

**TERMS AND CONDITIONS OF SALE**  
**REAL PROPERTY LOCATED AT**  
**324 MILLER VALLEY ROAD, TOWN OF POLAND,**  
**COUNTY OF CHAUTAUQUA, STATE OF NEW YORK,**  
**IDENTIFIED AS TAX PARCEL: SECTION 357.00 BLOCK 1 LOT 20**  
**WILL BE OFFERED FOR SALE AT PUBLIC AUCTION**  
**ON THURSDAY, AUGUST 30, 2018. BIDDING TO BEGIN AT 6:00 PM**

The auction will be held on location at the property.

**Auction Parcel:**

Approximately 2 acres of land with approximately 585' of road frontage with a two-story home with attached one and a half car garage, barn, and shed.

- (1.) This property is being offered for sale "AS IS, WHERE IS", with no guarantees or warranties of any sort, either actual or implied, including but not limited to the existence of a septic system, water system, plumbing, heating, electrical, interior and exterior of all buildings, any fixtures, and the land. If required the Purchaser will pay for a Chautauqua County health department septic and water test at closing and will pay for any and all repairs or updates if required by Chautauqua County.
- (2.) All property boundaries are approximate, and no guarantees of any kind are given with respect to the acreage shown on tax maps or referred to in any existing deeds, surveys, or sale literature. If a land survey is required or desired, it is the responsibility of Purchaser to order and pay for prior to closing.
- (3.) Prospective Purchasers are responsible for inspecting the property, being knowledgeable about its physical condition and any existing zoning regulations, leases, easements, rights of way, or other restrictions regarding its use, and understanding closing costs and fees, PRIOR TO THE AUCTION.
- (4.) The sale will be subject to the approval of the Seller within 48 hours of the auction. The Seller reserves the right to accept or reject any and all bids, for any reason whatsoever.
- (5.) The successful high bidders will immediately sign a Contract for Sale of Real Property and will place the following deposit of \$5,000.00 in the form of cash or good check with Mike Peterson Auction & Realty Service to be held in their escrow account until closing.
- (6.) The deposit will NOT be refunded if the sale is not completed due to the default of the Purchasers for any reason and therefore will be forfeited to the seller.
- (7.) The deposit WILL be refunded in full to the Purchasers if the sale is not completed due to the default of the Seller for any reason.

(8.) The BALANCE will be due AT CLOSING, ON OR BEFORE October 31, 2018. POSSESSION will be granted at closing.

(9.) The Seller shall furnish an EXECUTOR DEED to the Purchaser, free and clear of any liens or encumbrances, subject to any leases, easements, rights of way, or deed restrictions of record. All sellers' oil, gas, mineral, & timber rights will be conveyed to the purchasers at time of closing.

(10.) CLOSING COSTS - The Seller will pay for the Title Search update. The Purchaser will pay for Revenue Stamps, TP 584 Filing Fee, Deed Recording Fee, RP5217 Filing Fee, and any costs in obtaining financing. Each will pay own attorney fees.

(11.) ALL PROPERTY TAXES will be PRORATED as of the CLOSING DATE.

(12.) Seller and/or Auctioneer reserve the right to cancel the auction for any reason prior to set auction date.

(13.) Michael W. Peterson is acting only as Sales Agent for the Seller, and has no personal interest in the property.

ANY ANNOUNCEMENTS MADE BY THE AUCTIONEER ON THE DAY OF THE SALE WILL TAKE PRECEDENCE OVER ANY PRINTED MATERIAL.

THE SELLER AND HIS SALES AGENTS WILL NOT BE HELD RESPONSIBLE FOR ANY ACCIDENTS SHOULD THEY OCCUR BEFORE, DURING, AFTER, OR BECAUSE OF THE AUCTION.

SELLER: Estate of Brenda L. Warholic/ Lisa R. Saff, Executrix  
324 Miller Valley Road  
Kennedy, New York 14747

ATTORNEY: Dana A. Lundberg (716) 664-2346  
202 W 4<sup>th</sup> Street  
Jamestown, New York 14701

BROKER: Michael W. Peterson, Mike Peterson Auction and Realty Service  
164 Ivory Street, Frewsburg NY 14738  
Telephone: 716-665-0668  
E-mail: [peteauction@hotmail.com](mailto:peteauction@hotmail.com) Web Site: [www.petersonauction.com](http://www.petersonauction.com)

## PROPERTY DESCRIPTION

Location: 324 Miller Valley Road, Kennedy, New York 14747

TAX PARCEL NUMBER: Section 357.00 Block 1 Lot 20

Deed Book: 1398 Deed Page: 449 Date: 3/31/1971

FULL MARKET VALUE: \$ 63,900.00

TAXES: Total \$994.47

School 2018 \$ ?

Town & County 2018: \$994.47

SCHOOL DISTRICT: Falconer School District

### ALL MEASUREMENTS ARE APPROXIMATE

LAND: Approximately 2 acre with 585' road frontage

BARN: 20' x 30', concrete floor with stables and upstairs loft

SHED: 10' x 12'

HOUSE: 1947's two story home with approximately 1108 square feet of living space

GARAGE: 24' x 24', attached one and a half car, concrete floor, uninsulated, garage door opener

#### HOUSE:

HEATING: Vailant hot water boiler, baseboard heat, 2 zones

ELECTRICAL: 100 amp service w/ breakers

SEPTIC: Private

WATER: Private, shallow well pump w/ filter

HOT WATER HEATER: gas, 40 gln new in 2002

ROOF: asphalt shingle

SIDING: Vinyl siding

WINDOWS: Thermopane

FOUNDATION: cement block

FULL BASEMENT: concrete floor, laundry hookups

PORCH: 10' x 22' covered

1st floor

KITCHEN: 11' x 11', vinyl square flooring, Hotpoint gas stove, exhaust fan, Formica countertops, wood cupboards

DINING ROOM: 11' x 13', carpet, ceiling light w/ fan

LIVING ROOM: 12' x 13', carpet

FULL BATHROOM: 6' x 7', tub/shower combo, toilet, sink, carpet flooring

1<sup>st</sup> BEDROOM: 12' x 13', carpet, small closet

2<sup>nd</sup> floor

2<sup>nd</sup> BEDROOM: 9'x15', carpet, small closet

3<sup>rd</sup> BEDROOM: 12' x 15', carpet, small closet