

Servicer:

[Name of Servicer]
[Address of Servicer]

[Loan #]
[Servicer FAX]
[Servicer Email]

Seller:

[Name of Seller]
[Name of Co-Seller]
[Address of Seller]

[Seller Phone]
[Seller Email]

Buyer:

[Name of Buyer]
[Name of Co-Buyer]
[Address of Buyer]

[Buyer Phone]
[Buyer Email]

[Date]

RE: [Property Address] ("Property")

HABA AFFIDAVIT

This HABA Affidavit ("Affidavit") is given by the Seller(s) and Buyer(s) to the Servicer of the mortgage loan secured by the Property ("Mortgage") in consideration for the mutual and respective benefits to be derived from the short sale of the Property with a scheduled closing date of [closing date].

NOW, THEREFORE, the Seller(s) and Buyer(s) do hereby represent, warrant and agree under the pains and penalties of perjury, to the best of each signatory's knowledge and belief, as follows:

- (a) The sale of the Property is an "arm's length" transaction, between Seller(s) and Buyer(s) who are unrelated and unaffiliated by family, marriage, or commercial enterprise;
- (b) There are no agreements, understandings, contracts, or offers relating to the current sale or subsequent sale of the Property that have not been disclosed to the Servicer;
- (c) Except as disclosed to the Servicer, there are no agreements, understandings, or contracts between the Seller(s) and Buyer(s) that the Seller(s) will remain in the Property as a tenant or later obtain title or ownership of the Property.
- (d) Neither the Sellers(s) nor the Buyer(s) will receive any funds or commissions from the sale of the Property except to the extent the Seller(s) receive a relocation assistance payment approved by the Servicer and reflected on the HUD-1 Settlement Statement;
- (e) All amounts to be paid to any person or entity, including holders of other liens on the Property, in connection with the short sale have been disclosed to and approved by the Servicer and will be reflected on the HUD-1 Settlement Statement;
- (f) Any person receiving relocation assistance is required to vacate the property as a condition of the sale. Further, the Seller(s) represent that all persons receiving relocation assistance (i) occupied the property as a principal residence on the date the Seller(s) submitted the request for short sale assistance to the Servicer, and (ii) are either the Seller(s), a tenant, or a legal dependent, parent or grandparent of the Seller that occupied the property rent-free.

By signing below, I/we agree that all representations, warranties and statements made herein will survive the closing of the short sale transaction; and I/we represent that the information provided herein is true and accurate and authorize the Servicer to disclose such information to the U.S. Department of the Treasury or other government agency, Fannie Mae and/or Freddie Mac, and any of their respective agents, in connection with the Making Home Affordable program.

Seller Signature _____ Date _____ Co-Seller Signature _____ Date _____

Printed Name _____ Printed Name _____

Buyer Signature _____ Date _____ Co-Buyer Signature _____ Date _____

Printed Name _____ Printed Name _____

If you would like to speak with a counselor about this program, call the Homeowner’s HOPE™ Hotline 1-888-995-HOPE (4673). The Homeowner’s HOPE™ Hotline offers free HUD-certified counseling services and is available 24/7 in English and Spanish. Other languages are available by appointment.

If you have questions, please contact us directly between the hours of [insert hours] at [insert toll free number.]

NOTICE TO SIGNATORIES

Be advised that by signing this document you understand that any documents and information you submit in connection with the Making Home Affordable Program are under penalty of perjury. Any misstatement of material fact made in the completion of these documents including but not limited to misstatement regarding your occupancy in your home, hardship circumstances, and/or income, expenses, or assets will subject you to potential criminal investigation and prosecution for the following crimes: perjury, false statements, mail fraud, and wire fraud. The information contained in these documents is subject to examination and verification. Any potential misrepresentation will be referred to the appropriate law enforcement authority for investigation and prosecution. By signing this document you certify, represent and agree that: "Under penalty of perjury, all documents and information I have provided in connection with the Making Home Affordable Program, including the documents and information regarding eligibility for the program, are true and correct."

If you are aware of fraud, waste, abuse, mismanagement or misrepresentations affiliated with the Troubled Asset Relief Program, please contact the SIGTARP Hotline by calling 1-877-SIG-2009 (toll-free), 202-622-4559 (fax), or www.sigtar.gov. Mail can be sent Hotline Office of the Special Inspector General for Troubled Asset Relief Program, 1801 L St. NW, Washington, DC 20220.

