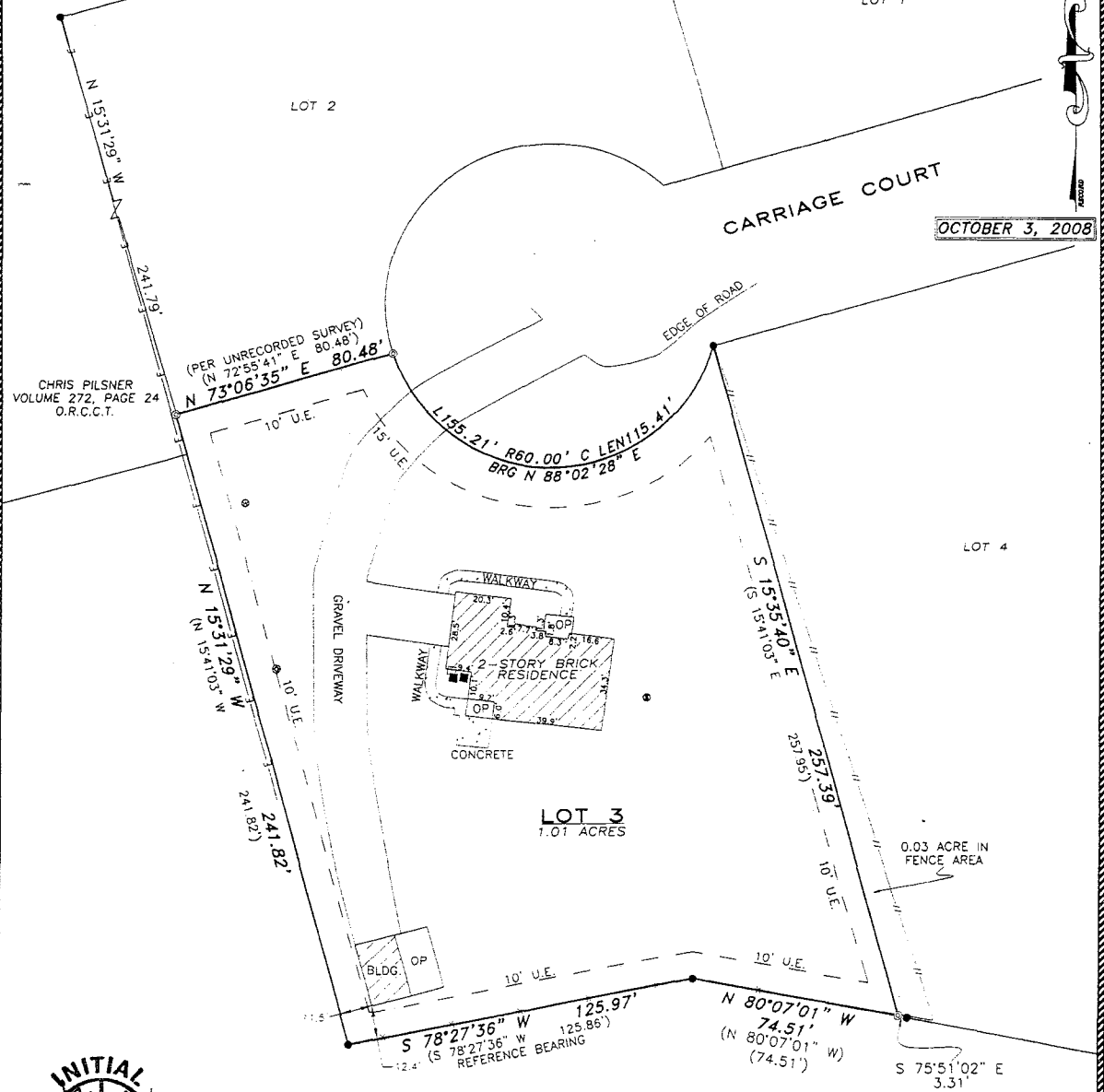


# COLORADO COUNTY, TX

NOTTING HILL ESTATES  
LOT 3



OCTOBER 3, 2008

CHRIS PILSNER  
VOLUME 272, PAGE 24  
O.R.C.C.T.

