

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

HOME PROPERTIES OF NEW YORK INC

Form 4

April 15, 2003

OMB APPROVAL

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UNITED STATES 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(h) of the Investment Company Act of 1940

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

(Print of Type Responses)

1. Name and Address of Reporting Person*

Gardner David P.

(Last) (First) (Middle)

105 Fiddlers Hollow

(Street)

Penfield NY 14526

(City) (State) (Zip)

2. Issuer Name and Ticker or Trading Symbol

Home Properties of New York, Inc. (HME)

3. I.R.S. Identification Number of Reporting Person, if an entity (voluntary)

4. Statement for Month/Day/Year

April 14, 2003

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

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

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Director 10% Owner
 Officer (give title below) Other (specify below)

Senior Vice President and Chief Financial Officer

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

Form Filed by One Reporting Person
 Form Filed by More than One Reporting Person

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

| 1. Title of Security (Instr. 3) | 2. Trans- action Date (mm/dd/yy) | 2A. Deemed Execution Date, if any (mm/dd/yy) | 3. Transaction Code (Instr. 8) | | 4. Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 and 5) | | |
|---------------------------------------|--|---|---|---|--|------------------|---------|
| | | | Code | V | Amount | (A) or (D) | Price |
| Common Stock, Par value \$.01 | 04/14/03 | | M | | 642 (3) | A | |
| Common Stock, Par value \$.01 | 04/14/03 | | F | | 292 (3) | D | \$31.30 |
| Common Stock, Par value \$.01 | | | | | | | |

FORM 4 (continued)

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

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| 1. Title of Derivative Security (Instr. 3) | 2. Conver- sion or Exer- cise Price of Deriv- ative Secur- ity | 3. Trans- action Date (mm/dd/ yy) | 3A. Deemed Execut- ion Date if any (mm/dd/ yy) | 4. Trans- action Code (Instr. 8) ----- Code V | 5. Number of Derivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 and 5) ----- (A) (D) | | 6. Date Exercisable and Expiration Date (Month/Day/Year) ----- Date Expira- tion Date | | 7. Title and Amount of Underlying Securities (Instr. 3 and 4) ----- Amount or Number of Shares | |
|--|---|--|---|--|--|---------|---|---------|--|-----|
| Units of Limited Partnership (2) | | * | | * | * | * | * | * | * | * |
| Option to Purchase Common Stock \$20.50 | | * | | * | * | * | * | * | * | * |
| Option to Purchase Common Stock \$26.50 | | * | | * | * | * | * | * | * | * |
| Option to Purchase Common Stock \$25.125 | | * | | * | * | * | * | * | * | * |
| Option to Purchase Common Stock \$27.125 | | * | | * | * | * | * | * | * | * |
| Option to Purchase Common Stock \$31.375 | | * | | * | * | * | * | * | * | * |
| Option to Purchase Common Stock \$30.15 | | * | | * | * | * | * | * | * | * |
| Option to Purchase Common Stock \$34.65 | | * | | * | * | * | * | * | * | * |
| Phantom Stock Unit | 1-for-1 | 04/14/03 | | M | | 642 (3) | 4/14/03 | 4/14/03 | Common Stock | 642 |

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Explanation of Responses:

* Previously Reported.

(1) Jointly with spouse.

(2) Units of Limited Partnership interests in Home Properties of New York, L.P. a New York limited partnership of which the Issuer is the general partner. The Reporting Person has the right to redeem 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.

(3) Represents the issuance of shares of common stock at the end of the deferral period selected by the Reporting Person pursuant to the Issuer's Deferred Bonus Plan. Of the shares issued, 292 were withheld to pay the Reporting Person's tax liability.

/s/ David P. Gardner

April 15, 2003

**Signature of Reporting Person

Date

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

* If the form is filed by more than one reporting person, see Instruction 4(b)(v).

** 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 is insufficient, see Instruction 6 for procedure.

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