



AUSTIN/CENTRAL TEXAS REALTY INFORMATION SERVICE (ACTRIS) SELLER'S DISCLOSURE NOTICE

THIS FORM IS FURNISHED BY THE AUSTIN/CENTRAL TEXAS REALTY INFORMATION SERVICE FOR USE BY ITS PARTICIPANTS.

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. This form complies with and contains additional disclosures which exceed the minimum required by the Code

CONCERNING THE PROPERTY AT 109 Steele
(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.

I HAVE NOT OCCUPIED AND I AM UNFAMILIAR WITH THE CURRENT CONDITIONS OF THE PROPERTY

Seller ☒ is ☐ is not occupying the Property. If unoccupied, how long since Seller has occupied the Property? _____

Seller ☐ is ☐ is not knowledgeable of the current condition of the Property.

The Property ☐ is ☐ is not currently leased and ☐ has ☐ has not been leased in the last two (2) years.

If leased, how long? _____

During the last year the Property ☐ has ☐ has not been vacant.

If yes, how long was the Property vacant? _____

1. FEATURES AND EQUIPMENT (Mark all appropriate items that EXIST and their WORKING CONDITION):

NOTE: This notice does not establish which items will or will not be conveyed.

The terms of Paragraph 2 of the TREC Contract will determine which items will and will not be conveyed.

Y = Yes, N = No, U = Unknown

Exists	Item	Working Condition			Additional Information	
	Bathroom Heater	Y	N	U	#	[E] [G]
	Cable TV Wiring	Y	N	U		
	Carport	Y	N	U	# of Spaces	Attached [Y] [N]
	Carbon Monoxide Detector	Y	N	U	#	
	Central Air Conditioning	Y	N	U	#	[E] [G]
	Central Heating	Y	N	U	#	[E] [G] [HP]
	Central Vacuum	Y	N	U		
	Chimney	Y	N	U		
	Cook Top/Stove	Y	N	U	[E] [G] # of Burners	Other:
	Deck	Y	N	U	Wood []	Other []
	Dishwasher	Y	N	U		
	Disposal	Y	N	U		
	Dryer	Y	N	U	[E] [G] [110V] [220V]	
	Dryer Hookups	Y	N	U	[110V] [220V] [G]	
	Evaporative Cooler	Y	N	U	#	
	Fans	Y	N	U	Ceiling #	Attic # Exhaust # Whole House #

