyer's family who will reside in the dwelling is hearing-impaired; (2) the buyer gives the seller written evidence of the hearing impairment from a licensed physician; and (3) within 10 days after the effective date, the buyer makes a written request for the seller to install smoke detectors for the hearing-impaired and specifies the locations for installation. The parties may agree who will bear the cost of installing the smoke detectors and which brand of smoke detectors to install.*

Seller acknowledges that the statements in this notice are true to the best of Seller's belief and that no person, including the broker(s), has instructed or influenced Seller to provide inaccurate information or to omit any material information.

   
 Signature of Seller                      Date: 04/17/11                      Signature of Seller                      Date: 4/17/11  
 Printed Name: **KIRK B. DALCHAU**                      Printed Name: **LAURA R. VOGES**

Concerning the Property at \_\_\_\_\_

**ADDITIONAL NOTICES TO BUYER:**

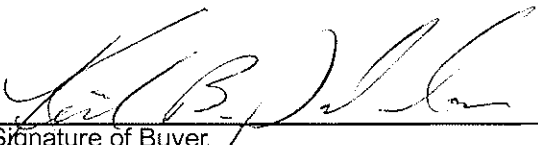
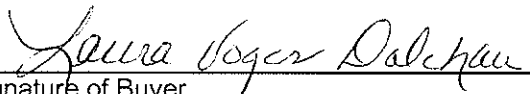
- (1) The Texas Department of Public Safety maintains a database that the public may search, at no cost, to determine if registered sex offenders are located in certain zip code areas. To search the database, visit [www.txdps.state.tx.us](http://www.txdps.state.tx.us). For information concerning past criminal activity in certain areas or neighborhoods, contact the local police department.
- (2) If the property is located in a coastal area that is seaward of the Gulf Intracoastal Waterway or within 1,000 feet of the mean high tide bordering the Gulf of Mexico, the property may be subject to the Open Beaches Act or the Dune Protection Act (Chapter 61 or 63, Natural Resources Code, respectively) and a beachfront construction certificate or dune protection permit may be required for repairs or improvements. Contact the local government with ordinance authority over construction adjacent to public beaches for more information.
- (3) If you are basing your offers on square footage, measurements, or boundaries, you should have those items independently measured to verify any reported information.
- (4) The following providers currently provide service to the property:

Electric: PEC  
Sewer: —  
Water: —  
Cable: DIRECT TV  
Trash: IESI  
Natural Gas: —  
Phone Company: VERIZON  
Propane: TERRY GARNETT PROPANE

phone #: \_\_\_\_\_  
phone #: \_\_\_\_\_  
phone #: \_\_\_\_\_  
phone #: \_\_\_\_\_  
phone #: \_\_\_\_\_  
phone #: \_\_\_\_\_  
phone #: \_\_\_\_\_

- (5) This Seller's Disclosure Notice was completed by Seller as of the date signed. The brokers have relied on this notice 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.

The undersigned Buyer acknowledges receipt of the foregoing notice.

	<u>4/17/11</u>		<u>4/17/11</u>
Signature of Buyer	Date	Signature of Buyer	Date
Printed Name: <u>KIRK B. DALCHAU</u>		Printed Name: <u>Laura Voges Dalchau</u>	



# TEXAS ASSOCIATION OF REALTORS®

## INFORMATION ABOUT ON-SITE SEWER FACILITY

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### CONCERNING THE PROPERTY AT

1019 MONTELL RD  
WIMBERLEY, TX 78676

#### A. DESCRIPTION OF ON-SITE SEWER FACILITY ON PROPERTY:

(1) Type of Treatment System: ☐ Septic Tank ☒ Aerobic Treatment ☐ Unknown

(2) Type of Distribution System: Spray ☐ Unknown

(3) Approximate Location of Drain Field or Distribution System: Far northeast side of property. ☐ Unknown

(4) Installer: Hill Country Aerobic Systems Inc. ☐ Unknown

(5) Approximate Age: 7 yrs. (Aug 2004) ☐ Unknown

#### B. MAINTENANCE INFORMATION:

(1) Is Seller aware of any maintenance contract in effect for the on-site sewer facility? ☐ Yes ☒ No

If yes, name of maintenance contractor: \_\_\_\_\_

Phone: \_\_\_\_\_ contract expiration date: \_\_\_\_\_

*Maintenance contracts must be in effect to operate aerobic treatment and certain non-standard on-site sewer facilities.)*

