

5.48° 53' 24" E.

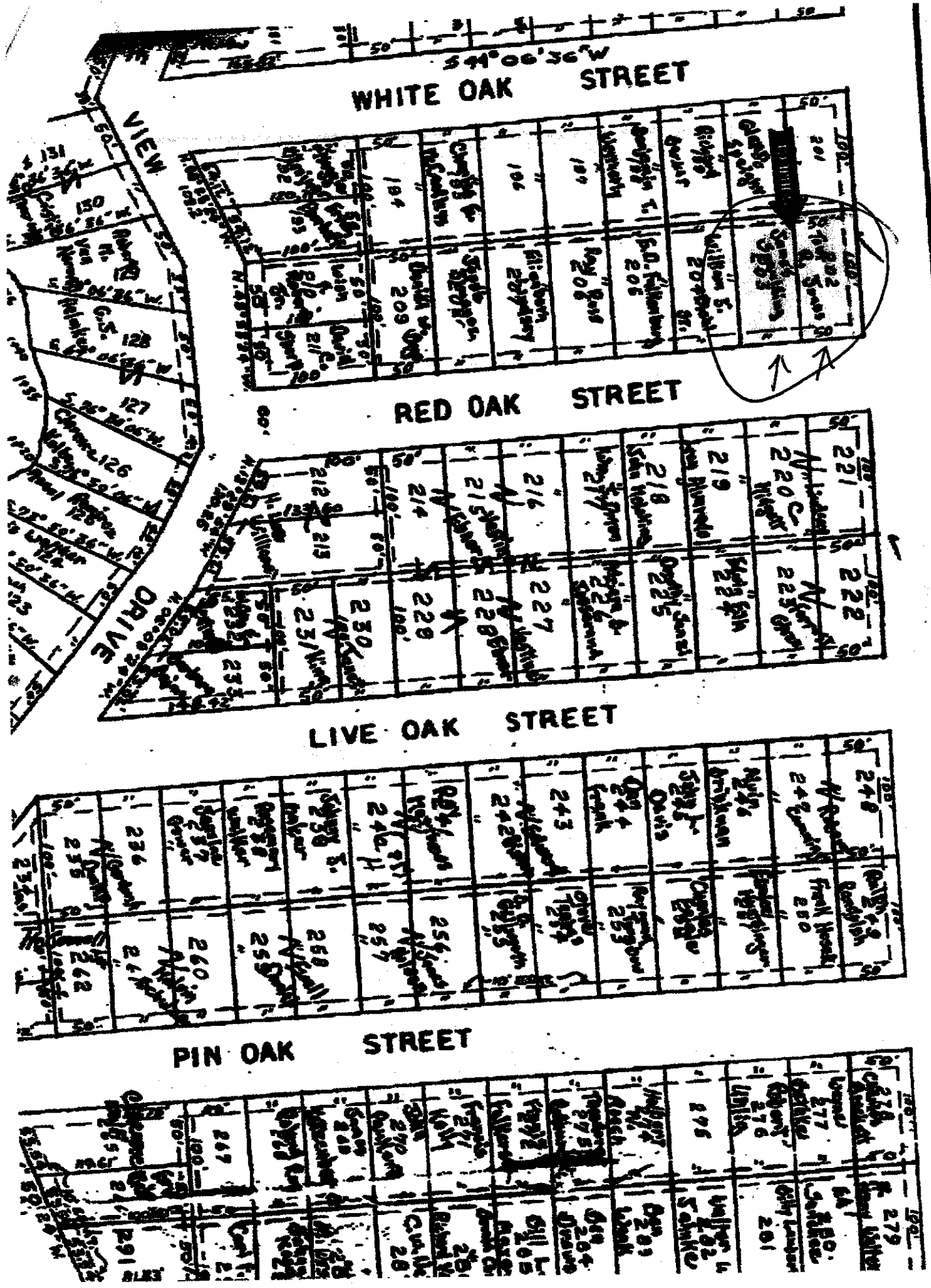
PARALLEL

WHITE OAK STREET

RED OAK STREET

LIVE OAK STREET

PIN OAK STREET



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 202 RED OAK SOMERVILLE, TX 77879

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	Item	Y	N	U	Item	Y	N	U
Cable TV Wiring		<input checked="" type="checkbox"/>		Gas Lines (Nat/LP)		<input checked="" type="checkbox"/>		Pump: <input type="checkbox"/> sump <input type="checkbox"/> grinder		<input checked="" type="checkbox"/>	
Carbon Monoxide Det.		<input checked="" type="checkbox"/>		Hot Tub		<input checked="" type="checkbox"/>		Rain Gutters		<input checked="" type="checkbox"/>	
Ceiling Fans		<input checked="" type="checkbox"/>		Intercom System		<input checked="" type="checkbox"/>		Range/Stove	<input checked="" type="checkbox"/>		
Cooktop		<input checked="" type="checkbox"/>		Microwave		<input checked="" type="checkbox"/>		Roof/Attic Vents	<input checked="" type="checkbox"/>		
Dishwasher		<input checked="" type="checkbox"/>		Outdoor Grill		<input checked="" type="checkbox"/>		Sauna		<input checked="" type="checkbox"/>	
Disposal		<input checked="" type="checkbox"/>		Patio/Decking		<input checked="" type="checkbox"/>		Smoke Detector	<input checked="" type="checkbox"/>		
Emergency Escape Ladder(s)		<input checked="" type="checkbox"/>		Plumbing System	<input checked="" type="checkbox"/>			Smoke Detector - Hearing Impaired		<input checked="" type="checkbox"/>	
Exhaust Fans	<input checked="" type="checkbox"/>			Pool		<input checked="" type="checkbox"/>		Spa		<input checked="" type="checkbox"/>	
Fences		<input checked="" type="checkbox"/>		Pool Equipment		<input checked="" type="checkbox"/>		Trash Compactor		<input checked="" type="checkbox"/>	
Fire Detection Equip.		<input checked="" type="checkbox"/>		Pool Maint. Accessories		<input checked="" type="checkbox"/>		TV Antenna		<input checked="" type="checkbox"/>	
French Drain		<input checked="" type="checkbox"/>		Pool Heater		<input checked="" type="checkbox"/>		Washer/Dryer Hookup		<input checked="" type="checkbox"/>	
Gas Fixtures		<input checked="" type="checkbox"/>		Public Sewer System		<input checked="" type="checkbox"/>		Window Screens	<input checked="" type="checkbox"/>		

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

(TAR-1406) 7-16-08

Initialed by: Seller: L.L.W. M.L.W. and Buyer: _____

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Concerning the Property at 202 RED OAK SOMERVILLE, TX 77879

Water supply provided by: ☐ city ☐ well ☐ MUD ☐ co-op ☐ unknown ☒ other: BRAZOS VALLEY WATER

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: NEW (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) 7-16-08

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

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202 Red Oak (L

Concerning the Property at 202 RED OAK SOMERVILLE, TX 77879

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: SOMERVILLE PLACE PROPERTY OWNERS ASSO. INC
Manager's name: _____ Phone: 281-242-5585
Fees or assessments are: \$ 89.00 per YEAR 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): _____

COMMUNITY SWIMMING POOL

Concerning the Property at 202 RED OAK SOMERVILLE, TX 77879

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:

- | | | |
|--|---|---|
| <input type="checkbox"/> Homestead | <input type="checkbox"/> Senior Citizen | <input type="checkbox"/> Disabled |
| <input type="checkbox"/> Wildlife Management | <input type="checkbox"/> Agricultural | <input type="checkbox"/> Disabled Veteran |
| <input type="checkbox"/> Other: _____ | | <input type="checkbox"/> 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.

<u>Leldon L. Want, SR.</u>	Date _____	<u>Mary L. Want</u>	Date _____
Signature of Seller		Signature of Seller	
Printed Name: <u>LELDON L. WANT, SR.</u>		Printed Name: <u>MARY L. WANT</u>	

(TAR-1406) 7-16-08

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

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Concerning the Property at 202 RED OAK SOMERVILLE, TX. 77879

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: BLUE BONNET ELECTRIC CO-OP. Sewer: _____
1-800-842-7708
Water: BRAZOS VALLEY WATER Cable: _____
713-510-7830
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 _____	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.
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CONCERNING THE PROPERTY AT 202 RED OAK SOMERVILLE, TX 77879

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

- (1) Type of Treatment System: ☒ Septic Tank ☐ Aerobic Treatment ☐ Unknown
☐ _____
- (2) Type of Distribution System: EVAPORATION SYSTEM ☐ Unknown
- (3) Approximate Location of Drain Field or Distribution System: TANKS IN BACK OF HOUSE. DRAINAGE FIELD ON RIGHT SIDE OF HOUSE, NEXT TO PARALLEL Street. ☐ Unknown
- (4) Installer: JUSTIN FLASOWSKI dba Dirt Dobber Construction ☐ Unknown
- (5) Approximate Age: NEW - INSTALLED DECEMBER 2008 ☐ 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? N/A
- (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 LLW MLW Page 1 of 2

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

Fax: _____ Joe Babin

202 Red Oak (L

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Information about On-Site Sewer Facility concerning 202 RED OAK SOMERVILLE, TX 77879

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.

Lelien L. Want AH. 4-18-09
Signature of Seller Date

Mary L. Want 4-18-09
Signature of Seller Date

Receipt acknowledged by:

Signature of Buyer Date

Signature of Buyer Date

ENVIRONMENTAL ENFORCEMENT OFFICE

Dale Bolt
Environmental Officer
Burleson County
countyeeo@burlesoncounty.org



100 West Buck St., Suite 205
Caldwell, Texas 77836
Phone: (979) 567-2001
Fax: (979) 567-2371

ON-SITE SEWAGE FACILITY CONSTRUCTION INSPECTION

OSSF Number: 2008-112

Owner Name: Leldon L. Ward

Site Address: 202 Red Oak, Somerville TX 77879

Installer Name: Justin Flaszewski

License Number: 10376

System Type:

☐ Aerobic / Spry Distribution

☐ Wetland

☒ Anaerobic / Sub-surface disposal

☐ Other

Inspection Results:

☒ Passed, License will be sent within 7 working days

☐ Failed, Please see below deficiencies

Deficiencies:

☐ No electrical power to system

☐ System not constructed or incomplete at time of inspection

☐ Installer not on site at time of inspection

☐ Improper back fill material (must use Class Ib, II, III Soil type)

☐ System component failure: _____

☐ Other: _____

Date of Inspection: 12-3-08

Time: 3:30pm

Designated Representative: D. L. Bolt

Note: If system Construction "Failed," please call for re-inspection at (979) 567-2001.

BURLESON COUNTY

LICENSE TO OPERATE AN ON-SITE SEWAGE FACILITY

This is to certify that the on-site sewage facility owned by:

Homeowner Name: Leldon L. Want OSSF Number: 2008-112
Address of at Site: 202 Red Oak City: Somerville Zip: 77879
Installer of Record: Justin Flaszski Number of Bedrooms: 2
Date of Final Inspection: 12-3-08 Maximum GPD: 180

The private sewage facility licensed above was installed according to the current and minimum guidelines of the Texas Commission on Environmental Quality (TCEQ) and Burleson County.

This is a NON-TRANSFERABLE license. Upon transfer of ownership, the new owner shall be required to transfer the original license into his/her name. Should the system malfunction in the future, it will be the licensee's responsibility to bring the system in compliance with all current state and county regulations.


We strongly recommend pumping of the primary treatment tank (also known as a trash tank) every 2 to 3 years or as needed.

To help with the evapotranspiration process, the drainfield should be mowed on a regular basis, however, it is recommended that livestock NOT be allowed to walk or graze on the drainfield.

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

This license does not extend to the material's, workmanship, or fabrication, of the system, so as to expressly or impliedly grant the owner, or installer of the system any warranty by or rights against Burleson County Authorized Agent or it's designated representative as to the quality or durability of the system, nor compliance with licensee's individual specifications and requirements, but solely relates to the system meeting the requirements of the above named regulatory body in effect as of this date.

Special Note: _____

Signature of Designated Representative: 

Date: 12-3-08

RESTRICTIONS

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BURLESON

The easements, covenants, restrictions and conditions to which Somerville Place, Section I, a subdivision in Burleson County shall be subject are:

1. Property in said subdivision shall be used for single residence families only. No duplexes, rooming houses or similar building shall be permitted upon such property.
2. No lot or any part thereof may be used for commercial, business or professional uses of any type.
3. No building shall be occupied while in the process of construction. All buildings shall be completed on the outside within six (6) months after construction is commenced, and if wood, they must have at least two coats of high grade paint or stain applied to the exterior, except where rough cedar siding is used. Building plans must be approved by the Civic Committee before construction is started.
4. No more than one residence shall be erected on any lot. No more than one mobile home or camper shall be put on any lot.
5. No residence may be constructed or covered with tar paper, metal or any other material other than that customarily used for the erection of residences. All residences shall have a minimum of six hundred (600) sq. ft. of living area, not counting stoops and porches. No roofs will be of tin or metal, utility buildings may be metal so long as they are factory made.
6. No garage or other utility building will be used for sleeping.
7. No tents or canvas covered shelters may be placed on any lot permanently.
8. No displaying or discharging of any kind of firearms.
9. No used material may be used in the construction of any structure in the subdivision.
10. No used house or other building may be moved onto any lot in said subdivision.
11. No part of any lot shall be used for the dumping of rubbish, trash or other waste, all of which shall be kept in sanitary containers, all incinerators or other equipment for the storage or disposal of such material shall be kept clean and sanitary.
12. The water company and other utility companies shall have a 10 ft. easement from road right-of-way to service their facilities.
13. The lakes are for the use of all persons in the subdivision and shall not be obstructed in any manner. No waste, refuse or other foreign material of any kind shall be dumped or deposited in any of said waterways.
14. No livestock shall be staked or pastured on any lot. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs or cats or other household pets may be kept, provided they are not bred, kept or maintained for any commercial purpose and solely as pets.
15. The Electric Power Company servicing this area shall have an easement to put a guide wire on any side lot line where it is necessary.
16. All culvert sizes must be approved by the Civic Committee before installation.
17. Factory made mobile homes are permitted as long as they are not over five (5) years old, and are in good condition. Certificate of title must be presented at subdivision office to verify age at time of delivery. Mobil homes shall have skirting.
18. Swimming pool, park, and fishing area are for the sole use and benefit of property owners and their guests. Developer nor the Civic Committee assume any liability for theft, loss, damage or injuries sustained to anyone.
19. There is hereby established and created a committee to be known as Somerville Place Civic Committee which shall consist of three (3) members. Until Developer has sold all lots in said subdivision, all of the members of such committee shall be appointed by the Developer.
20. After the sale of all lots in said subdivision, the Civic Committee, appointed by Developer shall give notice of a meeting of all lot owners. At this time nominations will be made and an election held to elect a Civic Committee Member from the property owners, who, together with one remaining member of the original Civic Committee, shall appoint a third member to serve on the Civic Committee. This Civic Committee shall serve in this capacity until the next year, when the same process shall be repeated.

21. At any and all elections each person who owns a lot in said subdivision shall be entitled to vote and shall be entitled to one vote for each lot owned. Owners of fractional lots shall be entitled to one-half (1/2) vote, irrespective of the fraction of the lot held by such owner.

22. All lots in said subdivision are subject to an annual maintenance charge of \$18.00 per lot, per year, or \$1.50 per month. If two or more lots are owned by the same party then all lots over one shall be \$12.00 per year or \$1.00 per month. Maximum maintenance charge per property owner shall be \$30.00 per year or \$2.50 per month. As long as developer is holding mortgage on lots, the maintenance charge will be paid with regular monthly payments. After lots are paid for, maintenance charge will be due and payable on or before June 1st each year. The foregoing charge shall not apply to Developer. Maintenance fund will be used for maintaining recreational facilities and roads.

23. No septic tanks will be allowed as we will have our own sewer system, if any temporary septic tanks are installed, they must be removed or filled in as soon as sewer is made available.

24. Property owners have the right to adjust the annual maintenance charge. Voting can be done at a meeting, called for that purpose, and or by mail. At least 51% of the votes must favor the adjustment in order for it to be changed.

25. The maintenance charge shall be secured by the vendor's lien which is expressly created and retained upon each and every lot in the addition and shall be paid by each and every lot owner annually in advance, or monthly until lot is paid for. The Civic Committee shall be custodian and administrator of the maintenance fund, and the vendor's lien is transferred and assigned to the Civic Committee shall be payable to the committee, at such address as it may designate from time to time.

26. All funds collected shall be used for any and all purposes in said subdivision which the Committee in its sole judgment may deem for the benefit of the owners of all lots in said subdivision.

