

**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?

	N/A	YES	NO	UNKNOWN
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	_____	_____	_____	_____✓

**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?	_____	_____	_____	_____

SEE ATTACHED

**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?	_____	_____	_____	_____

SEE ATTACHED

**EXCLUSIVE LISTING AGREEMENT**

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WB House

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4315 S County

N/A YES NO UNKNOWN


4. Special Conditions.

- a. Are there any public or private easements or agreements for utilities or access?  N/A  YES  NO  UNKNOWN
- b. Is the property flood prone or located in a 100-year flood plain?  N/A  YES  NO  UNKNOWN
- c. Are there any violations of building codes, zoning ordinances, EPA regulations, OSHA regulations, or Texas Commission on Environmental Quality rules?  N/A  YES  NO  UNKNOWN
- d. Are there any violations of Deed Restrictions covering the Property?  N/A  YES  NO  UNKNOWN
- e. Are there any threatened condemnations by public authorities or utility companies, including planned streets, highways, railroads, utilities, or development projects?  N/A  YES  NO  UNKNOWN
- f. Is the Property located in a historical district or planned development district?  N/A  YES  NO  UNKNOWN
- g. Is the Property in any special zoning district or under a specific use permit?  N/A  YES  NO  UNKNOWN
- h. Are there any pending changes in zoning or in the physical condition of the Property?  N/A  YES  NO  UNKNOWN
- i. Is the Property subject to membership in a property owners' association or dues?  N/A  YES  NO  UNKNOWN

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

OWNER:

TexCap, LLC a Texas limited liability co

By: 

Date: \_\_\_\_\_

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## Notice to Potential Lessee and/or Purchaser

This Property is one of several properties that lies over and is part of the Midessa Ground Water Plume Superfund Site (place on the National Priorities List on March 19, 2008). Lessor/Owner does not have any knowledge to cause it to believe that it or any of its former Lessees contributed to the groundwater contaminants. Any potential Lessee/purchaser must confirm that Lessee's/purchaser's operations do not and will not involve the use of tetrachloroethene (PCE), trichloroethene (TCE), cis 1,1-dichloroethene, 1-1- dichloroethane, or carbon tetrachloride. Lessee/purchaser must also agree to not (1) dispose of hazardous substances on the Property, or (2) impede the performance of a response action or natural resource restoration.