(PER UNRECORDED SURVEY)  
(N 72°55'41" E 80.48')  
N 73°06'35" E 80.48'

LOT 3  
1.01 ACRES

PROPERTY ADDRESS  
1011 CARRIAGE COURT  
ALLEYTON, TEXAS 78935

DAVID PILSNER  
VOLUME 299, PAGE 232  
O.R.C.C.T.



**SURVEY NOTES**

1. ALL BEARINGS ARE BASED ON THE LINE AS REFERENCED ON THIS PLAT AS PER PLAT RECORDED IN SLIDE NO. 85, COLORADO COUNTY PLAT RECORDS.
2. THIS PROPERTY IS GRAPHICALLY SHOWN TO BE INSIDE (ZONE X) OF THE FLOOD HAZARD AREA AS PER FEMA FIRM MAP NO. 48089C0175 C, EFFECTIVE DATE OF JANUARY 3, 1990.
3. THE SURVEYOR DID NOT ABSTRACT THIS PROPERTY AND THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR COMMITMENT. PROPERTY IS SUBJECT TO ANY AND ALL COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, BUILDING LINES, ETC., AS PER SLIDE NO. 85, P.R.C.C.T., AND THAT APPEAR OF RECORD AND NOT SHOWN ON SURVEY.

**SURVEY PLAT**

OF A SURVEY OF LOT 3 OUT OF THE NOTTING HILL ESTATES SUBDIVISION, IN THE B. WICKSON SURVEY, ABSTRACT NO. 582, COLORADO COUNTY, TEXAS, AS PER PLAT RECORDED IN SLIDE NO. 85, COLORADO COUNTY PLAT RECORDS.

THIS SURVEY WAS THIS DAY MADE ON THE GROUND, UNDER MY SUPERVISION AND REPRESENTS THOSE FACTS FOUND ON THE GROUND AT THE TIME OF SURVEY.

FOR FRANK SURVEYING CO., INC.  
BY: MATTHEW W. LOESSIN, RPLS  
TEXAS REGISTRATION NO. 5953



**LEGEND**

- 1/2" IRON ROD FOUND
- ⊙ 5/8" IRON ROD SET W/CAP
- ⊙ WATER METER
- ⊙ ELECTRIC METER
- A/C PAD
- ⊙ SEPTIC SYSTEM
- ⊙ PROPANE TANK
- POWERLINE (OVERHEAD)
- FENCE (WOOD TYPE)
- FENCE (WIRE TYPE)
- ( ) RECORD PLAT CALL



SCALE: 1" = 50 FEET

<p><b>SURVEY PLAT OF LOT 3 NOTTING HILL ESTATES COLORADO COUNTY, TEXAS</b></p>		
2205 WALNUT STREET COLUMBUS, TX 78934 979.732.3114	<p><b>FRANK SURVEYING COMPANY</b></p>	
COPYRIGHT 2008 ALL RIGHTS RESERVED	DRAWN BY: KYLE KANA	REV:
SCALE: 1" = 50'	PROJECT NO: 08-334	SHEET 1 OF 1
FIELD CREW: WL/JR	CHECKED BY: MWL	COMPUTATION: AM

STATE OF TEXAS )  
 )  
COUNTY OF COLORADO )

Land Description

BEING a 1.01 acre tract of land, being part of the B. Wickson Survey, Abstract 582 of Colorado County, Texas, and being Lot 3 of the Notting Hill Estates according to the plat thereof recorded in Slide 85 of the Plat Records of Colorado County, Texas, and being more particularly described as follows;

BEGINNING at a 1/2" iron rod found in the cul de sac of Carriage Court for the Northwest corner of Lot 4 and for the Northeast corner hereof;

THENCE with the Southwest line of Lot 4 South 15 deg. 41 min. 03 sec. East 258.18 feet to a 1/2" iron rod found in the North line of a David Pilsner tract (volume 299, page 232) for the Southwest corner of Lot 4 and for the Southeast corner hereof;

THENCE with the North line of the Pilsner tract North 80 deg. 06 min. 13 sec. West 75.01 feet to a 1/2" iron rod found for an angle point hereof;

THENCE with the North line of the Pilsner tract South 78 deg. 47 min. 11 sec. West 125.75 feet to a 1/2" iron rod found for an interior corner of the Pilsner tract and for the Southwest corner hereof;

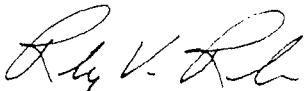
THENCE with the line of the Pilsner tract and the Northeast line of a Chris Pilsner tract (volume 272, page 24) North 15 deg. 42 min. 23 sec. West 241.82 feet to a 1/2" iron rod set for the Southwest corner of Lot 2 and for the Northwest corner hereof;

THENCE with the Southeast line of Lot 2 North 72 deg. 55 min. 41 sec. East 80.48 feet to a 1/2" iron rod set in a cul de sac of Carriage Court for the Southeast corner of Lot 2 and for an exterior corner hereof;

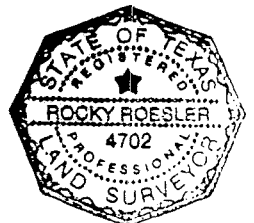
THENCE with the cul de sac with a curve to the left, having a radius of 60.00 feet, a length of 157.58 feet and a chord which bears North 88 deg. 10 min. 08 sec. East 116.04 feet to the PLACE OF BEGINNING, containing 1.01 acres of land.

Reference is hereby made to a survey plat, attached hereto and made a part hereof.

I hereby certify that this land description represents the facts as found during an on the ground survey made under my direct supervision on June 16, 2004, and that it substantially conforms to the current Standards and Specifications for a Category 1A, Condition IV Survey.



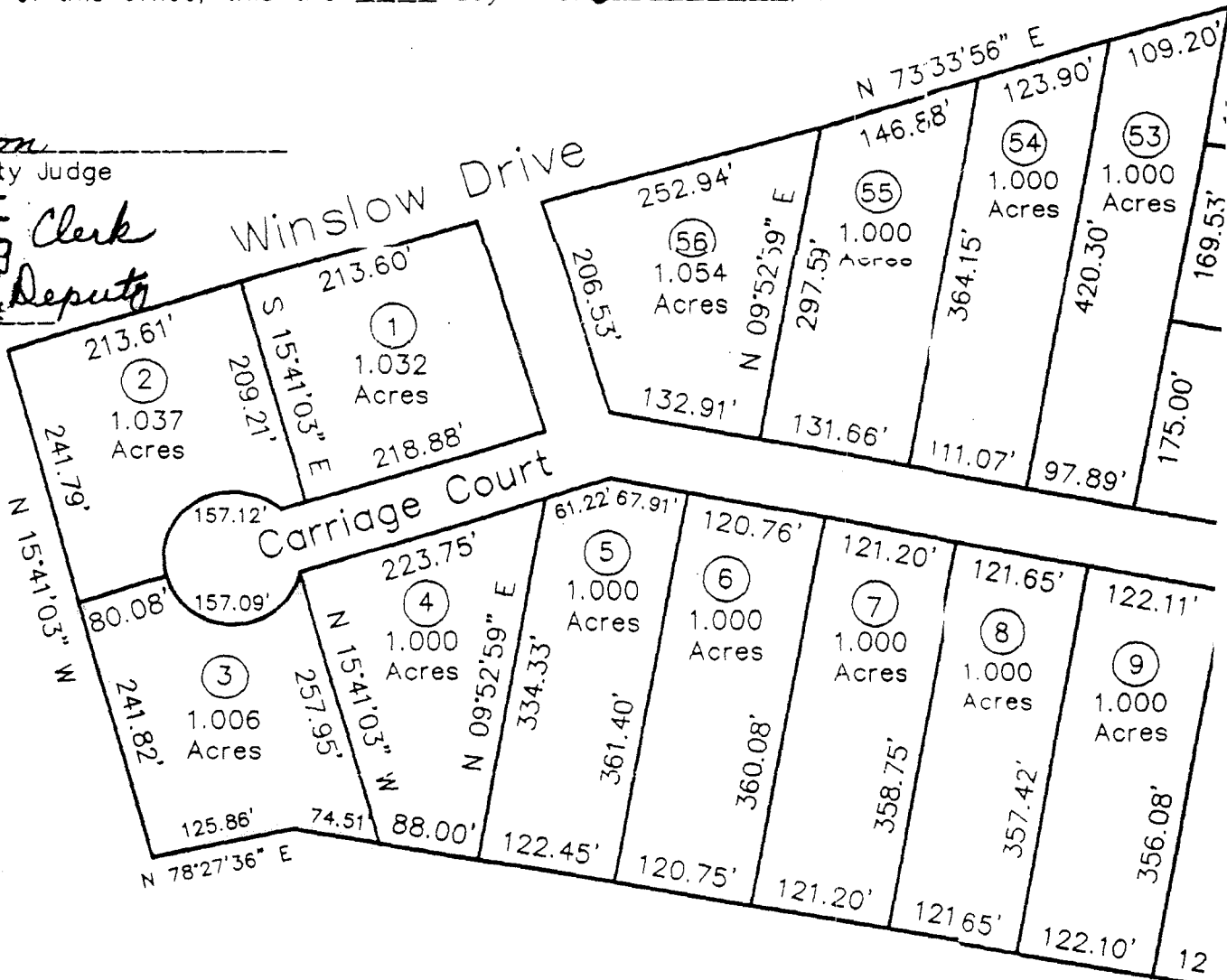
Rocky Von Roesler  
Registered Professional Land Surveyor  
Number 4702



