

Affidavit in Connection with Real Property Law § 265-a
Home Equity Theft Protection Act
(Subsequent Purchaser/Mortgagee 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/mortgagee of the Real Property known as _____
_____ (the "Real Property")
3. I/we are/am acquiring the Real Property from _____ (the
"Seller").
4. In regard to the provisions of §265-a of the Real Property Law (the Home Equity Theft
Protection Act) I hereby certify and declare that your deponent, acting in good faith and for
valuable consideration, the I/we:

(STRIKE OUT THE FOLLOWING PROVISIONS THAT DO NOT APPLY)

- a. am/were a bona fide purchaser, who acquired the residential Real Property from the Equity
Purchaser, or
- b. provided the Equity Purchaser with a mortgage, or
- c. provided a subsequent purchaser from the Equity Purchaser with a mortgage on the Real
Property.

That your deponent has no actual notice of continuing right to, or equity in, the property by the
Equity Seller's prior to the acquisition of title or mortgage, or of any violation of §265-a by the
Equity Purchaser as related to the subject property which is based upon:

- a. such Equity Seller's being in default in payment of installments of interest due on any
mortgage for two months or more, or
- b. the commencement of a Foreclosure of a mortgage against the Equity Seller and the real
property or that the Real Property appeared on a Tax Lien Sale List.
- c. the failure of the contract with the Equity Seller to comply with any requirement of the
Home Equity Theft Protection Act or to provide the Equity Seller with any Notice or right
of redemption permitted under the said Act

at the time the Real Property was transferred to or mortgaged by the Equity Seller or a
purchaser from the Equity Purchaser.

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