Features and Equipment Continues Next Page

Initialed for Identification by Seller _____ and Buyer _____

Page 1 of 8

© 2006 Austin Board of REALTORS®

Seller's Disclosure Notice Concerning Property At: _____

Exists	Item	Working Condition			Additional Information	
		Y	N	U	Full []	Partial [] Type:
	Fencing	Y	N	U	Full []	Partial [] Type:
	Fire Alarm/Detector	Y	N	U	#	
	Fireplace	Y	N	U	#	
	Fireplace Logs	Y	N	U	#	
	French Drain	Y	N	U		
	Garage	Y	N	U	Attached: [Y] [N]	# Spaces
	Garage Door Opener	Y	N	U	#	
	Garage Remote Control	Y	N	U	#	
	Gas Lighting Fixtures	Y	N	U	#	
	Gas Lines	Y	N	U	[NAT] [LP]	
	Gazebo	Y	N	U		
	Grinder Pump	Y	N	U		
	Ice Machine	Y	N	U		
	Intercom System	Y	N	U		
	Lawn Sprinkler System	Y	N	U	Full []	Partial [] Automatic [] Manual []
	Microwave	Y	N	U		
	Mock Fireplace	Y	N	U	With Chimney []	Without Chimney []
	Outdoor Grill	Y	N	U	[NAT] [LP] [E]	
	Oven	Y	N	U	[E] [G]	
	Patio	Y	N	U	Covered []	Uncovered []
	Plumbing System	Y	N	U		
	Pool	Y	N	U	Inground []	Above Ground [] Other []
	Pool Accessories	Y	N	U		
	Pool Heater	Y	N	U		
	Pool Maintenance Equip.	Y	N	U		
	Portable Storage Buildings	Y	N	U	#	
	Public Sewer System	Y	N	U		
	Rain Gutters	Y	N	U	Full []	Partial []
	Range	Y	N	U	[E] [G]	
	Refrigerator	Y	N	U	#	
	Roof Attic Vents	Y	N	U		
	Satellite Dish System	Y	N	U	Owned []	Leased []
	Sauna	Y	N	U	#	
	Security System	Y	N	U	Owned []	Leased [] Mo. Lease \$
	Septic System/Tank	Y	N	U	Date Last Pumped:	
	Smoke Detector(s)	Y	N	U	#	
	Spa/Hot Tub	Y	N	U	#	
	Spa Heater	Y	N	U	#	[E] [G] [Solar]
	Space Heater	Y	N	U	#	[E] [G]
	Speakers	Y	N	U		
	Specialty Wiring	Y	N	U	Audio []	Data [] Speakers [] Visual []
	Sump Pump	Y	N	U	#	
	Trash Compactor	Y	N	U	#	
	TV Antenna	Y	N	U	#	
	Wall/Window A/C	Y	N	U	#	
	Washer	Y	N	U		
	Washer Hookups	Y	N	U	[110V] [220V]	
	Water Heater	Y	N	U	#	[E] [G] [Solar]
	Water Softener	Y	N	U	Owned []	Leased [] Mo. Lease/Service Chg \$
	Window Screens	Y	N	U	#	Type:
	Other:	Y	N	U		
	Other:	Y	N	U		

Initialed for Identification by Seller _____ and Buyer _____

Page 2 of 8

© 2006 Austin Board of REALTORS®

Seller's Disclosure Notice Concerning Property At: _____

Explain all No [N] or Unknown [U] answers. Attach additional sheets as necessary. _____

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

2. UTILITY PROVIDERS and HOMEOWNERS' ASSOCIATION (Fill in names of Suppliers with Telephone Numbers):

WATER Supply: _____ Ph: _____ GAS Supply: _____ Ph: _____
☐ City ☐ Well ☐ Private ☐ MUD ☐ Utility ☐ Tank ☐ Bottle ☐ Co-Op
☐ WCID ☐ Co-Op ☐ Other _____ Tank/Bottle Mo. Lease \$ _____

WASTEWATER: _____ Ph: _____ HOA/CONDO ASSOC: _____
☐ City ☐ Co-Op ☐ MUD ☐ Other Association Fee \$ _____ per _____
☐ Septic HOA's Administrative Transfer Fee of \$ _____
 (Fee above shall include all costs of transfer of ownership)

ELECTRICITY: _____ Ph: _____ Manager's Name: _____
 CABLE TV: _____ Ph: _____ Manager's Telephone: _____
 SOLID WASTE PROVIDER: _____ Ph: _____

3. PROPERTY DEFECTS/MALFUNCTIONS:

Are you (Seller) aware of any known defects/malfunctions in any of the following? Mark Yes [Y] if you are aware and mark No [N] if you are not aware.

Exists	Item	Defect/ Malfunction		Exists	Item	Defect/ Malfunction	
	Basement	Y	N		Potable Drinking Water	Y	N
	Ceilings	Y	N		Retaining Wall(s)	Y	N
	Driveway(s)	Y	N		Roof	Y	N
	Electrical System(s)	Y	N		Overlay Shingles: [Y] [N]		
	Exterior Doors	Y	N		Roof Approximate Age: Yrs		
	Exterior Walls	Y	N		Roof Type:		
	Floors	Y	N		Septic System: Type:	Y	N
	Foundation: Slab [] Pier & Beam []	Y	N		Sidewalks	Y	N
	Interior Doors	Y	N		Stucco	Y	N
	Interior Walls	Y	N		Conventional [] Synthetic [] Type:		
	Lighting Fixtures	Y	N		Underground Electrical Lines	Y	N
	Outbuildings	Y	N		Wastewater System	Y	N
	Plumbing	Y	N		Windows	Y	N

Describe Other Structural Components Needing Disclosure:

If the answer to any of the above in #3 is Yes [Y], explain. Attach additional sheets as necessary.

