

**CLOSING STATEMENT OF MODIFICATION OF MORTGAGE**

DATE: As of June 1, 2011

PROPERTY: 160 Madison Avenue  
New York, New York

PRINCIPAL: \$1,458,255.05

MATURITY: May 1, 2016

**FUNDS RECEIVED PRIOR TO CLOSING:**

Intervest National Bank – Extension Fee	\$14,819.00
Intervest National Bank – Fee Payment	\$ 8,500.00
Phillips Nizer – Legal Fee	\$ 2,000.00
Intervest National Bank – Costs Deposit	\$ 4,200.00
Intervest National Bank – Principal Payment	\$10,000.00

**FUNDS TO BE RECEIVED AT CLOSING:**

Phillips Nizer - Disbursements	\$150.00
Continental Abstract Corp. – Recording Charges	\$150.00

APPROVED:  
160 Madison Avenue Corp.

By: Claude Simon  
Name: Claude Simon  
Title: President

Claude Simon  
Claude Simon

**AFFIDAVIT UNDER SECTION 255 TAX LAW**

STATE OF NEW YORK        )  
                                  ) SS:  
COUNTY OF NEW YORK      )

Claude Simon, being duly sworn, deposes and says:

- 1)        That I am the President of 160 Madison Avenue Owners Corp, the owner of premises 160 Madison Avenue, , New York, New York (the "Premises"), and I am fully familiar with the facts and circumstances set forth herein.
- 2)        That the Premises are encumbered by the Mortgage listed on Schedule C annexed hereto.
- 3)        That herewith being submitted for recording is a Note and Mortgage Modification Extension, Spreader and Assumption Agreement made by 160 Madison Avenue Owners Corp. and Claude Simon, as Mortgagor, to Intervest National Bank, as Mortgagee (the "Modification").
- 4)        That the Modification modifies the Mortgage listed on Schedule C. At the time of the recording of the Mortgage, the required mortgage taxes due on the Mortgage were paid.
- 5)        That the Modification does not create or secure any new or further indebtedness or obligation other than the principal indebtedness or obligation secured by or which under any contingency may be secured by the Mortgage, nor does it constitute a re-advance or re-loan under the Mortgage.

**WHEREFORE**, deponent respectfully requests that the Mortgage Modification Agreement herewith offered for recording be declared exempt from taxation pursuant to the provisions of Section 255, Article 11 of the Tax Law.

  
\_\_\_\_\_  
Claude Simon

Sworn to before me this  
\_\_\_\_ day of June, 2011

\_\_\_\_\_  
Notary Public