



Property Condition Disclosure Statement

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

Name of Seller or Sellers: James C. Mueller Margaret A. Mueller

Property address: 787 Toggenburg Road Fabius NY 13063

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:

- (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 "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

1. How long have you owned the property? 06/24/2005
2. How long have you occupied the property? 17 years
3. What is the age of the structure or structures? 1833, 2013
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 UNKN NA
5. Does anybody else claim to own any part of your property? (if yes, explain below) Yes No UNKN 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 UNKN NA
7. 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
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
- 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) Fuel oil tank in basement
 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)? Asphalt- Metal
 Any known material defects? _____
 How old is the roof? Unknown,2007,2011,2013
 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
 If septic or cesspool, age? Unknown
 Date last pumped? 01/05/2018
 Frequency of pumping? 3 times in 17 years
 Any known material defects? (if yes, explain below) Yes No UNKN NA
29. Who is your electric service provider? National Grid
 What is the amperage? 150
 Does it have circuit breakers or fuses? Breakers
 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
 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):

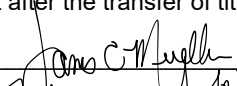
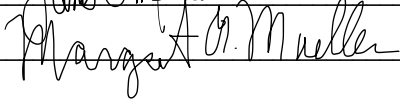
- 45. Air conditioner? Yes No UNKN NA
- 46. Heating system? Yes No UNKN NA
- 47. Hot water heater? Yes No UNKN NA
- 48. The property is located in the following school district Fabius Pompey UNKN

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.

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 06/20/2022
 Seller  Date 06/20/2022

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: James C. Mueller & Margaret A. Mueller
 Property Address: 787 Toggenburg Rd Fabius NY 13063

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: _____. The purpose of the surcharge is _____. 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
 HOA/Condo Fee: Yes No - Amount \$ _____ Due: Monthly Qtrly Semi-Annual Yearly Other
 Special Assessments or Other Fees: Yes No Amount \$ _____ Due: Monthly Quarterly
 Semi-Annual Yearly Other - Explain: _____
 Age of Water Heater: 2012 Capacity of Gallons: 40
 Age of Furnace or Boiler: 2019 Age of Air Conditioning Unit: Unknown
 Annual Bill for Fuel/Oil or Propane: \$ 2000.00
 Average Monthly Utilities: Gas \$ _____ Electric \$ 250.00 Total: \$ _____

Major Improvements known to Seller (up to fifteen (15) 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. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Restrictive covenants or deed restrictions of record, <i>if applicable</i> . | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Condominium Bylaws, Rules, etc., <i>if applicable</i> . | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. Homeowner's Association Bylaws, Rules, etc., <i>if applicable</i> . | <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 <u>James C. Mueller</u>	Date <u>06/20/2022</u>
Seller <u>Margaret A. Mueller</u>	Date <u>06/20/2022</u>

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 _____

Revised 12.02.21