

410.476 Ac.
Pete Kaldis
V. 766, P. 673

92 Ac.
First Tract
Lewis Bass
V. 239, P. 367

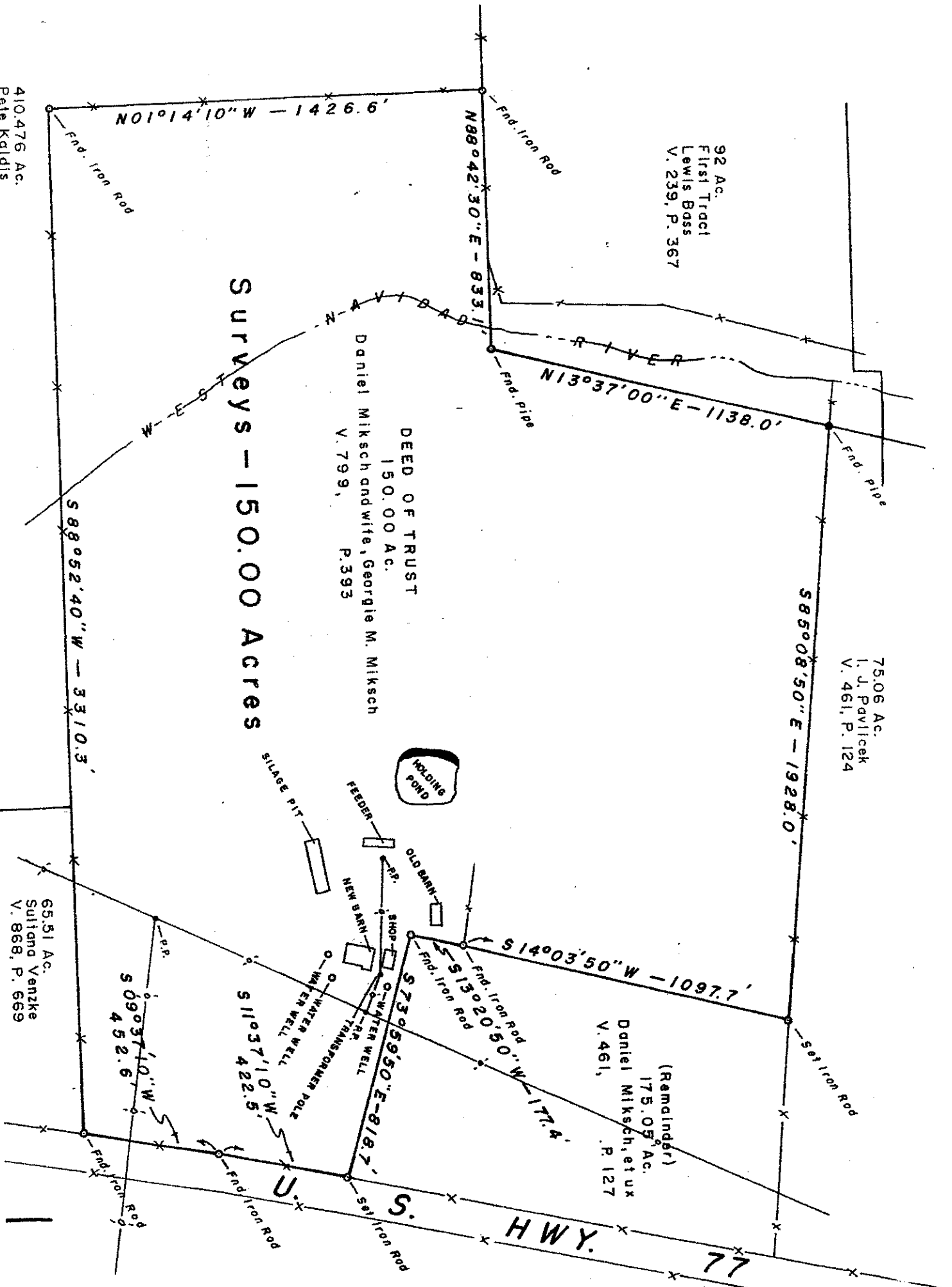
75.06 Ac.
L. J. Pavlicek
V. 461, P. 124

(Remainder)
175.05 Ac.
Daniel Miksch, et ux
V. 461, P. 127

DEED OF TRUST
150.00 Ac.
Daniel Miksch and wife, Georgie M. Miksch
V. 799, P. 393

