



## 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 \_\_\_\_\_

**1309 Sailfish Dr  
Bay City, TX 77414-8319**

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? APRIL 2019 (approximate date) 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	Y		
Carbon Monoxide Det.		N	
Ceiling Fans	Y		
Cooktop		N	
Dishwasher	Y		
Disposal	Y		
Emergency Escape Ladder(s)		N	
Exhaust Fans	Y		
Fences	Y		
Fire Detection Equip.	Y		
French Drain		N	
Gas Fixtures		N	
Natural Gas Lines			U

Item	Y	N	U
Liquid Propane Gas:		N	
-LP Community (Captive)		N	
-LP on Property		N	
Hot Tub		N	
Intercom System		N	
Microwave		N	
Outdoor Grill		N	
Patio/Decking	Y		
Plumbing System	Y		
Pool		N	
Pool Equipment		N	
Pool Maint. Accessories		N	
Pool Heater		N	

Item	Y	N	U
Pump: sump grinder		N	
Rain Gutters		N	
Range/Stove	Y		
Roof/Attic Vents	ROOF VENT Y		
Sauna		N	
Smoke Detector	Y		
Smoke Detector - Hearing Impaired		N	
Spa		N	
Trash Compactor		N	
TV Antenna		N	
Washer/Dryer Hookup	Y		
Window Screens	Y		
Public Sewer System	Y		

Item	Y	N	U	Additional Information
Central A/C	Y			<input checked="" type="checkbox"/> electric <input type="checkbox"/> gas number of units: <u>1</u>
Evaporative Coolers		N		number of units: _____
Wall/Window AC Units		N		number of units: _____
Attic Fan(s)		N		if yes, describe: _____
Central Heat	Y			<input checked="" type="checkbox"/> electric <input type="checkbox"/> gas number of units: <u>1</u>
Other Heat		N		if yes, describe: _____
Oven	Y			number of ovens: <u>1</u> electric <input checked="" type="checkbox"/> gas other: <u>PART OF RANGE/STOVE</u>
Fireplace & Chimney	Y			<input checked="" type="checkbox"/> wood <input type="checkbox"/> gas logs <input type="checkbox"/> mock other: _____
Carport		N		<input checked="" type="checkbox"/> attached <input type="checkbox"/> not attached
Garage	Y			<input checked="" type="checkbox"/> attached <input type="checkbox"/> not attached
Garage Door Openers	Y			number of units: <u>1</u> number of remotes: <u>4</u>
Satellite Dish & Controls	Y			<input checked="" type="checkbox"/> owned <input type="checkbox"/> leased from: <u>DESM NETWORK</u>
Security System	Y			<input checked="" type="checkbox"/> owned <input type="checkbox"/> leased from: <u>AOT</u>
Solar Panels		N		owned leased from: _____
Water Heater	Y			<input checked="" type="checkbox"/> electric <input type="checkbox"/> gas other: _____ number of units: <u>1</u>
Water Softener		N		owned leased from: _____
Other Leased Items(s)	Y			if yes, describe: <u>ATT DATA CONNECTION</u>

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Concerning the Property at \_\_\_\_\_

Underground Lawn Sprinkler	<input checked="" type="checkbox"/> M	automatic	manual	areas covered:
Septic / On-Site Sewer Facility	<input checked="" type="checkbox"/> N	if yes, attach Information About On-Site Sewer Facility (TXR-1407)		

Water supply provided by:  city  well  MUD  co-op  unknown  other: \_\_\_\_\_

Was the Property built before 1978?  yes  no  unknown (PER CAD DATE)

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

Roof Type: GABLE Age: 25 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):

SEE ADDENDUM 1 ATTACHMENT

**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"/> N
Ceilings	<input checked="" type="checkbox"/> Y	
Doors	<input checked="" type="checkbox"/> Y	
Driveways	<input checked="" type="checkbox"/> Y	
Electrical Systems		<input checked="" type="checkbox"/> N
Exterior Walls	<input checked="" type="checkbox"/> Y	

