



## BILL JOHNSON AND ASSOC. REAL ESTATE CO.

420 E. Main St., Bellville  
FM 1094 at Cedar St., New Ulm  
Bellville - New Ulm , TX 77418 - 78950  
Phone: Bellville (979) 865-5466 New Ulm (979) 992-2636  
Fax: Bellville (979) 865-5500 New Ulm (979) 992-2637  
Email: [billjohnson@bire.com](mailto:billjohnson@bire.com)

### 1638 Hwy 36



[More Photos](#)

**ID:** 58033  
**Type:** Commercial  
**Status:** Active  
**City:** SEALY  
**County:** Austin  
**Price:** \$325,000  
**Acreage:** 1.34  
**School Dist:** Sealy  
**Taxes:** \$10,334.36  
**Financing:** Cash - Conventional -

[Map of SEALY](#)

[Contact the Agent](#)

[Email this Listing](#)

Excellent Commercial Property!!! Great Road Frontage and Parking Area!!!  
Endless Possibilities.... This 6,000 sq. ft. metallic building was formerly known  
as "Roper's" Bar, and was rebuilt in 2008, after a fire destroyed the original  
establishment. The new building is fully air conditioned and contains a dance  
floor, a cedar bar, tables and chairs, billiard's area, and restrooms. The parking  
area outside has 5,184 sq. ft. of asphalt paving and the remainder is graveled.  
Please contact Bill Johnson & Associates to schedule a showing. \*\*\*BILL  
JOHNSON AND ASSOCIATES REAL ESTATE COMPANY WILL CO-BROKER  
IF BUYER IS ACCOMPANIED BY HIS/HER AGENT AT ALL PROPERTY  
SHOWINGS.\*\*\*

#### Improvements:

6 Bathrooms - Approx. 6000 Sq Ft - Single Floor - Metal Exterior - Metal Roof - Age Range: 0-5  
Yrs - Public Water - Septic - CHA -

#### Land Features:

Maint. Fees: \$0 - Paved Road Frontage - Gravel Road Frontage - Highway Road Frontage -  
Seasonal Creek - Partially Wooded - Mostly Flat - Sandy Soil -

**Directions:** From Sealy: Take Hwy 36 N towards Bellville about 1/2 mile and look for Bill Johnson  
& Associates Real Estate sign on your right.

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### 1638 Hwy 36



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**Bill Johnson and Associates Real Estate Co.**

420 E. Main St., Bellville, TX 77418

424 Cedar St., New Ulm, TX 78950

979-865-5969 or 281-463-3791 - Bellville

979-992-2636 or 281-220-2636 - New Ulm

www.bjre.com

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**LOT OR ACREAGE LISTING**

Location of Property: Hwy 36 & FM 2187 Listing #: 58033  
 Address of Property: 1638 Hwy 36, Sealy, TX 77474 Road Frontage: 700' +/-  
 County: Austin Paved Road:  YES  NO For Sale Sign on Property?  YES  NO  
 Subdivision: NONE Lot Size or Dimensions: 1.34 acres  
 Subdivision Restricted:  YES  NO Mandatory Membership in Property Owners' Assn.  YES  NO

**Number of Acres:** 1.34 acres to be surveyed  
**Price per Acre (or)** \_\_\_\_\_  
**Total Listing Price:** \$325,000.00  
**Terms of Sale:**  
 Cash:  YES  NO  
 Seller-Finance:  YES  NO  
 Sell.-Fin. Terms: \_\_\_\_\_  
 Down Payment: \_\_\_\_\_  
 Note Period: \_\_\_\_\_  
 Interest Rate: \_\_\_\_\_  
 Payment Mode:  Mo.  Qt.  S.A.  Ann.  
 Balloon Note:  YES  NO  
 Number of Years: \_\_\_\_\_

**Improvements on Property:**  
 Home:  YES  NO  
 6,000 sq. ft. metallic building built in 2008 being used as a  
Night Club/Bar  
 5,184 sq. ft of asphalt paved parking  
 110 sq. ft. open porch  
 72 sq. ft. wood deck  
 Remainder of property is mostly all graveled area.  
 Approx. % Wooded: 25%  
 Type Trees: Pecan, Sycamore  
**Fencing:** Perimeter  YES  NO  
 Condition: \_\_\_\_\_  
 Cross-Fencing:  YES  NO  
 Condition: Good  
**Ponds:** Number of Ponds: One  
 Sizes: 1/4 acre  
**Creek(s):** Name(s): ONE-unknown name  
**River(s):** Name(s): NONE

**Property Taxes:** 2009

School:	\$	6,520.89
County:	\$	2,932.37
FM/Rd/Br.:	\$	717.67
F2	\$	163.43
<b>TOTAL:</b>	<b>\$</b>	<b>10,334.36</b>

Agricultural Exemption:  Yes  No  
**School District:** Sealy I.S.D.  
**Minerals and Royalty:**  
 Seller believes 100% \*Minerals  
 to own: 100% \*Royalty  
 Seller will NEG Minerals  
 Convey: NEG Royalty

\* Current title commitment to reflect mineral and royalty reservations \*

**Leases Affecting Property:**  
 Oil and Gas Lease:  Yes  No  
 Lessee's Name: \_\_\_\_\_  
 Lease Expiration Date: \_\_\_\_\_  
 Surface Lease:  Yes  No  
 Lessee's Name: \_\_\_\_\_  
 Lease Expiration Date: \_\_\_\_\_

**Oil or Gas Locations:**  Yes  No

**Easements Affecting Property:** Name(s): \_\_\_\_\_  
 Pipeline: NONE  
 Roadway: NONE  
 Electric: Reliant Energy  
 Telephone: A T & T  
 Water: City of Sealy  
 Other: \_\_\_\_\_

**Water Well(s): How Many?** \_\_\_\_\_  
 Year Drilled: \_\_\_\_\_ Depth \_\_\_\_\_  
**Community Water Available:**  YES  NO  
 Provider: \_\_\_\_\_  
**Electric Service Provider (Name):** Reliant  
**Gas Service Provider (Name):** NONE  
**Septic System(s): How Many:** Private  
 Year Installed: 2006  
**Soil Type:** sandy loam, clay  
**Grass Type(s):** native, St. Augustine  
**Flood Hazard Zone:** See Seller's Disclosure or to be determined by survey.  
**Nearest Town to Property:** Sealy  
 Distance: 1/2 mile  
 Driving time from Houston 30 minutes  
**Items specifically excluded from the sale:**  
Seller's personal property.  
**Additional Information:** \_\_\_\_\_

**BILL JOHNSON AND ASSOCIATES REAL ESTATE COMPANY WILL CO-BROKER IF BUYER IS ACCOMPANIED BY HIS OR HER AGENT AT ALL PROPERTY SHOWINGS.**



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

USE OF THIS FORM BY PERSONS WHO ARE NOT MEMBERS OF THE TEXAS ASSOCIATION OF REALTORS® IS NOT AUTHORIZED.  
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CONCERNING THE PROPERTY AT: 1638 Hwy 36  
Sealy, TX 77474

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 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 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 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 unplatted agreements for easements, utilities, or access on or to the Property? .....   | <input type="checkbox"/>            | <input type="checkbox"/>            |

(TAR-1408) 10-18-05      Initialed by Buyer or Tenant: \_\_\_\_\_, \_\_\_\_\_ and Seller *ASW*

Bill Johnson & Associates 420 E. Main Bellville, TX 77418  
 Phone: (979) 865-5969

Fax: (979) 865-5500      Brooke Schrader

Produced with ZipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026      www.zipLogix.com

- |   | <u>Aware</u>             | <u>Not Aware</u>                    |
|---|--------------------------|-------------------------------------|
| (9) special districts in which the Property lies (for example, historical districts, development districts, extraterritorial jurisdictions, or others)?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (10) pending changes in zoning, restrictions, or in physical use of the Property?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (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)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (12) lawsuits affecting title to or use or enjoyment of the Property?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (13) your receipt of any written notices of violations of zoning, deed restrictions, or government regulations from EPA, OSHA, TCEQ, or other government agencies?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (14) common areas of facilities affiliated with the Property co-owned with others?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (15) an owners' or tenants' association or maintenance fee or assessment affecting the Property?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If aware, name of association: _____  |                          |                                     |
| Name of manager: _____  |                          |                                     |
| Amount of fee or assessment: \$ _____ per _____   |                          |                                     |
| Are fees current through the date of this notice? <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> unknown   |                          |                                     |
| (16) subsurface structures, hydraulic lifts, or pits on the Property?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (17) intermittent or weather springs that affect the Property?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (18) any material defect in any irrigation system, fences, or signs on the Property?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (19) conditions on or affecting the Property that materially affect the health or safety of an ordinary individual?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_


\_\_\_\_\_

\_\_\_\_\_

**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?

- |  | <u>Aware</u>             | <u>Not Aware</u>                    | <u>Not Appl.</u>                    |
|--|--------------------------|-------------------------------------|-------------------------------------|
| (1) <u>Structural Items:</u>   |                          |                                     |                                     |
| (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?  | <input type="checkbox"/> | <input checked="" 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?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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

(2) Plumbing Systems:

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

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

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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(4) Electrical Systems: service drops, wiring, connections, conductors, plugs, grounds, power, polarity, switches, light fixtures, or junction boxes? .....

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	-------------------------------------	--------------------------

(5) Other Systems or Items:

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

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Are you (Seller) aware of:

(1) any of the following water or drainage conditions materially and adversely affecting the Property:

- |  | <u>Aware</u>             | <u>Not Aware</u>         |
|--|--------------------------|--------------------------|
| (a) ground water? .....                        | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) water penetration? .....                   | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) previous flooding or water drainage? ..... | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) soil erosion or water ponding? .....       | <input type="checkbox"/> | <input type="checkbox"/> |

AR-1408) 10-18-05 Initialed by Buyer or Tenant: \_\_\_\_\_ and Seller:  \_\_\_\_\_

- |   | <u>Aware</u>             | <u>Not</u><br><u>Aware</u>          |
|---|--------------------------|-------------------------------------|
| (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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| (5) termite or wood rot damage on the Property needing repair? .....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (6) mold to the extent that it materially and adversely affects the Property?.....  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (7) mold remediation certificate issued for the Property in the previous 5 years?.....<br><i>if yes, attach a copy of the mold remediation certificate.</i>               | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (8) previous termite treatment on the Property? .....   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (9) previous fires that materially affected the Property? .....   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (10) modifications made to the Property without necessary permits or not in compliance<br>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<br>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.) \_\_\_\_\_

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

Seller: Shelley Walton \_\_\_\_\_ Date: \_\_\_\_\_  
Shelley Walton, JAPS, LLC

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.**



TEXAS ASSOCIATION OF REALTORS®

INFORMATION ABOUT ON-SITE SEWER FACILITY

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CONCERNING THE PROPERTY AT

1638 Hwy 36
Sealy, TX 77474

A. DESCRIPTION OF ON-SITE SEWER FACILITY ON PROPERTY:

- (1) Type of Treatment System: [X] Septic Tank [ ] Aerobic Treatment [ ] Unknown
(2) Type of Distribution System: fill Lines [ ] Unknown
(3) Approximate Location of Drain Field or Distribution System: Behind Bar [ ] Unknown
(4) Installer: [ ] Unknown
(5) Approximate Age: 3 [ ] Unknown

B. MAINTENANCE INFORMATION:

- (1) Is Seller aware of any maintenance contract in effect for the on-site sewer facility? [ ] Yes [X] No
If yes, name of maintenance contractor:
Phone: contract expiration date:
Maintenance contracts must be in effect to operate aerobic treatment and certain non-standard on-site sewer facilities.)
(2) Approximate date any tanks were last pumped?
(3) Is Seller aware of any defect or malfunction in the on-site sewer facility? [ ] Yes [X] No
If yes, explain:
(4) Does Seller have manufacturer or warranty information available for review? [ ] Yes [X] No


C. PLANNING MATERIALS, PERMITS, AND CONTRACTS:

- (1) The following items concerning the on-site sewer facility are attached:
[ ] planning materials [ ] permit for original installation [ ] final inspection when OSSF was installed
[ ] maintenance contract [ ] manufacturer information [ ] warranty information
(2) "Planning materials" are the supporting materials that describe the on-site sewer facility that are submitted to the permitting authority in order to obtain a permit to install the on-site sewer facility.
(3) It may be necessary for a buyer to have the permit to operate an on-site sewer facility transferred to the buyer.

**D. INFORMATION FROM GOVERNMENTAL AGENCIES:** Pamphlets describing on-site sewer facilities are available from the Texas Agricultural Extension Service. Information in the following table was obtained from Texas Commission on Environmental Quality (TCEQ) on 10/24/2002. The table estimates daily wastewater usage rates. Actual water usage data or other methods for calculating may be used if accurate and acceptable to TCEQ.

