



APPROVED BY THE TEXAS REAL ESTATE COMMISSION (TREC)



SELLER'S DISCLOSURE NOTICE

CONCERNING THE PROPERTY AT 311 Birch Hill Dr, Sugar Land, TX 77479 (Street Address and City)

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 PURCHASER MAY WISH TO OBTAIN. IT IS NOT A WARRANTY OF ANY KIND BY SELLER OR SELLER'S AGENTS.

Seller [] is [X] is not occupying the Property. If unoccupied, how long since Seller has occupied the Property? Never Occupied

1. The Property has the items checked below [Write Yes (Y), No (N), or Unknown (U)]:

- Range, Dishwasher, Washer/Dryer Hookups, Security System, Oven, Trash Compactor, Window Screens, Fire Detection Equipment, Smoke Detector, Microwave, Disposal, Rain Gutters, Intercom System

Buyer is aware that security system does not convey with sale of home. Kwikset 914 lock will be replaced upon close.

- TV Antenna, Ceiling Fan(s), Central A/C, Plumbing System, Patio/Decking, Pool, Pool Equipment, Fireplace(s) & Chimney (Wood burning), Natural Gas Lines, Liquid Propane Gas, Garage: Attached, Garage Door Opener(s), Water Heater, Water Supply: City, Roof Type: Laminate Shingles, Cable TV Wiring, Attic Fan(s), Central Heating, Septic System, Outdoor Grill, Sauna, Pool Heater, Satellite Dish, Exhaust Fan(s), Wall/Window Air Conditioning, Public Sewer System, Fences, Spa, Hot Tub, Automatic Lawn Sprinkler System, Fireplace(s) & Chimney (Mock), Gas Fixtures, LP on Property, Carport, Control(s), Electric, Co-op

Age: 5-10 yrs (approx.)
Are you (Seller) aware of any of the above items that are not in working condition, that have known defects, or that are in need of repair? [] Yes [X] No [] Unknown. If yes, then describe. (Attach additional sheets if necessary):

Seller has never occupied this property. Seller encourages Buyer to have their own inspections performed and verify all information relating to this property.

2. Does the property have working smoke detectors installed in accordance with the smoke detector requirements of Chapter 766, Health and Safety Code?* Yes No Unknown. If the answer to this question is no or unknown, explain (Attach additional sheets if necessary): Detectors have been brought to code for age of home.

Seller has never occupied this property. Seller encourages Buyer to have their own inspections performed and verify all information relating to this property.

* 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 the installation. The parties may agree who will bear the cost of installing the smoke detectors and which brand of smoke detectors to install.

3. Are you (Seller) aware of any known defects/malfunctions in any of the following? Write Yes (Y) if you are aware, write No (N) if you are not aware.

- | | | |
|--|---------------------------------|--------------------------------|
| <u> N </u> Interior Walls | <u> N </u> Ceilings | <u> N </u> Floors |
| <u> N </u> Exterior Walls | <u> N </u> Doors | <u> N </u> Windows |
| <u> N </u> Roof | <u> N </u> Foundation/Slab(s) | <u> N </u> Sidewalks |
| <u> N </u> Walls/Fences | <u> N </u> Driveways | <u> N </u> Intercom System |
| <u> N </u> Plumbing/Sewers/Septics | <u> N </u> Electrical Systems | <u> N </u> Lighting Fixtures |
| <u> N </u> Other Structural Components (Describe): _____ | | |

If the answer to any of the above is yes, explain. (Attach additional sheets if necessary): _____

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4. Are you (Seller) aware of any of the following conditions? Write Yes (Y) if you are aware, write No (N) if you are not aware.

