# TEXAS REALTORS

# WHAT'S A SELLER'S DISCLOSURE?

In many residential sales, sellers are required to provide information about the condition of the property, which benefits the buyer and seller.

#### IT'S REQUIRED BY TEXAS LAW

Sellers of a single-unit residential property are required to provide a seller's disclosure notice to a buyer. The notice details what the sellers know about the property at the time they complete and sign the notice. You'll see more than one version of the notice. The Texas Real Estate Commission has one, which meets the law's minimum requirements, and Texas REALTORS<sup>®</sup> has one, which provides more information for buyers and serves as a risk-reduction tool for sellers.

#### WHAT'S IN THE NOTICE?

The five-page Texas REALTORS® *Seller's Disclosure Notice* covers a wide range of topics. It asks sellers to list the appliances and systems in the property, current defects, past insurance claims, past inspection reports, and other conditions of the property.

#### HOW IT HELPS SELLERS

The notice provides sellers a place to document and share their knowledge of a property and can reduce sellers' risk of being sued. If a buyer claims after closing that he didn't know about previous termite damage, the sellers can point to Section 3 of the notice where they indicated the termite damage—assuming the sellers filled out the notice correctly.

#### HOW IT HELPS BUYERS

It's impossible to foresee a house's every potential problem. A disclosure notice that details known conditions and defects can help provide a more complete picture of a property. Buyers may, for example, learn that a house has well water, plumbing problems, and aluminum wiring. That information can be used for inspections to further understand the extent of any issues. Need help understanding the seller's disclosure or other aspects of a real estate transaction? Talk to your REALTOR<sup>®</sup>.



#### 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

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 I	long	since	Seller	has occu	pied
the Property?		(approximate	date)	or	🗆 r	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.

ltem	Υ	Ν	U	Item	Υ	Ν	U	Item	Υ	Ν	U
Cable TV Wiring				Liquid Propane Gas:				Pump: Sump grinder			
Carbon Monoxide Det.				-LP Community (Captive)				Rain Gutters			
Ceiling Fans				-LP on Property				Range/Stove			
Cooktop				Hot Tub				Roof/Attic Vents			
Dishwasher				Intercom System				Sauna			
Disposal				Microwave				Smoke Detector			
Emergency Escape Ladder(s)				Outdoor Grill				Smoke Detector – Hearing Impaired			
Exhaust Fans				Patio/Decking				Spa			
Fences				Plumbing System				Trash Compactor			
Fire Detection Equip.				Pool				TV Antenna			
French Drain				Pool Equipment				Washer/Dryer Hookup			
Gas Fixtures				Pool Maint. Accessories				Window Screens			
Natural Gas Lines				Pool Heater				Public Sewer System			

Item	Y	Ν	U	Additional Information
Central A/C				electric gas number of units:
Evaporative Coolers				number of units:
Wall/Window AC Units				number of units:
Attic Fan(s)				if yes, describe:
Central Heat				electric gas number of units:
Other Heat				if yes describe:
Oven				number of ovens: electric gas other:
Fireplace & Chimney				wood gas logs mock other:
Carport				attached not attached
Garage				attached not attached
Garage Door Openers				number of units: number of remotes:
Satellite Dish & Controls				□ owned □ leased from
Security System				□ owned □ leased from
Solar Panels				□ owned □ leased from
Water Heater				electric gas other: number of units:
Water Softener				owned leased from
Other Leased Item(s)				if yes, describe:
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Concerning the Property at \_

Underground Lawn Sprinkler	🗆 🗖 🗖 automat	ic 🛛 manual area	s covered:			
Septic / On-Site Sewer Facility	□ □ □ if yes, atta	ch Information About	On-Site Sewer Facility (TXR-1407)			
Water supply provided by: City	/ 🗆 well 🗆 MUD 🛛	co-op 🛛 unknown	□ other:			
Was the Property built before 197	78? 🗆 yes 🗆 no 🗖	unknown				
(If yes, complete, sign, and at	tach TXR-1906 conce	rning lead-based pa	nt hazards).			
Roof Type:	Ag	le:	(approximate)			
Is there an overlay roof covering on the Property (shingles or roof covering placed over existing shingles or roof covering)?  Uyes  no  unknown						
Are 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	Υ	Ν
Basement		
Ceilings		
Doors		
Driveways		
Electrical Systems		
Exterior Walls		

Item	Υ	Ν
Floors		
Foundation / Slab(s)		
Interior Walls		
Lighting Fixtures		
Plumbing Systems		
Roof		

Item	Υ	Ν
Sidewalks		
Walls / Fences		
Windows		
Other Structural Components		

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	Υ	Ν	] [	Condition	Υ	Ν
Aluminum Wiring			] [	Radon Gas		
Asbestos Components			] [	Settling		
Diseased Trees:			] [	Soil Movement		
Endangered Species/Habitat on Property			] [	Subsurface Structure or Pits		
Fault Lines			] [	Underground Storage Tanks		
Hazardous or Toxic Waste			] [	Unplatted Easements		
Improper Drainage			] [	Unrecorded Easements		
Intermittent or Weather Springs			] [	Urea-formaldehyde Insulation		
Landfill			] [	Water Damage Not Due to a Flood Event		
Lead-Based Paint or Lead-Based Pt. Hazards			] [	Wetlands on Property		
Encroachments onto the Property			] [	Wood Rot		
Improvements encroaching on others' property				Active infestation of termites or other wood destroying insects (WDI)		
Located in Historic District			1 [	Previous treatment for termites or WDI		
Historic Property Designation			] [	Previous termite or WDI damage repaired		
Previous Foundation Repairs			] [	Previous Fires		
Previous Roof Repairs			] [	Termite or WDI damage needing repair		
Previous Other Structural Repairs			] [	Single Blockable Main Drain in Pool/Hot		
				Tub/Spa*		
Previous Use of Premises for Manufacture						
of Methamphetamine						
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If the answer to any of the items in Section 3 is yes, explain (attach additional sheets if necessary):

\*A single blockable main drain may cause a suction entrapment hazard for an individual.

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):

### Section 5. Are you (Seller) aware of any of the following conditions?\* (Mark Yes (Y) if you are aware and check wholly or partly as applicable. Mark No (N) if you are not aware.)

- $\square$   $\square$  Present flood insurance coverage.
- □ □ Previous flooding due to a failure or breach of a reservoir or a controlled or emergency release of water from a reservoir.
- □ □ Previous flooding due to a natural flood event.
- Previous water penetration into a structure on the Property due to a natural flood.
- Located I wholly I partly in a 100-year floodplain (Special Flood Hazard Area-Zone A, V, A99, AE, AO, AH, VE, or AR).
- Located wholly partly in a 500-year floodplain (Moderate Flood Hazard Area-Zone X (shaded)).
- □ □ Located □ wholly □ partly in a floodway.
- □ □ Located □ wholly □ partly in a flood pool.
- □ □ Located □ wholly □ partly in a reservoir.

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

#### \*If Buyer is concerned about these matters, Buyer may consult Information About Flood Hazards (TXR 1414).

For purposes of this notice:

"100-year floodplain" means any area of land that: (A) is identified on the flood insurance rate map as a special flood hazard area, which is designated as Zone A, V, A99, AE, AO, AH, VE, or AR on the map; (B) has a one percent annual chance of flooding, which is considered to be a high risk of flooding; and (C) may include a regulatory floodway, flood pool, or reservoir.

"500-year floodplain" means any area of land that: (A) is identified on the flood insurance rate map as a moderate flood hazard area, which is designated on the map as Zone X (shaded); and (B) has a two-tenths of one percent annual chance of flooding, which is considered to be a moderate risk of flooding.

"Flood pool" means the area adjacent to a reservoir that lies above the normal maximum operating level of the reservoir and that is subject to controlled inundation under the management of the United States Army Corps of Engineers.

"Flood insurance rate map" means the most recent flood hazard map published by the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 et seq.).

"Floodway" means an area that is identified on the flood insurance rate map as a regulatory floodway, which includes the channel of a river or other watercourse and the adjacent land areas that must be reserved for the discharge of a base flood, also referred to as a 100-year flood, without cumulatively increasing the water surface elevation more than a designated height.

