



APPROVED BY THE TEXAS REAL ESTATE COMMISSION (TREC)



SELLER'S DISCLOSURE NOTICE

CONCERNING THE PROPERTY AT 22931 Garden Canyon Dr, Katy, TX 77450
(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 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)]:

<u>Y</u> Range	<u>N</u> Oven	<u>Y</u> Microwave
<u>Y</u> Dishwasher	<u>U</u> Trash Compactor	<u>U</u> Disposal
<u>Y</u> Washer/Dryer Hookups	<u>U</u> Window Screens	<u>U</u> Rain Gutters
<u>Y</u> Security System	<u>U</u> Fire Detection Equipment	<u>U</u> Intercom System
	<u>Y</u> Smoke Detector	
	<u>U</u> Smoke Detector-Hearing Impaired	
	<u>U</u> Carbon Monoxide Alarm	
	<u>N</u> Emergency Escape Ladder(s)	
<u>U</u> TV Antenna	<u>U</u> Cable TV Wiring	<u>U</u> Satellite Dish
<u>Y</u> Ceiling Fan(s)	<u>U</u> Attic Fan(s)	<u>U</u> Exhaust Fan(s)
<u>Y</u> Central A/C	<u>Y</u> Central Heating	<u>N</u> Wall/Window Air Conditioning
<u>Y</u> Plumbing System	<u>N</u> Septic System	<u>Y</u> Public Sewer System
<u>Y</u> Patio/Decking	<u>N</u> Outdoor Grill	<u>Y</u> Fences
<u>N</u> Pool	<u>N</u> Sauna	<u>N</u> Spa <u>N</u> Hot Tub
<u>N</u> Pool Equipment	<u>N</u> Pool Heater	<u>U</u> Automatic Lawn Sprinkler System
<u>N</u> Fireplace(s) & Chimney (Wood burning)		<u>Y</u> Fireplace(s) & Chimney (Mock)
<u>Y</u> Natural Gas Lines		<u>U</u> Gas Fixtures
<u>U</u> Liquid Propane Gas	<u>U</u> LP Community (Captive)	<u>U</u> LP on Property
Garage: <u>Y</u> Attached	<u>N</u> Not Attached	<u>N</u> Carport
Garage Door Opener(s):	<u>Y</u> Electronic	<u>U</u> Control(s)
Water Heater:	<u>Y</u> Gas	<u>N</u> Electric
Water Supply: <u>Y</u> City	<u>N</u> Well <u>N</u> MUD	<u>N</u> Co-op
Roof Type: <u>Composite Shingle Roof</u>	Age: <u>10 years</u>	(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 No Unknown. If yes, then describe. (Attach additional sheets if necessary):

Damaged garage door panel.

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>Y</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): _____

Doors - See bottom of page 1

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>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): _____

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.
 - Y 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): Cimmaron Community Improvement

Association, Inc, (713) 776-1771 - Main Fee: \$440.00 paid 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. Litigation against HOA, not property, see HOA addendum for details. This property is part of Harris-Galveston 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

09/18/2019
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

RESALE CERTIFICATE

This is a Resale Certificate concerning 22931 Garden Canyon Drive of Cimarron Community Improvement Association, Inc., located in Katy (city), Harris County, Texas, 77450. This certificate has been issued on behalf of the owners association (the Association) by its governing body (the Board). The certificate contains the most current information and attachments available as of the preparation date of the certificate.

