

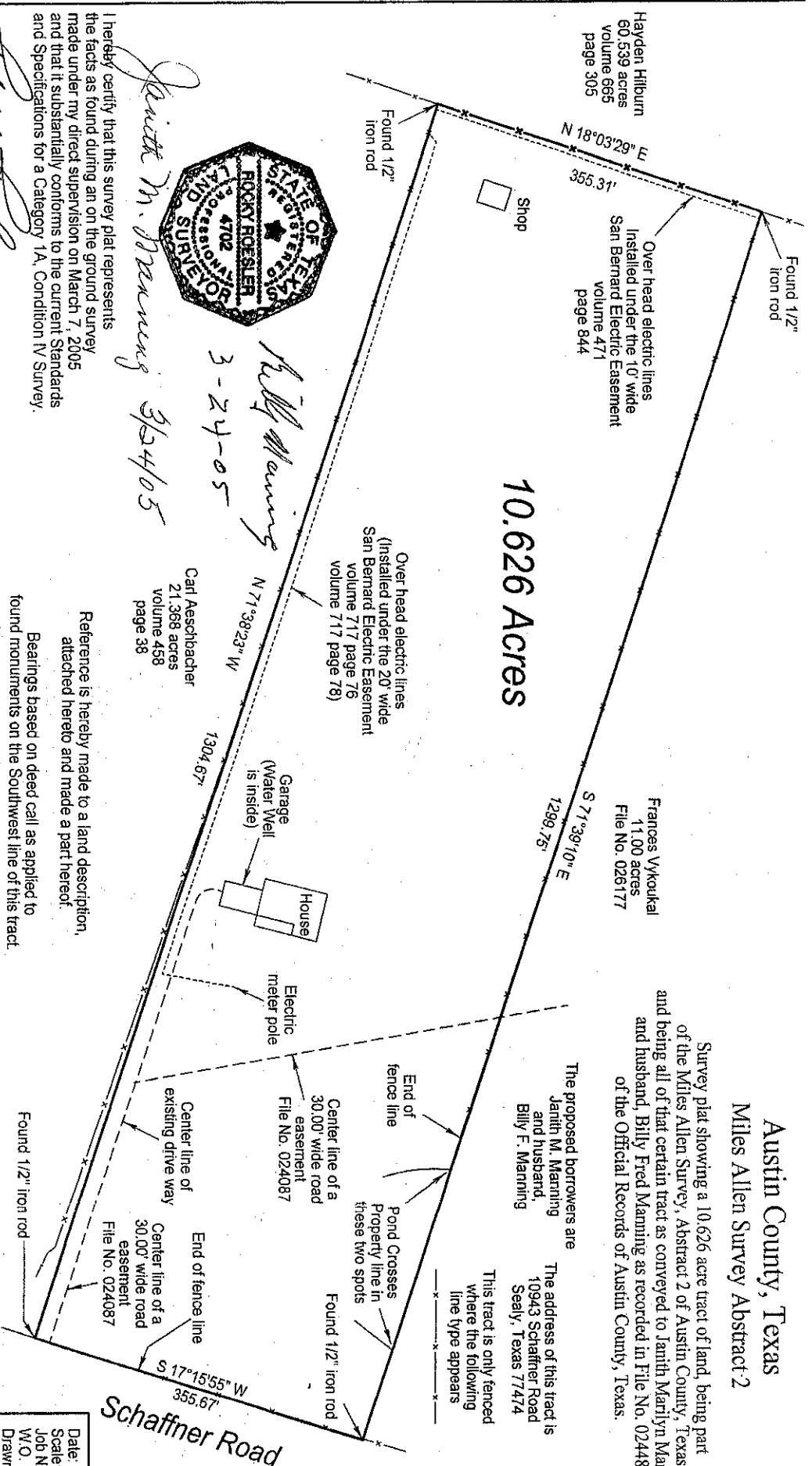
# Austin County, Texas Miles Allen Survey Abstract 2

Survey plat showing a 10.626 acre tract of land, being part of the Miles Allen Survey, Abstract 2 of Austin County, Texas, and being all of that certain tract as conveyed to Janith Marilyn Manning and husband, Billy Fred Manning as recorded in File No. 024482 of the Official Records of Austin County, Texas.

