

OFFERING MEMORANDUM.



The Maffia Team

Furr's Fresh Buffet San Antonio, TX



Actual Site



\$4,795,000
6.75% CAP Rate

- ◆ 20-Year Absolute NNN Lease
 - ◆ 17+ Years Remaining
- ◆ Rare Fixed Annual Increases
- ◆ Strong Reported Sales Volume
 - ◆ Excellent Reported Restaurant Volumes within Trade Area
- ◆ Located off State Highway 151 with Excellent Visibility
 - ◆ 99,699 AADT
- ◆ Infill Retail Trade Area
 - ◆ Adjacent to 238 Acre Mixed-Use Development with 600k SF Retail
 - ◆ Located near SeaWorld with over 3 Million Visitors Annually

**Newmark
Cornish & Carey**

This property is listed in conjunction with Texas-licensed real estate broker Delta Commercial.

www.maffiateam.com



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Newmark Cornish & Carey (“Broker”) has been retained on an exclusive basis to market the property described herein (“Property”). Broker has been authorized by the Seller of the Property (“Seller”) to prepare and distribute the enclosed information (“Material”) for the purpose of soliciting offers to purchase from interested parties. More detailed financial, title and tenant lease information may be made available upon request following the mutual execution of a letter of intent or contract to purchase between the Seller and a prospective purchaser. You are invited to review this opportunity and make an offer to purchase based upon your analysis. If your offer results in the Seller choosing to open negotiations with you, you will be asked to provide financial references. The eventual purchaser will be chosen based upon an assessment of price, terms, ability to close the transaction and such other matters as the Seller deems appropriate.

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Seller reserves the right, for any reason, to withdraw the Property from the market. Seller has no obligation, express or implied, to accept any offer. Further, Seller has no obligation to sell the Property unless and until the Seller executes and delivers a signed agreement of purchase and sale on terms acceptable to the Seller, in its sole discretion. By submitting an offer, a purchaser will be deemed to have acknowledged the foregoing and agreed to release Seller and Broker from any liability with respect thereto.

Property walk-throughs are to be conducted by appointment only. Contact Broker for additional information.

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Property Information

Location The property is located at 8410 State Highway 151, which is on the southwest corner of Texas State Highway 151 and Cable Ranch Road in San Antonio, Texas.

Lot Size Approximately 2.39 acres, or 104,239 square feet.

Improvements Construction was completed in 2012 of an approximately 11,637 square foot, casual-dining restaurant for **Furr's Fresh Buffet**. There is ample parking on site.

Lease Leased to **Buffet Partners, L.P.** for an initial term of 20 years, from April 2012 to February 28, 2032. The current annual rent is \$323,650 with set annual increases outlined below. There are four 5-year options to renew the lease with the rent to adjust to Fair Market Value. The lease is absolute net, with the tenant responsible for taxes, insurance, and all maintenance. In addition to base rent, Tenant is responsible for a 5% percentage rent on gross sales above \$3,700,000.

Net Annual Income	<u>Years</u>	<u>Annual Rent</u>	<u>Return</u>
	July 1, 2014 - March 31, 2015 (Current)	\$323,650	6.75%
	April 1, 2015 - March 31, 2016	\$331,464	6.91%
	April 1, 2016 - March 31, 2017	\$335,442	7.00%
	April 1, 2017 - March 31, 2018	\$339,467	7.08%
	April 1, 2018 - March 31, 2019	\$343,541	7.16%
	April 1, 2019 - March 31, 2020	\$347,663	7.25%
	April 1, 2020 - March 31, 2021	\$351,835	7.34%
	April 1, 2021 - March 31, 2022	\$356,057	7.43%
	April 1, 2022 - March 31, 2023	\$360,330	7.51%
	April 1, 2023 - March 31, 2024	\$364,654	7.60%
	April 1, 2024 - March 31, 2025	\$369,030	7.70%
	April 1, 2025 - March 31, 2026	\$373,458	7.79%
	April 1, 2026 - March 31, 2027	\$377,940	7.88%
	April 1, 2027 - March 31, 2028	\$382,475	7.98%
	April 1, 2028 - March 31, 2029	\$387,065	8.07%
	April 1, 2029 - March 31, 2030	\$391,782	8.17%
	April 1, 2030 - March 31, 2031	\$396,461	8.27%
	April 1, 2031 – Feb. 28, 2032	\$401,167	8.37%

Price **\$4,795,000 (6.75% Return)**

Financing The property will be delivered free and clear of permanent financing.

Tenant Information



Furr's Fresh Buffet is one of the longest-tenured and most recognized restaurant brands in the Southwest. Founded in 1946 by Roy Furr, there are 25 restaurant locations in Arizona, Arkansas, New Mexico, Oklahoma and Texas, generating in excess of \$100 million in annual revenue. With a rich, 65 year operating history and strong brand awareness, Furr's operates straight-line and scatter-bar buffet units that feature a wide variety of "all-you-can-eat," "home-cooked," high quality foods served with personalized service at an affordable price. Furr's Fresh Buffet (scatter-bar) concept locations generate on average over \$4 million in annual sales.

