

## BORROWER'S AFFIDAVIT

I, \_\_\_\_\_, and I, \_\_\_\_\_  
"Applicant(s)", have applied for a home mortgage originated by \_\_\_\_\_, pursuant  
to the Down Payment Assistance Program of the City of Stockton (the "City"), do hereby  
represent and warrant as follows:

1. The residence to be financed with the proceeds of the mortgage loan is located within the incorporated city limits of Stockton, California at \_\_\_\_\_
2. The residence is reasonably suitable for occupancy by not more than one family.
3. (I/We) will occupy the residence as (my/our) principal place of residence within 60 days of the closing of the residence mortgage, and thereafter will maintain the property as (my/our) principal residence for the duration of this mortgage. (I/We) do not intend to, and have not entered into any arrangement to, rent, sell, assign or transfer the residence.
4. (I/We) will not use more than 15% of the total area of the residence or otherwise use the residence primarily in a trade or business which qualifies (me/us) to a deduction for expenses for business use of residence under Section 280A of the Internal Revenue Code, use the residence as investment property and will not receive any income from the residence or the land being purchased with the residence, or use the residence as a recreational residence.
5. All of the land being purchased with the home is required to maintain the basic livability of the residence, and (I/we) have no intention of subdividing such land or otherwise selling it apart from the residence.
6. (I/We) have not had a present ownership interest\* in a principal residence, including factory made housing permanently fixed to real property, at any time during the three-year period immediately prior to the closing of the home mortgage, except that this paragraph does not apply if (I/we) (am/are) qualifying as a displaced homeowner due to a divorce property settlement wherein I did not retain ownership of the family home. (I/we) have attached copies of (my/our) signed federal income tax returns for such 3-year period which were filed with the Internal Revenue Service. If (I/we) (was/were) not required to file such returns during one or more such preceding three years in accordance with Section 6012 of the Internal Revenue Code.
7. (I/We) have submitted to City of Stockton a true and correct copy of the purchase contract together with all other agreements which (I/we) have entered into with the seller of the residence.
8. a. The Acquisition Cost\*\* of the residence as shown in the purchase contract is \$\_\_\_\_\_. Neither (I/we) nor anyone on (my/our) behalf has made any payment other than such amount to the seller of the residence or to any other person on behalf of the seller, nor have (I/we) cancelled any debt of the seller or any related person of the seller.  
b. (I/We) have not entered into any agreement with the seller of the home, the developer, the contractor, or any other person pursuant to which any portion of the residence has been left unfinished or any fixtures or other architectural appointments have been omitted or removed from the residence in order to reduce the Acquisition Cost, and the home as sold to (me/us) is substantially complete and contains all appropriate fixtures and other architectural appointments.

\* The term "present ownership interest" includes not only outright ownership but also any of the following interests if held either directly by you or in trust for you: a joint tenancy, a tenancy in common, a tenancy by the entirety, a community property interest, the interest of a tenantshareholder in cooperative, a life estate, or a contract pursuant to which you have possession and the benefits and burdens of ownership although legal title is not transferred until some later time and interest held in trust for you (whether or not created by you) that would be a present ownership interest if held by you.

\*\* The term "Acquisition Cost" means the cost of acquiring a residence from the seller as a completed unit. The term does not include usual and reasonable settlement or financing costs. It does include the amount of any lien or assessment to which the home is subject.

**BORROWERS AFFIDAVIT**

9. (I/We) will not allow the property to be transferred during the term of the loan without the approval of the City of Stockton.

10. (I/We) certify that (my/our) annualized gross income for the last calendar year is \_\_\_\_\_.

11. (I/We) certify that the total number of members of (my/our) family, including (me/us), who will reside permanently in the residence is \_\_\_\_\_, and that the Applicant(s), and only the Applicant(s), (is/are) acquiring a present ownership interest in the residence.

12. (I/We) certify that (I/we) are citizens or other nationals of the United States or a qualified alien as defined in the Citizenship and Alien Verification regulations set forth in Title 25 of the California Code of Regulations, Division Z, Chapter 3 (Sections 12001, *et. Seq.*) which implement federal legislations known as Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193, 8 U.S.C. Sections 1601, *et. Seq.*).

**(I/We) Certify that (my/our) Social Security Numbers are:**

Name \_\_\_\_\_ Social Security Number \_\_\_\_\_

13. The following information is requested by the federal government. California law requires that such information, when collected, be broken down into more specific categories as described below. You are not required to furnish this information, but are encouraged to do so. The law provides that a lender may not discriminate on the basis of this information, or on whether you choose to furnish it.

