

FORM 8609 CERTIFICATION

The undersigned is the _____ of _____, a _____, the owner (the "Owner") of the building(s) located at _____ in _____, New Mexico (the "Building(s)") and, in connection with Owner's request for issuance of a U.S. Department of the Treasury, Internal Revenue Service Form 8609 by the New Mexico Mortgage Finance Authority ("MFA") with respect to said Building(s), certifies to MFA that:

1. This Certificate is provided to MFA in order to induce it to issue a Form 8609 in the amount(s) specified by the Owner with respect to the Building(s). Owner understands that MFA is relying upon information supplied by the Owner in issuing a Form 8609 and that MFA has made no independent investigation nor does MFA have knowledge of the basis for the statements made by Owner in its request.

2. Each of the Building(s) constitutes a "qualified low-income building" within the meaning of, and otherwise is in compliance with, Section 42 of the Internal Revenue Code of 1986 (the "Code") and Treasury regulations promulgated thereunder.

3. The Building(s) was (were) "placed in service" on _____, _____, as that term is defined in Section 42 of the Code and Treasury regulations thereunder.

4. The information supplied by the Owner in connection with its request is true and correct to the best of the undersigned's knowledge and belief as of the date of this Certificate.

5. The "eligible basis" of the Building(s) has been determined in accordance with Section 42(d) of the Code, and has been reduced by the amount, if any, equal to the portion of the adjusted basis of any Building which is attributable to residential rental units in the Building which are not low-income units and which are above the average quality standard of the low-income units in such Building. In determining the "qualified basis" of any Building, the "at risk" rules have been applied to the extent and in the manner required by Section 42(k) of the Code.

6. If any Building which is the subject of Owner's request is an existing building,

(a) except as stated below, the Building was acquired by purchase (as defined in Section 179(d)(2) of the Code). ***[If there are no exceptions, so state.]***

(b) except as stated below, there is a period of at least ten (10) years between the date of the acquisition of the Building by the Owner and the later of:

(1) the date the Building was last placed in service, or

(2) the date of the most recent "non-qualified substantial improvement" of the Building (as that term is defined by Section 42(d)(2)(D)(i) of the Code). ***[If there are no exceptions, so state.]***

(c) except as stated below, the Building was not previously placed in service by the Owner or any "related person" (as that term is defined by Section 42(d)(2)(D)(i) of the Code). ***[If there are no exceptions, so state.]***

(d) Except as stated below, the Owner will pay or incur rehabilitation expenditures with respect to the Building meeting the requirements of Section 42(e) of the Code. **[If there are no exceptions, so state.]**

7. There are no holders of recorded liens on the Project or, if there are such recorded lienholders, Owner has obtained their consents to the recording of the Land Use Restriction Agreement, copies of which are attached hereto.

Signed this _____ day of _____, 20____.

OWNER: _____

a _____

By: _____

Its: _____