

COMMERCIAL OWNER/SELLER AFFIDAVIT

The undersigned, being duly sworn according to law, deposes and says:

1. I am _____, _____ (title, if any) of _____, Owner of all that certain real property described in Title Commitment No. _____ (the Property) and known as _____ (brief legal description).

2. In my capacity as such, I am personally familiar with the management and operation of the Property, including the existence of any tenancies, leases, parties in possession and other occupancies, and payment of taxes and assessments in connection therewith.

3. The property is currently used as a commercial site.

4. The Owner's enjoyment of the Property has been peaceful and undisturbed and the title to the Property has never been disputed or questioned to my knowledge, nor does the Owner know of any facts by reason of which title to, or possession of the Property might be disputed or questioned, or by reason of which any claim to the Property or any portion thereof might be asserted adversely to:

(a) *(delete if not applicable)*

A complete list of all parties in possession of any portion of the Property is attached hereto and made a part hereof. There are no other tenancies, leases, parties in possession or other occupancies of the Property and each of the parties disclosed on the attached list occupies the Property or has a right to such occupancy either as a tenant from month to month without lease or pursuant to the terms of an unrecorded lease. Further, none of the leases contain a First Right of Refusal and/or Option to Purchase.

(b) *(delete if not applicable)*

There are no tenancies, leases, occupancies or parties in possession of the Property.

5. No proceeding in bankruptcy has ever been instituted by or against the Owner (and if a partnership, against the general partner(s) thereto), nor has the Owner ever made an assignment for the benefit of creditors.

6. The Owner knows of no action or proceeding relating to the Property in any State or Federal Court in the United States, nor does the Owner know of any State or Federal Judgment, nor any Federal Lien of any kind or nature whatever, which now constitute a lien or charge upon the Property.

7. There are no unrecorded documents affecting title to the Property.

8. The Owner has had no notice, nor is Owner aware of any notice, of any taxes and/or special assessments affecting the Property other than those shown on the Commitment.

9. There are no unpaid charges for taxes, sewer and/or water services, or unpaid special assessments for items such as improvements for sidewalks, curbs, gutters, sewers, etc., not shown as existing liens in the public records and reflected in the Commitment.

10. The building or buildings located on the Property were completed more than _____ years ago.

11. There are no unpaid bills or claims for labor or services performed or materials furnished or delivered during the last 123 days for alterations, repair, work, or new construction on the Property, except:

(If none, state "None")

12. The Owner knows of no contract for current or future repairs or improvements on the Property except as follows:

(If none, state "None")

13. The Owner knows of no outstanding unpaid or delinquent real estate taxes or assessments against said premises; further, that there are no unpaid or delinquent water or sewer service charges against said premises;

Also, that the undersigned has not received notice, nor know of any recent future planned improvements (such as street paving, sidewalks, street lighting, surface drainage, etc.) that will or might result in a special assessment against this property;

Additionally, there are no unpaid homeowners, condominium, or other special assessments.

14. The Owner knows of no violations of any zoning law or ordinance; or violations of restrictive covenants affecting the premises; or violations caused by an illegal lot division or failure to comply with any subdivision laws or ordinances.

15. The Owner knows of no encroachments of any improvements onto adjoining property including but not limited to walls and fences, easement or utility area.
16. The Owner has never had its access to and from a public street limited in any way.
17. The Owner has never been aware of problems relating to either the issuance of a building permit or to the failure to obtain one for an improvement to the property.
18. The Owners knows of no agreement or contract for conveyance, or deed, conveyance, written lease, or writing whatsoever, in existence, adversely affecting the title to said premises, except that in connection with which this Affidavit is given.
19. This affidavit is given to induce Old Republic National Title Insurance Company to issue its policy or policies of title insurance with full knowledge that it will be relying upon the accuracy of statements made herein.

Owner: _____

By _____
(name, title)

Commonwealth of Virginia
City/County of _____

Subscribed and sworn to before me this ____ day of _____, 20____ by
_____.

Notary Public (SEAL)

My commission expires: _____
ID # _____