Surveys - 150.00 Acres

65.51 Ac.
Sultana Venzke
V. 868, P. 669





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 150 acres, Hwy 77S, Schulenburg
Not a residence

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 type="checkbox"/> electric <input type="checkbox"/> gas number of units: _____ |
| 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 type="checkbox"/> gas number of units: _____ |
| Other Heat | | | | if yes, describe: _____ |
| Oven | | | | number of ovens: _____ <input type="checkbox"/> electric <input type="checkbox"/> gas <input type="checkbox"/> other: _____ |
| Fireplace & Chimney | | | | <input type="checkbox"/> wood <input type="checkbox"/> gas logs <input type="checkbox"/> mock <input type="checkbox"/> other: _____ |
| Carport | | | | <input type="checkbox"/> attached <input type="checkbox"/> not attached |
| Garage | | | | <input type="checkbox"/> attached <input type="checkbox"/> not attached |
| Garage Door Openers | | | | number of units: _____ number of remotes: _____ |
| 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 type="checkbox"/> gas <input type="checkbox"/> other: _____ number of units: _____ |
| 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) |

(TAR-1406) 7-16-08

Initialed by: Seller: _____ and Buyer: W

Page 1 of 5

Not a residence

Concerning the Property at _____

Water supply provided by: ☐ city ☒ well ☐ MUD ☐ co-op ☐ unknown ☐ other: _____Was the Property built before 1978? ☒ yes ☐ no ☐ unknown *OLD BARRIS ONLY*

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

Roof Type: _____ Age: _____ (approximate)

Is there an overlay roof covering on the Property (shingles or roof covering placed over existing shingles or roof covering)?
☐ yes ☐ no ☐ unknownAre 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 | | |
| Ceilings | | |
| Doors | | |
| Driveways | | |
| Electrical Systems | | |
| Exterior Walls | | |

| Item | Y | N |
|----------------------|---|---|
| Floors | | |
| Foundation / Slab(s) | | |
| Interior Walls | | |
| Lighting Fixtures | | |
| Plumbing Systems | | |
| Roof | | |

| Item | Y | N |
|-----------------------------|---|---|
| Sidewalks | | |
| Walls / Fences | | |
| Windows | | |
| Other Structural Components | | |
| | | |
| | | |

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

*Not a residence***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.)** *BARRIS*

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

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

(TAR-1406) 7-16-08

Initialed by: Seller: _____

and Buyer: *lit*

Concerning the Property at _____

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

Navidad River floods in spring

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): _____

1870's barn need roof repair from hurricane

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.
- ☐ ☒ 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): Not a residence

*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

Signature of Seller

Date

Printed Name: _____

Printed Name: William Head

(TAR-1406) 7-16-08

Initialed by: Seller: _____, _____ and Buyer: _____, _____

Page 4 of 5

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. 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: Fayette Co. Coop Sewer: _____
Water: _____ Cable: _____
Trash: _____ Natural Gas: _____
Local Phone: _____ Propane: _____

- (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

Printed Name: _____

Signature of Buyer

Printed Name: _____

Date

William Head 4-1-09
WILLIAM HEAD



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.
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150 acres, Hwy 77S, Schulenburg

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 field, tank ☐ Unknown
- (3) Approximate Location of Drain Field or Distribution System: next to barn ☐ Unknown
- (4) Installer: _____ ☒ Unknown
- (5) Approximate Age: 20 yrs ☐ 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? _____
- (3) Is Seller aware of any defect or malfunction in the on-site sewer facility? ☒ Yes ☐ No
If yes, explain: tank needs a replacement cover
- (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 LAH

Page 1 of 2

Fayette Realty, Inc. 212 W. Fayette Street, Fayetteville Tx 78940
Phone: 979/378-4100

Fax: _____ Joe Babin

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

150 acres, Sch

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.

| <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.

Signature of Seller Date

Willa Head 4-1-04

Signature of Seller Date

Receipt acknowledged by:

Signature of Buyer Date

Signature of Buyer Date

150 Acre Ranch/Farm, US Highway 77, Schulenburg, Texas

Current and past commercial use: cow/calf operation, large dairy, grow various hay crops, grow various grain crops, harvest a bi-annual pecan crop, lease minerals and receive fees for drilling, lease small acreage for cattle grazing, lease hunting rights, sell trapped wild game, supply domestic water to neighbor, participate in various Federal conservation and crop programs.