(2) Approximate date any tanks were last pumped? Fall 2010

(3) Is Seller aware of any defect or malfunction in the on-site sewer facility? ☐ Yes ☒ No

If yes, explain: \_\_\_\_\_

(4) Does Seller have manufacturer or warranty information available for review? ☐ Yes ☒ No

#### C. PLANNING MATERIALS, PERMITS, AND CONTRACTS:

(1) The following items concerning the on-site sewer facility are attached:

☐ planning materials ☒ permit for original installation ☒ final inspection when OSSF was installed  
☐ maintenance contract ☐ manufacturer information ☐ warranty information ☐ \_\_\_\_\_

(2) "Planning materials" are the supporting materials that describe the on-site sewer facility that are submitted to the permitting authority in order to obtain a permit to install the on-site sewer facility.

(3) It may be necessary for a buyer to have the permit to operate an on-site sewer facility transferred to the buyer.



**INFORMATION FROM GOVERNMENTAL AGENCIES:** Pamphlets describing on-site sewer facilities are available from the Texas Agricultural Extension Service. Information in the following table was obtained from Texas Commission on Environmental Quality (TCEQ) on 10/24/2002. The table estimates daily wastewater usage rates. Actual water usage data or other methods for calculating may be used if accurate and acceptable to TCEQ.

Facility	Usage (gal/day) without water- saving devices	Usage (gal/day) with water- saving devices
Single family dwelling (1-2 bedrooms; less than 1,500 sf)	225	180
Single family dwelling (3 bedrooms; less than 2,500 sf)	300	240
Single family dwelling (4 bedrooms; less than 3,500 sf)	375	300
Single family dwelling (5 bedrooms; less than 4,500 sf)	450	360
Single family dwelling (6 bedrooms; less than 5,500 sf)	525	420
Mobile home, condo, or townhouse (1-2 bedroom)	225	180
Mobile home, condo, or townhouse (each add'l bedroom)	75	60

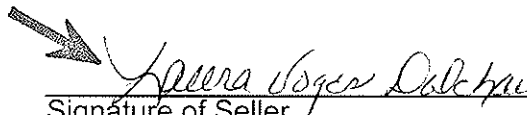
This document is not a substitute for any inspections or warranties. This document was completed to the best of Seller's knowledge and belief on the date signed. Seller and real estate agents are not experts about on-site sewer facilities. Buyer is encouraged to have the on-site sewer facility inspected by an inspector of Buyer's choice.



4/17/11

Date

Signature of Seller  
KIRK B. DALCHAU



4/17/11

Date

Signature of Seller  
LAURA R. VOGES

Receipt acknowledged by:

Signature of Buyer

Date

Signature of Buyer

Date







## Hays County Environmental Health

1251 Civic Center Loop  
San Marcos TX 78666-  
(512) 393-2150

### FINAL INSPECTION

To whom it may concern:

Date: **8/26/2004**

Permit #: **2004 - 1466**

Date purchased: **6/30/2004**

Owner's Name: **DALCHAU, KIRK B**

**P.O. BOX 702, WIMBERLEY TX 78676**

Site location

**1019 MONTELL RD, WIMBERLEY TX 78676**

**HILL COUNTRY RANCHES**

Block:

Lot: **189 A**

The above referenced private sewage facility has been inspected by the above county for compliance with the rules of the county and based on information provided in the application, has been found to comply with the requirements of those rules.

NOTE: This certification does not extend to the materials, workmanship or fabrication of the private sewage facility so as to express or imply to the owner or installer of the facility any warranty by or rights against this county or any of its agencies, as to the quality or durability of the facility nor compliance with the owner's individual specifications and requirements, but solely relates to the facility meeting the requirements of this county in effect as of this date.

NOTE: This approval simply grants permission to operate this facility; it does not guarantee its successful operation. Routine maintenance and proper functioning are the sole responsibility of the owner.

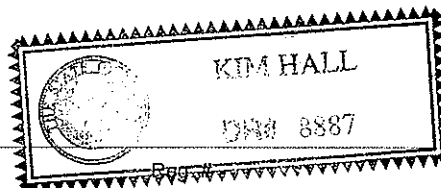
NOTE: This approval remains in effect until such time as there is evidence that this facility is not operating properly and may constitute a threat to the health of the people of this county.