1. The Property ___ is X is not subject to a right of first refusal or other restraint that restricts the right to transfer the property.
2. The regular common expense assessment for the Property is \$ 440.00 which is due ___ monthly, quarterly, ___ semi-annually, or X annually.
3. Regular common expense assessment(s) payable to the Association for the Property ___ are X are not due and unpaid. The total amount of any due and unpaid regular assessments is \$0.00.
The 2019 annual assessment is \$440.00 and was due on January 1, 2019. The Board of Directors offered a discounted amount of \$380.00 if paid by January 31, 2019. The homeowner has paid the discounted rate of \$380.00.
4. Special assessment(s) payable to the Association for the Property ___ are X are not due and unpaid. The total amount of any due and unpaid special assessments is \$ 0.00.
5. Other amounts payable to the Association for the Property ___ are X are not due and unpaid. The total amount of such other monies that are due and unpaid is \$ 0.00.
6. The total of all sums currently due and unpaid to the Association (i.e., all due and unpaid amounts in paragraphs 3, 4, and 5) is \$ 0.00.
7. The Association X does or ___ does not have reserves for capital expenditures. The total amount is \$ 113,407.54
8. The Association has approved \$ 43,338.20 for capital expenditures for the current fiscal year. The projects for which the capital expenditures have been approved as described are follows: Clubhouse renovation and landscaping improvements.
9. The Association has approved special assessment(s) which will become due after the preparation date of this certificate, in the total amount of \$ 0.00.
10. The current operating budget and balance sheet for the Association is attached.
11. There ___ are X are not unsatisfied judgments against the Association. If there are, the total amount is \$ 0.00.
12. There X are ___ are not any suits in which the Association is a party. If applicable, the cause number, style, and court of each pending suit are attached. The nature of the suit(s) is: (describe) see attached litigation report.
13. A copy of a certificate of insurance showing the Association's property and liability insurance coverage relating to the common areas and common elements as defined in the Declaration is attached.
14. The Board ___ does X does not have actual knowledge of any conditions on the Property that are in violation of the restrictions applying to the subdivision or the bylaws or rules of the Association. Known violations are (describe) none.
15. The Association ___ has X has not received notice from a governmental authority concerning health or housing code violations existing on the preparation date of this certificate and relating to the Property or any common areas or facilities owned or leased by the Association. A summary or copy of each notice is attached.

16. The Association's administrative transfer fee when ownership of the Property changes is \$200.00. The transfer fee is payable to MASC Austin Properties, Inc. ****Please provide a copy of the warranty deed to update our records****.
17. The declaration or restrictions X do ___ do not allow the Association to foreclose a property owners' association lien against the property for failure to pay monies (including assessments) due by the Property owner to the Association under those documents.
18. There ___ are X are not leasehold estates affecting the Property. If there are, the expiration date(s), the provisions governing an extension or renewal of the lease, and the purpose of the lease are explained in an attachment to this certificate.
19. COPIES OF DECLARATION AND DOCUMENTS. The Association is required by law to provide a copy of the declaration, restrictions, bylaws, and rules to the selling owner or the owner's agent, or title insurance company or its agent within 10 days after written request. A reasonable fee may be charged for such documents.
20. NOTICE TO BUYER. Before acquiring title, the buyer should read the information in this certificate and all attachments, as well as the Association's declaration, rules, bylaws, and all restrictions.
21. BUYER'S ADDRESS. After closing, the buyer should notify the Association of the buyer's name(s) and mailing address.
22. OBTAIN UPDATE OR RESALE CERTIFICATE. Information in a Resale Certificate and its attachments can change daily. Shortly before closing, the buyer should obtain a written Update of Resale Certificate to learn of any changes in the certificate or any of its attachments. A reasonable fee may be charged for the Resale Certificate and the Update(s).

REQUIRED ATTACHMENTS:

1. Association operating budget (paragraph 10)
2. Association balance sheet (paragraph 10)
3. Litigation Report (paragraph 12)
4. Copy of Certificate of insurance (paragraph 13)
5. Association governing documents (paragraph 19)
6. HOA Questionnaire

ADDITIONAL ATTACHMENTS: (check if applicable)

___ Summary or copy of notice(s) from governmental authorities concerning existing health or housing code violations of the Property or the Association common areas or facilities (paragraph 15)

PRINTED NAME OF ASSOCIATION Cimarron Community Improvement Association, Inc.

Printed name of Association's managing agent if any MASC Austin Properties, Inc. www.mascape.com

Printed name and title of person signing for the Association Angela Connell, property manager

Association's mailing address 945 Eldridge Road Sugar Land, TX 77478

Association phone number 713-776-1771

Date certificate was prepared May 21, 2019

Signature of person signing for the Association _____

DELIVERY INFORMATION: (fill in as applicable)

On the 22 day of May 2019, the Association's representative Veronica Navarrete contacted the ___ current owner, ___ owners agent or ___ title company and left word the Resale Certificate was ready to be picked up. Name of individual contacted: _____ Their phone or fax _____.