Item	Y	N
Floors		<input checked="" type="checkbox"/> N
Foundation / Slab(s)		<input checked="" type="checkbox"/> N
Interior Walls	<input checked="" type="checkbox"/> Y	
Lighting Fixtures	<input checked="" type="checkbox"/> Y	
Plumbing Systems		<input checked="" type="checkbox"/> N
Roof	<input checked="" type="checkbox"/> Y	

Item	Y	N
Sidewalks		<input checked="" type="checkbox"/> N
Walls / Fences		<input checked="" type="checkbox"/> N
Windows		<input checked="" type="checkbox"/> N
Other Structural Components		<input checked="" type="checkbox"/> N

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

SEE ADDENDUM 2 ATTACHMENT

**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"/> N
Asbestos Components		<input checked="" type="checkbox"/> N
Diseased Trees: <u>oak wilt</u>		<input checked="" type="checkbox"/> N
Endangered Species/Habitat on Property		<input checked="" type="checkbox"/> N
Fault Lines		<input checked="" type="checkbox"/> N
Hazardous or Toxic Waste		<input checked="" type="checkbox"/> N
Improper Drainage		<input checked="" type="checkbox"/> N
Intermittent or Weather Springs		<input checked="" type="checkbox"/> N
Landfill		<input checked="" type="checkbox"/> N
Lead-Based Paint or Lead-Based Pt. Hazards		<input checked="" type="checkbox"/> N
Encroachments onto the Property - <u>BASEMENTS</u>	<input checked="" type="checkbox"/> Y	
Improvements encroaching on others' property		<input checked="" type="checkbox"/> N
Located in 100-year Floodplain (If yes, attach TXR-1414)		<input checked="" type="checkbox"/> N
Located in Floodway (If yes, attach TXR-1414)		<input checked="" type="checkbox"/> N
Present Flood Ins. Coverage (If yes, attach TXR-1414)		<input checked="" type="checkbox"/> N
Previous Flooding into the Structures		<input checked="" type="checkbox"/> N
Previous Flooding onto the Property		<input checked="" type="checkbox"/> N
Located in Historic District		<input checked="" type="checkbox"/> N

Condition	Y	N
Previous Foundation Repairs		<input checked="" type="checkbox"/> N
Previous Roof Repairs	<input checked="" type="checkbox"/> Y	
Previous Other Structural Repairs		<input checked="" type="checkbox"/> N
Radon Gas		<input checked="" type="checkbox"/> N
Settling		<input checked="" type="checkbox"/> N
Soil Movement		<input checked="" type="checkbox"/> N
Subsurface Structure or Pits		<input checked="" type="checkbox"/> N
Underground Storage Tanks		<input checked="" type="checkbox"/> N
Unplatted Easements		<input checked="" type="checkbox"/> N
Unrecorded Easements		<input checked="" type="checkbox"/> N
Urea-formaldehyde Insulation		<input checked="" type="checkbox"/> N
Water Penetration		<input checked="" type="checkbox"/> N
Wetlands on Property		<input checked="" type="checkbox"/> N
Wood Rot	<input checked="" type="checkbox"/> Y	
Active infestation of termites or other wood destroying insects (WDI)		<input checked="" type="checkbox"/> N
Previous treatment for termites or WDI	<input checked="" type="checkbox"/> Y	
Previous termite or WDI damage repaired		<input checked="" type="checkbox"/> N
Previous Fires		<input checked="" type="checkbox"/> N

Concerning the Property at \_\_\_\_\_

Historic Property Designation		<u>N</u>	Termite or WDI damage needing repair *		<u>N</u>
Previous Use of Premises for Manufacture of Methamphetamine		<u>N</u>	Single Blockable Main Drain in Pool/Hot Tub/Spa*		<u>N</u>

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

\* TERMITES WERE TREATED AND REPLACED BASEBOARD IN FAMILY ROOM, WEST WALL TO THE BEST OF OUR KNOWLEDGE THERE ARE NO OTHER DEFECTS FROM WDI DAMAGE SEE ADDITIONAL 3 ATTACHMENT

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

**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  
Y \_\_\_\_\_

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.

\_\_\_\_\_ N

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.