The specified backfill should not be altered or covered in any way except for sodded grass in a checkerboard fashion or grass seeded cover to promote evaporation. All plumbing in the house should be kept in good repair to minimize flooding of the

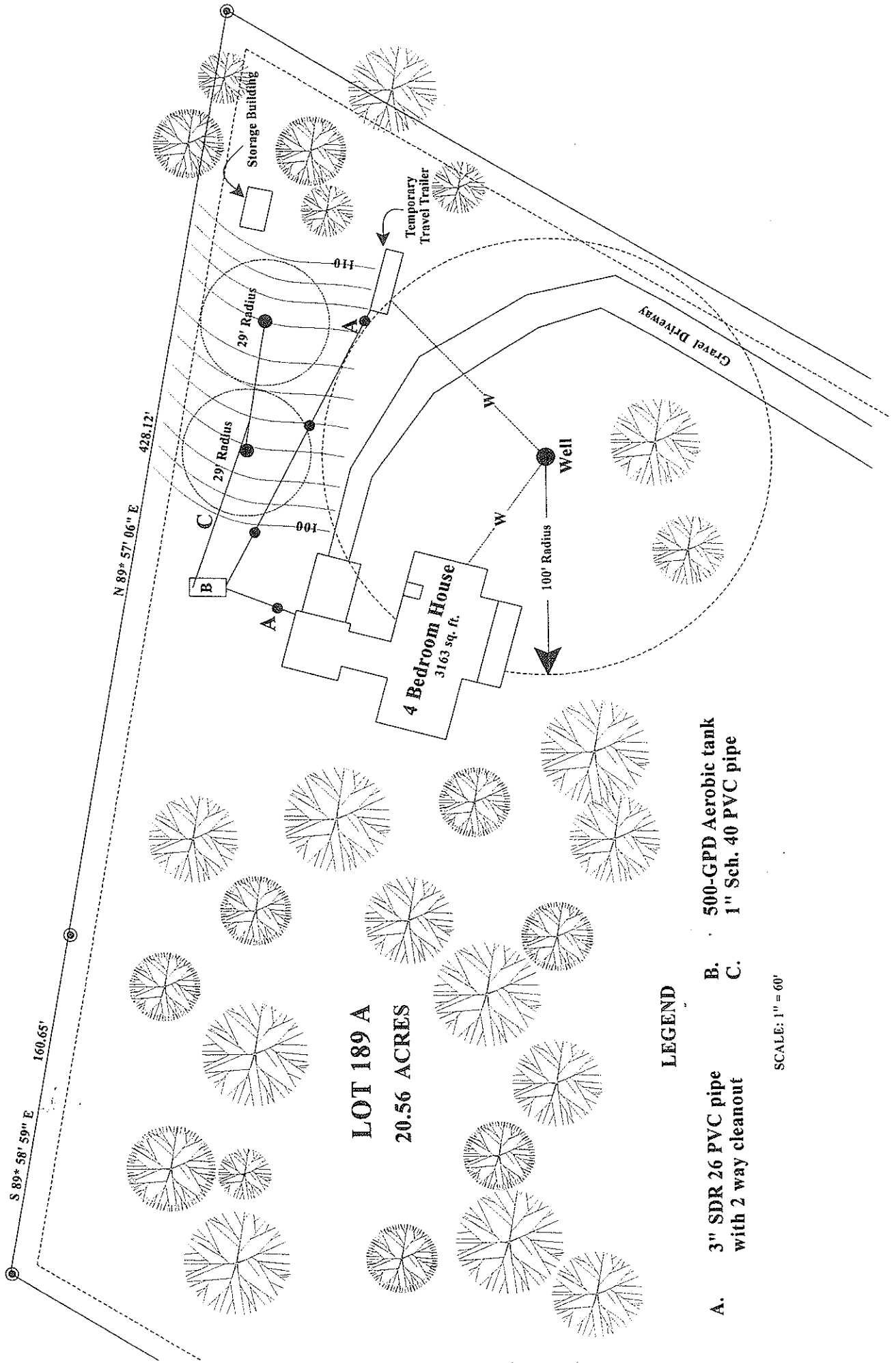
ISSUED THIS DATE:

8-26-04

SANITARIAN



**The Dalchau Residence**  
**1019 Montell Road Wimberley, Texas**  
**Lot 189 A Hill Country Ranches**



**LOT 189 A**  
**20.56 ACRES**

**LEGEND**

- A. 3" SDR 26 PVC pipe with 2 way cleanout
- B. 500-GPD Aerobic tank
- C. 1" Sch. 40 PVC pipe

