

**AFFIDAVIT PURSUANT TO SECTION 255 OF THE TAX LAW**

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ }ss:

\_\_\_\_\_, being duly sworn, deposes and says that:

1. I am the \_\_\_\_\_ of \_\_\_\_\_, a New York corporation, which corporation is the general partner of \_\_\_\_\_, a limited partnership ("Mortgagor").

2. The Premises are encumbered by a mortgage, dated as of from Mortgagor to \_\_\_\_\_ ("Mortgagee"), which mortgage was recorded on \_\_\_\_\_ in the office of the Register/County Clerk of \_\_\_\_\_ County, in Reel \_\_\_\_\_ at page (the "Mortgage") and secures a Note in the original principal amount of \$ \_\_\_\_\_.

3. Pursuant to a Note and Mortgage Modification and Severance Agreement (the "Severance Agreement"), dated \_\_\_\_\_ executed by and between Mortgagor and Mortgagee, recorded on \_\_\_\_\_ in Reel \_\_\_\_\_ at page \_\_\_\_\_ in the office of the Register/County Clerk of \_\_\_\_\_ County, the Mortgage was split and severed into two portions, Substitute Mortgage A encumbering the Premises securing the principal amount of \$ \_\_\_\_\_, and Substitute Mortgage B encumbering the Premises securing the principal amount of \$ \_\_\_\_\_.

4. Substitute Mortgages A and B, which are herewith tendered for recording, do not create or secure any new or further indebtedness or obligation other than a portion of the principal indebtedness secured by the Mortgage, and there have been no reloans or readvances on the Mortgage, Substitute Mortgage A or Substitute Mortgage B.

11. Deponent respectfully requests that Substitute Mortgage A and Substitute Mortgage B herewith tendered 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 \_\_\_\_\_, 200 \_\_\_\_\_

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