

AFFIDAVIT UNDER SECTION 255 OF THE TAX LAW

STATE OF NEW YORK)

COUNTY OF _____)ss:

_____, being duly sworn, deposes and says:

That he/she/they is the attorney for the owner and holder of the hereinafter described mortgage(s), which is a lien on premises situated at _____ and is familiar with the facts set forth herein.

THAT a certain mortgage was made by _____ to _____ in the principal amount of \$ _____ which mortgage was dated _____ and recorded in the _____ County Clerk's Office on _____ in Liber _____ page ___ upon which mortgage the sum of \$ _____ has been advanced to date and upon which mortgage the sum of \$ _____ was duly paid covering the mortgage tax therefore. The unpaid principal balance on said mortgage at the date hereof is \$ _____.

THAT a certain mortgage is now being made by _____ to _____ in the principal amount of \$ _____ which mortgage is dated _____ and intended to be recorded in the _____ County Clerk's Office simultaneously herewith and upon which mortgage the sum of \$ _____ is being duly paid covering the mortgage tax therefore. The unpaid principal balance on said mortgage at the date hereof is \$ _____.

THAT Mortgages 1 and 2, above are being Consolidated by Consolidation, Extension and Modification Agreement made by _____ to _____ dated _____ and intended to be recorded in the _____ County Clerk's Office simultaneously herewith making single lien in favor of _____ in the amount of \$ _____.

THAT the Consolidation, Extension and Modification Agreement tendered for recording is given solely for the purpose of further securing the same principal indebtedness to the extent of the unpaid balance now due and owing thereon which is or under any contingency may be secured by the above mentioned mortgage and that said extension agreement does not create or secure any new or further indebtedness or obligation secured by or which under any contingency may be secured by the above mortgage. That there have been no reloans or readvances on said mortgages.

WHEREFORE, deponent respectfully requests that the Consolidation, Extension and Modification Agreement tendered herewith for recording be declared exempt from taxation pursuant to the provisions of Section 255 of Article 11 of the Tax Law of the State of New York.

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

Notary Public