

**[NOTE TO ATTORNEY PREPARING THIS FORM:**

**“{{{” AND “}}” BRACKETS INDICATE VARIABLE TERMS THAT NEED TO BE REPLACED WITH THE ACTUAL NAMES OF THE PARTIES AND OTHER BUSINESS TERMS THAT APPLY TO YOUR PARTICULAR DEAL. FOR EXAMPLE, “{{{1/MORTGAGE LENDER}}” SHOULD BE REPLACED WITH THE NAME OF THE ACTUAL MORTGAGE LENDER. IF YOU ARE USING THIS FORM FREQUENTLY, A SEPARATE DATA INPUT SHEET IS AVAILABLE THAT LISTS ALL OF THESE VARIABLE TERMS, AND THAT WILL FACILITATE THE “SEARCH AND REPLACE” PROCESS OR COMPUTER DOCUMENT ASSEMBLY. WHEN YOU ARE FINISHED, SEARCH FOR BLANK LINES, “\*\*\*”, “{{{” AND “}}”, TO MAKE SURE THAT THERE ARE NO VARIABLE TERMS OR BLANKS THAT NEED TO BE COMPLETED. FINALLY, READ, AND THEN DELETE, EACH FOOTNOTE AND THIS HEADING.]**

**AFFIDAVIT OF FINANCIAL CONDITION\***

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss.

{{{18/GUARANTOR}}} being duly sworn, deposes and says:

I am over the age of 21 years and reside at {{{18/ADDRESS OF GUARANTOR}}}. I make this affidavit at the request of {{{1/MORTGAGE LENDER}}} ("Lender"), for the purpose of informing the Lender of my present financial condition. I know that any agreement or other action by the Lender on or after the date of this Affidavit will be in reliance upon the accuracy and truth of the statements and representations made by me in this Affidavit. The words "herein," "hereof," and "hereunder" shall be deemed to refer to this Affidavit of Financial Condition (this "Affidavit")

I have no property or assets, and I have no income, except as hereinafter stated in this Affidavit.<sup>1</sup> "Property" and "assets," as used in this Affidavit, include all interests in property and assets, of any type or description (whether fixed, contingent, matured, unmatured, disputed, undisputed, liquidated, unliquidated, legal, or equitable) including, without limitation, all 1) accounts, 2) chattel paper, 3) commercial tort claims and other tort claims, 4) deposit accounts,

---

<sup>1</sup> In connection with all listings and descriptions of assets owned, include the cost and date of acquisition of each asset.

5) documents, 6) goods, 7) instruments, 8) investment property, 9) letter-of-credit rights, 10) letters of credit, 11) money, 12) oil, gas and other minerals before and after extraction, 13) payment intangibles, 14) software, 15) general intangibles, 16) landlord's liens (and all property subject thereto), 17) any statutory lien for services or materials, 18) any claim for wages, salary or other compensation of an employee (and any assignment thereof), 19) any right to payment under a contract, and any assignment thereof to an assignee that is also obligated to perform under the contract, 20) any interest in or claim under a policy of insurance, and any rights acquired by any transfer of an interest in or an assignment of a claim under a policy of insurance, 21) any right represented by a judgment, and any assignment thereof, 22) any right of recoupment or setoff, 23) any interest in or lien on real property, including a lease or rents thereunder, 24) any transfer or assignment of any of the foregoing, and 25) all proceeds thereof, as the foregoing terms in this paragraph are defined in Article 9 ("Secured Transactions") of the Uniform Commercial Code (ALI-NCCUSL 2003). "Income," as used in this Affidavit, includes all income of any type and description (whether fixed, contingent, matured, unmatured, disputed, undisputed, liquidated, unliquidated, legal, or equitable), including, without limitation, 1) all revenues, gains, cash flow, and other comprehensive income as defined in "Reporting Comprehensive Income," Statement of Financial Accounting Standards No. 130 (Financial Accounting Standards Bd. 1997), and 2) all gross income as defined in 26 U.S.C. Section 61 and the regulations issued thereunder.

