



APPROVED BY THE TEXAS REAL ESTATE COMMISSION (TREC)



SELLER'S DISCLOSURE NOTICE

CONCERNING THE PROPERTY AT 5007 Westfield Village Dr, Katy, TX 77449 (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, N Microwave, Y Dishwasher, U Trash Compactor, U Disposal, Y 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, U Emergency Escape Ladder(s), U TV Antenna, U Cable TV Wiring, U Satellite Dish, Y Ceiling Fan(s), Y Attic Fan(s), Y 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), N (Mock), Y Natural Gas Lines, U Gas Fixtures, U Liquid Propane Gas, U LP Community (Captive), U LP on Property, Garage: Y Attached, N Not Attached, N Carport, Garage Door Opener(s): N Electronic, N Control(s), Water Heater: Y Gas, N Electric, Water Supply: N City, N Well, Y MUD, N Co-op, Roof Type: Shingle roof, Age: Less than 10 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 [] No [x] 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.

* 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>Y</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): _____

Interior walls: Damaged drywall in Master bathroom and laundry room. Door: 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.

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 |
| | Previous Use of Premises for Manufacture of |
| | <u>N</u> 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): _____

Please refer to previous sections for any repairs needed.

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.

(Street Address and City)

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: Westfield Village CIA, Phone number:

(281)463-7548: Main fee:\$375.00 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. Property is located in 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 Homes Phoenix 2 LLC

Jason Cline

10/23/2019

Signature of Seller

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

Westfield Village CIA
5425 N. Fry Rd. #2
Katy, TX 77449
Westfieldvillagecia.com
(Office) 281-463-7548
(Fax) 281-463-4375

fax

TO: Kyler Johnson FROM: Gaylene Wier
FAX: 678-281-8826 PAGES: 5 (including Cover)
PHONE: 678-282-5789 ext 1259 DATE: Date 8/9/19
RE: 5007 Westfield Village CC:

Urgent For Review Please Comment Please Reply Please Recycle

Comments:



**SUBDIVISION INFORMATION, INCLUDING
RESALE CERTIFICATE FOR PROPERTY SUBJECT TO
MANDATORY MEMBERSHIP IN A PROPERTY OWNERS' ASSOCIATION**
(Chapter 207, Texas Property Code)

Resale Certificate concerning the Property (including any common areas assigned to the Property) located at 5007 Westfield Village Dr. (Street Address), City of Katy, County of Harris, Texas, prepared by the property owners' association (Association).

A. The Property is is not subject to a right of first refusal (other than a right of first refusal prohibited by statute) or other restraint contained in the restrictions or restrictive covenants that restricts the owner's right to transfer the owner's property.

B. The current regular assessment for the Property is \$ 375.00 per Year.

C. A special assessment for the Property due after this resale certificate is delivered is \$ 0 payable as follows _____ for the following purpose: _____

D. The total of all amounts due and unpaid to the Association that are attributable to the Property is \$ 2232.49.

E. The capital expenditures approved by the Association for its current fiscal year are \$ 25,000.

F. The amount of reserves for capital expenditures is \$ 33,994.64.

G. Unsatisfied judgments against the Association total \$ 0.

H. Other than lawsuits relating to unpaid ad valorem taxes of an individual member of the association, there are are not any suits pending in which the Association is a party. The style and cause number of each pending suit is: _____

I. The Association's board has actual knowledge has no actual knowledge of conditions on the Property in violation of the restrictions applying to the subdivision or the bylaws or rules of the Association. Known violations are: Trash Can, mold.

J. The 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 Association. A summary or copy of each notice is attached.

K. The amount of any administrative transfer fee charged by the Association for a change of ownership of property in the subdivision is \$ 175.00. Describe all fees associated with the transfer of ownership (include a description of each fee, to whom each fee is payable and the amount of each fee). _____

\$100.00 Transfer fee, \$75.00 Resale Certificate
Payable to Westfield Village CIA 5425 N. Fry rd #2
Katy Texas 77449. Please make separate check for \$175.00 fees.

L. The Association's managing agent is Self, Westfield Village CIA
(Name of Agent)
5425 N. Fry rd Katy Tx 77449
(Mailing/Address)
281-463-7548 (Telephone Number) 281-463-4375 (Fax Number)
VP-Operations@WestfieldVillageCIA.com
(E-mail Address)

M. The restrictions do do not allow foreclosure of the Association's lien on the Property for failure to pay assessments.