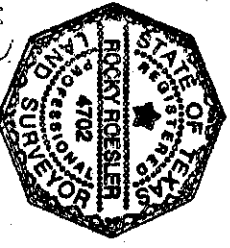
The proposed borrowers are  
Janith M. Manning  
and husband,  
Billy F. Manning

The address of this tract is  
10943 Schaffner Road  
Seely, Texas 77474

This tract is only fenced  
where the following  
line type appears



*Janith M. Manning*  
3-24-05  
3/24/05



I hereby certify that this survey plat represents the facts as found during an on the ground survey made under my direct supervision on March 7, 2005 and that it substantially conforms to the current Standards and Specifications for a Category 1A, Condition IV Survey.

*Rocky Von Roesler*

Rocky Von Roesler  
Registered Professional Land Surveyor  
Number 4702

Reference is hereby made to a land description, attached hereto and made a part hereof.  
Bearings based on deed call as applied to found monuments on the Southwest line of this tract.  
According to the FEMA Flood Insurance Rate Map, Community Panel No. 48015 C 0175C, effective date January 17, 1990, it appears that this tract does not lie within a Special Flood Hazard Zone "A".

**Rocky Von Roesler**  
Registered Professional Land Surveyor  
Number 4702  
6339 Skillet Road La Grange, TX 78945 979-247-4321

Date: 3-7-05  
Scale: 1" = 120'  
Job Number: 25049  
W.O. Number: 25049  
Drawn By: RVR

# **TEXAS ASSOCIATION OF REALTORS®** **SELLER'S DISCLOSURE NOTICE**

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Section 5.008, Property Code requires a seller of residential property of not more than one dwelling unit to deliver a Seller's Disclosure Notice to a buyer on or before the effective date of a contract. This form complies with and contains additional disclosures which exceed the minimum disclosures required by the Code.

CONCERNING THE PROPERTY AT

10943 Schaffner Rd  
Sealy, TX 77474-7250

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 BUYER 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 (by Seller), how long since Seller has occupied the Property?  
☒ 2 MONTHS or ☐ never occupied the Property

Section 1. The Property has the items marked below: (Mark Yes (Y), No (N), or Unknown (U).)  
 This notice does not establish the items to be conveyed. The contract will determine which items will & will not convey.

Item	Y	N	U
Cable TV Wiring	✓		
Carbon Monoxide Det.	✓		
Ceiling Fans	✓		
Cooktop			
Dishwasher	✓		
Disposal	✓		
Emergency Escape Ladder(s)			✓
Exhaust Fans	✓		
Fences	✓		
Fire Detection Equip.	✓		
French Drain	✓		
Gas Fixtures	✓		

Item	Y	N	U
Gas Lines (Nat/LP)	✓		
Hot Tub			✓
Intercom System			✓
Microwave	✓		
Outdoor Grill			✓
Patio/Decking			✓
Plumbing System	✓		
Pool			✓
Pool Equipment			✓
Pool Maint. Accessories			✓
Pool Heater			✓
Public Sewer System			✓

Item	Y	N	U
Pump: <input type="checkbox"/> sump <input type="checkbox"/> grinder			✓
Rain Gutters			✓
Ranger/Stove	✓		
Roof/Attic Vents	✓		
Sauna			✓
Smoke Detector	✓		
Smoke Detector - Hearing Impaired			✓
Spa			✓
Trash Compactor			✓
TV Antenna			✓
Washer/Dryer Hookup	✓		
Window Screens	✓		