Furr's Fresh Buffet provides a compelling price-to-value relationship which results in high average sales per restaurant, relatively low labor costs and attractive unit economic returns. The company enjoys a unique competitive advantage through Dynamic Foods division, a fully integrated food processing, manufacturing, warehousing and distribution operation centrally located in Lubbock, Texas, that services Furr's restaurants and a host of external customers.



Buffet Partners, LP was acquired by **Food Management Partners (FMP)** along with the Dynamic Foods foodservice distribution company in a bankruptcy court transaction in June 2014. FMP headquartered in San Antonio, is a privately held multi-concept operator, which also franchises the Buffalo Wild Wings brand with 35-units, Zio's Italian Kitchen with 21-units, and 35-unit Don Pablo's Tex-Mex casual dining chain. Collectively owning and operating 90 restaurants across 22 states with sales in excess of \$200 million annually. Previously, FMP operated one of the largest Little Caesar's franchises and was a founding franchisee of Smashburger.



About the Area

Site Information

The property is located on the corner of Cable Ranch Road and Texas State Highway 151. Highway 151 connects The Loop and Interstate 90 in Western San Antonio. The property has excellent visibility and ingress/egress from Highway 151 and is a block west of Interstate 410 (142,000 AADT). This area has seen significant retail expansion and surrounding tenants include Home Depot, Target, Lowe's, Walmart, bel Furniture, PetSmart, Office Depot, Ross, Toys "R" Us, Panda Express, Buffalo Wild Wings, TGI Friday's, Chase Bank and Capital One. Additionally, over 1,000 new apartment units are under construction within a quarter mile radius of the site. The annual average daily traffic count on Texas Highway 151 is 99,699 vehicles.

The property is conveniently located on the signalized hard corner to the proposed 238-acre mixed-use project, Monterrey Village. Upon completion, the development is expected to include over 600,000 square feet of retail, 40 acres of residential, an office component and the Harmony Science and Academy Center. This master-planned development is part of major growth occurring on the west side of San Antonio in the last decade. Though the west side has seen significant commercial growth, residential development has outpaced commercial in this sector with the upward trend in population growth anticipated to continue. Currently, an estimated 71,337 people reside within a three-mile radius of the subject property with an average household income of \$52,987.

General Overview

San Antonio is the seventh most populous city in the USA and the 2nd most populous city in the state of Texas, with a population of 1,409,019. It was the fastest growing of the top 10 largest cities in the United States from 2000-2010, and the second from 1990-2000. The city serves as the seat of Bexar County and is the center of the San Antonio-New Braunfels Metropolitan Statistical Area. Commonly referred to as Greater San Antonio, the metropolitan area has a population of over 2.23 million based on the 2012 U.S. Census estimate, making it the 25th largest metropolitan area in the United States and 3rd largest in the state of Texas.

San Antonio is home to numerous U.S. armed forces facilities, The South Texas Medical Center, and six Fortune 500 Companies (Valero Energy Corp, Tesoro Corp, USAA, Clear Channel Communications, NuStar Energy and CST Brands). H-E-B, the 14th largest private company in the U.S. is also headquartered in San Antonio. Other companies headquartered in San Antonio include Bill Miller Bar-B-Q Enterprises, Carenet Healthcare Services, Eye Care Centers of America, Frost Bank, Harte-Hanks, Kinetic Concepts, NewTek, Rackspace, Taco Cabana and Whataburger. Other large companies that operate regional headquarters in the city include Nationwide Mutual Insurance Company, Kohl's, Allstate, Chase Bank, Philips, Wells Fargo, Toyota, Medtronic, Sysco, Caterpillar Inc., AT&T, West Corporation, Citigroup, Boeing, QVC and Lockheed Martin.

