

By: Pickett

H.B. No. 3502

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain information on a seller's disclosure notice.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Subsection (b), Section 5.008, Property Code, is
5 amended to read as follows:

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

8 SELLER'S DISCLOSURE NOTICE

9 CONCERNING THE PROPERTY AT _____
10 (Street Address and City)

11 THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE OF
12 THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED BY
13 SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR
14 WARRANTIES THE PURCHASER MAY WISH TO OBTAIN. IT IS
15 NOT A WARRANTY OF ANY KIND BY SELLER OR SELLER'S
16 AGENTS.

17 Seller ___ is ___ is not occupying the Property.

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

19 _____

20 1. The Property has the items checked below:

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

22	<input type="checkbox"/> Range	<input type="checkbox"/> Oven	<input type="checkbox"/> Microwave
23	<input type="checkbox"/> Dishwasher	<input type="checkbox"/> Trash Compactor	<input type="checkbox"/> Disposal
24	<input type="checkbox"/> Washer/Dryer	<input type="checkbox"/> Window	<input type="checkbox"/> Rain Gutters
25	<input type="checkbox"/> Hookups	<input type="checkbox"/> Screens	
26	<input type="checkbox"/> Security	<input type="checkbox"/> Fire Detection	<input type="checkbox"/> Intercom
27	<input type="checkbox"/> System	<input type="checkbox"/> Equipment	<input type="checkbox"/> System
28		<input type="checkbox"/> Smoke Detector	
29		<input type="checkbox"/> Smoke Detector -	
30		<input type="checkbox"/> Hearing Impaired	
31		<input type="checkbox"/> Carbon Monoxide	
32		<input type="checkbox"/> Alarm	
33		<input type="checkbox"/> Emergency Escape	

- 1 Ladder(s)
- 2 TV Antenna Cable TV Satellite
- 3 Ceiling Fan(s) Wiring Dish
- 4 Central A/C Attic Fan(s) Exhaust
- 5 Plumbing System Central Heating Fan(s)
- 6 Patio/Decking Septic System Wall/Window Air
- 7 Pool Outdoor Grill Conditioning
- 8 Pool Equipment Sauna Public Sewer
- 9 Fireplace(s) & Pool Heater System
- 10 Chimney Fences
- 11 (Woodburning) Spa
- 12 Gas Lines Hot Tub
- 13 (Nat./LP) Automatic Lawn
- 14 Garage: Attached Not Attached Sprinkler
- 15 Garage Door Opener(s): Electronic System
- 16 Water Heater: Gas Fireplace(s) &
- 17 Water Supply: City Well MUD Chimney
- 18 Roof Type: _____ Co-op (Mock)
- 19 _____ Gas Fixtures
- 20 _____ Carport
- 21 _____ Control(s)
- 22 _____ Electric
- 23 _____ Age: _____ (approx)

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

29 If yes, then describe. (Attach additional sheets if necessary):
 30 _____
 31 _____

32 2. Does the property have working smoke detectors installed in
 33 accordance with the smoke detector requirements of Chapter 766,
 34 Health and Safety Code? Yes No Unknown.

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

38 _____
 39 _____

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

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

- 4 Interior Walls Ceilings Floors
- 5 Exterior Walls Doors Windows
- 6 Roof Foundation/
7 Slab(s) Basement
- 8 Walls/Fences Driveways Sidewalks
- 9 Plumbing/Sewers/
10 Septics Electrical Lighting
 Systems Fixtures

11 Other Structural Components (Describe): _____
12 _____
13 _____

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

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

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

- 20 Active Termites Previous Structural
21 (includes or Roof Repair
- 22 wood-destroying insects)
- 23 Termite or Wood Rot Damage Hazardous or Toxic Waste
- 24 Needing Repair
- 25 Previous Termite Damage Asbestos Components
- 26 Previous Termite Urea formaldehyde
- 27 Treatment Insulation
- 28 Previous Flooding Radon Gas
- 29 Improper Drainage Lead Based Paint
- 30 Water Penetration Aluminum Wiring
- 31 Located in 100-Year Previous Fires
- 32 Floodplain
- 33 Present Flood Insurance Unplatted Easements
- 34 Coverage
- 35 Landfill, Settling, Soil Subsurface
- 36 Movement, Fault Lines Structure or Pits

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

1 _____
2 5. Are you (Seller) aware of any item, equipment, or system in or
3 on the property that is in need of repair? Yes (if you are
4 aware) No (if you are not aware). If yes, explain (attach
5 additional sheets as necessary). _____

6 6. Are you (Seller) aware of any of the following?
7 Write Yes (Y) if you are aware, write No (N) if you are not aware.
8 Room additions, structural modifications, or other
9 alterations or repairs made without necessary permits or not
10 in compliance with building codes in effect at that time.
11 Homeowners' Association or maintenance fees or assessments.
12 Any "common area" (facilities such as pools, tennis courts,
13 walkways, or other areas) co-owned in undivided interest with
14 others.
15 Any notices of violations of deed restrictions or
16 governmental ordinances affecting the condition or use of the
17 Property.
18 Any lawsuits directly or indirectly affecting the Property.
19 Any condition on the Property which materially affects the
20 physical health or safety of an individual.

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

23 _____
24 _____

25 _____
26 Date Signature of Seller

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

33 _____
34 Date Signature of Purchaser

1 SECTION 17. This Act takes effect January 1, 2010.