When this Affidavit describes assets that I "own" or "hold", or income that I "receive", the description includes without limitation (i) assets or properties which are owned or held by trustees, agents or nominees for my benefit, or on my behalf, and income received by any such person for my benefit or on my behalf; and (ii) assets or properties which are owned or held by my spouse, and income received by my spouse, except for assets, properties and income which constitute the separate property of my spouse under applicable laws (and are so disclosed in this Affidavit).

The financial statement attached hereto as Schedule 1 is true and correct in all respects, properly and fairly presents my financial condition, and describes or includes all of my assets and liabilities (including, without limitation, contingent liabilities). Since the date of such financial statement, there has been no material adverse, or material positive, change in my financial condition or position.

1. I receive no income from any source whatsoever, except as hereinafter stated in this Affidavit.<sup>2</sup>
2. I have no savings account, deposit account, or other account in any bank or other financial institution, domestic or foreign, except as hereinafter stated in this Affidavit.<sup>3</sup>
3. I have no checking or other form of account in any bank or other financial institution, domestic or foreign, except as hereinafter stated in this Affidavit.<sup>4</sup>

---

<sup>2</sup> List amount(s) and source(s).

<sup>3</sup> List name and address of each institution and outstanding balance of each account.

<sup>4</sup> List name and address of each institution and outstanding balance of each account.

4. I receive no fees for management assistance or other services rendered to any individual, sole proprietorship, partnership, limited liability company, corporation, or other entity, except as hereinafter stated in this Affidavit.<sup>5</sup>
5. I receive no commissions from any source, except as hereinafter stated in this Affidavit.<sup>6</sup>
6. I receive no dividends or distributions from any domestic or foreign individual, sole proprietorship, corporation, partnership, limited liability company, or other entity, except as hereinafter stated in this Affidavit.<sup>7</sup>
7. I am entitled to no bonus from any business, except as hereinafter stated in this Affidavit.<sup>8</sup>
8. I have no safe deposit box or access to any safe deposit box, except as hereinafter stated in this Affidavit.<sup>9</sup>
9. I own no real estate of any nature whatsoever, except as hereinafter stated in this Affidavit.<sup>10</sup>
10. I have no ownership interest in any sole proprietorship, corporation, partnership, limited liability company, or other entity owning real estate, except as hereinafter stated in this Affidavit.<sup>11</sup>
11. I do not own or hold any mortgage, lien or security interest, or any obligation secured by any mortgage, lien or security interest, or have any interest in any such obligation, mortgage, lien or security interest, except as hereinafter stated in this Affidavit.<sup>12</sup>
12. I own no building or loan certificate, or any share in or assets in any savings and loan association, or other financial institution, except as hereinafter stated in this Affidavit.<sup>13</sup>
13. I own no stocks, bonds, mutual funds or other securities or investments or investment

---

<sup>5</sup> List amount and source.

<sup>6</sup> List amount and source.

<sup>7</sup> List amount and source.

<sup>8</sup> List amount and source.

<sup>9</sup> List name and address of each institution, each safe deposit box number and the contents thereof.

<sup>10</sup> List address, legal description and date and cost of acquisition of all real estate owned.

<sup>11</sup> List name of sole proprietorship, corporation, partnership, limited liability company, or other legal entity, and each interest owned, and the date and cost of acquisition.

<sup>12</sup> List amount, interest, description of property mortgaged or subject to a lien or security interest, and identity of mortgagor or obligor.

