

**AFFIDAVIT PURSUANT TO SECTION 255 OF THE TAX LAW
CONSOLIDATION, EXTENSION AND/OR MODIFICATION AGREEMENT
TO BE SIGNED BY MORTGAGEE OR ATTORNEY FOR MORTGAGEE**

State of New York)
County of _____) ss.: _____

Title No.: _____

_____, being duly sworn, does hereby depose and state as follows:

1. I am the ___ mortgagee or ___ attorney for the mortgagee in a transaction with _____ [name of mortgagee] for the property located at _____ and I am familiar with the facts and circumstances set forth herein.

2. That on _____ [date of first mortgage] a mortgage in the amount of \$_____ was made and delivered by _____ [name of borrower/mortgagor] as Mortgagor, to _____ [name of lender] as Mortgagee, which said mortgage was thereafter recorded and/or filed in the Clerk's/Register's Office of the County of _____ in Liber/Reel/CRFN _____ Page _____ and mortgage tax in the amount of \$_____ was duly paid. [Strike if not applicable]. See Exhibit "A" attached hereto for mortgage chain.

4. That presented herewith is a new mortgage and consolidation, extension and modification agreement dated _____ and made between _____ [name of borrower/mortgagor], as Mortgagor(s) and _____ [name of lender], as Mortgagee, in the sum of \$_____, which represents the only new money involved in this transaction. Mortgage tax of \$_____ is being paid and a new lien in the principal amount of \$_____ is being created.

5. That such agreement does not create or secure any new or further indebtedness or obligation other than the principal being advanced herewith.

WHEREOF, the undersigned respectfully requests that such agreement be declared exempt from taxation pursuant to the provisions of Section 255, Article II of the Tax Law.

Sworn to before me this _____ day of _____, 20____

Notary Public