

STATEMENT REGARDING ADVANCE OF FUNDS UNDER MORTGAGE

STATE OF NEW YORK }
}ss.:
COUNTY OF _____ }

_____, being duly sworn, deposes and says:

1. That s/he is the owner of property covered by the following mortgage recorded in the office of the _____ County Clerk.

Mortgage dated _____, _____ from _____ to _____ (the Bank), recorded on _____, _____ in Liber _____ of Mortgages at Page _____.

2. That the Mortgage secures payment of debt owed to the Bank, whether existing at the date of the Mortgage or incurred thereafter. The maximum amount which will be secured by the Mortgage is \$_____ of principal (maximum principal amount) plus interest on that amount.

3. That the maximum principal amount has been advanced, but repayments have reduced the principal indebtedness outstanding as of this date to \$_____.

4. That s/he is presently borrowing an additional sum of \$_____ from the Bank. This indebtedness is secured by the Mortgage.

5. That s/he is tendering with this statement a mortgage tax of \$_____ and requests that the Recording Officer endorse on this statement receipt for the amount of the tax pursuant to S 258-a of the Tax Law.

Sworn to before me this

_____ day of _____, _____.

Notary Public

Modification Agreement

STATE OF NEW YORK }
}ss.:
COUNTY OF _____ }

_____, being duly sworn, depose(s) and say(s):

That this affidavit is being made for the purpose of requesting a mortgage recording tax exemption on the Modification and Extension Agreement made by _____ (to, with) _____, in the amount of \$ _____ dated _____ in accordance with Section 255 of the Tax Law.

That said Modification and Extension Agreement concerns a mortgage made by _____ to _____, in the amount of \$ _____ dated _____ and recorded in the _____ County Clerk's Office on _____ in Liber _____ of Mortgages at Page _____. That \$ _____ mortgage recording tax was paid on said mortgage.

That the maximum amount became secured by said Modified mortgage is \$ _____ and was loaned or advanced thereon and became secured thereby.

That after the maximum amount became secured by said mortgage, no reloans or readvances have become secured thereunder to the date of the Modification and Extension Agreement presented herewith.

Sworn to before me this _____

day of _____.

Notary Public

Exempting Partial Indebtedness/Taxing Present Indebtedness
**AFFIDAVIT IN SUPPORT OF CLAIM FOR
 EXEMPTION FROM MORTGAGE TAX**

STATE OF NEW YORK }
 } ss.:
 COUNTY OF _____ }

_____, of full age, being duly sworn according to law on his oath deposes and says:

1. I am _____ of _____ and certify of my own knowledge that the following facts are true:

A. Mortgagor(s): _____

B. Date of prior original and supplemental Mortgage(s):

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____

C. Recorded in (1) _____ County in Liber _____, Page _____
 (2) _____ County in Liber _____, Page _____
 (3) _____ County in Liber _____, Page _____
 (4) _____ County in Liber _____, Page _____
 (5) _____ County in Liber _____, Page _____

D. Principal indebtedness secured by prior original and supplemental Mortgage(s):

- (1) \$ _____
- (2) \$ _____
- (3) \$ _____
- (4) \$ _____
- (5) \$ _____

E. Principal balance of the last indebtedness listed above in Item (D) was \$ _____ on _____, when a new Mortgage was given to secure repayment of that balance and a further principal obligation.*

If a Credit Line Account is being created by a Credit Line Account Agreement, this amount equals the Credit Line of \$ _____.

F. Amount of further principal obligation: \$ _____.

G. Total of Items E and F: \$ _____.

- 2. All mortgage taxes applicable to the prior mortgage were paid in full.
- 3. The purpose of this Affidavit is to request that no additional mortgage tax be imposed on the remaining indebtedness secured by the prior mortgage on which the tax has been fully paid and that the tax imposed on this transaction be limited only to the amount of the increase shown above as Item (F), pursuant to Section 255 of the New York Tax Law.

Sworn and subscribed to before me
 this _____ day of _____, 20____

Advancement & Modification Mortgage
AFFIDAVIT REQUESTING EXEMPTION UNDER SECTION 255 OF THE TAX LAW

I, _____, being duly sworn, depose and say:

I am the mortgagee in the documents set forth as follows:

THAT a supplemental instrument, namely an Advancement and Modification is about to be recorded in the _____ County Clerk's Office, having been executed by the following parties:

_____, Mortgagee AND
_____, Mortgagor.

That the following instruments were previously recorded affecting the same or portion of the same indebtedness recited in the supplemental instrument:

NOTE AND MORTGAGE dated _____, _____ and being recorded in the _____ County Clerk's Office on _____, _____ in Book _____ of Mortgages, Page _____ in the face amount of _____ (\$ _____) DOLLARS upon which a mortgage tax was paid in the amount of _____ (\$ _____) DOLLARS; and

an ADVANCEMENT AND MODIFICATION dated the _____ day of _____, _____ and being recorded in the _____ County Clerk's Office simultaneously with the recording of the within instrument, and prior thereto, in the additional amount of _____ (\$ _____) DOLLARS upon which a mortgage tax will be paid in the amount of _____ (\$ _____) DOLLARS;

That the maximum amount secured by all previously recorded instruments is \$ _____ all of which has been loaned or advanced and has been secured thereby.

THAT the maximum amount of principal indebtedness secured by the supplemental instrument and those instruments previously recorded is \$ _____.

WHEREFORE, deponent respectfully requests the amounts secured by the previously recorded instruments be declared exempt from taxation pursuant to the provisions of Section 255 of Article II of the Tax Law, and only the amounts secured by this Supplemental Instrument, to wit: (\$ _____) be subject to taxation.

