



New York Referring Party/Broker Attestation | Defy TPO

Under Section 440 of Article 12-A of the Real Property Law

Borrower Name:

Property

Address:

Loan Number:

By signing below, I affirm that it is my understanding that the loan transaction identified above is NOT a "mortgage loan" as defined under section §590 of the New York Banking Law as the property is not primarily for personal, family or household use.

Further, in connection with this loan application, I affirm and attest that (*check the box that applies*):

☐ I am **NOT** licensed as a real estate broker in the State of New York. However, I affirm that all of the following apply.

1. Although I may be paid a finder's fee or other compensation in connection with referring this loan application to the Lender, I have not attempted to negotiate or offer or attempt to negotiate, a loan secured or to be secured by a mortgage, as provided by Section 440 of Article 12-A of New York's Real Property Law.
2. In connection with this mortgage loan application:
 - a. I have been provided the Lender's pricing rate sheet and pricing information, which I have communicated to the Borrower. I have not (i) requested that the Lender match pricing from competitors (ii) requested a pricing exception; (iii) made any adjustments to the Lender's pricing rate sheet.
 - b. I have been provided the Lender's guidelines and underwriting criteria, which I have communicated to the Borrower. I have not (i) attempted to qualify or approve the Borrower for a particular mortgage loan or (ii) requested any underwriting exception from the Lender.
3. In making this attestation, I have had the opportunity to consult with legal counsel of my choice.

☐ I hold a **current** and **valid** real estate broker license in the State of New York.

Referring Party/Real Estate Broker:

Print Name

License #

Signature

Date