



AUSTIN/CENTRAL TEXAS REALTY INFORMATION SERVICE

SELLER'S DISCLOSURE NOTICE

THIS FORM IS FURNISHED BY THE AUSTIN/CENTRAL TEXAS REALTY INFORMATION SERVICE FOR USE BY ITS PARTICIPANTS. USE OF THIS FORM BY PERSONS WHO ARE NOT PARTICIPANTS OF THE AUSTIN/CENTRAL TEXAS REALTY INFORMATION SERVICE IS NOT AUTHORIZED.

NOTE: EFFECTIVE JANUARY 1, 1994, SECTION 5.008 OF THE TEXAS PROPERTY CODE REQUIRES A SELLER OF RESIDENTIAL REAL PROPERTY OF NOT MORE THAN ONE DWELLING UNIT TO DELIVER A COPY OF THE SELLER'S DISCLOSURE NOTICE, COMPLETE TO THE BEST OF THE SELLER'S BELIEF AND KNOWLEDGE TO A PURCHASER ON OR BEFORE THE EFFECTIVE DATE OF A CONTRACT FOR THE SALE OF THE PROPERTY. IF A CONTRACT IS ENTERED INTO WITHOUT THE SELLER PROVIDING THE NOTICE, THE BUYER MAY TERMINATE THE CONTRACT FOR ANY REASON WITHIN SEVEN (7) DAYS AFTER RECEIVING THE NOTICE. IF INFORMATION REQUIRED BY THE NOTICE IS UNKNOWN TO THE SELLER, THE SELLER MAY INDICATE THAT FACT ON THE NOTICE AND THEREBY COMPLY WITH THE REQUIREMENTS OF SECTION 5.008 OF THE TEXAS PROPERTY CODE.

CONCERNING THE PROPERTY AT 4904 Balcones, Austin, TX 78731

(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, SELLER'S AGENTS, OR ANY OTHER AGENT.

Seller ☐ is ☒ is not occupying the Property. If unoccupied, how long since Seller has occupied the Property? Never
Seller ☒ is ☐ is not knowledgeable of the current condition of the Property.

1. FEATURES AND EQUIPMENT TO REMAIN: (Mark all appropriate items TO REMAIN and their working condition)

☒ DISHWASHER	☐ POOL	☐ POOL ACCESSORIES/EQUIPMENT	☐ [Y] [N] [U]
☐ DRYER [E] [G] [110V] [220V]	☐ POOL HEATER [E] [G] [SOLAR]	☐ SPA/HOT TUB	☐ [Y] [N] [U]
☒ DRYER HOOKUPS [110V] [220V] [G]	☐ SPA HEATER [E] [G] [SOLAR]	☒ CABLE TV WIRING	☐ [Y] [N] [U]
☒ GARBAGE DISPOSAL	☒ INTERCOM SYSTEM	☐ SATELLITE DISH SYSTEM	☐ [Y] [N] [U]
☒ MICROWAVE	☐ OWNED ☐ LEASED	☐ MO LEASE \$ _____ MO SVC CHG \$ _____	☐ [Y] [N] [U]
☐ OVEN [E] [G]	☐ SPECIALTY WIRING	☐ TV ANTENNA	☐ [Y] [N] [U]
☒ RANGE [E] [G]	☐ AUTOMATIC LAWN SPRINKLER SYSTEM	☐ CARPORT: ATTACHED [Y] [N]	☐ [Y] [N] [U]
☒ REFRIGERATOR(S) # <u>1</u>	☐ # SPACES _____	☐ FENCES/FENCE WALLS	☐ [Y] [N] [U]
☐ TRASH COMPACTOR	☐ # SPACES _____	☒ FRENCH DRAIN	☐ [Y] [N] [U]
☐ WASHER	☐ # SPACES _____	☒ GARAGE: ATTACHED [Y] [N]	☐ [Y] [N] [U]
☒ WASHER HOOKUPS [110V] [220V]	☐ # SPACES _____	☐ # SPACES 1 to ? 2	☐ [Y] [N] [U]
☒ WATER HEATER # <u>2</u> [E] [G] [SOLAR]	☒ GARAGE DOOR OPENER # <u>1</u> [E]	☐ GARAGE REMOTE CONTROL # <u>2</u>	☐ [Y] [N] [U]
☐ WATER SOFTENER ☐ OWNED ☐ LEASED	☐ GAZEBO	☒ MAILBOX	☐ [Y] [N] [U]
☐ MO LEASE \$ _____ MO SVC CHG \$ _____	☒ OUTDOOR GRILL	☐ PATIO/DECKING	☐ [Y] [N] [U]
☐ SAUNA	☒ PLUMBING SYSTEM	☒ PUBLIC SEWER SYSTEM	☐ [Y] [N] [U]
☒ FIREPLACE ☐ WOOD ☒ GAS # <u>1</u>	☐ SEPTIC SYSTEM/TANK	☐ DATE PUMPED	☐ [Y] [N] [U]
☒ FIREPLACE LOGS/ARTIFICIAL # <u>1</u>	☐ PORTABLE STORAGE BLDG(S) # _____	☒ RAIN GUTTERS	☐ [Y] [N] [U]
☒ GAS FIRE STARTER # _____	☐ SUMP PUMP	☒ WINDOW SCREENS	☐ [Y] [N] [U]
☐ MOCK FIREPLACE WITH CHIMNEY # _____	☐ OTHER _____		☐ [Y] [N] [U]
☐ ATTIC FAN(S) # _____			
☒ BATHROOM HEATER # <u>1</u> [E] [G]			
☒ CEILING FAN(S) # <u>5</u>			
☒ CENTRAL A/C # <u>2</u> [E] [G]			
☒ CENTRAL HEAT # <u>2</u> [E] [G] [HP]			
☐ EVAPORATIVE COOLER # _____			
☐ EXHAUST FANS # _____ [E]			
☐ GAS FIXTURES			
☒ GAS LINES (NAT/LP)			
☐ SPACE HEATER # _____ [E] [G]			
☐ WALL/WINDOW A/C # _____			
☒ CARBON MONOXIDE DETECTOR			
☐ SMOKE DETECTORS # <u>2</u>			
☒ SECURITY SYSTEM ☐ OWNED ☐ LEASED			
☐ MO LEASE \$ _____ MO SVC CHG \$ _____			
☐ FIRE ALARMS/DETECTOR(S) # _____			

