



TEXAS ASSOCIATION OF REALTORS® COMMERCIAL PROPERTY CONDITION STATEMENT

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CONCERNING THE PROPERTY AT: 8711 Highway 35, Liverpool.

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, OR ANY OTHER AGENT.

PART I - Complete if Property is Improved or Unimproved

Are you (Seller) aware of:

Aware Not
Aware Aware

- (1) any of the following environmental conditions on or affecting the Property:
 - (a) radon gas? ☐ ☒
 - (b) asbestos components:
 - (i) friable components? ☐ ☐
 - (ii) non-friable components? ☐ ☐
 - (c) urea-formaldehyde insulation? ☐ ☐
 - (d) endangered species of their habitat? ☐ ☐
 - (e) wetlands? ☐ ☐
 - (f) underground storage tanks? ☐ ☐
 - (g) leaks in any storage tanks (underground or above-ground)? ☐ ☐
 - (h) lead-based paint? ☐ ☐
 - (i) hazardous materials or toxic waste? ☐ ☐
 - (j) open or closed landfills on or under the surface of the Property? ☐ ☐
 - (k) external conditions materially and adversely affecting the Property such as nearby landfills, smelting plants, burners, storage facilities of toxic or hazardous materials, refineries, utility transmission lines, mills, feed lots, and the like? ☐ ☐
 - (l) any activity relating to drilling or excavation sites for oil, gas, or other minerals? ☐ ☐
- (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)? ☐ ☐
- (3) any part of the Property lying in a special flood hazard area (A or V Zone)? ☐ ☐
- (4) any improper drainage onto or away from the Property? ☐ ☐
- (5) any fault line or near the Property that materially and adversely affects the Property? ☐ ☐
- (6) outstanding mineral rights, exceptions, or reservations of the Property held by others? ☐ ☐
- (7) air space restrictions or easements on or affecting the Property? ☐ ☐
- (8) unrecorded or unplatted agreements for easements, utilities, or access on or to the Property? ☐ ☒

(TAR-1408) 10-18-05

Initialed by Buyer or Tenant: _____ and Seller: B. B. B.

Page 1 of 4

Texas Star Realty 930 Walnut Street, Columbus TX 78934
Phone: 9797338200

Fax: (979) 733-9009

Dee Brabham

Produced with ZipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.ziplogix.com

Baca Liverpool

Commercial Property Condition Statement concerning 8711 Highway 35, Liverpool.

- | | Aware | Not
Aware |
|---|--------------------------|-------------------------------------|
| (9) special districts in which the Property lies (for example, historical districts, development districts, extraterritorial jurisdictions, or others)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (10) pending changes in zoning, restrictions, or in physical use of the Property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (11) 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"/> |
| (12) lawsuits affecting title to or use or enjoyment of the Property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (13) 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"/> |
| (14) common areas of facilities affiliated with the Property co-owned with others? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (15) 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 | | |
| (16) subsurface structures, hydraulic lifts, or pits on the Property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (17) intermittent or weather springs that affect the Property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (18) any material defect in any irrigation system, fences, or signs on the Property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (19) conditions on or affecting the Property that materially affect the health or safety of an ordinary individual? | <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) aware of any material defects in any of the following on the Property?

- | | Aware | Not
Aware | Not
Appl. |
|--|--------------------------|-------------------------------------|--------------------------|
| (1) Structural Items: | | | |
| (a) foundation systems (slabs, columns, trusses, bracing, crawl spaces, piers, beams, footings, retaining walls, basement, grading)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) exterior walls? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (c) fireplaces and chimneys? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (d) roof, roof structure, or attic (covering, flashing, skylights, insulation, roof penetrations, ventilation, gutters and downspouts, decking)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (e) windows, doors, plate glass, or canopies? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

(TAR-1406) 10-18-05

Initialed by Buyer or Tenant: _____

and Seller: 

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Commercial Property Condition Statement concerning 8711 Highway 35, Liverpool.

	Aware	Not Aware	Not Appl.
(2) <u>Plumbing Systems:</u>			
(a) water heaters or water softeners?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) supply or drain lines?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) faucets, fixtures, or commodes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) private sewage systems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) pools or spas and equipments?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) sprinkler systems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) water coolers?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(h) private water wells?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) pumps or sump pumps?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) <u>HVAC Systems:</u> any cooling, heating, or ventilation systems?	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
(5) <u>Other Systems or Items:</u>			
(a) security or fire detection systems? ..?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) porches or decks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) gas lines?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(d) garage doors and door operators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) loading doors or docks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) rails or overhead cranes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(g) elevators or escalators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(h) parking areas, drives, steps, walkways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) appliances or built-in kitchen equipment?	<input type="checkbox"/>	<input checked="" 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) 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"/>

Commercial Property Condition Statement concerning 8711 Highway 35, Liverpool.

