

***TITLE AFFIDAVIT AND GAP INDEMNITY***

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss.:                    TITLE NO.                    (the "Commitment")

**BEFORE ME**, the undersigned personally appeared \_\_\_\_\_, (the "Affiant"), of \_\_\_\_\_, a \_\_\_\_\_ (the "Owner"), who first being duly sworn, deposes and says:

1. That Affiant is duly authorized to make this affidavit on behalf of the Owner.
2. That Owner is the owner of record of the real property located at \_\_\_\_\_, City/Town of \_\_\_\_\_, State of New York in \_\_\_\_\_ County, described in the above referenced title commitment (the "Commitment"),
3. That there are no outstanding leases or agreements, written or oral, unrecorded or otherwise, or other parties than the undersigned in, or entitled to, possession thereof except for the following: \_\_\_\_\_. None of the parties set forth on the attached schedule have an option to purchase or right of first refusal.
4. That there has been no work done, services rendered or materials furnished in connection with repairs, improvements, development, construction, removal, alterations, demolition or such similar activity on or incident to the referenced property within 8 months prior to the date of this affidavit; and there are no unrecorded labor, mechanic's or materialmen's liens or outstanding claims or persons entitled to any claim or right to a claim for mechanic's or materialmen's liens against said property.
5. That all real estate, corporate, franchise and similar entity type taxes, special assessments, water and sewer charges, if any, are fully paid and Owner has not received notice of any pending or proposed special assessments.
6. That there are no liens, judgments, actions or proceedings, including bankruptcy or insolvency proceedings, against Owner, except as may be specifically set forth in the Commitment. Owner has never been declared a bankrupt.
7. Affiant hereby agrees to hold harmless and indemnify \_\_\_\_\_ against any and all expenses, costs and attorneys fees arising as a result of a defect, lien, encumbrance, adverse claims or other matter, if any, created, first appearing on the public records or attaching subsequent to the effective date of the Commitment and prior to the date of recording of all closing instruments.

This affidavit is made for the purpose of inducing \_\_\_\_\_ to issue a title insurance policy in reliance on the statements set forth herein.

Sworn to and subscribed before me  
this     day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Notary Public