

### PROMULGATED BY THE TEXAS REAL ESTATE COMMISSION (TREC) DISCLOSURE OF RELATIONSHIP WITH RESIDENTIAL SERVICE COMPANY





**RESIDENTIAL SERVICE CONTRACTS.** A residential service contract is a product under which a residential service company, for a fee, agrees to repair or replace certain equipment or items in a property. Co-payments typically apply to most service calls. Residential service companies are licensed and regulated by the Texas Real Estate Commission. The extent of coverage and the cost of coverage will vary. Before buying a residential service contract, the buyer should read the contract and consider comparing it with the extent of coverage and costs from several other residential service companies. You may obtain a list of the residential service companies licensed in Texas at http://www.trec.texas.gov. YOU MAY CHOOSE ANY COMPANY.

THE PURCHASE OF A RESIDENTIAL SERVICE CONTRACT IS OPTIONAL. The TREC promulgated residential contract forms contain a paragraph in which the parties may negotiate whether the seller will reimburse the buyer the cost of a residential service contract. The choice of the residential service company and extent of coverage lies with the buyer. NEITHER A BROKER/SALES AGENT NOR A SELLER MAY CONDITION THE SALE OF A PROPERTY ON THE BUYER'S PURCHASE OF A RESIDENTIAL SERVICE CONTRACT.

Other	Broker/Sales	Agent	will	receive	no
compe	nsation from a re	esidential	servio	ce compar	ıy.

Other Broker/Sales Agent receives compensation from the following residential service company:

for providing the following services:

Listing Broker/Sales Agent will receive no compensation from a residential service company.

Listing Broker/Sales Agent receives compensation from the following residential service company:

2-10 Home Warranty, Landmark Home Warranty

for providing the following services:

Advertising, Marketing, and Education

The compensation is not contingent upon a party to the real estate transaction purchasing a contract or services from the residential service company.

The compensation is the fee for the services that Listing Broker or Other Broker, either directly or through an agent, provides to the company. As required by the Real Estate Settlement Procedures Act and HUD Regulation X, any fees paid to a settlement services provider are limited to the reasonable value of services actually rendered.

Other Brok	er's Name License No.	Keller Williams Realty-Houston Memorial           Listing Broker's Name	9000862 License No.
By:		By: Wendy Cline	dotloop verified 03/04/19 12:18 PM CST BQNY-NLZS-S0I9-BXZV
The unders	signed acknowledges receipt of this notice:		
		Craig Swinghammer	dotloop verified 03/12/19 12:57 PM CDT YGAA-E5RQ-86JH-UZ3K
Buyer		Seller	
Buyer		Seller	
TREC	or contracts. Such approval relates to this contract form on representation is made as to the legal validity or adequ	s Real Estate Commission for use only with similarly approve ly. TREC forms are intended for use only by trained real es acy of any provision in any specific transactions. It is no 38, Austin, TX 78711-2188, (512) 936-3000 (http://www.trec.te	tate license holders. No it intended for complex



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 1850 South Cherry Street, Tomball, TX 77375

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  $\Box$  is  $\Box$  is not occupying the Property. If unoccupied (by Seller), how long since Seller has occupied the Property?  $\Box$  January 2019 (approximate date) or  $\Box$  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	Ν	U	Item	Y	Ν	U	ltem	Υ	Ν	U
Cable TV Wiring	Σ			Liquid Propane Gas:		Ν		Pump: 🗌 sump 🛛 grinder		Σ	
Carbon Monoxide Det.		$\mathbf{V}$		-LP Community (Captive)		Ν		Rain Gutters		Σ	
Ceiling Fans	Σ			-LP on Property		Ν		Range/Stove	$\mathbf{\Sigma}$		
Cooktop				Hot Tub	$\leq$			Roof/Attic Vents	$\mathbf{\Sigma}$		
Dishwasher				Intercom System		$\mathbf{V}$		Sauna		Σ	
Disposal	$\leq$			Microwave	$\leq$			Smoke Detector	$\mathbf{\Sigma}$		
Emergency Escape		Δ		Outdoor Grill	Δ			Smoke Detector – Hearing		Ν	
Ladder(s)								Impaired		×	
Exhaust Fans				Patio/Decking	$\checkmark$			Spa		$\mathbf{\Sigma}$	
Fences	$\leq$			Plumbing System	$\leq$			Trash Compactor		Σ	
Fire Detection Equip.	Σ			Pool		Ν		TV Antenna	$\mathbf{\Sigma}$		
French Drain	Σ			Pool Equipment				Washer/Dryer Hookup	Ν		
Gas Fixtures	$\mathbf{V}$			Pool Maint. Accessories		Ν		Window Screens	Σ		
Natural Gas Lines	$\checkmark$			Pool Heater		$\mathbf{\nabla}$		Public Sewer System		$\mathbf{V}$	