	Aware	Not Aware
(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 checked="" type="checkbox"/>	<input type="checkbox"/>

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

Seller:

Billy Baca
Billy Baca

Date:

8.3.09

Seller:

Robin Baca
Robin Baca

Date:

8.3.09

The undersigned acknowledges receipt of the foregoing statement.

Buyer or Tenant:

Date:

Buyer or Tenant:

Date:

NOTICE TO BUYER OR TENANT: The broker representing Seller and the broker representing you advise you that this statement was completed by Seller, 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.



TEXAS ASSOCIATION OF REALTORS®

INFORMATION ABOUT ON-SITE SEWER FACILITY

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8711 Highway 35
Liverpool,

CONCERNING THE PROPERTY AT

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

- (1) Type of Treatment System: ☒ Septic Tank ☐ Aerobic Treatment ☐ Unknown
- (2) Type of Distribution System: drain line ☐ Unknown
- (3) Approximate Location of Drain Field or Distribution System: ☒ Unknown
- (4) Installer: ☒ Unknown
- (5) Approximate Age: ☐ 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? January 2007
- (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.

(TAR-1407) 1-7-04

Initialed for Identification by Buyer _____ and Seller DB BRB Page 1 of 2

Texas Star Realty 930 Walnut Street, Columbus TX 78934
Phone: 9797338200

Fax: (979) 733-9009

Doc Brubham

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Baca Liverpool

8711 Highway 35
Liverpool,

Information about On-Site Sewer Facility concerning _____

D. 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.

 8.309

Signature of Seller Date
Billy Baca

 8.309

Signature of Seller Date
Robin Baca

Receipt acknowledged by:

Signature of Buyer Date_____
Signature of Buyer Date

8711 STATE HIGHWAY 35

12th BLOCK

8.135 ACS. +/-
(8.135 +/- 0.001)

COY AREA

20.7

410.17

12th BLOCK

1-7-07

BILLY R. DAVIS
ROBIN L. DAVIS

8711 HIGHWAY 35
LUBBOCK, TEXAS 79407

LEGAL DESCRIPTION PROPERTY

A TRACT OF LAND CONTAINING 8.135 ACRES, MORE OR LESS, OUT OF THE JOHN H. ADAMS 73.22 ACRE TRACT IN THE ADAMS, HALL & BRADLEY LEAGUE, ABSTRACT 8, BRAZOSIA COUNTY, TEXAS, AND BEING THE SAME PROPERTY DESCRIBED BY DEED RECORDED IN VOLUME 1618, PAGE 78, DEED RECORDS, BRAZOSIA COUNTY, TEXAS, SAID 8.135 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY MEAS AND COORDS AS ATTACHED.

PRO-SURV
P.O. BOX 1028
1196 HOSKINS RD, TX 79606
PHONE 201-445-1118 Fax 201-445-0112

FIELD NOTES
OF A SURVEY OF

A tract of land containing 8.135 acres, more or less, out of the John H. Adams 73.22 acre tract in the Angier, Hall and Bradley League, Abstract 6, Brazoria County, Texas, and being the same property described by Deed recorded in Volume 1618, Page 78, Deed Records, Brazoria County, Texas, said 8.135 acre tract being more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the South line of a 20 acre tract described in Volume 741, Page 490, Deed Records, Brazoria County, Texas, with the West line of said Angier, Hall and Bradley League;

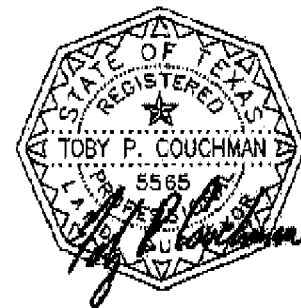
THENCE North 63°07'00" East, a distance of 2774.70 feet to a 2 inch iron pipe found marking the Southwest corner and POINT OF BEGINNING of the herein described tract;

THENCE continue North 63°07'00" East, a distance of 418.17 feet to a 2 inch iron pipe found marking the Southeast corner of the herein described tract;

THENCE North 26°53'00" West, a distance of 933.48 feet to the Northeast corner of the herein described tract, in the Southeasterly right-of-way line of State Highway 35 (120' R.O.W.), from which point a 2 inch iron pipe found bears North 34°28'58" West, a distance of 2.45 feet;

THENCE South 40°51'00" West, along said Southeast line, a distance of 451.87 feet to a 5/8 inch iron rod found marking the Northwest corner of the herein described tract;

THENCE South 26°53'00" East, a distance of 761.86 feet to the POINT OF BEGINNING and containing 8.135 acres of land, more or less.



