



Seller's Occupancy Status Affidavit

I (We) hereby certify the following in regards to the noted property:

1. **Material Inducement:** Seller understands and agrees that the statements contained herein are given as a material inducement to the CITY OF SAN JOSE, and City is relying upon such statements, to produce a downpayment assistance mortgage loan (the "Loan") to the Buyer, repayment of which is secured by a Mortgage Note, Deed of Trust, Security Deed or other instrument of security (the "Security Instrument") on certain real property located at: _____ (the "Property"), San José (the "City"); California _____ (Zip Code)
2. **No Tenants:** The Seller certifies that there have been no tenants, lessees or guests occupying the Property since the date the Property was listed for sale (the "listing date").
3. **No Move Out:** The Seller certifies that no third party was required to move out at any time before or after the listing date in connection with the sale of the Property or to facilitate the sale of the Property.
4. **Check One Box:** The Seller certifies that **since the listing date** the checked box below represents the occupancy of the Property:

Occupied by Seller
 Vacant
 Occupied by someone else

5. **False, Misleading or Inaccurate Statements:** The Seller understands that any intentional or negligent misrepresentation(s) of the information contained in, or made in connection with the transaction, may result in severe civil and/or criminal penalties, including, but not limited to, fine or imprisonment or both under the provisions of Title 18, United States Code, Section 1001, and liability for monetary damages to the City of San Jose, its agents, successors and assigns, insurers and any other person who may suffer any loss due to reliance upon any misrepresentation(s) which the Seller has made on this affidavit or in connection with the transaction.

Print Name	Seller's Signature	Date
Print Name	Seller's Signature	Date

State of California
County of Santa Clara

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

Signature: _____

(Notary Seal)