

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

HOME PROPERTIES OF NEW YORK INC

Form 4

November 27, 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\*

|                   |          |          |
|-------------------|----------|----------|
| Smith, Jr.        | Clifford | W.       |
| -----             | -----    | -----    |
| (Last)            | (First)  | (Middle) |
| 12 East Boulevard |          |          |
| -----             |          |          |
|                   | (Street) |          |
| Rochester         | NY       | 14610    |
| -----             | -----    | -----    |
| (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/Day/Year

November 27, 2002

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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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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>(A)<br>or<br>(D) |

Common Stock, Par value \$.01

Common Stock, Par value \$.01

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)

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FORM 4 (continued)

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

| 1.<br>Title of<br>Derivative<br>Security<br>(Instr. 3) | 2.<br>Conver-<br>sion<br>or<br>Exer-<br>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) | 4.<br>Trans-<br>action<br>Code<br>(Instr.<br>8)<br>-----<br>Code V | 5.<br>Number of<br>Derivative<br>Securities<br>Acquired (A)<br>or Disposed<br>of (D)<br>(Instr. 3,<br>4 and 5)<br>-----<br>(A) (D) | 6.<br>Date<br>Exercisable and<br>Expiration Date<br>(Month/Day/Year)<br>-----<br>Date Expiration<br>Exer- tion<br>cisable Date | 7.<br>Title and Amount<br>of Underlying<br>Securities<br>(Instr. 3 and 4)<br>-----<br>Amount<br>or<br>Number<br>of<br>Shares |
|--|---|--|--|--|--|--|
| Option to Purchase<br>Common Stock                     | \$27.0625   | 11/6/02  | M  | 3,500  | 5/5/98 5/5/03  | Common<br>Stock 3,500  |
| Option to Purchase<br>Common Stock                     | \$28.3125   | *  | *  | *  | *  | *  |
| Option to Purchase<br>Common Stock                     | \$31.375  | *  | *  | *  | *  | *  |
| Option to Purchase<br>Common Stock                     | \$28.34   | *  | *  | *  | *  | *  |
| Option to Purchase<br>Common Stock                     | \$36.03   | *  | *  | *  | *  | *  |
| Phantom Stock Units                                    | 1-for-1   | 11/27/02   | A  | 427 (4)  | (5) (5)  | Common<br>Stock 427  |

Explanation of Responses:

\*Previously reported.

(1) These shares are held by Reporting Person's spouse as custodian for children under the Uniform Gifts to Minors Act. The Reporting Person disclaims beneficial ownership of these securities and this report shall not be deemed to be an admission that the Reporting Person is the beneficial owner of such securities for purposes of Section 16 or for any other purposes.

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(2) These shares are held in a trust for the benefit of the Reporting Person's son. The Reporting Person's spouse is the trustee for the trust. The Reporting Person disclaims beneficial ownership of these securities.

(3) Represents beneficial ownership as of 11/6/02.

(4) Represents phantom stock units accrued to the Reporting Person's account pursuant to the Issuer's Director Deferred Compensation Plan at prices ranging from \$30.15 to \$32.29. Represents phantom stock units accrued in lieu of cash in payment of meeting and quarterly stipend fees, the Issuer's contribution to the account pursuant to the Plan and hypothetical shares accrued pursuant to the dividend reinvestment feature of the Plan.

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

/s/ Clifford W. Smith, Jr.  
by Ann M. McCormick attorney-in-fact

November 27, 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.

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