<u>Facility</u>	<u>Usage (gal/day) without water-saving devices</u>	<u>Usage (gal/day) with water-saving devices</u>
Single family dwelling (1-2 bedrooms; less than 1,500 sf)	225	180
Single family dwelling (3 bedrooms; less than 2,500 sf)	300	240
Single family dwelling (4 bedrooms; less than 3,500 sf)	375	300
Single family dwelling (5 bedrooms; less than 4,500 sf)	450	360
Single family dwelling (6 bedrooms; less than 5,500 sf)	525	420
Mobile home, condo, or townhouse (1-2 bedroom)	225	180
Mobile home, condo, or townhouse (each add'l bedroom)	75	60

**This document is not a substitute for any inspections or warranties. This document was completed to the best of Seller's knowledge and belief on the date signed. Seller and real estate agents are not experts about on-site sewer facilities. Buyer is encouraged to have the on-site sewer facility inspected by an inspector of Buyer's choice.**

  
\_\_\_\_\_  
Signature of Seller \_\_\_\_\_ Date \_\_\_\_\_  
Shelley Walton, J.A.P.S., L.L.C.

\_\_\_\_\_  
Signature of Seller \_\_\_\_\_ Date \_\_\_\_\_

Receipt acknowledged by:

\_\_\_\_\_  
Signature of Buyer \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Signature of Buyer \_\_\_\_\_ Date \_\_\_\_\_



TEXAS ASSOCIATION OF REALTORS®  
**INFORMATION ABOUT SPECIAL FLOOD HAZARD AREAS**

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CONCERNING THE PROPERTY AT \_\_\_\_\_

1638 Hwy 36  
Sealy, TX 77474

**A. FLOOD AREAS:**

- (1) The Federal Emergency Management Agency (FEMA) designates areas that have a high risk of flooding as special flood hazard areas.
- (2) A property that is in a special flood hazard area lies in a "V-Zone" or "A-Zone" as noted on flood insurance rate maps. Both V-Zone and A-Zone areas are areas with high risk of flooding. The V-Zone is the area of highest risk.
- (3) Some properties may also lie in the "floodway" which is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge a flood under FEMA rules. Communities must regulate development in these floodways.

**B. AVAILABILITY OF FLOOD INSURANCE:**

- (1) Generally, flood insurance is available regardless of whether the property is located in or out of a special flood hazard area. Contact your insurance agent to determine if any limitations or restrictions apply to the property in which you are interested.
- (2) FEMA encourages every property owner to purchase flood insurance regardless of whether the property is in a high, moderate, or low risk flood area.
- (3) A homeowner may obtain flood insurance coverage (up to certain limits) through the National Flood Insurance Program. Supplemental coverage is available through private insurance carriers.
- (4) A mortgage lender making a federally related mortgage will require the borrower to maintain flood insurance if the property is in a special flood hazard area.

**C. GROUND FLOOR REQUIREMENTS:**

- (1) Many homes in special flood hazard areas are built-up or are elevated. In elevated homes the ground floor typically lies below the base flood elevation and the first floor is elevated on piers, columns, posts, or piles. The base flood elevation is the highest level at which a flood is likely to occur as shown on flood insurance rate maps.
- (2) Federal, state, county, and city regulations:
  - (a) restrict the use and construction of any ground floor enclosures in elevated homes that are in special flood hazard areas; and
  - (b) may prohibit or restrict the remodeling, rebuilding, and redevelopment of property and improvements in the floodway.
- (3) The first floor of all homes must now be built above the base flood elevation.
  - (a) Older homes may have been built in compliance with applicable regulations at the time of construction and may have first floors that lie below the base flood elevation, but flood insurance rates for such homes may be significant.
  - (b) It is possible that modifications were made to a ground floor enclosure after a home was first built. The modifications may or may not comply with applicable regulations and may or may not affect flood insurance rates.
  - (c) It is important for a buyer to determine if the first floor of a home is elevated at or above the base flood elevation. It is also important for a buyer to determine if the property lies in a floodway.

BAR 1414) 7-16-08

- (4) Ground floor enclosures that lie below the base flood elevation may be used only for: (i) parking; (ii) storage; and (iii) building access. Plumbing, mechanical, or electrical items in ground floor enclosures that lie below the base flood elevation may be prohibited or restricted and may not be eligible for flood insurance coverage. Additionally:
  - (a) in A-Zones, the ground floor enclosures below the base flood elevation must have flow-through vents or openings that permit the automatic entry and exit of floodwaters;
  - (b) in V-Zones, the ground floor enclosures must have break-away walls, screening, or lattice walls; and
  - (c) in floodways, the remodeling or reconstruction of any improvements may be prohibited or otherwise restricted.