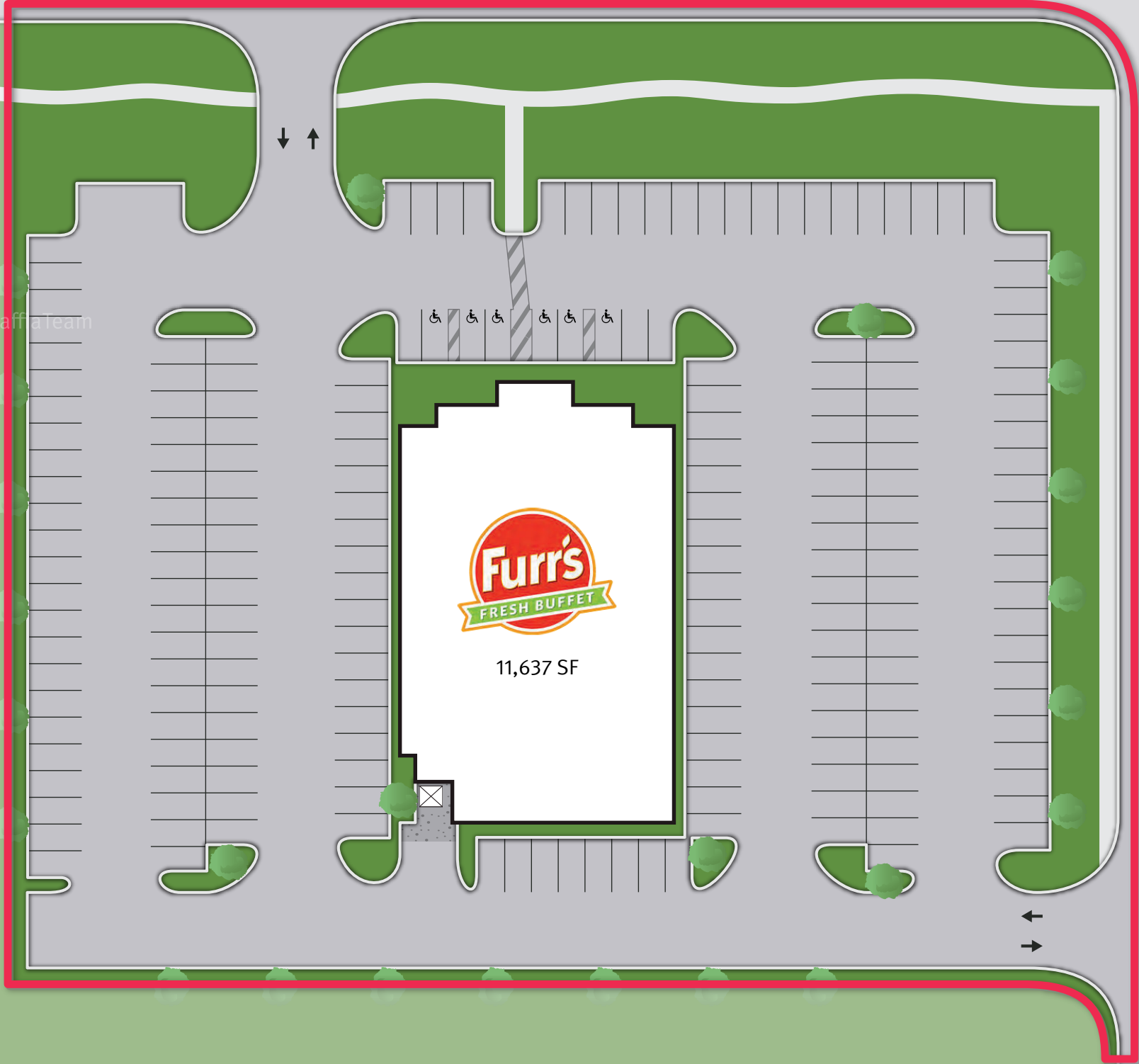
San Antonio is a popular tourist destination. The Alamo, located downtown, is Texas' top tourist attraction. The River Walk, which meanders through the downtown area and is lined with numerous shops, bars and restaurants, is the city's second most visited attraction. SeaWorld is San Antonio's 3rd most visited attraction and is located roughly 4 miles from the subject property.

Site Plan



/ STATE HIGHWAY 151

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CABLE RANCH ROAD

Ground Photos





Aerial | East View

ROSS
DRESS FOR LESS
Payless
RACK ROOM SHOES
rue21



DOLLAR TREE
Toys R Us
BABIES R Us

MATTRESS FIRM
LESLIE'S
SWIMMING POOL SUPPLIES
SUPERCUTS

Capital One

Tacara
at Westover Hills

GANDER MTN.
WE LIVE OUTDOORS

LOWE'S
Home Improvement Warehouse

PET SMART
Office DEPOT
McALISTER'S
BUTTE

RadioShack
GNC

chili's

BUFFALO WILD WINGS
BUFFALO WINGS

Old Country Store

FRIDAYS

IHOP
RESTAURANT

TWIN PEAKS

Starbucks
at&t

CHASE

PIZZA EXPRESS

WHATABURGER

Schlotzsky's

151
TEXAS

(99,699 AADT)

Furr's
FRESH BUFFET

Cable Ranch Rd

Monterrey Village
238 Acre Mixed-Use
Development

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Chuy's
MEXICAN FOOD

MAIN EVENT
ENTERTAINMENT

bel
FURNITURE

John Paul Stevens
High School

E.M. Pease
Middle School

Potranco Rd

Ingram Rd

Dalian Development
640 Apartments

Monterrey Village
238 Acre Mixed-Use
Development



Cable Ranch Rd



(99,699 AADT)