Initialed for Identification by Seller _____ and Buyer _____

© 2006 Austin Board of REALTORS®

Seller's Disclosure Notice Concerning Property At: _____

4. CURRENT CONDITIONS OF THE PROPERTY:

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	Fault Lines	Y	N
Wood-Destroying Insects	Y	N	Landfill	Y	N
Termite or Wood Rot Needing Repair	Y	N	Subsurface Structure(s)	Y	N
Termite Damage	Y	N	Pit(s)	Y	N
Termite Treatment	Y	N	Underground Spring(s)	Y	N
Water Penetration of Structure	Y	N	Intermittent/Weather Spring(s)	Y	N
Structural or Roof Repair	Y	N	Underground Storage Tank(s)	Y	N
Asbestos Components	Y	N	Endangered Species/Habitat on Property	Y	N
Urea Formaldehyde Insulation	Y	N	Hazardous or Toxic Waste	Y	N
Radon Gas	Y	N	Diseased Trees	Y	N
Lead-Based Paint	Y	N	Fence Lines Not Corresponding to Property Boundaries	Y	N
Aluminum Wiring	Y	N	Wetlands on Property	Y	N
Foundation Repair	Y	N	Unplatted Easement(s)	Y	N
Flooding of Land	Y	N	Underground Electrical Line(s)	Y	N
Improper Drainage or Ponding	Y	N	Dampness in Crawl Spaces	Y	N
Located in 100-Year Flood Plain	Y	N	Water Heater Leak(s)	Y	N
Present Flood Insurance Coverage Attach TAR Form 1414 if answer is Yes	Y*	N	HVAC System Leak(s) – Overflow Pan or Other Defect	Y	N
Settling or Soil Movement	Y	N	Other Conditions	Y	N

If the answer to any of the above is Yes [Y], explain. Attach additional sheets _____

5. PREVIOUS CONDITIONS OF THE PROPERTY:

Are you (SELLER) aware of the following previously defective conditions? Mark Yes [Y] if you are aware, mark No [N] if you are not aware.

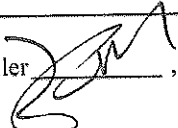
Previous Flooding into the Structure	Y	N
Previous Flooding onto the Property	Y	N
Previous Fires	Y	N
Previous Foundation Repairs	Y	N
Previous Roof Repairs	Y	N
Previous Treatment for Termites or Wood-Destroying Insects	Y	N
Previous Termite or Wood-Destroying Insect Damage Repaired	Y	N

Other Conditions: _____

If the answer to any of the above is Yes [Y], explain. Attach additional sheets as necessary.

6. SYSTEMS IN NEED OF REPAIR: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 ☐ NO ☐

If Yes, explain. Attach additional sheets as necessary.

Initialed for Identification by Seller  and Buyer _____

Page 4 of 8

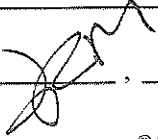
Seller's Disclosure Notice Concerning Property At: _____

