

SAMPLE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF

_____, infant under
the age of 14 years, by his mother and natural guardian,
and _____, individually

Plaintiffs,

v

Defendant.

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**STRUCTURED
SETTLEMENT
AFFIDAVIT**

UNDER THE PENALTIES FOR PERJURY, I, _____ of 4structures.com, LLC, acting as structured settlement consultant in the above matter hereby warrant and represent, under oath, having first been duly sworn, the following facts to be true, complete and accurate to the best of my knowledge, information and belief:

1. No rebates, service fees, administrative fees, or other financial consideration of any kind or in any amount has been paid; will be paid or has been promised to be paid to any defendant or any casualty insurer of any defendant by me or my company, either directly or indirectly, by virtue of the structured settlement, or otherwise, relating to this matter;
2. The structured settlement plan designs were selected after extensive discussions between our firm and the Plaintiffs and/or their legal representatives.
3. The cost to the defendant of the structured settlement portion of the settlement in this case is \$_____ inclusive of any applicable qualified assignment fee;
4. The obligation of the Defendant will be assigned to _____ (“_____”), the Assignee. _____ will fund the obligation assumed by the purchase of an annuity from _____ Life Insurance Company, an A.M. Best Company rated A+XV insurer licensed to do business in the State of New York (“Exhibit A”). A guarantee letter will be issued by _____ Life Insurance Company to guarantee the performance of _____ (“Exhibit B”).
5. The one time standard industry commission in this case is based on a 4% of the cost of the annuities. The plaintiffs do not write a check for the commission. This commission is paid by the annuity issuers. Anti rebating laws in _____ preclude a reduction or rebate of this commission. This commission is paid by _____ Life Insurance Company, the life insurer issuing the annuity policy.
6. _____ Life Insurance Company has rated _____ the underwriting class of “standard”. The annuity cost set forth in number two above reflects this standard age. Period certain only payments and guaranteed lump sum payments are not affected by a rated age. If no life contingent benefits are payable this item (number 5) is inapplicable.

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7. No medical underwriting has taken place or will take place after the agreement to settle has been reached without full disclosure to both plaintiff and defendant. No post settlement medical underwriting has or will take place to secretly reduce the defendant's cost;
8. No present value calculations were provided in this case. All illustrations provided were based on actual cost only;
9. Neither my firm nor I are an in-house broker of any party or casualty carrier involved in the settlement; nor is either company affiliated with or an "exclusive" broker of any party or casualty carrier involved in the settlement.
10. Neither I, nor my firm, will:
 - (a) provide any information about this settlement to any factoring company for any purpose.
 - (b) solicit the plaintiffs or plaintiffs' family on behalf of any factoring company for any purpose, including, but not limited to, the proposed sale of plaintiff's future periodic payment rights, nor will either of us or our companies' participate, assist, promote, or aid in such solicitation by any person, firm, corporation or entity; or
 - (c) seek or accept any consideration financial or otherwise, directly or indirectly from a factoring company with respect to the proposed structured settlement.

THIS STRUCTURED SETTLEMENT AFFIDAVIT IS PROVIDED TO THE PARTIES TO THE SETTLEMENT WITHOUT COST AND WITH THE EXPRESS PURPOSE OF INDUCING THE PLAINTIFF(S), THE DEFENDANT(S), AND ALL PARTICIPATING INSURERS, INCLUDING ANY RE-INSURERS, CO-DEFENDANTS AND THEIR INSURERS, PRIMARY AND EXCESS INSURERS, TO ENTER INTO AND/OR PARTICIPATE IN FUNDING THE STRUCTURED SETTLEMENT AGREED UPON IN THIS CASE. THE STATEMENTS SET FORTH HEREIN CONSTITUTE AFFIRMATIVE REPRESENTATIONS AND WARRANTIES BY THE UNDERSIGNED STRUCTURED SETTLEMENT CONSULTANT. THE AFFIANT WARRANTS THE ACCURACY OF THE REPRESENTATIONS CONTAINED HEREIN ONLY INSOFAR AS THEY RELATE TO HIS OWN COMPANY.

4structures.com, LLC
Consultant
Date:

Sworn to before me
this _____ day of _____ 201__

Notary

My Commission Expires: