

## Property Condition Disclosure Statement

Name of seller or sellers: Monica Herman and Valerie Elberson

Property address: 9894 Rock Spring Road, West Valley, NY

The Property Condition Disclosure Act requires the seller of residential real property to cause this disclosure statement or a copy thereof to be delivered to a buyer or buyer's agent prior to the signing by the buyer of a binding contract of sale.

### Purpose of Statement:

This is a statement of certain conditions and information concerning the property known to the seller. This disclosure statement is not a warranty of any kind by the seller or by any agent representing the seller in this transaction. It is not a substitute for any inspections or tests and the buyer is encouraged to obtain his or her own independent professional inspections and environmental tests and also is encouraged to check public records pertaining to the property.

**A KNOWINGLY FALSE OR INCOMPLETE STATEMENT BY THE SELLER ON THIS FORM MAY SUBJECT THE SELLER TO CLAIMS BY THE BUYER PRIOR TO OR AFTER THE TRANSFER OF TITLE. IN THE EVENT A SELLER FAILS TO PERFORM THE DUTY PRESCRIBED IN THIS ARTICLE TO DELIVER A DISCLOSURE STATEMENT PRIOR TO THE SIGNING BY THE BUYER OF A BINDING CONTRACT OF SALE, THE BUYER SHALL RECEIVE UPON THE TRANSFER OF TITLE A CREDIT OF FIVE HUNDRED DOLLARS AGAINST THE AGREED UPON PURCHASE PRICE OF THE RESIDENTIAL REAL PROPERTY.**

"Residential real property" means real property improved by a one to four family dwelling used or occupied, or intended to be used or occupied, wholly or partly, as the home or residence of one or more persons, but shall not refer to (a) unimproved real property upon which such dwellings are to be constructed or (b) condominium units or cooperative apartments or (c) property on a homeowners' association that is not owned in fee simple by the seller.

### Instructions to the seller:

- Answer all questions based upon your actual knowledge.
- Attach additional pages with your signature if additional space is required.
- Complete this form yourself.
- If some items do not apply to your property, check "NA" (non-applicable). If you do not know the answer check "UNKN" (unknown).

### Seller's Statement:

The seller makes the following representations to the buyer based upon the seller's actual knowledge at the time of signing this document. The seller authorizes his or her agent, if any, to provide a copy of this statement to a prospective buyer of the residential real property. The following are representations made by the seller and are not the representations of the seller's agent.

### General Information

- How long have you owned the property? Since March 2015
- How long have you occupied the property? Seasonal Since March 2015
- What is the age of the structure or structures? unknown  
**Note to buyer-** If the structure was built before 1978 you are encouraged to investigate for the presence of lead based paint.
- Does anybody other than yourself have a lease, easement or any other right to use or occupy any part of your property other than those stated in documents available in the public record, such as rights to use a road or path or cut trees or crops?  Yes  No  UNKN  NA Water
- Does anybody else claim to own any part of your property? Yes  No  UNKN  NA (if yes, explain below)

6. Has anyone denied you access to the property or made a formal legal claim challenging your title to the property? Yes  No  UNKN  NA (if yes, explain below)
7. Are there any features of the property shared in common with adjoining land owners or a homeowners association, such as walls, fences or driveways? Yes  No  UNKN  NA (if yes describe below)
8. Are there any electric or gas utility surcharges for line extensions, special assessments or homeowner or other association fees that apply to the property? Yes  No  UNKN  NA (if yes, explain below)
9. Are there certificates of occupancy related to the property? Yes  No  UNKN  NA (if no, explain below)

### Environmental

**Note to Seller** - In this section, you will be asked questions regarding petroleum products and hazardous or toxic substances that you know to have been spilled, leaked or otherwise been released on the property or from the property onto any other property. Petroleum products may include, but are not limited to, gasoline, diesel fuel, home heating fuel, and lubricants. Hazardous or toxic substances are products that could pose short- or long-term danger to personal health or the environment if they are not properly disposed of, applied or stored. These include, but are not limited to, fertilizers, pesticides and insecticides, paint including paint thinner, varnish remover and wood preservatives, treated wood, construction materials such as asphalt and roofing materials, antifreeze and other automotive products, batteries, cleaning solvents including septic tank cleaners, household cleaners and pool chemicals and products containing mercury and lead.

**Note to Buyer** - If contamination of this property from petroleum products and/or hazardous or toxic substances is a concern to you, you are urged to consider soil and groundwater testing of this property.

10. Is any or all of the property located in a designated floodplain? Yes  No  UNKN  NA (if yes, explain below)
11. Is any or all of the property located in a designated wetland? Yes  No  UNKN  NA (if yes, explain below)
12. Is the property located in an agricultural district?  Yes  No  UNKN  NA (if yes, explain below)
13. Was the property ever the site of a landfill? Yes  No  UNKN  NA (if yes, explain below)
14. Are there or have there ever been fuel storage tanks above or below the ground on the property?  
 Yes  No  UNKN  NA  
 If yes, are they currently in use?  Yes  No  UNKN  NA Location(s) side of house "propane"  
 Are they leaking or have they ever leaked? Yes  No  UNKN  NA (if yes, explain below) rent
15. Is there asbestos in the structure? Yes  No  UNKN  NA (if yes, state location or locations below)
16. Is lead plumbing present? Yes  No  UNKN  NA (if yes, state location or locations below)
17. Has a radon test been done? Yes  No  UNKN  NA (if yes, attach a copy of the report)
18. Has motor fuel, motor oil, home heating fuel, lubricating oil or any other petroleum product, methane gas, or any hazardous or toxic substance spilled, leaked or otherwise been released on the property or from the property onto any other property? Yes  No  UNKN  NA (if yes, describe below)
19. Has the property been tested for the presence of motor fuel, motor oil, home heating fuel, lubricating oil, or any other petroleum product, methane gas, or any hazardous or toxic substance?  
 Yes  No  UNKN  NA (if yes, attach report(s))