Harmony
Science Academy

Lakeside Pkwy

Monterrey Village
238 Acre Mixed-Use
Development

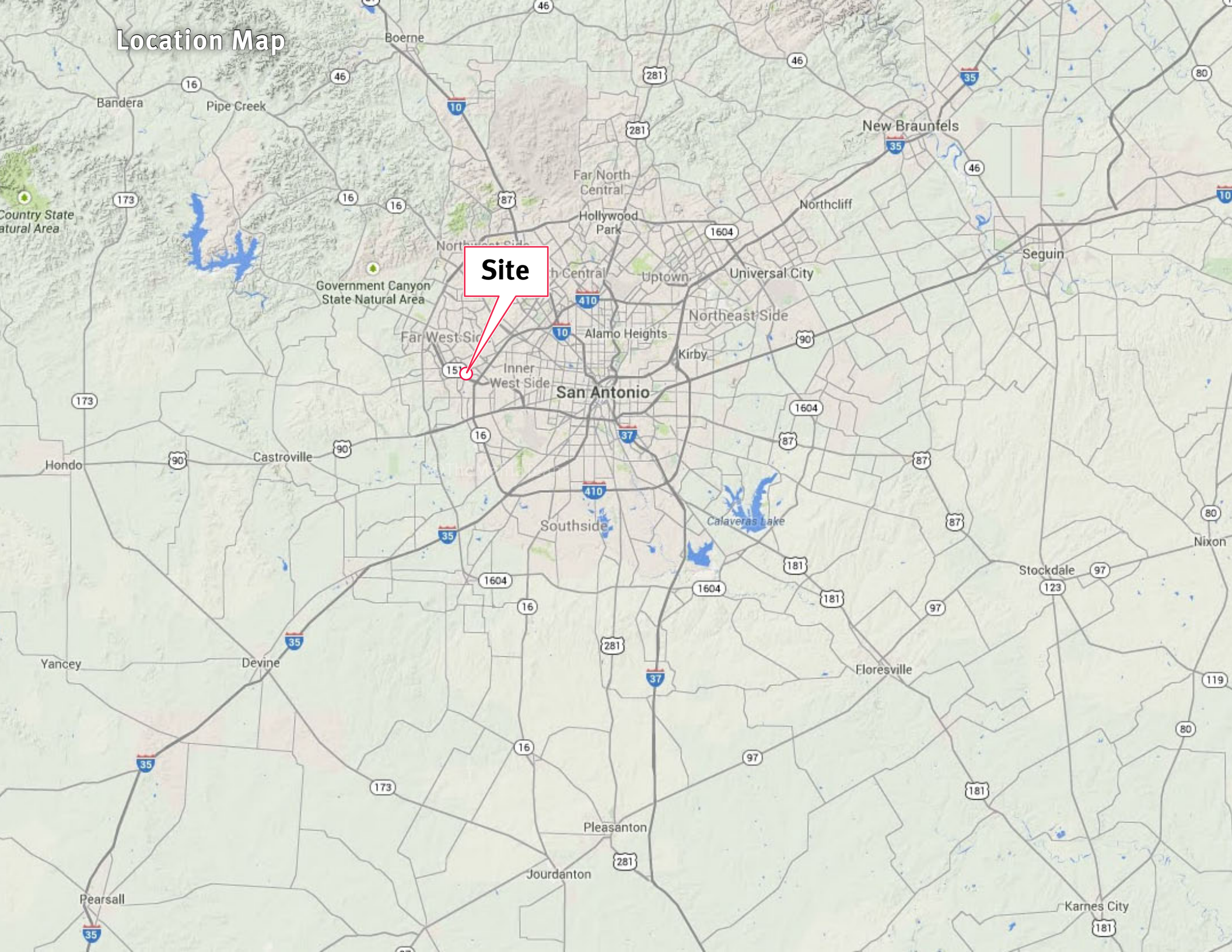


Cable Ranch Rd

