



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 305 Rusk
Fayetteville, TX 78940

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: ☐ sump ☐ 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	✓			☒ electric ☒ 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	✓			☐ electric ☒ gas number of units: _____
Other Heat		✓		if yes, describe: _____
Oven	✓			number of ovens: <u>2</u> ☒ electric ☐ gas ☐ other: _____
Fireplace & Chimney		✓		☐ wood ☐ gas logs ☐ mock ☐ other: _____
Carport		✓		☐ attached ☐ not attached
Garage		✓		☐ attached ☐ not attached
Garage Door Openers		✓		number of units: _____ number of remotes: _____
Satellite Dish & Controls	✓			☐ owned ☒ leased from <u>Dish Network</u>
Security System		✓		☐ owned ☐ leased from _____
Water Heater	✓			☐ electric ☒ gas ☐ other: _____ number of units: _____
Water Softener		✓		☐ owned ☐ leased from _____
Underground Lawn Sprinkler		✓		☐ automatic ☐ 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: [Signature] and Buyer: _____

Page 1 of 5

Concerning the Property at _____

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

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

Roof Type: Composite Shingles Age: unknown (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): _____

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		☒
Asbestos Components		☒
Diseased Trees: ☐ oak wilt ☐ _____		☒
Endangered Species/Habitat on Property		☒
Fault Lines		☒
Hazardous or Toxic Waste		☒
Improper Drainage		☒
Intermittent or Weather Springs		☒
Landfill		☒
Lead-Based Paint or Lead-Based Pt. Hazards		☒
Encroachments onto the Property		☒
Improvements encroaching on others' property		☒
Located in 100-year Floodplain		☒
Located in Floodway		☒
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		☒
Unrecorded Easements		☒
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: _____

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

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

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

- Y N
- ☐ ☒ Room additions, structural modifications, or other alterations or repairs made without necessary permits or not in compliance with building codes in effect at the time.
- ☐ ☒ Homeowners' associations or maintenance fees or assessments. If yes, complete the following:
Name of association: _____
Manager's name: _____ Phone: _____
Fees or assessments are: \$ _____ per _____ and are: ☐ mandatory ☐ voluntary
Any unpaid fees or assessment for the Property? ☐ yes (\$ _____) ☐ no
If the Property is in more than one association, provide information about the other associations below or attach information to this notice.
- ☐ ☒ Any common area (facilities such as pools, tennis courts, walkways, or other) co-owned in undivided interest with others. If yes, complete the following:
Any optional user fees for common facilities charged? ☐ yes ☐ no If yes, describe: _____
- ☐ ☒ Any notices of violations of deed restrictions or governmental ordinances affecting the condition or use of the Property.
- ☐ ☒ Any lawsuits or other legal proceedings directly or indirectly affecting the Property.
- ☐ ☒ 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):

(TAR-1406) 7-16-08 Initialed by: Seller: [Signature] and Buyer: [Signature] Page 3 of 5

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): We installed smoke detectors but we are not familiar with Chapter 766.

*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.

Lewis Hill, Jr.
Signature of Seller

Date

Donna Hill 11/3/09
Signature of Seller Date

Printed Name: Lewis Hill, Jr.Printed Name: Donna Hill

(TAR-1406) 7-16-08

Initialed by: Seller:

and Buyer: _____

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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 Bonnett Electric Sewer: Fayetteville City of
Water: Fayetteville City of Cable: _____
Trash: Independent (Fayette County) Natural Gas: N/A
Local Phone: Verison Propane: Fayetteville 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: _____

**ADDENDUM FOR SELLER'S DISCLOSURE OF INFORMATION
ON LEAD-BASED PAINT AND LEAD-BASED PAINT HAZARDS
AS REQUIRED BY FEDERAL LAW**CONCERNING THE PROPERTY AT 305 RuskFayetteville

(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	<u>Lewis Hill Jr.</u>	<u>4-2-2009</u>
		Seller Lewis Hill Jr.	Date
Buyer	Date	<u>Donna Hill</u>	<u>4-2-2009</u>
		Seller Donna Hill	Date
Other Broker	Date	<u>Diane Tinsley</u>	<u>4/2/09</u>
		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>)

