

HOUSING OPPORTUNITIES COMMISSION  
OF MONTGOMERY COUNTY, MARYLAND

**PARTICIPANT'S (LENDER'S) AFFIDAVIT**  
(NOT A BORROWER'S AFFIDAVIT)

TO BE COMPLETED BY LENDER ONLY

**LENDER INSTRUCTIONS:**

- LENDER DOCUMENT - COMPLETE AFFIDAVIT, SIGN AND NOTARIZE.
- SUBMIT ORIGINAL SIGNED AFFIDAVIT with the MBS Post-Closing Compliance package to HOC.

\_\_\_\_\_  
Mortgagor's Last Name

The undersigned participant (the "Participant") under the Housing Opportunities Commission of Montgomery County Single Family Program Agreement (the "Agreement"), being duly sworn and under penalty of perjury, which is a felony offense, does hereby represent as follows:

1. Unless the Commission has agreed in writing to waive this requirement, the Participant has secured information relating to the Mortgagor's residence during the three-year period before the execution of the contract of sale with respect to the Residence, and in the course of inspecting the Residence and securing said information, nothing has come to its attention which gives it reason to believe that any of the information supplied by the Mortgagor or any other party is false or misleading.
2. For each of the three years before the execution of the Purchase contract on the Residence, the Participant has obtained one of the following:
  - A. From the Mortgagor or from the Internal Revenue Service ("IRS"), federal income tax returns which indicate that, during such period the Mortgagor did not claim deductions for taxes or interest on indebtedness with respect to real property constituting his or her principal residence (other than with respect to temporary initial financing on the Residence), or
  - B. From the Mortgagor, the Mortgagor's Affidavit stating that he or she was not required to file such return in accordance with Section 6012 of the Internal Revenue Code of 1954, as amended, during such period, or
  - C. From IRS, a certification that the Mortgagor filed Form 1040A or 1040EZ short form return for such period.

3. The Acquisition Cost (as defined in the Agreement) of the Residence does not exceed \$\_\_\_\_\_.

4. It has required the title company to examine the land records of Montgomery County, Maryland and has confirmed that the Mortgagor has no pre-existing permanent mortgage on the Residence at any time before the mortgage financing under the program.
5. It has thoroughly undertaken each investigation performed by it in compliance with this affidavit and such investigations have produced no information which would lead the Participant to believe the results thereof are in any way false or misleading.
6. All documents and information supplied to the Commission by the Participant in connection with the Mortgagor and the Residence are true, accurate and complete to the best of its knowledge.
7. It has executed this affidavit in order to comply with the requirements of the Mortgage Subsidy Bond Tax Act of 1980, as amended, being Section 103A of the Internal Revenue Code of 1954, as amended, and the regulations promulgated thereunder and the requirements of Section 143 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder.

Housing Opportunities Commission  
of Montgomery County

Participant's (Lender's) Affidavit

THIS AFFIDAVIT is required to be made under oath and may be subject to penalty of perjury. Every person who shall be convicted of perjury shall be sentenced to imprisonment in the jail or penitentiary for not more than ten years. (Md. Ann. Code Art. 27, Sec. 439, as amended.)

Attest: \_\_\_\_\_  
Authorized Officer Participant's Name (Lender)

SIGNATURE AND DATE AT SETTLEMENT \_\_\_\_\_  
Signature Date

1. In addition to the statements sworn to previously, the undersigned participant further warrants that it has inspected the single family residence (the "Residence") located at \_\_\_\_\_ as mortgagor (the "Mortgagor") and which secures the mortgage note executed by \_\_\_\_\_ has confirmed that the Mortgagor is occupying the Residence and is not using the Residence as an investment or rental property or as a recreational home or using no more than 15% of the total area of the Residence primarily in his or her trade or business, and that the land appurtenant to the Residence is only such land as is necessary to reasonably maintain the basic livability of the Residence and does not provide, other than incidentally, a source of income to the Mortgagor, and has no reason to believe that the Mortgagor has the current intention of not occupying the Residence or of using the Residence as an investment or rental property or as a recreational home or of using more than 15% of the total area of the Residence in his or her trade or business.

2. The undersigned Participant reaffirms that the statements sworn to previously in this affidavit remain true to the best of the Participant's knowledge.

3. THIS AFFIDAVIT is required to be made under oath and may be subject to the penalty of perjury. Every person who shall be convicted of perjury shall be sentenced to imprisonment in the jail or penitentiary for not more than ten years. (Md. Ann. Code Art. 27, Sec. 439, as amended.)

SIGNATURE AND DATE AT INSPECTION \_\_\_\_\_  
FOR OWNER OCCUPANCY Signature Date  
(Authorized Officer of Lender)

[NOTARY]

STATE OF MARYLAND )  
: ss.:  
COUNTY OF MONTGOMERY )

On this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, before me, a notary public for the said \_\_\_\_\_ county and \_\_\_\_\_ state, \_\_\_\_\_ personally appeared \_\_\_\_\_ known to me (or satisfactorily proven to be the person whose name is subscribed to the within Participant's Affidavit) and acknowledged that he/she executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary

[Seal]

My commission expires: \_\_\_\_\_