

Property Condition Disclosure Statement

Name of Seller or Sellers: Duaso, Robin
Property Address: 118 Sunset Ave
Utica, NY 13502

General Instructions:

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 \$500 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? 2 1/2 years
- 2. How long have you occupied the property? never / always tenant occupied
- 3. What is the age of the structure or structures? uncertain
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
- 5. Does anybody else claim to own any part of your property? If Yes, explain below Yes No Unkn NA

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6. Has anyone denied you access to the property or made a formal legal claim challenging your title to the property? *If Yes, explain below* Yes No Unkn NA
7. Are there any features of the property shared in common with adjoining landowners or a homeowner's association, such as walls, fences or driveways? *If Yes, describe below* Yes No Unkn NA
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? *If Yes, explain below* Yes No Unkn NA
9. Are there certificates of occupancy related to the property? *If No, explain below* Yes No Unkn NA

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? *If Yes, explain below* Yes No Unkn NA
11. Is any or all of the property located in a designated wetland? *If Yes, explain below* Yes No Unkn NA
12. Is the property located in an agricultural district? *If Yes, explain below* Yes No Unkn NA
13. Was the property ever the site of a landfill? *If Yes, explain below* Yes No Unkn NA

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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) _____
 • Are they leaking or have they ever leaked? If Yes, explain below Yes No Unkn NA
15. Is there asbestos in the structure? If Yes, state location or locations below Yes No Unkn NA
16. Is lead plumbing present? If Yes, state location or locations below Yes No Unkn NA
17. Has a radon test been done? If Yes, attach a copy of the report Yes No Unkn NA
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? If Yes, describe below Yes No Unkn NA
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? If Yes, attach report(s) Yes No Unkn NA

STRUCTURAL

20. Is there any rot or water damage to the structure or structures? If Yes, explain below Yes No Unkn NA
21. Is there any fire or smoke damage to the structure or structures? If Yes, explain below Yes No Unkn NA
22. Is there any termite, insect, rodent or pest infestation or damage? If Yes, explain below Yes No Unkn NA
23. Has the property been tested for termite, insect, rodent or pest infestation or damage? If Yes, please attach report(s) Yes No Unkn NA
24. What is the type of roof/roof covering (slate, asphalt, other)? asphalt
 • Any known material defects? no
 • How old is the roof? parts 20yrs/8yrs/7yrs

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• Is there a transferable warrantee on the roof in effect now? If Yes, explain below ... Yes No Unkn NA

25. Are there any know material defects in any of the following structural systems: footings, beams, girders, lintels, columns or partitions? If Yes, explain below ... Yes No Unkn NA

MECHANICAL SYSTEMS AND 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? If Yes, describe below ... Yes No Unkn NA

28. What is the type of sewage system? (Circle all that apply) ... public sewer, private sewer, septic, cesspool

- If septic or cesspool, age?
• Date last pumped?
• Frequency of pumping?
• Any known material defects? If Yes, explain below

29. Who is your electrical service provider? National Grid
150
circuit breakers
public
• What is the amperage?
• Does it have circuit breakers or fuses?
• Private or public poles?
• Any known material defects? If yes, explain below

30. Are there any flooding, drainage or grading problems that resulted in standing water on any portion of the property? If Yes, state locations and explain below ... Yes No Unkn NA

31. Does the basement have seepage that results in standing water? If Yes, explain below ... Yes No Unkn NA

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

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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's Signature

X *Robin Duarte*

Date *4-8-09*

Seller's Signature

X

Date

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's Signature

X

Date

Buyer's Signature

X

Date

ADDITIONAL PROPERTY INFORMATION

Property location 1418 Sunset Ave, Utica, NY

Water Heater gas electric propane oil
 Age Gallons Flow units

Cooking Stove gas electric propane

Type of heating system _____ Age _____
 Date last serviced _____
 Fuel Provider _____

Air conditioner Yes or No _____ Age _____

Average monthly utilities Electric Tenant Pays
 Oil _____ Gas _____
 Wood used _____ Propane _____
 Pellets used _____

