

# Property Condition Disclosure Statement

Name of Seller or Sellers: Paul & Kate Patulski  
 Property Address: 6014 Westcliffe Road  
Jamesville, NY 13078

**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? ..... 4 yrs
- How long have you occupied the property? ..... 4 yrs
- What is the age of the structure or structures? ..... 4 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

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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? .....  Yes  No  Unkn  NA  
*If Yes, please attach report(s)*
24. What is the type of roof/roof covering (slate, asphalt, other)? ..... asphalt shingle
- Any known material defects? ..... NO
  - How old is the roof? ..... 4 yrs

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

Builder Warrantee in Albany, NY

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, septic, private sewer, cesspool

- If septic or cesspool, age? . . . . . \_\_\_\_\_
- Date last pumped? . . . . . \_\_\_\_\_
- 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
- Does it have circuit breakers or fuses? . . . . . Circuit breakers
- Private or public poles? . . . . . underground utilities
- 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

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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- 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? .....  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 Jamesville-Dewitt  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*

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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 

Date 4/8/11

*Seller's Signature*  
X 

Date 4/8/11

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

**PROPERTY INFORMATION**

Property Address: 6014 Westcliffe Rd

The following information is provided to the best of the Seller's knowledge:

Is the property or structure on a local, state or national historical register or listed on an eligibility list:  Yes  No

Property Tax Exemption:  Yes  No  Basic Star  Veterans  Other

HOA/Condo Fee:  Yes  No Amount \$ \_\_\_\_\_ Due:  Monthly  Qtrly  Semi-Annual  Yearly  Other

Special Assessments or Other Fees:  Yes  No Amount \$ \_\_\_\_\_ Due:  Monthly  Qtrly  Semi-Annual  Yearly  Other - Explain: \_\_\_\_\_

Age of Hot Water Heater: 4 yrs Capacity of Gallons: 74 gallons  
 Age of Furnace or Boiler: 4 yrs Age of Air Conditioning Unit: 4 yrs  
 Annual Bill for Fuel/Oil or Propane: \$ \_\_\_\_\_  
 Average Monthly Utilities: Gas \$ \_\_\_\_\_ Electric \$ \_\_\_\_\_ Total: \$ 300

Major Improvements within the last five (5) years:

**I agree to furnish a copy of:**

- 1. My deed and existing survey, if available, upon acceptance of contract for the buyer's use  Yes  No
- 2. Restrictive covenants or deed restrictions of record, if applicable.  Yes  No
- 3. Condominium Bylaws, Rules, etc., if applicable.  Yes  No
- 4. Homeowner's Association Bylaws, Rules, etc., if applicable.  Yes  No
- 5. Utility bills upon request.  Yes  No

We make no representations or warranties either expressed or implied as to the condition of the property. Potential buyers are urged to carefully inspect the property and/or order a home inspection and/or other desired tests at buyer's expense which may address conditions or circumstances of local and national concern such as, but not limited to, (1) formaldehyde-emitting substances, including urea formaldehyde form insulation (2) radon gas (3) aluminum wiring (4) hazardous or toxic substances (5) asbestos-containing materials (6) leaded paint (7) presence of pesticide residue (8) toxic mold.

Seller [Signature] Date 2/8/11  
 Seller Kathleen Janski Date 2/8/11

I have read this Property Information Form 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 \_\_\_\_\_

05/06/10



**ESCROW**

All parties acknowledge that it may take up to seven (7) business days for the Earnest money funds to clear the bank. In the event the contract is cancelled the funds will be disbursed as soon as they are available from our HSBC Escrow account. In accordance with Section 778 of the General Business Law of the State of New York, we are required to advise you that should Keller Williams Syracuse be the escrow agent in the attached Contract to Purchase or Lease, the down payment will be deposited in the escrow agent's bank account maintained at HSBC during the term of the escrow.

**FRANCHISE DISCLOSURE ADDENDUM**

Broker and owner Nastri Real Estate LLC is an independent franchise of the Keller Williams Realty System. Each office is independently owned and operated.

**AFFILIATED BUSINESS ARRANGEMENT DISCLOSURE**

This is to notify you that Keller Williams Syracuse has an affiliation with Homestead Financial Services, Inc. who provides us with financial benefits.

**EQUAL OPPORTUNITY POLICY STATEMENT**

Nastri Real Estate LLC dba Keller Williams Syracuse is a member of the Multiple Listing Service, which covers the Greater Syracuse area and some surrounding counties. Our agents can show you any homes you wish to see, regardless of location.

It is the policy of Keller Williams Syracuse to comply with local, New York State, and Federal fair housing laws. These laws require that the type of service provided to a home seeker shall not be influenced by the home seeker's race, color, religion, sex, handicap, familial status, or national origin - or such other classes as may be determined by law to be protected classes (collectively referred to as "protected classes"). Our agents are not authorized to discuss with any customer or client the composition of any neighborhood or area based upon protected classes listed. Neighborhood information may usually be secured from local schools, police departments, government offices, or from residents of the area. Further, our agents are not permitted to select houses or other property for prospective buyers on the basis of the neighborhood composition of protected classes.

If at any time in your relationship with this form, you believe that you may not have received equal service because of your protected class, we strongly encourage you to notify either the manager of the branch office through which you are seeking assistance, or the Principal Broker of this company. We do not expect there will be any problems, but we would like the opportunity to correct any problems that you feel may exist.

**COMMISSION PAYMENT AUTHORIZATION**

New York State Real Property Law considers the real estate commission due at the time of the meeting of the minds, which would be at the time a Purchase Offer or Lease is accepted. However, most real estate companies, including Keller Williams Syracuse, defer the actual collection of this earned commission until the closing of the sale or lease execution. In consideration of this deferred commission collection we request your authorization for collection of the commission at the closing or lease execution from the proceeds or a certified check.

To: Attorney, Closing Agent or Lender's Attorney:

I (we) hereby authorize and request that the real estate commission for the sale/lease/exchange of the above property, or any portion thereof outstanding, be disbursed from the proceeds of the sale/lease/exchange at the time of closing or lease execution as billed to Keller Williams Syracuse, which will indicate direct payment to the applicable real estate companies involved. In the event the proceeds are insufficient, the balance shall be paid by a certified check drawn on or official check issued by any bank, credit union (provided such check is drawn on a New York State bank) or savings and loan association having a banking office in the State of New York.

**CERTIFICATION**

I have read and understood the information in the "Franchise Disclosure Addendum" and the "Equal Opportunity Policy Statement".

_____	<u>Kathleen &amp; Ronald Patulski</u>
SELLER NAME(S)	BUYER NAME(S)
_____	<u>[Signature]</u>
SIGNATURE OF PROSPECTIVE SELLER	SIGNATURE OF PROSPECTIVE BUYER
_____	<u>[Signature]</u>
SIGNATURE OF PROSPECTIVE SELLER	SIGNATURE OF PROSPECTIVE BUYER

I certify that I have provided the Prospective Buyer(s)/Seller(s) named above with a copy of the "Franchise Addendum" and "Equal Opportunity Policy Statement".

Signature of Sales Associate: [Signature]

Broker/Manager: [Signature] Phone: 701-6900

Company Name: Nastri Real Estate LLC dba Keller Williams Syracuse

Date of Signatures:      /      /



New York State  
DEPARTMENT OF STATE  
Division of Licensing Services  
P.O. Box 22001  
Albany, NY 12201-2001

Customer Service: (518) 474-4429  
www.dos.state.ny.us

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## **New York State Disclosure Form for Buyer and Seller**

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### **THIS IS NOT A CONTRACT**

*New York State law requires real estate licensees who are acting as agents of buyers or sellers of property to advise the potential buyers or sellers with whom they work of the nature of their agency relationship and the rights and obligations it creates. This disclosure will help you to make informed choices about your relationship with the real estate broker and its sales agents.*

*Throughout the transaction you may receive more than one disclosure form. The law may require each agent assisting in the transaction to present you with this disclosure form. A real estate agent is a person qualified to advise about real estate.*

*If you need legal, tax or other advice, consult with a professional in that field.*

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### **Disclosure Regarding Real Estate Agency Relationships**

#### **Seller's Agent**

A seller's agent is an agent who is engaged by a seller to represent the seller's interests. The seller's agent does this by securing a buyer for the seller's home at a price and on terms acceptable to the seller. A seller's agent has, without limitation, the following fiduciary duties to the seller: reasonable care, undivided loyalty, confidentiality, full disclosure, obedience and duty to account. A seller's agent does not represent the interests of the buyer. The obligations of a seller's agent are also subject to any specific provisions set forth in an agreement between the agent and the seller. In dealings with the buyer, a seller's agent should (a) exercise reasonable skill and care in performance of the agent's duties; (b) deal honestly, fairly and in good faith; and (c) disclose all facts known to the agent materially affecting the value or desirability of property, except as otherwise provided by law.

