

Property Condition Disclosure Statement

Name of seller or sellers: Paul & Mary Lynn Gras

Property address: 238 Higby Road, New Hartford, 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:

- (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? 6 ³/₄ yr.
- 2. How long have you occupied the property? 6 ³/₄ yr.
- 3. What is the age of the structure or structures? 1955/1993

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 sewer line easement through both of property
- 5. 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) Basement
 Are they leaking or have they ever leaked? Yes No UNKN NA (if yes, explain below)
15. Is there asbestos in the structure? Yes No UNKN NA (if yes, state location or locations below)
Tape on heating duct seams.
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, copper, rubber

Any known material defects? No.

How old is the roof? _____

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? _____

Date last pumped? _____

Frequency of pumping? _____

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? 200

Does it have circuit breakers or fuses? circuit breakers

Private or public poles? public

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 minor rapping on driveway side near bay window on 1st floor

41. Floors? Yes No UNKN NA

42. Chimney/fireplace or stove? Yes No UNKN NA

43. Patio/deck? Yes No UNKN NA minor deterioration of two boards at edge of deck.

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 New Hartford, NY 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.

Oil Tank 1yr old
Dishwasher 2yrs old
Stove & cook top 3yrs old

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 Mary Lynn Lee date 6/8/10
Seller Paul M. Lee date 6/8/2010

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 _____

03/01/02

ADDITIONAL PROPERTY INFORMATION

Property Address: 238 Higby Road

Water Heater: Gas Electric Propane Oil
Age: 21/10 Gallons: 40/50 How many: 2

Cooking Stove: Gas Electric Propane

Type of heating system: oil / elect. Age: 15 yr / 17 yr
Date last serviced: 1/2010 Fuel Provider: Collis
Air Conditioner: Yes or No Age: unk

Annual
~~Average Monthly~~ Utilities:
Electric: \$1397 Gas: _____
Oil: \$1820 Propane: \$329 (fireplace)
Wood used: _____ Pellets used: _____

Attic: 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: Mar. 2010 Last cleaned: 2009 never used wood fireplace
 Wood Gas Propane

Septic Location: _____
Well Location: _____
Is well above ground underground encased not encased

Mobile Homes: Exterior Aluminum Vinyl Other
Tie Downs: Yes or No
Depth of foundation below frost line: _____ Slab Gravel Block
Lot Rent: \$ _____ Includes: _____

Multi-Family Flooring: _____

Seller: Mary Lynn Gray Date: 6/8/10
Seller: Paul Mc... Date: 6/8/2010

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: _____

**CARBON MONOXIDE AND SMOKE
DETECTORS/ALARMS DISCLOSURE**

1. Regulations require that a functioning carbon monoxide and smoke detector must be installed in every one and two family house, co-op or condo constructed or condo constructed or offered for sale.
2. At least one carbon monoxide alarm and smoke detector must be present in each dwelling unit.
3. A carbon monoxide detector must be located in the immediate vicinity of the bedrooms on the lowest floor. For example, if the bedrooms are all on the second floor then the detector must be placed on the second floor near the bedrooms.
4. The carbon monoxide alarms must have UL certification (this will most likely be stated on the packaging) and must be installed according to the manufacturer's instructions.
5. The carbon monoxide alarms may be hardwired to the dwelling, plugged into an outlet or battery operated.
6. If the carbon monoxide detector is part of a fire/burglar/carbon monoxide system or the alarms are monitored by a service, a distinctive alarm must be used to differentiate between the carbon monoxide alarm and the other system functions.
7. The carbon monoxide alarm must be maintained according to the manufacturer's instructions.
8. The alarm shall not be removed except for replacement, service or repair of the alarm.
9. Combination smoke/carbon monoxide detectors are allowed under the new regulations if they meet the same criteria above.
10. The regulations DO APPLY for properties "For Sale By Owners".

