



TITLE CLOSER

AFFIDAVIT

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AFFIDAVIT OF TITLE (INDIVIDUAL)

PLEASE FILL IN ALL THE BLANKS OR N/A IF NOT APPLICABLE

STATE OF NEW YORK)
) ss.
County of _____)

TITLE NO.: _____

_____ being duly sworn, says:

1. I reside at: _____.
2. I am the owner in fee simple of premises: _____ and the grantee described in a certain deed of said premises recorded in the Register's Office of _____ County in Liber: _____ and Page: _____, CRFN: _____ or Index No.: _____.
3. Said premises has been in my possession since (Date of Acquired) _____; that my possession thereof has been peaceable and undisturbed and the title thereto has never been disputed, questioned, or rejected nor insurance thereof refused, so as far as I know. I know of no facts by reason of which said possession or title might be called in question, or by reason of which any claim to any part of said premises or any interest therein adverse to me might be set up.
4. There are no Judgments including Environmental Control Board and Parking Violations Bureau Judgments or Local, State or Federal Tax Liens against it unsatisfied of record in the Courts of this and any State in the United States and the Judgments set forth in the annexed title report, if any, are not against me but a person of similar name and I have never resided, registered a vehicle or conducted business at the premises indicated against the judgment debtor. As far as I know, said premises are free from all leases, mortgages, taxes, assessments, water charges, sewer rents and other liens and encumbrances, except:

5. Said premises are now occupied by _____
6. That no proceedings in bankruptcy have ever been instituted by or against me in any court or before any officer of any state, or the United States, nor have I at any time made an assignment for the benefit of creditors, nor an assignment, now in effect of the rents of said premises or any part thereof.
7. I am a citizen of the United States, and am more than 18 years old. I am by occupation _____, I am married to _____ who is over the age of 18 years and is competent to convey or mortgage real estate. I was married to her on (date) _____. or I have never been married to any other person now living.
8. I have not been known by any other name during the past ten years other than _____.
9. There are no actions pending affecting the said premises which have not been completed more than four months prior to the date hereof; nor have any obligations been incurred which have or will become liens on the above premises.
10. There are no facts known to me relating to the title to said premises, which have not been set forth in this affidavit.
11. This affidavit made to induce (Grantee or Mortgagee) _____ to accept a (Mortgage, Deed, Assignment ...etc.) _____ on said premises and to induce _____ ("Title Company") and _____ ("Title Agency") to issue its policy of title insurance covering said premises knowing that they will rely on the statements herein made.

Subscribed and Sworn before me on the _____ day of _____ in the year 20____.

Notary Public

AFFIDAVIT OF TITLE (CORPORATE)

STATE OF NEW YORK)
) ss.
County of _____)

TITLE NO.: _____

_____ being duly sworn, says:

1. I reside at: _____.
2. I am the (Corporate Title) _____, having the full authority to sign on behalf of, (Corporation) _____, owner in fee simple of premises: _____ and the grantee described in a certain deed of said premises recorded in the Register's Office of _____ County in Liber: _____ and Page: _____, CRFN: _____ or Index No.: _____.
3. Said premises has been in its possession since (Date of Acquired) _____; that its possession thereof has been peaceable and undisturbed and the title thereto has never been disputed, questioned, or rejected nor insurance thereof refused, so as far as I know. I know of no facts by reason of which said possession or title might be called in question, or by reason of which any claim to any part of said premises or any interest therein adverse to it might be set up.
4. There are no Judgments including Environmental Control Board and Parking Violations Bureau Judgments or Local, State or Federal Tax Liens against it unsatisfied of record in the Courts of this and any State in the United States and the Judgments set forth in the annexed title report, if any, are not against it. As far as I know, said premises are free from all leases, mortgages, taxes, assessments, water charges, sewer rents and other liens and encumbrances, except:

5. Said premises are now occupied by _____
6. That no proceedings in bankruptcy have ever been instituted by or against it in any court or before any officer of any state, or the United States, nor has it at any time made an assignment for the benefit of creditors, nor an assignment, now in effect of the rents of said premises or any part thereof.
7. The charter of said corporation is in full force and effect and no proceeding is pending for its dissolution or annulment. That all license and franchise taxes due and payable by said corporation have been paid in full.
8. There are no actions pending affecting the said premises which have not been completed more than four months prior to the date hereof; nor have any obligations been incurred which have or will become liens on the above premises. To the best of our knowledge" that no sidewalk improvements/assessments have been made.
9. There are no facts known to me relating to the title to said premises, which have not been set forth in this affidavit.
10. This affidavit made to induce (Grantee or Mortgagee) _____ to accept a (Mortgage, Deed, Assignment ...etc.) _____ on said premises and to induce Chicago Title Insurance Company and TitleSave Agency, Inc. to issue its policy of title insurance covering said premises knowing that they will rely on the statements herein made.

