SELLER'S OCCUPANCY CERTIFICATION UNDER
THE PROTECTING TENANTS AT FORECLOSURE ACT

*[To be completed and signed by the **seller** of the property.]*

_____
Address of Property ("Property")

_____ _____
City, State Zip

The undersigned, Seller of the Property certifies to _____ ("Buyer") that

1. Seller has complied and intends to continue to comply with the provisions of the *Protecting Tenants at Foreclosure Act*, Title VII of the *Helping Families Save Their Homes Act of 2009* ("PTFA") and Title XII of the *American Recovery and Reinvestment Act of 2009* ("ARRA") in connection with the Property, including any requirements of the giving of notice to vacate ("Notice") as required pursuant to PTFA and ARRA to any bona fide tenant of the Property if any such tenant was in possession of the Property prior to the foreclosing lender's notice of foreclosure; and

2. At the time of the acquisition of the Property by the buyer/grantee, all currently vacant units at the Property will be delivered vacant, unoccupied and without any party in possession or with a right to possession to the Property.

Further, if any units at the Property are not occupied at this time, the Seller also certifies and agrees that it has not now and will not after the date hereof allow any person, including the former owner, to occupy any such units at the Property under a lease or any other agreement for possession of the Property either oral or written.

Signature of Seller

_____ Date: _____

By: _____
Its: _____

TEXT BELOW IS SHOWN FOR REFERENCE BUT SHOULD BE DELETED FOR THE FINAL CERTIFICATION FORM

NOTES TO SELLER'S OCCUPANCY CERTIFICATION UNDER PTFA AND ARRA

1. Generally, the PTFA and ARRA requires that the initial successor in interest (typically the Seller) provide a 90-day notice to vacate to a bona fide tenant of the foreclosed property acquired by the successor in interest. If the tenant has an existing bona fide lease, the tenant may occupy the premises until the remaining term of the lease or 90 days after receipt of the 90-day notice, whichever is longer. However, the successor in interest may terminate the tenant's lease (even a lease for a greater remaining term than 90 days) if the successor in interest sells the unit to a purchaser who will occupy the unit as a primary residence, and the successor in interest provides 90-day notice to the tenant. PTFA Section 702 (a) (2).
2. Notice given under the PTFA and ARRA is notice given as required by state law.
3. The effective date of the requirements of PTFA is May 20, 2009, however the original requirements for protection of tenants in certain federally-assisted properties was found in ARRA which had an effective date of February 17, 2009.
4. A tenant is considered "bona fide" if:

   a) the mortgagor (and, if only PTFA is applicable, the child, spouse, or parent of the mortgagor) under the contract (lease) is not the tenant;

   b) the lease or tenancy was the result of an arms-length transaction; and

   c) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property or the unit's rent is reduced or subsidized due to a Federal, State, or local subsidy.