Item	Y	N	U	Additional Information
Central A/C 2 UNITS	✓			<input checked="" type="checkbox"/> electric <input type="checkbox"/> gas number of units: _____
Evaporative Coolers		✓		number of units: _____
Wall/Window AC Units		✓		number of units: _____
Attic Fan(s)		✓		if yes, describe: _____
Central Heat 2 UNITS	✓			<input type="checkbox"/> electric <input checked="" type="checkbox"/> gas number of units: 2
Other Heat		✓		if yes, describe: _____
Oven	✓			number of ovens: 1 <input type="checkbox"/> electric <input checked="" type="checkbox"/> gas <input type="checkbox"/> other: _____
Fireplace & Chimney		✓		<input type="checkbox"/> wood <input type="checkbox"/> gas logs <input type="checkbox"/> mock <input type="checkbox"/> other: _____
Carport		✓		<input type="checkbox"/> attached <input type="checkbox"/> not attached
Garage	✓			<input type="checkbox"/> attached <input type="checkbox"/> not attached
Garage Door Openers	✓			number of units: 2 (House + Garage) number of remotes: 3
Satellite Dish & Controls	✓			<input checked="" type="checkbox"/> owned <input type="checkbox"/> leased from
Security System PRE-WIRED		✓		<input type="checkbox"/> owned <input type="checkbox"/> leased from
Water Heater 2 UNITS	✓			<input type="checkbox"/> electric <input checked="" type="checkbox"/> gas <input type="checkbox"/> other: ON DEMAND number of units: 2
Water Softener	✓			<input checked="" type="checkbox"/> owned <input type="checkbox"/> leased from
Underground Lawn Sprinkler	✓			<input checked="" type="checkbox"/> automatic <input type="checkbox"/> manual areas covered: FRONT + SIDE YARDS
Septic / On-Site Sewer Facility	✓			if yes, attach information about On-Site Sewer Facility (TAR-1407)

(TAR-1406) 7-16-08

Texas State Realty, P.O. Box 103 Fayetteville, TX 75804  
 Charlie Babin

Initialed by: Seller:  and Buyer: \_\_\_\_\_

Page 1 of 5

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 Phone: 972.378.1000 Fax: 972.378.1001 WWW.ZIPFORM.COM

Aug 25 2009 11:45AM PM

PHONE NO. : 979 378 4181

FROM : FAYETTE REALTY

Concerning the Property at

10943 Schaffner Rd  
Sealy, TX 77474-7250Water supply provided by: ☐ city ☒ well ☐ MUD ☐ co-op ☐ unknown ☐ other:Was the Property built before 1978? ☐ yes ☒ no ☐ unknown

(If yes, complete, sign, and attach TAR-1906 concerning lead-based paint hazards).

Roof Type: METALAge: 4 1/2 YRS

(approximate)

Is there an overlay roof covering on the Property (shingles or roof covering placed over existing shingles or roof covering)?

☒ yes ☐ no ☐ unknownAre you (Seller) aware of any of the items listed in this Section 1 that are not in working condition, that have defects, or are need of repair? ☐ yes ☒ no If yes, describe (attach additional sheets if necessary):

Section 2. Are you (Seller) aware of any defects or malfunctions in any of the following?: (Mark Yes (Y) if you are aware and No (N) if you are not aware.)

Item	Y	N
Basement		<input checked="" type="checkbox"/>
Ceilings		<input checked="" type="checkbox"/>
Doors		<input checked="" type="checkbox"/>
Driveways		<input checked="" type="checkbox"/>
Electrical Systems		<input checked="" type="checkbox"/>
Exterior Walls		<input checked="" type="checkbox"/>

Item	Y	N
Floors		<input checked="" type="checkbox"/>
Foundation / Slab(s)		<input checked="" type="checkbox"/>
Interior Walls		<input checked="" type="checkbox"/>
Lighting Fixtures		<input checked="" type="checkbox"/>
Plumbing Systems		<input checked="" type="checkbox"/>
Roof		<input checked="" type="checkbox"/>

Item	Y	N
Sidewalks		<input checked="" type="checkbox"/>
Walls / Fences		<input checked="" type="checkbox"/>
Windows		<input checked="" type="checkbox"/>
Other Structural Components		<input checked="" type="checkbox"/>

If the answer to any of the items in Section 2 is yes, explain (attach additional sheets if necessary):

Section 3. Are you (Seller) aware of any of the following conditions: (Mark Yes (Y) if you are aware and No (N) if you are not aware.)