**ENVIRONMENTAL ASSESSMENT, THREATENED OR
ENDANGERED SPECIES, AND WETLANDS ADDENDUM****TO CONTRACT CONCERNING THE PROPERTY AT**

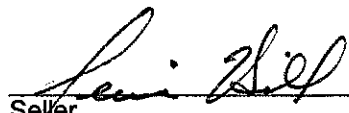
305 Rusk, Fayetteville, TX 78940
(Address of Property)

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

Within 15 days after the effective date of the contract, Buyer may terminate the contract by furnishing Seller a copy of any report noted above that adversely affects the use of the Property and a notice of termination of the contract. Upon termination, the earnest money will be refunded to Buyer.

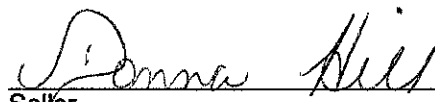
Buyer

Seller


Lewis Hill, Jr.

Buyer

Seller


Donna Hill

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

(TAR-1917) 4-23-07

Page 1 of 1
TREC No. 28-1Fayette Realty, Inc. P. O. Box 308 Fayetteville, TX 78940
Phone: (979) 378 - 4100

Fax: (979) 378 - 4101

Diane Tinsley

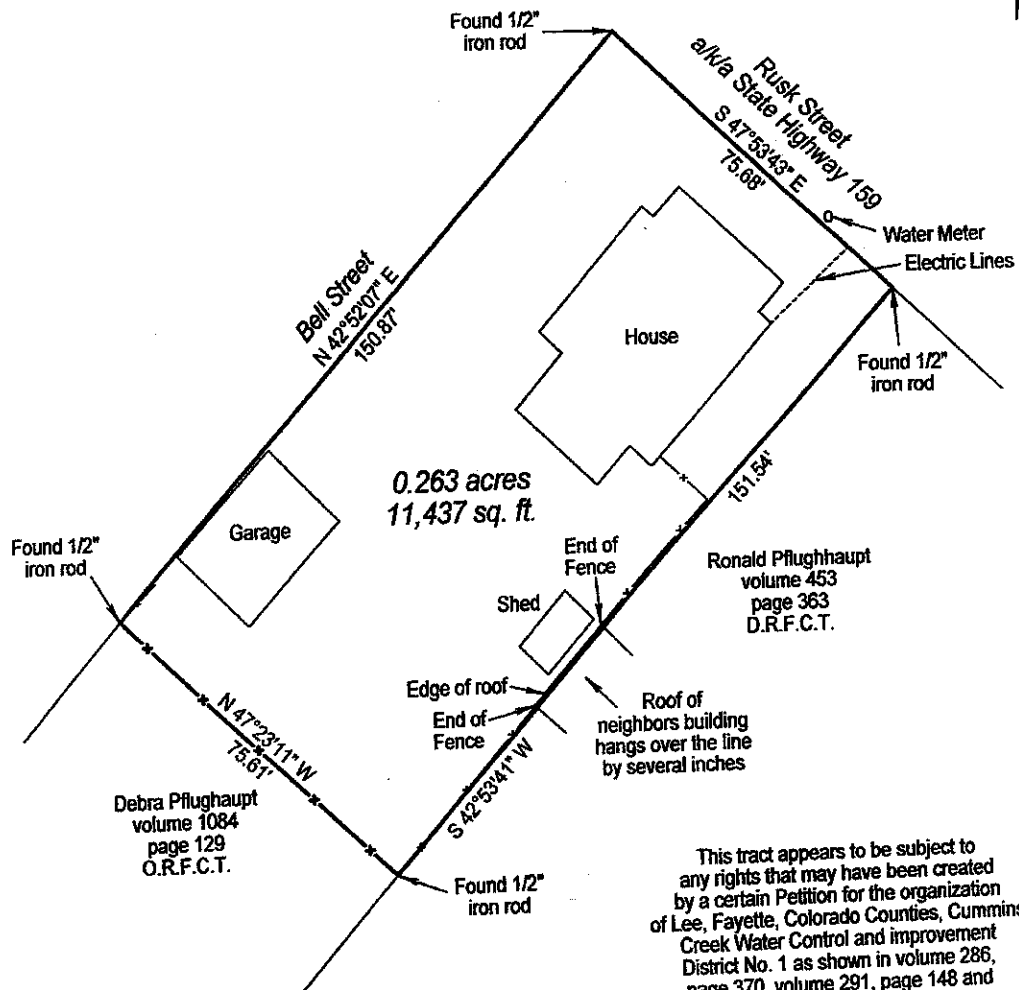
Hill

Produced with ZipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48028 www.zipLogix.com

