

# Property Condition Disclosure Statement

Name of seller or sellers: Mary G. and William T. Baston, Jr.

Property address: 6417 East Shore Road Glenfield, NY 13343

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:

- (a) Answer all questions based upon your actual knowledge.
- (b) Attach additional pages with your signature if additional space is required.
- (c) Complete this form yourself.
- (d) 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

1. How long have you owned the property? September 25/1996. 23 years
2. How long have you occupied the property? 23 years
3. What is the age of the structure or structures? About 54 years  
**Note to buyer-** If the structure was built before 1978 you are encouraged to investigate for the presence of lead based paint.
4. 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 **NO**
5. Does anybody else claim to own any part of your property? Yes No UNKN NA (if yes, explain below) **NO**

- 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) <sup>No</sup>
- 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) No
- 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) No
- 9. Are there certificates of occupancy related to the property? Yes No UNKN NA (if no, explain below) No

### 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) <sup>No</sup>
- 11. Is any or all of the property located in a designated wetland? Yes No UNKN NA (if yes, explain below) <sup>No</sup>
- 12. Is the property located in an agricultural district? Yes No UNKN NA (if yes, explain below) Unk
- 13. Was the property ever the site of a landfill? Yes No UNKN NA (if yes, explain below) Unk
- 14. Are there or have there ever been fuel storage tanks above or below the ground on the property?  
Yes No UNKN NA <sup>No</sup>  
If yes, are they currently in use? Yes No UNKN NA Location(s) \_\_\_\_\_  
Are they leaking or have they ever leaked? Yes No UNKN NA (if yes, explain below) Unkn
- 15. Is there asbestos in the structure? Yes No UNKN NA (if yes, state location or locations below) <sup>unk</sup>
- 16. Is lead plumbing present? Yes No UNKN NA (if yes, state location or locations below) Unkn
- 17. Has a radon test been done? Yes No UNKN NA (if yes, attach a copy of the report) <sup>Unk</sup>
- 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) <sup>Unk</sup>
- 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)) <sup>Unk</sup>

### Structural

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

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)) **No**
24. What is the type of roof/roof covering (slate, asphalt, other)? Meta1  
 Any known material defects? No  
 How old is the roof? About 5 years  
 Is there a transferable warrantee on the roof in effect now? Yes No UNKN NA (if yes, explain below) **NA**
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) **unk**

**Mechanical Systems & Services**

X

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) **unk**
28. What is the type of sewage system (circle all that apply – public sewer, private sewer, septic or cesspool)?  
 If septic or cesspool, age? Unk  
 Date last pumped? unk  
 Frequency of pumping? unk  
 Any known material defects? Yes No UNKN NA (if yes, explain below) **unk**
29. Who is your electric service provider? National grid  
 What is the amperage? 100  
 Does it have circuit breakers or fuses? Breakers  
 Private or public poles? Unk  
 Any known material defects? Yes No UNKN NA (if yes, explain below) **unk**
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) **unk**
31. Does the basement have seepage that results in standing water? Yes No UNKN NA (if yes, explain below) **unk**

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

**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.

---



---



---



---



---



---



---



---

**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.

DocuSigned by:  
Seller William Batson date 1/17/2019  
9F639C1D955D4C0...

DocuSigned by:  
Seller Mary D. Batson date 1/18/2019  
9F639C1D955D4C0...

**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 \_\_\_\_\_

**CONTINGENCY ADDENDUM AND DISCLOSURE OF INFORMATION ON LEAD-BASED PAINT AND/OR LEAD-BASED PAINT HAZARDS FOR TARGET HOUSING SALES**

**Lead Warning Statement**

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

**Property Address:**

6417 East Shore Road  
 Street Address Unit  
 Glenfield, NY 13343  
 City State Zip

**Seller's Disclosure**

- (a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):  
 (i) Known lead-based paint and/or lead-based paint hazards are present in the housing (explain):  
 \_\_\_\_\_  
 (ii) Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.
- (b) Records and reports available to the purchaser (Check (i) or (ii) below):  
 (i) Seller has provided the purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below):  
 \_\_\_\_\_  
 (ii) Seller has no reports pertaining to lead-based paint and/or lead-based paint hazards in the housing.

**Purchaser' Acknowledgment (Initial)**

- (c) \_\_\_\_\_ Purchaser has received copies of all information listed above.  
 (d) \_\_\_\_\_ Purchaser has received the pamphlet *Protect Your Family from Lead in Your Home*  
 (e) \_\_\_\_\_ Purchaser has [check (i) or (ii) below]:  
 (i)  If this line is checked and by signatures of purchasers and sellers below, purchasers will receive a 10 day opportunity, beginning at 12:01 a.m. on the date of the execution of the purchase and sale agreement by all parties, to conduct a risk assessment or inspection, at purchasers expense, for the presence of lead-based paint and/or lead-based paint hazards. If lead based paint hazards are found by a qualified inspector and written notice to terminate the contract is not given by the purchasers to the sellers by 11:59 p.m. of the 10th day of the inspection period, then this contract is binding and enforceable.  
 (ii)  Waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

**Agent's Acknowledgment (initial)**

- (e) DE Agent has informed the seller of the seller's obligations under 42 U.S.C. 4852d and is aware of his/her responsibility to ensure compliance.

**Certification of Accuracy**

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

Buyer	_____	Date	_____
Buyer	_____	Date	_____
Agent	_____	Date	_____

DocuSigned by: William T. Batson 1/17/2019  
 Seller William T. Batson, Jr. Date \_\_\_\_\_

DocuSigned by: Mary G. Batson 1/17/2019  
 Seller Mary G. Batson Date \_\_\_\_\_

DocuSigned by: Daniel Empie 1/15/2019  
 Agent Daniel Empie Date \_\_\_\_\_