

FORM E-1

THIS AFFIDAVIT IS AN EXHIBIT TO THE EFFECTIVENESS AMENDMENT AND MUST BE DELIVERED WITH THE AMENDMENT TO ALL OFFEREEES AS REQUIRED BY 13 NYCRR 18.1(d)(1) and 13 NYCRR 23.1(d)(1).

SAMPLE EFFECTIVENESS AFFIDAVIT
Sec. 352-eeee Non-Eviction Plan
New York City and Upstate Eviction Plans

_____, being duly sworn, deposes and says:
Principal of Sponsor

1. I am _____, _____
office/position

_____, sponsor of the offering plan for conversion
Name of Sponsoring Entity

of the premises _____ to cooperative
Address of premises

or condominium ownership as a non-eviction plan pursuant to General Business Law Section 352-eeee.

2. The offering was accepted for filing by the Department of Law on _____.
Date (Month, Day, Year)

3. The presentation date of the plan was _____.
Date (Month, Day, Year)

4. All subscribers or purchasers who are counted for purposes of declaring the plan effective:

- (a) are bona fide purchasers;
- (b) are not purchasing as an accommodation to, or for the account or benefit of, the sponsor or principals of sponsor; and
- (c) have duly executed subscription or purchase agreements and have paid the full down payment as required in the Procedure to Purchase Section of the offering plan.

5. Only subscription or purchase agreements assigned or transferred in compliance with 13 NYCRR 18.3(g) or 13 NYCRR 23.3(r) have been counted for purposes of declaring the plan effective.
6. There are no material changes to the budget for the first year's operation which have not been disclosed in a duly filed amendment to the offering plan.
7. The following subscribers or purchasers are either the sponsor, the selling agent or the managing agent, or are principals of the sponsor, the selling agent or the managing agent, or are related to the sponsor, the selling agent or the managing agent or to any principal of the sponsor, the selling agent or the managing agent, by blood, marriage, adoption or as a business associate, an employee, a shareholder or a limited partner:

| <u>Name of Purchaser</u> | <u>Unit Purchased</u> | <u>Nature of Relationship</u> | <u>If Unit Occupied Name of Occupant</u> | <u>Whether Subscription of Purchase Agreement is Being Counted Toward Effectiveness (Yes or No)</u> |
|--------------------------|-----------------------|-------------------------------|--|---|
|--------------------------|-----------------------|-------------------------------|--|---|

- (a) _____
- (b) _____
- (c) _____
- (d) _____
- (e) _____
- (f) _____

8. The following subscribers or purchasers are being counted to meet the 15% needed for the plan to become effective:

A. Bona fide tenants in occupancy on the date the plan is accepted for filing:

| <u>Unit Purchased</u> | <u>Unit in Which Tenant Resides</u> | <u>Date of Subscription Agreement</u> | <u>Amount of Deposit</u> | <u>Date Deposit Paid if Different from Subscription Date</u> | <u>Has this Tenants's Subscription Agreement Been Assigned? (Yes or No)</u> |
|-----------------------|-------------------------------------|---------------------------------------|--------------------------|--|---|
|-----------------------|-------------------------------------|---------------------------------------|--------------------------|--|---|

- (a) _____
- (b) _____
- (c) _____
- (d) _____
- (e) _____
- (f) _____

(B) Bona fide purchasers who represent that they or one or more members of their immediate family intend to occupy unit when it becomes vacant:

1. Purchasers of Vacant Apartments:

| <u>Name of Purchaser</u> | <u>Unit Purchased</u> | <u>Has Tenant Taken Occupancy (Yes or No)</u> | <u>Affidavit of Intent to Reside (Yes or No)</u> | <u>Date of Subscription Agreement</u> | <u>Amount of Deposit</u> | <u>Date Deposit Paid if Different From Subscription date</u> |
|--------------------------|-----------------------|---|--|---------------------------------------|--------------------------|--|
|--------------------------|-----------------------|---|--|---------------------------------------|--------------------------|--|

- (a) _____
- (b) _____
- (c) _____
- (d) _____
- (e) _____
- (f) _____

2. Purchasers of Occupied Apartments

| <u>Name of Purchaser</u> | <u>Unit Purchased</u> | <u>Affidavit of Intent to Reside Submitted (Yes or No)</u> | <u>Has Purchaser Submitted Questionnaire (Yes or No)</u> | <u>Date of Subscription Agreement</u> | <u>Amount of Deposit</u> | <u>Date Deposit Paid if Different From Subscription date</u> |
|--------------------------|-----------------------|--|--|---------------------------------------|--------------------------|--|
|--------------------------|-----------------------|--|--|---------------------------------------|--------------------------|--|

- (a) _____
- (b) _____
- (c) _____
- (d) _____
- (e) _____
- (f) _____

9. If for any reason the amount of the deposit paid on any of the above subscription or purchase agreements is less than the amount or percentage stated in the offering plan an explanation is required.

10. All subscription or purchaser agreements counted toward effectiveness are from either bona fide tenants in occupancy or bona fide purchasers who represent that they or one or more members of their immediate family intend to occupy the dwelling unit when it becomes vacant.

11. No subscriber or purchaser counted for purposes of declaring the plan effective is the sponsor or is a principal of the sponsor. Subscribers or purchasers related to the sponsor, the selling agent, the managing agent or to any principal of the sponsor, the selling agent or the managing agent by blood, marriage or adoption, or as a business associate, an employee, a partner or limited partner have been included in the count only if the sponsor has submitted proof satisfactory to the Department of Law establishing that the subscriber or purchaser is a bona fide tenant in occupancy or bona fide purchaser who represents that he or she or one or more members of his or her immediate family intend to occupy unit when it becomes vacant.

12. Sponsor has no information that any tenants have executed a “no-buy” pledge with respect to the offering except for the following subscribers or purchasers: (give names or say “none”)

13. _____, makes the above statements, knowing that the
(Name of Principal)
Department of law will rely on such representations in order to accept the effectiveness
amendment for _____ for filing
(Premises)

Principal of Sponsor

Sworn to before me this
_____ day of _____, 20____.

Notary Public