

TERMS AND CONDITIONS OF SALE
REAL PROPERTY LOCATED AT
513 RAILROAD AVENUE, TOWN OF CHERRY CREEK,
COUNTY OF CHAUTAUQUA STATE OF NEW YORK
IDENTIFIED AS TAX PARCELS: SECTION 237.12 BLOCK 1 LOTS 11,12,13
WILL BE OFFERED FOR SALE AT PUBLIC AUCTION

Live and Online bidding available

Online bidding opens Monday, December 11, 2023 at 9 AM

Online Bidding Closes w/ Live auction w/ webcast Saturday, December 16, 2023 11 AM

Open House: Wednesday, December 13th 4PM-6PM or 1 hour prior to auction

Or call for private showing

Auction Parcel: (All measurements & acreage is approximate)

All of tax parcels 237.12-1-11,12,13: two story house with detached garage situated on 3 tax lots.

Peterson Auction & Realty LLC and all of their representatives are employed by the Seller and work for the Seller as a seller's agent.

- (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 sewer, water system, plumbing, heating, electrical, interior and exterior of all buildings, any fixtures, and the land. Property is serviced by public water and sewer.
- (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 desired or required prior to closing it is the responsibility of Purchaser to order and pay for it.
- (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.) Upon completion of the auction the successful high bidder will immediately sign a Contract for Sale of Real Property and will place a deposit of \$5,000.00 towards purchase price of the property in the form of cash or good check with Peterson Auction & Realty LLC to be held in their escrow account until closing.
- (5.) Upon completion of the auction the successful high bidder is also responsible to pay a Buyer's Premium of \$ 2,000.00 which is on and above the bid price and due auction day to be held in Peterson Auction & Realty LLC 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 deposit and buyer's premium 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 and auction company.

(8.) The deposit and buyer's premium 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 February 16, 2024. POSSESSION will be granted at closing. Seller will maintain utilities until 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 title search. 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 PROPERTY TAXES will be PRORATED as of the CLOSING DATE.

(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: Kreig M Hoth and Kirk D Hoth

ATTORNEY: Paul Webb III 716-488-1178
414 E Fairmount Avenue
Lakewood, New York 14750

BROKER: Michael W. Peterson, Peterson Auction and Realty LLC.
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E-mail: peteauction@hotmail.com Web Site: www.petersonauction.com

PROPERTY DESCRIPTIONS

Location: 513 Railroad Avenue, Cherry Creek, New York 14712

TAX PARCEL NUMBERS: SECTION 237.12 BLOCK 1 LOT 11 99 ft x 116 ft lot
Deed Book: 2302 Deed Page: 127
SECTION 237.12 BLOCK 1 LOT 12 99 ft x 114 ft lot
Deed Book: 1918 Deed Page: 7
SECTION 237.12 BLOCK 1 LOT 13 10 ft x 124 ft lot
Deed Book: 1918 Deed Page: 4

Combined Full Market Value: \$ 55,300.00

Pine Valley School District

2023 Taxes:

Total - \$ 955.75

County/Town: \$ 929.03 School: \$ 26.72 (Enhanced Star missing info)

2 story house with detached 2 car garage, approx. 1,816 sq ft (1,187 1st floor, 629 2nd floor)

5 bedrooms

1.5 bathroom

Kitchen

Living room

Dining room

Laundry room

Public Sewer and water

Heats with Propane/LPG Hot water/steam

Partial basement