ek, County Clerk of Colorado County, Texas, do hereby certify that on the 16<sup>th</sup> Day of Oct  
 Court of Colorado County, Texas passed an order authorizing the filing for record of this plat a  
 Minutes of said Court in book ---, page ---.

and seal of this office, this the 16<sup>th</sup> day of Oct, 2000.

*James J. Johnson*  
 Colorado County Judge  
*Debra K. Johnson*  
 County Clerk  
*Debra K. Johnson*  
 Deputy



**11158**

STATE OF TEXAS  
 COUNTY OF COLORADO

- Calls between
- 1) S21 37
  - 2) S20 53
  - 3) S32 44
  - 4) S14 07

I, Darlene Hayek, Colorado County Clerk, do hereby certify  
 at the foregoing instrument of writing was filed for record in my  
 this, the 16<sup>th</sup> day of Oct, 2000, at 11:25 o'clock A.M. and  
 recorded on the 16<sup>th</sup> day of Oct, 2000 at --- o'clock ---  
 in volume 351, page 353, slide 85 of the Plat Records of  
 Colorado County, Texas.

*Darlene Hayek, County Clerk*  
 By: *Diane Kollmann, Deputy*  
 Darlene Hayek  
 Colorado County Clerk  
 Diane Kollmann



# 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.**

1011 Carriage Court  
Alleyton, TX 78935

CONCERNING THE PROPERTY AT \_\_\_\_\_

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 Ladder(s)			✓
Exhaust Fans	✓		
Fences			✓
Fire Detection Equip.	✓		
French Drain			✓
Gas Fixtures	✓		

Item	Y	N	U
Gas Lines (Nat/LP)	✓		
Hot Tub		✓	
Intercom System			✓
Microwave	✓		
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 type="checkbox"/> electric <input checked="" type="checkbox"/> gas number of units: <u>2</u>
Other Heat		✓		if yes, describe: _____
Oven	✓			number of ovens: <u>1</u> <input type="checkbox"/> electric <input checked="" type="checkbox"/> gas <input type="checkbox"/> other: _____
Fireplace & Chimney	✓			<input type="checkbox"/> wood <input checked="" type="checkbox"/> gas logs <input type="checkbox"/> mock <input type="checkbox"/> other: _____
Carpport		✓		<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>2</u> number of remotes: <u>2</u>
Satellite Dish & Controls		✓		<input type="checkbox"/> owned <input type="checkbox"/> leased from _____
Security System		✓		<input type="checkbox"/> owned <input type="checkbox"/> leased from _____
Water Heater	✓			<input type="checkbox"/> electric <input checked="" type="checkbox"/> gas <input type="checkbox"/> other: _____ number of units: <u>1</u>
Water Softener		✓		<input type="checkbox"/> owned <input type="checkbox"/> leased from _____
Underground Lawn Sprinkler		✓		<input type="checkbox"/> automatic <input type="checkbox"/> manual areas covered: _____
Septic / On-Site Sewer Facility	✓			if yes, attach Information About On-Site Sewer Facility (TAR-1407)