- | | |
|---|--|
| <u> N </u> Active Termites (includes wood destroying insects) | <u> Y </u> Previous Structural or Roof Repair |
| <u> N </u> Termite or Wood Rot Damage Needing Repair | <u> N </u> Hazardous or Toxic Waste |
| <u> N </u> Previous Termite Damage | <u> N </u> Asbestos Components |
| <u> N </u> Previous Termite Treatment | <u> N </u> Urea-formaldehyde Insulation |
| <u> N </u> Improper Drainage | <u> N </u> Radon Gas |
| <u> N </u> Water Damage Not Due to a Flood Event | <u> N </u> Lead Based Paint |
| <u> N </u> Landfill, Settling, Soil Movement, Fault Lines | <u> N </u> Aluminum Wiring |
| <u> N </u> Single Blockable Main Drain in Pool/Hot Tub/Spa* | <u> N </u> Previous Fires |
| | <u> N </u> Unplatted Easements |
| | <u> N </u> Subsurface Structure or Pits |
| | <u> N </u> Previous Use of Premises for Manufacture of Methamphetamine |

If the answer to any of the above is yes, explain. (Attach additional sheets if necessary): _____

Replaced gas vent and pipe jacks at the chimney

Age of roof indicates previous seller replaced it in prior years. - Details unknown

Seller has never occupied this property. Seller encourages Buyer to have their own inspections performed and verify all information relating to this property.

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

5. Are you (Seller) aware of any item, equipment, or system in or on the Property that is in need of repair? Yes (if you are aware) No (if you are not aware). If yes, explain (attach additional sheets if necessary). _____

Seller has never occupied this property. Seller encourages Buyer to have their own inspections performed and verify all information relating to this property.

6. Are you (Seller) aware of any of the following conditions?* Write Yes (Y) if you are aware, write No (N) if you are not aware.
 N Present flood insurance coverage
 N Previous flooding due to a failure or breach of a reservoir or a controlled or emergency release of water from a reservoir
 N Previous water penetration into a structure on the property due to a natural flood event

Write Yes (Y) if you are aware, and check wholly or partly as applicable, write No (N) if you are not aware.

- N Located wholly partly in a 100-year floodplain (Special Flood Hazard Area-Zone A, V, A99, AE, AO, AH, VE, or AR)
- N Located wholly partly in a 500-year floodplain (Moderate Flood Hazard Area-Zone X (shaded))
- N Located wholly partly in a floodway
- N Located wholly partly in a flood pool
- N Located wholly partly in a reservoir

If the answer to any of the above is yes, explain (attach additional sheets if necessary): _____

Seller has never occupied this property. Seller encourages Buyer to have their own inspections performed and verify all information relating to this property.

*For purposes of this notice:

"100-year floodplain" means any area of land that:

- (A) is identified on the flood insurance rate map as a special flood hazard area, which is designated as Zone A, V, A99, AE, AO, AH, VE, or AR on the map;
- (B) has a one percent annual chance of flooding, which is considered to be a high risk of flooding; and
- (C) may include a regulatory floodway, flood pool, or reservoir.

"500-year floodplain" means any area of land that:

- (A) is identified on the flood insurance rate map as a moderate flood hazard area, which is designated on the map as Zone X (shaded); and
- (B) has a two-tenths of one percent annual chance of flooding, which is considered to be a moderate risk of flooding.

"Flood pool" means the area adjacent to a reservoir that lies above the normal maximum operating level of the reservoir and that is subject to controlled inundation under the management of the United States Army Corps of Engineers.

"Flood insurance rate map" means the most recent flood hazard map published by the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 et seq.).

"Floodway" means an area that is identified on the flood insurance rate map as a regulatory floodway, which includes the channel of a river or other watercourse and the adjacent land areas that must be reserved for the discharge of a base flood, also referred to as a 100-year flood, without cumulatively increasing the water surface elevation of more than a designated height.

"Reservoir" means a water impoundment project operated by the United States Army Corps of Engineers that is intended to retain water or delay the runoff of water in a designated surface area of land.

7. Have you (Seller) ever filed a claim for flood damage to the property with any insurance provider, including the National Flood Insurance Program (NFIP)?* Yes No. If yes, explain (attach additional sheets as necessary): _____

Seller has never occupied this property. Seller encourages Buyer to have their own inspections performed and verify all information relating to this property.

