

Property Condition Disclosure Statement

Name of Seller or Sellers: CAROLE J. MYER
Property Address: 2075 CASTLE RD
FAIRFIELD, NY

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:

- 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? 1998
- How long have you occupied the property? 2004
- What is the age of the structure or structures? 10 yrs
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
- Does anybody else claim to own any part of your property? *If Yes, explain below* Yes No Unkn NA

Property Condition Disclosure Statement

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
10 yrs on file in Town

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

Property Condition Disclosure Statement

- 14. Are there or have there ever been fuel storage tanks above or below the ground on the property?
15. Is there asbestos in the structure?
16. Is lead plumbing present?
17. Has a radon test been done?
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?
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?

STRUCTURAL

- 20. Is there any rot or water damage to the structure or structures?
21. Is there any fire or smoke damage to the structure or structures?
22. Is there any termite, insect, rodent or pest infestation or damage?
23. Has the property been tested for termite, insect, rodent or pest infestation or damage?
24. What is the type of roof/roof covering (slate, asphalt, other)?

Property Condition Disclosure Statement

• 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

By COLLIGAN - HAVE A COLLIGAN SYSTEM - OWNED FOR WATER SOFTNESS - (THERE IS ALSO A CLEAR TANK + TOWER, WHICH IS RENTED, THAT TANK IS TO MAKE SURE THERE IS NO ODOR FROM WATER

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

- If septic or cesspool, age? 24RS
- Date last pumped? N/A
- Frequency of pumping?
- Any known material defects? *If Yes, explain below* Yes No Unkn NA

29. Who is your electrical service provider? NATIONAL GRID

- What is the amperage? 200 AMP
- Does it have circuit breakers or fuses? CIRCUIT BREAKERS
- Private or public poles? 1 PUBLIC 2 PRIVATE
- Any known material defects? *If yes, explain below* Yes No Unkn NA

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

THE CREEK AT THE LOWER PROPERTY - HAS FLOODED THE DRIVEWAY 4 TIMES IN 10 YRS - ONLY IF YOU HAVE NUMEROUS DAYS OF RAIN

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

Property Condition Disclosure Statement

- 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? CURRENTLY 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 CANADA VALLEY Unkn

Note: Buyer is encouraged to check public records concerning the property (e.g. tax records and wetland and floodplain 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.

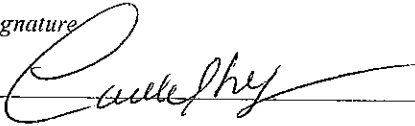
THERE IS A SHUT OFF FOR THE ELECTRIC ON THE POLE
BY THE METER, IN CASE OF EMERGENCY, OR IF YOU WOULD
BE WORKING ON THE HOUSE ON A LADDER, FOR SAFETY

Property Condition Disclosure Statement

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  _____

Date 6-19-10 _____

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 Address: 2075 CASTLE RD, FAIRFIELD, NY

Water Heater: Gas Electric Propane Oil
Age: 3 1/2 yrs Gallons: 40 How many: 1

Cooking Stove: Gas Electric Propane

Type of heating system: PROPANE-H/A Age: 6 yrs

Date last serviced: DEC 10 Fuel Provider: MONTAUK HOME COMFORT - MARCY, NY

Air Conditioner: Yes or No Age: 5 yrs

Average Monthly Utilities:

Electric: \$70-80 Gas: _____
Oil: _____ Propane: BUDGET \$143⁰²
Wood used: 10 cords Pellets used: _____

Attic: None Full Crawl

Radon Tested: Yes or No Date: _____ Radon Level: _____

Mitigation sytem installed: Yes or No

Road maintained by: Town _____ County _____ State _____ Village _____ City _____ Private

Fireplace: Last used: 2009-2010 Last cleaned: SEPT 2009
 Wood Gas Propane

Septic Location: BACK OF HOUSE

Well Location: BY ROAD

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: [Signature] Date: 6-19-10

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: _____

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.

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

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.

Pondra's Homes & Hearth Realty
 9 College Street
 Clinton, NY 13323

This form was provided to me by Pondra Kitchen (print name of licensee) of _____ (print name of company, firm or brokerage), a licensed real estate broker acting in the interest of the:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Seller as a (check relationship below) | <input type="checkbox"/> Buyer as a (check relationship below) |
| <input checked="" type="checkbox"/> Seller's agent | <input type="checkbox"/> Buyer's agent |
| <input type="checkbox"/> Broker's agent | <input type="checkbox"/> Broker's agent |
| <input type="checkbox"/> Dual agent | |
| <input type="checkbox"/> 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):

X Caulerfly

Date: _____

Date: _____



ADDENDUM L-2
**AGRICULTURAL DISTRICT FARMING
 ACTIVITY DICLOSURE**

A disclosure containing the following paragraph must be included in all purchase contracts for property that may be either wholly or partially within an agricultural district. This was mandated with passage of Chapter 797 of the Laws 1992. Have this signed by both PURCHASER and SELLER and include a copy with the purchase offer.

“It is the policy of this state and this community to conserve and, protect and encourage the development and improvement of agricultural land for the production of food and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors.”

2075 Castle Road, Fairfield, N.Y.
 Subject Property Address

 Purchaser Date

X *[Signature]*
 Seller Date

 Purchaser Date

 Seller Date

 Purchaser Date

 Seller Date

 Purchaser Date

 Seller Date

[Handwritten marks]