\_\_\_\_\_ N

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: \_\_\_\_\_

\_\_\_\_\_ N

Any notices of violations of deed restrictions or governmental ordinances affecting the condition or use of the Property.

\_\_\_\_\_ N

Any lawsuits or other legal proceedings directly or indirectly affecting the Property. (Includes, but is not limited to: divorce, foreclosure, heirship, bankruptcy, and taxes.)

\_\_\_\_\_ N

Any death on the Property except for those deaths caused by: natural causes, suicide, or accident unrelated to the condition of the Property.

\_\_\_\_\_ N

Any condition on the Property which materially affects the health or safety of an individual.

\_\_\_\_\_ N

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).

\_\_\_\_\_ N

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.

\_\_\_\_\_ N

The Property is located in a propane gas system service area owned by a propane distribution system retailer.

\_\_\_\_\_ N

Any portion of the Property that is located in a groundwater conservation district or a subsidence district.

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Concerning the Property at \_\_\_\_\_

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

PREVIOUS OWNER ADDED ON FAMILY ROOM, TO THE BEST OF OUR KNOWLEDGE, ALL PERMITS & INSPECTIONS WERE DONE EXCEPT THE WINDSTORM INSPECTION. THEREFORE THE WINDSTORM SURCHARGE FEE HAS TO BE PAID ABOUT \$500 PER YEAR WITH OUR CURRENT INSURANCE

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 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?  yes  no If 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?  unknown  no  yes. If no or unknown, explain. (Attach additional sheets if necessary): YES, THERE ARE SMOKE DETECTORS

\*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.

Timothy M. Foster  
Signature of Seller

Melissa K. Foster  
Signature of Seller

Printed Name: TIMOTHY M. FOSTER

Printed Name: Melissa K. Foster

(TXR-1406) 02-01-18

Initiated by: Buyer: \_\_\_\_\_

and Seller: TMF

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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](http://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* (TXR 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: <u>AMIGO ENERGY</u>	phone #: <u>(855) 448-5708</u>
Sewer: <u>CITY OF BAY CITY</u>	phone #: <u>(979) 245-2322</u>
Water: <u>CITY OF BAY CITY</u>	phone #: <u>(979) 245-2322</u>
Cable: <u>NEW WAVE</u>	phone #: <u>(877) 543-4850</u>
Trash: <u>WCA</u>	phone #: <u>(979) 245-0368</u>
Natural Gas: <u>N/A</u>	phone #: <u>N/A</u>
Phone Company: <u>AT&amp;T</u>	phone #: <u>(855) 540-1511</u>
Propane: <u>N/A</u>	phone #: <u>N/A</u>
Internet: <u>AT&amp;T OR NEW WAVE</u>	phone #: <u>(SEE ABOVE)</u>

- (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: _____	

Concerning the Property at

1309 Sailfish Dr.  
Bay City, TX 77414

**Section 1 Addendum**

- Fireplace/Chimney needs a new cap/screen. Suggest chimney sweep before use. A screen was inserted in the bottom flue
- Ceiling fan on the porch needs new blades or replacement
- Kitchen sink disposal is not working
- Master bath exhaust vent is not working
- Roof – Shingles were secured with staples instead of nails. Roof is approx. 25 years old and should be replaced soon. Soffits and fascia need to be replaced. There was a repair done on the skylight near the front door 2 or 3 years ago.
- Kitchen wall drywall was cut by an electrician to fix outlets. Only drywall needs to be fixed.

**Section 2 Addendum**

- Garage ceiling needs some repair to drywall.
- Some grout on bricks needs to be patched
- Several spots where drywall was broken needing repair in garage
- Roof (See section 1 above)
- Driveway has some cracks in it due to age
- Interior doors, small hole in master bathroom door. Misc. finish/touch up needed on other interior doors.

**Section 3 Addendum**

- Easements as shown on original survey
- Roof (See section 1 above)
- Property was treated for subterranean termites centered around family room addition. Termite warranty in effect from Bricker Pest Control. Previous treatments known to us from previous owner for ants/termites. Stickers under kitchen sink in cabinet. Replaced part of the baseboard in family room west wall from damage.
- Some trim on exterior needs to be replaced due to rot/age

TMF/mef