Fayette County, Texas

Block 16
Town of Fayetteville

Survey plat showing a 0.263 acre tract of land, (11,437 square feet) being Lot T of Block 16 of the Town of Fayetteville according to the plat thereof recorded in volume 240, page 12 of the Deed Records of Fayette County, Texas, and being all of that certain tract as conveyed to Joseph Desha Everitt and wife, Lois Anne Everitt as recorded in volume 1084, page 148 of the Official Records of Fayette County, Texas.



This tract appears to be subject to any rights that may have been created by a certain Petition for the organization of Lee, Fayette, Colorado Counties, Cummins Creek Water Control and improvement District No. 1 as shown in volume 286, page 370, volume 291, page 148 and volume 291, page 625 of the Deed Records of Fayette County, Texas.



The address of this tract is
305 Rusk Street
Fayetteville, Texas 78940

The buyers of this tract are
Lewis J. Hill, Jr. and wife,
Donna M. Hill

This tract is only fenced
where the following
line type appears

I hereby certify that this plat represents the facts as found during an on the ground survey made under my direct supervision on May 14, 2004, and that it substantially conforms to the current Standards and Specifications for a Category 1A, Condition II Survey.

Rocky Von Roesler

Rocky Von Roesler
Registered Professional Land Surveyor
Number 4702

Reference is hereby made to a land description attached hereto and made a part hereof.

Bearings based on deed call as applied to found monuments on the Northeast line of this tract.

According to the FEMA Flood Insurance Rate Map Community Panel No. 481147, effective date August 6, 1976, it appears that this tract does not lie within a Special Flood Hazard Zone "A".

Scale: 1" = 30' Date: 5-14-04

Prepared by: **Rocky Von Roesler**
RPLS # 4702
6339 Skillet Road La Grange, Texas 78945
(979) 247-4321

Drawn by: RVR

Revision: 99310

WO # 24152

STATE OF TEXAS)
)
COUNTY OF FAYETTE)

Land Description

BEING a 0.263 acre tract of land, (11,437 square feet) being Lot T of Block 16 of the Town of Fayetteville according to the plat thereof recorded in volume 240, page 12 of the Deed Records of Fayette County, Texas, and being all of that certain tract as conveyed to Joseph Desha Everitt and wife, Lois Anne Everitt as recorded in volume 1084, page 148 of the Official Records of Fayette County, Texas, and being more particularly described as follows;

BEGINNING at a 1/2" iron rod found in the South intersection of Rusk Street and Bell Street for the North corner hereof;

THENCE with the Southwest line of Rusk Street South 47 deg. 53 min. 43 sec. East 75.68 feet to a 1/2" iron rod found for the North corner of a Ronald Pflughaupt tract (volume 453, page 363) and for the East corner hereof;

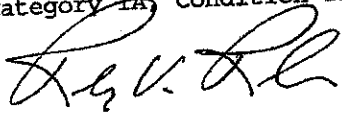
THENCE with the Northwest line of the Ronald Pflughaupt tract South 42 deg. 53 min. 41 sec. West 151.54 feet to a 1/2" iron rod found for the East corner of a Debra Pflughaupt tract (volume 1084, page 129) and for the South corner hereof;

THENCE with the Northeast line of the Debra Pflughaupt tract North 47 deg. 23 min. 11 sec. West 75.61 feet to a 1/2" iron rod found in the Southeast line of Bell Street for the North corner of the Debra Pflughaupt tract and the West corner hereof;

THENCE with the Southeast line of Bell Street North 42 deg. 52 min. 07 sec. East 150.87 feet to the PLACE OF BEGINNING, containing 0.263 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 May 14, 2004, and that it substantially conforms to the current Standards and Specifications for a Category 1A, Condition II Survey.


Rocky Von Roesler
Registered Professional Land Surveyor
Number 4702

