

Jointly prepared by the Real Property Section of the New York State Bar Association, the New York State Land Title Association, the Committee on Real Property Law of the Association of the Bar of the City of New York and the Committee on Real Property Law of the New York County Lawyers' Association.

Warning: NO REPRESENTATION IS MADE THAT THIS FORM OR CONTRACT FOR THE SALE AND PURCHASE OF REAL ESTATE COMPLIES WITH SECTION 5-702 OF THE GENERAL OBLIGATIONS LAW ("PLAIN LANGUAGE").

CONSULT YOUR LAWYER BEFORE SIGNING THIS AGREEMENT

NOTE: FIRE AND CASUALTY LOSSES AND CONDEMNATION.

This contract does not provide for what happens in the event of fire, or other casualty loss or condemnation before the title closing. Unless different provision is made in this contract, Section 5-711 of the General Obligations Law will apply. One part of the law makes a Purchaser responsible for fire and casualty loss upon taking possession of the Premises before the title closing.

Residential Contract of Sale

Date:	CONTRACT OF SALE, made as of	20
Between:	BETWEEN	
Address:	Address:	
	Social Security Number/Fed. I.D. No. (s):	
	hereinafter called "SELLER", and	
	Address:	
	Social Security Number/Fed. I.D. No. (s):	
	hereinafter called "PURCHASER".	
	The parties hereby agree as follows:	
Premises:	1. Seller shall sell and convey and Purchaser shall purchase the property, together with all buildings and improvements thereon (collectively the "Premises"), more fully described on a separate page attached ("Schedule A"), annexed hereto and made a part hereof and also known as:	
	Street Address:	
	Tax Map Designation:	
	Together with Seller's ownership and rights, if any, to land lying in the bed of any street or highway, opened or proposed, adjoining the Premises to the center line thereof, including any right of Seller to convey any such land by condemnation and/or for any damage to the Premises by reason of change of grade of any street or highway. Seller shall deliver at no additional cost to Purchaser, at Closing (as hereinafter defined), on demand, any documents that Purchaser may reasonably require for the conveyance of such title and the assignment and collection of such amount or damages.	
Personal Property:	2. This sale also includes all fixtures and articles of personal property now attached or appurtenant to the Premises, unless specifically excluded below. Seller represents and warrants that at Closing they will paid for and owned by Seller, free and clear of all liens and encumbrances, except any existing mortgage to which this sale may be subject. They include, but are not limited to, plumbing, heating, lighting and cooling fixtures, bathroom and kitchen cabinets, mirrors, door mirrors, switch plates and door hardware, window blinds, window treatments, shades, screens, awnings, storm windows, storm doors, window boxes, mail box, TV antenna, weather vane, flagpole, pumps, shrubbery, fencing, outdoor statuary, mail slot, dishwasher, washing machine, clothes dryer, garbage disposal unit, range, oven, refrigerator, furnace, air conditioning equipment and installations, wall to wall carpeting and but it is not excluded below (collectively "Items").	
	Excluded from this sale are furniture and household furnishings and	
Purchase Price:	3. The purchase price is	\$
	payable as follows:	
	(a) on the signing of this contract, by Purchaser's check payable to the Escrowee (as hereinafter defined), subject to collection, the receipt of which is hereby acknowledged, to be held in escrow pursuant to paragraph 6 of this contract (the "Downpayment");	\$
	(b) by advance for the principal amount unpaid on the existing mortgage on the date hereof, payment of which Purchaser shall assume by joining in the deed;	\$
	(c) by a purchase money note and mortgage from Purchaser to Seller;	\$
	(d) balance at Closing in accordance with paragraph 7;	\$
Existing Mortgage:	4. (Delete if inapplicable) If this sale is subject to an existing mortgage as indicated in paragraph 3(b) above:	
	(a) The premises shall be conveyed subject to the continuing lien of the existing mortgage, which is presently payable, with interest at the rate of _____ percent per annum, in monthly installments of \$ _____ which include principal, interest and escrow amounts, if any, and with any balance of principal being due and payable on _____.	
	(b) To the extent that any required payments are made on the existing mortgage between the date hereof and Closing, which reduce the unpaid principal amount thereof below the amount shown in paragraph 3(b), then the balance of the price payable at Closing under paragraph 3(d) shall be increased by the amount of the payments of principal. Seller represents and warrants that the amount shown in paragraph 3(b) is substantially correct and agrees that only payments required by the existing mortgage will be made between the date hereof and Closing.	
	(c) If there is a mortgage escrow account, Seller shall assign it to Purchaser, if it can be assigned, and in that case Purchaser shall pay the amount in the escrow account to Seller at Closing.	
	(d) Seller shall deliver to Purchaser at Closing a certificate dated not more than 30 days before Closing signed by the holder of the existing mortgage, in form for recording, certifying the amount of the unpaid principal, the date to which interest has been paid and the amounts, if any, claimed to be unpaid for principal and interest, including this same. Seller shall pay the fee for recording such certificate. If the holder of the existing mortgage is a bank or other institution as defined in Section 2-24-a of the Real Property Law ("Institutional Lender"), it may, instead of the certificate, furnish a letter signed by a duly authorized officer, employee or agent, dated not more than 30 days before Closing, containing the same information.	
	(e) Seller represents and warrants that (i) Seller has delivered to Purchaser true and complete copies of the existing mortgage, the note secured thereby and any extensions and modifications thereof, (ii) the existing mortgage is not more, and at the time of Closing will not be, in default, and (iii) the existing mortgage does not contain any provision that permits the holder of the mortgage to require its immediate payment in full or to change any other term thereof by reason of the sale or conveyance of the Premises.	
Purchase Money Mortgage:	5. (Delete if inapplicable) If there is to be a purchase money mortgage as indicated in paragraph 3(c) above:	
	(a) The purchase money note and mortgage shall be drawn by the attorney for Seller in the form attached or, if not, in the standard form adopted by the New York State Land Title Association, for its preparation, and shall be recorded at Closing the mortgage recording tax, recording fees and the attorney's fees in the amount of \$ _____.	
	(b) The purchase money note and mortgage shall also provide that it is subject and subordinate to the lien of the existing mortgage and any extensions, modifications, replacements or consolidations of the existing mortgage, provided that (i) the interest due thereon shall not be greater than _____ per annum, and (ii) if the principal amount thereof shall exceed the amount of principal owing and unpaid on the existing mortgage at the time of placing such new mortgage or consolidated mortgage, the excess be paid to the holder of such purchase money mortgage in reduction of the principal thereof. The purchase money mortgage shall also provide that the holder thereof shall not assign or assign the mortgage to any other person, and that the holder thereof will, on demand and without charge therefor, execute, acknowledge and deliver any agreement or agreements further to effectuate such subordinations.	
Downpayment to Escrowee:	6. (a) Seller's attorney ("Escrowee") shall hold the Downpayment for Seller's account in escrow in a segregated bank account at _____ until Closing or some termination of this contract and shall pay over or apply the Downpayment in accordance with the terms of this paragraph. Escrowee shall invest (delete if inapplicable) hold the Downpayment in an interest-bearing account for the benefit of the parties. If interest is held for the benefit of the parties, it shall be paid to the party entitled to the Downpayment and the party receiving the interest shall pay any income taxes thereon. If interest is not held for the benefit of the parties, the Downpayment shall be placed in an IDLA account or an otherwise permitted or required by law. The Social Security or Federal Identification numbers of the parties shall be furnished to Escrowee upon request. At Closing, the Downpayment	

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