Explain all No [N] or Unknown [U] answers: Cable TV Wiring from Time Warner Status unknown

The following Property is to be excluded from the sale: _____

2. SERVICES TO THIS PROPERTY PROVIDED BY: (Fill in names of suppliers)

WATER supply:

☒ CITY ☐ WELL ☐ PRIVATE ☐ MUD
☐ WCID ☐ COOP ☐ OTHER

WASTEWATER:

☒ CITY ☐ COOP ☐ MUD ☐ OTHER

☐ SEPTIC ☐ TAR 1407 (Information About On-Site Sewer Facility)

ELECTRICITY: City of Austin

CABLE TV: Time Warner

SOLID WASTE PROVIDER: City of Austin

GAS supply: Texas Gas

☒ UTILITY ☐ TANK ☐ BOTTLE ☐ COOP
 TANK/BOTTLE MO. LEASE \$

HOMEOWNER'S ASSOC:

MONTHLY HOMEOWNER'S FEE: \$

MANAGER'S NAME:

TELEPHONE:

HOA Transfer Fee \$

 HOA Transfer Fee Paid by ☐ Seller ☐ Buyer ☐ Negotiable
☐ SELLER TO OBTAIN HOA INFORMATION

3. ARE YOU (SELLER) AWARE OF ANY KNOWN DEFECTS/MALFUNCTIONS IN ANY OF THE FOLLOWING? (Mark Yes [Y] if you are aware, mark No [N] if you are not aware.)

BASEMENT	☐ Y ☒ N	FIREPLACE(S)	☐ Y ☒ N	ROOF:	☐ Y ☒ N
CEILINGS	☐ Y ☒ N	FLOORS	☐ Y ☒ N	ROOF APPROX AGE 3 1/2 Years	☐ Y ☒ N
DOORS	☐ Y ☒ N	FOUNDATION/SLAB(S)	☐ Y ☒ N	ROOF TYPE Pitch Composition Singles	
DRIVEWAY(S)	☐ Y ☒ N	INTERIOR WALLS	☐ Y ☒ N	SIDEWALKS	☐ Y ☒ N
ELECTRICAL SYSTEM(S)	☐ Y ☒ N	LIGHTING FIXTURES	☐ Y ☒ N	SWIMMING POOL	☐ Y ☒ N
EXTERIOR WALLS	☐ Y ☒ N	PLUMBING/SEWER/SEPTIC	☐ Y ☒ N	WINDOWS	☐ Y ☒ N

