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315 REALTY PARTNE	

### UNCAPPED NATURAL GAS WELL DISCLOSURE FORM AND NOTICE

for property commonly known as: Route 5, Lenox, NY 13032

As the seller of residential real property, you are required by law to disclose the existence of an UNCAPPED NATURAL GAS WELL on your property of which you have actual knowledge and to disclose such fact to any purchaser of your property prior to entering into a contract for the sale of such property.

Section 242(3) of the Real Property Law states as follows:

Any person, firm, company, partnership or corporation offering to sell real property on which uncapped natural gas wells are situated, and of which such person, firm, company, partnership or corporation has actual knowledge, shall inform any purchaser of the existence of these wells prior to entering into a contract for the sale/purchase of such property.

Initial the following:

*DT\_SMSI* HAVE NO actual knowledge of any uncapped natural gas well(s) on the aforementioned property.

\_\_\_\_\_ I HAVE actual knowledge of an uncapped natural gas well(s) on the aforementioned property.

I have received and read this disclosure notice. I authorize my agent to provide a copy of this disclosure notice to any prospective purchaser.

Dated:03/30/2022	Seller: David J Taylor
	David J Taylor
Dated: $\frac{03/30/2022}{2}$	Seller: Susan M Simchik-Taylor
	Sucon M. Simphil Moulon

Susan M Simchik-Taylor

### Mohawk Valley Association of REALTORS®

### Disclosure Regarding Oil, Gas, Mineral and Timber Rights

The owner of real property has a variety of rights that can convey with property when the property is sold to another. These rights include surface rights (the rights to build or plant crops upon the ground) and certain subsurface rights (the right to extract materials from below the ground). Among the various subsurface rights, are the rights to explore for, and remove oil, gas and various minerals such as coal, sand and gravel.

Surface and subsurface rights are often transferred together; however these rights can transfer separately. Despite the best intention of Sellers, property owners are often not aware of the extent of the oil, gas and mineral rights they may or may not own. Determining who owns the various rights to oil, gas and minerals can be complex and should only be done by an attorney and/or title company with expertise in this area. Purchasers of real property are strongly encouraged to have their rights to oil, gas and minerals can be agreement.

Property Address	Route 5		Lenox	NY	13032
Seller	David J Taylor	Seller	Susan M Simchik	-Taylor	2
	(Print/Type)		(Print/Ty	pe)	

### Oil, Gas, Mineral and Timber Rights to Property:

**X** Seller owns all and has not leased any oil, gas, mineral and/or timber rights.

Seller does not own the rights to oil, gas and/or minerals.

\_\_\_\_\_ Seller does not own the rights to timber.

Some oil, gas, mineral and/or timber rights have been leased by the Seller or previous owner. Seller has attached copies of all written oil, gas, mineral and/or timber rights leases and other documents (e.g. leases, royalty agreements) within the Seller's possession to this disclosure.

### Seller Reservation of Oil, Gas, Mineral and Timber Rights: (Check all that apply)

Seller will not reserve any future rights to oil, gas, minerals and timber.
Seller is reserving <u>all</u> rights to oil, gas, and/or mineral rights and will not convey these rights to the Purchaser.
Explain:

Seller is reserving <u>certain oil, gas, and mineral rights</u> and will convey these rights to the Purchaser as follows:

\_\_\_\_\_ Seller is reserving rights to **timber** as follows:

\_\_\_\_ Other:

### This is a Disclosure Only.

Purchaser has received and read this disclosure notice. Any negotiations pertaining to transfer of oil, gas, mineral and/or timber rights will be set forth in an addendum to the Purchase and Sale of Real Estate.

Seller: David J Taylor	_ Date: _	03/30/2022
Seller: Susan M Simchik-Taylor Susan M Simchik-Taylor	_ Date: _	03/30/2022
Purchaser:	_ Date: _	
Purchaser:	_ Date: _	



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315 REALTY PARTNERS

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

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

# THIS IS NOT A CONTRACT

New York State

P.O. Box 22001

DEPARTMENT OF STATE Division of Licensing Services

Albany, NY 12201-2001

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.

# 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



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. A seller or buyer may provide advance informed consent to dual agency by indicating the same on this form.

### **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 buver 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. A seller or buyer may provide advance informed consent to dual agency with designated sales agents by indicating the same on this form.

This form was provided to me by <u>Shelley Hoffman /Allen Olmsted</u> (print name of licensee) of <u>315 Realty Partners/Canaan Realty</u> (print name of company, firm or brokerage), a licensed real estate broker acting in the interest of the:

(_X_) Seller as a (check relationship below)	() Buyer as a (check relationship below)		
( <b>_≭</b> _) Seller's agent	() Buyer's agent		
() Broker's agent	() Broker's agent		
() Dual agen	ıt		
() Dual agen	t with designated sales agent		
For advance informed consent to either dual agency or dual agency with designated sales agents complete section below:			
(_X_) Advance informed consent dual agency			
() Advance informed consent to dual agency with	h designated sales agents		
If dual agent with designated sales agents is indicated above:	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 { X } Seller(s):			
David J Taylor			
Susan M Simchik-Taylor			
Susan M Simchik-Taylor			
Date: 03/30/2022 03/30/2022	Date:		

