# Affidavit in Connection with Real Property Law § 265-a

**Home Equity Theft Protection Act**

**(Equity Purchaser’s Affidavit)**

TITLE #: DATE:

State of New York )

County of \_\_\_\_\_\_\_\_\_ ) ss:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, being duly sworn, deposes and says:

1. I/we reside at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. I/we am/are the purchaser of the Real Property known as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (the "Real Property")
3. I am familiar with the contract of sale affecting the said Real Property.
4. The transaction is exempt from the provisions of §265-a of the Real Property Law (the Home Equity Theft Protection Act) because the real property is being purchased:

(STRIKE OUT THE FOLLOWING PROVISIONS THAT DO NOT APPLY)

1. for use as my primary residence and I will occupy the Real Property as such; or
2. from a referee in a foreclosure sale conducted pursuant to Article 13 of the Real Property Actions and a for valuable consideration, or Proceedings Law; or
3. is a sale authorized by statute; or
4. is a sale made by order or judgment of a court; or
5. from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ who is my spouse, grandparent, parent, child, grandchild, or sibling*. (strike out the reference which is inapplicable)*; or
6. by a not-for-profit housing organization or a public agency.

I/We make this Affidavit in order to induce, indemnify, and hold harmless \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (underwriter) (hereinafter together referred to the “Companies”) knowing they are relying upon the statements made herein, and are fully entitled to rely upon, the veracity of the statements herein contained as a basis for the issuance of the title policy(ies) under the Title Number(s) referenced above and that they would not do so without this affidavit.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sworn to before me this \_\_\_\_\_\_\_\_\_

day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public