

In Re:

The Matter of Fence and Boundary
Locations of Property of (present owners)

**FENCE AND BOUNDARY
AFFIDAVIT**

STATE OF NEW YORK)
COUNTY OF _____) ss:

_____ and _____, being duly sworn, depose and say as follows:

1. We 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 _____, _____, and recorded in the _____ County Clerk's Office in Book _____ of Deeds at page _____ (hereinafter referred to as the "_____” premises).
2. The "_____” premises adjoin premises owned by _____, as set forth in a _____ Deed from _____, dated _____, _____, and recorded in the _____ County Clerk's Office in Book _____ of Deeds at page _____ (hereinafter referred to as the "_____” premises).
3. The _____ boundary line of the "_____” premises is also (part of) the _____ boundary line of the "_____” premises; and is therefore a "common boundary line."
4. The undersigned have been shown a survey of the "_____” premises prepared by _____, land surveyor, dated _____, _____, wherein it appears that a _____ fence runs along or nearby the "common boundary line," but is situated up to _____ feet inside the "_____” premises from the "common boundary line."
5. The undersigned hereby certify that they are agreed that the "common boundary line" as depicted in the said survey is accurate and true; and that they make 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.
6. The undersigned hereby certify that the said fence is their personal property and constitutes an encumbrance on the "_____” premises; and upon demand, they promise to remove the said fence.
7. The undersigned make this affidavit at the request of _____ in order to induce the _____ to finance a mortgage loan to purchasers of their real property.

(Signatures must be notarized in form suitable for recording)