SCALE: 1" = 60'

**ENVIRONMENTAL ASSESSMENT, THREATENED OR  
ENDANGERED SPECIES, AND WETLANDS ADDENDUM****TO CONTRACT CONCERNING THE PROPERTY AT**1019 MONTELL RD, WIMBERLEY, TX 78676

(Address of Property)

- ☒ A. ENVIRONMENTAL ASSESSMENT: Buyer, at Buyer's expense, may obtain an environmental assessment report prepared by an environmental specialist.
- ☒ B. THREATENED OR ENDANGERED SPECIES: Buyer, at Buyer's expense, may obtain a report from a natural resources professional to determine if there are any threatened or endangered species or their habitats as defined by the Texas Parks and Wildlife Department or the U.S. Fish and Wildlife Service.
- ☒ C. WETLANDS: Buyer, at Buyer's expense, may obtain a report from an environmental specialist to determine if there are wetlands, as defined by federal or state law or regulation.

Within \_\_\_\_\_ days after the effective date of the contract, Buyer may terminate the contract by furnishing Seller a copy of any report noted above that adversely affects the use of the Property and a notice of termination of the contract. Upon termination, the earnest money will be refunded to Buyer.

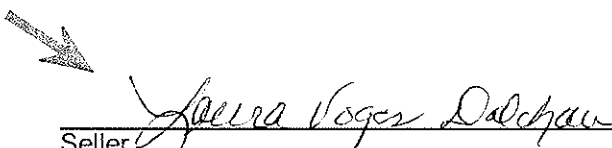
Buyer \_\_\_\_\_

Seller

  
KIRK B. DALCHAU

Buyer \_\_\_\_\_

Seller

  
LAURA R. VOGES

This form has been approved by the Texas Real Estate Commission for use with similarly approved or promulgated contract forms. Such approval relates to this form only. TREC forms are intended for use only by trained real estate licensees. No representation is made as to the legal validity or adequacy of any provision in any specific transactions. It is not suitable for complex transactions. Texas Real Estate Commission, P.O. Box 12188, Austin, TX 78711-2188, 1-800-250-8732 or (512) 459-6544 (<http://www.trec.state.tx.us>) TREC No. 28-1. This form replaces TREC No. 28-0.

NOTES:

- 1) THIS LOT IS SUBJECT TO THE RESTRICTIONS RECORDED IN VOLUME 1, PAGE 147, PLAT RECORDS, VOLUME 368, PAGE 25, AND VOLUME 369, PAGE 9, DEED RECORDS, AND VOLUME 1150, PAGE 32, OFFICIAL PUBLIC RECORDS, ALL OF HAYS COUNTY, TEXAS.
- 2) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48209C0160E, DATED, FEB. 19, 1999, THIS LOT IS LOCATED IN ZONE X, AND IS NOT IN THE 100-YEAR FLOODPLAIN.
- 3) THIS LOT IS SUBJECT TO A 50' IMPROVEMENT SETBACK ALONG THE FRONT LINE AND A 5' IMPROVEMENT SETBACK ALONG THE SIDE LINES AS RECORDED IN VOLUME 368, PAGE 25, DEED RECORDS OF HAYS COUNTY, TEXAS.
- 4) THIS LOT IS SUBJECT TO AN UNSPECIFIED WIDTH PUBLIC UTILITY AND DRAINAGE EASEMENT ALONG ALL LOT LINES AS RECORDED IN VOLUME 1, PAGE 147, PLAT RECORDS OF HAYS COUNTY, TEXAS.
- 5) THIS LOT IS SUBJECT TO A 5' PUBLIC UTILITY AND DRAINAGE EASEMENT ALONG ALL LOT LINES AS RECORDED IN VOLUME 368, PAGE 25, DEED RECORDS OF HAYS COUNTY, TEXAS.

