Contents of Affidavit Seeking to Discharge
Mortgage where Lender Failed to Provide Satisfaction

The contents of the affidavit are described in great detail in RPAPL § 1921(5). The attorney must be prepared to affirm that

• the mortgagor has made a proper request for satisfaction pursuant to RPAPL §1921(1);

• the mortgagor received a payoff statement for the loan;

• the mortgagee received payment of the loan in accordance with the payoff statement;

• the affiant has delivered written notice to the mortgagee, at least 30 days after the mortgagee received payment, of the affiant’s intention to execute and file the affidavit, together with a proposed copy thereof;

• the mortgagee has not responded in writing to such notification, or that all requests for payment by the mortgagee have been complied with at least 15 days prior to the date of affidavit.

An attorney may acknowledge and file the affidavit in the county clerk’s or register’s office, together with copies of the payoff letter and negotiated payoff check, each certified to be a true copy of the original, along with a $50 filing fee.