

STATE OF NEW YORK)
) S.S.:
COUNTY OF)

LOST NOTE AND MORTGAGE AFFIDAVIT

_____, being duly sworn, deposes and says:

That (s)he is the holder of the following mortgage note:

Mortgage note dated _____ in the principal amount of _____ made by _____, as Maker, to _____, as Payee, which mortgage note was secured by that certain mortgage of even date as said mortgage note made by _____, as Mortgagor, to _____, as Mortgagee, which mortgage was recorded in the Office of the _____ County _____ on _____ in Reel/Liber _____ Page _____.

That the original note and mortgage have been lost and after a diligent search, cannot be located;

That the original note and mortgage have not been pledged, transferred, hypothecated, sold, assigned, or otherwise alienated by the Deponent;

That in the event the original note and mortgage are located by the Deponent, the Deponent agrees to transmit the original note together with an appropriate endorsement of same, and mortgage to Sutton Land Services, LLC; and

That the Deponent hereby agrees to indemnify and hold harmless Sutton Land Services LLC and its underwriter, _____, from any and all loss, damage, liability and claims and reasonable attorneys' fees resulting from the loss of the original note and mortgage.

This affidavit is given in order to induce Sutton Land Services, LLC on behalf of its underwriter, _____, to omit said mortgage from its title report, number _____, knowing that it is relying on the truth and accuracy of the statements herein contained.

SWORN TO BEFORE ME THIS _____
DAY OF _____, 199__

Deponent

Notary Public