NICHOLSON PARTNERS

149/540

LOT 188A

LOT 189A  
20.56 ACRES

LOT 190

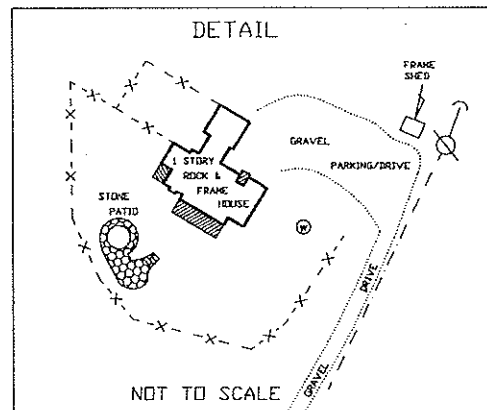
HILL CONTRY RANCHES  
1/147

SCALE 1"=200'

LEGEND

- ( ) RECORD INFORMATION
- 1/2" IRON ROD FOUND
- - - - WIRE FENCE
- ⊙ WELL
- ⊕ UTILITY POLE
- ▨ CONCRETE COVERED PORCH

MONTELL ROAD  
(50') R.O.W.  
1/147



SURVEY PLAT

OF

LOT 189A

RESUBDIVISION OF LOTS

188 & 189

HILL COUNTRY RANCHES

A SUBDIVISION RECORDED IN  
VOLUME 9, PAGE 314,  
PLAT RECORDS OF  
HAYS COUNTY, TEXAS

TO:

PURCHASER: KIRK B. DALCHAU AND LAURA R. VOGES  
TITLE CO: HAYS COUNTY ABSTRACT CO./STEWART TITLE GUARANTY COMPANY  
G.F. NO: 20505077  
LENDER/LENDER:

I, DANIEL R. (ROCKY) EDWARDS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM A SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION DURING JULY, 2005, OF THE PROPERTY SHOWN HEREIN AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND EXCEPT AS SHOWN OR NOTED, THERE ARE NO VISIBLE DISCREPANCIES, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADWAYS, AND THAT SAID PROPERTY HAS ACCESS TO A PUBLIC RIGHT OF WAY.

*Daniel R. Edwards* 7/27/05  
DATE  
DANIEL R. (ROCKY) EDWARDS  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 5472 STATE OF TEXAS



© 2005 ALL RIGHTS RESERVED

HAYS COUNTY LAND SURVEYING  
P.O. BOX 891  
WIMBERLEY, TEXAS 78676  
612-847-5827

**T-47 Residential Real Property Affidavit**  
(May be Modified as Appropriate for Commercial Transactions)

Date: \_\_\_\_\_ GF No. \_\_\_\_\_  
Name of Affiant(s): Kirk B. Dalchau & Laura R. Voges (Laura Voges Dalchau)  
Address of Affiant: 1019 Montell Rd. Wimberley TX 78676  
Description of Property: LOT 189 A- HILL COUNTRY RANCHES, HAYS COUNTY, TX  
County HAYS, Texas

"Title Company" as used herein is the Title Insurance Company whose policy of title insurance is issued in reliance upon the statements contained herein.

Before me, the undersigned notary for the State of TEXAS, personally appeared Affiant(s) who after by me being duly sworn, stated:

1. We are the owners of the Property. Or state other basis for knowledge by Affiant(s) of the Property, such as lease, management, neighbor, etc. For example, "Affiant is the manager of the Property for the record title owners.":  
N/A

2. We are familiar with the Property and with the improvements located on the Property.

3. We are closing a transaction requiring title insurance and the proposed insured owner or lender has requested area and boundary coverage in the title insurance policy(ies) to be issued in this transaction. We understand that the Title Company may make exceptions to the coverage of the title insurance as the Title Company may deem appropriate. We understand that the owner of the Property, if the current transaction is a sale, may request a similar amendment to the area and boundary coverage in the Owner Policy of Title Insurance upon payment of the promulgated premium.

4. To the best of our actual knowledge and belief, since July 2005 there have been no:  
a. construction projects such as new structures, additional buildings, rooms, garages, swimming pools or other permanent improvements or fixtures;  
b. changes in the location of boundary fences or boundary walls;  
c. construction projects on immediately adjoining property(ies) which encroach on the Property;  
d. conveyance, replattings, easement grants and/or easement dedications (such as a utility line) by any party affecting the Property;

EXCEPT for the following (If None, Insert "None" Below): WELL HOUSE ADDED SPRING 2010.  
(APPROX 10' X 10')

5. We understand that Title Company is relying on the truthfulness of the statements made in this affidavit to provide the area and boundary coverage and upon the evidence of the existing real property survey of the Property. This Affidavit is not made for the benefit of any other parties and this Affidavit does not constitute a warranty or guarantee of the location of improvements.

6. We understand that we have no liability to the Title Company or the title insurance company that will issue the policy(ies) should the information in this Affidavit be incorrect other than information that we personally know to be incorrect and which we do not disclose to the Title Company.

