

# AFFIDAVIT REGARDING SPECIAL POWER OF APPOINTMENT

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

Title No.: \_\_\_\_\_  
Exception No.: \_\_\_\_\_

Premises: \_\_\_\_\_

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

1. That I am/we are the owners/sellers of the above-mentioned premises.
2. That by deed dated \_\_\_\_\_ recorded \_\_\_\_\_ in the \_\_\_\_\_ County Clerk's Office in Liber \_\_\_\_\_ page \_\_\_\_\_ (insert name(s) of person(s) reserving the Special Power of Appointment), hereinafter referred to as "Grantor(s)", reserved for him/herself a **Special Power of Appointment**.
3. That I am/we are the \_\_\_\_\_ (state relationship) of the Grantor(s)/person(s) having reserved the above mentioned Special Power of Appointment.
4. That at no time did the Grantor(s) exercise or attempt to exercise said Special Power of Appointment. No deed or any other document was ever executed in order to exercise said Special Power of Appointment nor was any such deed or other document ever presented for recording.
5. (a) That the Special Power of Appointment referred to herein is hereby terminated and no other person and/or entity has any interest as a remainderman.  
(b) That simultaneously herewith a deed transferring the fee title ownership is to the above premises is being executed, and said deed contains the following recital:  
**"The Special Power of Appointment reserved by \_\_\_\_\_ in deed dated \_\_\_\_\_ recorded \_\_\_\_\_ in the \_\_\_\_\_ County Clerk's Office in Liber \_\_\_\_\_ page \_\_\_\_\_, has never been exercised and is hereby terminated."**
6. (Strike if Not Applicable):
  - (a) That the Grantor of the Special Power of Appointment died on \_\_\_\_\_ and upon his/her death said Special Power of Appointment was automatically terminated.
  - (b) That at no time prior to his/her death did he/she exercise said Special Power of Appointment.
  - (c) Said Grantor never executed a deed or any other document in order to exercise said Special Power of Appointment, nor was any such deed and/or document presented for recording.
  - (d) That your deponent(s) herein represent all of the possible remaindermen referred to in said Special Power of Appointment.
7. That I/we make this affidavit to induce Eagle Abstract Corp., and its underwriter to insure title to the above premise knowing that they are relying upon the truth of the statements made herein.

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

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

\_\_\_\_\_