

**AFFIDAVIT PURSUANT TO SECTION 255 OF THE TAX LAW
(Substitute Mortgage)**

STATE OF NEW YORK)
) ss:
COUNTY OF)

_____, being duly sworn, deposes and says that:

1. I am the _____ of _____, a New York corporation, which corporation is the general partner of _____, a limited partnership ("Mortgagor").
2. The Premises are encumbered by a mortgage, dated as of from Mortgagor to _____ ("Mortgagee"), which mortgage was recorded on _____ in the office of the Register/County Clerk of _____ County, in Reel _____ at page _____ (the "Mortgage") and secures a Note in the original principal amount of \$ _____.
3. Pursuant to a Note and Mortgage Modification and Severance Agreement (the "Severance Agreement"), dated _____ executed by and between Mortgagor and Mortgagee, recorded on _____ in Reel _____ at page _____ in the office of the Register/County Clerk of _____ County, the Mortgage was split and severed into two portions, Substitute Mortgage A encumbering the Premises securing the principal amount of \$ _____, and Substitute Mortgage B encumbering the Premises securing the principal amount of \$ _____.
4. Substitute Mortgages A and B, which are herewith tendered for recording, do not create or secure any new or further indebtedness or obligation other than a portion of the principal indebtedness secured by the Mortgage, and there have been no reloans or readvances on the Mortgage, Substitute Mortgage A or Substitute Mortgage B.
5. Deponent respectfully requests that Substitute Mortgage A and Substitute Mortgage B herewith tendered for recording be declared exempt from taxation pursuant to the provisions of Section 255 of Article 11 of the Tax Law of the State of New York.

Subscribed and sworn to before me

this _____ day of _____, _____

Notary Public