Kirk B. Dalchau  
KIRK B. DALCHAU

Laura Voges Dalchau  
LAURA R. VOGES

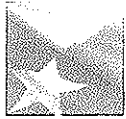
SWORN AND SUBSCRIBED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Notary Public  
STATE OF TEXAS

(TAR- 1907) 5-01-08

**SKETCH CALCULATIONS**

	Perimeter	Area
A1 : 40.0 x 4.0 =		160.0
A2 : 58.5 x 3.0 =		175.5
A3 : 72.0 x 10.0 =		720.0
A4 : 17.5 x 8.0 =		140.0
A5 : 81.5 x 17.5 =		1426.2
A6 : 57.5 x 1.5 =		86.3
A7 : 43.0 x 3.0 =		129.0
A8 : 37.0 x 1.5 =		55.5
A9 : 18.5 x 15.5 =		286.8
<b>First Floor</b>		<b>3179.3</b>
<b>Total Living Area</b>		<b>3179.3</b>



These DEED RESTRICTIONS ARE CURRENTLY IN FORCE in the Hill Country Ranches community! The restrictions shown here were voted on by residents and then filed for Blanco and Hays Counties in May of 2005. Consult your attorney as to how they may apply to your situation and if you are in violation. This is a transcript of the original filing.

- 01) .... All tracts shall be used solely for residential purposes, except tracts designated for business purposes provided, however, no business shall be conducted on any of these tracts which is noxious or harmful by reason of the emission of odor, dust, smoke, gas fumes, noise or vibration; and provided further that the Grantor expressly reserves the right until January 1, 1975, to vary the use of any property notwithstanding the restrictions embodied in this conveyance, should Grantor in its sole judgment deem it in the best interests of the property to grant such variances. The granting of any such variance by the Grantor shall be specifically stated in both the contract of sale and Grantor's deed conveying said tract or tracts.
- 02) .... Tracts designated as business may be used either for residential or business purposes provided, however, that if used for a business the nature and purpose of the business use shall first be approved in writing by Grantor, its successors, assigns or designees. No tract may be subdivided unless written approval is given by the Grantor, its assignees or designees.
- 03) .... No building other than a single family residence containing not less than 900 square feet, exclusive of open porches, breezeways, carports and garages, shall be erected or constructed on any residential tract and no garage may be erected except simultaneously with or subsequent to erection of residence. All buildings must be completed not later than six (6) months after laying foundations and no structures or house trailers of any kind may be moved on to the property. Servants quarters and guest houses may be constructed to the rear of permanent residence. All buildings must be completely enclosed from ground level to the lower portion of outside walls so as to maintain a neat appearance and remove posts or piers from outside view.
- 04) .... No improvements shall be erected or constructed on any tract nearer than 50 feet to the front property line nor nearer than 5 feet to the side property line, except that in the case of corner tracts, no improvements shall be erected or constructed within 10 feet of side property line adjacent to the streets.
- 05) .... No building or structure shall be erected or constructed on any tract until the building plans, specifications, plot plans and external design have first been approved in writing by the Grantor, or such nominee or nominees as it may designate in writing.
- 06) .... No building or structure shall be occupied or used until the exterior thereof is completely finished in accordance with paragraph 3 above and any structure or part thereof constructed of lumber shall be finished with not less than two coats of paint. No outside toilet shall be installed or maintained on any premises and all plumbing shall be connected with a sanitary sewer or septic tank approved by the State and Local Departments of Health. Before any work is done pertaining to the location of utilities, buildings, etc., approval of said location must be first obtained from the Grantor and the local Department of Health. No removal of trees nor excavation of any other materials other than for landscaping, construction of buildings, driveways, etc., will be permitted without the written permission of Grantor.
- 07) .... An assessment of \$20 annually per tract owner, (which may be paid semiannually or annually), shall run against each tract in said property for the use and maintenance and operating costs according to rules and regulations of Grantor. The decision of the Grantor, its nominee or consignee with respect to the use and expenditure of such funds shall be conclusive and the Grantees shall have no right to dictate how such funds shall be used. Such assessment shall be and is hereby secured by a lien on each tract respectively, and shall be payable to the Grantor in San Antonio, Texas, on the 1st day of June of each year, commencing June 1, 1972, or to such other persons as Grantor may designate by instrument filed of record in the Office of the County Clerk of Blanco Hays County, Texas. In cases where one owner owns more than one (1) tract there will be only one (1) assessment for such owner. Provided, however, that if such an owner should sell one or more of his tracts to a party who theretofore did not own property, then said tract or tracts so transferred shall thereafter be subject to the lien provided herein.
- 08) .... No noxious, offensive, unlawful or immoral use shall be made of the premises.
- 09) .... No hogs or goats of any kind shall be raised, bred or kept on any tract, dogs, cats or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purposes.
- 10) .... All covenants and restrictions shall be binding upon the Grantees or their successors, heirs or assigns. Said covenants and restrictions are for the benefit of the entire property.
- 11) .... The Grantor reserves to itself, its successors and assigns an easement or right-of-way over a strip along the side, front and rear boundary lines of the tract or tracts hereby conveyed, for the purpose of installation or maintenance of public utilities, including but not limited to gas, water, electricity, telephone drainage and sewerage and any appurtenance to the supply lines thereof, including the right to remove and/or trim trees, shrubs or plants. This reservation is for the purpose of providing for the practical installation of such utilities as and when any public or private authority or utility company may desire to serve said tracts with no obligation to Grantor to supply such services.
- 12) .... All tracts are subject to easements and restrictions of record and are subject to any applicable zoning rules and regulations.
- 13) .... All mineral in, on and under the above described property are excepted from this conveyance and are hereby reserved to Grantor.
- 14) .... No tract shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. No junk or wrecking yards shall be located on any tract. Material of any kind stored on said property shall be arranged in orderly manner on the rear one-third of said property, shall be properly covered, and shall be allowed only so long as Grantor in its best and sole judgment deems such storage to be in the best interest of the property.
- 15) .... These restrictions are to run with the land until June 1, 1995, provided, however that the record owners of a majority of the tracts shall have the power through a duly recorded written instrument to extend this covenant for extensive ten (10) year periods from and after June 1, 1995.
- 16) .... Invalidity of any one of these covenants or restrictions by judgment of any Court shall in no wise affect any of the other provisions which shall remain in full force and effect.



