



APPROVED BY THE TEXAS REAL ESTATE COMMISSION (TREC)



SELLER'S DISCLOSURE NOTICE

CONCERNING THE PROPERTY AT 4403 Kirk Manor Ct, Fresno, TX 77545 (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)]:

- Y Range, N Oven, Y Microwave, Y Dishwasher, U Trash Compactor, Y Disposal, Washer/Dryer Hookups, U Window Screens, Y Rain Gutters, Y Security System, U Fire Detection Equipment, U Intercom System, Y Smoke Detector, U Smoke Detector-Hearing Impaired, U Carbon Monoxide Alarm, N Emergency Escape Ladder(s), U TV Antenna, U Cable TV Wiring, U Satellite Dish, Y Ceiling Fan(s), N Attic Fan(s), U Exhaust Fan(s), Y Central A/C, Y Central Heating, N Wall/Window Air Conditioning, Y Plumbing System, N Septic System, Y Public Sewer System, Y Patio/Decking, N Outdoor Grill, Y Fences, N Pool, N Sauna, N Spa, N Hot Tub, N Pool Equipment, N Pool Heater, U Automatic Lawn Sprinkler System, N Fireplace(s) & Chimney (Wood burning), M Fireplace(s) & Chimney (Mock), Y Natural Gas Lines, N Gas Fixtures, N Liquid Propane Gas, N LP Community (Captive), N LP on Property, Garage: Y Attached, N Not Attached, N Carport, Garage Door Opener(s): Y Electronic, U Control(s), Water Heater: Y Gas, N Electric, Water Supply: Y City, N Well, N MUD, N Co-op, Roof Type: Shingle Roof, Age: 12 Years (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): _____

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

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>N</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): _____

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): _____

HOA: Creekmont Community Association C/O First Service Residential, Main fee \$650.00 annually. 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. This property is part of 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

Jason Cline
Signature of Seller

Opendoor Property Trust | 09-15-2019

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



FirstService Residential Houston
1330 Enclave Parkway, Suite 425
Houston, TX 77077-2577
(713) 932-1122 • Fax: (888) 569-1155



Memorandum

July 10, 2019

cc:file 184423

TO: souprocessing@osnational.com
FR: Resale Documentation Department
RE: Important Information Regarding Transfer of Title to New Owners

Attached is the completed Certificate you recently requested from FirstService Residential. Please review it carefully.

We recommend that an update be obtained prior to closing. Unlimited updated certificates may be obtained within 60 days from the date of the original letter for a \$50.00 charge each. Please log on to <https://secure.welcomelink.com/resale/mg/AMI> and access "My Orders" to request an update. If you request an update after 60 days, the entire processing fee will apply.

PLEASE NOTE: Verbal updates will not be provided; please do not request them.

IMPORTANT: Our goal is to process closing paperwork as quickly and efficiently as possible. Following these instructions will allow this transfer to be a smooth process for both buyer and seller. Immediately upon settlement, the following items must be returned to the address noted below:

- 1. Warranty Deed or Settlement Statement**
- 2. All Amounts Due to the Association and its Managing Agent**
- 3. Copy of the Certificate**
- 4. Owner Information Form**

FirstService Residential
Attn: Resale Documentation Department
1330 Enclave Parkway
Suite 425
Houston, TX 77077-2577
(713) 932-1122 Fax (888) 569-1155

Please ensure that all parties attending settlement understand the importance of promptly completing and forwarding to us the items requested above. Timely completion of this process is necessary for: 1) accurate billing to the new owner; 2) accurate and timely mailing of important communications from the Association's Board of Directors to the new owners; and 3) establishment of the new owner's access to Association Facilities.

In addition, please note that issuance of this is contingent upon full payment of all processing fees associated with this transfer. If any payment submitted is not honored, the Certificate will be invalid.

As always, we appreciate the opportunity to serve you. If you have questions regarding your Resale Documents, please contact our Resource Center at (713) 932-1122 and ask to speak with the Resale Documentation Department.

Thank you in advance for your cooperation!

FirstService Residential



FirstService Residential Houston
 1330 Enclave Parkway, Suite 425
 Houston, TX 77077-2577
 (713) 932-1122 • Fax: (888) 569-1155



Resale Certificate Disclosure

AMI-A82659

Association: **Creekmont Community Association, Inc.**
 Property Address: **4403 Kirk Manor Ct
 Fresno, TX 77545**
 Current Owners(s): **Frankie Davis and Rena Davis**
 Borrower(s): **Opendoor Property D Llc**
 Certificate Preparation Date: **07/10/19**

Certificate Preparation Information

The following is a statement including the disclosure fee charged for the preparation of this certificate and any subsequent documentation.

Service Requested: **Standard (6-10 days) Resale Processing**
 Requested By: **Special Ops Unit**
 Company: **Os National**
 Amount Paid: **\$295.00**
 Payment Method: **Credit or Debit Card**
 Settlement Date: **07/31/19**

Account Information

SECTION 207.003 B.3 & B.4 of the Texas Property Code requires a statement regarding the amount of any special assessment that is due after the date the resale certificate is prepared and the total of all amounts due and payable to Creekmont Community Association, Inc. for account number CI572-CI572-0190-01.