<sup>13</sup> List name of institution and ownership interest.

property, except as hereinafter stated in this Affidavit.<sup>14</sup>

14. I have no brokerage account with any broker or financial institution, except as hereinafter stated in this Affidavit.<sup>15</sup>

15. I own no commodities, except as hereinafter stated in this Affidavit.<sup>16</sup>

16. I have no commodity account with any broker or financial institution, except as hereinafter stated in this Affidavit.<sup>17</sup>

17. I have no account with any financial institution whatsoever, except as hereinafter stated in this Affidavit.<sup>18</sup>

18. I have no power of attorney or authority of any nature whatsoever, with respect to any stocks, bonds, commodity accounts, or other securities, investments, investment property, or other assets or property, except as hereinafter stated in this Affidavit.<sup>19</sup>

19. I do not act as a trustee or fiduciary with respect to any property (either real or personal), except as hereinafter stated in this Affidavit.<sup>20</sup>

20. I do not own any bond (or evidence of debt) of any federal, state, local, or foreign government (or any agency, department, or division thereof), except as hereinafter stated in this Affidavit.<sup>21</sup>

21. I own no insurance policy of any type, except as hereinafter stated in this Affidavit.<sup>22</sup>

22. I receive no dividends from any insurance company, except as hereinafter stated in this Affidavit.<sup>23</sup>

23. I pay no premiums on any insurance policy, except as hereinafter stated in this Affidavit.<sup>24</sup>

---

<sup>14</sup> List, including date and cost of acquisition.

<sup>15</sup> List name of broker, account number and outstanding balance in each account.

<sup>16</sup> List, including date and cost of acquisition.

<sup>17</sup> List name of broker, account number and outstanding balance in each account.

<sup>18</sup> List name of institution, account number and outstanding balance in each account.

<sup>19</sup> Identify and describe any such property and beneficial owner thereof.

<sup>20</sup> Identify and describe any such property and beneficial owner thereof.

<sup>21</sup> List all governmental debt issues owned and date and cost of acquisition.

<sup>22</sup> List name of company, face amount of policy, type of insurance, beneficiary and amounts borrowed thereon.

<sup>23</sup> List as in paragraph 21 above (relating to insurance policies).

<sup>24</sup> List as in paragraph 21 above (relating to insurance policies).

24. I am not the beneficiary of any insurance policy, except as hereinafter stated in this Affidavit.<sup>25</sup>

25. I have no interest in any patents, inventions, tradenames, trademarks, copyrights, or other intellectual property, or any license agreement or any agreement providing for any royalty or license payment, except as hereinafter stated in this Affidavit.<sup>26</sup>

26. I have no claim against any insurance company, except as hereinafter stated in this Affidavit.<sup>27</sup>

27. I have no claim against (or interest in) any estate or any trust of any person, whether living or dead, except as hereinafter stated in this Affidavit.<sup>28</sup>

28. I have no claim against any person, whether living or dead, or any sole proprietorship, corporation, partnership, limited liability company, or other entity, except as hereinafter stated in this Affidavit.<sup>29</sup>

29. I am not a plaintiff or defendant in (or otherwise prosecuting) any action or proceeding now pending in any court, except as hereinafter stated in this Affidavit.<sup>30</sup>

30. I am not a party to i) any arbitration proceeding now pending before any arbitrator or arbitrators, or ii) any mediation or other form of dispute resolution, except as hereinafter stated in this Affidavit.<sup>31</sup>

31. I have no interest in any promissory notes, drafts or other commercial paper, except as hereinafter stated in this Affidavit.<sup>32</sup>

32. I am not entitled to receive any money from any federal, state, local, or foreign government, or any agency or department thereof, except as hereinafter stated in this Affidavit.<sup>33</sup>

33. I am not entitled to any federal, state, local, or foreign income tax refund, except as hereinafter stated in this Affidavit.<sup>34</sup>

34. There is no judgment or decree outstanding against me, except as hereinafter stated in

---

<sup>25</sup> List as in paragraph 21 above (relating to insurance policies).

<sup>26</sup> Identify.

<sup>27</sup> Identify company, amount of claim and description of claim.

<sup>28</sup> Identify estate or trust, amount of claim and description of claim.

<sup>29</sup> Identify individual or entity, amount of claim and description of claim.

<sup>30</sup> List each case, case number, and court in which each case is pending, including the caption used with respect to any pleading.

<sup>31</sup> Identify each proceeding.