7. MISCELLANEOUS CONDITIONS:

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] [N] Room additions, structural modifications, or other alterations or repairs made without necessary permits or not in compliance with building code in effect at the time of construction?
- [Y] [N] Any "common area" facilities, i.e., pools, tennis courts, walkways, or other areas, co-owned in undivided interest with others?
- [Y] [N] Any notices of violations of deed restrictions or governmental ordinances, zoning, use, or impervious cover limitations affecting the condition or use of the Property?
- [Y] [N] Any lawsuits or other legal proceedings directly affecting the Property or Seller's ability to convey property, e.g., bankruptcy, probate, guardianship, etc.?
- [Y] [N] Any condition of the Property which materially affects the physical health or safety of an individual?
- [Y] [N] Features of the Property shared in common with adjoining landowners, e.g., walls, fences, and driveways, whose use of responsibility for maintenance may have an effect on the Property?
- [Y] [N] Any encroachments (recorded or unrecorded), easements or similar matters that may affect your interest in the Property?
- [Y] [N] Landfill – compacted or otherwise – on the Property or any portion thereof?
- [Y] [N] Any settling from any cause or slippage, sliding or other soil problems?
- [Y] [N] Damage to the Property or any of the structures from fire, earthquake, floods or landslides?
- [Y] [N] Any future highway, freeway, or air traffic patterns which affects the Property?
- [Y] [N] Any future annexation plans which affect the Property?
- [Y] [N] Within the previous 12 months, has there been an equity loan on the Property? If Yes, date ____/____/____
- [Y] [N] Any pending flood plain changes known?
- [Y] [N] Any ordinances that restrict flood coverage or rebuilding any portion of the structure to its previous use?
- [Y] [N] Previous FEMA claim paid?
- [Y] [N] Death on the Property other than death caused by: natural causes, suicide, or accident unrelated to the Property's condition?
- [Y] [N] Was the dwelling built before 1978? Unknown []
- [Y] [N] 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] [N] Any historic preservation restriction or ordinance or archeological designation associated with the Property?
- [Y] [N] Any IRS or tax redemption periods which will affect the sale of the Property?
- [Y] [N] Any other item(s) of concern?

 If the answer to any of the above is Yes [Y], explain. Attach additional sheets as necessary.

Initialed for Identification by Seller  , _____ and Buyer _____ , _____

Page 5 of 8

Seller's Disclosure Notice Concerning Property At: _____

8. AD VALOREM TAXES:

Check any Tax Exemption(s) which you (SELLER) currently claim for the Property:

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

Have you or a third party on your behalf ever supplied information regarding property defects or condition at the Appraisal District? ☐ Yes ☐ No

Have you ever testified or had an agent testify on your behalf in a valuation hearing at an Appraisal District Value Protest Hearing? ☐ Yes ☐ No If so, which Appraisal District? _____

9. INSPECTIONS AND DISCLOSURES:

Have you (SELLER) received any written inspection reports from persons who regularly provide inspections and who are either licensed as inspectors or engineers or otherwise permitted by law to perform inspections in the past four (4) years? ☐ Yes ☐ No

If Yes, attach copies and list the following:

<u>Date of Inspection</u>	<u>Name of Document</u>	<u>Author of Report</u>	<u>Number of Pages</u>

Is a previous Seller's Disclosure available? ☐ Yes ☐ No If so, please attach.

Is a current Survey available? ☐ Yes ☐ No If so, please attach. Date of Current Survey: ____/____/____

Have any changes been made that could affect the Survey? ☐ Yes ☐ No

10. MAJOR REPAIRS OR IMPROVEMENTS MADE:

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 (SELLER) aware of major repairs or improvements made by previous owners?

☐ Yes ☐ No

If Yes to either, please explain:

11. INSURANCE CLAIMS:

In the last 5 years have you (SELLER) filed an insurance claim related to this property? ☐ Yes ☐ No

If there was a monetary settlement, were the funds used to make the repair? ☐ Yes ☐ No

12. GOVERNMENT OR OTHER PENDING OR RECEIVED NOTICES:

SELLER has not received any notices, either oral or written, regarding the need for repair or replacement or any portion of the Property from any governmental agency, appraiser, inspector, mortgage lender, repair service or others, except:

SELLER has not received any notices from any governmental agency or private company of pending condemnation or any portion of the Property, except:

Initialed for Identification by Seller _____, _____ and Buyer _____, _____

Page 6 of 8

Seller's Disclosure Notice Concerning Property At: _____

13. ADDITIONAL DISCLOSURE FORMS ATTACHED: ☐ Yes ☐ No

- ☐ Addendum for Seller's Disclosure of Information on Lead-Based Paint (TAR 1906)
☐ Environmental Assessment, Threatened or Endangered Species, and Wetlands Addendum (TAR 1917)
☐ Information About On-Site Sewer Facility (TAR 1407)
☐ Addendum for Property Located in a Certificated Service Area of a Utility Service Provider (TAR 1927)
☐ Information About Special Flood Hazard Areas (TAR 1414)
☐ Relocation Addendum (TAR 1941)
☐ Other _____