OTHER STRUCTURAL COMPONENTS (DESCRIBE):

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

4. ARE YOU (SELLER) AWARE OF ANY OF THE FOLLOWING? (Mark Yes [Y] if you are aware, mark No [N] if you are not aware.)

ACTIVE TERMITES	☐ Y ☒ N	PREVIOUS FLOODING OF LAND	☐ Y ☒ N
WOOD DESTROYING INSECTS	☐ Y ☒ N	IMPROPER DRAINAGE	☐ Y ☒ N
TERMITE OR WOOD ROT NEEDING REPAIR	☐ Y ☒ N	LOCATED IN 100 YEAR FLOOD PLAIN	☐ Y ☒ N
PREVIOUS TERMITE DAMAGE	☐ Y ☒ N	PRESENT FLOOD INSURANCE COVERAGE	☐ Y ☒ N
PREVIOUS TERMITE TREATMENT	☐ Y ☒ N	SETTLING OR SOIL MOVEMENT	☐ Y ☒ N
WATER PENETRATION OF BLDG	☐ Y ☒ N	FAULTLINES OR LANDFILL	☐ Y ☒ N
PREVIOUS STRUCTURAL OR ROOF REPAIR	☐ Y ☒ N	SUBSURFACE STRUCTURE(S) /PIT(S)	☐ Y ☒ N
ASBESTOS COMPONENTS	☐ Y ☒ N	SPRING(S): UNDERGROUND	☐ Y ☒ N
UREA FORMALDEHYDE INSULATION	☐ Y ☒ N	SPRING(S): INTERMITTENT/WEATHER	☐ Y ☒ N
RADON GAS	☐ Y ☒ N	UNDERGROUND STORAGE TANKS	☐ Y ☒ N
LEAD BASED PAINT	☐ Y ☒ N	ENDANGERED SPECIES/HABITAT ON PROPERTY	☐ Y ☒ N
ALUMINUM WIRING	☐ Y ☒ N	HAZARDOUS OR TOXIC WASTE	☐ Y ☒ N
PREVIOUS FIRES	☐ Y ☒ N	DISEASED TREES	☐ Y ☒ N
FOUNDATION REPAIR	☐ Y ☒ N	FENCE LINES NOT CORRESPONDING TO PROPERTY BOUNDARIES	☐ Y ☒ N
PREVIOUS FLOODING OF BUILDING(S)	☐ Y ☒ N	WETLANDS ON PROPERTY	☐ Y ☒ N
OTHER		UNPLATTED EASEMENTS	☐ Y ☒ N

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

See attached sheet

5. ARE YOU (SELLER) AWARE OF ANY ITEM, EQUIPMENT, OR SYSTEM IN OR ON THE PROPERTY THAT IS IN NEED OF REPAIR, WHICH HAS NOT BEEN PREVIOUSLY DISCLOSED IN THIS NOTICE?

☒ Yes (if you are aware) ☐ No (if you are not aware). If yes, explain (attach additional sheets as necessary).

Gas range and dishwasher function = need minor repair

6. ARE YOU (SELLER) AWARE OF ANY OF THE FOLLOWING? (Mark Yes [Y] if you are aware, mark No [N] if you are not aware.)

- [Y] ☒ Room additions, structural modifications, or other alterations or repairs made without necessary permits or not in compliance with building code in effect at that time?
- [Y] ☒ Homeowners' Association or maintenance fees or assessments?
- [Y] ☒ Any "common area" facilities (such as pools, tennis courts, walkways, or other areas) co-owned in undivided interest with others?
- [Y] ☒ Any notices of violations of deed restrictions or governmental ordinances affecting the condition or use of the Property?
- [Y] ☒ Any lawsuits or other legal proceedings directly or indirectly affecting the Property?
- [Y] ☒ Any condition of the Property which materially affects the physical health or safety of an individual?
- [Y] ☒ Features of the Property shared in common with adjoining landowners, such as walls, fences and driveways, whose use or responsibility for maintenance may have an effect on the subject Property?
- [Y] ☒ Any encroachments, easements or similar matters that may affect your interest in the subject Property?
- [Y] ☒ Land fill (compacted or otherwise) on the Property or any portion thereof?
- * [Y] ☒ Any settling from any cause or slippage, sliding or other soil problems?
- [Y] ☒ Major damage to the Property or any of the structures from fire, earthquake, floods or landslides?
- [Y] ☒ Any future highway, freeway, air traffic patterns which affects this real Property?
- [Y] ☒ Any future annexation plans which affect this real Property?
- [Y] ☒ Within the previous 12 months, has there been an equity loan on this Property? If Yes, date ___ / ___ / ___
- ** [Y] ☒ Flood Insurance on Property?
- [Y] ☒ Previous FEMA claim paid?
- [Y] ☒ Death on the Property other than death caused by: natural causes, suicide, or accident unrelated to the Property's condition.
- [Y] ☒ Was the dwelling built before 1978? ☐ Unknown
- [Y] ☒ Any repairs or treatment, other than routine maintenance, made to the Property to eliminate environmental hazards such as asbestos, radon, lead-based paint, urea formaldehyde, or mold?
- [Y] ☒ Other items of concern? _____