Item	Υ	Ν	U	Additional Information
Central A/C	N			electric gas number of units:
Evaporative Coolers		$\mathbf{\Sigma}$		number of units:
Wall/Window AC Units		$\mathbf{\Sigma}$		number of units:
Attic Fan(s)		$\checkmark$		if yes, describe:
Central Heat	N			electric gas number of units: Space heater in Living Room
Other Heat	Ν			if yes describe:
Oven	Ν			number of ovens:
Fireplace & Chimney	N			wood gas logs mock other:
Carport	Δ			□ attached □ not attached
Garage	Ν			□ attached □ not attached
Garage Door Openers	Ν			number of units: 2 number of remotes: 5
Satellite Dish & Controls		$\mathbf{\Sigma}$		□ owned □ leased from
Security System	Ν			□ owned □ leased from
Solar Panels		$\mathbf{V}$		□ owned □ leased from
Water Heater	Ν			electric gas other: One in Tack number of units:
Water Softener		$\mathbf{\nabla}$		owned leased from
(TAR-1406) 02-01-18 Initia	led b	y: B	uyer	and Seller: (3/12/19 12:57 PM CDT Page 1 of 5

Other Leased Item(s)	Ц  Ц  Ц уеs, describe:					
Underground Lawn Sprinkler	D 2 automatic manual areas covered:					
Septic / On-Site Sewer Facility	□ □ □ if yes, attach Information About On-Site S	ewer Facility (TAR-1407)				
Water supply provided by: Z city well MUD co-op unknown other:						
Was the Property built before 1978? □ yes ☑ no □ unknown						
(If yes, complete, sign, and a	attach TAR-1906 concerning lead-based paint hazards	6).				
Roof Type: Hurricane Shingle	Age: 6 years	(approximate)				
	g on the Property (shingles or roof covering placed over					

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	Υ	Ν
Basement		Ν
Ceilings		Ν
Doors		Δ
Driveways		Δ
Electrical Systems		Δ
Exterior Walls		Δ

Item	Υ	Ν
Floors		$\mathbf{\nabla}$
Foundation / Slab(s)		Ν
Interior Walls		Ν
Lighting Fixtures		Ν
Plumbing Systems		Ν
Roof		Ν

Item	Υ	Ν
Sidewalks	Ν	
Walls / Fences		$\checkmark$
Windows		$\checkmark$
Other Structural Components		

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

Few cracks in rear entry sidewalk

# 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	Υ	Ν		Condition	Υ	Ν
Aluminum Wiring		□ ☑ Previous Foundation Repairs		Previous Foundation Repairs	Ν	
Asbestos Components		□ 🗹 Previous Roof Repairs		Previous Roof Repairs	Ν	
Diseased Trees:		Ν		Previous Other Structural Repairs	Ν	
Endangered Species/Habitat on Property		Ν		Radon Gas		$\checkmark$
Fault Lines		Ν		Settling		N
Hazardous or Toxic Waste		Ν		Soil Movement		K
Improper Drainage		Ν		Subsurface Structure or Pits		Δ
Intermittent or Weather Springs		Ν		Underground Storage Tanks		Δ
Landfill		Σ		Unplatted Easements		N
Lead-Based Paint or Lead-Based Pt. Hazards		$\mathbf{\nabla}$		Unrecorded Easements		
Encroachments onto the Property		$\mathbf{N}$		Urea-formaldehyde Insulation		$\mathbf{\nabla}$
Improvements encroaching on others' property		$\mathbf{\nabla}$	1	Water Penetration		$\checkmark$
Located in 100-year Floodplain			'	Wetlands on Property		$\checkmark$
(If yes, attach TAR-1414)		ł				
Located in Floodway (If yes, attach TAR-1414)		$\mathbf{V}$	'	Wood Rot		$\mathbf{\nabla}$
Present Flood Ins. Coverage				Active infestation of termites or other wood		
(If yes, attach TAR-1414)				destroying insects (WDI)		
Previous Flooding into the Structures		$\mathbf{\nabla}$		Previous treatment for termites or WDI		$\mathbf{\nabla}$
Previous Flooding onto the Property				Previous termite or WDI damage repaired		$\checkmark$
Located in Historic District		Σ		Previous Fires		$\mathbf{\nabla}$
(TAR-1406) 02-01-18 Initialed by: Buyer:				and Seller: <u>     03/12/19</u> 12:57 PM CDT Pag	e 2 c	of 5

