



Affidavit as to Ancient Mortgage

STATE OF _____)

SS:

Title No. _____

COUNTY OF _____)

and _____

hereby swear and affirm as follows:

1. We are the fee owners of _____, _____ New York (hereinafter referred to as the "Property") and have been in possession of such property since _____.

2. We have been informed that the title to the Property is encumbered by an open mortgage in the original principal amount of \$ _____ from _____ to _____ dated _____ and recorded in the _____ County Clerk's Office on _____, in Liber _____ at Page _____ (hereinafter referred to as the "Mortgage").

3. No demand has ever been made upon us for any payment under the Mortgage nor have we ever been served with any notice, subpoena or complaint regarding a foreclosure of the Mortgage. The underlying obligation for which the Mortgage was given has been paid in full.

4. Our possession of the Property has been undisturbed and in particular, we have not been contacted by the holder of the Mortgage. We are not related by blood or marriage to the mortgagor(s) of the above mentioned mortgage.

5. We give this Affidavit to induce _____ [Agent's Name], _____ [Underwriter's Name], and their successors and assigns, to issue their title policy under title no. _____ with full knowledge that such insurers are relying upon the truth of the statements made herein. We further agree to indemnify and hold such insurers harmless from any loss, cost (including, but not limited to legal fees and expenses) or damages which they may incur because of the representations made herein and the omission of the Mortgage from the above mentioned title policy.

Dated: _____

Sworn to before me

this _____ day of _____, 20____