Flood insurance on all properties regardless of location,

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

* Settling common to area.

** Flood insurance placed on property merely for precaution purposes.

7. CHECK ANY TAX EXEMPTION(S) WHICH YOU (SELLER) CURRENTLY CLAIM FOR THE PROPERTY:

- ☐ Homestead ☐ Disabled ☐ Agricultural
- ☐ Over 65 ☐ Disabled Veteran ☐ Unknown
- ☒ None ☐ Other _____

8. HAVE YOU (SELLER) RECEIVED ANY WRITTEN INSPECTION REPORTS FROM PERSONS WHO REGULARLY PROVIDE INSPECTIONS AND WHO ARE EITHER LICENSED AS INSPECTORS OR OTHERWISE PERMITTED BY LAW TO PERFORM INSPECTIONS? ☐ Yes ☐ No

If yes, attach copies and list the following:

Date of Inspection	Name of Document	Author of Report	Number of Pages
5/9/06	Home Critic	Joseph Andrew Rudyk	11

IS A PREVIOUS SELLER'S DISCLOSURE AVAILABLE? ☐ Yes ☒ No. If so, please attach.

IS A CURRENT SURVEY AVAILABLE? ☐ Yes ☒ No. If so, please attach.

HAVE ANY CHANGES BEEN MADE THAT WOULD AFFECT THE SURVEY? ☐ Yes ☒ No

9. HAVE YOU (SELLER) MADE, OR HAD MADE, MAJOR REPAIRS OR IMPROVEMENTS (COSTING \$500 OR MORE) TO THE PROPERTY DURING THE TIME YOU HAVE OWNED THE PROPERTY? ☒ Yes ☐ No. ARE YOU AWARE OF MAJOR REPAIRS OR IMPROVEMENTS MADE BY PREVIOUS OWNERS? ☒ Yes ☐ No. If yes to either, please explain. 1

1 See attached sheet as to current owner,

2 Previous owner added another master bedroom, full bath and den.

Seller's Disclosure Notice concerning: 4924 Balcones, Austin, TX 78731
(Property Address)

10. SELLER HAS NOT RECEIVED ANY NOTICES, EITHER ORAL OR WRITTEN, REGARDING THE NEED FOR REPAIR OR REPLACEMENT OF ANY PORTION OF THE PROPERTY FROM ANY GOVERNMENTAL AGENCY, APPRAISER, INSPECTOR, MORTGAGE LENDER, REPAIR SERVICE OR OTHERS, EXCEPT:

See inspection report dated 5/9/06

Sherry H. Howard
Seller's Signature

6/15/06
Date

Sherry H. Howard
Seller's Signature

6/15/06
Date

THE UNDERSIGNED BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS STATEMENT.

NOTICES TO BUYER:

LISTING BROKER, Stanberry & Assoc., AND OTHER BROKER _____, ADVISE YOU THAT SELLER'S DISCLOSURE NOTICE WAS COMPLETED BY SELLER, AS OF THE DATE SIGNED. THE LISTING AND OTHER BROKERS HAVE RELIED ON THIS NOTICE AS TRUE AND CORRECT AND HAVE NO REASON TO BELIEVE IT TO BE FALSE OR INACCURATE.

THE TEXAS DEPARTMENT OF PUBLIC SAFETY MAINTAINS A DATABASE THAT CONSUMERS MAY SEARCH, AT NO COST, TO DETERMINE IF REGISTERED SEX OFFENDERS ARE LOCATED IN CERTAIN ZIP CODE AREAS. TO SEARCH THE DATABASE, VISIT WWW.TXDPS.STATE.TX.US. FOR INFORMATION CONCERNING PAST CRIMINAL ACTIVITY IN CERTAIN AREAS OR NEIGHBORHOODS, CONTACT THE LOCAL POLICE DEPARTMENT.