HISTORIC Property Designation	IП	M	ו ermite or אטט damage needing repair	
Previous Use of Premises for Manufacture of Methamphetamine			Single Blockable Main Drain in Pool/Hot Tub/Spa*	
			· · · · · · · · · · · · · · · · · · ·	 

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

Damage to roof during Hurricane replaced entire roof. Flooding onto property during Harricane Harvey only entered the garage approximately 2 inches. Water line of refrigerator broke and flooded house 1/2 inch water, filed insurance claim all repairs made approximately 8 years ago.

\*A single blockable main drain may cause a suction entrapment hazard for an individual.

## 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.)

<u>Y N</u>

Room additions, structural modifications, or other alterations or repairs made without necessary permits, with unresolved 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? ups (\$\_\_\_\_\_) uno

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? Uses I 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. (Includes, but is not limited to: divorce, foreclosure, heirship, bankruptcy, and taxes.)
- 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).
- Any rainwater harvesting system located on the Property that is larger than 500 gallons and that uses a public water supply as an auxiliary water source.
- □ ☑ The Property is located in a propane gas system service area owned by a propane distribution system retailer.
- Any portion of the Property that is located in a groundwater conservation district or a subsidence district.

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Initialed by: Buyer:

and Seller:

03/12/19

It the answer to any of the items in Section 5 is yes, explain (attach additional sheets if necessary):

### Section 6. Seller $\Box$ has $\Box$ 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?  $\Box$  yes  $\boxtimes$  no If yes, attach copies and complete the following:

Inspection Date	Туре	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 filed a claim for damage to the Property with any insurance provider? ☑ yes □ no

Section 10. 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?  $\Box$  yes  $\boxtimes$  no lf yes, explain:

Section 11. Does the Property have working smoke detectors installed in accordance with the smoke detector requirements of Chapter 766 of the Health and Safety Code?\*  $\square$  unknown  $\square$  no  $\square$  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.

Craig Swinghammer	dotloop verified 03/12/19 12:57 PM CDT Z5ML-PLT8-V6TL-OC6N		
Signature of Seller	Date	Signature of Seller	Date
Printed Name: Craig Swinghammer		Printed Name:	
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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 the Property is located in a seacoast territory of this state designated as a catastrophe area by the Commissioner of the Texas Department of Insurance, the Property may be subject to additional requirements to obtain or continue windstorm and hail insurance. A certificate of compliance may be required for repairs or improvements to the Property. For more information, please review Information Regarding Windstorm and Hail Insurance for Certain Properties (TAR 2518) and contact the Texas Department of Insurance or the Texas Windstorm Insurance Association.
- (4) This Property may be located near a military installation and may be affected by high noise or air installation compatible use zones or other operations. Information relating to high noise and compatible use zones is available in the most recent Air Installation Compatible Use Zone Study or Joint Land Use Study prepared for a military installation and may be accessed on the Internet website of the military installation and of the county and any municipality in which the military installation is located.
- (5) If you are basing your offers on square footage, measurements, or boundaries, you should have those items independently measured to verify any reported information.
- (6) The following providers currently provide service to the Property:

Electric:Just Energy	phone #:
Sewer:	phone #:
Water: City of Tomball	phone #:
Cable:	phone #:
Trash:City of Tomball	phone #:
Natural Gas: City of Tomball	phone #:
Phone Company:	phone #:
Propane:	phone #:
Internet:	phone #:

(7) 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.

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