

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)