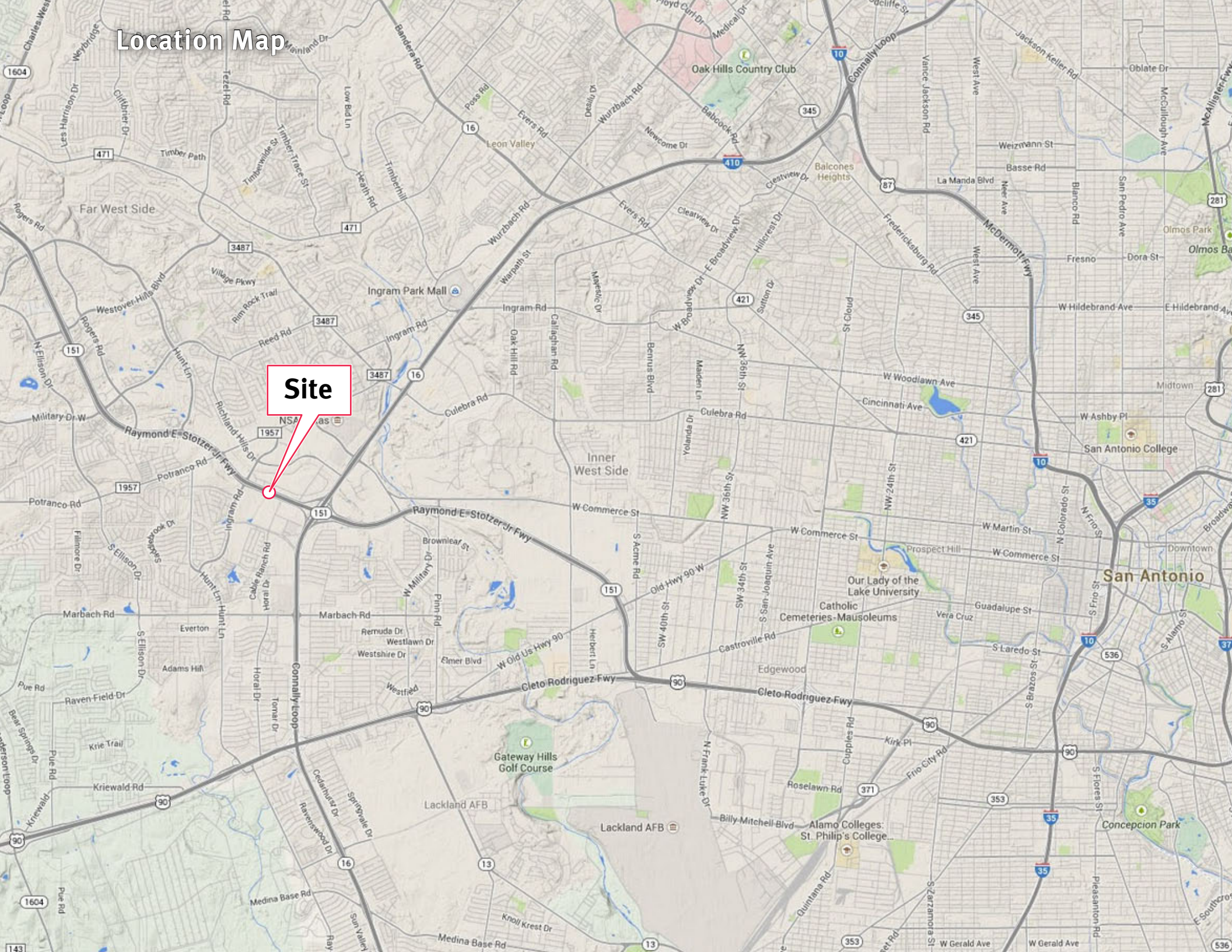


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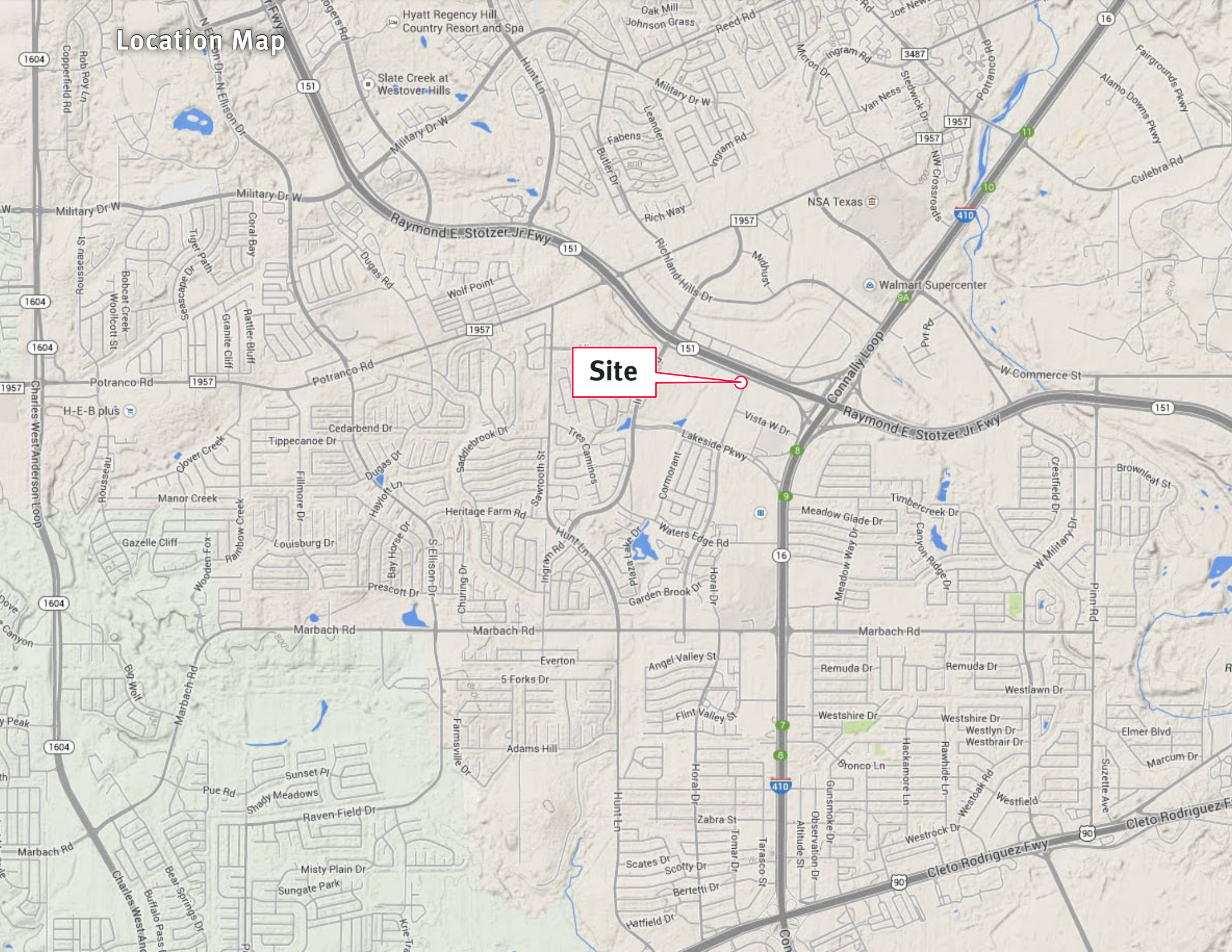
Location Map