**SUBMITTED**

Permit # 0661

Please use black ink

Send original copy by certified mail to: TNRCC, P.O. Box 12157, Austin, TX 78711

ATTENTION OWNER: Confidentiality Privilege  
Notice on Reverse SideState of Texas  
WELL REPORTTexas Water Well Drillers Advisory Council  
P.O. Box 12157  
Austin, TX 78711  
512-483-7880

1) OWNER DALCHAU, KIRK ADDRESS P.O. BOX 702 WINNERLEY, TX 78676  
(Name) (Street or RFD) (City) (State) (Zip)

2) ADDRESS OF WELL: County HAYS 1019 MONTELL RD. WINNERLEY, TX 78676 GRID # 57-92-3  
(Street or RFD) (City) (State) (Zip)

## 3) TYPE OF WORK (Check):

☒ New Well ☐ Deepening  
☐ Reconditioning ☐ Plugging

## 4) PROPOSED USE (Check):

☐ Monitor ☐ Environmental Soil Boring ☒ Domestic  
☐ Industrial ☐ Irrigation ☐ Injection ☐ Public Supply ☐ De-watering ☐ Testwell  
If Public Supply well, were plans submitted to the TNRCC? ☐ Yes ☐ No

## 5)

N 30' 8.00  
W 098' 16.00

## 6) WELL LOG:

Date Drilling:

Started 08-14-20 04Completed 08-14-20 04

## DIAMETER OF HOLE

Dia. (in.)	From (ft.)	To (ft.)
	Surface	
8	0	50
6	50	700

## 7) DRILLING METHOD (Check):

☐ Driven  
☒ Air Rotary ☐ Mud Rotary ☐ Bored  
☐ Air Hammer ☐ Cable Tool ☐ Jetted  
☐ Other

From (ft.)	To (ft.)	Description and color of formation material
0	1	TOP SOIL
1	18	CALICHE
18	20	BLUE LIME
20	400	GRAY
400	420	GRAY W/TAN
420	540	TAN
540	545	GRAY W/GREEN SHELL
545	600	GRAY/TAN
600	620	TAN
620	640	BROWN
640	650	GRAY CLAY
650	665	TAN
665	685	GRAY CLAY
685	700	GRAY CLAY WIRED

## 8) Borehole Completion (Check):

☒ Open Hole ☐ Straight Wall  
☐ Underreamed ☐ Gravel Packed ☐ Other  
If Gravel Packed give interval ... from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

