



# TEXAS ASSOCIATION OF REALTORS® COMMERCIAL PROPERTY CONDITION STATEMENT

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CONCERNING THE PROPERTY AT: NW Intersection of U.S. 69 and Loop 4 Jacksonville

TX

75766

THIS IS A DISCLOSURE OF THE SELLER'S KNOWLEDGE OF THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED. IT IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES A BUYER OR TENANT MAY WISH TO OBTAIN. IT IS NOT A WARRANTY OF ANY KIND BY SELLER, SELLER'S AGENTS, OR ANY OTHER AGENT.

## PART 1 – Complete if Property is Improved or Unimproved

Are you (Seller) aware of:

Aware Not  
Aware

(1) any of the following environmental conditions on or affecting the Property:

- |   |                          |                                     |
|---|--------------------------|-------------------------------------|
| (a) radon gas? .....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) asbestos components:  |                          |                                     |
| (i) friable components? .....   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (ii) non-friable components? .....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (c) urea-formaldehyde insulation? .....   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (d) endangered species of their habitat? .....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (e) wetlands? .....   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (f) underground storage tanks? .....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (g) leaks in any storage tanks (underground or above-ground)? .....   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (h) lead-based paint? .....   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (i) hazardous materials or toxic waste? .....   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (j) open or closed landfills on or under the surface of the Property? .....   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (k) external conditions materially and adversely affecting the Property such as nearby landfills, smelting plants, burners, storage facilities of toxic or hazardous materials, refiners, utility transmission lines, mills, feed lots, and the like? ..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (l) any activity relating to drilling or excavation sites for oil, gas, or other minerals? .....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- |   |                                     |                                     |
|---|-------------------------------------|-------------------------------------|
| (2) previous environmental contamination that was on or that materially and adversely affected the Property, including but not limited to previous environmental conditions listed in Paragraph 1(a)-(l)? ..... | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (3) any part of the Property lying in a special flood hazard area (A or V Zone)? .....  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (4) any improper drainage onto or away from the Property? .....   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (5) any fault line or near the Property that materially and adversely affects the Property? ....  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (6) outstanding mineral rights, exceptions, or reservations of the Property held by others? ...   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (7) air space restrictions or easements on or affecting the Property? .....   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (8) unrecorded or unplatted agreements for easements, utilities, or access on or to the Property? .....   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

(TAR-1408) 1-26-10

Initialed by Seller [Signature] and Buyer or Tenant: \_\_\_\_\_

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- |  | <u>Aware</u>             | <u>Not<br/>Aware</u>                |
|--|--------------------------|-------------------------------------|
| (9) special districts in which the Property lies (for example, historical districts, development districts, extraterritorial jurisdictions, or others)?.....   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (10) pending changes in zoning, restrictions, or in physical use of the Property?.....   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (11) your receipt of any notice concerning any likely condemnation, planned streets, highways, railroads, or developments that would materially and adversely affect the Property (including access or visibility)?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (12) lawsuits affecting title to or use or enjoyment of the Property?.....   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (13) your receipt of any written notices of violations of zoning, deed restrictions, or government regulations from EPA, OSHA, TCEQ, or other government agencies?.....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (14) common areas or facilities affiliated with the Property co-owned with others?.....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (15) an owners' or tenants' association or maintenance fee or assessment affecting the Property?.....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If aware, name of association: _____   |                          |                                     |
| Name of manager: _____   |                          |                                     |
| Amount of fee or assessment: \$ _____ per _____  |                          |                                     |
| Are fees current through the date of this notice? <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> unknown  |                          |                                     |
| (16) subsurface structures, hydraulic lifts, or pits on the Property?.....   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (17) intermittent or weather springs that affect the Property?.....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (18) any material defect in any irrigation system, fences, or signs on the Property?.....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (19) conditions on or affecting the Property that materially affect the health or safety of an ordinary individual?.....   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If you are aware of any of the conditions listed above, explain. *(Attach additional information if needed.)*

The property had been owned in the 1970's and possibly before by Polycycle Industries, which crushed dead batteries to recycle and sell lead and acid inside them. The crushed battery cases with lead on them may have been sold or disposed of off site, but some apparently were left behind on the property. In 1983, Polycycle Industries excavated battery cases and contaminated soils and sent them off site for disposal. The state of Texas issued a clean closure certification in response. The Seller then purchased this property. The state revisited the 1983 work in 2000 and found an unacceptable number of battery casing chips. This resulted in the property being proposed for listing on the State Superfund Registry in 2003. This proposal allowed the state to use state funds to perform more clean up, which was accomplished in 2004-2006. Once that work was finished, the state issued a No Further Action letter in 2007. The property was also deleted from the Superfund Registry in 2007. All documentation is part of the state's public files.