*Homes in high risk flood zones with mortgages from federally regulated or insured lenders are required to have flood insurance. Even when not required, the Federal Emergency Management Agency (FEMA) encourages homeowners in high risk, moderate risk, and low risk flood zones to purchase flood insurance that covers the structure(s) and the personal property within the structure(s).

8. Have you (Seller) ever received assistance from FEMA or the U.S. Small Business Administration (SBA) for flood damage to the property? Yes No. If yes, explain (attach additional sheets as necessary): _____

Seller has never occupied this property. Seller encourages Buyer to have their own inspections performed and verify all information relating to this property.

9. Are you (Seller) aware of any of the following? Write Yes (Y) if you are aware, write No (N) if you are not aware.
- N Room additions, structural modifications, or other alterations or repairs made without necessary permits or not in compliance with building codes in effect at that time.
 - Y Homeowners' Association or maintenance fees or assessments.
 - N Any "common area" (facilities such as pools, tennis courts, walkways, or other areas) co-owned in undivided interest with others.
 - N Any notices of violations of deed restrictions or governmental ordinances affecting the condition or use of the Property.
 - N Any lawsuits directly or indirectly affecting the Property.
 - N Any condition on the Property which materially affects the physical health or safety of an individual.
 - 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.
 - Y Any portion of the property that is located in a groundwater conservation district or a subsidence district.

If the answer to any of the above is yes, explain. (Attach additional sheets if necessary): New Territory HOA (281) 565-0188
Main fee Annually \$1,060.00 Please see attached for HOA-related expenses provided to Seller at the time Seller purchased this property. Buyer is encouraged to contact HOA for current information. Property Located in Fort Bend Subsidence District
Seller has never occupied this property. Seller encourages Buyer to have their own inspections performed and verify all information relating to this property.

10. 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 maybe required for repairs or improvements. Contact the local government with ordinance authority over construction adjacent to public beaches for more information.
11. 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.

Authorized signer on behalf of Opendoor Property J LLC

Jason Cline
Signature of Seller

09/22/2019
Date

Signature of Seller

Date

The undersigned purchaser hereby acknowledges receipt of the foregoing notice.

Signature of Purchaser

Date

Signature of Purchaser

Date



This form was prepared by the Texas Real Estate Commission in accordance with Texas Property Code § 5.008(b) and is to be used in conjunction with a contract for the sale of real property entered into on or after September 1, 2019. Texas Real Estate Commission, P.O. Box 12188, Austin, TX 78711-2188, 512-936-3000 (<http://www.trec.texas.gov>) TREC NO. OP-H

**SUBDIVISION INFORMATION, INCLUDING RESALE CERTIFICATE FOR
PROPERTY SUBJECT TO MANDATORY MEMBERSHIP IN AN OWNERS'
ASSOCIATION**

THE INFORMATION PROVIDED HEREIN IS PURSUANT TO SECTION 207.003(b) OF THE TEXAS PROPERTY CODE AND IS CURRENT AS OF THE DATE SIGNED BY THE REPRESENTATIVE OF THE OWNERS' ASSOCIATION. AS CONDITIONS OF THE PROPERTY AND THE OWNERS' ASSOCIATION CAN CHANGE FREQUENTLY, OWNERS ARE ADVISED TO HAVE THIS RESALE CERTIFICATE UPDATED PRIOR TO CLOSING.

RESALE CERTIFICATE

RESALE CERTIFICATE concerning the Property (including any common areas assigned to the Property located at 311 Birch Hill Drive, Sugar Land, Fort Bend County, Texas, (the "Property") on behalf of the New Territory Residential Community Association, Inc. (the Owners' Association) by the Owners' Association's governing body (the Board) as requested by the Owner(s) whose name(s) appear below.