<b>BORROWER</b>	<b>CO-BORROWER</b>	<b>BORROWER #3</b>	<b>BORROWER #4</b>
I do not wish to furnish this information	I do not wish to furnish this information	I do not wish to furnish this information	I do not wish to furnish this information
Male <input type="checkbox"/> Female <input type="checkbox"/>			
<b>Race or National Origin</b> <input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Chinese <input type="checkbox"/> Japanese <input type="checkbox"/> Filipino <input type="checkbox"/> Korean <input type="checkbox"/> Vietnamese <input type="checkbox"/> Asian Indian <input type="checkbox"/> Laotian <input type="checkbox"/> Cambodian <input type="checkbox"/> Hawaiian <input type="checkbox"/> Guamanian <input type="checkbox"/> Samoan <input type="checkbox"/> Black or African <input type="checkbox"/> American <input type="checkbox"/> Hispanic <input type="checkbox"/> White <input type="checkbox"/> Other	<b>Race or National Origin</b> <input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Chinese <input type="checkbox"/> Japanese <input type="checkbox"/> Filipino <input type="checkbox"/> Korean <input type="checkbox"/> Vietnamese <input type="checkbox"/> Asian Indian <input type="checkbox"/> Laotian <input type="checkbox"/> Cambodian <input type="checkbox"/> Hawaiian <input type="checkbox"/> Guamanian <input type="checkbox"/> Samoan <input type="checkbox"/> Black or African <input type="checkbox"/> American <input type="checkbox"/> Hispanic <input type="checkbox"/> White <input type="checkbox"/> Other	<b>Race or National Origin</b> <input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Chinese <input type="checkbox"/> Japanese <input type="checkbox"/> Filipino <input type="checkbox"/> Korean <input type="checkbox"/> Vietnamese <input type="checkbox"/> Asian Indian <input type="checkbox"/> Laotian <input type="checkbox"/> Cambodian <input type="checkbox"/> Hawaiian <input type="checkbox"/> Guamanian <input type="checkbox"/> Samoan <input type="checkbox"/> Black or African <input type="checkbox"/> American <input type="checkbox"/> Hispanic <input type="checkbox"/> White <input type="checkbox"/> Other	<b>Race or National Origin</b> <input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Chinese <input type="checkbox"/> Japanese <input type="checkbox"/> Filipino <input type="checkbox"/> Korean <input type="checkbox"/> Vietnamese <input type="checkbox"/> Asian Indian <input type="checkbox"/> Laotian <input type="checkbox"/> Cambodian <input type="checkbox"/> Hawaiian <input type="checkbox"/> Guamanian <input type="checkbox"/> Samoan <input type="checkbox"/> Black or African <input type="checkbox"/> American <input type="checkbox"/> Hispanic <input type="checkbox"/> White <input type="checkbox"/> Other

**IF YOU CHOOSE NOT TO FURNISH THE ABOVE INFORMATION AND YOU HAVE MADE THIS APPLICATION IN PERSON, UNDER FEDERAL REGULATIONS THE LENDER IS REQUIRED TO NOTE YOUR RACE OR NATIONAL ORIGIN AND SEX ON THE BASIS OF VISUAL OBSERVATION OR SURNAME.**

**BORROWER'S AFFIDAVIT**

(I/We) have read the Promissory Note and Deed of Trust, and (I/we) understand that the loan may be accelerated upon the occurrence of certain events specified therein.

(I/We) understand that, if (I/we) have made any material misstatements in the foregoing representation or omitted to state any of the information requested, the following may occur:

1. The office of the district attorney will be contacted for investigation regarding misrepresentation and fraud.
2. The outstanding principal balance of the loan will be immediately due and payable together with accrued interest and foreclosure costs (if foreclosure is necessary because payment in full or the outstanding principal balance and accrued interest thereon is not made immediately).

**(I/We) declare under penalty of perjury that the foregoing warranties and representations are true and correct. Executed on the date or dates shown below.**

Date and City	Signature

**-LENDER STATEMENT-**

I have explained the contents of this affidavit to each of the Borrowers whose signature appears above, and I have no reason to believe that those individuals made any misstatements in the warranties and representations required to be made herein or omitted to state any of the information requested. If Borrower(s) chose not to furnish the following information, under Federal regulations Lender is required to note race and sex on the basis of visual observation or surname.

<b>BORROWER</b> Male <input type="checkbox"/> Female <input type="checkbox"/> Race or National Origin: _____	<b>CO-BORROWER</b> Male <input type="checkbox"/> Female <input type="checkbox"/> Race or National Origin: _____	<b>BORROWER #3</b> Male <input type="checkbox"/> Female <input type="checkbox"/> Race or National Origin: _____	<b>BORROWER #4</b> Male <input type="checkbox"/> Female <input type="checkbox"/> Race or National Origin: _____
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Date and City	Signature of Officer or Lender
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