

First American Title Insurance Company of New York
AFFIDAVIT FOR RPAPL SECTION 265-A

CONVEYANCES OF ONE-TO-FOUR FAMILY DWELLINGS
BY NATURAL PERSONS

STATE OF NEW YORK

TITLE NO.:

COUNTY OF _____

ss:

Date:

_____ ("Seller(s)") and _____
 _____ ("Purchaser(s)") each being duly sworn deposes and says:

1. Seller(s) affirm that he/she/they [have been] [have not been] residing at _____
 _____ [enter address of property being conveyed] ("Premises").
2. Seller(s) affirms that he/she/they [will] [will not] reside in the Premises after his/her/their transfer of title to the Purchaser(s).
3. Purchaser(s) affirms that the Premises [will] [will not] be his/her/their primary residence after his/her/their acquisition of the Premises.
4. Seller(s) and Purchaser(s) affirm that a/the Seller [is] [is not] the spouse of a/the Purchaser, or a/the Purchaser's parent, grandparent, child, grandchild or the sibling of such a person or such person's spouse.
 Detail: _____
5. Seller(s) and Purchaser(s) affirm that the Seller(s) [have] [do not have] a right to acquire an interest in the Premises after closing.
6. Seller(s) affirms that a person other than the Purchaser(s) [has] [does not have] a right to acquire an interest in the Premises.

That we make this affidavit to induce the First American Title Insurance Company of New York to insure title to the Premises without exception for the consequences of the Home Equity Theft Prevention Act as set forth in New York State's Real Property Actions and Proceedings Law Section 265-A, knowing that it will rely on the truth of the statements herein made.

Sworn to before me this _____ day _____
 of _____, 200____.

 Notary Public



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 of New York**

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NOTES FOR CLOSERS

A. This affidavit is NOT required when

1. The contract of sale was executed prior to February 1, 2007 and was not amended on or after that date;
2. The Transferor is not a natural person; or
3. Title is being transferred to any of the following:
 - (i). The grantee of a deed from a referee in a mortgage foreclosure under RPAPL Article 13;
 - (ii) The grantee of a deed in a sale authorized by a statute;
 - (iii). The grantee of a deed being executed pursuant to a court order or judgment; or
 - (iv). A not-for-profit housing corporation or a public housing agency.

B. Counsel for the Company need not be contacted and the closing may proceed if:

1. The response in line numbered 1 is negative;
2. The response in line numbered 3 is affirmative; or
3. The response in line numbered 4 is affirmative.

C. Contact Counsel for the Company for further instructions if:

1. The responses to lines numbered 1 and 2 of the affidavit are positive and the response to line numbered 4 is negative;
2. The response to line numbered 5 is affirmative;
- 3, The response to line numbered 6 is affirmative; or
4. The Contract of Sale includes a "Notice Required by New York Law" informing the Seller(s) of a right to cancel the Contract and a form "Notice of Cancellation".

Rev. 1/26/07



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