New York City Law Department Tax and Bankruptcy Litigation Division Tax Certiorari Settlement "Affidavit Of No Sale"

Updated 10-24-2018

The submission of a signed and notarized original "Affidavit Of No Sale" is required in order for any proposed settlement to be recommended for acceptance and should be submitted along with the (unsigned) proposed settlement documents. A sample Affidavit follows. Please note that any "Affidavit Of No Sale" must meet the following criteria:

- The affidavit should indicate the affiant's title and relationship to the property.
- Affidavits based on "information and belief" will not be accepted.
- The title of the signatory must match the description in the affidavit. For example, if the title of
 the affiant in the body of the affidavit reads "Manager of ABC Corp." that is how the affiant
 must sign the affidavit. In this example, if the affiant signs the affidavit as "District Manager of
 ABC Holding Corp." the affidavit will be rejected.
- If the property was transferred such that the affiant would have no knowledge of subsequent transfers that may have occurred after a date certain, that should be stated in the affidavit. For example, if the tax years under review were 2010/11-2014/15, inclusive. The property subsequently transferred to an unrelated party in May 2017. The affidavit of No Sale is being submitted as part of a settlement proposal in January 2018. In this scenario, the affiant is unaware of transactions that may have occurred after the May 2017 transfer. The sample affidavit language should be tailored accordingly:
 - oassigned during the years under review up until the transfer of the subject property from Petitioner to an unrelated party on May X, 2017.
- For matters involving cooperatives and/or condominiums where the proceeding was commenced by a Board of Managers on behalf of all unit owners: If one or more individual units in the building have transferred, it is acceptable to indicate this with the following language, as applicable:
 - "...except for the following transactions:
 - various individual (residential/commercial) units of the cooperative/condominium have transferred, or
 - The transfer of individual units of the cooperative/condominium may have occurred, but tracking the transfer information relating to particular units are outside the scope of my responsibilities.
- If there are no "exception" transactions to be noted, then the last sentence of the affidavit should be tailored to read:
 - ... except for the following transactions: NONE

In this way it is clear that the affiant did not accidently omit a transaction but rather is confirming that no transaction took place that needs to be disclosed.

AFFIDAVIT OF NO SALE

PETITIONER: STREET ADDRESS: BOROUGH: BLOCK: LOT(S): TAX YEARS UNDER REVIEW:		
STATE OF NEW YORK) ss.: COUNTY OF)		
, b	being duly sworn, deposes and says:	
I am the	of the property. In this capacity I	am charged with the
responsibility of having knowledge of	f potential transfer and transfers (i	f any) of the subject
property. As an inducement to the City	y to enter into this settlement and wi	th full knowledge that
the City will place express reliance on t	the statements made herein, I represe	ent that there has been
no sale of or pending contract to sell (1)) the subject property or part thereof	, or (2) the controlling
interest in a corporate owner or net less	see of the subject property or major p	part thereof: nor has a
net lease of the subject property or major	or part thereof been executed or ass	igned during the years
under review and to the date of execution	on of this Affidavit, except for the fo	ollowing transactions:
[see sample of some poss	sible alternative conclusions listed a	bove]
	(Name/Title)	(Date executed)
Sworn to before me this, 201_	(Ivanie, Titie)	(Bate executed)
Notary Public		