Condition	Y	N
Aluminum Wiring		<input checked="" type="checkbox"/>
Asbestos Components		<input checked="" type="checkbox"/>
Diseased Trees: <input type="checkbox"/> oak wilt <input type="checkbox"/>		<input checked="" type="checkbox"/>
Endangered Species/Habitat on Property		<input checked="" type="checkbox"/>
Fault Lines		<input checked="" type="checkbox"/>
Hazardous or Toxic Waste		<input checked="" type="checkbox"/>
Improper Drainage		<input checked="" type="checkbox"/>
Intermittent or Weather Springs		<input checked="" type="checkbox"/>
Landfill		<input checked="" type="checkbox"/>
Lead-Based Paint or Lead-Based Pt. Hazards		<input checked="" type="checkbox"/>
Encroachments onto the Property		<input checked="" type="checkbox"/>
Improvements encroaching on others' property		<input checked="" type="checkbox"/>
Located in 100-year Floodplain		<input checked="" type="checkbox"/>
Located in Floodway		<input checked="" type="checkbox"/>
Present Flood Ins. Coverage (If yes, attach TAR-1414)		<input checked="" type="checkbox"/>
Previous Flooding into the Structures		<input checked="" type="checkbox"/>
Previous Flooding onto the Property		<input checked="" type="checkbox"/>
Previous Fires		<input checked="" type="checkbox"/>
Previous Use of Premises for Manufacture of Methamphetamine		<input checked="" type="checkbox"/>

Condition	Y	N
Previous Foundation Repairs <u>IN 2003</u>	<input checked="" type="checkbox"/>	
Previous Roof Repairs		<input checked="" type="checkbox"/>
Other Structural Repairs		<input checked="" type="checkbox"/>
Radon Gas		<input checked="" type="checkbox"/>
Settling		<input checked="" type="checkbox"/>
Soil Movement		<input checked="" type="checkbox"/>
Subsurface Structure or Pits		<input checked="" type="checkbox"/>
Underground Storage Tanks		<input checked="" type="checkbox"/>
Unplatted Easements		<input checked="" type="checkbox"/>
Unrecorded Easements		<input checked="" type="checkbox"/>
Urea-formaldehyde Insulation		<input checked="" type="checkbox"/>
Water Penetration		<input checked="" type="checkbox"/>
Wetlands on Property		<input checked="" type="checkbox"/>
Wood Rot		<input checked="" type="checkbox"/>
Active Infestation of termites or other wood- destroying insects (WDI)		<input checked="" type="checkbox"/>
Previous treatment for termites or WDI		<input checked="" type="checkbox"/>
Previous termite or WDI damage repaired		<input checked="" type="checkbox"/>
Termite or WDI damage needing repair		<input checked="" type="checkbox"/>

(TAR-1406) 7-16-08

Initialed by: Seller: [Signature] and Buyer: [Signature]

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Aug. 25 2009 11:44AM PST

PHONE NO. 979 378 4181

Page 2 of 5

10943 Schaffner

FROM : FAYETTE REALTY

Concerning the Property at

10943 Schaffner Rd  
Sealy, TX 77474-7250

If the answer to any of the items in Section 3 is yes, explain (attach additional sheets if necessary):

SOME BEAMS REPLACED & BRACED UNDER PIER &  
BEAM AREA. EVERYTHING CORRECTED.Section 4. 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 if necessary):DRYER HEATS BUT IS SLOW TO DRY CLOTHES

Section 5. 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 codes in effect at the time.☐ ☒ Homeowners' associations or maintenance fees or assessments. If yes, complete the following:

Name of association: \_\_\_\_\_

Manager's name: \_\_\_\_\_

Phone: \_\_\_\_\_

Fees or assessments are: \$ \_\_\_\_\_ per \_\_\_\_\_ and are: ☐ mandatory ☐ voluntaryAny unpaid fees or assessments for the Property? ☐ yes (\$ \_\_\_\_\_) ☐ no

If the Property is in more than one association, provide information about the other associations below or attach information to this notice.

☐ ☒ Any common area (facilities such as pools, tennis courts, walkways, or other) co-owned in undivided interest with others. If yes, complete the following:Any optional user fees for common facilities charged? ☐ yes ☐ no If yes, describe: \_\_\_\_\_☐ ☒ Any notices of violations of deed restrictions or governmental ordinances affecting the condition or use of the Property.☐ ☒ Any lawsuits or other legal proceedings directly or indirectly affecting the Property.☐ ☒ Any death on the Property except for those deaths caused by: natural causes, suicide, or accident unrelated to the condition of the Property.☐ ☒ Any condition on the Property which materially affects the health or safety of an individual.☐ ☒ Any repairs or treatments, other than routine maintenance, made to the Property to remediate environmental hazards such as asbestos, radon, lead-based paint, urea-formaldehyde, or mold.

If yes, attach any certificates or other documentation identifying the extent of the remediation (for example, certificate of mold remediation or other remediation).

