

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(s) and say(s) as follows:

1. [I/We] [am/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 \_\_\_\_\_, 20\_\_\_\_, 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 \_\_\_\_\_, 20\_\_\_\_, 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 [has/have] been shown a survey of the "\_\_\_\_\_" premises  
prepared by \_\_\_\_\_, land surveyor, dated \_\_\_\_\_,  
20\_\_\_\_, wherein it appears that a \_\_\_\_\_ fence runs along or nearby the  
"common boundary line," but is situate up to \_\_\_\_\_ feet inside the "\_\_\_\_\_"  
premises from the "common boundary line."
5. The undersigned hereby certify(ies) that [he/she/they] [is/are] agreed that the "common  
boundary line" as depicted in the said survey is accurate and true; and that [he/she/they]  
make(s) 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(ies) that the said fence is [his/her/their] personal property  
and constitutes an encumbrance on the "\_\_\_\_\_" premises; and upon demand,  
[he/she/they] promise to remove the said fence.
7. The undersigned make(s) this affidavit at the request of \_\_\_\_\_  
in order to induce the \_\_\_\_\_ to finance a mortgage loan  
to purchasers of [his/her/their] real property.

\_\_\_\_\_  
\_\_\_\_\_  
(Signatures must be notarized in form suitable for recording)