GENERAL WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

THE COUNTY OF BRAZORIA

THAT DENNIS R. FERGUSON, Individually and d/b/a FERGUSON SNAX SALES and wife, LINDA D. FERGUSON, hereinafter called "Grantor" (and referred to in the singular, whether one or more), for and in consideration of the sum of Ten and No/100 DOLLARS (\$10.00) cash and other good and valuable consideration in hand paid by BILLY R. BACA and wife, ROBIN L. BACA, whose mailing address is P. O. Box 907, Van Vleck, Texas 77482, hereinafter called "Grantee" (and referred to in the singular, whether one or more), the receipt of which is hereby acknowledged; and the further consideration of the EXECUTION and DELIVERY by Grantee herein of his one certain Promissory Note of even date herewith for the principal sum of ONE HUNDRED THIRTY THOUSAND AND NO/100 DOLLARS (\$130,000.00), bearing interest and payable as therein provided to the order of Grantor herein, and containing customary acceleration of maturity, past due interest and attorney's fees clauses; said Note being secured by a Vendor's Lien hereinafter retained upon the property hereby conveyed and being additionally secured by the Lien of a Deed of Trust of even date herewith to MALCOLM S. MORRIS, Trustee, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee all that certain lot, tract or parcel of land together with all improvements thereon, lying and being situated in Brazoria County, Texas, described as follows, to-wit:

8.135 acres, more or less, out of the John H. Adams 73.22 acre tract in the Angier, Hall and Bradley League, Abstract 6, Brazoria County, Texas, and being the same property described by Deed recorded in Volume 1618, Page 78, Deed Records, Brazoria County, Texas, and being more fully described by metes and bounds on Exhibit "A" attached hereto and incorporated herein by reference for any and all purposes.

This conveyance is made and accepted subject to any and all easements, rights of way, valid restrictions, mineral reservations of any kind, maintenance charges, building set back lines, and governmental regulations, if any, to the extent, but only to the extent that they are reflected by the records of the Office of the County Clerk of the above mentioned County and State.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in any wise belonging, unto Grantee, his heirs and assigns, forever; and, Grantor does hereby bind himself, his heirs, executors and administrators, to WARRANT and FOREVER DEFEND, all and singular the said premises unto Grantee, his heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

When Grantor and/or Grantee are more than one entity, the pertinent nouns, verbs and pronouns shall be construed to correspond. When Grantor and/or Grantee are a corporation, a trustee or other legal entity that is not a natural person, the pertinent words "heirs, executors and administrators" and/or "heirs and assigns" shall be construed to mean "successors and assigns," respectively. Reference to any gender shall include either gender and, in the case of a legal entity that is not a natural person, shall include the neuter gender, all as the case may be.

But it is expressly agreed and stipulated that Vendor's Lien is retained in favor of Grantor who will hold superior title in and to the above described property, premises and improvements, and the title in the Grantee will not become absolute until the above described Note, together with all renewals and extensions thereof, and all interest and other charges therein stipulated, are fully paid, according to the face and tenor, effect and reading thereof, when this Deed shall become absolute.

EXECUTED this the 7 day of January, A.D. 2008.


DENNIS R. FERGUSON, Individually and d/b/a
FERGUSON SNAX SALES


LINDA D. FERGUSON

THE STATE OF TEXAS

COUNTY OF BRAZORIA

This instrument was acknowledged before me, on this the 7 day of January, A.D. 2008
by DENNIS R. FERGUSON d/b/a FERGUSON SNAX SALES.

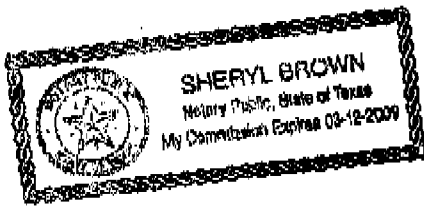



NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS

COUNTY OF BRAZORIA

This instrument was acknowledged before me, on this the 7 day of January, A.D. 2008
by **LINDA D. FERGUSON**.



Sheryl Brown
NOTARY PUBLIC, STATE OF TEXAS

AFTER RECORDING, RETURN TO:
BILLY R. BACA and
ROBIN L. BACA,
P. O. Box 907,
Van Vleck, Texas 77482