

NEW HOME CONTRACT

(Completed Construction)

NOTICE: Not For Use For Condominium Transactions or Closings Prior to Completion of Construction

1. PARTIES: _____ (Seller) agrees to sell and convey to _____ (Buyer) and Buyer agrees to buy from Seller the Property described below.

2. PROPERTY: Lot _____, Block _____, County of _____, Addition, City of _____, Texas, known as _____, (address/zip code), or as described on attached exhibit, together with: (i) improvements, fixtures and all other property located thereon; and (ii) all rights, privileges and appurtenances thereto, including but not limited to: permits, easements, and cooperative and association memberships. All property sold by this contract is called the "Property".

3. SALES PRICE:
 A. Cash portion of Sales Price payable by Buyer at closing\$ _____
 B. Sum of all financing described below (excluding any loan funding fee or mortgage insurance premium)\$ _____
 C. Sales Price (Sum of A and B)\$ _____

4. FINANCING: The portion of Sales Price not payable in cash will be paid as follows: (Check applicable boxes below)

- A. THIRD PARTY FINANCING:** One or more third party mortgage loans in the total amount of \$ _____ (excluding any loan funding fee or mortgage insurance premium).
 - (1) Property Approval: If the Property does not satisfy the lenders' underwriting requirements for the loan(s), this contract will terminate and the earnest money will be refunded to Buyer.
 - (2) Financing Approval: (Check one box only)
 - (a) This contract is subject to Buyer being approved for the financing described in the attached Third Party Financing Condition Addendum.
 - (b) This contract is not subject to Buyer being approved for financing and does not involve FHA or VA financing.
- B. ASSUMPTION:** The assumption of the unpaid principal balance of one or more promissory notes described in the attached TREC Loan Assumption Addendum.
- C. SELLER FINANCING:** A promissory note from Buyer to Seller of \$ _____ secured by vendor's and deed of trust liens, and containing the terms and conditions described in the attached TREC Seller Financing Addendum. If an owner policy of title insurance is furnished, Buyer shall furnish Seller with a mortgagee policy of title insurance.

5. EARNEST MONEY: Upon execution of this contract by both parties, Buyer shall deposit \$ _____ as earnest money with _____ as escrow agent, at _____ (address). Buyer shall deposit additional earnest money of \$ _____ with escrow agent within _____ days after the effective date of this contract. If Buyer fails to deposit the earnest money as required by this contract, Buyer will be in default.

6. TITLE POLICY AND SURVEY:
 A. **TITLE POLICY:** Seller shall furnish to Buyer at Seller's Buyer's expense an owner policy of title insurance (Title Policy) issued by _____ (Title Company) in the amount of the Sales Price, dated at or after closing, insuring Buyer against loss under the provisions of the Title Policy, subject to the promulgated exclusions (including existing building and zoning ordinances) and the following exceptions:
 (1) Restrictive covenants common to the platted subdivision in which the Property is located.
 (2) The standard printed exception for standby fees, taxes and assessments.
 (3) Liens created as part of the financing described in Paragraph 4.
 (4) Utility easements created by the dedication deed or plat of the subdivision in which the Property is located.
 (5) Reservations or exceptions otherwise permitted by this contract or as may be approved by Buyer in writing.
 (6) The standard printed exception as to marital rights.
 (7) The standard printed exception as to waters, bidelands, beaches, streams, and related matters.
 (8) The standard printed exception as to discrepancies, conflicts, shortages in area or boundary lines, encroachments or protrusions, or overlapping improvements. Buyer, at Buyer's expense, may have the exception amended to read, "shortages in area".
 B. **COMMITMENT:** Within 30 days after the Title Company receives a copy of this contract, Seller shall furnish to Buyer a commitment for title insurance (Commitment) and, at Buyer's expense, legible copies of restrictive covenants and documents evidencing exceptions in the Commitment (Exception Documents) other than the standard printed exceptions. Seller

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Samuel Williston



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Table of Contents Homeowners Contract Homepro

1. Understanding the eBook Homeowners Contract Homepro
 - The Rise of Digital Reading Homeowners Contract Homepro
 - Advantages of eBooks Over Traditional Books
2. Identifying Homeowners Contract Homepro
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Homeowners Contract Homepro
 - User-Friendly Interface
4. Exploring eBook Recommendations from Homeowners Contract Homepro
 - Personalized Recommendations
 - Homeowners Contract Homepro User Reviews and Ratings
 - Homeowners Contract Homepro and Bestseller Lists
5. Accessing Homeowners Contract Homepro Free and Paid eBooks
 - Homeowners Contract Homepro Public Domain eBooks
 - Homeowners Contract Homepro eBook Subscription Services
 - Homeowners Contract Homepro Budget-Friendly Options
6. Navigating Homeowners Contract Homepro eBook Formats
 - ePub, PDF, MOBI, and More
 - Homeowners Contract Homepro Compatibility with Devices
 - Homeowners Contract Homepro Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Homeowners Contract Homepro
 - Highlighting and Note-Taking Homeowners Contract Homepro
 - Interactive Elements Homeowners Contract Homepro
8. Staying Engaged with Homeowners Contract Homepro

- Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Homeowners Contract Homepro
9. Balancing eBooks and Physical Books Homeowners Contract Homepro
- Benefits of a Digital Library
 - Creating a Diverse Reading Collection Homeowners Contract Homepro
10. Overcoming Reading Challenges
- Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Homeowners Contract Homepro
- Setting Reading Goals Homeowners Contract Homepro
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Homeowners Contract Homepro
- Fact-Checking eBook Content of Homeowners Contract Homepro
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
- Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
- Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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