THE ABOVE DISCLOSURES ARE TRUE AND CORRECT TO THE BEST KNOWLEDGE OF THE SELLER(S). SELLER acknowledges that the statements in this Disclosure are true to the best of the Seller's belief and that no person, including the Broker(s) and their Agent(s) has instructed or influenced Seller to provide inaccurate information or to omit any material information.


 Seller's Signature
 John R. McCabe

 Seller's Signature

6/27/07
 Date

 Date

As of ____/____/____, Seller affirms that the Property conditions disclosed above have not changed.

Seller's Initials  _____

As of ____/____/____, Seller discloses the following conditions which have changed:

Seller's Initials  _____

Initialed for Identification by Buyer _____ , _____

Seller's Disclosure Notice Concerning Property At: _____

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

NOTICES TO BUYER:

LISTING BROKER, Stanberry & Associates, Inc., AND OTHER BROKER,
_____, ADVISE YOU THAT THE SELLER'S
DISCLOSURE NOTICE WAS COMPLETED BY SELLER, AS OF THE DATE SIGNED.

THE LISTING BROKER AND THE OTHER BROKER 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 STRONGLY ADVISED 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.

BUYER ACKNOWLEDGES THAT THEY HAVE BEEN STRONGLY ADVISED TO HAVE THE PROPERTY
INSPECTED BY THEIR OWN INDEPENDENT INSPECTOR(S).

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

Buyer's Signature

Date

Date

BUYER ACKNOWLEDGES RECEIPT AND REVIEW OF THE DISCLOSURE NOTICE, UPDATED AS OF __/__/__.

Buyer's Signature

Buyer's Signature

Date

Date

Subj: **Re: 109 Steele Listing Papers**
Date: 6/26/2007 3:51:51 P.M. Pacific Daylight Time
From: tompolk20070620ofc@tompolk.com
To: tompolk20070620ofc@tompolk.com
CC: JohnRMcCabe@aol.com

John, I forgot to mention, on page 2 Paragraph 4, please fill in the listing date as June 27, 2007 and expiration date as October 27, 2007. Thanks!

Best wishes,

T.

Tom Polk wrote:

Hi, John, see two attached PDFs.

The first is the listing agreement. After reviewing it, please initial all pages at the bottom and sign the last two pages.

The second is the seller's disclosure. This is required by state law and you are to fill it out to the best of your ability. If you don't know the answer, please note that. HINT: Read each section before writing anything, and use pencil. It should fax just fine if you make it dark enough. If you have questions, please feel free to call.

Once these are signed and initialed, please fax ATTN Tom Polk, 512-327-3644. Or you can mail them to the address below. Once I receive them I can start marketing the property.

Best wishes,

T.

--

Consider yourself enthusiastically invited to visit my website, <http://www.tompolk.com>

Tom Polk, ABR, CRS
2002 Realtor of the Year, Austin Board of Realtors

c/o Stanberry & Assoc., Inc.
1101 S. Capital of Texas Hwy. Ste. 100-F
Austin TX 78746

512-327-9310 x 234
512-327-3644 fax

When you need to email to a group that includes my address, please use the Blind Carbon Copy (BCC) function. Thank you.



--
Consider yourself enthusiastically invited to visit my website, <http://www.tompolk.com>

Tom Polk, ABR, CRS
2002 Realtor of the Year, Austin Board of Realtors

c/o Stanberry & Assoc., Inc.
1101 S. Capital of Texas Hwy. Ste. 100-F
Austin TX 78746

512-327-9310 x 234
512-327-3644 fax

When you need to email to a group that includes my address, please use the Blind Carbon Copy (BCC) function.
Thank you.

