

**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