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Texas Resale Contract - Helpful Information Part 1

As a Real Estate Agent in Texas, we will use a common contract for a housing purchase called a "One To Four Family Residential Contract (Resale)." This contract is Promulgated by the Texas Real Estate Commission (TREC). To promulgate means to "make widely known to many people" or to "put into effect by official proclamation." This common contract is used for homes that are considered "Resale" in Texas - not for new homes.

One thing to always remember is that a real estate agent is NOT a real estate attorney. As a licensed real estate agent in Texas, I do not practice law nor do I interpret the legal effects of contracts in Texas. This is left to state licensed attorneys. I can provide guidance, regarding the contract, to questions a buyer or seller may have, but if a client is looking for more cause and effect, then I tell my client that would best be handled by a qualified real estate attorney of your choosing.

One of the paragraphs where a lot of questions are received is Section 2, Paragraph B. It is titled **Improvements**. It reads:

The house, garage and all other fixtures and improvements attached to the above-described real property, including without limitation, the following **permanently installed and built-in items**, if any: all equipment and appliances, valances, screens, shutters, awnings, wall-to-wall carpeting, mirrors, ceiling fans, attic fans, mail boxes, television antennas, mounts and brackets for televisions and speakers, heating and air-conditioning units, security and fire detection equipment, wiring, plumbing and lighting fixtures, chandeliers, water softener system, kitchen equipment, garage door openers, cleaning equipment, shrubbery, landscaping, outdoor cooking equipment, and all other property attached to the above described real property.

The goal here is to cover as much as possible on Improvements where a person can surmise or garner if something would fall into this category. Imagine how long this paragraph *could be* if everything known to man was listed? The big key is what TREC has listed in Bold - **permanently installed and built-in items**. This is where a licensed real estate agent will use their knowledge and training to lend an opinion as to what may fall into this Improvements paragraph.

A couple of examples:

- An outside B-B-Q grill on wheels that can be moved around and used in different locations (not attached to anything) and an outside B-B-Q grill that is part of a brick pit area and is attached to the permanent structure. The B-B-Q grill that is enclosed and attached in brick work stays (considered real property) and the movable B-B-Q grill on wheels can leave with the sellers.
- Kitchen Equipment. A dishwasher is attached to the counter and a stove is attached to the wall (so it does not tip if a child gets on the open door) and a microwave above the oven is attached to the wall and these are considered real property. However, a countertop microwave not attached to the structure of the home is not considered real property and can leave with the seller.

Section 2, Paragraph C of the contract covers **Accessories** and I will address it in my next newsletter. There is a Paragraph D titled **Exclusions** that a seller can advise a buyer what will be leaving when the property is sold. This can be covered, as necessary, in each contract situation.

I hope this is helpful and when you are ready to buy or sell a home (or if you know someone who is ready), please let me know and I will provide exceptional knowledge and service to you and your friends as my clients.

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ROOF MAINTENANCE

The roof is one of the most essential features of a home, yet it's commonly overlooked when it comes to regular maintenance. A roof can sustain some wear and tear, but if a homeowner wants to avoid costly repairs, they should conduct frequent checks. Here are five ways to keep your roof in good condition.

Check for leaks. To prevent a major roof leak, regularly check for water damage in your attic and on your ceilings. Some telltale signs of roof leaks include moldy smells, liquid stains on the ceiling, or interior wall bulges.

Trim those trees. A tree can do a great deal of damage if it falls on a roof, but it's also important to make sure no branches are scratching your shingles. Over an extended period of time, this can damage the protective top layer, so make sure to trim the trees around your house.

Check your shingles. One of the most important parts of roof maintenance is making sure your shingles aren't deteriorating. If you see any shingles that are missing, cracked, or curved, it may be time for some repairs. In Abilene, it is always a good practice to check your shingles after a hail storm.

Clean your gutters. Although it can be one of the most dreaded household chores, cleaning your gutters regularly can help preserve your roof. Gutters filled with debris can prevent water from draining properly and result in liquid seeping under your roof. This can affect the roof's integrity and cause water stains.

Hire a pro. If you want to go above and beyond in your roof maintenance and make sure you aren't missing any problem areas, call a professional roofer to complete an inspection.

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