

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

HOME PROPERTIES OF NEW YORK INC  
Form 4  
March 03, 2003

-----  
OMB APPROVAL  
-----

OMB Number: 3235-0287  
Expires: January 31, 2005  
Estimated average burden  
hours per response.....0.5  
-----

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\*

Small . Albert H.  
-----  
(Last) (First) (Middle)

7116 Glenbrook Road  
-----

(Street)

Bethesda MD 20814  
-----  
(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

February 27, 2003  
-----

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

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

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

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

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

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>Trans-<br>action<br>Date<br>(mm/dd/yy) | 2A.<br>Deemed<br>Execution<br>Date, if<br>any<br>(mm/dd/yy) | 3.<br>Transaction<br>Code<br>(Instr. 8)<br>-----<br>Code V | 4.<br>Securities Acquired (A) or<br>Disposed of (D)<br>(Instr. 3, 4 and 5)<br>-----<br>Amount (A)<br>or (D)<br>Price |
|---------------------------------------|--|---|--|--|
| -----                                 | -----  | -----   | -----  | -----  |
| -----                                 | -----  | -----   | -----  | -----  |
| -----                                 | -----  | -----   | -----  | -----  |
| -----                                 | -----  | -----   | -----  | -----  |

FORM 4 (continued)

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

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

| 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>(mm/dd/<br>yy) | 3A.<br>Deemed<br>Execut-<br>ion<br>Date if<br>any<br>(mm/dd/<br>yy) | 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 Expira-<br>tion<br>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<br>Purchase<br>Common Stock                  | \$28.3125   | *  |   | *  | *  | *   | *   | *   | *  | *   |
| Option to<br>Purchase<br>Common Stock                  | \$31.3750   | *  |   | *  | *  | *   | *   | *   | *  | *   |
| Option to<br>Purchase<br>Common Stock                  | \$28.34   | *  |   | *  | *  | *   | *   | *   | *  | *   |
| Option to<br>Purchase<br>Common Stock                  | \$36.03   | *  |   | *  | *  | *   | *   | *   | *  | *   |
| Units of Limited<br>Partnership                        | (1)   | *  |   | *  | *  | *   | *   | *   | *  | *   |
| Units of Limited<br>Partnership                        | (1)   | *  |   | *  | *  | *   | *   | *   | *  | *   |
| Units of Limited<br>Partnership                        | (1)   | *  |   | *  | *  | *   | *   | *   | *  | *   |
| Phantom Stock<br>Units                                 | 1-for-1   | 02/27/03   |   | A  | 688  | (4) | (5)   | (5) | Common<br>Stock  | 688 |

Explanation of Responses:

\* Previously Reported.

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

(1) 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 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 Reporting Person's proportionate interest in the holdings of the entity.

(3) The Reporting Person disclaims beneficial ownership of these securities and this report shall not be deemed an admission that the Reporting Person is the beneficial owner of such securities for purposes of Section 16 or for any other purpose.

(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 \$30.75 to \$31.30 per share. Represents phantom stock units accrued in lieu of cash and restricted stock granted in payment of meeting and 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/ Albert H. Small,  
By Ann M. McCormick attorney-in-fact  
-----  
\*\*Signature of Reporting Person  
March 3, 2003  
-----  
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.