## CASING, BLANK PIPE, AND WELL SCREEN DATA:

Dia. (in.)	New or Used	Steel, Plastic, etc. Perf., Slotted, etc. Screen Mfg., if commercial	Setting (ft.)		Gage Casing Screen
			From	To	
5 OD	N	PVC	-2	700	.025

## 9) CEMENTING DATA [Rule 338.44(1)]

Cemented from 0 ft. to 50 ft. No. of sacks used 10  
\_\_\_\_\_ ft. to \_\_\_\_\_ ft. No. of sacks used \_\_\_\_\_

Method used SLURRYCemented by C.T.D.Distance to septic system field lines or other concentrated contamination N/A ft.Method of verification of above distance WELL DRILLED FIRST

## 10) SURFACE COMPLETION

☐ Specified Surface Slab Installed [Rule 338.44(2)(A)]  
☒ Specified Steel Sleeve Installed [Rule 338.44(3)(A)]  
☐ Pileless Adapter Used [Rule 338.44(3)(b)]  
☐ Approved Alternative Procedure Used [Rule 338.71]

## 11) WATER LEVEL

Static Level \_\_\_\_\_ ft. below land surface Date \_\_\_\_\_  
Artesian flow \_\_\_\_\_ gpm Date \_\_\_\_\_

## 12) PACKERS:

	Type	Depth
5	BURLAP, PVC, RUBBER	50', 390', 550', 650', 670'

I hereby certify that this well was drilled by me (or under my supervision) and that each and all of the statements herein are true to the best of my knowledge and belief. I understand that failure to complete items 1 thru 15 will result in the log(s) being returned for completion and resubmittal.

COMPANY NAME CENTRAL TEXAS DRILLING, INC.  
(Type or print)

WELL DRILLER'S LICENSE NO. #4227

ADDRESS 2520 HWY. 290 WEST  
(Street or RFD)

DRIPPING SPRINGS,  
(City)

TX 78620  
(State) (Zip)

(Signed) Aaron Glass  
(Licensed Well Driller)

(Signed) \_\_\_\_\_  
(Registered Driller Trainee)

Please attach electric log, chemical analysis, and other pertinent information, if available.

TNRCC-0199 (Rev. 11-1-94)

WELL OWNER'S COPY

DRILLER'S COPY

TNRCC COPY

**NOTICE REGARDING OAK WILT IN CENTRAL TEXAS**

**ADDENDUM TO EARNEST MONEY CONTRACT BETWEEN THE UNDERSIGNED  
PARTIES CONCERNING THE PROPERTY AT:**

1019 MONTELL WIMBERLEY, TX 78676

**THERE MAY BE OAK WILT ON THE PROPERTY THAT YOU ARE ABOUT TO PURCHASE**

OAK WILT is one of the most destructive tree diseases in the United States. The disease has killed more than 1 million trees in Central Texas. Oak wilt is caused by the fungus *Ceratocystis fagacearum*. The spores of the fungus invade and clog the tree's water conducting system, call xylem.

Oak wilt has been found in over 60 counties and in almost every city in Central Texas. It can be a problem wherever live oaks tend to be the predominate tree. It does not matter whether they are transplanted or naturally grown. An individual tree's age, size or previous health status does not make it more or less likely to contract or die from oak wilt.

Live Oaks die in the greatest numbers, most often in expanding areas called Oak Wilt Centers. Red Oaks are the most susceptible. They typically die within 2-4 weeks of symptom appearance. Common red oaks are Spanish, Texas, Shumard, Pin, and Blackjack. White oaks are least susceptible. Very few have been identified with oak wilt in Texas. They generally survive for a number of years with the disease. Common White Oaks – Post, Bur, Chinkapin, Monterrey.

**OUR EXPERTISE:**

- 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.

**THEREFORE, WE RECOMMEND:**

- That you take whatever other measure you feel is necessary to satisfy yourself about the condition of the property and its surroundings.
- 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 your County Agricultural Extension Service, or if you have access to the internet, go to

<http://www.texasoakwilt.org/>

Neil B. D. L. 4/17/11  
Seller Date

Jaquira Vozes DeChapin 4/17/11  
Seller Date

William Harwood  
Listing Agent Date

\_\_\_\_\_  
Buyer Date

\_\_\_\_\_  
Buyer Date

\_\_\_\_\_  
Buyer's Agent Date