### Structural

20. Is there any rot or water damage to the structure or structures? Yes  No  UNKN  NA (if yes, explain below)
21. Is there any fire or smoke damage to the structure or structures? Yes  No  UNKN  NA (if yes, explain below)
22. Is there any termite, insect, rodent or pest infestation or damage? Yes  No  UNKN  NA (if yes, explain below)

- 23. Has the property been tested for termite, insect, rodent or pest infestation or damage?  
Yes  No  UNKN  NA (if yes, please attach report(s))
- 24. What is the type of roof/roof covering (slate, asphalt, other.)? asphalt shingles  
Any known material defects? unknown  
How old is the roof? unknown  
Is there a transferable warrantee on the roof in effect now? Yes  No  UNKN  NA (if yes, explain below)
- 25. Are there any known material defects in any of the following structural systems: footings, beams, girders, lintels, columns or partitions. Yes  No  UNKN  NA (if yes, explain below)

**Mechanical Systems & Services**

- 26. What is the water source (circle all that apply  well, private, municipal, other)? If municipal, is it metered?  
Yes  No  UNKN  NA
- 27. Has the water quality and/or flow rate been tested? Yes  No  UNKN  NA (if yes, describe below)
- 28. What is the type of sewage system (circle all that apply - public sewer, private sewer  septic or cesspool)?  
If septic or cesspool, age? unknown  
Date last pumped? unknown  
Frequency of pumping? unknown  
Any known material defects? Yes  No  UNKN  NA (if yes, explain below)
- 29. Who is your electric service provider? National Grid  
What is the amperage? unknown  
Does it have circuit breakers or fuses? circuit breakers  
Private or public poles? both  
Any known material defects? Yes  No  UNKN  NA (if yes, explain below)
- 30. Are there any flooding, drainage or grading problems that resulted in standing water on any portion of the property? Yes  No  UNKN  NA (if yes, state locations and explain below)
- 31. Does the basement have seepage that results in standing water? Yes  No  UNKN  NA (if yes, explain below)

Are there any known material defects in any of the following (if yes, explain below. Use additional sheets if necessary):

- 32. Plumbing system? Yes  No  UNKN  NA
- 33. Security system? Yes  No  UNKN  NA
- 34. Carbon monoxide detector? Yes  No  UNKN  NA
- 35. Smoke detector? Yes  No  UNKN  NA
- 36. Fire sprinkler system? Yes  No  UNKN  NA
- 37. Sump pump? Yes  No  UNKN  NA
- 38. Foundation/slab? Yes  No  UNKN  NA
- 39. Interior walls/ceilings? Yes  No  UNKN  NA
- 40. Exterior walls or siding? Yes  No  UNKN  NA
- 41. Floors? Yes  No  UNKN  NA
- 42. Chimney/fireplace or stove? Yes  No  UNKN  NA
- 43. Patio/deck? Yes  No  UNKN  NA
- 44. Driveway? Yes  No  UNKN  NA
- 45. Air conditioner? Yes  No  UNKN  NA
- 46. Heating system? Yes  No  UNKN  NA
- 47. Hot water heater? Yes  No  UNKN  NA
- 48. The property is located in the following school district West Valley Central UNKN

**Note:** Buyer is encouraged to check public records concerning the property (e.g. tax records and wetland and flood plain maps)

The seller should use this area to further explain any item above. If necessary, attach additional pages and indicate here the number of additional pages attached.

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**Seller's Certification:**

SELLER CERTIFIES THAT THE INFORMATION IN THIS PROPERTY CONDITION DISCLOSURE STATEMENT IS TRUE AND COMPLETE TO THE SELLER'S ACTUAL KNOWLEDGE AS OF THE DATE SIGNED BY THE SELLER. IF A SELLER OF RESIDENTIAL REAL PROPERTY ACQUIRES KNOWLEDGE WHICH RENDERS MATERIALLY INACCURATE A PROPERTY CONDITION DISCLOSURE STATEMENT PROVIDED PREVIOUSLY, THE SELLER SHALL DELIVER A REVISED PROPERTY CONDITION DISCLOSURE STATEMENT TO THE BUYER AS SOON AS PRACTICABLE. IN NO EVENT, HOWEVER, SHALL A SELLER BE REQUIRED TO PROVIDE A REVISED PROPERTY CONDITION DISCLOSURE STATEMENT AFTER THE TRANSFER OF TITLE FROM THE SELLER TO THE BUYER OR OCCUPANCY BY THE BUYER, WHICHEVER IS EARLIER.

Seller Monica Elberson Heenan date 7/22/18

Seller [Signature] date 7/22/18

**Buyer's Acknowledgment:**

Buyer acknowledges receipt of a copy of this statement and buyer understands that this information is a statement of certain conditions and information concerning the property known to the seller. It is not a warranty of any kind by the seller or seller's agent and is not a substitute for any home, pest, radon or other inspections or testing of the property or inspection of the public records.

Buyer \_\_\_\_\_ date \_\_\_\_\_

Buyer \_\_\_\_\_ date \_\_\_\_\_