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: Shingle composition Age: 8 years (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"/>

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

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

*minor roof repairs - completed by previous owner*

**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.)**

- |                                   |  |  |
|-----------------------------------|--|--|
| <input type="checkbox"/> <b>Y</b> | <input checked="" type="checkbox"/> <b>N</b> |  |
| <input type="checkbox"/>          | <input checked="" type="checkbox"/>          | 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.   |
| <input type="checkbox"/>          | <input checked="" type="checkbox"/>          | Homeowners' associations or maintenance fees or assessments. If yes, complete the following:<br>Name of association: _____<br>Manager's name: _____ Phone: _____<br>Fees or assessments are: \$ _____ per _____ and are: <input type="checkbox"/> mandatory <input type="checkbox"/> voluntary<br>Any unpaid fees or assessment for the Property? <input type="checkbox"/> yes (\$ _____) <input type="checkbox"/> no<br>If the Property is in more than one association, provide information about the other associations below or attach information to this notice. |
| <input type="checkbox"/>          | <input checked="" type="checkbox"/>          | Any common area (facilities such as pools, tennis courts, walkways, or other) co-owned in undivided interest with others. If yes, complete the following:<br>Any optional user fees for common facilities charged? <input type="checkbox"/> yes <input type="checkbox"/> no If yes, describe: _____  |
| <input type="checkbox"/>          | <input checked="" type="checkbox"/>          | Any notices of violations of deed restrictions or governmental ordinances affecting the condition or use of the Property.  |
| <input type="checkbox"/>          | <input checked="" type="checkbox"/>          | Any lawsuits or other legal proceedings directly or indirectly affecting the Property.   |
| <input type="checkbox"/>          | <input checked="" type="checkbox"/>          | Any death on the Property except for those deaths caused by: natural causes, suicide, or accident unrelated to the condition of the Property.  |
| <input type="checkbox"/>          | <input checked="" type="checkbox"/>          | Any condition on the Property which materially affects the health or safety of an individual.  |
| <input type="checkbox"/>          | <input checked="" type="checkbox"/>          | 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.<br>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
4-30-08	home	Baker Home Inspections	21

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: \_\_\_\_\_

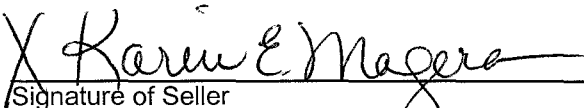
Section 10. Does the property have working smoke detectors installed in accordance with the smoke detector requirements of Chapter 766 of the Health and Safety Code?\*  unknown  no  yes. If no or unknown, explain. (Attach additional sheets if necessary): \_\_\_\_\_

*\*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  
Printed Name: John E. Magera

 7/20/09  
Date Signature of Seller  
Printed Name: Karin E. Magera

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: San Bernard Electric Coop Sewer: onsite  
 Water: well Cable: \_\_\_\_\_  
 Trash: A & K Natural Gas: N/A  
 Local Phone: ATT & T Propane: Columbus Butane

(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 and acknowledges the property complies with the smoke detector requirements of Chapter 766, Health and Safety Code, or, if the property does not comply with the smoke detector requirements of Chapter 766, the buyer waives the buyer's rights to have smoke detectors installed in compliance with Chapter 766.

