

thisRealty

EXHIBIT "D"

DISCLOSURE NOTICE

This Disclosure Notice (this "Notice") is a statement by Owner of the condition of the Property made as of the date of this Notice. This is not a substitute for any inspections any tenant or purchaser may make or for warranties that may be made by others. To best of Owner's knowledge, other than disclosed by Owner in this Notice: (1) the Property does not have any material latent, structural, or construction defects; (2) the Property is not contaminated with Hazardous Materials in violation of applicable laws and regulations; (3) none of the improvements on the Property has been constructed of materials known to be a potential health hazard to occupants of the Property; and (4) the following information is true and correct in all material respects, and Owner has included any material fact concerning the Property of which Owner is aware. **These representations are not warranties or guarantees by Owner.** Owner authorizes the Brokers to disclose to any tenant or purchaser all information about the condition of the Property whether disclosed to the Brokers by Owner orally or in writing (by this Notice or otherwise), or otherwise discovered. Owner shall advise any tenant or purchaser and the Brokers of any other material fact or condition, not reported here, that may arise or become known to Owner before the Closing. These representations are made by Owner only and are not representations of the Brokers. Owner acknowledges that any tenant or purchaser and the Brokers will be relying upon the accuracy and completeness of this information.

Please answer all questions. If the answer to any question is "Yes," explain on a separate sheet.

1. Buildings and Improvements. Are there any defects or repairs needed to the following?

- a. Roof, parapets, flashing, penetrations, chimneys, skylights
- b. Air conditioning, refrigeration, heating, ventilating systems, air ducting, fans
- c. Foundation piers, slabs, grade beams, footings, retaining walls
- d. Floors, interiors, floor coverings, ceilings, millwork, partitions
- e. Exterior walls, curtain walls, weather proofing, caulking
- f. Structural components, columns, trusses, beams, bracing
- g. Electrical systems, wiring, lighting, fixtures and equipment
- h. Plumbing systems, piping, drains, valves, fixtures and equipment
- i. Elevators, escalators, overhead doors, other built-in mechanical equipment
- j. Windows, doors, plate glass, canopies, other architectural features
- k. Parking areas, driveways, steps, walks, curbs and other pavements
- l. Landscaping, irrigation systems, embankments, fences, signs

N/A	YES	NO	UNKNOWN
—	—	X	—
—	—	X	—
X	X	—	—
—	—	X	—
—	—	X	—
—	—	X	—
—	—	X	—
—	—	X	—
X	—	—	—
—	—	X	—
—	—	X	—
—	—	X	—

2. Hazardous Materials. Have there been any Hazardous Materials:

- a. Released or deposited on or under or about the Property, or leaking on or from the Property?
- b. Used in the construction of the improvements or in finishing materials?
- c. Released or deposited on or leaking from other properties contiguous to the Property?

—	—	X	—
—	—	X	—
—	—	X	—

3. Subsurface Conditions.

- a. Are there any material soil, geological, groundwater, or foundation problems?
- b. Are there underground storage tanks or leaking pipes on the Property?
- c. Is the Property situated in a wetland or over a garbage dump or waste landfill?

—	—	X	—
—	—	X	—
—	—	X	—

EXCLUSIVE LISTING AGREEMENT

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N/A YES NO UNKNOWN

4. Special Conditions.

- a. Are there any public or private easements or agreements for utilities or access? — — —
- b. Is the property flood prone or located in a 100-year flood plain? — — —
- c. Are there any violations of building codes, zoning ordinances, EPA regulations, OSHA regulations, or Texas Commission on Environmental Quality rules? — — —
- d. Are there any violations of Deed Restrictions covering the Property? — — —
- e. Are there any threatened condemnations by public authorities or utility companies, including planned streets, highways, railroads, utilities, or development projects? — — —
- f. Is the Property located in a historical district or planned development district? — — —
- g. Is the Property in any special zoning district or under a specific use permit? — — —
- h. Are there any pending changes in zoning or in the physical condition of the Property? — — —
- i. Is the Property subject to membership in a property owners' association or dues? — — —

5. Utilities Present. (Strike those not on the Property): City Water; Sanitary Sewer; Storm Drainage; Natural Gas; Electricity.

OWNER:

Midland-Odessa Golf Corp

By: 

Date: _____

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