



O'Keeffe  
& McCann L.L.P.  
ATTORNEYS AT LAW

25 Main Street  
Goshen, NY 10924

P: 845.615.8500  
F: 845.615.8501

omlawteam.com

## BUYER TIPS

- **PCDS:** The New York State Property Condition Disclosure Act (enacted in 2002) now requires sellers (except those that are Trusts, Estates or ANYONE selling a condominium) to complete and provide a prospective buyer a Disclosure Statement setting forth the history and condition of the home. A seller who chooses NOT to give the PCDS must instead give the purchaser a \$500 credit at closing. Most attorneys highly recommend giving the credit rather than the disclosure, due to the chance of an error or omission in the disclosure giving rise to claims by the buyer against the seller post closing.
- **CLOSING DATE:** Closing dates are generally defined "on or about" a particular date. This gives flexibility to both buyer to arrange their financing, title search, survey, etc., and seller, to arrange future housing and moving. The target date in the contract can be off by as much as 30 days before the other party may be alleged in default.
- **MORTGAGE CONTINGENCY:** a purchaser's obligation to purchase is contingent on getting a mortgage commitment for the purchase, usually within 30 days of signing the contract (though the closing need not be held within that 30 days). If a buyer is denied a loan for any reason (income, cash to close, credit, low appraisal of home), immediately request a denial of loan letter from the bank so we may request the return of the downpayment check from Seller.
- **OIL CREDIT:** Sellers are entitled to a credit at closing for the value of fuel oil left in the home at the time of closing so long as an oil reading is provided by the Oil Company at closing based on a measurement made within 3 days prior to closing.
- **TAXES:** assuming the seller is current their property and school taxes, the Seller will be entitled to a prorated credit from buyer for pre-paid but not used taxes.
- **SURVEY:** we recommend a new survey for all purchasers (other than for condominiums). Survey fees must be paid whether closing occurs or not.
- **NEW CONSTRUCTION:** we recommend against releasing any portion of the downpayment or extras directly to the builder prior to closing. Instead, we recommend all such funds remain in the sellers' attorney's trust account.
- **HOMEOWNER'S INSURANCE:** all purchasers must purchase homeowner's insurance (hazard insurance) prior to the closing.

\_\_\_\_\_

Purchaser

\_\_\_\_\_

Dated

\_\_\_\_\_

Purchaser

\_\_\_\_\_

Dated