**D. COMPLIANCE:**

- (1) The above-referenced property may or may not comply with regulations affecting ground floor enclosures below the base flood elevation.
- (2) A property owner's eligibility to purchase or maintain flood insurance, as well as the cost of the flood insurance, is dependent on whether the property complies with the regulations affecting ground floor enclosures.
- (3) A purchaser or property owner may be required to remove or modify a ground floor enclosure that is not in compliance with city or county building requirements or is not entitled to an exemption from such requirements.
- (4) A flood insurance policy maintained by the current property owner does not mean that the property is in compliance with the regulations affecting ground floor enclosures or that the buyer will be able to continue to maintain flood insurance at the same rate.
- (5) Insurance carriers calculate the cost of flood insurance using a rate that is based on the elevation of the lowest floor.
  - (a) If the ground floor lies below the base flood elevation and does not meet federal, state, county, and city requirements, the ground floor will be the lowest floor for the purpose of computing the rate.
  - (b) If the property is in compliance, the first elevated floor will be the lowest floor and the insurance rate will be significantly less than the rate for a property that is not in compliance.
  - (c) If the Property lies in a V-Zone the flood insurance rate will be impacted if a ground floor enclosure below the base flood elevation exceeds 299 square feet (even if constructed with break-away walls).

**You are encouraged to:**

- (1) inspect the property for all purposes, including compliance with any ground floor enclosure requirement;
- (2) review the flood insurance policy (costs and coverage) with your insurance agent; and
- (3) contact the building permitting authority if you have any questions about building requirements or compliance issues.

Receipt acknowledged by:

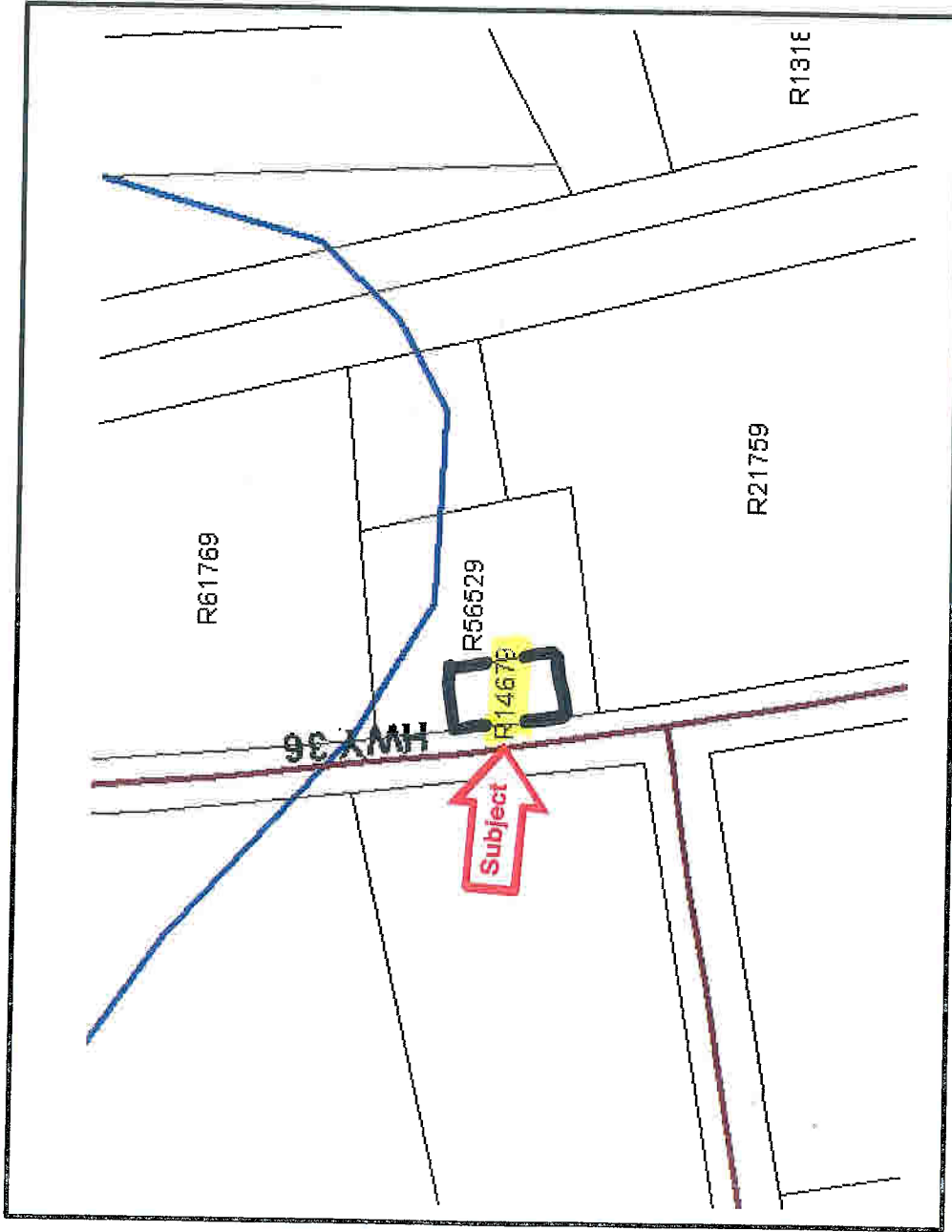
  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

