

# AFFIDAVIT AS TO UNSATISFIED MORTGAGES

State of New York  
County of \_\_\_\_\_

Title No. \_\_\_\_\_

The undersigned being duly sworn, do hereby swear, depose and state as follows:

1. I/We have been informed that the title to the property insured under the Title Number referenced above is encumbered by the following open mortgage(s): (see attached)  
\_\_\_\_\_.
2. On or about \_\_\_\_\_, I/we paid off the mortgage(s) in full. However, the lender(s) did not satisfy the mortgage(s) of record.
3. After making a diligent search, I/we have been unable to locate the original satisfaction of mortgage(s).
4. Since the date of payment, no demand has ever been made upon me/us for any further payment under or pursuant to the mortgage(s) nor have I/we ever been served with any notice, subpoena, summons or compliant regarding the foreclosure of the mortgage(s). Since the date of payment, I/we have not acknowledged nor ratified the debt of the mortgage(s).
5. I/We acknowledge that based upon and in reliance upon the foregoing statements Eagle Abstract Corp. and its respective underwriter (hereinafter called the "Title Companies") will omit the mortgage(s) as an exception to title under the mortgage policy issued pursuant to the Title Number referenced above. I/We affirm that the title companies are entitled and justified to rely upon my/our statements.
6. I/We further acknowledge that the title companies will omit the mortgage(s) as exceptions to title "for mortgage purposes only". I/We understand that the title companies are omitting the mortgage(s) for my/our sole and personal benefit, that I/we have accrued no further rights thereunder and the title companies have no liability to me/us for so doing.
7. I/We will continue to use my/our best efforts to locate the satisfaction(s) of the mortgage(s) and have the satisfaction(s) recorded so that the mortgage(s) can be discharged or record. However, if I/we fail to locate such satisfaction(s) I/we acknowledge and agree, for myself/ourselves, or heirs, successors and assigns, that the title companies shall be under absolutely no obligation to provide clearance or indemnification in the future to any subsequent or later title insurer regarding the payment and release of record of such mortgage(s), and that I/we will make no demand upon the title companies for such clearance or indemnification.

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

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_

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