

JTJ PARTNERSHIP
SURVEYED BY
LEONARD W. FRANK

JUNE 24, 2004

JAMES CUMMINS LEAGUE
ABSTRACT NO. 13

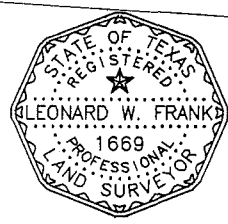
EARL W. PITCHFORD, ET UX
CALLED 9.4318 ACRES
VOLUME 371, PAGE 704
O.R.C.C.T.

JAMES CUMMINS LEAGUE
ABSTRACT NO. 12

RICKY L. POWELL ET UX
CALLED 1.50 ACRE TRACT
VOLUME 390, PAGE 885
O.R.C.C.T.

THOMAS WAYNE RAU
TRACT NO. 2B
SUREYED BY LEONARD
W. FRANK - 12-13-1982

PROPERTY ADDRESS
1027 BUESCHER ROAD
PROPERTY OWNER
DANNY & PATRICIA VITEK
PROPERTY BUYER
KEITH & BENNY KETTLER



SURVEY NOTES

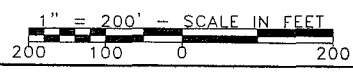
1. ALL BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT NO. 2B, AS SURVEYED BY LEONARD W. FRANK ON DECEMBER 13, 1982.
2. THIS PROPERTY IS SHOWN TO BE INSIDE (ZONE X) OF THE FLOOD HAZARD AREA AS SHOWN ON FEMA FIRM MAP NO. 48089C0135 C, EFFECTIVE DATE JANUARY 3, 1990.
3. APPARENT VISIBLE EASEMENTS HAVE BEEN SHOWN
4. FIELD NOTES TO ACCOMPANY THIS PLAT.

SURVEY PLAT OF A 10.00 ACRE TRACT OF LAND SITUATED IN THE JAMES SUMMINS LEAGUE, ABSTRACT NO. 13, AND THE JAMES CUMMINS LEAGUE, ABSTRACT NO. 12, COLORADO COUNTY, TEXAS. SAID 10.00 ACRE TRACT OF LAND BEING ALL OF THAT 10.00 ACRE TRACT OF LAND DESCRIBED IN A DEED DATED MAY 5, 1994, FROM JOSEPH D. VACEK, TRUSTEE, TO DANNY JAMES VITEK AND WIFE, PATRICIA LYNN VITEK, RECORDED IN VOLUME 109, PAGE 441, OF THE OFFICIAL RECORDS OF COLORADO COUNTY, TEXAS.

I, LEONARD W. FRANK, DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND, UNDER MY SUPERVISION AND THE PROPERTY DESCRIBED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION IV SURVEY.

LEONARD W. FRANK
REGISTERED PROFESSIONAL LAND SURVEYOR
REGISTRATION NO. 1669
COLORADO COUNTY SURVEYOR

LEGEND	
●	1/2" IRON ROD FOUND
○	POINT IN CENTERLINE
⊞	ELECTRIC TRANSFORMER
—●—	POWER LINE (OVERHEAD)
- - -	FENCE LINE (TYPICAL)
- - -	FENCE LINE (HIGH WIRE)
- - -	FENCE LINE (WOOD)
()	APPROXIMATE SURVEY LINE
- - -	RECORD DEED CALL



BOUNDARY SURVEY OF 10.00 ACRES OUT OF THE JAMES CUMMINS LEAGUE A-12&13, COLORADO COUNTY, TEXAS			
102 BECICA STREET COLUMBUS, TX 78934 979.732.3114		FRANK SURVEYING COMPANY	
COPYRIGHT 2004 ALL RIGHTS RESERVED		DRAWN BY: MATT LOESSIN REV:	
SCALE: 1" = 200'		PROJECT NO: 04-121	SHEET 1 OF 1

FRANK SURVEYING COMPANY

102 Becica Street
Columbus, Texas 78934
979.732.3114

Leonard W. Frank
Colorado County Surveyor
Registered Professional
Land Surveyor No. 1669

STATE OF TEXAS

COUNTY OF COLORADO

FIELD NOTES of a survey of a 10.00 acre tract. Being all of that tract lying and situated in the James Cummins League, Abstract No. 12, and the James Cummins League, Abstract No. 13, Colorado County, Texas. Said 10.00 acre tract being all of that 10.00 acre tract of land described in a deed dated May 5, 1994, from Joseph D. Vacek, Trustee, to Danny James Vitek and wife, Patricia Lynn Vitek, recorded in Volume 109, Page 441, of the Official Records of Colorado County, Texas, for which reference is made and the said 10.00 acre tract being described by metes and bounds as follows, TO-WIT:

BEGINNING at a 1/2 inch iron rod found (called for in record deed) for the Southeast corner of the herein described tract in the North line of Buescher Road, the Southwest corner of Tract No. 2B, conveyed to Thomas Wayne Rau and surveyed by Leonard W. Frank on December 13, 1982;