ESRI ArcExplorer 2.0

# 1638 Hwy 36-Sealy TX (R14679)

parcels (PIN)  
roads (STREETS)  
stream

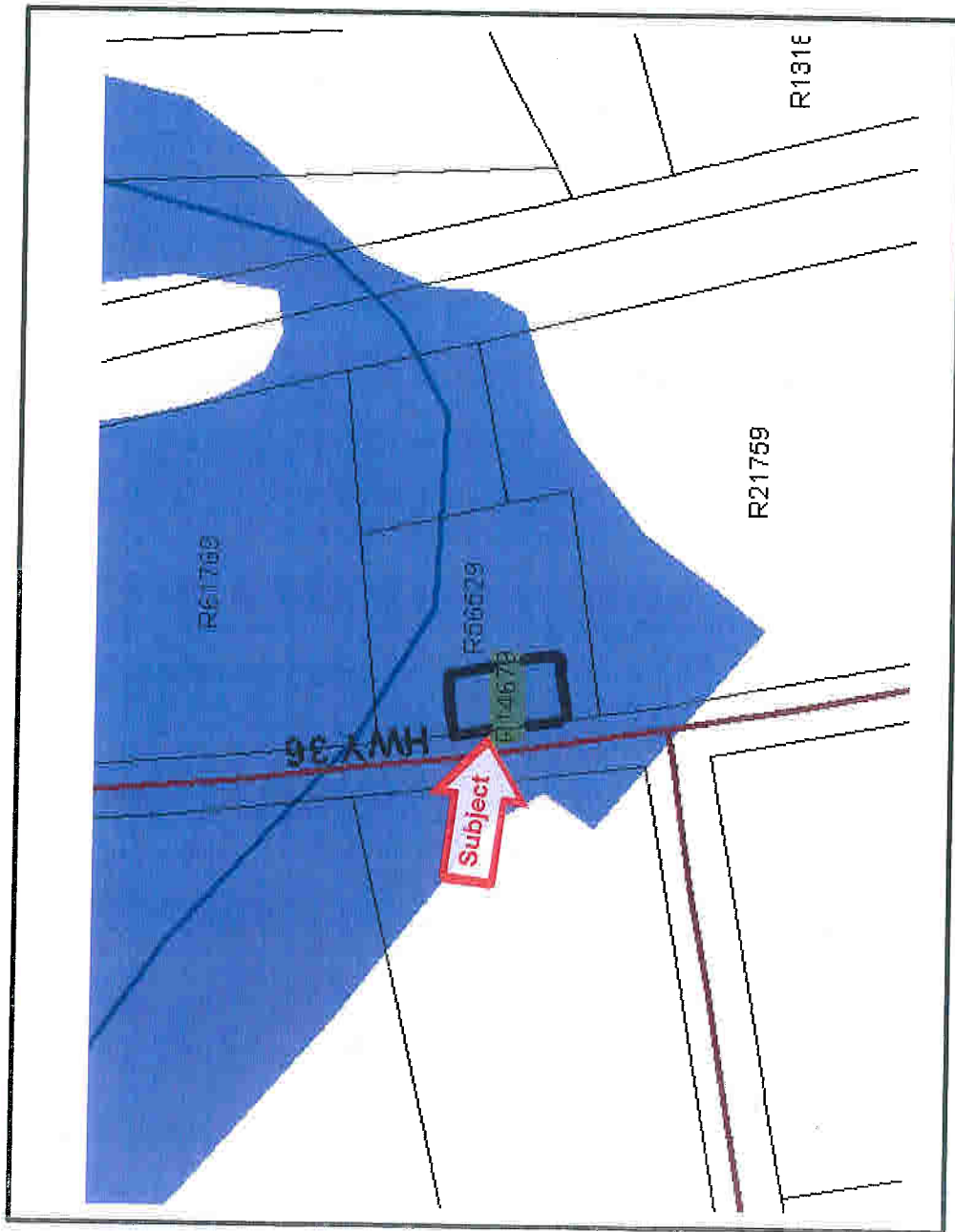


Tuesday, Jun 30 2009

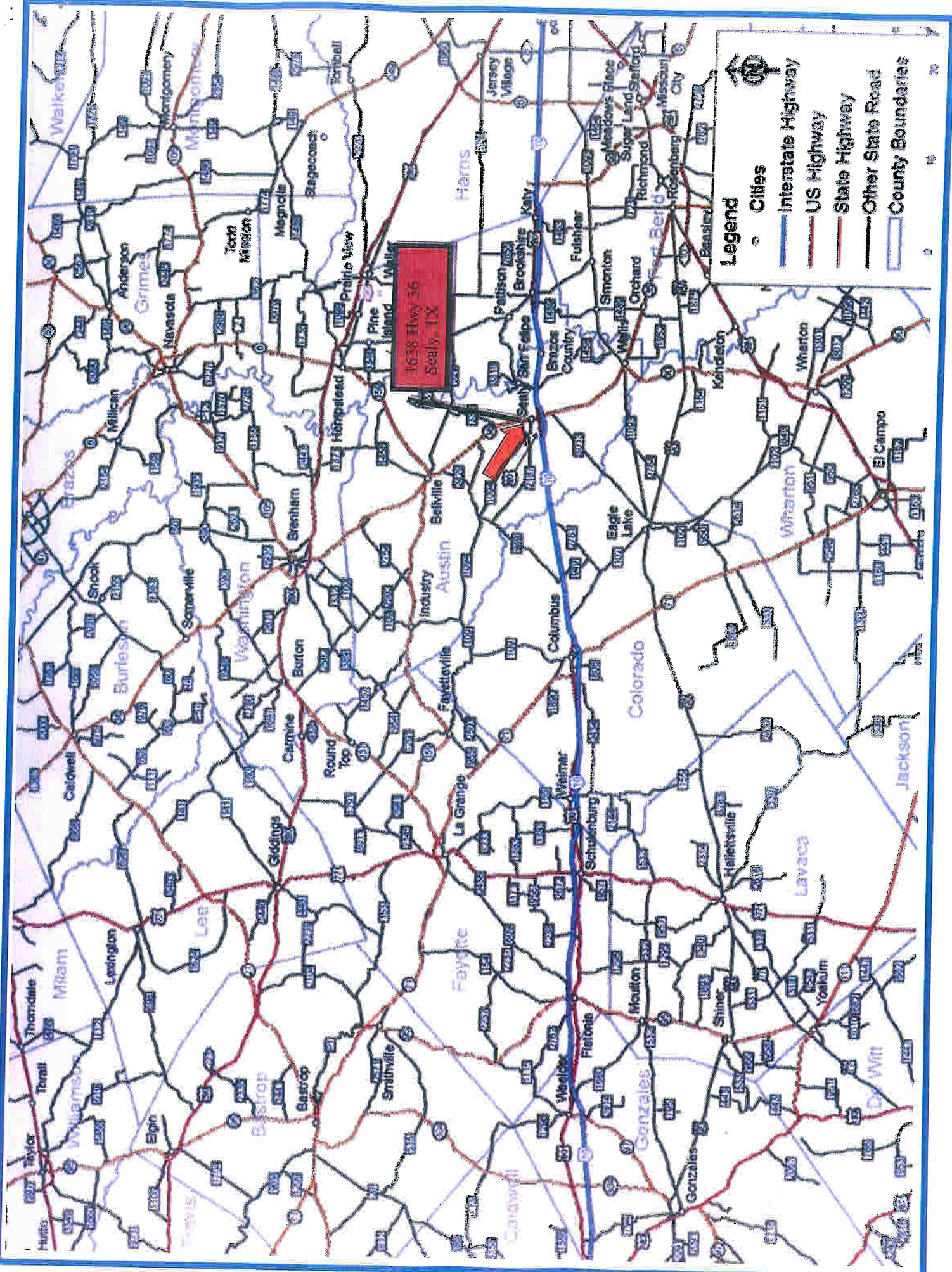
ESRI ArcExplorer 2.0

# 1638 Hwy 36 -Sealy TX (R14679)







- parcels (PIN)
- roads (STREETS)
- stream
- fema



Tuesday, Jun 30 2009



**Legend**

-  Cities
-  Interstate Highway
-  US Highway
-  State Highway
-  Other State Road
-  County Boundaries

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Texas law requires all real estate licensees to give the following information about brokerage services to prospective buyers, tenants, sellers and landlords.

## Information About Brokerage Services

**B**efore working with a real estate broker, you should know that the duties of a broker depend on whom the broker represents. If you are a prospective seller or landlord (owner) or a prospective buyer or tenant (buyer), you should know that the broker who lists the property for sale or lease is the owner's agent. A broker who acts as a subagent represents the owner in cooperation with the listing broker. A broker who acts as a buyer's agent represents the buyer. A broker may act as an intermediary between the parties if the parties consent in writing. A broker can assist you in locating a property, preparing a contract or lease, or obtaining financing without representing you. A broker is obligated by law to treat you honestly.

### IF THE BROKER REPRESENTS THE OWNER:

The broker becomes the owner's agent by entering into an agreement with the owner, usually through a written listing agreement, or by agreeing to act as a subagent by accepting an offer of subagency from the listing broker. A subagent may work in a different real estate office. A listing