

# Property Condition Disclosure Statement

Article 12-A, SECTION 464 of New York Real Property Law

Name of Seller or Sellers: Richard Kimball Taylor B. Kimball

Property address: 8356 Number 2 Road E Pompey NY 13104

## 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 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:

- 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? ..... May 2010
- How long have you occupied the property? ..... May 2010
- What is the age of the structure or structures? ..... House - 1994  
Barn - 2019  
**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
- 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
- Are there any features of the property shared in common with adjoining land owners or a homeowners association, such as walls, fences or driveways?(if yes describe below) ..... ☐ Yes ☐ No ☐ UNKN ☐ NA
- 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
- 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
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) Oil, Propane, see notes below  
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  
Location(s) \_\_\_\_\_
16. Is lead plumbing present? (if yes, state location or locations below) ..... ☐ Yes ☒ No ☐ UNKN ☐ NA  
Location(s) \_\_\_\_\_
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, please 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? [if yes, please attach report(s)] ..... ☐ Yes ☒ No ☐ UNKN ☐ NA
24. What is the type of roof/roof covering (slate, asphalt, other)? ..... House - Asphalt, Barn - Steel  
Any known material defects? ..... No  
How old is the roof? ..... House - 2009, Barn 2019  
Is there a transferable warrantee on the roof in effect now? (if yes, explain below) ..... ☐ Yes ☒ No ☐ UNKN ☐ NA
25. Are there any known 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? (Check 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? (Check all that apply) ..... ☐ Public Sewer ☐ Private Sewer  
☒ Septic ☐ Cesspool  
1994  
February 2021  
2-3 Years
- If septic or cesspool, age? .....  
Date last pumped? .....  
Frequency of pumping? .....  
Any known material defects? (if yes, explain below) ..... ☐ Yes ☒ No ☐ UNKN ☐ NA  
National Grid
29. Who is your electric service provider? .....  
What is the amperage? ..... 200  
Does it have circuit breakers or fuses? ..... Breakers  
Private or public poles? ..... Private Underground  
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  
Location(s) \_\_\_\_\_
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
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



Continued ...

Are there any known material defects in any of the following (if yes, explain below. Use additional sheets if necessary):

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 F-M Schools ☐ 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.

Seasonal stream behind barn is freshwater wetland area. Pond is considered man-made freshwater wetland area.

The house has a 25+ year old foundation drain that goes across a neighbor's property.

(2) Propane Tanks for barn heating, (1) Propane Tank for fireplace insert  
Above-ground oil tank removed from basement in 2014. No leakage noted before or after removal.

#### 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 

Date 8/31/21

Seller Taylor B. Kimball

Date 8/31/21

#### 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 \_\_\_\_\_





## PROPERTY INFORMATION

Name of Seller or Sellers: Richard Kimball & Taylor B Kimball

Property Address: 8356 Number 2 Road E Pompey NY 13104

**NEW YORK STATE AGRICULTURAL AND MARKET LAW** Section 310: Disclosure Prior to the Sale of Real Property.  
"It is the policy of this state and this community to conserve, 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 disclosure 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 not be limited to, activities that cause noise, dust and odors. Prospective residents are also informed that the location of property within an agricultural district may impact the ability to access water and/or sewer services for such property under certain circumstances.

Prospective purchasers are urged to contact the New York State Department of Agriculture and Markets to obtain additional information or clarification regarding their rights and obligations under article 25-AA of the Agriculture and Markets Law."

Premises ☒ are ☐ are not located partially or wholly within an agricultural district.

**NEW YORK STATE REAL PROPERTY LAW** Section 242: Disclosure Prior to the Sale of Real Property.

The above property ☒ does ☐ does not have utility electric service available to it. This property ☐ is ☒ is not subject to an electrical and/or gas utility surcharge. This type of surcharge is: NA. The purpose of the surcharge is NA. The amount of the surcharge is \$                     . The surcharge is payable: ☐ Monthly, ☐ Annually, ☐ other basis                     .

The above property ☐ does ☒ does not have uncapped natural gas wells.

### 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 Eligible for ag exemption

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

Special Assessments or Other Fees: ☒ Yes ☐ No Amount \$ 325 Due: ☐ Monthly ☐ Quarterly  
☐ Semi-Annual ☒ Yearly ☐ Other - Explain: \$325 Town of Pompey Garbage Fee

Age of Hot Water Heater: 7 Capacity of Gallons: 40 GAL + 50 GAL  
Age of Furnace or Boiler: 7 Age of Air Conditioning Unit: 7

Annual Bill for Fuel/Oil or Propane: \$                      **House - \$0, Barn - \$300**  
Average Monthly Utilities: Gas \$ NA Electric \$ 150 Total: \$ 150

### Major Improvements known to Seller (up to fifteen (15) years):

HOUSE: Ground Source Heat Pump System + Desuperheater - 2014, Heat Pump Water Heater - 2014, 1-Ton Mitsubishi Ductless Split System - 2014, New Insulated Garage Doors - 2016, Full air sealing and additional insulation (R-50-60 attic insulation) - 2016, New Landscaping 2020-2021, New Driveway 2018 (was previously gravel), New Privacy Fence - 2021, New Roof - 2009, New Fireplace - 2009, New Kitchen Appliances - 2019, IP Camera Surveillance System - 2020, Security System - 2012

BARN - \$150k project to add 36'x64'x22' pole barn with 10'x64' side porch - 2019, 150A electric service, internet/comms, fully insulated with spray foam, R-72 attic insulation, reinforced concrete slab for indoor and outdoors, radiant floor heating, fully built 1000 sf mezzanine level for game room", IP Camera Surveillance System - 2020



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

- |   |   |
|---|---|
| 1. My deed and existing survey, if available, upon acceptance of contract for the buyer's use | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Restrictive covenants or deed restrictions of record, <i>if applicable</i> .               | NA <input type="checkbox"/> Yes <input type="checkbox"/> No         |
| 3. Condominium Bylaws, Rules, etc., <i>if applicable</i> .                                    | NA <input type="checkbox"/> Yes <input type="checkbox"/> No         |
| 4. Homeowner's Association Bylaws, Rules, etc., <i>if applicable</i> .                        | NA <input type="checkbox"/> Yes <input type="checkbox"/> No         |
| 5. Utility bills upon request.  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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.**

Seller 

Date 8/31/21

Seller Taylor B. Rimball

Date 8/31/21

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 condition of the property.

Buyer \_\_\_\_\_

Date \_\_\_\_\_

Buyer \_\_\_\_\_

Date \_\_\_\_\_

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