



APPROVED BY THE TEXAS REAL ESTATE COMMISSION (TREC)



**SELLER'S DISCLOSURE NOTICE**

CONCERNING THE PROPERTY AT 21602 Mt Elbrus Way, 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  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>Y</u> Disposal
<u>Y</u> Washer/Dryer Hookups	<u>U</u> Window Screens	<u>N</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>U</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>N</u> Attic Fan(s)	<u>Y</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>N</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>N</u> Control(s)
Water Heater:	<u>Y</u> Gas	<u>N</u> Electric
Water Supply: <u>N</u> City	<u>N</u> Well <u>Y</u> MUD	<u>N</u> Co-op
Roof Type: <u>Shingle</u>	Age: <u>Less than a year</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 opener. Damaged dishwasher.

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>  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>  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 |
|   | <u>  N  </u> 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): Property located in Harris Galveston Subsidence District

**Mason Lakes HOA - Phone number: (281) 870-0585 - Main Fee - \$420.00 - 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. 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 Trust I**

*Jason Cline*

10-26-2019

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

**RESALE CERTIFICATE**  
**(for a Lot in Subdivision, Townhome, or P.U.D. Community)**

This is a Resale Certificate concerning the Property (the lot and improvements on the lot) located at 21602 Mt Elbrus Way (street address) in Katy (city), in Harris County, Texas. 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  is not subject to a right of first refusal or other restraint that restricts right of transfer of the Property.
2. The regular assessment for the Property is \$ 420.00 which is due  monthly,  quarterly,  semi-annually, or  annually.
3. Regular assessment(s) payable to the Association for the Property  are  are not due and unpaid. The total amount of any due and unpaid regular assessments is \$ 0.00/ Paid for 2019
4. Special assessment(s) payable to the Association for the Property  are  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  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  does or  does not have reserves for capital expenditures. The total amount is \$ See Financials.
8. The Association has approved \$ See Financials for capital expenditures for the Association's current fiscal year.
9. The Association has approved special assessment(s) which will become due after the preparation date of this certificate, in the total amount of \$ See Financials.
10. The current operating budget and balance sheet for the Association is attached.
11. There  are  are not unsatisfied judgments against the Association. If there are, the total amount is \$ 0.00.
12. There  are  are not any suits filed and pending against the Association. If applicable, the cause number, style, and court of each pending suit are attached.
13. A copy of a certificate of insurance showing the Association's property and liability insurance coverage relating to common areas and common elements as defined in the Declaration is attached.
14. The Board  does  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 known to HOA - Owner to advise if any
15. The Association  has  has not received notice from any 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 \$ 300.00. The transfer fee is payable to: Inframark, LLC.
17. The declaration or restrictions  does or  does 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. 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.
19. 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.
20. BUYER'S ADDRESS. After closing, the buyer should notify the Association of the buyer's name(s) and mailing address.
21. OBTAIN UPDATE OF 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. Copy of certificate of insurance (paragraph 13)

ADDITIONAL ATTACHMENTS: *(check if applicable)*

- Cause number, style, and court of any pending suits against the Association (paragraph 12)
- 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)
- Declaration and other restrictions (paragraph 19)
- Association bylaws (paragraph 19)
- Association rules (paragraph 19)
- Other Article of Incorporation. \_\_\_\_\_

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FEES DUE AT CLOSING FOR RESALE CERTIFICATE:

Resale Certificate Fee: \$ **0.00** \_\_\_\_\_

RUSH Fee: \$ **0.00** \_\_\_\_\_

Total: \$ **0.00** \_\_\_\_\_

At Closing, send the Total fee made payable to and send to the address below.  
 Inframark, LLC  
 2002 West Grand Parkway North Suite #100  
 Katy, TX 77449

HomeWiseDocs Service Fee: \$ **0.00** \_\_\_\_\_

At Closing, send the HomeWiseDocs fee made payable to and send to the address below.  
 HomeWiseDocs.com  
 4773 Mangels Blvd.  
 Fairfield, CA 94534

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PRINTED NAME OF ASSOCIATION: **Mason Lakes HOA**

Printed name of Association's managing agent, if any: **Inframark, LLC**

Printed name and title of person signing for the Association: **Trudy Moore, Representative for the Association**

Association's mailing address: **2002 West Grand Parkway North, Suite 100, Katy, TX 77449**

Association's phone no.: **281-870-0585**

Date certificate was prepared: **09-26-2019**

Signature of person signing for the Association: \_\_\_\_\_  \_\_\_\_\_



## COMMENTS ADDENDUM

**This Resale Disclosure is valid for 30 days only, based on association records as of the date of the Resale Disclosure above. Any subsequent charges incurred after the Resale Disclosure date will be the responsibility of the account holder.**