THENCE with the following courses and distances along the South-Southwest line of the herein described tract and the North-Northeast line of Buescher Road:

- o N 85° 16' 40" W a distance of 71.96 feet to a 1/2 inch iron rod found (called for in record deed);
- o N 53° 07' 27" W a distance of 95.96 feet to a 1/2 inch iron rod found (called for in record deed);
- o N 38° 59' 16" W a distance of 186.16 feet to a 1/2 inch iron rod found (called for in record deed);
- o N 67° 06' 30" W a distance of 100.08 feet to a 1/2 inch iron rod found (called for in record deed) for the Southwest corner of the herein described tract, said corner being also the Southeast corner of a 1.50 acre tract described in a deed to Ricky L. Powell, et ux, Volume 390, Page 885, Colorado County Official Records;

THENCE N 04° 12' 17" W a distance of 1031.04 feet (called N 04° 12' 17" W - 1031.04') with the West line of the herein described tract, the East line of the said 1.50 acre tract, and the East line of a called 9.4318 acre tract described in a deed to Earl W. Pitchford, et ux, Volume 371, Page 704, Colorado County Official Records to a point in the centerline of ravine creek;

THENCE the following courses and distances with the centerline of said creek:

- o S 74° 00' 35" E - 96.33 feet;
- o S 55° 47' 40" E - 50.78 feet;
- o S 22° 21' 30" E - 85.50 feet;
- o S 60° 22' 25" E - 59.65 feet;
- o S 58° 07' 35" E - 165.60 feet;
- o S 83° 12' 50" E - 15.45 feet to a point in said centerline for the Northeast corner of the herein described tract, said corner being also the Northwest corner of said Tract No. 2B;

THENCE S 13° 48' 02" E a distance of 767.23 feet (called S 13° 48' 02" E - 767.23') generally with the present fence line, the Northeast line of the herein described tract to a 1/2 inch iron rod found (called for in record deed) for corner;

THENCE S 24° 10' 56" W a distance of 304.09 feet (called S 24° 11' 46" W - 303.11') generally with the present fence line, the Southeast line of the herein described tract to the **PLACE OF BEGINNING**, containing 10.00 acres of land, as surveyed by Leonard W. Frank, County Surveyor of Colorado County, Texas, and Registered Professional Land Surveyor, Registration No. 1669.

Survey Plat to accompany Field Notes.

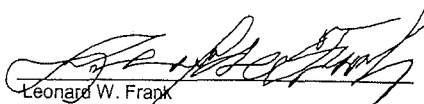
Project No. 04-121

All bearings are based on the South line of said Tract No. 2B as surveyed by Leonard W. Frank

Surveyor Certification:

I, Leonard W. Frank, Registered Professional Land Surveyor of Colorado County, Texas, do hereby certify that I did survey on the ground the above described tract of land and to the best of my knowledge and belief the said description is true and correct.

IN WITNESS THEREOF, my hand and seal, this the 24th day of June 2004.


Leonard W. Frank
Colorado County Surveyor
Registered Professional Land Surveyor
Registration No. 1669





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 1027 Buescher Road
Columbus, TX 78934

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 <u>Sat.</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carbon Monoxide Det.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ceiling Fans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cooktop	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dishwasher	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disposal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Emergency Escape Ladder(s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Exhaust Fans	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fences	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Detection Equip.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
French Drain	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gas Fixtures	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Item	Y	N	U
Gas Lines (Nat/LP) <u>No Pool</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hot Tub	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Intercom System	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Microwave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Outdoor Grill	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patio/Decking	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plumbing System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pool	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pool Equipment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pool Maint. Accessories	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pool Heater	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Sewer System	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Item	Y	N	U
Pump: <input type="checkbox"/> sump <input type="checkbox"/> grinder	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rain Gutters	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Range/Stove	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roof/Attic Vents	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sauna	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Smoke Detector	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Smoke Detector - Hearing Impaired	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Spa	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Trash Compactor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TV Antenna	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Washer/Dryer Hookup	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Window Screens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Item	Y	N	U	Additional Information
Central A/C	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> electric <input type="checkbox"/> gas number of units: <u>1</u>
Evaporative Coolers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	number of units: <u>—</u>
Wall/Window AC Units <u>in guest house</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	number of units: <u>one</u>
Attic Fan(s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	if yes, describe: <u>—</u>
Central Heat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> electric <input type="checkbox"/> gas number of units: <u>—</u>
Other Heat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	if yes, describe: <u>—</u>
Oven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	number of ovens: <u>1</u> <input checked="" type="checkbox"/> electric <input type="checkbox"/> gas <input type="checkbox"/> other: <u>—</u>
Fireplace & Chimney	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> wood <input type="checkbox"/> gas logs <input type="checkbox"/> mock <input type="checkbox"/> other: <u>—</u>
Carport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> attached <input type="checkbox"/> not attached
Garage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> attached <input checked="" type="checkbox"/> not attached
Garage Door Openers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	number of units: <u>1</u> number of remotes: <u>2</u>
Satellite Dish & Controls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> owned <input checked="" type="checkbox"/> leased from <u>dish</u>
Security System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> owned <input type="checkbox"/> leased from <u>—</u>
Water Heater	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> electric <input type="checkbox"/> gas <input checked="" type="checkbox"/> other: <u>tankless</u> number of units: <u>1</u>
Water Softener	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> owned <input type="checkbox"/> leased from <u>—</u>
Underground Lawn Sprinkler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> automatic <input type="checkbox"/> manual areas covered: <u>Lawn & Flower Beds</u>
Septic / On-Site Sewer Facility	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	if yes, attach Information About On-Site Sewer Facility (TAR-1407)