<sup>32</sup> Identify maker or drawer and amount.

<sup>33</sup> Identify agency or department and amount.

<sup>34</sup> Identify and list amount.

this Affidavit.<sup>35</sup>

35. I have executed no guaranty of the indebtedness or obligation of any individual, sole proprietorship, corporation, partnership, limited liability company, or other entity, except as hereinafter stated in this Affidavit.<sup>36</sup>

36. I have made no gifts, during the six year period preceding the date of this Affidavit, except as hereinafter stated in this Affidavit.<sup>37</sup>

37. I have made no conveyance of real or personal property for less than full value, during the six year period preceding the date of this Affidavit, except as hereinafter stated in this Affidavit.<sup>38</sup> The foregoing statement in this paragraph includes not only outright conveyances of assets but also disclaimers, releases or waivers of any valuable interest, claim or contract right which I owned or held.

38. During the past twelve (12) months, I have not made any payment to any of my creditors, either outside of the ordinary course of business (in the case of any business expense), or in excess of my normal and reasonable consumer or household expenses (in the case of any non-business expense), except as hereinafter stated in this Affidavit.<sup>39</sup>

39. During the past twelve (12) months, I have not made any payment to any bank, financial institution or other holder of any of my notes, bonds or funded indebtedness, except: (i) payments to Lender; (ii) payments to creditors whose claims were, at the time of payment, fully secured by valid and perfected security interests in assets having a value at least as great as the amount of the indebtedness; and (iii) as hereinafter stated in this Affidavit.<sup>40</sup>

40. No real or personal property is held by any third party for my benefit, except as hereinafter stated in this Affidavit.<sup>41</sup>

41. I am not indebted to any bank, savings and loan association, credit union, finance company, brokerage house, financial institution, or individual, except as hereinafter stated in this Affidavit.<sup>42</sup>

---

<sup>35</sup> List style of each case, case number and court which entered each judgment or decree.

<sup>36</sup> Identify debtor, amount and holder of each guaranty.

<sup>37</sup> List property given, approximate value thereof in terms of cost of acquisition, date of gift and identity of recipient.

<sup>38</sup> List property transferred, approximate value thereof in terms of cost of acquisition, property or money received from such transfer (if any), date of transfer and identity of recipient.

<sup>39</sup> Identify creditor and list amount and date of payment.

<sup>40</sup> List any other payments and dates.

<sup>41</sup> List property so held, approximate value thereof in terms of cost of acquisition, date of acquisition and identity of holder.

<sup>42</sup> List name of institution or individual, amount of indebtedness and date indebtedness was incurred.

42. I own no airplane, automobile, boat, trailer, or any motor vehicle of any nature whatsoever, except as hereinafter stated in this Affidavit.<sup>43</sup>
43. I have no tangible or intangible personal property (other than my clothing and personal effects having an aggregate value not exceeding \$10,000), except as hereinafter stated in this Affidavit.<sup>44</sup>
44. I do not own or have any interest in any work of art, except as hereinafter stated in this Affidavit.<sup>45</sup>
45. I own no house, dwelling place, condominium apartment or co-operative apartment, except as hereinafter stated in this Affidavit.<sup>46</sup>
46. I have not had any financial statement prepared for or by me, nor have I issued any financial statement to any bank, financial institution, banking corporation, firm, or person within the last 5 years, except as hereinafter stated in this Affidavit.<sup>47</sup>
47. I am not a custodian of property for any minor or other individual or entity, except as hereinafter stated in this Affidavit.<sup>48</sup>
48. I own no property, real or personal, in Switzerland or any other foreign country, or any territory or possession of the United States, except as hereinafter stated in this Affidavit.<sup>49</sup>
49. Neither I, nor any person or entity on my behalf, has any bank account, savings account or deposit account in any bank or other financial institution in any foreign country, except as hereinafter stated in this Affidavit.<sup>50</sup>
50. I own no jewelry, precious metals, valuables, or like property having a value in excess of \$5,000, except as hereinafter stated in this Affidavit.<sup>51</sup>
51. Except for the property set forth above in this Affidavit, I own no property of any nature whatsoever having a value in excess of \$500, except as hereinafter stated in this Affidavit.<sup>52</sup>

---

<sup>43</sup> List serial number and date and cost of acquisition.

