

RESIDENTIAL MORTGAGE SURVEY AFFIDAVIT

File #

Subject property is located at _____ and is owned by _____ and _____

Now, therefore, the Seller(s)/Owner(s), for the purpose of inducing _____ to issue an ALTA Loan, _____ Loan and _____ Owner Policy(ies) in this transaction, on oath depose(s) and say(s) as follows:

I/We have owned the property now being sold or mortgaged by me/us continuously for _____ years last past, and my/our enjoyment thereof has been peaceable and undisturbed and the title to said property has never been disputed or questioned to my/our knowledge, nor do I/we know of any facts by reason of which the title to, or possession of, said property might be disputed or questioned, or by reason of which any claim to any of said property might be asserted adversely to me/us, and more particularly:

1. No party other than the Seller(s)/Owner(s) is/are in possession of all or any portion of the premises above described under any unrecorded leases, tenancy at will or otherwise.
2. The Seller(s)/Owner(s) during the time of ownership of the premises above described has/have conveyed no portion of the premises nor done any act or allowed any act to be done which has changed or could change the boundaries of the premises.
3. The Seller(s)/Owner(s) has/have allowed no encroachments on the premises above described by any adjoining land owners nor has/have the undersigned encroached upon any property of adjoining land owners.
4. The Seller(s)/Owner(s) has/have allowed no easements, rights of way, continuous driveway usage, drain, sewer, water, gas or oil pipeline or other rights of passage to others over the premises above described and has/have no knowledge of such adverse rights.
5. The Seller(s)/Owner(s), at present, and for a period of 180 days past, has/have caused no construction, erection, alteration or repairs of any structures or improvements on the premises above cited to be done, nor has/have contracted for any materials to be delivered to the premises for which charges remain unpaid.
6. The Seller(s)/Owner(s) has/have no knowledge of any highways, abandoned roads, lanes, cemetery or family burial grounds, springs, streams, rivers, ponds, or lakes bordering or running through said premises.
7. The Undersigned has/have no knowledge of any taxes or special assessments which are not shown as existing liens by the public records other than as shown in the title insurance binder and/or attorney's title opinion.
8. The Undersigned has/have not allowed and know(s) of no violation of any covenants, restrictions, agreements, conditions or zoning ordinances affecting the premises.

Subscribed and sworn to before me this _____ day of _____, 2010.

Notary Public

Note: If this transaction includes a transfer of title, then Buyer(s) must sign below.

In order to induce _____ to issue a loan and/or owner title insurance policy, the undersigned Buyer(s) of subject property on oath depose and say(s) that I/we have read the contents of the above, have viewed the property, and know of no facts which would contradict the contents of said Affidavit.

RESIDENTIAL MORTGAGE SURVEY AFFIDAVIT
(Continued)

Subscribed and sworn to before me this _____ day of _____, 2010.

Notary Public

SAMPLE