



TEXAS ASSOCIATION OF REALTORS®  
**COMMERCIAL PROPERTY CONDITION STATEMENT**

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CONCERNING THE PROPERTY AT: 5817 Wilcab, Austin, Tx. 78721

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 I - Complete if Property is Improved or Unimproved**

Are you (Seller) aware of:

- |   | <u>Aware</u>             | <u>Not<br/>Aware</u>                |
|---|--------------------------|-------------------------------------|
| (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 type="checkbox"/> | <input checked="" 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 unplattd agreements for easements, utilities, or access on or to the Property? .....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

(TAR-1408) 10-18-05 Initiated by Buyer or Tenant: \_\_\_\_\_ and Seller: 

Mark D. Blake 4902 Timberline Austin, TX 78746  
 Phone: (293)480-8200 Fax:

Mark Blake

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Not  
Aware

Aware

Not  
Aware

Appl.

- (9) special districts in which the Property lies (for example, historical districts, development districts, extraterritorial jurisdictions, or others)?
  - (10) pending changes in zoning, restrictions, or in physical use of the Property?
  - (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)?
  - (12) lawsuits affecting title to or use or enjoyment of the Property?
  - (13) your receipt of any written notices of violations of zoning, deed restrictions, or government regulations from EPA, OSHA, TCEQ, or other government agencies?
  - (14) common areas of facilities affiliated with the Property co-owned with others?
  - (15) 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?  yes  no  unknown
- (16) subsurface structures, hydraulic lifts, or pits on the Property?
  - (17) intermittent or weather springs that affect the Property?
  - (18) any material defect in any irrigation system, fences, or signs on the Property?
  - (19) conditions on or affecting the Property that materially affect the health or safety of an ordinary individual?

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

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

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

- (1) Structural items:
- (a) foundation systems (slabs, columns, trusses, bracing, crawl spaces, piers, beams, footings, retaining walls, basement, grading)?
  - (b) exterior walls?
  - (c) fireplaces and chimneys?
  - (d) roof, roof structure, or attic (covering, flashing, skylights, insulation, roof penetrations, ventilation, gutters and downspouts, decking)?
  - (e) windows, doors, plate glass, or canopies?

(2) Plumbing Systems:

- |   | <u>Aware</u>             | <u>Not<br/>Aware</u>                | <u>Not<br/>Appl.</u>                |
|---|--------------------------|-------------------------------------|-------------------------------------|
| (a) water heaters or water softeners? ..... | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" 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 type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (d) private sewage systems? .....           | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (e) pools or spas and equipments? .....     | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (f) sprinkler systems? .....                | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (g) water coolers? .....                    | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (h) private water wells? .....              | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (i) pumps or sump pumps? .....              | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

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

(4) Electrical Systems: service drops, wiring, connections, conductors, plugs, grounds, power, polarity, switches, light fixtures, or junction boxes? .....

(5) Other Systems or Items:

- |   |                          |                                     |                                     |
|---|--------------------------|-------------------------------------|-------------------------------------|
| (a) security or fire detection systems? .....       | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (b) porches or decks? .....                         | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (c) gas lines? .....                                | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" 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 type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (f) rails or overhead cranes? .....                 | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (g) elevators or escalators? .....                  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" 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 type="checkbox"/>            | <input checked="" type="checkbox"/> |

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

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B. Are you (Seller) aware of:

- |  | <u>Aware</u>             | <u>Not<br/>Aware</u>                |
|--|--------------------------|-------------------------------------|
| (1) any of the following water or drainage conditions materially and adversely affecting the Property: |                          |                                     |
| (a) ground water? .....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) water penetration? .....   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (c) previous flooding or water drainage? .....   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (d) soil erosion or water ponding? .....   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Not Aware

- (2) previous structural repair to the foundation systems on the Property?  Not Aware  Aware
- (3) settling or soil movement materially and adversely affecting the Property?  Not Aware  Aware
- (4) pest infestation from rodents, insects, or other organisms on the Property?  Not Aware  Aware
- (5) termite or wood rot damage on the Property needing repair?  Not Aware  Aware
- (6) mold to the extent that it materially and adversely affects the Property?  Not Aware  Aware
- (7) mold remediation certificate issued for the Property in the previous 5 years?  Not Aware  Aware  
*if yes, attach a copy of the mold remediation certificate.*
- (8) previous termite treatment on the Property?  Not Aware  Aware
- (9) previous fires that materially affected the Property?  Not Aware  Aware
- (10) modifications made to the Property without necessary permits or not in compliance with building codes in effect at the time?  Not Aware  Aware
- (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?  Not Aware  Aware

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Seller:  *PK&K/DAEW*  
Frost and Keeling Associates

Date: 5/13/2010

Seller: \_\_\_\_\_ Date: \_\_\_\_\_

**The undersigned acknowledges receipt of the foregoing statement.**

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

Buyer or Tenant: \_\_\_\_\_ 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.**