AFFIDAVIT UNDER SECTION 255 TAX LAW

CONSOLIDATION AND EXTENSION

Title No.

Premises:

STATE OF NEW YORK

ss.:

COUNTY OF:

      being duly sworn, deposes and says:

1. That (s)he is the       of      , the holder of the mortgage hereinafter described, which is a lien on the premises known as       and by      , Section      , Block       and Lot       (the “Premises”), which mortgage is held by       (“Mortgagee”).
2. That a certain Mortgage dated       made by      , Mortgagor to      , Mortgagee securing the original principal amount of $      was recorded in the Office of the Register/County Clerk, County of       on       in Reel/Liber       at Page/Control #/CRFN      , upon which mortgage tax was paid in the sum of $      (the “Mortgage”). Said Mortgage is now in the reduced amount of $     .
3. That the aforementioned Mortgage was assigned by a certain Assignment of Mortgage dated       made by      , as Assignor, to      , as Assignee, and submitted herewith for recording.
4. That a certain Gap Mortgage is also herewith offered for recording dated       made by      , as Mortgagor, to      , as Mortgagee, in the amount of $      on which mortgage tax in the amount of $      will be paid.
5. That the above mortgages are consolidated to form a single lien of $      by a Consolidation, Modification and Extension Agreement dated       by and between       and       and is offered herewith for recording.
6. That said Consolidation, Modification and Extension Agreement is given for the purpose of further securing the same principal indebtedness and said Agreement does not create or secure any new or further indebtedness or obligation other than the principal indebtedness secured by said mortgage. That there have been no reloans or readvances on said mortgages.

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

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Sworn to before me this

      day of      , 20

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Notary Public