In Re:

The Matter of Fence and Boundary **FENCE AND BOUNDARY**

Locations of Property of (present owners) **AFFIDAVIT**

STATE OF NEW YORK )

COUNTY OF

) ss:

[and] , being duly sworn, depose(s) and say(s) as follows:

1. [I/We} [am/are] the owners of premises commonly known as

in the [city/village/town] of , County of

, and State of New York, as more particularly described in a Deed from

, dated , 20 , and recorded in the County Clerk’s Office in Book of Deeds at page (hereinafter referred to as the “ ” premises).

1. The “ ” premises adjoin premises owned by as set forth in a Deed from , dated , 20 , and recorded in the County Clerk’s Office in Book of Deeds at page (hereinafter referred to as the “ ” premises).
2. The boundary line of the “ ” premises is also (part of) the boundary line of the “ ” premises; and is therefore a “common boundary line.”
3. The undersigned [has/have] been shown a survey of the “ ” premises prepared by , land surveyor, dated ,

20 , wherein it appears that a

fence runs along or nearby the

“common boundary line,” but is situate up to feet inside the “ ” premises from the “common boundary line.”

1. The undersigned hereby certify(ies) that [he/she/they] [is/are] agreed that the “common boundary line” as depicted in the said survey is accurate and true; and that [he/she/they] make(s) no claim for ownership by adverse possession or otherwise to that portion of the land situate between the “common boundary line” and the fence on the “ ” premises as set forth on the survey.
2. The undersigned hereby certify(ies) that the said fence is [his/her/their] personal property and constitutes an encumbrance on the “ ” premises; and upon demand, [he/she/they] promise to remove the said fence.
3. The undersigned make(s) this affidavit at the request of in order to induce the to finance a mortgage loan to purchasers of [his/her/their] real property.

*(Signatures must be notarized in form suitable for recording)*