

Edgar Filing: HOME PROPERTIES OF NEW YORK INC - Form 4

HOME PROPERTIES OF NEW YORK INC

Form 4

August 30, 2002

U.S. SECURITIES AND EXCHANGE COMMISSION  
Washington, DC 20549

FORM 4

STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934,  
Section 17(a) of the Public Utility Holding Company Act of 1935 or  
Section 30(f) of the Investment Company Act of 1940

Check box if no longer subject to Section 16. Form 4 or Form 5 obligations  
may continue. See Instruction 1(b).

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1. Name and Address of Reporting Person\*

|             |         |          |
|-------------|---------|----------|
| August, Sr. | Burton  | S.       |
| (Last)      | (First) | (Middle) |

11 Woodbury Place

(Street)

|           |         |       |
|-----------|---------|-------|
| Rochester | NY      | 14618 |
| (City)    | (State) | (Zip) |

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2. Issuer Name and Ticker or Trading Symbol

Home Properties of New York, Inc. (HME)

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3. IRS Identification Number of Reporting Person, if an Entity (Voluntary)

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4. Statement for Month/Year

August 29, 2002 - See footnotes 2 and 4

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5. If Amendment, Date of Original (Month/Year)

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6. Relationship of Reporting Person to Issuer  
(Check all applicable)

|   |  |
|---|--|
| <input checked="" type="checkbox"/> Director        | <input type="checkbox"/> 10% Owner             |
| <input type="checkbox"/> Officer (give title below) | <input type="checkbox"/> Other (specify below) |

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7. Individual or Joint/Group Filing (Check applicable line)

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[x] Form filed by one Reporting Person  
 [\_] Form filed by more than one Reporting Person

Table I -- Non-Derivative Securities Acquired, Disposed of,  
 or Beneficially Owned

| 1.<br>Title of Security<br>(Instr. 3)             | 2.<br>Transaction<br>Date<br>(mm/dd/yy) | 3.<br>Transaction<br>Code<br>(Instr. 8) |   | 4.<br>Securities Acquired (A) or<br>Disposed of (D)<br>(Instr. 3, 4 and 5) |                           |
|---|---|---|---|--|---------------------------|
|   |   | Code                                    | V | Amount   | or<br>Price<br>(A)<br>(D) |
| Common Stock, Par value \$.01                     |   |   |   |  |                           |
| Series F Cumulative Redeemable<br>Preferred Stock |   |   |   |  |                           |
| Common Stock, Par value \$.01                     |   |   |   |  |                           |

\* If the Form is filed by more than one Reporting Person, see Instruction 4(b)(v).

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

(Print or Type Response)

(Over)

FORM 4 (continued)

Table II -- Derivative Securities Acquired, Disposed of, or Beneficially Owned  
 (e.g., puts, calls, warrants, options, convertible securities)

| 2.<br>Conver-<br>sion<br>or<br>Exer- | 4. | 5.<br>Number of<br>Derivative<br>Securities | 6.<br>Date | 7.<br>Title and Amount<br>of Underlying<br>Securities |
|--------------------------------------|----|---|------------|---|
|--------------------------------------|----|---|------------|---|

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| 1.<br>Title of<br>Derivative<br>Security<br>(Instr. 3) | cise<br>Price<br>of<br>Deriv-<br>ative<br>Secur-<br>ity | 3.<br>Trans-<br>action<br>Date<br>(Month/<br>Day/<br>Year) | Trans-<br>action<br>Code<br>(Instr.<br>8) | Trans-<br>action<br>Code V | Acquired (A)<br>or Disposed<br>of (D)<br>(Instr. 3,<br>4 and 5) | Exercisable and<br>Expiration Date<br>(Month/Day/Year) | Exercisable<br>Date | Expira-<br>tion<br>Date | (Instr. 3 and 4)<br>-----<br>Title | Amount<br>or<br>Number<br>of<br>Shares |
|--|---|--|---|----------------------------|---|--|---------------------|-------------------------|------------------------------------|--|
| Option to Purchase<br>Common Stock                     | \$27.0625   | *  | *   | *                          | *   | *  | *                   | *                       | *                                  | *                                      |
| Option to Purchase<br>Common Stock                     | \$25.6875   | *  | *   | *                          | *   | *  | *                   | *                       | *                                  | *                                      |
| Option to Purchase<br>Common Stock                     | \$28.3125   | *  | *   | *                          | *   | *  | *                   | *                       | *                                  | *                                      |
| Option to Purchase<br>Common Stock                     | \$31.3750   | *  | *   | *                          | *   | *  | *                   | *                       | *                                  | *                                      |
| Option to Purchase<br>Common Stock                     | \$28.34   | *  | *   | *                          | *   | *  | *                   | *                       | *                                  | *                                      |
| Option to Purchase<br>Common Stock                     | \$36.03   | *  | *   | *                          | *   | *  | *                   | *                       | *                                  | *                                      |
| Phantom Stock Units                                    | 1-for-1   | (2)  | A   | V                          | 445(2)  | (3)  | (3)                 | (3)                     | Common<br>Stock                    | 445                                    |
| Units of Limited<br>Partnership                        | (1)   | *  | *   | *                          | *   | *  | *                   | *                       | *                                  | *                                      |

Explanation of Responses:

(1) Units of Limited Partnership interests in Home Properties of New York, LP, a New York Limited Partnership of which the Issuer is the General Partner. The Reporting Person has the right to redeem the Units. The Issuer may elect to acquire the Units to be redeemed for shares of Common Stock, at the rate of one Unit for one share of Common Stock or cash, at the option of the Issuer.

(2) Represents phantom stock units accrued to the Reporting Person's account under the Issuer's Director Deferred Compensation Plan from January 1, 2002 through August 29, 2002 at prices ranging from \$31.60 to \$36.90 per unit, including hypothetical shares accrued pursuant to the dividend reinvestment feature of the plan.

(3) The Reporting Person's Account will be paid in the form of the Issuer's common stock on or about the 3rd, 5th or 10th anniversary of the deferral depending on the election of the Reporting Person.

(4) Please note that the disclosed items were not previously required to be disclosed on a current basis.

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/s/ Burton S. August, Sr. by Ann M. McCormick,  
attorney-in-fact

August 30, 2002

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\*\*Signature of Reporting Person

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Date

\*\* Intentional misstatements or omissions of facts constitute Federal  
Criminal Violations.

See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).

Note: File three copies of this Form, one of which must be manually signed.  
If space provided is insufficient, see Instruction 6 for procedure.

Alternatively, this form is permitted to be submitted to the Commission in  
electronic format at the option of the Reporting Person pursuant to Rule  
101(b)(4) of Regulation S-T.

Page 2