Location Map



Location Map



Site



Demographics

8410 SH 151
San Antonio, TX 78245

	1 mile	3 mile	5 mile
Population Summary			
2000 Total Population	3,008	72,451	187,102
2010 Total Population	8,393	108,850	254,433
2014 Total Population	10,426	115,746	271,762
2014 Group Quarters	1	58	7,202
2019 Total Population	11,931	124,757	293,953
2014-2019 Annual Rate	2.73%	1.51%	1.58%
Household Summary			
2000 Households	1,083	24,337	59,425
2000 Average Household Size	2.78	2.97	3.06
2010 Households	2,723	37,006	82,180
2010 Average Household Size	3.08	2.94	3.01
2014 Households	3,223	39,376	88,059
2014 Average Household Size	3.23	2.94	3.00
2019 Households	3,653	42,512	95,546
2019 Average Household Size	3.27	2.93	3.00
2014-2019 Annual Rate	2.54%	1.54%	1.65%
2010 Families	1,841	26,831	61,570
2010 Average Family Size	3.74	3.47	3.48
2014 Families	2,131	28,244	65,526
2014 Average Family Size	3.96	3.48	3.48
2019 Families	2,387	30,223	70,820
2019 Average Family Size	4.01	3.49	3.48
2014-2019 Annual Rate	2.29%	1.36%	1.57%
Housing Unit Summary			
2000 Housing Units	1,101	25,565	62,191
Owner Occupied Housing Units	39.1%	55.5%	62.2%
Renter Occupied Housing Units	59.2%	39.7%	33.4%
Vacant Housing Units	1.6%	4.8%	4.4%
2010 Housing Units	2,864	39,585	87,381
Owner Occupied Housing Units	47.0%	54.7%	59.8%
Renter Occupied Housing Units	48.1%	38.7%	34.3%
Vacant Housing Units	4.9%	6.5%	6.0%
2014 Housing Units	3,280	41,698	92,948
Owner Occupied Housing Units	45.7%	53.3%	58.4%
Renter Occupied Housing Units	52.6%	41.1%	36.3%
Vacant Housing Units	1.7%	5.6%	5.3%
2019 Housing Units	3,620	44,776	100,588
Owner Occupied Housing Units	47.7%	53.4%	58.3%
Renter Occupied Housing Units	53.2%	41.6%	36.7%
Vacant Housing Units	0.0%	5.1%	5.0%
Median Household Income			
2014	\$36,109	\$48,525	\$50,218
2019	\$40,651	\$53,977	\$55,579
Median Home Value			
2014	\$173,383	\$161,731	\$161,392
2019	\$198,188	\$189,076	\$190,076
Per Capita Income			
2014	\$14,640	\$19,397	\$19,360
2019	\$16,738	\$22,226	\$22,121
Median Age			
2010	27.4	29.8	29.7
2014	27.7	30.4	30.4
2019	28.4	30.9	31.1



