

Affidavit for Deed In Lieu of Foreclosure

TITLE CO _____)
 TITLE NO _____)
 DATE _____)
 STATE OF _____) SS
 COUNTY OF _____)

, being duly sworn, depose(s) and say(s):

1. I am over twenty-one years of age and reside at: _____

2. I am the ((if owner is a corporation, fill in office held by deponent and name of corporation) owner in fee of _____) (the "Premises")

3. The said premises have been in _____ possession since the date of conveyance to _____ , and that such ownership and possession has been uninterrupted and continuous, open, notorious, hostile and adverse to all others and exclusive of the right or claim of any other person or persons and _____ title has never been disputed or questioned. No person has a contract for the purchasing of said premises and I know of no facts by reason of which said possession or title may be called in question or by reason of which any claim to any part of said premises or any interest therein adverse to _____ might be set up. That no conditional bills of sale or chattel mortgages have been filed against said premises or against any personal property or fixtures attached to or used in connection with said premises.

4. That I am married to _____ who is over the age of twenty-one years and who is the same person who joined with me in the execution of the deed of said premises and that I have never been married to any other person now living. That I have never changed my name.

5. There are no judgments against _____ unpaid or unsatisfied of record, entered in any court of this State or of the United States, and said premises are free from all leases, taxes, liens, encumbrances or charges of every nature and description, save and except _____

6. The premises are occupied as follows: _____
 No proceedings in bankruptcy have ever been instituted by or against _____ in any court or before any officer of any State or of the United States, nor _____ at any time made an assignment for the benefit of creditors.

7. That there are no suits or proceedings pending anywhere affecting said premises and no claims or pending claims for accidents or other legal claims with respect to said premises.

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8. That _____ not executed as to any other property, any bonds secured by mortgage, any extension agreements in or by which _____ assumed the payment of any mortgage debt, and _____ not liable on any notes, endorsements, guarantees or other contingent indebtedness.

9. That said premises are to be conveyed by _____ to the holder of the first mortgage covering said premises and that by such conveyance it will not be rendered insolvent.

10. The consideration to be paid for said conveyance is the sum of _____ Dollars and the assumption by the grantee of all liens and charges against said premises, the reason for such conveyance being in my opinion that the encumbrances on said premises plus the accrued taxes and interest exceed the value of the property, and that the income therefrom is insufficient to meet the expense of carrying the same.

11. That the said conveyance by _____ is not given as a preference against any other creditors and is an absolute conveyance and is not given as collateral security; that there is no agreement, either written or oral, between _____ and the grantee, whereby it may be understood or agreed that said premises are to be within any specified time or on or before any specified date, or at any time re-conveyed by the said grantee to the grantor.

12. This affidavit is made to induce _____ to accept a deed to said premises and to induce _____ to insure the title thereto, knowing that said grantee and said will rely upon the truth of the foregoing statements.

Sworn to before me
this _____ day of _____, 20_____
