

Affidavit Under Section 255 of the Tax Law

7. That as further additional security for the payment of the debt secured by the Underlying Mortgage, Owner has executed and delivered to Assignee Bank an Assignment of Lessor’s Interest in Lease (the “Assignment of Leases”), which Assignment of Leases is also being submitted for recording. The Assignment of Leases is made for the purpose of further securing the debt secured by the Underlying Mortgage and does not create or secure a new or further indebtedness or obligation.

8. The refinancing of the Prior Mortgage, (provided for by the terms of the Wrap Mortgage), and the increase by \$ _____ in the amount secured by the Underlying Mortgage does not evidence or create a new or further indebtedness or obligation, but rather reduces the equity of _____, the holder of the Wrap Mortgage, which remains fully liable for the payment of the debt service under the Underlying Mortgage. The increase in the amount secured by the Underlying Mortgage does not exceed the amount of principal indebtedness secured by the Wrap Mortgage in excess of the amount secured by the Prior Mortgage.

9. There have been no re-loans or re-advances under the Wrap Mortgage.

WHEREFORE, Deponent respectfully requests that the New Mortgage, Consolidation and Extension, and the Assignment of Lease be accepted for recording and declared exempt from the payment of mortgage recording taxes pursuant to Section 255 of the Tax Law of the State of New York.

Sworn to before me

this _____ day of _____, 20____