On the 10 day of June the:

___ Resale Certificate was picked up at the Association office by (persons name) _____

___ Resale Certificate was hand delivered to: (persons name) _____

Resale Certificate was mailed to (persons name and address) FedEx: OS National LLC

___ Resale Certificate was faxed to (persons name and fax number) 3097 Satellite Boulevard #400

Signature of Association representative attesting to above Veronica Navarrete



9821 KATY FREEWAY, SUITE 350
HOUSTON, TEXAS 77024
OFFICE: (713)510-1000
FAX: (713)510-1001

**LITIGATION REPORT
FOR
CIMARRON COMMUNITY IMPROVEMENT ASSOCIATION, INC.
(5/10/2019)**

Disclaimer

Our records indicate that the lawsuit(s) identified on this Report are pending and involve Cimarron Community Improvement Association, Inc. This Report only considers active accounts being handled by Holt & Young, P.C. It does not include “insurance defense matters” or lawsuits for which Holt & Young, P.C. is not the attorney of record. Additionally, litigation matters are subject to change at any time; therefore, the litigation status of one or more accounts on this Report may not be current. If information is required regarding a particular account or property, it is advisable to contact our office.

- 1) Cause No. 2018-15031; Cimarron Community Improvement Assoc., Inc. vs. Theresa L. Brooks;
In the 165th Judicial District Court, Harris County, Texas

- 2) Cause No. 2018-54192; Cimarron Community Improvement Assoc., Inc. vs. Pedro Rios;
In the 215th Civil District Court, Harris County, Texas

- 3) Cause No. 2018-65502; Cimarron Community Improvement Assoc., Inc. vs. Troy Browning;
In the 61st Civil District Court, Harris County, Texas



National Office: 2170 Satellite Boulevard Suite 200 Duluth, Georgia 30097
Tel: 770.497.9100

DATE: 5/13/2019
TO: VNAVARRETE@MASCAP.COM
VIA FAX: 678-281-8876

OSN File #: 177226

RE: HOMEOWNERS ASSOCIATION CLOSING LETTER
PLEASE PROVIDE AN ACCOUNT CLOSING LETTER FOR THE FOLLOWING:

PROPERTY ADDRESS: 22931 Garden Canyon Drive, Katy, TX 77450

SELLER: Nathan C Guillory and Heather Guillory

BUYER: Opendoor Property J LLC, a Delaware Limited Liability Company

SUBDIVISION: Cimarron Community Improvement Association, Inc.

CLOSING DATE: July 11, 2019

DATE NEEDED: 07-08-2019

ANNUAL DUES AMOUNT: \$ 440.00 BILLED (CIRCLE ONE): MONTHLY, QUARTERLY, ANNUALLY

DUE DATE: January 1st

FOR WHAT TIME PERIOD? (JAN-DEC.?): January- December

DATE PAYMENT BECOMES DELINQUENT IF UNPAID (GRACE PERIOD) February 1st

LATE FEE IF DELINQUENT \$ 70.00 late fee with 10% per annum in interest

AMOUNT PAST DUE (IF ANY): None

ANY INITIATION OR TRANSFER FEE: \$200.00

PHYSICAL ADDRESS FOR THE HOA CORRESPONDENCE:

945 Eldridge Road Sugar Land, TX 77478

TELEPHONE NUMBER TO REACH HOA: 713-776-1771

(CONTINUED)

Property Addendum

1. Please advise of any additional information you feel the new owner may need:
For more community information & updates- www.mascapi.com under My Neighborhood-
Cimarron CIA
2. Does the Association have any lease restrictions? Y/N (if yes, please provide details below)
None
3. Is the Association party to any current/pending litigation? Y / N (if yes, please provide details below)
Yes, please see litigation report attached to resale certificate
4. Does the property have any open violations? Y / N (if yes, please provide details below)
None
5. Are there any fees due related to the violation? Y / N (if yes, please provide details below)
N/A
6. Time allowed to cure violation if the buyer assumes it? Y / N (if yes, please provide details below)
N/A
7. Is buyer approval required? Y / N (if yes, please provide details below)
No
8. Is there a second association? Y / N (if yes, please provide details below)
No

Completed by:

Angela Connell, property manager

Homeowner's Association Name: Cimarron Community Improvement Association, Inc.

Date: _____

IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME AT .
THANK YOU.

SINCERELY,

Darren Cohen

FAX:

EMAIL: dcohen@osnational.com