REQUIRED ATTACHMENTS: Online at WestfieldVillageCIA.com

- | | |
|--------------------------|---|
| 1. Restrictions | 5. Current Operating Budget |
| 2. Rules | 6. Certificate of Insurance concerning Property and Liability Insurance for Common Areas and Facilities |
| 3. Bylaws | 7. Any Governmental Notices of Health or Housing Code Violations |
| 4. Current Balance Sheet | |

NOTICE: This Subdivision Information may change at any time.

Westfield Village CIA
Name of Association

By: Gaylene Wier


Print Name: Gaylene Wier

Title: VP-Operations

Date: 8-9-2019

Mailing Address: 5425 N. Fry rd #2 Katy Tx 77449

E-mail: VP-Operations@WestfieldVillageCIA.com



This form has been approved by the Texas Real Estate Commission for use only with similarly approved or promulgated contract forms. No representation is made as to the legal validity or adequacy of any provision in any specific transaction. Texas Real Estate Commission, P.O. Box 12188, Austin, TX 78711-2188, 512-936-3000 (<http://www.trec.texas.gov>) TREC No. 37-5. This form replaces TREC No. 37-4.



OSNATIONAL

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

Tel: 770.497.9100

DATE: 8/8/2019
TO: Lambright Law
VIA EMAIL: syg@lambrightlaw.com

OSN File #: 189883

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

PROPERTY ADDRESS: 5007 Westfield Village Drive, Katy, TX 77449

SELLER: Dolores Trinidad Castro and Dolores Dolores Jr.

BUYER: Opendoor Homes Phoenix 2 LLC, a Delaware Limited Liability Company

SUBDIVISION: Westfield Village CIA

CLOSING DATE: August 26, 2019

DATE NEEDED: August 15, 2019

ANNUAL DUES AMOUNT: \$ 375.00 BILLED (CIRCLE ONE): MONTHLY, QUARTERLY, ANNUALLY

DUE DATE: January 31st

FOR WHAT TIME PERIOD? (JAN-DEC.?): Jan-Dec.

DATE PAYMENT BECOMES DELINQUENT IF UNPAID (GRACE PERIOD) Jan 31st

LATE FEE IF DELINQUENT \$ 15.00 + Interest 1st Notice, \$25.00 + Interest 2nd & 3rd

AMOUNT PAST DUE (IF ANY): 2232.49 include Deed Violation fines

ANY INITIATION OR TRANSFER FEE: 175.00

PHYSICAL ADDRESS FOR THE HOA CORRESPONDENCE:

~~5425 N. Hwy~~
4919 Westfield Village Dr Katy, Tx 77449

TELEPHONE NUMBER TO REACH HOA: 281-463-7548

Property Addendum

1. Please advise of any additional information you feel the new owner may need:

2. Does the Association have any lease restrictions? Y N (if yes, please provide details below)

Single family Dwelling only

3. Is the Association party to any current/pending litigation? Y N (if yes, please provide details below)

4. Does the property have any open violations? Y N (if yes, please provide details below)

Trash can, mold

5. Are there any fees due related to the violation? Y N (if yes, please provide details below)

\$950.00 Fines

6. Time allowed to cure violation if the buyer assumes it? Y N (if yes, please provide details below)

30 Days

7. Is buyer approval required? Y N (if yes, please provide details below)

8. Is there a second association? Y N (if yes, please provide details below)

Completed by:

Gaylene Wier

Homeowner's Association Name: Westfield Village CIA

Date: 8-9-19

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

SINCERELY,

Kyler Johnson
FAX: 678-281-8876
EMAIL: kjohnson@osnational.com

Request for Taxpayer Identification Number and Certification

Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the requester. Do not send to the IRS.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

Westfield Village CIA

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

Individual/sole proprietor or single-member LLC C Corporation S Corporation Partnership Trust/estate

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

Other (see instructions) ▶ HOA

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

5425 N. Fry Rd. #2

Requester's name and address (optional)

6 City, state, and ZIP code

Katy, TX 77449

7 List account number(s) here (optional)

Print or type. See Specific Instructions on page 3.

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number								
				-				

OR

Employer identification number								
7	6		-	0	3	9	5	0
								5
								3

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here Signature of U.S. person ▶ *Daphene Wier*

Date ▶ 8-9-2019

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What Is Backup Withholding*, later.