- A. The Property is is not subject to a right of first refusal or other restraint contained in the restrictions or restrictive covenants that restricts the Owner's right to transfer the Owner's property. If a right of first refusal or other restraint exists, see Section _____ of the Declaration.
- B. The current regular expense assessment for the Property is \$ 1060.00 for the year 2019 plus an additional \$ 0 gated association dues.
- C. A special assessment for the Property due after the date the resale certificate was prepared is \$ 0 payable as follows: N/A. There is is not a special assessment due and unpaid by the Seller to the Owners' Association. The total unpaid amount is \$ 0 and is for N/A
- D. Other amounts are are not payable by Seller to the Owner's Association. The other amounts unpaid are \$ 0 and are for N/A.
- E. The total of all amounts due and unpaid to the Owners' Association that are attributed to the Property is N/A.
- F. The capital expenditures approved by the Owners' Association for the current fiscal year are \$ 1,763,025.00.
- G. The amount of reserves for expenditures is \$ 5,156,921.91.
- H. Unsatisfied judgments against the Owners' Association total \$ 0.
- I. There are are not suits pending against the Owners' Association. The style and case numbers of each pending lawsuit against Owners' Association is/are as follows:
Please see the attached list

- J. The Owners' Association board has has no actual knowledge of the condition of the Property in violation of the restrictions applying to the subdivision or the By-Laws or rules of the Owners' Association. Please see attached certificate of compliance inspection report.
- K. The Owners' Association has has not received notice from any governmental authority regarding health or building code violations with respect to the Property or any common areas or common facilities owned or leased by the Owner's Association. A summary or copy of each notice is attached.
- L. The Owners' Association administrative transfer fee is \$175.00 payable to New Territory Residential Community Association.
- M. The Owners' Association managing agent is Michael Walker, Executive Director with the following mailing address, phone and fax number:

6101 Homeward Way, Sugar Land, Texas 77479, telephone number 281-565-0616, fax number 281-565-0188 and e-mail address is executivedirector@newterritory.org.
- N. The restrictions do do not allow foreclosure of the Owners' Association's lien on the Property for failure to pay assessments.
- O. The Owners' Association has charged a fee of \$175.00 to assemble, copy, and deliver the information required by Section 207.003 of the Texas Property Code and charges a fee of \$175.00 to prepare and deliver an update of the Resale Certificate, if one is requested.
- P. The Owners' Association is not a party to the above-referenced transaction and is providing the information contained in the Resale Certificate at the specific request of the Owner(s). The Owners' Association believes the information contained on the Resale Certificate is accurate. An on-site inspection has been conducted. Information regarding deed restriction compliance may vary from day-to-day and is based on a cursory visual observation from a distance at regularly scheduled intervals, which may be as much as 30 days apart. Accordingly, a violation may exist at the premises in question of which, the Owners' Association is not aware. The Owners' Association's dedicatory instruments which may include Declaration of Covenants, Conditions, and Restrictions (Deed Restrictions), Articles of Incorporation, By-Laws, Architectural Control Guidelines and Rules and Regulations, which are the Owners' Association's operative documents, are attached. The Resale Certificate should not be construed, under any circumstances, to affect these documents in any respect.
- Q. THE OWNERS' ASSOCIATION IS NOT AND SHALL NOT IN ANY WAY BE CONSIDERED AN INSURER OR GUARANTOR OF SECURITY WITHIN THE SUBDIVISION OR THE PROPERTY OF OWNER.

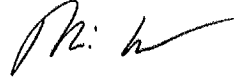
RESALE CERTIFICATE ISSUED: the 13th day of August 2019.

NAME OF OWNER REQUESTING
RESALE CERTIFICATE

NEW TERRITORY RESIDENTIAL
COMMUNITY ASSOCIATION, INC.

WHITE VISOR INVESTMENTS LLC
Owner

Owner



By: Michael Walker

Executive Director

REQUIRED ATTACHMENTS:

1. Restrictions
2. Bylaws
3. Current Balance Sheet
4. Current Operating Budget
5. Certificate of Insurance concerning Property and Liability Insurance for Common Areas and Facilities
6. Any Governmental Notices of Health or Housing Code Violations
7. Design Guidelines
8. Articles of Incorporation.
9. Certificate of Compliance
10. Pending Litigation

NOTICE: THIS SUBDIVISION INFORMATION MAY CHANGE AT ANY TIME