

STATE OF NEW YORK)
COUNTY OF)

**RPL 265-A AFFIDAVIT
(1 to 4 Family Dwelling)**

The undersigned "Buyer", being first duly sworn, severally depose(s) and say(s):

1. I am acquiring from _____ (hereinafter, the "Seller") real estate located at _____, New York and more particularly described in my deed from Seller (hereinafter, the "Premises").
2. There is no individual occupying a dwelling unit on the Premises, other than Buyer, who has a right to acquire an interest in the Premises.
3. At least one of the following checked statements applies (only one box need be checked):
 - a. The Seller is not a natural person; OR
 - b. I am acquiring title to the Premises as follows:
 - i. To use the Premises as my primary residence and I will occupy the Premises as such;
 - ii. By a deed from a referee in an RPAPL Article 13 mortgage foreclosure;
 - iii. At a sale of the Premises authorized by statute;
 - iv. By an Order or Judgment of any Court;
 - v. As the spouse, or as a parent, grandparent, child, grandchild or sibling of the Seller or of the Seller's spouse; or
 - vi. As a not-for-profit housing organization or as a public housing agency; OR
 - c. Seller did not occupy a dwelling unit on the Premises immediately prior to sale and Seller is not occupying a dwelling unit on the Premises after closing; OR
 - d. There is no active lis pendens filed against the Premises to foreclose a mortgage pursuant to Article 13 of the Real Property Actions and Proceedings Law, the Premises is not on an active property tax lien sale list and the Seller is not 2 months or more behind in Seller's mortgage payments, if any, as disclosed by applicable payoff statement(s); OR
 - e. There is no active lis pendens filed against the Premises to foreclose a mortgage pursuant to Article 13 of the Real Property Actions and Proceedings Law, the Premises is not on an active property tax lien sale list and I am not conveying, nor have I promised to convey, an interest in the Premises back to Seller.
4. This affidavit is made to induce the mortgaging and/or title insuring of the Premises, knowing it will be relied upon.

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



**First American
Title Insurance Company
of New York**