If the answer to any of the items in Section 5 is yes, explain (attach additional sheets if necessary):

(TAR-1406) 7-16-08

Initialed by: Seller: 

Buyer: \_\_\_\_\_

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10943 Schaffner

Aug. 25 2009 11:44AM P11

PHONE NO. : 979 378 4101

FROM : FAYETTE REALTY

Concerning the Property at

10943 Schaffner Rd  
Sealy, TX 77474-7250

Section 6. Seller ☒ has ☐ has not attached a survey of the Property.

Section 7. Within the last 4 years, 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 complete the following:

Inspection Date	Type	Name of Inspector	No. of Pages

Note: A buyer should not rely on the above-cited reports as a reflection of the current condition of the Property. A buyer should obtain inspections from inspectors chosen by the buyer.

Section 8. Check any tax exemption(s) which you (Seller) currently claim for the Property:

- ☒ Homestead      ☒ Senior Citizen      ☒ Disabled  
☐ Wildlife Management      ☐ Agricultural      ☐ Disabled Veteran  
☐ Other: \_\_\_\_\_      ☐ Unknown

Section 9. Have you (Seller) ever received proceeds for a claim for damage to the Property (for example, an insurance claim or a settlement or award in a legal proceeding) and not used the proceeds to make the repairs for which the claim was made? ☐ yes ☒ no If yes, explain: \_\_\_\_\_

Section 10. Does the property have working smoke detectors installed in accordance with the smoke detector requirements of Chapter 766 of the Health and Safety Code? ☐ unknown ☐ no ☒ yes. If no or unknown, explain: (Attach additional sheets if necessary): \_\_\_\_\_

\*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 installation. The parties may agree who will bear the cost of installing the smoke detectors and which brand of smoke detectors to install.

Seller acknowledges that the statements in this notice are true to the best of Seller's belief and that no person, including the broker(s), has instructed or influenced Seller to provide inaccurate information or to omit any material information.

Signature of Seller: Billy F Manning Date: 8/25/09  
 Signature of Seller: Janith M. Manning Date: 8/25/09  
 Printed Name: BILLY F MANNING Printed Name: JANITH M. MANNING

(TAR 1406) 7-16-08

Initiated by: Seller [Signature] and Buyer [Signature]

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10943 Schaffner

Aug. 25 2009 11:45AM P12

PHONE NO. : 979 378 4101

FROM : FAYETTE REALTY

Concerning the Property at 10943 Schaffner Rd  
Sealy, TX 77474-7250

#### ADDITIONAL NOTICES TO BUYER:

- (1) The Texas Department of Public Safety maintains a database that the public 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](http://www.txdps.state.tx.us). For information concerning past criminal activity in certain areas or neighborhoods, contact the local police department.
- (2) 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 may be required for repairs or improvements. Contact the local government with ordinance authority over construction adjacent to public beaches for more information.
- (3) If you are basing your offers on square footage, measurements, or boundaries, you should have those items independently measured to verify any reported information.

- (4) The following providers currently provide service to the property:

Electric: San Bernard Electric Sewer: septic tank  
 Water: well Cable: N/A  
 Trash: N/A Natural Gas: N/A  
 Local Phone: N/A Propane: Bellville Butane

- (5) This Seller's Disclosure Notice was completed by Seller as of the date signed. The brokers have relied on this notice 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.

The undersigned Buyer acknowledges receipt of the foregoing notice and acknowledges the property complies with the smoke detector requirements of Chapter 766, Health and Safety Code, or, if the property does not comply with the smoke detector requirements of Chapter 766, the buyer waives the buyer's rights to have smoke detectors installed in compliance with Chapter 766.

Signature of Buyer	Date	Signature of Buyer	Date
Printed Name: _____	_____	Printed Name: _____	_____

(TAR-1408) 7-16-08

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10943 Schaffner

Aug. 25 2009 11:45AM PST

PHONE NO. : 579 378 4101

FROM : FAYETTE REALTY



## TEXAS ASSOCIATION OF REALTORS®

## INFORMATION ABOUT ON-SITE SEWER FACILITY

USE OF THIS FORM BY PERSONS WHO ARE NOT MEMBERS OF THE TEXAS ASSOCIATION OF REALTORS® IS NOT AUTHORIZED  
©Texas Association of REALTORS®, Inc., 2004

