

Title No. _____

FENCE AND BOUNDARY AFFIDAVIT

STATE OF NEW YORK)
) ss.:
COUNTY OF _____)

_____, as owner of the Subject Property, and
_____, as owner of the Adjoining Property, each being duly sworn, depose
and say:

Owner of Subject Property: That I/we are the owners of the premises located at _____ in the Town of _____, County of _____, and State of New York, known as and by tax map # _____ (the "Subject Property").

Adjoining Property: The _____ boundary line of the Subject Property adjoins the _____ property line (hereinafter the "common boundary line") of the premises located at _____, in the Town of _____ and known as and by tax map # _____ (the "Adjoining Property"), which Adjoining Property is indicated in the last recorded deed to be owned by _____.

Survey: We, the owners of the Subject Property and the Adjoining Property have reviewed the annexed survey of the Subject Property prepared by _____, last dated _____, wherein it appears that a fence runs along or nearby the common boundary line, but is situated up to _____ feet inside the Subject Premises from the common boundary line.

Location of Fence: On or about _____, we, the owner(s) of the _____ Property, had said fence erected and according to the attached survey, parts of said fence were placed unintentionally on a portion of the _____ Property (OR) to the best of our knowledge said fence was erected by _____ on or about _____.

Boundary Line: We hereby certify and agree that the common boundary line as depicted in the afore-noted survey is accurate and true; and that I/we, the owner of the Adjoining Property, make no claim for ownership now or in the future by adverse possession or otherwise to that portion of the land situate between the common boundary line and the fence on the Subject Property, as set forth on the annexed survey.

Affirmation of No Claim: I/we, the owners of the Adjacent Property, understand that _____ own(s) the Subject Property, and has/have exclusive dominion and control over all of said Subject Property. I/we hereby certify(ies) that the said fence is [his/her/their] personal property and constitutes an encumbrance on the Subject Property; and upon demand, I/we promise to remove the said fence.

Reliance. I/we make this affidavit in order to induce New York Title Abstract Services, Inc. and its underwriter to issue a policy of title insurance, knowing they will rely on the truth and accuracy of the statements made herein.

Sworn to before me this _____
day of _____, 20__

Notary Public

