



Conservation Easement – Attorney Pre-Closing Certification
(Submit as part of the Project File)

The New York State Department of Agriculture and Markets (“Department”) awarded funds to *[FPIG Awardee]* _____ for the purchase of a conservation easement on the *[Name]* _____ farm pursuant to grant agreement *[FPIG contract number]* _____ between *[FPIG awardee]* _____ and the Department.

As part of the Preliminary Review of this project, I submitted a title curatives letter dated _____ that addressed objectionable title matters to be resolved prior to closing. The Department requires a certification from me as one of the project deliverables required to be submitted as part of a complete Project File. My certification details how the objectionable title matters will be resolved; and the conservation easement transaction will be closed.

By signing below, I, as the **Project Attorney**, certify the following:

- I will not proceed to closing until the fully executed title curatives, as set forth in my Preliminary Title Letter and the Supplementary Title Letter, dated _____, have been received, as proposed in my letters, and as approved by the Department’s attorney by *[e-mails/letters]* dated _____, consistent with the Department’s *Farmland Protection Grant (FPIG) Program, Guidance Document #5 (dated _____) – Title Commitment and Curatives for Conservation Easements*.
- All mortgages, covenants, easements, restrictions, conditions or agreements of record that are inconsistent with the purpose of the Conservation Easement shall be satisfied, released, or subordinated at or prior to closing. Copies of all proposed or executed agreements or other documents addressing title curatives are attached (if not already submitted with the Preliminary Review documents).
- I reviewed the title exceptions listed in the title commitment with the Project Manager and determined that they will not interfere with the Purposes of the conservation easement or the long-term agricultural viability of the farm.
- If any encumbrances not previously identified as part of the Preliminary Review of this project are now known, each such encumbrance is identified in the attached letter along with an explanation as to how each has been satisfied (or will be addressed at or before closing).

- A title “stub search” will be conducted as of the date of the closing to ensure that no additional title matters have arisen since the time of the title commitment; title insurance will be obtained in an amount at least equal to the FPIG award; and there are no additional exceptions or any modifications to the exceptions to coverage that were previously disclosed to the Department.
- A Property Boundary Survey was the basis of the legal description of the land to be encumbered by the conservation easement. The Survey has been read into title and has been certified to the title insurance company and to the conservation easement holder. The Survey will be signed and filed with the County Clerk’s Office.
- Evidence that property taxes have been paid in full will be provided at closing, except for taxes not yet due and payable.
- The conservation easement and all other documents for recording or filing will be recorded or filed with the County Clerk’s Office.
- I will comply with all applicable requirements of §49-0305 (1) and (4) of the Environmental Conservation Law.
- I will inform the Department’s FPIG Program Manager (“Program Manager”) of the time and location of the proposed closing and will inform the Program Manger immediately if the closing does not occur as scheduled.

Dated: _____

[Project Attorney]

PRINT NAME: _____