YOU ARE ENCOURAGED TO HAVE AN INSPECTOR OF YOUR CHOICE INSPECT THE PROPERTY PRIOR TO CLOSING. ALL INSPECTION REPORTS FURNISHED BY THE SELLER ARE PROVIDED FOR INFORMATION PURPOSES ONLY AND ARE NOT INTENDED TO BE A SUBSTITUTE FOR AN INSPECTION PERFORMED BY AN INSPECTOR OF BUYER'S CHOICE.

THE DISCLOSURE NOTICE CONTAINS NO ESTIMATE OF THE NUMBER OF SQUARE FEET OF SPACE WITHIN THE RESIDENCE AND BROKERS MAKE NO REPRESENTATIONS REGARDING SUCH AREA. IF SQUARE FOOTAGE IS IMPORTANT TO BUYER, BUYER SHOULD HAVE IT MEASURED BY A PROFESSIONAL.

Buyer's Signature

Date

Buyer's Signature

Date

[NOTE: This form furnished by the AUSTIN/CENTRAL TEXAS REALTY INFORMATION SERVICE for the convenience of its Participants.]

**ADDENDUM FOR SELLER'S DISCLOSURE OF INFORMATION
ON LEAD-BASED PAINT AND LEAD-BASED PAINT HAZARDS
AS REQUIRED BY FEDERAL LAW**CONCERNING THE PROPERTY AT 4904 Balcones Drive Austin TX
(Street Address and City)

- A. LEAD WARNING STATEMENT:** "Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-paint hazards is recommended prior to purchase."

NOTICE: Inspector must be properly certified as required by federal law.**B. SELLER'S DISCLOSURE:**

1. PRESENCE OF LEAD-BASED PAINT AND/OR LEAD-BASED PAINT HAZARDS (check on box only):
☐ (a) Known lead-based paint and/or lead-based paint hazards are present in the Property (explain): _____
☒ (b) Seller has no actual knowledge of lead-based paint and/or lead-based paint hazards in the Property.
2. RECORDS AND REPORTS AVAILABLE TO SELLER (check one box only):
☐ (a) Seller has provided the purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the Property (list documents): _____
☒ (b) Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the Property.

C. BUYER'S RIGHTS (check one box only):

- ☐ 1. Buyer waives the opportunity to conduct a risk assessment or inspection of the Property for the presence of lead-based paint or lead-based paint hazards.
- ☐ 2. Within ten days after the effective date of this contract, Buyer may have the Property inspected by inspectors selected by Buyer. If lead-based paint or lead-based paint hazards are present, Buyer may terminate this contract by giving Seller written notice within 14 days after the effective date of this contract, and the earnest money will be refunded to Buyer.

D. BUYER'S ACKNOWLEDGMENT (check applicable boxes):

- ☐ 1. Buyer has received copies of all information listed above.
- ☐ 2. Buyer has received the pamphlet *Protect Your Family from Lead in Your Home*.

E. BROKERS' ACKNOWLEDGMENT: Brokers have informed Seller of Seller's obligations under 42 U.S.C. 4852d to: (a) provide Buyer with the federally approved pamphlet on lead poisoning prevention; (b) complete this addendum; (c) disclose any known lead-based paint and/or lead-based paint hazards in the Property; (d) deliver all records and reports to Buyer pertaining to lead-based paint and/or lead-based paint hazards in the Property; (e) provide Buyer a period of up to 10 days to have the Property inspected; and (f) retain a completed copy of this addendum for at least 3 years following the sale. Brokers are aware of their responsibility to ensure compliance.

F. CERTIFICATION OF ACCURACY: The following persons have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

Buyer _____ Date _____

Seller [Signature] 6/5/06 Date

Buyer _____ Date _____

Seller [Signature] 6/15/06 Date

Other Broker _____ Date _____

Listing Broker [Signature] 6-15-06 Date

The form of this addendum has been approved by the Texas Real Estate Commission for use only with similarly approved or promulgated forms of contracts. Such approval relates to this contract form only. TREC forms are intended for use only by trained real estate licensees. No representation is made as to the legal validity or adequacy of any provision in any specific transactions. It is not suitable for complex transactions. Texas Real Estate Commission, P.O. Box 12188, Austin, TX 78711-2188, 1-800-250-8732 or (512) 459-6544 (<http://www.trec.state.tx.us>)