Signature of Buyer	Date	Signature of Buyer	Date
Printed Name: _____	_____	Printed Name: _____	_____





TEXAS ASSOCIATION OF REALTORS®

INFORMATION ABOUT ON-SITE SEWER FACILITY

USE OF THIS FORM BY PERSONS WHO ARE NOT MEMBERS OF THE TEXAS ASSOCIATION OF REALTORS® IS NOT AUTHORIZED. ©Texas Association of REALTORS®, Inc., 2004

1011 Carriage Court
Alleyton, TX 78935

CONCERNING THE PROPERTY AT

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

- (1) Type of Treatment System: [ ] Septic Tank [x] Aerobic Treatment [ ] Unknown
(2) Type of Distribution System: sprinklers [ ] Unknown
(3) Approximate Location of Drain Field or Distribution System: side yard [ ] Unknown
(4) Installer: [ ] Unknown
(5) Approximate Age: 8 years [ ] Unknown

B. MAINTENANCE INFORMATION:

- (1) Is Seller aware of any maintenance contract in effect for the on-site sewer facility? [x] Yes [ ] No
If yes, name of maintenance contractor: Hoessard
Phone: 979-732-5146 contract expiration date: 10/09
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? N/A
(3) Is Seller aware of any defect or malfunction in the on-site sewer facility? [ ] Yes [x] No
If yes, explain:
(4) Does Seller have manufacturer or warranty information available for review? [ ] Yes [x] No


C. PLANNING MATERIALS, PERMITS, AND CONTRACTS:

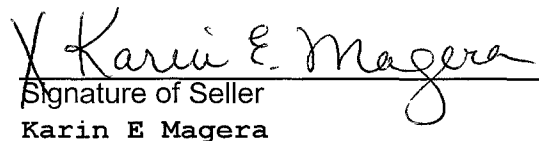
- (1) The following items concerning the on-site sewer facility are attached:
[ ] planning materials [ ] permit for original installation [ ] final inspection when OSSF was installed
[ ] maintenance contract [ ] manufacturer information [ ] warranty information [ ] N/A
(2) "Planning materials" are the 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.

**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.

<u>Facility</u>	<u>Usage (gal/day) without water- saving devices</u>	<u>Usage (gal/day) with water- saving devices</u>
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.**

 \_\_\_\_\_ 7-20-09  
 Signature of Seller Date  
 John E. Magera

 \_\_\_\_\_ 7-20-09  
 Signature of Seller Date  
 Karin E. Magera

Receipt acknowledged by:

\_\_\_\_\_  
 Signature of Buyer Date

 \_\_\_\_\_  
 Signature of Buyer Date

COLORADO HIGHLANDS ESTATES

*Only  
Keep*

COLORADO HIGHLANDS, INC., OWNER  
to  
THE PUBLIC

THE STATE OF TEXAS            1  
COUNTY OF COLORADO        1            KNOW ALL MEN BY THESE PRESENTS:

THAT COLORADO HIGHLANDS, INC., a Texas corporation, is the owner and developer of the following described land and premises in Colorado County, Texas, to-wit:

Colorado Highlands Estates, a subdivision of parts of the D. Wickson Labor, A-582, the D.W.B. & C. RR Survey, and the Wm. Phillips Survey, A-448, and being all of that tract called 86.59 acres of land conveyed to Colorado Highlands, Inc., by deed recorded in Volume 467, Page 74 of the Deed Records of Colorado County, Texas, and being a subdivision comprised of 86.59 acres in roads and residential tracts according to a map or plat thereof filed for record in Slide 62 of the Map and Plat Records of Colorado County, Texas.

THAT said subdivision contains tracts for residential use only, except as noted herein, and, for the purpose of carrying out a uniform plan for the sale and improvement of such tracts, the following restrictions and building requirements for said subdivision are hereby established, and shall be referred to, adopted and made a part of each contract and deed executed by, or on behalf of the undersigned and others conveying any of said property by recording thereof in the records of the County Clerk of Colorado County, Texas, or by reference to these restrictions as an attached exhibit to each such contract and deed, to all intents and purposes as though incorporated at length therein.

1. All tracts shall be used for single family residential purposes only, and no commercial, trade, business, professional or commercial agricultural activity of any nature shall be carried on upon such premises or any part thereof.

2. Not more than one set of residential improvements shall be erected on each tract, and no tract may be subdivided into smaller residential tracts.

3. No residential improvements shall be erected containing less than 1700 square feet of floor space, excluding any patio, porch, garage or carport.

4. All residential improvements placed on the premises shall be newly erected and no second hand or used buildings shall be moved onto said premises.

