

Amend **HB 28** (house committee printing) as follows:

(1) On page 1, line 9, strike "Section 5.0111" and substitute "Section 5.008 or 5.0111, as applicable".

(2) On page 1, line 16, between "seller of property" and "shall give", insert "that is new construction described by Section 5.008(e)(10)".

(3) On page 2, line 2, between "seller of" and "property", insert "certain types of".

(4) On page 2, line 24, strike "before the date the executory contract binds" and substitute "on or before the effective date of an executory contract binding".

(5) On page 3, strike lines 1 through 22 and substitute the following:

(c) This section does not apply to a transfer described by Section 5.008(e), other than a transfer described by Section 5.008(e)(10).

(6) Insert the following appropriately numbered SECTION and renumber existing SECTIONS of the bill accordingly:

SECTION _____. Section 5.008(b), Property Code, as amended by Chapters 448 (**HB 271**), 1051 (**HB 2118**), and 1256 (**HB 2819**), Acts of the 80th Legislature, Regular Session, 2007, is reenacted and amended to read as follows:

(b) The notice must be executed and must, at a minimum, read substantially similar to the following:

SELLER'S DISCLOSURE NOTICE

CONCERNING THE PROPERTY AT

(Street Address and City)

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 PURCHASER MAY WISH TO OBTAIN. IT IS NOT A WARRANTY OF ANY KIND BY SELLER OR SELLER'S AGENTS.

Seller ___ is ___ is not occupying the Property.

If unoccupied, how long since Seller has occupied the Property?

1. The Property has the items checked below:

Write Yes (Y), No (N), or Unknown (U).

___ Range	___ Oven	___ Microwave
___ Dishwasher	___ Trash	___ Disposal
	___ Compactor	
___ Washer/Dryer	___ Window	___ Rain Gutters

Hookups	Screens	
___ Security	___ Detection	Fire ___ Intercom
System	Equipment	System
	___ Detector	Smoke
	___ Detector -	Smoke
	Impaired	Hearing
	___ Monoxide	Carbon
	Alarm	
	___ Emergency	
	Escape	
	Ladder(s)	
___ TV Antenna	___ Cable TV	___ Satellite
	Wiring	Dish
___ Ceiling	___ Attic Fan(s)	___ Exhaust
Fan(s)		
___ Central A/C	___ Heating	Central ___ Fan(s)
		Wall/Window
		Air
		Conditioning
___ Plumbing	___ Septic System	___ Public Sewer
System		
	___ Outdoor Grill	___ System
___ Patio/Decking		Fences
___ Pool	___ Sauna	___ Spa
		Hot Tub
___ Pool	___ Pool Heater	___ Automatic
Equipment		Lawn
	Sprinkler	
	System	
___ Fireplace(s)		___ Fireplace(s)
&		&
Chimney		Chimney
		(Mock)
(Woodburning)		
___ Gas Lines		___ Gas Fixtures
(Nat./LP)		
Garage:	___ Not Attached	___ Carport
Attached		
Garage Door	___ Electronic	___ Control(s)
Opener(s):		
Water Heater:	___ Gas	___ Electric
Water Supply:	___ Well ___ MUD	___ Co-op
City		
Roof Type: _____		Age: _____(approx)

Are you (Seller) aware of any of the above items that are not in working condition, that have known defects, or that are in need of repair? ___ Yes ___ No ___ Unknown.

If yes, then describe. (Attach additional sheets if necessary):

2. Does the property have working smoke detectors installed in accordance with the smoke detector requirements of Chapter 766, Health and Safety Code? ___Yes ___No ___Unknown.

If the answer to the question above is no or unknown, explain.
(Attach additional sheets if necessary):

3. Are you (Seller) aware of any known defects/malfunctions in any of the following?

Write Yes (Y) if you are aware, write No (N) if you are not aware.

<input type="checkbox"/> Interior Walls	<input type="checkbox"/> Ceilings
<input type="checkbox"/> Exterior Walls	<input type="checkbox"/> Floors
<input type="checkbox"/> Roof	<input type="checkbox"/> Doors
<input type="checkbox"/> Windows	<input type="checkbox"/> Foundation/Slab(s)
<input type="checkbox"/> Basement	<input type="checkbox"/> Driveways
<input type="checkbox"/> Sidewalks	<input type="checkbox"/> Electrical
<input type="checkbox"/> Plumbing/Sewers/Septics	<input type="checkbox"/> Lighting
<input type="checkbox"/> Fixtures	<input type="checkbox"/> Systems
<input type="checkbox"/> Other	<input type="checkbox"/> Structural Components (Describe):

If the answer to any of the above is yes, explain. (Attach additional sheets if necessary):

4. Are you (Seller) aware of any of the following conditions?

Write Yes (Y) if you are aware, write No (N) if you are not aware.

<input type="checkbox"/> Active Termites (includes wood-destroying insects)	<input type="checkbox"/> Previous Structural or Roof Repair
<input type="checkbox"/> Termite or Wood Rot Damage	<input type="checkbox"/> Hazardous or Toxic Waste
<input type="checkbox"/> Needing Repair	<input type="checkbox"/> Asbestos Components
<input type="checkbox"/> Previous Termite Damage	<input type="checkbox"/> Urea formaldehyde
<input type="checkbox"/> Previous Termite Treatment	<input type="checkbox"/> Insulation
<input type="checkbox"/> Previous Flooding	<input type="checkbox"/> Radon Gas
<input type="checkbox"/> Improper Drainage	<input type="checkbox"/> Lead Based Paint
<input type="checkbox"/> Water Penetration	<input type="checkbox"/> Aluminum Wiring
<input type="checkbox"/> Located in 100-Year Floodplain	<input type="checkbox"/> Previous Fires
<input type="checkbox"/> Present Flood Insurance Coverage	<input type="checkbox"/> Unplatted Easements
<input type="checkbox"/> Landfill, Settling, Soil	<input type="checkbox"/> Subsurface

in the municipality's annexation plan and may be subject to annexation by the municipality. A copy of the notice is attached.

_____ The seller has not received notice under Section 43.052, Local Government Code, from a municipality that the property is included in the municipality's annexation plan.

_____ The seller is not aware whether notice has been received under Section 43.052, Local Government Code, from a municipality that the property is included in the municipality's annexation plan.

Date Signature of Seller

The undersigned purchaser hereby acknowledges receipt of the foregoing notice and acknowledges the property complies with the smoke detector requirements of Chapter 766, Health and Safety Code, or, if the property does not comply with the smoke detector requirements of Chapter 766, the buyer waives the buyer's rights to have smoke detectors installed in compliance with Chapter 766.

Date Signature of Purchaser