(TAR-1406) 7-16-08

Initialed by: Seller X (K) X (R) 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: composition Age: 7 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 checked="" 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): _____

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): _____

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): Home HAS smoke detectors but unknown IF they
Are in compliance 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.

Signature of Seller: Keith D Kettler Date: _____ Signature of Seller: Benny Kettler Date: _____
 Printed Name: Keith D. Kettler Printed Name: Benny Kettler

(TAR-1406) 7-16-08 Initialed by: Seller: X KD X BK 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: SAN BERNARD Electric Coop Sewer: ON SITE septic system
Water: ON site well Cable: N/A
Trash: A & K waste Removal Natural Gas: N/A
Local Phone: AT&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: _____	

RESIDENTIAL REAL PROPERTY AFFIDAVIT T-47

Date: _____

GF No. _____

Name of Affiant(s): _____

Address of Affiant: _____

Description of Property: _____

County: Colordo, Texas

Name of Title Company: _____

Before me, the undersigned notary for the State of _____, personally appeared Affiant(s) who after by me being duly sworn, stated:

(1) We are the owners of the Property. (If not owners, state other basis for knowledge by Affiant(s) of the Property, such as lease, management, neighbor, etc. For example, "Affiant is the manager of the Property for the record title owners."): _____

(2) We are familiar with the Property and with the improvements located on the Property.

(3) We are closing a transaction requiring title insurance and the proposed insured owner or lender has requested area and boundary coverage in the title insurance policy(ies) to be issued in this transaction. We understand that the Title Company may make exceptions to the coverage of the title insurance as the Title Company may deem appropriate. We understand that the proposed insured owner of the Property, if the current transaction is a sale, may request a similar amendment to the area and boundary coverage in the Owner Policy of Title Insurance upon payment of the promulgated premium.

(4) To the best of our actual knowledge and belief, since _____ (date of existing survey) there have been no:

- (a) construction projects such as new structures, additional buildings, rooms, garages, swimming pools or other permanent improvements or fixtures;
- (b) changes in the location of boundary fences or boundary walls;
- (c) construction projects on immediately adjoining property(ies) which encroach on the Property; or
- (d) conveyance, replattings, easement grants and/or easement dedications (such as a utility line) by any party affecting the Property;

EXCEPT for the following (If none, insert "none" below): _____

Addition of swimming pool
deck was converted to an outdoor bar / kitchen

(5) We understand that the Title Company is relying on the truthfulness of the statements made in this affidavit to provide the area and boundary coverage and upon the evidence of the existing real property survey of the Property. This affidavit is not made for the benefit of any other parties and this affidavit does not constitute a warranty or guarantee of the location of the improvements.

(6) We understand that we have no liability to the Title Company or the title insurance company that will issue the policy(ies) should the information in this affidavit be incorrect other than information that we personally know to be incorrect and which we do not disclose to the Title Company.

Affiant

Affiant

SWORN AND SUBSCRIBED this _____ day of _____, _____

Notary Public



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

1027 Buescher Road
Columbus, TX 78934

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

- (1) Type of Treatment System: ☒ Septic Tank ☐ Aerobic Treatment ☐ Unknown
- (2) Type of Distribution System: ☒ Unknown
- (3) Approximate Location of Drain Field or Distribution System: ☐ Unknown
See Attached document
- (4) Installer: Pickens Environmental ☐ Unknown
- (5) Approximate Age: 7 years ☐ 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? Never
- (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.**

- 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

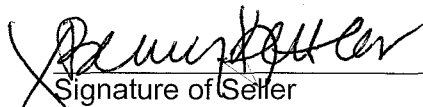
This document is not a substitute for any inspections or warranties. This document was completed to the best of Seller's knowledge and belief on the date signed. Seller and real estate agents are not experts about on-site sewer facilities. Buyer is encouraged to have the on-site sewer facility inspected by an inspector of Buyer's choice.


Signature of Seller

Keith D. Kettler

11/15/2008

Date


Signature of Seller

Benny Kettler

11/15/2008

Date

Receipt acknowledged by:

Signature of Buyer

Date

Signature of Buyer

Date

Note: Seller makes no warranty as to the effectiveness or compliance to County or state regulations for the small septic system at the guest house.