Demographics

8410 SH 151
San Antonio, TX 78245

	1 mile	3 mile	5 mile
2014 Households by Income			
Household Income Base	3,223	39,376	88,059
<\$15,000	11.3%	10.5%	11.9%
\$15,000 - \$24,999	20.5%	12.4%	11.5%
\$25,000 - \$34,999	16.4%	11.9%	11.1%
\$35,000 - \$49,999	17.8%	16.4%	15.1%
\$50,000 - \$74,999	20.9%	24.0%	23.3%
\$75,000 - \$99,999	8.0%	12.2%	12.9%
\$100,000 - \$149,999	3.8%	9.3%	10.9%
\$150,000 - \$199,999	0.9%	2.3%	2.2%
\$200,000+	0.4%	1.0%	1.0%
Average Household Income	\$44,029	\$56,850	\$58,351
2019 Households by Income			
Household Income Base	3,653	42,512	95,546
<\$15,000	11.5%	9.8%	11.2%
\$15,000 - \$24,999	16.2%	9.3%	8.5%
\$25,000 - \$34,999	13.9%	9.6%	8.8%
\$35,000 - \$49,999	18.2%	15.8%	14.4%
\$50,000 - \$74,999	22.2%	23.6%	22.8%
\$75,000 - \$99,999	10.9%	16.0%	16.8%
\$100,000 - \$149,999	4.8%	11.4%	13.1%
\$150,000 - \$199,999	1.6%	3.2%	3.1%
\$200,000+	0.7%	1.3%	1.4%
Average Household Income	\$50,777	\$65,005	\$66,460
2014 Owner Occupied Housing Units by Value			
Total	1,497	22,225	54,302
<\$50,000	0.5%	1.7%	2.2%
\$50,000 - \$99,999	4.5%	11.8%	12.6%
\$100,000 - \$149,999	25.1%	29.1%	28.4%
\$150,000 - \$199,999	42.4%	31.6%	29.7%
\$200,000 - \$249,999	20.7%	14.6%	15.4%
\$250,000 - \$299,999	4.1%	5.8%	6.3%
\$300,000 - \$399,999	0.6%	3.6%	3.6%
\$400,000 - \$499,999	1.9%	1.0%	1.0%
\$500,000 - \$749,999	0.1%	0.7%	0.6%
\$750,000 - \$999,999	0.0%	0.0%	0.0%
\$1,000,000 +	0.0%	0.0%	0.1%
Average Home Value	\$178,273	\$171,981	\$172,218
2019 Owner Occupied Housing Units by Value			
Total	1,725	23,897	58,640
<\$50,000	0.2%	1.1%	1.3%
\$50,000 - \$99,999	1.6%	6.8%	7.6%
\$100,000 - \$149,999	10.5%	16.9%	17.0%
\$150,000 - \$199,999	39.2%	32.3%	30.1%
\$200,000 - \$249,999	33.6%	22.2%	22.5%
\$250,000 - \$299,999	8.7%	10.2%	10.8%
\$300,000 - \$399,999	1.1%	5.9%	6.0%
\$400,000 - \$499,999	4.7%	2.4%	2.6%
\$500,000 - \$749,999	0.3%	2.0%	1.6%
\$750,000 - \$999,999	0.2%	0.2%	0.2%
\$1,000,000 +	0.0%	0.1%	0.2%
Average Home Value	\$210,797	\$207,570	\$207,818



Demographics

8410 SH 151
San Antonio, TX 78245

	1 mile	3 mile	5 mile
2010 Population by Age			
Total	8,391	108,849	254,434
0 - 4	10.1%	8.8%	8.5%
5 - 9	8.7%	8.6%	8.5%
10 - 14	8.7%	8.4%	8.2%
15 - 24	17.7%	15.9%	16.8%
25 - 34	19.3%	16.7%	16.2%
35 - 44	13.4%	14.1%	13.6%
45 - 54	10.3%	12.0%	11.9%
55 - 64	6.4%	8.3%	8.6%
65 - 74	3.4%	4.6%	4.6%
75 - 84	1.7%	2.2%	2.4%
85 +	0.3%	0.4%	0.6%
18 +	68.0%	69.2%	69.9%
2014 Population by Age			
Total	10,427	115,744	271,763
0 - 4	10.1%	8.6%	8.4%
5 - 9	8.5%	8.1%	8.0%
10 - 14	7.7%	7.9%	7.9%
15 - 24	18.0%	16.1%	16.7%
25 - 34	19.3%	16.8%	16.4%
35 - 44	14.1%	14.1%	13.6%
45 - 54	9.8%	11.6%	11.4%
55 - 64	6.8%	8.7%	9.1%
65 - 74	3.5%	5.2%	5.4%
75 - 84	1.8%	2.4%	2.4%
85 +	0.3%	0.5%	0.7%
18 +	69.4%	71.0%	71.4%
2019 Population by Age			
Total	11,930	124,757	293,954
0 - 4	10.4%	8.8%	8.5%
5 - 9	8.4%	7.8%	7.8%
10 - 14	7.1%	7.4%	7.5%
15 - 24	16.1%	14.7%	15.5%
25 - 34	21.7%	18.2%	17.0%
35 - 44	14.0%	13.9%	13.9%
45 - 54	8.9%	10.7%	10.6%
55 - 64	6.9%	9.1%	9.4%
65 - 74	4.1%	5.9%	6.2%
75 - 84	1.8%	2.7%	2.8%
85 +	0.5%	0.7%	0.8%
18 +	70.3%	71.9%	72.0%
2010 Population by Sex			
Males	4,002	52,766	125,178
Females	4,391	56,084	129,255
2014 Population by Sex			
Males	4,995	56,250	133,841
Females	5,432	59,497	137,921
2019 Population by Sex			
Males	5,728	60,782	144,923
Females	6,202	63,975	149,030



