

AFFIDAVIT CLAIMING EXEMPTION FROM MORTGAGE TAX AGGREGATION WHEN MORTGAGOR/BORROWER IS AN INDIVIDUAL

STATE OF NEW YORK)
COUNTY OF) ss:

_____, being duly sworn, deposes and states that:

1. I am a/the mortgagor/borrower of the mortgage dated _____ (“New Mortgage”) in the principal amount of \$ _____ made to _____ [insert name of mortgagee/lender of new mortgage] on property with the address _____ (“the property”) identified on the tax map of the City of New York as _____ County, Block _____ Lot _____. Said mortgage is being submitted for recording in the Office of the City Register, City of New York in _____ County.
2. Within the last twelve (12) months there was recorded against the property a mortgage dated _____ (“Prior Mortgage”) in the principal amount of \$ _____ made by the mortgagor/borrower of the New Mortgage or a “related” mortgagor/borrower, as defined in Tax Law 253-a(2)(b) (see below definition) to _____ [insert name of mortgagee/lender of Prior Mortgage], which mortgage as recorded on _____ in CRFN _____. (See attached mortgage chain for additional/consolidated prior mortgages)
3. The Prior Mortgage has/have been paid and satisfied and a Satisfaction of the Prior Mortgage(s) has/have been requested for recording in the Office of the Register in _____ County and is/are therefore not part of the same or related transaction.
4. Affiant therefore respectfully requests that the New Mortgage and Prior Mortgage(s) not be subject to aggregation for purposes of determining the applicable rate of mortgage recording tax.

Sworn to before me this _____ day of _____, 2_____

Notary Public

“Related” Mortgagors as defined by Tax Law 253-a(2)(b)

The term related, when used with reference to mortgagor, shall include but not be limited to:

- (i) members of a family, including spouses, ancestors, lineal descendants, and brothers and sisters (whether by whole or half blood);
- (ii) a shareholder and a corporation where more than 50% of the value of the outstanding stock of such corporation is owned or controlled directly or indirectly by such shareholder;
- (iii) a partner and a partnership where more than 50% of the capital or profits in such partnership is owned or controlled directly or indirectly by such partner;
- (iv) a beneficiary and a trust where more than 50% of the beneficial interest in such trust is owned or controlled directly or indirectly by such beneficiary;
- (v) two or more corporations, partnerships, associations or trusts, or any combination thereof, which are owned or controlled, either directly or indirectly by the same person, corporation or other entity or interests; and
- (vi) a grantor of a trust and the trust.