## CONCERNING THE PROPERTY AT

10943 Schaffner Rd  
Sealy, TX 77474-7250

## A. DESCRIPTION OF ON-SITE SEWER FACILITY ON PROPERTY:

(1) Type of Treatment System: ☒ Septic Tank ☐ Aerobic Treatment ☐ Unknown

(2) Type of Distribution System: ☐ Unknown

(3) Approximate Location of Drain Field or Distribution System: ☐ Unknown

(1) Main tank - Between house & lake toward access rd. (near but not on access road)  
(2) Secondary tank - Between house & large barn

(4) Installer: ☐ Unknown

(5) Approximate Age: (1) Main tank - 15 yrs (2) Secondary - 5 yrs ☐ Unknown

## B. MAINTENANCE INFORMATION:

(1) Is Seller aware of any maintenance contract in effect for the on-site sewer facility? ☐ Yes ☒ No

If yes, name of maintenance contractor: \_\_\_\_\_

Phone: \_\_\_\_\_ contract expiration date: \_\_\_\_\_

Maintenance contracts must be in effect to operate aerobic treatment and certain non-standard on-site sewer facilities.)

(2) Approximate date any tanks were last pumped? never pumped

(3) Is Seller aware of any defect or malfunction in the on-site sewer facility? ☐ Yes ☒ No

If yes, explain: \_\_\_\_\_

(4) Does Seller have manufacturer or warranty information available for review? ☐ Yes ☒ No

## C. PLANNING MATERIALS, PERMITS, AND CONTRACTS:

(1) The following items concerning the on-site sewer facility are attached:

☐ planning materials ☐ permit for original installation ☐ final inspection when OSSF was installed  
☐ maintenance contract ☐ manufacturer information ☐ warranty information ☐ \_\_\_\_\_

(2) "Planning materials" are the supporting materials that describe the on-site sewer facility that are submitted to the permitting authority in order to obtain a permit to install the on-site sewer facility.

(3) It may be necessary for a buyer to have the permit to operate an on-site sewer facility transferred to the buyer.

(TAR-1407) 1-7-04

Initialed for Identification by Buyer \_\_\_\_\_

and Seller Billy & Jan Manning

Page 1 of 2

Town Square Realty PO Box 206 Fayetteville, TX 75940

Phone: 979.378.9003

Fax: \_\_\_\_\_

Charles Rubin

Produced with ZipForm® by zipLogic 18075 Fifteen Mile Road, Fraser, Michigan 48026

www.zipLogic.com

10943 Schaffner

Aug. 25 2009 11:40AM P14

PHONE NO. : 979 378 4181

FROM : FAYETTE REALTY

Information about On-Site Sewer Facility concerning \_\_\_\_\_

10943 Schaffner Rd  
Sealy, TX 77474-7250

- D. **INFORMATION FROM GOVERNMENTAL AGENCIES:** Pamphlets describing on-site sewer facilities are available from the Texas Agricultural Extension Service. Information in the following table was obtained from Texas Commission on Environmental Quality (TCEQ) on 10/24/2002. The table estimates daily wastewater usage rates. Actual water usage data or other methods for calculating may be used if accurate and acceptable to TCEQ.

Facility	Usage (gal/day) without water- saving devices	Usage (gal/day) with water- saving devices
Single family dwelling (1-2 bedrooms; less than 1,500 sf)	225	180
Single family dwelling (3 bedrooms; less than 2,500 sf)	300	240
Single family dwelling (4 bedrooms; less than 3,500 sf)	375	300
Single family dwelling (5 bedrooms; less than 4,500 sf)	450	360
Single family dwelling (6 bedrooms; less than 5,500 sf)	525	420
Mobile home, condo, or townhouse (1-2 bedroom)	225	180
Mobile home, condo, or townhouse (each add'l bedroom)	75	60

This document is not a substitute for any inspections or warranties. This document was completed to the best of Seller's knowledge and belief on the date signed. Seller and real estate agents are not experts about on-site sewer facilities. Buyer is encouraged to have the on-site sewer facility inspected by an inspector of Buyer's choice.

Billy Manning  
Signature of Seller

8/25/09  
Date

Janet M. Manning  
Signature of Seller

8/25/09  
Date

Receipt acknowledged by:

\_\_\_\_\_  
Signature of Buyer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Buyer

\_\_\_\_\_  
Date