broker or subagent can assist the buyer but does not represent the buyer and must place the interests of the owner first. The buyer should not tell the owner's agent anything the buyer would not want the owner to know because an owner's agent must disclose to the owner any material information known to the agent.

### IF THE BROKER REPRESENTS THE BUYER:

The broker becomes the buyer's agent by entering into an agreement to represent the buyer, usually through a written buyer representation agreement. A buyer's agent can assist the owner but does not represent the owner and must place the interests of the buyer first. The owner should not tell a buyer's agent anything the owner would not want the buyer to know because a buyer's agent must disclose to the buyer any material information known to the agent.

### IF THE BROKER ACTS AS AN INTERMEDIARY:

A broker may act as an intermediary between the parties if the broker complies with The Texas Real Estate License

Act. The broker must obtain the written consent of each party to the transaction to act as an intermediary. The written consent must state who will pay the broker and, in conspicuous bold or underlined print, set forth the broker's obligations as an intermediary. The broker is required to treat each party honestly and fairly and to comply with The Texas Real Estate License Act. A broker who acts as an intermediary in a transaction:

- (1) shall treat all parties honestly;
- (2) may not disclose that the owner will accept a price less than the asking price unless authorized in writing to do so by the owner;
- (3) may not disclose that the buyer will pay a price greater than the price submitted in a written offer unless authorized in writing to do so by the buyer; and
