

**TERMS AND CONDITIONS OF SALE**  
**REAL PROPERTY LOCATED AT**  
**29 RAILROAD AVENUE, TOWN OF CARROLL**  
**COUNTY OF CHAUTAUQUA, STATE OF NEW YORK**  
**IDENTIFIED AS TAX PARCEL: SECTION 423.05 BLOCK 1 LOT 67**  
**WILL BE OFFERED FOR SALE AT PUBLIC AUCTION**  
Online Only bidding available  
Opens Saturday, December 3 and Closes Tuesday, December 6, 2022 AT 6 PM  
**Open House: Monday, December 5 3PM-5PM**  
**Or call for private showing**

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

**All of tax parcel :** 423.05.06-1-67: A 149' x 250' lot with a house, apartment, and pole building.

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 septic/sewer, water system, plumbing, heating, electrical, interior and exterior of all buildings, any fixtures, and the land. Purchaser will pay for a Chautauqua County health department sewer and water test at closing and will pay for any and all repairs or updates if required by Chautauqua County. Currently serviced by private septic & village water.
- (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 to close 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 \$ 10,000.00 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 \$ 1,500.00 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 January 25, 2023. 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. The house and apartment currently have renters and they are on a month-to-month basis. All rents will be prorated as of closing dates.

(11.) CLOSING COSTS - The Seller will pay for 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 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.

THE PURCHASE AGREEMENT WILL TAKE PRECEDENCE OVER ANY PRE-AUCTION PROMOTIONAL 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: A & K East West Corp  
131 Warren Road  
Frewsburg, NY 14738

ATTORNEY: Crandall Nyweide

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

Location: 29 Railroad Avenue, Frewsburg, New York 14738

TAX PARCEL NUMBER: SECTION 423.05 BLOCK 1 LOT 67

Deed Book: 2666 Deed Page 978 Date 11/18/2008

Full Market Value: \$ 106,522.00

Frewsburg Central School District

2022 Taxes:

Total - \$ 4,383.31

County/Town: \$ 1,801.57 School: \$ 2,581.74

Approximately 2,072 sq ft living space

**Main House:** (Rent \$550. + utilities)

4 bedroom/1 bath, kitchen (includes stove, refrigerator, dishwasher), living room

Full basement w/ cement floor, natural gas/ forced air furnace

Niagara Mohawk electric w/ breakers

Gas hot water heater

Private Septic

Public Water

**Apartment:** ( Rent \$250. + utilities)

1bedroom, 1 bath, kitchen (includes stove), living area

Crawl space, has new radiant furnace

Niagara Mohawk electric w/ breakers

Private septic

Public water

**Pole Building/Garage:** 38' x 63' w/ attached 14' x 18' office space, 14' x 50' space

Concrete floors, reinforced corners

Niagara Mohawk electric, has 3 phase electric

Ramp

Bathroom

Septic: 1,000 gln holding tank for sewage and floor drain