



### COMMERCIAL PROPERTY CONDITION STATEMENT

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CONCERNING THE PROPERTY AT: 4025, 4026, 4065 S 7th St., Abilene, TX 79602 | PID: 61810, 61928, 58483

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:	<u>Aware</u>	<u>Not 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 or 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? <i>likely based on age</i> .....	<input checked="" type="checkbox"/>	<input 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"/>
<i>*</i> (3) any part of the Property lying in a special flood hazard area (A or V Zone)? .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) any improper drainage onto or away from the Property? .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(5) any fault line at or near the Property that materially and adversely affects the Property? .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(6) air space restrictions or easements on or affecting the Property? .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(7) unrecorded or unplatted agreements for easements, utilities, or access <del>to</del> <i>to</i> the Property? .....	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(TXR-1408) 4-1-18 Initialed by Seller or Landlord: JH and Buyer or Tenant: \_\_\_\_\_

*Flood ins required*

Commercial Property Condition Statement concerning 4025, 4026, 4065 S 7th St., Abilene, TX 79602 | PID: 61810, 61928, 58483

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

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

#12 Correspondence with Railroad Commission re compliance testing for gas ~~Received~~ extensions

#18 There are a number of conditions on the property including gas like leaks which have been shut off, mold, water damage, broken windows, unsecured doors, fire damage etc however there could be more material conditions unidentified - buyer must inspect and is buying AS IS per the contract

(TXR-1408) 4-1-18 Initialed by Seller or Landlord: JA 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?

	Aware	Not Aware	Not Appl.
<b>(1) Structural Items:</b>			
(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? <i>MISSING MORTAR + CRACKS</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) fireplaces and chimneys?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 <i>NOT ALL WINDOWS OPEN</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>(2) Plumbing Systems:</b> <i>Many doors &amp; windows broken/missing glass; cannot be secured</i>			
(a) water heaters or water softeners? <i>Many water heaters do not perform especially due to lack of gas</i>	<input checked="" type="checkbox"/>	<input 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? <i>Not all perform/broken</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 (fire, landscape)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
<b>(3) HVAC Systems:</b> any cooling, heating, or ventilation systems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>(4) Electrical Systems:</b> service drops, wiring, connections, conductors, plugs, grounds, power, polarity, switches, light fixtures, or junction boxes?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>(5) Other Systems or Items:</b>			
(a) security or fire detection systems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) porches or decks? <i>2<sup>nd</sup> floor railings might need to be brought up to code</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) gas lines?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) garage doors and door operators?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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? <i>Hard surfaces need work</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(i) appliances or built-in kitchen equipment? <i>Many units missing appliances</i>	<input checked="" 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.) *#3 HVAC Furnace old not serviceable #4 electrical is outdated & may need upgrades, #5 gas lines need repair, replaced as needed*

(TXR-1408) 4-1-18 Initialed by Seller or Landlord: JIA and Buyer or Tenant: \_\_\_\_\_ Page 3 of 4

- | B. Are you (Seller or Landlord) 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? <i>Many floors indicate water damage</i> .....  | <input checked="" 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"/> |
| (2) previous structural repair to the foundation systems on the Property? .....  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (3) settling or soil movement materially and adversely affecting the Property? .....   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (4) pest infestation from rodents, insects, or other organisms on the Property? .....  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (5) termite or wood rot damage on the Property needing repair? <i>Bed bugs in the past</i> .....   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (6) mold to the extent that it materially and adversely affects the Property? <i>wood rot from water damage</i> .....  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (7) mold remediation certificate issued for the Property in the previous 5 years? <i>evidence of mold in some units</i> .....  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <i>If yes, attach a copy of the mold remediation certificate.</i>  |                                     |                                     |
| (8) previous termite treatment on the Property? .....  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (9) previous fires that materially affected the Property? .....  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (10) modifications made to the Property without necessary permits or not in compliance with building codes in effect at the time? .....                                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (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? ..... | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

If you are aware of any conditions described under Paragraph B, explain. (Attach additional information, if needed.) #9) before we managed there were kitchen fires

The undersigned acknowledges receipt of the foregoing statement.

Seller or Landlord: Joseph M. Hartman  
Revocable Trust

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

By: \_\_\_\_\_  
By (signature): Judith Hartman  
Printed Name: Judith Hartman  
Title: Trustee

By: \_\_\_\_\_  
By (signature): \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: Member

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.**