

**AFFIDAVIT TO ESTABLISH SURVIVING
TENANT BY THE ENTIRETY**

Title No. _____

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

_____, being duly sworn, deposes and says:

1. That he/she was validly married to _____ immediately prior to the latter named party's death, and that the affiant in conjunction with the decedent held title as "husband and wife" to the following described property:

Street Address: _____
Section _____, Block _____ and Lot _____

2. That the affiant and the above-named decedent were legally married on _____ and affiant is the widow/widower of decedent.

3. That _____died on _____ as evidenced by a certified copy of the Certificate of Death attached hereto.

4. That the affiant has carefully examined all of the decedents' personal possessions, letters, papers, effects and belongings, and is certain that either:
(a) No Will was executed or otherwise declared by the decedent, based not only on affiant's failure to discover a will, but because affiant was never informed of decedent having executed or declared a will, and affiant is certain that he/she would have been consulted, or would at least have had knowledge of that fact if a testamentary disposition were attempted, or
(b) If a Will is present that it is the last complete Will (with codicils and/or other amendments) and that this Will devised the subject property to the affiant.

5. That, with respect to the above-described property, there has not been nor will there be an election filed pursuant to EPTL 5-1.1A in any proceedings in any court of competent jurisdiction.

6. That I am fully familiar with the assets of which the decedent died and that there are no Federal Estate Taxes or New York Estate Taxes due on the Estate, and further, that all debts/legacies against the Estate, if any, are satisfied.

7. That this affidavit is executed to induce Stewart Title Insurance Company to issue a policy of title insurance covering said premises, knowing that they will rely on the statements herein made are true.

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

Notary Public