Subscribed and Sworn before me on the _____ day of _____ in the year _____.

Notary Public

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT-THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

Title No.

We, the undersigned, being all of the shareholders of
do hereby consent to purchase/mortgage/sale/lease by the corporation of the premises known as
on such terms as the board of directors of the corporation may determine.

Dated:

SHAREHOLDERS

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE

State of New York, County of ss:

On the day of in the year before me, the undersigned, personally appeared personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

STATE OF NEW YORK

COUNTY OF

I,

being duly sworn say:

I reside at

and am the secretary of

The persons who have executed the foregoing consent to the purchase/mortgage/sale/lease of real property owned or to be by said corporation are the holders of all the outstanding shares of stock of said corporation. That such purchase/mortgage/sale/lease has been duly authorized by the board of directors of the corporation.

This affidavit is made to induce

to accept purchase/mortgagesale/lease of the above mentioned premises and any title insurance company to insure the title thereto.

Sworn to before me this day of

Notary Public

Note: See Sections 909 and 615 of the Business Corporation Law. The deed or lease should contain the following recital: "This conveyance has been made with the unanimous consent in writing of all the shareholders of the party of the first part." See also subdivision (e) of Section 715 of said law which provides that the office of president and secretary may not be held by the same person.

Use this form for unanimous consent of shareholders in writing. If consent was given at a meeting, use the form on the reverse side.

Title No.

STATE OF NEW YORK)
COUNTY OF) ss.:

I,
being duly sworn say:

I reside at

I am the secretary of

(Use either A or B below by deleting that portion which does not apply)

A) (To be used for corporations in existence on February 22, 1998 in which the certificate of incorporation provides for a majority of the votes of all outstanding shares entitled to vote thereon, or for corporations incorporated after February 22, 1998.)

The certificate of incorporation does not require, and it has not been amended to require, the consent of more than a majority of the shareholders nor the consent of more than a majority of a quorum of directors of said corporation to any purchase/mortgage/sale/lease by the corporation of all or any part of its real property.

At a meeting held on _____, _____, of the shareholders of said corporation duly called for the purpose of authorizing the purchase/mortgage of real property to be owned by the corporation, of which due notice was given, more than a majority of the total number of shareholders by vote, adopted the following resolution:

B) (To be used for corporations in existence on February 22, 1998 other than those referred to in A above.)

The certificate of incorporation does not require, and it has not been amended to require, the consent of more than two-thirds of the shareholders nor the consent of more than a majority of a quorum of directors of said corporation to any purchase/mortgage/sale/lease by the corporation of all or any real property.

At a meeting held on _____, _____, of the shareholders of said corporation duly called for the purpose of authorizing the purchase/mortgage/sale/lease of real property owned or to be by the corporation of which due notice was given more than two-thirds of the total number of shareholders by vote, adopted the following resolution:

RESOLVED, That the corporation purchase/mortgage/sale/lease the real property at _____ on such terms as the board of directors of _____ the corporation may determine.

The board of directors of the corporation has duly authorized said purchase/mortgage/sale/lease.

This affidavit is made to induce

to accept a deed/lease to the above mentioned premises and any title insurance company to insure the title thereto.

Sworn to before me this
day of _____,

Notary Public

NOTE: See Section 9-09 of the Business Corporation Law. The deed or lease should contain the following recital: "This (conveyance)(lease) has been made with the consent of at least (two-thirds)(a majority) of the outstanding shares of the party of the first part entitled to vote thereon obtained at a meeting duly called."

Use this form where consent of shareholders was obtained at a meeting. If unanimous consent in writing was obtained, use the form on the reverse side.

