

Edgar Filing: HOME PROPERTIES OF NEW YORK INC - Form 8-K

HOME PROPERTIES OF NEW YORK INC
Form 8-K
March 22, 2002

SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

FORM 8-K
Current Report Pursuant to Section 13 or 15(d) of
The Securities Act of 1934

Date of Report (Date of earliest event reported):
March 18, 2002

HOME PROPERTIES OF NEW YORK, INC.

(Exact name of registrant as specified in its charter)

| | | |
|---|-----------------------------|--------------------------------------|
| Delaware | 1-13136 | 16-1455126 |
| ----- | ----- | ----- |
| (State or other jurisdiction of incorporation | (Commission File Number) | (IRS Employer Identification No.) |

850 Clinton Square, Rochester, New York 14604

(Address of principal executive offices) (Zip Code)

Registrant's telephone number, including area code: (585) 546-4900

Not Applicable

(Former name or former address, if changed since last report.)

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ITEM 5. OTHER EVENTS

On March 18, 2002, Home Properties of New York, Inc. ("Home Properties" or "Registrant") entered into an underwriting agreement with Bear, Stearns & Co. Inc; A.G. Edwards & Sons, Inc.; BB&T Capital Markets; McDonald Investments Inc.; Stiffel, Nicolaus & Company, Incorporated; U.S. Bancorp Piper Jaffray; and First Union Securities, Inc. (the "Underwriters") pursuant to which the Underwriter will purchase 2,087,000 shares of the Series F Cumulative Redeemable Preferred Stock, par value \$.01, of Home Properties (the "Series F Preferred Stock") at a price per share of \$25.00. The Underwriters have informed Home Properties that they intend to exercise their option to acquire an additional 313,000 shares, resulting in aggregate proceeds to Home Properties of \$58,110,000 before expenses payable by Home Properties which are estimated to be \$120,000.

On March 20, 2002, Home Properties filed with the Securities and Exchange Commission a Prospectus Supplement, dated March 18, 1998, with respect to the transaction described above, supplementing the Home Properties Prospectus, dated May 26, 1998, which forms a portion of Home Properties Registration Statement on Form S-3 (No. 333-52601) covering the Common Stock. This Report on Form 8-K contains the Underwriting Agreement with the Underwriters which is also an exhibit to such Registration Statement.

ITEM 7. FINANCIAL STATEMENTS AND EXHIBITS

- a. Financial Statements of Businesses Acquired.

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- bb. None
Pro Forma Financial Information.
- c. None.
Exhibits

99 Additional Exhibits

- Exhibit 1 Underwriting Agreement, dated March 18, 2002, between Home Properties of New York, Inc., Home Properties of New York, L.P. and Bear Stearns & Co. Inc.; A.G. Edwards & Sons, Inc.; BB&T Capital Markets; McDonald Investments Inc.; Stifel, Nicolaus & Company, Incorporated; U.S. Bancorp Piper Jaffray; and First Union Securities, Inc.
- Exhibit 5 Opinion of Nixon Peabody LLP as to the legality of the Series F Preferred Stock to be issued

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SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the Registrant has duly caused this report to be signed on its behalf by the undersigned thereunto duly authorized.

Dated: March 20, 2002

Home Properties of New York, Inc.

By: /s/ Ann M. McCormick

Ann M. McCormick
Senior Vice President