Mary Lynn Gray 6/8/10
Purchaser Date

Paul M. Gray 6/8/2010
Purchaser Date

Betty Abel - Selleind 6/8/10
Pondra's Homes & Hearth Realty Agent

Seller Date

Seller Date

Pondra's Homes & Hearth Realty Agent

ADDENDUM N: DISCLOSURE OF INFORMATION ON LEAD-BASED PAINT AND LEAD-BASED PAINT HAZARDS

Property: 238 Higby Rd. New Hartford NY 13413
Addendum(s) to contract to purchase: Dated the 8th day of June, 2010
Between: Paul + Mary Lynn Gras (SELLER)
and _____ (PURCHASER)

This contract is contingent upon a risk assessment or inspection of the above property for the presence of lead based paint and/or lead based paint hazards at the Purchasers expense until noon on _____. This contingency will terminate at the above predetermined deadline unless the Purchaser delivers to the Seller (or the Sellers agent), a written statement listing the specific existing deficiencies and corrections needed, together with a copy of the Lead inspection report. If Purchaser so notifies, then this Agreement shall be deemed null and void and all deposits made hereunder shall be returned to the Purchaser, unless Seller elects, in writing, within 5 days of notice, to correct the deficiencies described with in the report.

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.

SELLER'S DISCLOSURE (Initial)

(a) Presence of lead-based paint and/or lead-based paint hazards (check one below):

- Known lead-based paint and/or lead based paint hazards are present in the housing (explain) _____
- Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the Seller (check one below):

- 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) _____
- Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

PURCHASERS 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 one below):

- Received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or
- 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)

(f) Agent has informed the Seller of the Seller's obligations under 42 U.S.C. 4852(d) 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 provided by the signatory is true and accurate.

Mary Lynn Gras 6/8/10
Seller Date
Paul M. Gras 6/8/2010
Seller Date
Betty Ann Jelleneid 6/8/2010
Agent Date

Purchaser Date

Purchaser Date

Agent Date

the agent, and the buyer and seller. An agent acting as a dual agent must explain carefully to both the buyer and seller that the agent is acting for the other party as well. The agent should also explain the possible effects of dual representation, including that by consenting to the dual agency relationship the buyer and seller are giving up their right to undivided loyalty. A buyer or seller should carefully consider the possible consequences of a dual agency relationship before agreeing to such representation.

estate. A sales agent works under the supervision of the real estate broker. With the informed consent of the buyer and the seller in writing, the designated sales agent for the buyer will function as the buyer's agent representing the interests of and advocating on behalf of the buyer and the designated sales agent for the seller will function as the seller's agent representing the interests of and advocating on behalf of the seller in the negotiations between the buyer and seller. A designated sales agent cannot provide the full range of fiduciary duties to the buyer or seller. The designated sales agent must explain that like the dual agent under whose supervision they function, they cannot provide undivided loyalty. A buyer or seller should carefully consider the possible consequences of a dual agency relationship with designated sales agents before agreeing to such representation.

Dual Agent with Designated Sales Agents

If the buyer and seller provide their informed consent in writing, the principals and the real estate broker who represents both parties as a dual agent may designate a sales agent to represent the buyer and another sales agent to represent the seller to negotiate the purchase and sale of real

This form was provided to me by BETM Abek-Jellenweich (print name of licensee) of PONDRA'S HOME EX (print name of company, firm or brokerage), a licensed real estate broker acting in the interest of the: HEARTH

- Seller as a (check relationship below)
- Seller's agent
- Broker's agent
- Buyer as a (check relationship below)
- Buyer's agent
- Broker's agent
- Dual agent
- Dual agent with designated sales agent

If dual agent with designated sales agents is checked: _____ is appointed to represent the buyer; and _____ is appointed to represent the seller in this transaction.

I/We _____ acknowledge receipt of a copy of this disclosure form: signature of { } Buyer(s) and/or { } Seller(s):

Mary Lynn Gian
Paul M. Jones

Date: June 8, 2010

Date: _____