DISTRIBUTED BY

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

The undersigned, the secretary of _____, a New York corporation,

DOES HEREBY CERTIFY:

1. At a meeting of the board of directors of the above mentioned corporation, duly called and held this day at which a quorum was present and acted throughout, the board of directors unanimously adopted the following resolution, which has not been modified or rescinded:

RESOLVED, that the corporation execute and deliver to _____ or to any other person or corporation a deed or mortgage covering the property owned or to be by said corporation located at _____ such mortgage and/or deed to be for the sum of _____ to secure payment of a note and purchase price of the corporation, bearing even date therewith, conditioned for the payment of said sum, with interest thereon.

that said note and mortgage be in such form and contain such interest rate or rates, time of payment, including installment payments, and such other terms, provisions, conditions, stipulations and agreements as the officer of the corporation executing the same may deem proper and advisable; and that the president or vice president or any other officer of the corporation be and each of them hereby is authorized to execute and deliver such note and mortgage and such other instruments as such officer may deem proper and advisable and to affix the seal of the corporation thereto.

2. Neither the certificate of incorporation nor the by-laws contain any special requirement as to the number of directors required to pass such resolution.

3. The certificate of incorporation of the corporation does not require any vote or consent of shareholders to authorize the making of such mortgage or conveyance. This certificate is made and delivered in order to induce the lender referred to in the foregoing resolution to make the loan and accept the mortgage referred to therein and to induce any title insurance company to issue a policy of title insurance insuring to such lender the validity and priority of such mortgage.

IN WITNESS WHEREOF, the undersigned has hereto affixed _____ hand and the seal of the above mentioned corporation this _____ day of _____ in the year _____.

(Corporate Seal)

STATE OF NEW YORK

ss.:

COUNTY OF _____

On the _____ day of _____, _____ before me came _____ to me known and known to me to be the individual described in and who executed the foregoing certificate and acknowledged to me that he executed the same.

Notary Public

Note: The mortgage and deed should contain the following recital: "The execution of this mortgage has been duly authorized by the board of directors of the mortgagor." See Section 911 of the Business Corporation Law. Subdivision (e) of Section 715 of said law provides that the offices of president and secretary may not be held by the same person.

Title No.

Certificate of Directors'
Resolution to Mortgage
Corporate Property

DISTRIBUTED BY

_____ **LLC CLOSING AFFIDAVIT**

STATE OF _____)
) ss.
County of _____)

TITLE NO.: _____

I, _____, hereby swear and affirm that I am the duly elected, qualified and acting [Member] [Manager] of _____ a _____ (State) Limited Liability Company

- 1. Attached hereto as Exhibit A is a true and correct copy of the Articles of Organization of the above mentioned LLC, filed on ___/___/_____ with the _____ (State) Secretary of State, and a copy of the receipt evidencing payment of the required filing fee.
- 2. Attached hereto as Exhibit B is a true and correct copy of the Operating Agreement of above-mentioned LLC. The Operating Agreement has not been amended nor repealed and remains in full force and effect on the date hereof. If the Operating Agreement is not attached, it will be provided within the next fifteen days.
- 3. Attached hereto as Exhibit C is a true and correct copy of a resolution authorizing this conveyance duly adopted by the (Members) (Managers) of above mentioned LLC, by Unanimous Written Consent of the (Members) (Managers) dated ___/___/_____. The resolution has not been amended or repealed and remains in full force and effect. Pursuant to the terms of the Articles of Organization, Operating Agreement and/or the foregoing resolution, I am duly authorized and empowered to execute the (Deed) (Mortgage) and accompanying documents evidencing the following conveyance:

- 4. The above mentioned LLC has not been dissolved and no event terminating it, such as the bankruptcy, death, dissolution, expulsion, incapacity or withdrawal of any member has occurred. The LLC is in good standing under the laws of the State of _____ (State) (Proof of Good Standing) Attached as Exhibit D).
- 5. Proof of formation was published in (2) newspapers in _____ County once a week for six consecutive weeks.
- 6. This Affidavit is given to induce TitleSave Agency, Inc. ("Title Agency") and Chicago Title insurance Company ("Underwriter") to issue a title insurance policy. I acknowledge that the Title Agency and the Underwriter are relying upon and entitled to rely upon the truth of the statements herein made. I agree to indemnify and hold the Title Agency and Underwriter harmless from any loss, cost or damage (including, but not limited to legal fees and expenses) which they may incur because of arising from their reliance upon this Affidavit.