TOTAL DUE TO CREEKMONT COMMUNITY ASSOCIATION, INC. (Payable At Closing):		
Seller Account Balance	\$0.00	
Capitali ation Fee	\$162.50	Capitali ation Fee (Paid by Buyer)
Total Due on Account	\$162.50	

TOTAL DUE TO FIRSTSERVICE (Payable At Closing):		
Transfer Fee	\$200.00	
Welcome Disclosure Fee*	\$26.50	
Total Due on Account	\$226.50	

Please note: Late fees, additional assessments and other charges will be added as they occur. The requester is responsible for obtaining an update for the account after the date above.



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Resale Certificate Disclosure (continued)

AMI-A82659

Assessment Information

SECTION 207.003 B.2 of the Texas Property Code requires the disclosure of the frequency and amount of any regular assessments.

Annual Assessment: **\$650.00 due annually**
1.50% per month will be attached to any assessment received 31 day(s) after due date.
Fiscal Year: **January to December**

Make checks payable to: Creekmont Community Association, Inc.

Violation Information

SECTION 207.003 B.11 of the Texas Property Code requires the disclosure of any conditions on the owner's property that the property owner's association board has actual knowledge are in violation of the restrictions applying to the subdivision or the bylaws or rules of the property owners' association.

No known violations as of Wednesday, July 10, 2019.

Additional Information

*Welcome Disclosure Fee does not apply to Refinances.



Resale Certificate Disclosure (continued)

AMI-A82659

Other Disclosures

SECTION 207.003 A of the Texas Property Code requires that the property owners' association deliver to the owner, owner's agent or title insurance company or its agent: (1) a current copy of the restrictions applying to the subdivision; (2) a current copy of the bylaws and rules of the property owners' association; and (3) a resale certificate that complies with SECTION 207.003 B.

See attached restrictions, bylaws and rules, and resale certificate

SECTION 207.003 B.1 of the Texas Property Code requires a statement of any 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.

There is no right of first refusal or other restrictions limiting the owner's right to transfer.

SECTION 207.003 B.5 of the Texas Property Code requires a statement of capital expenditures, if any, approved by the property owners' association for the current fiscal year.

At this time, there are no approved capital expenditures.

SECTION 207.003 B.6 of the Texas Property Code requires a statement of the amount of reserves, if any, for capital expenditures.

\$601,271.07

SECTION 207.003 B.7 of the Texas Property Code requires a copy of the property owners' association's current budget and balance sheet.

See attached budget and financial statements.

SECTION 207.003 B.8 of the Texas Property Code requires the disclosure of the total of unsatisfied judgments against the property owners' association.

There are no unsatisfied judgments owed.

SECTION 207.003 B.9 of the Texas Property Code requires a statement of the style and case number of any pending lawsuit in which the property owners' association is a defendant.

Cause No. 2017-05988

SECTION 207.003 B.10 of the Texas Property Code requires a copy of a certificate of insurance showing the property owners' association's property and liability insurance relating to the common areas and common facilities.

See attached insurance certificate.

SECTION 207.003 B.12 of the Texas Property Code requires a summary or copy of notices received by the property owners' association from any governmental authority regarding health or housing code violations existing on the preparation date of the certificate relating to the owner's property or any common areas or common facilities owned or leased by the property owners' association.

Creekmont Community Association, Inc. has not received any notices from any governmental authority regarding health or housing code violations.



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Resale Certificate Disclosure (continued)

AMI-A82659

SECTION 207.003 B.14 of the Texas Property Code requires the disclosure of the name, mailing address, and telephone number of the property owners' association's managing agent.

The following is the principal contact for the Association:

Managing Agent: **FirstService**
Association: **Creekmont Community**
Address: **1330 Enclave Parkway, Suite 425**
Houston, TX 77077-2577

Telephone:

SECTION 207.003 B.15 of the Texas Property Code requires a statement indicating whether the restrictions allow foreclosure of a property owners' association's lien on the owner's property for failure to pay assessments.

Creekmont Community Association, Inc. reserves the right to foreclose on the property upon failure to pay assessments.

Certification

This resale certificate disclosure is prepared as true and correct to the best ability of FirstService Residential. An update of this document is available within 60 days of the original request for a fee of \$50.00.

*This certificate is valid for 60 days. If the closing does not occur by the last business day of the current month a new certificate must be obtained from FirstService Residential.

Resale Documentation Department

FirstService Residential
Resale Documentation Department

Transfer of ownership will not take place until all requested items are received.

***Please remember to include the top portion of your HUD Statement AND the Owner Information Form when sending FirstService Residential any closing documents.**

***FirstService Residential does not track the number of second homes, or offsite addresses for this property. If you require additional information, please obtain the tax rolls for this property.**

***The Association is not a party to the above-referenced transaction and is providing the information contained in the certificate at the specific request of the owner(s). The Association believes the information contained on the certificate is accurate. However, in the event of an inadvertent error, no such information shall ever be used to the detriment of the Association or be construed as an admission or waiver on the part of the Association.**

***The Association is not and shall not in any way be considered an insurer or guarantor of security within the subdivision of the property of owner.**