

HOME EQUITY LOAN REFINANCE AFFIDAVIT

STATE OF TEXAS

COUNTY OF [COUNTY]

BEFORE ME, the undersigned authority, on this day did personally appear [NAME OF AFFIANT(S)] who, upon being duly sworn, did swear that the following statements are true and are within his or her personal knowledge:

1. "I am the owner or the spouse of the owner of the homestead property that is the subject of the pending refinance transaction pending under GF No. [GF FILE NUMBER];
2. "The pending refinance will not be closed before the first anniversary of the date the prior extension of credit was closed;
3. "The refinanced extension of credit does not include the advance of any additional funds other than funds advanced to refinance a debt described by Subsections (a)(1) – (a)(7) of Section 50, Article XVI of the Texas Constitution or actual costs and reserves required by the lender to refinance the debt;
4. "The refinance of the extension of credit is of a principal amount that, when added to the aggregate total of the outstanding principal balances of all other indebtedness secured by valid encumbrances of record against the homestead, will not exceed 80 percent of the fair market value of the homestead on the date the refinance of the extension of credit is made;
5. "The lender provided the owner(s) with the written notice prescribed in Subsection (f) of Section 50, Article XVI of the Texas Constitution on a separate document not later than the third business day after the date the owner submitted the loan application to the lender and at least 12 days before the date the refinance of the extension of credit will be closed; and
6. "This affidavit is made to verify compliance with the requirement of Subsection (f)(2) of Section 50, Article XVI of the Texas Constitution."

[PRINTED NAME]

[PRINTED NAME]

STATE OF TEXAS
COUNTY OF [COUNTY]

SWORN TO AND SUBSCRIBED before me, the undersigned notary, by [NAME(S) OF AFFIANT(S)] on this the ____ day of _____, 20____.

SEAL:

Notary Public, State of Texas