

COMMERCIAL PROPERTY CONDITION STATEMENT

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CONCERNING THE PROPERTY AT: 2150 Industrial, Abilene, TX 79602

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. THE TERM "LANDLORD" INCLUDES SUBLESSORS.

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PART I - Complete if Property is Improved or Unimproved		
Are you (Seller or Landlord) aware of:	<u>Aware</u>	Not <u>Aware</u>
(1) any of the following environmental conditions on or affecting the Property:		
(a) radon gas?		
(b) asbestos components: (i) friable components?		
(c) urea-formaldehyde insulation?		\square
(d) endangered species or their habitat?		
(e) wetlands?		
(f) underground storage tanks?		
(g) leaks in any storage tanks (underground or above-ground)?		W
(h) lead-based paint?		ركك
(i) hazardous materials or toxic waste?		
(j) open or closed landfills on or under the surface of the Property?		
(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?		<u>U</u>
(I) any activity relating to drilling or excavation sites for oil, gas, or other minerals?		
(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)-(I)?		
(3) any improper drainage onto or away from the Property?		
(4) any fault line at or near the Property that materially and adversely affects the Property?	·[]	
(5) air space restrictions or easements on or affecting the Property?		
(6) unrecorded or unplatted agreements for easements, utilities, or access on or to the Property?		W
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districts in which the Property lies (for example, historic ment districts, extraterritorial jurisdictions, or others)? changes in zoning, restrictions, or in physical use of the rent zoning of the Property is: eipt of any notice concerning any likely condemnation, is, railroads, or developments that would materially and perty (including access or visibility)? chaffecting title to or use or enjoyment of the Property? Exeipt of any written notices of violations of zoning, deed then regulations from EPA, OSHA, TCEQ, or other govern areas or facilities affiliated with the Property co-owned early or tenants' association or maintenance fee or asset of the end association: If manager: If manager: If of fee or assessment: If current through the date of this notice? If current through the date of this notice? If eace structures, hydraulic lifts, or pits on the Property? It is a current through the date of this notice? If the property or the property? It is a current through the date of this notice? If the property?	he Property?		
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ers' or tenants' association or maintenance fee or asset? , name of association: f manager: of fee or assessment: \$ per current through the date of this notice? [] yes [acce structures, hydraulic lifts, or pits on the Property?. tent or wet weather springs that affect the Property? . terial defect in any irrigation system, fences, or signs on or affecting the Property that materially affect the	essment affecting the[] no [] unknown[
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ary individual?		_]	
ne following rights vested in others:			. /
anding mineral rights?	[]	۷
er rights?]	\square
rights?]	
rights?	[
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of any of the conditions listed above, explain. (Attach	additional information if	needed.) _.	
,	rights? rights? sonal property or equipment or similar items subject to? list items:	rights?	rights? rights? sonal property or equipment or similar items subject to financing, liens, or

PART 2 - Complete if Property is Improved or Unimproved

Are you (Seller or Landlord) aware of any of the following conditions*:	Aware	Not Aware
(1) Present flood insurance coverage?	1	<u> </u>
(2) Previous flooding due to a failure or breach of a reservoir or a controlled or emergency	,	
release of water from a reservoir? []	
(3) Previous flooding due to a natural flood event?) []	
(4) Previous water penetration into a structure on the Property due to a natural flood event? []	
(5) Located [] wholly [] partly in a 100-year floodplain (Special Flood Hazard Area-Zone A, V, A99, AE, AO, AH, VE, or AR)? [u
(6) Located [] wholly [] partly in a 500-year floodplain (Moderate Flood Hazard Area Zone X (shaded))? [
(7) Located [] wholly [] partly in a floodway? [
(8) Located [] wholly [] partly in a flood pool? []	
(9) Located [] wholly [] partly in a reservoir? []	
If the answer to any of the above is "aware," explain: (attach additional sheets as necessary)		
*If Buyer or Tenant is concerned about these matters, Buyer or Tenant may consult I Flood Hazards (TXR 1414) For purposes of this notice:	nformati	on About
"100-year floodplain" means any area of land that: (A) is identified on the flood insurance rate map as a special flood designated as Zone A, V, A99, AE, AO, AH, VE, or AR on the map; (B) has a one percent annual chance of flooding, 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 is designated on the map as Zone X (shaded); and (B) has a two-tenths of one percent annual chance of flooding, whice moderate risk of flooding.		
"Flood pool" means the area adjacent to a reservoir that lies above the normal maximum operating level of the reser to controlled inundation under the management of the United States Army Corps of Engineers.	voir and th	at is subject
"Flood insurance rate map" means the most recent flood hazard map published by the Federal Emergency Manager National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 et seq.).	ment Agend	cy under the
"Floodway" means an area that is identified on the flood insurance rate map as a regulatory floodway, which includes or other watercourse and the adjacent land areas that must be reserved for the discharge of a base flood, also referred 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 interdelay the runoff of water in a designated surface area of land.	nded to ret	ain water or
(10) Have you (Seller or Landlord) ever filed a claim for flood damage to the Property w provider, including the National Flood Insurance Program (NFIP)? [If yes, explain: (attach additional sheets as necessary)		
(11) Have you (Seller or Landlord) ever received assistance from FEMA or the U.S. Administration (SBA) for flood damage to the Property?	_] yes [
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Tommy Simons, 3054 Iberis Rd. Abilene TX 79606 Phone: 3257218800 Fax: Tommy Simons Produced with Lone Wolf Transactions (zipForm Edition) 717 N Harwood St, Suite 2200, Dallas, TX 75201 www.lwolf.com		2150 Industrial