27. The foregoing restrictions, covenants and conditions shall constitute covenants running with the land and shall be binding and inure to the benefit of Developer, its successors and assigns and all persons claiming by, through and under Developer and shall be effective until June 1, 1983, and shall be extended automatically thereafter for successive periods of ten (10) years, provided, however that the owners of a majority of the square foot area in said subdivision may terminate the same on June 1, 1983, or at the end of any successive ten (10) year period thereafter by executing, acknowledging and filing for record an appropriate instrument or agreement in writing for such purpose.

28. If any person or persons, firm or corporation violates or attempts to violate any of these restrictions, covenants or conditions, the Civic Committee or any person owning or having an interest in any lot in said subdivision may institute and prosecute any proceeding at law or in equity, to abate, prevent or enjoin any violation or attempted violation, and in such event may recover any and all damages incurred, including but not limited to any and all expenses incurred in connection with institution and prosecution of such action, including without limitation attorney's fees, court costs and all other expenses so incurred.

29. If a suit is filed to collect maintenance funds, then purchaser shall be obligated to pay all court costs and attorney's fees.

Invalidation of any one or more of these restrictions, covenants or conditions by judgement, court order or otherwise shall in no way effect or invalidate any other restriction, covenant or condition, but all such other restrictions, covenants and conditions shall continue in full force and effect.

WITNESS our hand this 6th day of April, 1973.

WOODLAND TRACTS, INC.

By: James L. Gardner 210
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(Corporate acknowledgment)

THE STATE OF TEXAS

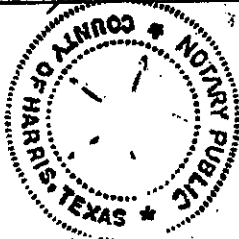
COUNTY OF HARRIS

X

X

Before me, the undersigned authority, on this day personally appeared James L. Sandner, Vice President of WOODLAND TRACTS, INC., a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this the 6th day of April, A.D. 1973.



Ann T. Lester
NOTARY PUBLIC IN AND FOR
HARRIS COUNTY, TEXAS

ANN T. LESTER
Notary Public in and for Harris County, Texas
My Commission Expires June 1, 1973
Bonded By Alexander Leves, Lawyers Surety Corp.

210

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THE STATE OF TEXAS
COUNTY OF BURLESON

I, JOHN J. TOUPAL, COUNTY CLERK OF SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 9 DAY OF April 1973 AT 11:45 O'CLOCK A. M., AND DULY RECORDED ON 10 DAY OF April 1973 AT 2:00 O'CLOCK P. M., IN THE Deed RECORD OF SAID COUNTY, IN VOL. 210 PAGE 179-181

WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF SAID COUNTY, AT MY OFFICE IN CALDWELL, TEXAS, THE DAY AND DATE ABOVE WRITTEN.

Shirley Kernegay DEPUTY

JOHN J. TOUPAL
COUNTY CLERK, BURLESON COUNTY, TEXAS



**ADDENDUM CONTAINING REQUIRED NOTICES
UNDER §5.016, §420.001 AND §420.002,
TEXAS PROPERTY CODE**

TO CONTRACT CONCERNING THE PROPERTY AT

202 Red Oak, Somerville, TX 77879

(Address of Property)

☒ **A. NOTICE OF NONAPPLICABILITY OF CERTAIN WARRANTIES AND BUILDING AND PERFORMANCE STANDARDS.**

The property that is subject to this contract is exempt from Title 16, Property Code, including the provisions of that title that provide statutory warranties and building and performance standards.

☐ **B. NOTICE TO BUYER REQUIRED BY SECTION 420.001, TEXAS PROPERTY CODE.**

STATE LAW REQUIRES THAT A PERSON HOLD A CERTIFICATE OF REGISTRATION FROM THE TEXAS RESIDENTIAL CONSTRUCTION COMMISSION IF THE PERSON CONTRACTS TO CONSTRUCT A NEW HOME OR IF THE PERSON CONTRACTS TO CONSTRUCT A MATERIAL IMPROVEMENT TO AN EXISTING HOME OR CERTAIN IMPROVEMENTS TO THE INTERIOR OF AN EXISTING HOME AND THE TOTAL COST OF THE IMPROVEMENTS IS \$10,000 OR MORE (INCLUDING LABOR AND MATERIALS).

YOU MAY CONTACT THE TEXAS RESIDENTIAL CONSTRUCTION COMMISSION AT 1-877-651-8722 TO FIND OUT WHETHER THE BUILDER HAS A VALID CERTIFICATE OF REGISTRATION. THE COMMISSION HAS INFORMATION AVAILABLE ON THE HISTORY OF BUILDERS, INCLUDING SUSPENSIONS, REVOCATIONS, COMPLAINTS, AND RESOLUTION OF COMPLAINTS.

THIS CONTRACT IS SUBJECT TO CHAPTER 426, TEXAS PROPERTY CODE. THE PROVISIONS OF THAT CHAPTER GOVERN THE PROCESS THAT MUST BE FOLLOWED IN THE EVENT A DISPUTE ARISES OUT OF AN ALLEGED CONSTRUCTION DEFECT. IF YOU HAVE A COMPLAINT CONCERNING A CONSTRUCTION DEFECT YOU MAY CONTACT THE TEXAS RESIDENTIAL CONSTRUCTION COMMISSION AT THE TOLL-FREE TELEPHONE NUMBER TO LEARN HOW TO PROCEED UNDER THE STATE-SPONSORED INSPECTION AND DISPUTE RESOLUTION PROCESS.

☐ **C. INFORMATION REQUIRED BY SECTION 420.002, TEXAS PROPERTY CODE.**

Name of Builder: _____

Certificate of Registration Number: _____

Buyer _____

Seldon L. Want
Seller

Buyer _____

Seller _____

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 transaction. 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. 43-0.



APPROVED BY THE TEXAS REAL ESTATE COMMISSION
**ADDENDUM FOR SELLER'S DISCLOSURE OF INFORMATION
ON LEAD-BASED PAINT AND LEAD-BASED PAINT HAZARDS
AS REQUIRED BY FEDERAL LAW**

02-09-2004

CONCERNING THE PROPERTY AT 202 Red Oak

Somerville

(Street Address and City)

A. LEAD WARNING STATEMENT: "Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-paint hazards is recommended prior to purchase."

NOTICE: Inspector must be properly certified as required by federal law.

B. SELLER'S DISCLOSURE:

1. PRESENCE OF LEAD-BASED PAINT AND/OR LEAD-BASED PAINT HAZARDS (check one box only):

☐ (a) Known lead-based paint and/or lead-based paint hazards are present in the Property (explain): _____

☒ (b) Seller has no actual knowledge of lead-based paint and/or lead-based paint hazards in the Property.

2. RECORDS AND REPORTS AVAILABLE TO SELLER (check one box only):

☐ (a) Seller has provided the purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the Property (list documents): _____

☒ (b) Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the Property.

C. BUYER'S RIGHTS (check one box only):

☐ 1. Buyer waives the opportunity to conduct a risk assessment or inspection of the Property for the presence of lead-based paint or lead-based paint hazards.

☐ 2. Within ten days after the effective date of this contract, Buyer may have the Property inspected by inspectors selected by Buyer. If lead-based paint or lead-based paint hazards are present, Buyer may terminate this contract by giving Seller written notice within 14 days after the effective date of this contract, and the earnest money will be refunded to Buyer.

D. BUYER'S ACKNOWLEDGMENT (check applicable boxes):

☐ 1. Buyer has received copies of all information listed above.

☐ 2. Buyer has received the pamphlet *Protect Your Family from Lead in Your Home*.

E. BROKERS' ACKNOWLEDGMENT: Brokers have informed Seller of Seller's obligations under 42 U.S.C. 4852d to: (a) provide Buyer with the federally approved pamphlet on lead poisoning prevention; (b) complete this addendum; (c) disclose any known lead-based paint and/or lead-based paint hazards in the Property; (d) deliver all records and reports to Buyer pertaining to lead-based paint and/or lead-based paint hazards in the Property; (e) provide Buyer a period of up to 10 days to have the Property inspected; and (f) retain a completed copy of this addendum for at least 3 years following the sale. Brokers are aware of their responsibility to ensure compliance.

F. CERTIFICATION OF ACCURACY: The following persons have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

Buyer

Date

Seller

Date

Buyer

Date

Seller

Date

Other Broker

Date

Listing Broker

Date

The form of this addendum has been approved by the Texas Real Estate Commission for use only with similarly approved or promulgated forms of contracts. Such approval relates to this contract 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>)

(TAR-1906) 2-9-2004

Fayette Realty, Inc. 212 W. Fayette Street, Fayetteville Tx 78940

Phone: 979/378-4100

Fax:

01A TREC No. OP-L
Page 1 of 1

202 Red Oak.zf