

# AFFIDAVIT IN CONNECTION WITH REAL PROPERTY LAW 265-A HOME EQUITY THEFT PREVENTION ACT

(Seller's Affidavit-Seller NOT in Foreclosure or Default)

State of New York            )  
County of \_\_\_\_\_    )    ss.:

Title No.: \_\_\_\_\_  
Exception No.: \_\_\_\_\_  
Dated: \_\_\_\_\_  
Premises: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_, being duly sworn does depose and say:

1. I/we reside at \_\_\_\_\_.
2. I am/we are the owner(s) of the Real Property known as \_\_\_\_\_  
\_\_\_\_\_ ( the "Real Property")  
and I am/we are about to sell the Real Property to \_\_\_\_\_  
\_\_\_\_\_.

3. That for purposes of compliance with 265-A of the Real Property Law (the Home Equity Theft Prevention Act), deponent(s) states of his and/or her actual knowledge that:

- a. I am/we are not in default of any mortgage affecting the Real Property by reason of there being payments due and unpaid on any mortgage for two months or more;
- b. There are no actions pending against the Real Property to foreclose a mortgage;
- c. The Real Property is not shown on an active property tax lien sale list and all real estate taxes are paid through the next lien date.

I/we give this affidavit knowing that Eagle Abstract Corp. and its underwriter Westcor Land Title Insurance Company will rely upon the truth of the statements made above in issuing its policy of title insurance.

\_\_\_\_\_  
\_\_\_\_\_

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public

