

Property Condition Disclosure Statement

Name of Seller or Sellers: Judith E. Swamback
Property Address: 5161 Rt 233
Westmoreland, NY 13490

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? 28 yrs.
- How long have you occupied the property? 28 yrs
- What is the age of the structure or structures? 1968
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

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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 ...
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 ...
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 ...
9. Are there certificates of occupancy related to the property? 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.

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 ... 500 y. and 200 per year
11. Is any or all of the property located in a designated wetland? If Yes, explain below ...
12. Is the property located in an agricultural district? If Yes, explain below ...
13. Was the property ever the site of a landfill? If Yes, explain below ...

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- 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)?
Any known material defects?
How old is the roof?

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• Is there a transferable warranty 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? concrete 1,000 gal
- Date last pumped? _____
- Frequency of pumping? 10 yrs.
- 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? 20 volt, 180 amp
- Does it have circuit breakers or fuses? circuit breaker
- Private or public poles? public
- 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
just near creek

31. Does the basement have seepage that results in standing water? *If Yes, explain below* Yes No Unkn NA
Only is pump is not on during heavy thaw

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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- 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? *hair line crack for past 30 yrs since water line Noil leakage* 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

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48. The property is located in the following school district Westmoreland 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.

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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 Judith E Swarnock

Date July 23, 2010

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: 5161 Rt 233

Water Heater: Gas Electric Propane Oil
Age: 3 Gallons: 40 How many:

Cooking Stove: Gas Electric Propane

Type of heating system: Gas Age: 21

Date last serviced: 07 Fuel Provider:

Air Conditioner: Yes or No Age: 21

Average Monthly Utilities:

Electric: Gas: 150 @mt. Budget

Oil: Propane:

Wood used: 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: Last cleaned:

Wood Gas Propane

Septic Location: IN Back yard

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: Judith E Swamuel Date: July 23, 2010
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:

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: July 23, 2010 Seller: Judith E Swamboch
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: _____

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
 ... NY 13323

This form was provided to me by Pondra Ketchum (print name of licensee) of Pondra's Homes & Hearth Realty (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)

Judith E. Swambach

Date _____

Date _____

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

Property 5161 Rt 233 Westonsland, NY

Addendum(s) to contract to purchase Dated the _____ day of _____

Between _____ (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)

JS

- (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

JS

- (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)

I
I
I

- (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)

RL

- (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

Audith L Swank 7/23/10
Seller Date

Purchaser Date

Joselle Bliss 7/23/10
Seller Date

Purchaser Date

Agent Date