**AFFIDAVIT**

**Exemption from Mortgage Recording**

**Tax and Filing Fees**

STATE OF NEW YORK )

 ) ss.:

COUNTY OF [County in which Affidavit is made])

 [Insert name of LPA representative] , being duly sworn, deposes and says:

1. I am the [insert title] of the [insert full legal name of LPA] (“**Grantee**”) which has entered into a Grant Agreement designated with SHARS ID # [insert SHARS ID], in the [insert name of Program] (“**Grant Agreement**”) with the HOUSING TRUST FUND CORPORATION (HTFC) (“**Corporation**”) and make this affidavit (“**Affidavit**”) on behalf of the Corporation pursuant to such HTFC New York State HOME Local Program Grant Agreement.

2. The Corporation is a public benefit corporation created pursuant to provisions of Section 45-a and 45-a.2 of the Private Housing Finance Law (“**PHFL”**) of the State.

3. Pursuant to Sections 33, 45-a and 45-a.2 and 53 of the PHFL, property of the Corporation, its income and operations shall at all times be free from taxation.

4. Pursuant to PHFL Article 19, the Corporation administers the New York State HOME Local Program (“**Program**”) through grant agreements into which it enters with local governmental and not-for-profit eligible applicants for Program awards, such as the Grantee.

5. Under the Grant Agreement, the Grantee is empowered, authorized, and required by the Corporation to advance Program funds for the benefit of eligible low-income home buyers and home owners and to evidence and secure such funds and attendant Program requirements incumbent upon such home buyers and owners by Grant Enforcement Notes and Mortgages (each an “**HTFC Mortgage**”) of which the Corporation is Mortgagee.

6. The Corporation and [insert name of owner] (“**Owner**”), the owner of certain residential property located at [insert New York State HOME Local Program assisted property address] , New York, [insert zip code] (“**Premises**”), have entered into the HTFC Mortgage accompanying this Affidavit with respect to the Premises described therein.

7. The Premises are required to include a dwelling unit which is to serve as the Owner’s principal residence according to the terms set forth in such HTFC Mortgage, pursuant to the Grant Agreement and the HTFC Mortgage pertaining to the Premises.

8. The HTFC Mortgage accompanying this Affidavit must be recorded with respect to such Premises in relation to which the Corporation and Grantee have provided a Program subsidy pursuant to the Grant Agreement.

9. The Corporation, Grantee, and Owner therefore desire to have such HTFC Mortgage recorded with respect to the Premises in the [insert name of county in which the Premises is located] County Clerk’s Office, in [insert name of county in which the Premises is located] County, New York, in which the Premises are located.

10. The HTFC Mortgage is to be recorded as a function of the Corporation's New York State HOME Local Program, with the Corporation as a public instrumentality and **is not subject to the mortgage recording tax** imposed by Article 11 of the Tax Law of the State of New York. Such HTFC Mortgage, recorded for the Corporation as a public benefit corporation, **is exempt from the mortgage recording tax** pursuant to PHFL §§ 33, 45-b.2 and 53.

11. Pursuant to CPLR §§8017 and 8019(d), the HTFC Mortgage and any satisfaction or discharge by the Corporation for such HTFC Mortgage and other documents generated in the course of the Corporation’s operations **are also exempt from any clerk's fees for filing, recording or indexing any paper, or document or for furnishing a transcript, certification or copy of any paper or document.**

 WHEREFORE, it is respectfully requested that the County Clerk of [insert name of county in which the Premises is located] County record the instant HTFC Mortgage, satisfaction, discharge or other HTFC Program document and furnish any copies or certifications thereof without demand for payment of the mortgage recording tax or any other payment on the ground that said HTFC Mortgage, satisfaction, discharge or other HTFC Program document **are not subject to the mortgage recording tax imposed by the provisions of Article 11 of the Tax Law pursuant to PHFL §§ 33, 45-b.2 and 53 or to any fees pursuant to CPLR §8017 and 8019(d).**

[Print name of Grantee’s Representative]

[Print title of Grantee’s Representative]

Sworn to before me this day of

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Notary Public

Commission expires: