



Division of Licensing Services

New York State
Department of State
Division of Licensing Services
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Customer Service: (518) 474-4429
www.dos.ny.gov

Property Condition Disclosure Statement

Name of Seller or Sellers: Michael A. Miller

Property Address: 163-165 Genesee Pk. Blvd., Rochester, NY 14619

General Instructions:

The Property Condition Disclosure Act requires the seller of residential real property to cause this disclosure statement or a copy of 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.

Instruction 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 "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 authorized 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? 42 years
2. How long have you occupied the property? 0
3. What is the age of the structure or structures? 101 years
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 Unknown NA
5. Does anybody else claim to own any part of your property? *If yes, explain below* Yes No Unknown NA
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 Unknown NA

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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 Unknown 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, describe below* Yes No Unknown NA

9. Are there certificates of occupancy related to the property? *If no, explain below* Yes No Unknown 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 Unknown NA

11. Is any or all of the property located in a designated wetland? *If yes, explain below* Yes No Unknown NA

12. Is the property located in an agricultural district? *If yes, explain below* Yes No Unknown NA

13. Was the property ever the site of a landfill? *If yes, explain below* Yes No Unknown NA

14. Are there or have there ever been fuel storage tanks above or below the ground on the property? Yes No Unknown NA
• If yes, are they currently in use? Yes No Unknown NA

• Location(s)

• Are they leaking or have they ever leaked? *If yes, explain below* Yes No Unknown NA

15. Is there asbestos in the structure? *If yes, state location or locations below* Yes No Unknown NA

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16. Is lead plumbing present? *If yes, state location or locations below* Yes No Unknown NA

17. Has a radon test been done? *If yes, attach a copy of the report* Yes No Unknown 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 Unknown 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 Unknown NA

STRUCTURAL

20. Is there any rot or water damage to the structure or structures? *If yes, explain below* Yes No Unknown NA

21. Is there any fire or smoke damage to the structure or structures? *If yes, explain below* Yes No Unknown NA

22. Is there any termite, insect, rodent or pest infestation or damage? *If yes, explain below* Yes No Unknown NA

23. Has the property been tested for termite, insect, rodent or pest infestation or damage? Yes No Unknown NA
If yes, please attached 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? 1 1/2 years
• Is there a transferable warrantee on the roof in effect now? *If yes, explain below* No

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25. Are there any known material defects in any of the following structural systems: footings, beams, girders, lintels, columns or partitions? Yes No Unknown NA

MECHANICAL SYSTEMS AND SERVICES

26. What is the water source? (Check all that apply) Well Private Municipal
 Other: _____

• If municipal, is it metered? Yes No Unknown NA

27. Has the water quality and/or flow rate been tested? Yes No Unknown NA
WJM

28. What is the type of sewage system? (Check 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 Yes No Unknown NA

29. Who is your electric service provider? RES

- What is the amperage? 2x 100 amp services
- Does it have circuit breakers or fuses? Circuit Breakers
- Private or public poles? Public
- Any known material defects? If yes, explain below Yes No Unknown 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 Unknown NA

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

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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 Unknown NA
- 33. Security system? Yes No Unknown NA
- 34. Carbon monoxide detector? Yes No Unknown NA
- 35. Smoke detector? Yes No Unknown NA
- 36. Fire sprinkler system? Yes No Unknown NA
- 37. Sump pump? Yes No Unknown NA
- 38. Foundation/slab? Yes No Unknown NA
- 39. Interior walls/ceilings? Yes No Unknown NA
- 40. Exterior walls or siding? Yes No Unknown NA
- 41. Floors? Yes No Unknown NA
- 42. Chimney/fireplace or stove? Yes No Unknown NA
- 43. Patio/deck? Yes No Unknown NA
- 44. Driveway? Yes No Unknown NA
- 45. Air conditioner? Yes No Unknown NA
- 46. Heating system? Yes No Unknown NA
- 47. Hot water heater? Yes No Unknown NA

48. The property is located in the following school district

Rochester

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.

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 9/21/21

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 _____



**LEAD COMPLIANCE ADDENDUM
To Purchase and Sale Contract**

Published by and for the exclusive use of the Greater Rochester Association of REALTORS® Inc., the Monroe County Bar Association, and those County Bar Associations that have approved its use.

SELLER Mike Miller BUYER _____

SELLER _____ BUYER _____

PROPERTY 163 Genesee PK Blvd

Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards

Lead Warning Statement

Every buyer 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

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

(i) Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

(ii) Seller has no actual knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) **Records and reports available to Seller** (check (i) or (ii) below):

(i) Seller has provided Buyer with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below):

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

MM
Seller's Initials

Buyer's Initials

Buyer's Acknowledgment (Initial (c), (d), and (e) below)

(c) _____ Buyer has received copies of all information listed on the prior page.

(d) _____ Buyer has received the EPA pamphlet *Protect Your Family From Lead in Your Home*.

(e) _____ Buyer (check (i) or (ii) below):

(i) makes the Contract contingent upon a professional risk assessment and/or inspection of the Property for the presence of lead-based paint and/or lead-based paint hazards at Buyer's expense within ten (10) days after acceptance. If Buyer is not satisfied with the risk assessment and/or inspection report, within _____ days after completion of the risk assessment and/or inspection, Buyer shall deliver to Seller a written notice listing the specific deficiencies and corrections needed, together with a copy of any relevant written assessment and/or inspection reports. Upon receipt of such notice, Seller and Buyer shall have _____ days to enter into a written agreement addressing Buyer's objections. If any written agreement is entered which requires the Seller to correct the condition(s), Seller shall furnish Buyer with certification from a risk assessor or inspector demonstrating that the condition(s) have been remedied before the closing date. If this contingency is not satisfied within any of the time periods stated above, either Buyer or Seller may cancel the Contract by written notice to the other and any deposit shall be returned to Buyer, provided that this contingency has not otherwise been satisfied after the applicable time period and prior to any date on which the Contract is cancelled.

(ii) waives the opportunity to conduct a risk assessment or inspection of the Property for the presence of lead-based paint and/or lead-based paint hazards.

Agent's Acknowledgment (initial)

(f) Rg Agent has informed Seller of 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 they have provided is true and accurate.

SELLER [Signature]

BUYER _____

SELLER _____

BUYER _____

DATE _____

DATE _____

AGENT [Signature]

AGENT _____

DATE 9/9/21

DATE _____

[Signature]
Seller's Initials

Buyer's Initials