<sup>44</sup> Include description, serial number (if any) and date and cost of acquisition.

<sup>45</sup> Include description, date and cost of acquisition.

<sup>46</sup> List address, date and cost of acquisition.

<sup>47</sup> Attach a copy of any such financial statement.

<sup>48</sup> Include description of such property and identity of beneficial owner.

<sup>49</sup> Include description of each item and its location, address and legal description of real property, serial numbers (if any), and date and cost of acquisition.

<sup>50</sup> List name and address of institution and outstanding balance of account.

<sup>51</sup> List description and date and cost of acquisition.

<sup>52</sup> List description and date and cost of acquisition.

52. The fixed monthly expenses for myself and my dependents are \$ \_\_\_\_\_<sup>\*\*\*53</sup> per month.

53. My annual salary from all sources is \$ \_\_\_\_\_<sup>\*\*\*54</sup>.

54. I have delivered to Lender true and correct copies of all of the tax returns (and all amendments thereto) which I have filed with the Internal Revenue Service, on or before the date of this Affidavit, for the following years: \_\_\_\_\_<sup>\*\*\*</sup>; and I know of no basis for any correction or other amendment to any such return.

55. I am not currently, and have not been at any time during the six-year period immediately preceding the date of this Affidavit, a beneficiary of any trust, except as hereinafter stated in this Affidavit.<sup>55</sup>

56. I have not conveyed any beneficial interest in or to any trust or trustee, during the six year period immediately preceding the date of this Affidavit, except as hereinafter stated in this Affidavit.<sup>56</sup>

57. No trust in which I have held a beneficial interest, at any time during the six year period immediately preceding the date of this Affidavit, has made any transfer of property during such time, except as hereinafter stated in this Affidavit.<sup>57</sup>

58. No sole proprietorship, partnership, limited liability company, corporation, or other entity, in which I held an ownership interest at any time during the six year period immediately preceding the date of this Affidavit, has made any transfer of property during such time, except as hereinafter stated in this Affidavit.<sup>58</sup>

59. No sole proprietorship, partnership, limited liability company, corporation, or other entity in which I have held a five percent (5%) or greater ownership interest, at any time during the six year period immediately preceding the date of this Affidavit, has made any transfer of property outside of the ordinary course of business during such time, except as hereinafter stated in this

---

<sup>53</sup> List amount and description of each fixed expense.

<sup>54</sup> List amounts and sources.

<sup>55</sup> Identify each such trust, all beneficiaries of such trust, all assets held by such trust during such period, and the nature and value of each beneficial interest, and the date such interest was acquired.

<sup>56</sup> List all such transactions, including date of transfer, nature and value of beneficial interest transferred, to whom transferred, consideration for the transfer, and reason for the transfer.

<sup>57</sup> List all such transactions, including date of transfer, nature and value of property transferred, to whom transferred, consideration for the transfer, and reason for the transfer.

<sup>58</sup> List all such transactions, including date of transfer, nature and value of property transferred, to whom transferred, consideration for the transfer, and reason for the transfer.

Affidavit.<sup>59</sup>

60. I know of no other material facts relating to my financial condition, except as hereinafter stated in this Affidavit.

61. The following are the sole exceptions to this Affidavit:

---

---

---

---

\_\_\_\_\_  
{{{18/GUARANTOR}}}

Sworn to before me this \_\_\_\_ day of  
\_\_\_\_\_, 200\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My commission expires:

[SEAL]

<sup>59</sup> List all such transactions, including date of transfer, nature and value of property transferred, to whom transferred, consideration for the transfer, and reason for the transfer.

**SCHEDULE 1**

Financial Statement