

## LOAN DISBURSEMENT REQUEST AND BORROWER'S AFFIDAVIT

DATE: \_\_\_\_\_, 200\_\_

TO: \_\_\_\_\_ (the Mortgagee/Lender)  
and the Title Insurance Company (the Title Company)

FROM: \_\_\_\_\_ (Owner)

RE: \_\_\_\_\_ (Name of Project)  
\_\_\_\_\_ (Jobsite Address)  
\_\_\_\_\_ (Jobsite City, State)

DISBURSEMENT #: \_\_\_\_\_

DISBURSEMENT \$ \_\_\_\_\_

FOR PERIOD ENDING: \_\_\_\_\_

The undersigned, being duly sworn under oath, hereby deposes and says as follows:

1. I am the \_\_\_\_\_ (Title) of \_\_\_\_\_ (Owner) and as such am duly authorized to make this statement on behalf of the Owner.
2. All amounts requisitioned with the Current Disbursement Request will be expended for the purpose of the Project and in accordance with the Loan Documents and that all change orders or changes to the plans and/or specifications have been disclosed to the Bank in writing.
3. Schedule A, attached hereto and made a part hereof, contains an itemization with back-up of all parties who have a direct contract with the Owner and who are to be paid from the Current Disbursement. (Schedule A is not intended to list any subcontractor or materialmen who have contracts with the General Contractor.)
4. Based upon Owner's personal knowledge after investigation, the Owner certifies:
  - (i) That all work on the Project and material supplied covered by the Current Disbursement Request and prior disbursements has been completed or supplied as the case may be; and
  - (ii) That all contractors/ materialmen contracted directly by the Owner have been paid for work from prior disbursement requests.

5. Attached as Schedule B are Mechanic Lien Waivers from all those persons or parties listed on Schedule A of the **previous** Disbursement Request.
6. That the Identification of Construction Lender (Schedule C - copy attached) was posted at the Jobsite (pursuant to NH RSA 447:12-b I) at that date and hour set forth therein and said Notice has remained posted and will continue to be posted there until the Project has been completed.
7. That the Notice of Anticipated Funding Date (Schedule D - copy attached) was posted at the Jobsite (pursuant to NH RSA 447:12-b III) at the date and hour set forth therein and said Notice will remain posted until the requisition has in fact been funded.
8. Owner agrees to defend, indemnify and hold you harmless from and against any and all liability arising in any way out of the falsity of the statements made above.

Dated as of the day and date first above written.

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_, its  
duly authorized \_\_\_\_\_

STATE OF NEW HAMPSHIRE  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged, subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, by \_\_\_\_\_ (name), the duly authorized \_\_\_\_\_ (title) of \_\_\_\_\_, a corporation organized under the laws of the State of New Hampshire, on behalf of said corporation.

\_\_\_\_\_  
Justice of the Peace/Notary Public  
My Commission Expires:  
Notary Seal or Stamp

**SCHEDULE A TO OWNER'S AFFIDAVIT**

**CONSTRUCTION COSTS**

<b>NAME OF CONTRACTOR OR MATERIALMEN</b>	<b>AMOUNT OWED FUNDED FROM LOAN</b>	<b>AMOUNT OWED FUNDED BY EQUITY</b>	<b>RETAINAGE (NOT YET DUE)</b>
<b>TOTAL CONSTRUCTION COSTS</b>			

**NON-CONSTRUCTION COSTS**

<b>NAME OF CONTRACTOR OR MATERIALMEN</b>	<b>AMOUNT OWED FUNDED FROM LOAN</b>	<b>AMOUNT OWED FUNDED BY EQUITY</b>	<b>RETAINAGE (NOT YET DUE)</b>
<b>TOTAL NON-CONSTRUCTION COSTS</b>			

**TOTAL CURRENT REQUISITION:**      \$ \_\_\_\_\_

Upon completion forward to:

Michael G. Fitzpatrick  
Vice President  
REI Service Corporation  
763 Chestnut Street  
Manchester, NH 03104  
(603) 645-6450  
(603) 645-6453 - fax

**SCHEDULE B TO OWNER'S AFFIDAVIT**

**WAIVER OF LIEN**

TO WHOM IT MAY CONCERN:

WHEREAS, the undersigned, \_\_\_\_\_, has furnished materials and/or labor for the project known as \_\_\_\_\_ (Project), at \_\_\_\_\_ (Project Address), in \_\_\_\_\_ (Project City/State) on property owned by \_\_\_\_\_.

The undersigned hereby acknowledges receipt of \$ \_\_\_\_\_ and waives and releases any and all liens or claim or right of lien under the statutes of the State of New Hampshire relating to mechanics' and materialmen's liens on the above-described premises and improvements thereon on account of labor and/or services, materials, fixtures, apparatus and machinery, furnished to the Project through \_\_\_\_\_, 20\_\_\_\_\_ (if no date is stated the execution date will be presumed to apply).

The undersigned also hereby certifies and affirms that it has paid in full all persons or entities who have, on its behalf, supplied labor or materials to the Project and that the undersigned will indemnify and hold \_\_\_\_\_ (Owner) and Bank harmless from any and all claims made by such suppliers of labor and materials.

I hereby certify that I am duly authorized to execute this instrument.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Corporate or Partnership Name (if applicable): \_\_\_\_\_

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_,  
its duly authorized \_\_\_\_\_

**SCHEDULE C TO OWNER'S AFFIDAVIT**

**NOTICE**

**IDENTIFICATION OF CONSTRUCTION LENDER**

Pursuant to **RSA 447:12-b,I**, within 10 business days of the execution of a construction mortgage, including any refinancing thereof, the mortgagor or his agent shall **POST** in a conspicuous place on the job site for which the construction funds were secured, the name, address and telephone number of the institution providing the construction funds.

Notice is hereby given that the construction lender on

**Jobsite Address:** \_\_\_\_\_

**Jobsite City/State:** \_\_\_\_\_

is:

\_\_\_\_\_ **(Bank / Lender Name)**

\_\_\_\_\_ **(Bank / Lender Address)**

\_\_\_\_\_ **(Bank City/State/Zip)**

\_\_\_\_\_ **(Bank Phone Number)**

This Notice is given pursuant to NH RSA 447:12-b (I) to give Notice that a construction mortgage was executed on \_\_\_\_\_, 20\_\_\_\_ by Mortgagor to Mortgagee securing a loan to fund the above Job.

This Notice is to be posted in a conspicuous place at Jobsite within 10 days of the execution of the construction mortgage and should remain posted for the duration of the Job.

**Date of Posting:** \_\_\_\_\_ **Hour of Posting:** \_\_\_\_\_ **a.m/p.m.**

**By:** \_\_\_\_\_  
**Mortgagor (Borrower) or Its Agent**

**SCHEDULE D TO OWNER'S AFFIDAVIT**

**NOTICE OF ANTICIPATED FUNDING DATE**

Pursuant to RSA 447:12-b,III, at least 48 hours prior to requesting any construction mortgage requisition, the mortgagor or his agent shall **POST** in a conspicuous place on the jobsite for which the construction funds were secured, the anticipated funding date for said requisition. The mortgagee shall require a certification as to its posting by the mortgagor or his agent prior to disbursing any funds.

**Name of Project:** \_\_\_\_\_

**Jobsite Address:** \_\_\_\_\_

**Jobsite City/State:** \_\_\_\_\_

\_\_\_\_\_ **(Bank / Lender Name)**

\_\_\_\_\_ **(Bank / Lender Address)**

\_\_\_\_\_ **(Bank City/State/Zip)**

\_\_\_\_\_ **(Bank Phone Number)**

**Anticipated Funding Date for this job is:** \_\_\_\_\_

*(Note: Anticipated Funding Date should be 5 working days from the time of the scheduled inspection.)*

This is to certify that I have posted the within notice on said jobsite on:

\_\_\_\_\_  
**Date of Posting**

\_\_\_\_\_  
**Time of Posting** **a.m. p.m.**

**By:** \_\_\_\_\_  
**Mortgagor (Borrower) or Its Agent**