

**ESTOPPEL AFFIDAVIT**

(By Individual giving Deed-in-Lieu of foreclosure)

STATE OF CALIFORNIA )  
 ) SS.  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, (“Affiant(s)”) being first duly sworn, each for himself and/or herself, deposes and says: That Affiant(s) is/are the identical party/parties who made, executed, and delivered that certain deed in lieu of foreclosure (“Deed”) to \_\_\_\_\_ (“Beneficiary”), dated the \_\_\_ day of \_\_\_\_\_, conveying the following described property, to wit:

(the “Land”)

That Affiant(s) is/are now, and at all times mentioned, an individual(s);

That the Deed is intended to be and is an absolute conveyance of the title to the Land to the Beneficiary, and was not and is not now intended as a mortgage, trust conveyance, or security of any kind;

That it is/was the intention of Affiant(s) as grantor(s) in the Deed to convey, and by the Deed this/these Affiant(s) did convey to the Beneficiary all his/her/their rights, title and interest absolutely in and to the Land;

That possession of the Land has been surrendered to the Beneficiary;

That the Deed was not given as a preference against any other creditors of the (Affiant(s)); that at the time it was given, there was no other person or persons, entity or entities, other than the Beneficiary, holding an interest, either directly or indirectly in the Land;

That the Affiant(s) is/are solvent and has/have no other creditors whose rights would be prejudiced by such conveyance, and that Affiant(s) is/are not obligated upon any bond or other mortgage whereby any lien has been created or exists against the Land;

That in the execution and delivery of the Deed, Affiant(s) is/were not acting under any misapprehension as to the effect thereof, and acted freely and voluntarily and was/were not acting under coercion or duress;

That the consideration for the Deed was/is payment to Affiant(s) of the sum of \$ \_\_\_\_\_, by Beneficiary, and the full cancellation of all debts, obligations, costs, and charges secured by that certain deed of trust heretofore existing on the Land executed by \_\_\_\_\_, Trustor, to \_\_\_\_\_, as Trustee, for \_\_\_\_\_, as Beneficiary, dated the \_\_\_\_\_ day of \_\_\_\_\_, and recorded as Instrument No. \_\_\_\_\_ in Book \_\_\_ Page \_\_\_ of Official Records of \_\_\_\_\_ County, State of California, and the full reconveyance of said deed of trust;

That at the time of making the Deed, Affiant(s) believed and now believe(s) that the aforesaid consideration therefor represents the fair value of the Land so deeded;

This affidavit is made for the protection and benefit of the Beneficiary, his/her/its successors and assigns, and all other parties hereafter dealing with or who may acquire an interest in the Land, and particularly for the benefit of \_\_\_\_\_, a policy issuing agent of the underwriter, Stewart Title Guaranty Company, which has been requested to insure the title to the Land in reliance thereon, and any other title company which may hereafter insure the title to the Land;

That Affiant(s), will testify, declare, depose or certify under penalty of perjury before any competent tribunal, officer, or person, in any case now pending or which may hereafter be instituted, to the truth of the particular facts set forth hereinabove.

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy, or validity of that document.

State of California  
County of \_\_\_\_\_

Subscribed and sworn to (or affirmed) before me on this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by \_\_\_\_\_, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

\_\_\_\_\_  
Notary Signature