



COMMERCIAL PROPERTY CONDITION STATEMENT

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CONCERNING THE PROPERTY AT: **109 S 9th St, Memphis, TX 79245-3215**

THIS IS A DISCLOSURE OF THE SELLER'S OR LANDLORD'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, LANDLORD, LANDLORD'S AGENTS OR ANY OTHER AGENT.

PART I - Complete if Property is Improved or Unimproved

Are you (Seller or Landlord) aware of:

Aware

**Not
Aware**

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

- | | | |
|---|--------------------------|--------------------------|
| (a) radon gas? | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) asbestos components: | | |
| (i) friable components? | <input type="checkbox"/> | <input type="checkbox"/> |
| (ii) non-friable components? | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) urea-formaldehyde insulation? | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) endangered species or their habitat? | <input type="checkbox"/> | <input type="checkbox"/> |
| (e) wetlands? | <input type="checkbox"/> | <input type="checkbox"/> |
| (f) underground storage tanks? | <input type="checkbox"/> | <input type="checkbox"/> |
| (g) leaks in any storage tanks (underground or above-ground)? | <input type="checkbox"/> | <input type="checkbox"/> |
| (h) lead-based paint? | <input type="checkbox"/> | <input type="checkbox"/> |
| (i) hazardous materials or toxic waste? | <input type="checkbox"/> | <input type="checkbox"/> |
| (j) open or closed landfills on or under the surface of the Property? | <input type="checkbox"/> | <input 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 type="checkbox"/> |
| (l) any activity relating to drilling or excavation sites for oil, gas, or other minerals? | <input type="checkbox"/> | <input 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)?

(3) any part of the Property lying in a special flood hazard area (A or V Zone)?

(4) any improper drainage onto or away from the Property?

(5) any fault line at or near the Property that materially and adversely affects the Property?

(6) air space restrictions or easements on or affecting the Property?

(7) unrecorded or unplatted agreements for easements, utilities, or access on or to the Property?

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| | <u>Aware</u> | <u>Not Aware</u> |
|--|--------------------------|--------------------------|
| (8) special districts in which the Property lies (for example, historical districts, development districts, extraterritorial jurisdictions, or others)? | <input type="checkbox"/> | <input type="checkbox"/> |
| (9) pending changes in zoning, restrictions, or in physical use of the Property? The current zoning of the Property is: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| (10) 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 type="checkbox"/> |
| (11) lawsuits affecting title to or use or enjoyment of the Property? | <input type="checkbox"/> | <input type="checkbox"/> |
| (12) 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 type="checkbox"/> |
| (13) common areas or facilities affiliated with the Property co-owned with others? | <input type="checkbox"/> | <input type="checkbox"/> |
| (14) an owners' or tenants' association or maintenance fee or assessment affecting the Property? 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 | <input type="checkbox"/> | <input type="checkbox"/> |
| (15) subsurface structures, hydraulic lifts, or pits on the Property? | <input type="checkbox"/> | <input type="checkbox"/> |
| (16) intermittent or weather springs that affect the Property? | <input type="checkbox"/> | <input type="checkbox"/> |
| (17) any material defect in any irrigation system, fences, or signs on the Property? | <input type="checkbox"/> | <input type="checkbox"/> |
| (18) conditions on or affecting the Property that materially affect the health or safety of an ordinary individual? | <input type="checkbox"/> | <input type="checkbox"/> |
| (19) any of the following rights vested in others: | | |
| (a) outstanding mineral rights? | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) timber rights? | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) water rights? | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) other rights? | <input type="checkbox"/> | <input type="checkbox"/> |
| (20) any personal property or equipment or similar items subject to financing, liens, or lease(s)? If aware, list items: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

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

(TXR-1408) 4-1-18 Initialed by Seller or Landlord:  and Buyer or Tenant: _____, _____

PART 2 - Complete only if Property is Improved

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

| | <u>Aware</u> | <u>Not Aware</u> | <u>Not Appl.</u> |
|--|--------------------------|-------------------------------------|--------------------------|
| (1) <u>Structural Items:</u> | | | |
| (a) foundation systems (slabs, columns, trusses, bracing, crawl spaces, piers, beams, footings, retaining walls, basement, grading)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) exterior walls? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (c) fireplaces and chimneys? | <input type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| (e) windows, doors, plate glass, or canopies | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (2) <u>Plumbing Systems:</u> | | | |
| (a) water heaters or water softeners? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) supply or drain lines? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (c) faucets, fixtures, or commodes? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (d) private sewage systems? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (e) pools or spas and equipments? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (f) sprinkler systems (fire, landscape)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (g) water coolers? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (h) private water wells? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (i) pumps or sump pumps? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (3) <u>HVAC Systems:</u> any cooling, heating, or ventilation systems? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (4) <u>Electrical Systems:</u> service drops, wiring, connections, conductors, plugs, grounds, power, polarity, switches, light fixtures, or junction boxes? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (5) <u>Other Systems or Items:</u> | | | |
| (a) security or fire detection systems? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) porches or decks? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (c) gas lines? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (d) garage doors and door operators? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (e) loading doors or docks? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (f) rails or overhead cranes? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (g) elevators or escalators? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (h) parking areas, drives, steps, walkways? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (i) appliances or built-in kitchen equipment? | <input type="checkbox"/> | <input checked="" 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 or Landlord) aware of:

Aware **Not
Aware**

(1) any of the following water or drainage conditions materially and adversely affecting the Property:

- (a) ground water? ☐ ☐
- (b) water penetration? ☐ ☐
- (c) previous flooding or water drainage? ☐ ☐
- (d) soil erosion or water ponding? ☐ ☐

(2) previous structural repair to the foundation systems on the Property? ☐ ☐

(3) settling or soil movement materially and adversely affecting the Property? ☐ ☐

(4) pest infestation from rodents, insects, or other organisms on the Property? ☐ ☐

(5) termite or wood rot damage on the Property needing repair? ☐ ☐

(6) mold to the extent that it materially and adversely affects the Property? ☐ ☐

(7) mold remediation certificate issued for the Property in the previous 5 years? ☐ ☐
if yes, attach a copy of the mold remediation certificate.

(8) previous termite treatment on the Property? ☐ ☐

(9) previous fires that materially affected the Property? ☐ ☐

(10) modifications made to the Property without necessary permits or not in compliance with building codes in effect at the time? ☐ ☐

(11) any part, system, or component in or on the Property not in compliance with the Americans with Disabilities Act or the Texas Architectural Barrier Statute? ☐ ☐

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

The undersigned acknowledges receipt of the foregoing statement.

Seller or Landlord: _____

Buyer or Tenant: _____

By: DALE MITCHELL
By (signature): Dale Mitchell
Printed Name: _____
Title: PRESIDENT

By: _____
By (signature): _____
Printed Name: _____
Title: _____

By: _____
By (signature): _____
Printed Name: _____
Title: _____

By: _____
By (signature): _____
Printed Name: _____
Title: _____

NOTICE TO BUYER OR TENANT: The broker representing Seller or Landlord, and the broker representing you advise you that this statement was completed by Seller or Landlord, 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.