"Reservoir" means a water impoundment project operated by the United States Army Corps of Engineers that is intended to retain water or delay the runoff of water in a designated surface area of land.

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Section 6. Have you (Seller) ever filed a claim for flood damage to the Property with any insurance provider, including the National Flood Insurance Program (NFIP)?\* U yes D no If yes, explain (attach additional sheets as necessary):

\*Homes in high risk flood zones with mortgages from federally regulated or insured lenders are required to have flood insurance. Even when not required, the Federal Emergency Management Agency (FEMA) encourages homeowners in high risk, moderate risk, and low risk flood zones to purchase flood insurance that covers the structure(s) and the personal property within the structure(s).

Section 7. Have you (Seller) ever received assistance from FEMA or the U.S. Small Business Administration (SBA) for flood damage to the Property? yes no If yes, explain (attach additional sheets as necessary):

	8. Are you (Seller) aware of any of the following? (Mark Yes (Y) if you are aware. Mark No (N) re not aware.)
<u>Y N</u>	Room additions, structural modifications, or other alterations or repairs made without necessary
	permits, with unresolved 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:
	Manager's name: Phone: Phone: Fees or assessments are: \$ per and are: □ mandatory □ voluntary Any unpaid fees or assessment 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. (Includes, but is not limited to: divorce, foreclosure, heirship, bankruptcy, and taxes.)
	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).
	Any rainwater harvesting system located on the Property that is larger than 500 gallons and that uses a public water supply as an auxiliary water source.
	The Property is located in a propane gas system service area owned by a propane distribution system retailer.
	Any portion of the Property that is located in a groundwater conservation district or a subsidence district.
If the an	swer to any of the items in Section 8 is yes, explain (attach additional sheets if necessary):

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and Seller:

Section 9. 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?  $\Box$  yes  $\Box$  no If yes, attach copies and complete the following:

Inspection Date	Туре	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 10. Check any tax exemption(s) which you (Seller) currently claim for the Property:

Homestead
Wildlife Management

Other:

Senior Citizen

☐ Disabled ☐ Disabled Veteran ☐ Unknown

Section 11. Have you (Seller) ever filed a claim for damage, other than flood damage, to the Property with any insurance provider? 
yes no

Section 12. 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?  $\Box$  yes  $\Box$  no If yes, explain:

Section 13. Does the Property have working smoke detectors installed in accordance with the smoke detector requirements of Chapter 766 of the Health and Safety Code?\* uknown uknown

\*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	Dat	ïe	Signature of Seller		Date
Printed Name:			Printed Name:		
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Keller Williams Realty LRGV -	SPI		956-761-1400	Dina Rich	

#### 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 <u>www.txdps.state.tx.us</u>. 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 the Property is located in a seacoast territory of this state designated as a catastrophe area by the Commissioner of the Texas Department of Insurance, the Property may be subject to additional requirements to obtain or continue windstorm and hail insurance. A certificate of compliance may be required for repairs or improvements to the Property. For more information, please review *Information Regarding Windstorm and Hail Insurance for Certain Properties* (TXR 2518) and contact the Texas Department of Insurance or the Texas Windstorm Insurance Association.
- (4) This Property may be located near a military installation and may be affected by high noise or air installation compatible use zones or other operations. Information relating to high noise and compatible use zones is available in the most recent Air Installation Compatible Use Zone Study or Joint Land Use Study prepared for a military installation and may be accessed on the Internet website of the military installation and of the county and any municipality in which the military installation is located.
- (5) If you are basing your offers on square footage, measurements, or boundaries, you should have those items independently measured to verify any reported information.

Electric:	phone #:
Sewer:	phone #:
Water:	phone #:
Cable:	phone #:
Trash:	phone #:
Natural Gas:	phone #:
Phone Company:	phone #:
Propane:	phone #:
Internet:	phone #:

(6) The following providers currently provide service to the Property:

(7) 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.

Signature of Buyer	Date	Signature of Buyer	Date
	Dale	Signature of Duyer	Dale
Printed Name:		Printed Name:	
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