

**TERMS AND CONDITIONS OF SALE**  
**REAL PROPERTY LOCATED AT**  
**4494 W LAKE ROAD, TOWN OF CHAUTAUQUA**  
**COUNTY OF CHAUTAUQUA, STATE OF NEW YORK,**  
**IDENTIFIED AS ALL OF TAX PARCELS: SECTION 297.15 BLOCK 2 LOTS 36,40,41**  
**WILL BE OFFERED FOR SALE AT PUBLIC AUCTION**  
**ON SATURDAY, APRIL 2, 2022. BIDDING TO BEGIN AT 6 PM**

The auction will be held on location at the property

**Open House Preview 2 Hours Prior to Auction**  
**Or call for appointment**

**Auction Parcel:** (All measurements & acreage is approximate)

Approximately 1 acre consisting of three tax parcels being offered as one. Includes two vacant structures.

(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 septic/sewer, water system, plumbing, heating, electrical, interior and exterior of all buildings, any fixtures, and the land. The property is serviced by public sewer and private water well. Purchaser will pay for a Chautauqua County health department sewer and water test at closing if required 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’s 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 successful high bidders will immediately sign a Contract for Sale of Real Property and will place the following deposit of \$ 3,000.00 in the form of cash or good check with Peterson Auction & Realty LLC to be held in their escrow account until closing.

(5.) The successful high bidders will pay a Buyer’s Premium of \$ 2,000.00 which is on and above bid price and due auction day to be held with Peterson Auction & Realty LLC to be held in their escrow account until closing.

(6.) 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.

(7.) The deposits 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.

(8.) The deposits WILL be refunded in full to the Purchasers if the sale is not completed due to the default of the Seller for any reason.

(9.) The BALANCE will be due at closing, on or before May 10, 2022. Possession will be granted at closing.

(10.) The Seller shall furnish an INSURABLE TITLE 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.

(11.) CLOSING COSTS - The Seller will pay for the Title Search update. Purchaser's 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.

(12.) ALL CURRENT YEAR PROPERTY TAXES will be PRORATED as of the CLOSING DATE. ALL past due taxes will be paid in full by seller prior to closing

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

(14.) 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: Barbara J. Eichelberger  
5991 Hidden Valley Lane  
Chautauqua, New York 14722

ATTORNEY: Neil Robinson 716-484-4480  
501 West 3<sup>rd</sup> Street Suite 1  
Jamestown, New York 14701

BROKER: Michael W. Peterson, Peterson Auction and Realty LLC  
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## PROPERTY DESCRIPTIONS

### **1st Tax Parcel:**

Location: 4494 W Lake Road, Chautauqua, New York 14722

TAX PARCEL NUMBER: Section 297.15 Block 2 Lot 41  
Deed Book: 2358 Deed Page: 839 Date: 12/17/1996

FULL MARKET VALUE: \$ 72,400.00

2022 TAXES: Total: \$2,377.27 T/C: \$ 1,634.83 School: \$ 742.44

SCHOOL DISTRICT: Chautauqua Lake

125' x 181' lot with 125' of road frontage on W Lake Road. The structure is inhabitable.

### **2nd Tax Parcel:**

Location: Whallon Alley, Chautauqua, New York 14722

TAX PARCEL NUMBER: Section 297.15 Block 2 Lot 40  
Deed Book: 2351 Deed Page: 301 Date: 7/8/1996

FULL MARKET VALUE: \$ 17,600.00

2022 TAXES: Total: \$ 586.03 T/C: \$ 403.01 School: \$ 183.02

SCHOOL DISTRICT: Chautauqua Lake

Approximately 149' x 132' vacant lot

### **3rd Tax Parcel:**

Location: 6036 Whallon Alley, Chautauqua, New York 14722

TAX PARCEL NUMBER: Section 297.15 Block 2 Lot 36  
Deed Book: 2285 Deed Page: 789 Year Built 1950

FULL MARKET VALUE: \$ 45,300.00

2022 TAXES: Total: \$ 2,693.71 T/C: \$ 2,106.66 School: \$ 587.05

SCHOOL DISTRICT: Chautauqua Lake

Approximately 66' x 132' lot. Structure is inhabitable.