

FIRST AMERICAN TITLE INSURANCECOMPANY / FIDELITY NATIONAL TITLE INSURANCE COMPANY

GAP AFFIDAVIT AND INDEMNITY AGREEMENT

State of _____)

County of _____)ss
_____)

The undersigned, whether one or more, being on oath duly sworn, depose and say:

That they are owners of the real estate described in First American Title Insurance Company / Fidelity National Title Insurance Company Commitment Number _____, commonly known as _____(City, State and Zip).

That the proposed insured owner/lender requires that said Title Insurance Company delete from its above-numbered commitment the following exception:

"Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment."

That there is no person who has any interest of any manner in said property other than affiants and there are no facts known to them which could give rise to a claim asserted against said property.

That they have not nor do they intend to file any petition in bankruptcy or for reorganization or to make any voluntary assignment for the benefit of creditors.

That there is no agreement, contract, commitment or option for the sale, lease or mortgage of the property nor any such agreement, contract or option which could affect the title to said property except the contract with the proposed insured named above, or the proposed buyer(s) (if none, please state "none").

_____ That they are not subject to any delinquency for United States or State of _____, income, sale, gift, estate, inheritance or use taxes nor are there any liens or assessments which are due or about to become due which have attached or could attach to the title to said real estate except those disclosed in the above-numbered commitment.

That there are no actions or proceedings now pending in any state or federal court to which affiants are a party except (if none, please state "none").

_____ That they make this affidavit knowing that {{.Underwriter.Name}} will rely upon it for the purpose of guaranteeing against any adverse matters accruing since the effective date of the above-numbered commitment.

That they agree to indemnify {{.Underwriter.Name}} for all loss, damages, costs and fees it may incur in defending any insured against the enforcement or attempted enforcement of any adverse matter created or first appearing in the public records, or attaching subsequent to the effective date of the above-numbered commitment but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage covered by this commitment.

Executed this _____ day of _____, 20_____.

Subscribed and sworn to before me this _____ day of _____.

* _____
Notary Public for _____ County, _____
My Commission is permanent. (If not, state expiration date: _____)