Demographics

8410 SH 151
San Antonio, TX 78245

	1 mile	3 mile	5 mile
2010 Population by Race/Ethnicity			
Total	8,393	108,850	254,433
White Alone	65.0%	68.7%	70.4%
Black Alone	11.7%	8.7%	7.8%
American Indian Alone	0.9%	0.9%	0.9%
Asian Alone	2.2%	2.2%	2.0%
Pacific Islander Alone	0.1%	0.2%	0.2%
Some Other Race Alone	15.8%	15.1%	14.8%
Two or More Races	4.2%	4.3%	3.9%
Hispanic Origin	68.9%	68.8%	67.7%
Diversity Index	75.0	72.6	71.7
2014 Population by Race/Ethnicity			
Total	10,426	115,746	271,763
White Alone	63.6%	67.8%	69.4%
Black Alone	12.0%	9.0%	8.1%
American Indian Alone	1.0%	0.9%	0.9%
Asian Alone	2.3%	2.3%	2.1%
Pacific Islander Alone	0.1%	0.2%	0.2%
Some Other Race Alone	16.6%	15.3%	15.1%
Two or More Races	4.4%	4.4%	4.1%
Hispanic Origin	70.4%	69.8%	68.7%
Diversity Index	75.5	72.9	72.1
2019 Population by Race/Ethnicity			
Total	11,930	124,758	293,952
White Alone	63.2%	67.6%	69.1%
Black Alone	12.3%	9.3%	8.4%
American Indian Alone	1.1%	0.9%	0.9%
Asian Alone	2.4%	2.5%	2.3%
Pacific Islander Alone	0.1%	0.2%	0.2%
Some Other Race Alone	16.5%	15.0%	14.8%
Two or More Races	4.5%	4.5%	4.3%
Hispanic Origin	71.8%	71.0%	69.9%
Diversity Index	75.3	72.6	71.9
2010 Population by Relationship and Household Type			
Total	8,393	108,850	254,433
In Households	100.0%	99.9%	97.2%
In Family Households	85.4%	88.3%	87.0%
Householder	23.6%	24.7%	24.2%
Spouse	14.7%	16.2%	16.0%
Child	38.3%	39.3%	38.7%
Other relative	5.4%	5.3%	5.3%
Nonrelative	3.4%	2.9%	2.7%
In Nonfamily Households	14.6%	11.6%	10.2%
In Group Quarters	0.0%	0.1%	2.8%
Institutionalized Population	0.0%	0.0%	0.2%
Noninstitutionalized Population	0.0%	0.1%	2.6%



Demographics

8410 SH 151
San Antonio, TX 78245

	1 mile	3 mile	5 mile
2010 Households by Type			
Total	2,723	37,006	82,180
Households with 1 Person	26.2%	22.1%	20.0%
Households with 2+ People	73.8%	77.9%	80.0%
Family Households	67.6%	72.5%	74.9%
Husband-wife Families	42.6%	47.5%	49.6%
With Related Children	26.2%	27.2%	28.2%
Other Family (No Spouse Present)	25.0%	25.0%	25.3%
Other Family with Male Householder	6.3%	6.1%	6.2%
With Related Children	4.6%	3.8%	3.9%
Other Family with Female Householder	18.7%	18.9%	19.1%
With Related Children	14.7%	13.7%	13.6%
Nonfamily Households	6.2%	5.4%	5.1%
All Households with Children	45.9%	45.2%	46.1%
Multigenerational Households	6.4%	7.6%	8.1%
Unmarried Partner Households	9.2%	7.6%	7.4%
Male-female	8.3%	6.9%	6.6%
Same-sex	0.9%	0.7%	0.8%
2010 Households by Size			
Total	2,722	37,007	82,178
1 Person Household	26.2%	22.1%	20.0%
2 Person Household	23.9%	26.1%	26.2%
3 Person Household	17.8%	18.2%	18.8%
4 Person Household	15.4%	16.4%	16.9%
5 Person Household	9.7%	9.6%	10.1%
6 Person Household	4.2%	4.3%	4.5%
7 + Person Household	2.8%	3.2%	3.4%
2010 Households by Tenure and Mortgage Status			
Total	2,723	37,006	82,180
Owner Occupied	49.4%	58.6%	63.6%
Owned with a Mortgage/Loan	42.9%	46.7%	49.7%
Owned Free and Clear	6.6%	11.9%	13.8%
Renter Occupied	50.6%	41.4%	36.4%

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

Before 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.