PART 3 - Complete only if Property is Improved

A.	Are you (Seller or	Landlord) aware of an	y material defects in an	y of the following on the F	roperty?
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(1) Structural Items:	<u>Aware</u>	Not <u>Aware</u>	Not <u>Appl.</u>
(a) foundation systems (slabs, columns, trusses, bracing, crawl spaces, piers, beams, footings, retaining walls, basement, grading)?	[]		[]
(b) exterior walls?		$\overline{[V]}$	
(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:			
(a) water heaters or water softeners?	[]	[/]	[]
(b) supply or drain lines?			[]
(c) faucets, fixtures, or commodes?	[]	[1]	[]
(d) private sewage systems?	[]		[]
(e) pools or spas and equipment?			IV
(f) fire sprinkler systems?			
(g) landscape sprinkler system?			
(h) water coolers?			
(i) private water wells?			
(j) pumps or sump pumps?			
(k) gas lines?			
(3) HVAC Systems: any cooling, heating, or ventilation systems?			[]
(4) <u>Electrical Systems</u> : 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?		[]	$[\checkmark]$
(b) fire detection systems?	320-0-0-0-0-0		
(b) porches or decks?		\square	
(d) garage doors and door operators?			
(e) loading doors or docks?			
(f) rails or overhead cranes?			
(g) elevators or escalators?			
(h) parking areas, drives, steps, walkways?			
(i) appliances or built-in kitchen equipment?			
If you are aware of material defects in any of the items listed under Padditional information if needed.)	10-010 10-01	A, explain.	(Attach
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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.

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Title:

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Printed Name: _____

By (signature): ____

Printed Name:

Title:

By (signature):



INFORMATION ABOUT MINERAL CLAUSES IN CONTRACT FORMS

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This form contains general information about mineral estates in published contract forms.

- 1. INTRODUCTION: Historically, buyers and sellers of property near urban areas have not been concerned about the conveyance or retention of mineral interests. Mineral interests for such properties may have been severed in the past or the value of the mineral interests may have been relatively insignificant. There has historically been little risk that the owner of the mineral interests under property near urban areas could or would access the surface of the property to drill or excavate for minerals (perhaps, because the property was too small to support such activity or because such activity may have been heavily regulated by a city). In recent years, the discovery of large mineral deposits near urban areas and advances in drilling technologies have led to increased exploration and drilling activities in and near urban areas. In turn, buyers and sellers of property in urban and suburban areas have raised questions as to whether it is best to convey or retain all or part of the mineral interests in a particular sale.
- 2. WHO OWNS THE MINERALS? Owners of property in or near urban areas typically are not aware of the precise extent of the mineral interests they may own. One may own all or only a portion of the mineral interests. Further, the mineral interests may have been leased. Determining who owns the mineral interests, whether the mineral interests have been leased, and who holds rights under any leases requires an expert (such as an oil and gas attorney) to review the chain of title and formulate an informed opinion.
- 3. CONTRACT FORMS: The residential contract forms promulgated by the Texas Real Estate Commission and the commercial contract forms published by Texas REALTORS® provide that the seller will convey to the buyer all of the seller's rights associated with the property, including all mineral interests and any rights held under any mineral leases by the seller. If a seller wishes to reserve all or a part of the mineral interests and rights held by the seller in a residential transaction, the seller must use the Texas Real Estate Commission's Addendum for Reservation of Oil, Gas, And Other Minerals (TREC No. 44-2, TXR No. 1905). If the addendum is not attached to the sales contract, the seller conveys to the buyer all of the mineral interests and rights held by the seller at the time of the transaction. In a farm & ranch transaction, the seller may use the TREC promulgated form, but may also use any addendum prepared by an attorney or by either party.
- 4. RESOURCES: One may find information related to mineral estates and mineral leases through many sources, including but not limited to: (a) the Real Estate Research Center (www.recenter.tamu.edu); and (b) the Railroad Commission of Texas (www.rrc.texas.gov). There are many other useful sources that one can access via the Internet through most Internet search engines.

The undersigned acknowledge receipt of this notice.

Printed Name:	Printed Name:	
<u> </u>		
Date		Date

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