Sworn to before me this

_____ day of _____.

aff#14.wpd

AFFIDAVIT UNDER SECTION 255 TAX LAW
(CONSOLIDATION MORTGAGE)

STATE OF NEW YORK }
 }SS.:
COUNTY OF _____}

The undersigned being first duly sworn on oath deposes and says that he is the _____ for
_____ and is familiar with the facts set forth herein.

1. That a certain mortgage in the principal sum of \$ _____ was made by _____

to _____,
which mortgage was dated _____ and recorded in the _____ County
Clerk's Office on _____ in Liber _____ of Mortgage Page _____.
That a Mortgage tax in the sum of \$ _____ has been duly paid on said mortgage.

2. That mortgage was consolidated with a subsequent mortgage to _____

now known as _____, in the principal sum of \$ _____
dated _____ and recorded in the _____ County Clerk's Office on
_____ in Liber _____ of mortgages page _____. That a Mortgage Tax in the
sum of \$ _____ has been duly paid on said mortgage.

3. That mortgage was consolidated with a subsequent mortgage to _____

now known as _____, in the principal sum of \$ _____
dated _____ and recorded in the _____ County Clerk's Office on
_____ in Liber _____ of mortgages page _____. That a Mortgage Tax in the
sum of \$ _____ has been duly paid on said mortgage.

4. That mortgage was consolidated with a subsequent mortgage to _____

now known as _____, in the principal sum of \$ _____
dated _____ and recorded in the _____ County Clerk's Office on
_____ in Liber _____ of mortgages page _____. That a Mortgage Tax in the
sum of \$ _____ has been duly paid on said mortgage.

5. That mortgage was consolidated with a subsequent mortgage to _____
now known as _____, in the principal sum of \$ _____
dated _____ and recorded in the _____ County Clerk's Office on
_____ in Liber _____ of mortgages page _____. That a Mortgage Tax in the
sum of \$ _____ has been duly said on said mortgage.

6. That mortgage was consolidated with a subsequent mortgage to _____
now known as _____, in the principal sum of \$ _____
dated _____ and recorded in the _____ County Clerk's Office on
_____ in Liber _____ of mortgages page _____. That a Mortgage Tax in the
sum of \$ _____ has been duly said on said mortgage.

7. That the prior mortgage is now being consolidated with the mortgage attached hereto and presented for recording.
The new indebtedness secured hereby is \$ _____ and a Mortgage Tax of \$ _____
is due and will be paid.

8. That _____, the lender, is affiliated with _____
_____ by acquisition and pursuant hereto is successor in interest to _____
_____ with respect to the prior mortgage(s) set forth above.

9. That the purpose of this Affidavit is to request that the unpaid principal balance on the prior mortgage be exempt from
payment of a Mortgage Tax pursuant to Section 255 of the New York Law and that the tax be imposed only upon the
amount of the new indebtedness.

Subscribed and sworn to before me
this ____ day of _____.

Notary Public

**AFFIDAVIT UNDER SECTION 255 TAX LAW
(CONSOLIDATED MORTGAGE)**

**STATE OF NEW YORK
COUNTY OF**

_____ being duly sworn deposes and says that he is the owner of the hereinafter described mortgage, and is familiar with the facts set forth herein.

That a certain mortgage was made by _____ to

_____ which mortgage was dated _____ and recorded in the Essex County Clerk's Office on _____ in Liber _____ of Mortgages a Page _____ in the principal sum of \$ _____ and upon which a mortgage tax in the sum of \$ _____ has been duly paid, upon which mortgage there is now due and owing the sum of \$ _____. No re-loans or readvances were secured thereby.

That a certain mortgage was made by _____ to

_____ which mortgage was dated _____ and is being presented herewith for recording in the principal sum of \$ _____ and upon which a mortgage tax of \$ _____ will be paid.

That by the terms of the last mentioned mortgage the aforesaid mortgages were duly consolidated to form a single lien of \$ _____.

That said consolidation is made for the purpose of further securing the same principal indebtedness which is or under any contingency may be secured by the above mentioned primary mortgages and that such consolidation does not create or secured any new or further indebtedness or obligation other than the principal indebtedness or obligation secured by or which under any contingency may be secured by such primary mortgages.

That exemption from further tax is claimed under Section 255 Article II of the Tax Law.

Sworn and subscribed to before me this _____ day of _____.

Notary Public

aff#21.wpd

Modification Agreement Exemption Affidavit

Re: (parties)
(location)

**SUPPORTING AFFIDAVIT
for
EXEMPTION OF MORTGAGE TAX**

STATE OF NEW YORK : COUNTY OF _____ :ss.:

_____, being duly sworn, deposes and says:

1. I reside in _____, and I am an _____ of _____ whose principal place of business is at _____ (hereinafter referred to as the "Bank").
2. On _____, _____ executed and delivered to the Bank a Note in the principal amount of \$ _____ which was secured by a Mortgage of even date on property located at _____ Town of _____, Essex County, N.Y. which mortgage was recorded in the Essex County Clerk's Office on _____ in Book _____ Mortgages at Page _____.
3. On _____, _____ executed a certain Consolidation, Extension and Modification Agreement by which the term for payment of the abovesaid Note(s) and Mortgage(s) was modified upon the consent of the Bank, and he has now presented the Consolidation, Extension and Modification Agreement to the Essex County Clerk for recording.
4. The said Consolidation, Extension and Modification Agreement does not create or secure any new or further indebtedness other than the amount secured by the original Mortgage aforesaid.

WHEREFORE, exemption from Mortgage Tax pursuant to Section 255 of the Tax Law of the State of New York is requested.

_____(Bank)
By: _____
(name) (title)

Sworn to before me this
_____ day of _____,

Notary Public