



O'Keeffe  
& McCann L.L.P.  
ATTORNEYS AT LAW

SURVEY DISCLOSURE

- A current survey will locate the property boundaries as well as surface structures on the property, including, but not limited to a house, driveway, decks, pool, shed, fence, etc.
  - Town Building Departments often require a survey to demonstrate that proposed structures to be built are not over, or too close to the property boundary.
    - A structure over a property boundary is called an "encroachment," and would be the responsibility of a seller to address in the context of a purchase and sales contract. Purchasers who discover an encroachment post closing will have to address the issue themselves.
    - The fee for having a surveyor survey the property is due whether the matter closes or not (though it is usually paid at the closing).
    - Sometimes a prior survey can be obtained from a Seller, and updated by the prior surveyor for a discounted fee, OR the prior survey can be given to the Title Company to perform a "survey inspection" which has a non-surveyor walk the property to see if there are any obvious differences on the property since the prior survey was produced. (NOTE: the survey inspection is NOT performed by a surveyor, but by a lay person, and therefore must NOT be relied on for precise boundary lines or encroachments. It can, however, alert the buyer to further explore the need for a Certificate of Occupancy for a new structure or to further determine if a new structure is within bounds.)
- We recommend a new survey for all purchasers.

\_\_\_\_ I (we) choose to have a survey of the premises prior to closing.

\_\_\_\_ I (we) decline ordering a survey of the premises prior to closing, and hold O'Keeffe & McCann LLP harmless for any issues resulting from matters a survey would have revealed if it had been conducted.

\_\_\_\_\_  
Purchaser

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Purchaser

\_\_\_\_\_  
Dated

25 Main Street  
Goshen, NY 10924

P: 845.615.8500  
F: 845.615.8501

omlawteam.com