- (4) may not disclose any confidential information or any information that a party specifically instructs the broker in writing not to disclose unless authorized in writing to disclose the information or required to do so by The Texas Real Estate License Act or a court order or if the information materially relates to the condition of the property.

With the parties' consent, a broker acting as an intermediary between the parties may appoint a person who is licensed under The Texas Real Estate License Act and associated with the broker to communicate with and carry out instructions of one party and another person who is licensed under that Act and associated with the broker to communicate with and carry out instructions of the other party.

**If you choose to have a broker represent you,** you should enter into a written agreement with the broker that clearly establishes the broker's obligations and your obligations. The agreement should state how and by whom the broker will be paid. You have the right to choose the type of representation, if any, you wish to receive. Your payment of a fee to a broker does not necessarily establish that the broker represents you. If you have any questions regarding the duties and responsibilities of the broker, you should resolve those questions before proceeding.

Real estate licensee asks that you acknowledge receipt of this information about brokerage services for the licensee's records.

Buyer, Seller, Landlord or Tenant

Date

Texas Real Estate Brokers and Salespersons are licensed and regulated by the Texas Real Estate Commission (TREC). If you have a question or complaint regarding a real estate licensee, you should contact TREC at P.O. Box 12188, Austin, Texas 78711-2188 or 512-465-3960.



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