5. No structure of a temporary character or nature and no trailer, shack, garage, barn or other building shall be placed on such premises and used as a residence or dwelling, either temporarily or permanently. Use of house trailers, travel trailers, mobile homes, portable building, buses, trucks or similar vehicles, for residential purposes is hereby prohibited, and no such vehicle shall be kept or permanently parked on the roads within the subdivision.

6. No noxious or offensive activity shall be permitted on any tract, nor shall anything be done thereon which may be or become an annoyance or nuisance to the rest of the subdivision.

7. No tract shall be used or maintained as a dumping ground, and no trash, ashes, rubbish or garbage shall be thrown or dumped on any tract.

8. No buildings or other structures shall be constructed or placed within 25 feet of tract lines adjacent to roadways, nor so as to obstruct the utility easements ten feet wide around the entire perimeter of each tract.

9. No junk or wrecking yards shall be located on any tract and no wrecked or junked vehicles may be permitted to be placed on any tract.

10. The legal and fee simple title to all roads shown on the map or plat of said subdivision is hereby specifically reserved in Colorado Highlands, Inc., but subject to the rights of owners of tracts in the subdivision and their invitees to use and enjoy the same for the purposes intended. However, Colorado Highlands, Inc., reserves the right to dedicate to the public any or all of such roads at such time or times as it may choose.

11. Exploration for oil, gas, sulphur, uranium, lignite or any mining or surface deposits of sand, gravel, or other materials shall not be permitted on any of the tracts in said subdivision, other than Tract 8a, as set out in said deed above-referenced.

12. These covenants shall run with the land and remain in full force and effect until January 1, 1998, after which time they shall be automatically extended for consecutive periods of five years unless, by a vote and written resolution signed by the owners of a majority of the tracts (each tract being one vote), such restrictions are amended or modified. Prior to January 1, 1998, said restrictions may be modified or amended by written declaration of the then owners of fifteen of the tracts in the subdivision.

13. Invalidation of any one or more of these restrictions, by court order or otherwise, shall not lessen or affect any other restriction contained herein and all of the same shall remain in full force and effect.

*Road Info*

*11/sep*

# Notting Hi

Acknowledgement and Certificate of Dedication to the County:  
STATE OF TEXAS  
COUNTY OF COLORADO

KNOW ALL MEN BY THESE PRESENTS: That we, Jeffery White and Mary Carla White, owners of a 67.27 acre tract as conveyed to us by deed recorded in volume 32 page 447 of the Official Records of Colorado County, Texas, DO HEREBY SUBDIVIDE said 67.27 acres to be known as Notting Hill Estates in accordance with the plat easements or restrictions heretofore granted, and do hereby dedicate to Colorado County the roads and easements shown hereon.

In approving this plat by the Commissioners Court of Colorado County, Texas, it is understood that the building of all streets, roads and other public thoroughfares delineated and shown on this plat and all bridges and culverts necessary to be constructed or placed in such streets, road or public thoroughfares, or in connection therewith shall be the responsibility of the owner and or developer of the tract of land covered by this plat in accordance with plans and specifications prescribed by the Commissioners Court of Colorado County, Texas, and the Commissioners Court of Colorado County, Texas assumes no obligations to build the streets, road or other public thoroughfares shown on this plat, or of constructing any bridges or culverts in connection therewith.

### SEWAGE DISPOSAL CERTIFICATE:

No structure in this subdivision shall be occupied until connected to a public sewer system or to an individual sewage disposal system which has been approved and permitted by the Colorado County Sanitation Department, or said department governing this issue.

Witness my hand, this the 13 day of October, 2000.

*Jeffery White*  
Jeffery White  
*Mary Carla White*  
Mary Carla White

I, Darlene Hayek, County Clerk of Colorado County, Texas, do hereby certify that on the 16<sup>th</sup> Day of Oct, 2000, the Commissioners Court of Colorado County, Texas passed an order authorizing the filing for record of this plat and said order has been duly entered in the Minutes of said Court in book --- page ---

Witness my hand and seal of this office, this the 16<sup>th</sup> day of Oct, 2000.

**COLORADO COUNTY**  
Darlene Hayek  
County Clerk  
Deputy

Tommy Hahn  
732-3270

Winslow Drive