Current recreational use: graze, train and ride horses over the hillsides and along the creek; overnight camping, picnicking, large group activities.

Possible additional uses: other commercial property ventures, sub-divide into small acreage country-home sites, plat into development given proximity to town and seasonal residents.

Suggested use [by owner]: Since this property has various elevations, keep the agribusiness [cash plus tax relief] and build a road entering the south end of the property at Highway 77, then along the south boundary fence up to the ridge that overlooks many large trees in the bottom land of the East Navidad River which cuts through the property. Just west of the hill top would make a perfect home site or vacation home site. Owner volunteers a bulldozer for a week for that project.

Improvements on the property

1. Large metal building built in 1990 [at a cost of about \$110,000]. Current use is for an office, storage and horse grooming. Its principal use was for a computerized milking barn. Functional flush toilet and septic. Maintained.
2. Long metal equipment shed built in 1988 [for about \$17,000]. 220 Power added in 2001. Current use is storage of farm, equestrian equipment, and trailers. One corner is a welding work shop. Maintained.
3. Large wooden barn built in 1870. Current use is hay storage. This building is functional but needs repair since Hurricane Ike. Wood can be salvaged for antique dealers.
4. Old dairy cinder block building built around 1952. No use to date, not maintained.
5. Old tin storage building similar to a garage. Current use is storage of grain and deer feeders.
6. Elevated metal grain bin. Functional but not in service. Value over \$10,000.
7. Large drive-in cement in-ground hay storage "bin" valued over \$70,000. In use.
8. Large water tower erected on current location in 1990. Works and plumbing is connected. Not in use, can be converted to grain storage, or can become part of a bio-diesel project [value exceeds \$50,000 for the tower].
9. Wooden well house built in 2002.
10. Tall, multiple cattle traps with a loading chute built in 2001 [about \$5500] next to primary metal building [item 1].
11. Boundary fences. Surveyed and maintained.
12. Cross fences for pasture management [added in 2001 at about \$18,000].
13. Large earthen stock tank with high bank capable of irrigating lower pastures.
14. Improved pastures [meaning annual weed control, some areas planted in Coastal or with winter rye].
15. Improved perennial hay crop [weed control and fertilization of the jigs in the front acreage].
16. Various cut dirt farm roads that access the property, and a cement low-water bridge at the Navidad.

Water

1. Rights preserved with Fayette County Groundwater board.
2. Shallow water well with pump that feeds external spigot at the metal equipment shed [item 2], and neighbor's house.
3. Deep water well with pump that supplies the barns and stock tanks.
4. Deep water well with artesian flow to surface near other existing water well draining into the front hay crop. It was drilled in the 1990's as a gas well but was abandoned. Some natural gas bubbles to the surface daily.
5. Stock tank mentioned above [item 12].
6. A long stretch of the East Navidad River, rather most of the year just a perennial creek flowing from North to South.
7. Numerous perched springs mainly in the north hills.

Minerals

100% owned by surface owner. Will be separated. Some interest may be negotiable. This has been a popular location for leases depending on commodity prices. The shallow 1990 well does indicate possible deeper gas.

Agriculture

1. Cattle - Property has on-site manager.
 - a. The property during non-drought conditions can support 75 cow/calf pairs at 2 acres per combined animal unit.
 - b. The dairy operated about 200 cows with supplemental feeding.
 - c. A good sustainable annual rate is about 35 to 40 pairs. Owner has operated up to 65 pairs when moisture conditions allowed.
2. The front planted jigs field is about 18 acres. It is harvested several times per season depending on rainfall and fertilization rate.
3. The lower elevation, back 25 acres is share-cropped for Hay Grazer.
4. The back, higher north pasture [about 8 acres] is planted with Coastal.
5. Other pasture areas, about 50 acres were planted with winter rye.
6. Numerous large native pecan trees are located in the river bottom.
7. Other hard woods are present that can be harvested for fire wood and occasionally lumber.
8. Isolated nature of west acres makes this an ideal location to raise exotic animals. One venture has been discussed with nearby breeder who would like to expand his operation.
9. 5 acres is rented as pasture to a neighbor.
10. Hunting is available to lease. Owner has day-hunted the property, and leased long term.
11. The property is in a USDA conservation program.
12. The property is active in some USDA compensation programs.



1042 ft

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29°38'36.81" N 96°54'35.09" W

2002

Eye alt 3702 ft