## **PART 2 – Complete only if Property is Improved**

### **A. Are you (Seller) aware of any material defects in any of following on the Property?**

- |  | <u>Aware</u>             | <u>Not<br/>Aware</u>     | <u>Not<br/>Appl.</u>     |
|--|--------------------------|--------------------------|--------------------------|
| (1) <b><u>Structural Items:</u></b>  |                          |                          |                          |
| (a) foundation systems (slabs, columns, trusses, bracing, crawl spaces, piers, beams, footings, retaining walls, basement, grading)? .....             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) exterior walls? .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) fireplaces and chimneys? .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) roof, roof structure, or attic (covering, flashing, skylights, insulation, roof penetrations, ventilation, gutters and downspouts, decking)? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (e) windows, doors, plate glass, or canopies .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

(2) Plumbing Systems:

	<u>Aware</u>	<u>Not Aware</u>	<u>Not Appl.</u>
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- |   |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|
| (a) water heaters or water softeners? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) supply or drain lines? .....            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) faucets, fixtures, or commodes? .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) private sewage systems? .....           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (e) pools or spas and equipments? .....     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (f) sprinkler systems? .....                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (g) water coolers? .....                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (h) private water wells? .....              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (i) pumps or sump pumps? .....              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

(3) HVAC Systems: any cooling, heating, or ventilation systems? .....

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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(4) Electrical Systems: service drops, wiring, connections, conductors, plugs, grounds, power, polarity, switches, light fixtures, or junction boxes? .....

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

(5) Other Systems or Items:

- |   |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|
| (a) security or fire detection systems? .....       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) porches or decks? .....                         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) gas lines? .....                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) garage doors and door operators? .....          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (e) loading doors or docks? .....                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (f) rails or overhead cranes? .....                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (g) elevators or escalators? .....                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (h) parking areas, drives, steps, walkways? .....   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (i) appliances or built-in kitchen equipment? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

If you are aware of material defects in any of the items listed under Paragraph A, explain. (Attach additional information if needed.)

## B. Are you (Seller) aware of:

	<u>Aware</u>	<u>Not Aware</u>
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## (1) any of the following water or drainage conditions materially and adversely affecting the Property:

- |  |                          |                          |
|--|--------------------------|--------------------------|
| (a) ground water? .....                        | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) water penetration? .....                   | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) previous flooding or water drainage? ..... | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) soil erosion or water ponding? .....       | <input type="checkbox"/> | <input type="checkbox"/> |

(TAR-1408) 1-26-10

Initialed by Seller [Signature] and Buyer or Tenant: \_\_\_\_\_

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- |   | <u>Aware</u>             | <u>Not<br/>Aware</u>     |
|---|--------------------------|--------------------------|
| (2) previous structural repair to the foundation systems on the Property? .....   | <input type="checkbox"/> | <input type="checkbox"/> |
| (3) settling or soil movement materially and adversely affecting the Property? .....  | <input type="checkbox"/> | <input type="checkbox"/> |
| (4) pest infestation from rodents, insects, or other organisms on the Property? .....   | <input type="checkbox"/> | <input type="checkbox"/> |
| (5) termite or wood rot damage on the Property needing repair? .....  | <input type="checkbox"/> | <input type="checkbox"/> |
| (6) mold to the extent that it materially and adversely affects the Property? .....   | <input type="checkbox"/> | <input type="checkbox"/> |
| (7) mold remediation certificate issued for the Property in the previous 5 years? .....<br>if yes, attach a copy of the mold remediation certificate.                         | <input type="checkbox"/> | <input type="checkbox"/> |
| (8) previous termite treatment on the Property? .....   | <input type="checkbox"/> | <input type="checkbox"/> |
| (9) previous fires that materially affected the Property? .....   | <input type="checkbox"/> | <input type="checkbox"/> |
| (10) modifications made to the Property without necessary permits or not in compliance<br>with building codes in effect at the time? .....                                    | <input type="checkbox"/> | <input type="checkbox"/> |
| (11) any part, system, or component in or on the Property not in compliance with the<br>the Americans with Disabilities Act or the Texas Architectural Barrier Statute? ..... | <input type="checkbox"/> | <input type="checkbox"/> |

If you are aware of any of conditions described under Paragraph B, explain. (Attach additional information, if needed.)

Seller: M.S. Wright, III

By: \_\_\_\_\_

By (signature): M.S. Wright, III

Printed Name: M.S. Wright, III

Title: CEO Date: 10-7-13

By: \_\_\_\_\_

By (signature): \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

The undersigned acknowledges receipt of the foregoing statement.

Buyer or Tenant: \_\_\_\_\_

By: \_\_\_\_\_

By (signature): \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

By: \_\_\_\_\_

By (signature): \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTICE TO BUYER OR TENANT:** The broker representing Seller and the broker representing you advise you that this statement was completed by Seller, as of the date signed. The brokers have relied on this statement as true and correct and have no reason to believe it to be false or inaccurate. YOU ARE ENCOURAGED TO HAVE AN INSPECTOR OF YOUR CHOICE INSPECT THE PROPERTY.