Member/Manager

Subscribed and Sworn before me this the ____ day of _____, _____.

Notary Public

LLC/LLP COMMERCIAL CLOSING AFFIDAVIT

STATE OF NEW YORK) TITLE NO.: _____
) ss.
County of _____)

I, _____ reside at _____ and hereby swear and affirm that I am the duly elected, qualified and acting Member of _____, a New York Limited Liability Company, and that:

- 1. I am the only Member of _____
2. The Articles of Organization were filed with the New York Secretary of State, and a copy of the receipt evidencing payment of the required filing fee.
3. The Operating Agreement has not been amended nor repealed and remains in full force and effect.
4. The annual fee payable to the State of New York has been made.
5. A resolution authorizing this conveyance has not been duly adopted because I am the only the Member of _____ and it is in my sole discretion that I give myself by Unanimous Consent as of this date. The declaration that I have the ability and consent remains in full force and effect. Pursuant to the terms of the Articles of Organization, Operating Agreement and/or the foregoing resolution, I am duly authorized and empowered to execute the _____ and accompanying documents evidencing the following conveyance:

- 6. _____ has not been dissolved and no event terminating _____ such as the bankruptcy, death, dissolution, expulsion, incapacity or withdrawal of any member has occurred. _____ is in good standing under the laws of the State of New York.
7. This Affidavit is given to induce TitleSave Agency, Inc. and Chicago Title Insurance Company to issue their title insurance policy. I acknowledge that TitleSave Agency, Inc. and Chicago Title Insurance Company are relying upon and are entitled to rely upon the truth of the statements herein made. I agree to indemnify and hold TitleSave Agency, Inc. and Chicago Title Insurance Company harmless from any loss, cost or damage (including, but not limited to legal fees and expenses) which they may incur because of arising from their reliance upon this Affidavit.

Member _____ PRINTED NAME _____

Subscribed and Sworn before me on the _____ day of _____ in the year _____.

Notary Public

_____, **LLP CLOSING AFFIDAVIT**

STATE OF NEW YORK) TITLE NO.: _____
) ss.
County of _____)

I, _____, hereby swear and affirm that I am the duly elected, qualified and acting (Member) (Manager) of _____, LP, a New York Limited Liability Partnership

1. Attached hereto as Exhibit A is a true and correct copy of the Articles of Organization of the above mentioned LP, filed on ___/___/_____ with the New York Secretary of State, and a copy of the receipt evidencing payment of the required filing fee.
2. Attached hereto as Exhibit B is a true and correct copy of the Operating Agreement of above-mentioned LP. The Operating Agreement has not been amended nor repealed and remains in full force and effect on the date hereof. While the Operating Agreement is not attached it will be furnished provided within the next fifteen days.
3. If this conveyance occurs on or after October 25, 1995, attached hereto as Exhibit C is a true and correct copy of a Receipt evidencing payment of the applicable annual fee payable to the State of City of New York, as appropriate. I undertake to provide such proof within the next fifteen days and I also confirm that such payments have been paid.
4. Attached hereto as Exhibit D is a true and correct copy of a resolution authorizing this conveyance duly adopted by the (Members) (Managers) of above mentioned LP, by Unanimous Written Consent of the (Members) (Managers) dated ___/___/_____. The resolution has not been amended or repealed and remains in full force and effect. Pursuant to the terms of the Articles of Organization, Operating Agreement and/or the foregoing resolution, I am duly authorized and empowered to execute the (Deed) (Mortgage) and accompanying documents evidencing the following conveyance:

5. The above mentioned LP has not been dissolved and no event terminating it, such as the bankruptcy, death, dissolution, expulsion, incapacity or withdrawal of any member has occurred. The LP is in good standing under the laws of the State of New York.
6. Proof of formation was published in (2) newspapers in _____ County once a week for six consecutive weeks.
7. This Affidavit is given to induce _____ (“Title Agency”) and _____ (“Underwriter”) to issue their title insurance policy No. _____. I acknowledge that the Title Agency and the Underwriter are relying upon and entitled to rely upon the truth of the statements herein made. I agree to indemnify and hold the Title Agency and Underwriter harmless from any loss, cost or damage (including, but not limited to legal fees and expenses) which they may incur because of arising from their reliance upon this Affidavit.

Member/Manager

Subscribed and Sworn before me this the ____ day of _____, _____.

Notary Public