

York, hereby affirms under penalty of perjury that:

- 1. Deponent is an attorney at law and a member of the law firm of _______, attorneys for plaintiff. As such, I am familiar with the pleadings and proceedings had herein.
- 2. I make this affirmation in support of plaintiff's application for an order appointing a referee to compute the amount due to plaintiff.
- 3. I make this affirmation based on personal knowledge knowledge derived from conversations with the employees of plaintiff and knowledge derived from the books and records regularly kept by deponent's law firm in the ordinary course of its practice of law.
- 4. This action was brought to foreclose a mortgage on certain real property located in the County of _____ and State of New York as more fully described in the notice of pendency, a copy of which is annexed hereto and made a part hereof as Exhibit "A."
- 5. The original summons and verified complaint in this action were filed in the Schenectady County Clerk's Office on ________, 20___, copies of which are attached hereto as Exhibit "B." Immediately after the filing of the verified complaint herein, a notice of pendency of this action in the form prescribed by CPLR 6511 and RPAPL 1331 and containing, as the deponent believes correctly and

truly, all the particulars required to be stated in such notice, was filed in the office of the County Clerk. Since the filing of the notice of pendency, the complaint in this action has not been amended to make new parties to the action, or to embrace the property other than described in the original complaint, or to extend the plaintiff's claim against the mortgaged premises, or in any way whatsoever.

- 6. Upon information and belief, each of the defendants in this action is of full age and of sound mind, is a resident of New York State, is not in the military service of the United States of America, and none of the defendants in this action are absentees or have been proceeded against as such.
- 7. The said summons and complaint were personally served upon the defendants in this action as is set forth in affidavits or proofs of service that are annexed hereto as Exhibit "C" and made a part hereof. The original affidavits of service were filed with the County Clerk.
- 8. No defendant has answered, appeared, or made any motion raising an objection to the complaint except as set forth in Exhibit "D" annexed hereto and made a part hereof, and the time for defendants to do so has expired.
- 9. Plaintiff requests an order appointing a referee to compute the amounts due and owing on the mortgage of the plaintiff herein, and for such other and further relief as to the Court may seem just and proper.
- 10. As can be seen from the affidavits of service also attached as Exhibit "C,"

 also occupies the mortgaged premises. Accordingly, they should be added in place of the "John Doe" and "Jane Doe" defendants, and plaintiff requests permission to so amend the caption.

OR

As can be seen from the affidavit of non-service also attached as Exhibit "C," the mortgage premises are vacant. Accordingly, there is no need for the "John Doe" and "Jane Doe" defendants, and plaintiff requests permission to delete them from the caption.

11. The mortgage loan that is the subject of this action (is/is/ not) a high-cost home loan, subprime home loan or nontraditional home loan within the meaning of Chapter 472 of the Laws of 2008.

- 12. All the pleadings herein have been regular and in accordance with the rules and practices of this Court.
 - 13. No previous application has been made for the relief sought herein.

WHEREFORE, deponent respectfully request	is an order appointing a referee to compute the
amounts due and owing on the mortgage of the plaintif	f herein, granting permission to amend the caption
to delete therefrom defendant	and the "John Doe" and "Jane Doe"
defendants and the substitute therefore	, and granting such other and further relief as
to the Court may seem just and proper.	
Dated:	
	Attorney for Plaintiff