Age of roof parts _____ Warranty Yes or No _____
 Attic 20yrs/8yrs/7yrs none full crawl

Radon tested Yes or No Date _____ Radon level _____
 Mitigation system installed Yes or No

Road maintained by town _____ county _____ state _____ village city _____ private _____

Fireplace Last used _____ Last cleaned _____
 Wood _____ Gas _____ Propane _____

Septic Location _____

Well Location _____
 Is well above or _____ under ground _____ encased _____ not encased _____

Mobile Homes Exterior aluminum _____ vinyl _____ other _____ Tie down _____ yes _____ no _____
 Depth of foundation below frost line slab _____ gravel _____ block _____
 Lot rent \$ _____ Includes _____

Multi-Family Flooring _____

Seller Robin Duarte Date 4-8-09
 Seller _____ Date _____

I have read this Additional Property Information and have received a copy of it. I acknowledge that this statement is not a representation or warranty of any kind by Seller or any agent of the Seller and is not a substitute for a home inspection or other tests that are available to me to assess the physical condition of the property.

Buyer _____ Date _____

Buyer _____ Date _____

ADDENDUM TO PROPERTY CONDITION DISCLOSURE STATEMENT

This is to certify that a functioning carbon monoxide detector is installed in our home, as required by Part 1225 of Title 19 of the Official Compilation of Codes, Rules & Regulations of the State of New York (amended by the addition of section 1225.3 attached).

x Robin Duarte
(Seller's Signature)

4-8-09
Date

Optional Broker/Agent Disclosure Confirmation Form

The broker agent disclosure confirmation text below can be used to memorialize that sellers and buyers have been informed of their rights and obligations under the Property Condition Disclosure Act. The text may be used as a separate form(s) or included in your listing agreements. Important Note: The Property Condition Disclosure Statement is mandatory. The broker agent disclosure confirmation text is optional, but recommended.

DISCLOSURE TO SELLER REGARDING PROPERTY CONDITION DISCLOSURE STATEMENT

As the seller of residential real property, you are required by law to complete and sign a Property Condition Statement as prescribed by Real Property Law 462(2) and cause it, or a copy thereof, to be delivered to a buyer or buyer's agent prior to the signing of a binding contract of sale. A copy of the Property Condition Disclosure Statement containing the signatures of both the buyer and seller must be attached to the real estate purchase contract. If you acquire knowledge which renders materially inaccurate a Property Condition Disclosure Statement previously provided, you must deliver a revised Property Condition Disclosure Statement to the buyer as soon as practicable. In no event, however, will you be required to provide a revised Property Condition Disclosure Statement after the transfer of title from you to the buyer or after the buyer has commenced occupancy of the property. If you fail to deliver a Property Condition Disclosure Statement to the buyer prior to the buyer signing a binding contract of sale, the buyer will be entitled to a credit in the amount of \$500.00 against the purchase price of the property upon the transfer of title.

I have received and read this disclosure notice.

Dated: 4-8-09 Seller: x Robin Duarte

Seller: _____

DISCLOSURE TO BUYER REGARDING PROPERTY CONDITION DISCLOSURE STATEMENT

As a buyer of residential real property, you are entitled by law to receive from the seller a signed Property Condition Disclosure Statement as prescribed by Real Property Law 462(2) prior to your signing of a binding contract of sale. A copy of the Property Condition Disclosure Statement containing the signatures of both the buyer and seller must be attached to the real estate purchase contract. You are also entitled to receive a revised Property Condition Disclosure Statement as soon as practicable in the event that the seller acquires knowledge which renders materially inaccurate a Property Condition Disclosure Statement previously provided to you. You will not be entitled to receive a revised Property Condition Statement Disclosure after the transfer from the seller to you or after you have commenced occupancy of the property. In the event the seller fails to deliver a Property Condition Disclosure Statement to you prior to your signing a binding contract of sale, you are entitled to receive a credit in the amount of \$500.00 against the purchase price of the property upon transfer of title.

I have received and read this disclosure notice.

Dated: _____ Buyer: _____

Buyer: _____