#### **Buyer's Agent**

A buyer's agent is an agent who is engaged by a buyer to represent the buyer's interests. The buyer's agent does this by negotiating the purchase of a home at a price and

on terms acceptable to the buyer. A buyer's agent has, without limitation, the following fiduciary duties to the buyer: reasonable care, undivided loyalty, confidentiality, full disclosure, obedience and duty to account. A buyer's agent does not represent the interest of the seller. The obligations of a buyer's agent are also subject to any specific provisions set forth in an agreement between the agent and the buyer. In dealings with the seller, a buyer's agent should (a) exercise reasonable skill and care in performance of the agent's duties; (b) deal honestly, fairly and in good faith; and (c) disclose all facts known to the agent materially affecting the buyer's ability and/or willingness to perform a contract to acquire seller's property that are not inconsistent with the agent's fiduciary duties to the buyer.

#### **Broker's Agents**

A broker's agent is an agent that cooperates or is engaged by a listing agent or a buyer's agent (but does not work for the same firm as the listing agent or buyer's agent) to assist the listing agent or buyer's agent in locating a property to sell or buy, respectively, for the listing agent's seller or the buyer agent's buyer. The broker's agent does not have a direct relationship with the buyer or seller and the buyer or seller can not provide instructions or direction directly to the broker's agent. The buyer and the seller therefore do not have vicarious liability for the acts of the broker's agent. The listing agent or buyer's agent do provide direction and instruction to the broker's agent and therefore the listing agent or buyer's agent will have liability for the acts of the broker's agent.

#### **Dual Agent**

A real estate broker may represent both the buyer and seller if both the buyer and seller give their informed consent in writing. In such a dual agency situation, the agent will not be able to provide the full range of fiduciary duties to the buyer and seller. The obligations of an agent are also subject to any specific provisions set forth in an agreement between the agent, and the buyer and seller. An agent acting as a dual agent must explain carefully to





Each Office Independently Owned and Operated.

**NOTICE TO BOTH BUYER AND SELLER:**

Unless otherwise indicated in writing, square footage represented on the MLS is taken from public tax records and has not been independently verified by the seller or listing agent. Should Buyer desire independent verification of the actual square footage, it shall be Buyer's responsibility to hire an appraiser or other professional to measure the actual square footage of the premises.

_____	_____
Buyer	Date
_____	_____
Buyer	Date
X <i>Kathleen Park</i>	<i>4/8/11</i>
_____	_____
Seller	Date
X <i>[Signature]</i>	<i>4/8/11</i>
_____	_____
Seller	Date

The Pei Lin Team  
6872 E. Genesee Street  
Fayetteville, NY 13066  
315-474-1899 1-866-662-9393 Fax  
[www.YourCNYHome.com](http://www.YourCNYHome.com)

**ADDITIONAL LISTING INFORMATION FOR PROPERTY LOCATED AT:**

6014 Westcliffe

As owner of the property referenced above, I give permission for videos to be taken of the exterior and interior of my property. I also give permission for these images to be used for marketing purposes on the internet.

I also state that there is \_\_\_\_\_ or will be at time of closing \_\_\_\_\_ a working carbon monoxide detector located within my property.

To the best of my knowledge children residing at my property attend the following schools:

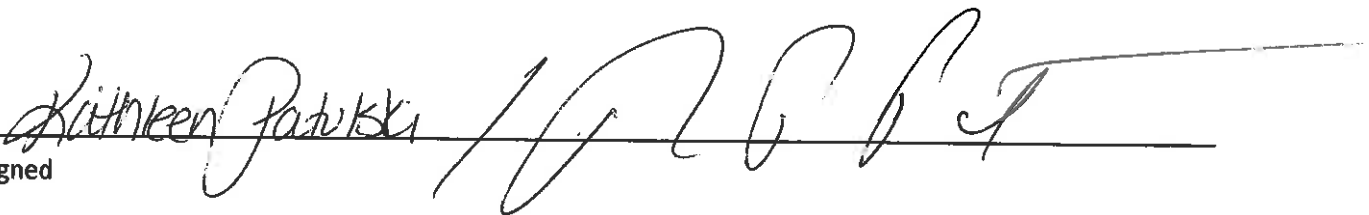
District: Jamesville - Dewitt

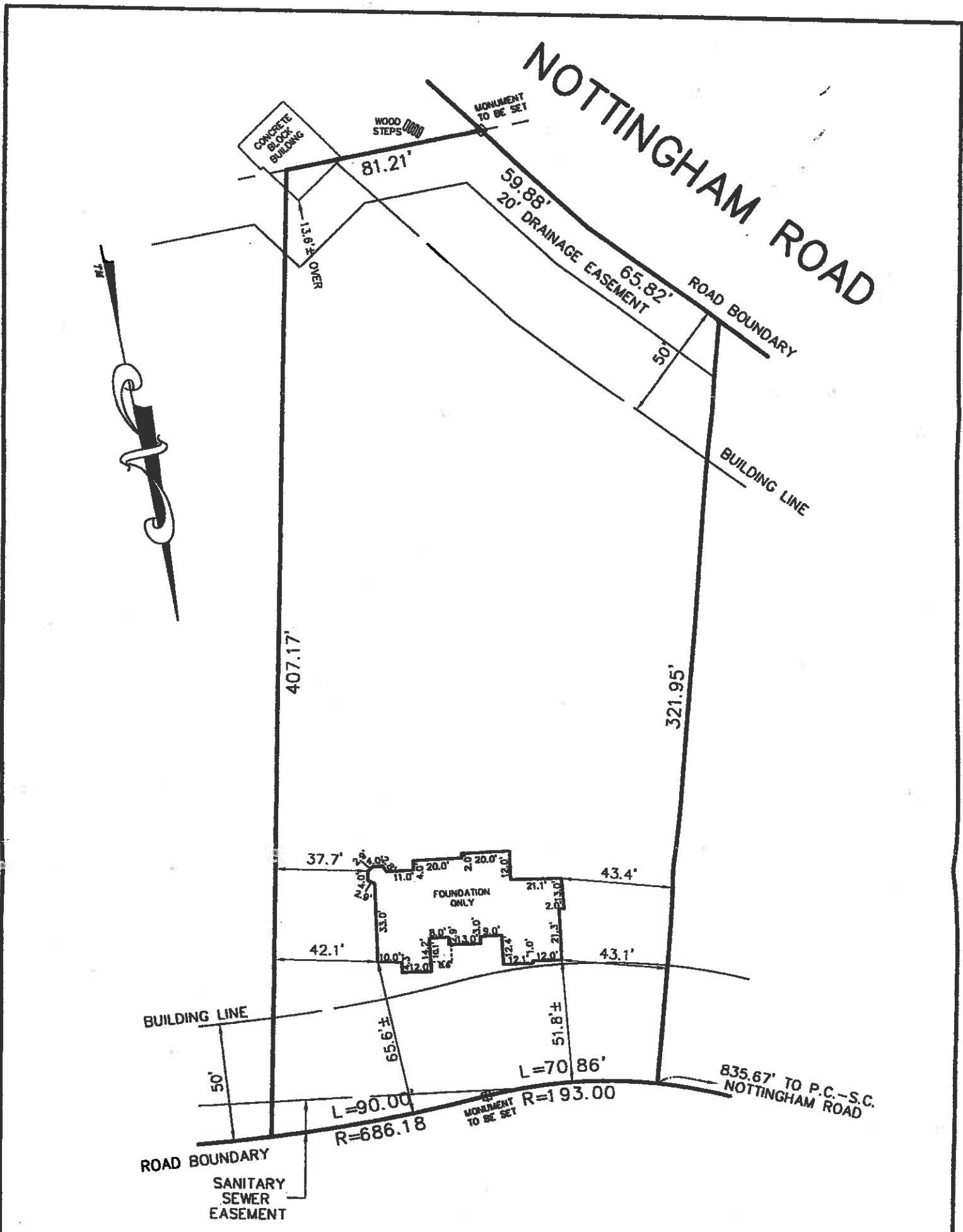
Elementary: \_\_\_\_\_

Middle: \_\_\_\_\_


High School: \_\_\_\_\_

Signed






APPLECROSS WOODS\dwg\applecross20L.dwg  
 Subject to any statement of facts on accurate and up to date abstract of title will show.  
 Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law.

TRACT MAP	
BY:	D.W. HANNIG & ASSOCIATES
DATE FILED:	DECEMBER 20, 1989
MAP NO.	7218
PROPERTY CORNERS NOT SET THIS SURVEY, UNLESS SHOWN. OFFSETS FROM PROPERTY LINES MEASURED TO FOUNDATION WALLS, UNLESS OTHERWISE INDICATED.	
TO:	
THE UNDERSIGNED HEREBY CERTIFIES THAT THIS MAP IS MADE FROM AN ACTUAL SURVEY.	
 N.Y.S. LICENSED LAND SURVEYOR	

LOT No. 20  
**APPLECROSS WOODS**  
 SECTION No. 1  
 PART OF LOT No. 70  
 TOWN OF DEWITT  
 ONONDAGA COUNTY, NEW YORK

 LICENSED LAND SURVEYORS <b>IANUZI &amp; ROMANS, P.C.</b> LIVERPOOL & SYRACUSE, NEW YORK (315) 457-7200	DATE:	JANUARY 17, 2007
	SCALE:	1" = 50'
	FILE:	1164.041
		FB: 1162